

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **ALL RULES**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Check the agency name on the forms. Some have an "an" and some have the "and." Please correct all forms to "and."

Also, verify the publication date on the forms in box 6. The May date was May 15, 2014.

For all rules, please add a line space between the introduction sentence and the rule citation in accordance with 26 NCAC 02C .0108. Consider waiting to make this change prior to submission to oah.rules@oah.nc.gov, as the change will affect all technical change requests.

Please confirm that the effective date of January 1, 2015 is correct.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0202**

DEADLINE FOR RECEIPT: Friday, October 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 10, replace "must" with "shall"

Line 15, define or delete "timely"

Line 17; and page 2, line 26, what is the purpose of this sentence? What are the school's supplemental rules or regulations?

Lines 34 thru 36 appear to be responsive to providing the location of the forms. However, for each form, if there is mandatory content necessary for the reviewing party to evaluate the form, then the information should be provided in the rule. The purpose of the rule is to provide notice to the regulated public of the requirements of the agency. If the requirements are not set forth in a rule, then the regulated party may not be required to provide the information.

Page 2, line 1, add a comma after "coordinating"

Page 2, lines 3 thru 4, is the "Basic Law Enforcement Training Course Management Guide" not a rule? Is this document something outside of a rule? Please clarify.

Page 2, line 8, should the term "those instructors" be clarified as "specialized instructors"

Page 2, line 9, what are the "in any other capacity"?

Page 2, lines 10 thru 11, looking at 12 NCAC 09B .0304(a), what topical areas are not covered by this sentence? It seems confusing. Please clarify.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, September 26, 2014

Page 2, line 11 thru 12, and in light of the suggestion for page 2, line 8, should the term be "specialized certified instructor"? Or should the "certified" be deleted in light of the following clause of "certified by the..."

Page 2, line 14, please maintain a consistent term for "specialized certified instructor"

Page 2, line 17, consider rewriting the sentence as follows:

~~"Not scheduled any~~ No single individual ~~to~~ shall instruct..."

Page 2, line 26, is this related to page 1, line 17?

Page 2, line 33, where is the "Instructional System Design model" found? It is a known standard that should be incorporated?

Page 2, line 37, and page 3, line 3, and page 4, lines 26, 27, and 29, what are the Commission forms? What information is contained within them necessary for the Commission's review? Where are they located?

Page 3, lines 7 thru 8, consider rewriting the sentence as follows:

"Any ~~designated~~ instructor ~~certified by the Commission~~ who is..."

Page 3, line 28, and page 4, line 20, add a comma after "coordinating"

Page 3, line 34, replace "must" with "shall"

Page 3, line 34, define or delete "successfully"

Page 4, line 23 contains a list like line 21. Should the phrase "radar and time-distance" be included on line 23?

Page 4, line 33, replace "which" with "that"

Page 4, line 35, add a comma after "exam"

Page 4, lines 36 thru 37, are there any requirements on the response from the Director of the Standards Division that should be included in this Rule, such as how long the request is reviewed before the school is notified of the decision?

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

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

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

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

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

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

- 3 (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training
 4 Course Management Guide as published by the North Carolina Justice Academy;
- 5 (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar
 6 weeks, except that there may be as many as three one-week breaks until course requirements are
 7 completed;
- 8 (3) Schedule only those instructors certified by the Commission to teach those high liability areas as
 9 specified in Rule .0304(a) of this Subchapter as either the lead instructor or in any other capacity;
- 10 (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and
 11 topical areas as outlined in Rule .0304(a) of this Subchapter, schedule one specialized certified
 12 instructor certified by the Commission for each six trainees while actively engaged in a practical
 13 performance exercise;
- 14 (5) Schedule one specialized certified instructor certified by the Commission for each eight trainees while
 15 actively engaged in a practical performance exercise in the topical area "Subject Control Arrest
 16 Techniques;"
- 17 (6) Not schedule any 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 (7) Not less than 15 days before commencing delivery of the Basic Law Enforcement Training Course,
 20 submit to the Commission a Pre-Delivery Report of Training Course Presentation as set out in 12
 21 NCAC 09C .0211 .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and
 22 location for the administration of the state comprehensive exam, along and include with the following
 23 attachments:
 - 24 (A) a course schedule showing arrangement of topical presentations and proposed ~~instructional~~
 25 instructional assignments; and
 - 26 (B) a copy of any rules, regulations, and requirements for the school. A copy of such rules shall
 27 also be given to each trainee and to the executive officer of each trainee's employing or
 28 sponsoring 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 instructional
 32 assignments. The observations shall be of sufficient duration to ensure that the instructor is using the
 33 Instructional System Design model, and that the delivery is objective based, documented by and
 34 consistent with a Commission-approved lesson plan. For each topic area, the School Director's
 35 evaluation shall be based upon the course delivery observations, the instructor's use of the approved
 36 lesson plan, and the results of the student evaluations of the instructor. For probationary instructors,
 37 the evaluations conducted by another instructor shall be prepared on Commission forms and forwarded

1 to the Commission. Based on this evaluation, the School Director shall recommend approval or denial
 2 of requests for General Instructor Certification. For all other instructors, these evaluations shall be
 3 prepared on Commission forms in accordance with Commission standards as set out in this Chapter.
 4 These evaluations shall be kept on file by the school for a period of three years and shall be made
 5 available for inspection by a representative of the Commission upon request. In the event the
 6 evaluation of an instructor indicates that his or her performance was less than acceptable, the School
 7 Director shall forward a copy of the evaluation to the Commission. Any designated instructor certified
 8 by the Commission who is evaluating the instructional presentation of another instructor shall hold
 9 certification in the same instructional topic area as that for which the instructor is being evaluated;

10 (9) Administer or designate a staff person to administer appropriate 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~~; Subchapter; and

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

21 ~~(11)(10) Not more than 10 days after receiving from the Commission's representative the Report of~~
 22 ~~Examination Scores, the conclusion of a school's offering of Basic Law Enforcement Training, submit~~
 23 to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) ~~which that~~
 24 shall include:

25 (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
 26 and

27 (B) a "Certification and Test Score Release" form.

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

30 (1) Schedule course presentation to include 40 hours of instruction each week during consecutive calendar
 31 weeks until course requirements are completed;

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

33 (A) no evaluator shall be assigned more than six trainees during a course delivery;

34 (B) each evaluator, as well as the instructors, must have successfully completed a Commission-
 35 certified instructor training course or an equivalent instructor training course utilizing the
 36 Instructional Systems Design model, an international model with applications in education,
 37 military training, and private enterprise; and

- 1 (C) each instructor and evaluator must document successful participation in a program presented
 2 by the North Carolina Justice Academy for purposes of familiarization and supplementation
 3 relevant to delivery of the instructor training course and trainee evaluation;
- 4 (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
 5 Delivery Report of Training Course Presentation ~~Form F-10A(ITC)~~ [Form F-10A(ITC)] with the
 6 following attachments:
- 7 (A) a course schedule showing arrangement of topical presentations and proposed instructional
 8 assignments;
- 9 (B) the names and last four digits of the social security numbers of all instructors and evaluators;
 10 and
- 11 (C) a copy of any rules, regulations, and requirements for the school; and
- 12 (4) Not more than 10 days after course ~~completion~~ completion, submit to the Commission a Post-Delivery
 13 Report [Form F-10B(ITC)] containing the following:
- 14 (A) class enrollment roster;
- 15 (B) a course schedule with designation of instructors and evaluators utilized in delivery;
- 16 (C) scores recorded for each trainee on ~~both the 80 minute skill presentation and the final written~~
 17 ~~examination;~~ presentation; and
- 18 (D) designation of trainees who ~~successfully~~ completed the course in its entirety and whom the
 19 School Director finds to be competent to instruct.
- 20 (d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-
 21 certified radar, radar and time-distance, time-distance, or lidar speed measurement operator training course or re-
 22 certification course, the School Director shall:
- 23 (1) select and schedule radar, time-distance, or lidar speed measurement instrument instructors who are
 24 certified by the Commission as instructors for the specific speed measurement instruments in which the
 25 trainees are to receive ~~instruction;~~ instruction as follows:
- 26 (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
- 27 (B) require the instructor to complete the motor skill examination form on each trainee indicating
 28 the level of proficiency obtained on each specific instrument; and
- 29 (C) require each instructor to sign each individual form and submit the original to the School
 30 Director;
- 31 (2) not fewer than 30 days before the scheduled starting ~~date~~ date, submit to the Director of the Standards
 32 Division a ~~Request for Training~~ Pre-Delivery Report of Speed Measuring Instrument Course
 33 Presentation [Form F-10A (SMI)] which shall contain a period of course delivery including the
 34 proposed starting date, course ~~location~~ location, requested date and location for the administration of
 35 the state exam and the number of trainees to be trained on each type of approved speed measurement
 36 instrument. The Director of the Standards Division shall review the request and notify the School
 37 Director if the request is approved or denied; and

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

9

10 *History Note:* *Authority G.S. 17C-6;*
 11 *Eff. January 1, 1981;*
 12 *Amended Eff. November 1, 1981;*
 13 *Readopted w/change Eff. July 1, 1982;*
 14 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;*
 15 *May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,*
 16 *1985.*

17

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0205**

DEADLINE FOR RECEIPT: Friday, October 10, 2014

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Page 2, lines 23 thru 24, consider rewriting the sentence as follows:

"shall be ~~used as~~ the curriculum for ~~this training course~~ courses for law enforcement officers..."

Page 2, line 24, is the phrase "as administered by the Commission." necessary?

Page 3, line 2, add a comma after "implementing"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09B .0205** is proposed for amendment as published in vol. 28, issue 24, page 2989:

2 **12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING**

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

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

7 (1) LEGAL UNIT

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

15 (2) PATROL DUTIES UNIT

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

26 (3) LAW ENFORCEMENT COMMUNICATION UNIT

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

34 (4) INVESTIGATION UNIT

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

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

22

23 (c) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used
 24 as the curriculum for this training course for law enforcement officers as administered by the Commission. Copies
 25 of this publication may be inspected at the office of the agency:

26

Criminal Justice Standards Division

27

North Carolina Department of Justice

28

1700 Tryon Park Drive

29

Post Office Drawer 149

30

Raleigh, North Carolina 27602

31 and may be obtained at a cost of eighty-seven dollars and ten cents (\$87.10) from the North Carolina Justice
 32 Academy at the following address:

33

North Carolina Justice Academy

34

Post Office Drawer 99

35

Salemberg, North Carolina 28385

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

4
5 *History Note: Authority G.S. 17C-6; 17C-10;*
6 *Eff. January 1, 1981;*
7 *Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12,*
8 *1984;*
9 *Amended Eff. January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006;*
10 *August 1, 2002; August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1,*
11 *1991; July 1, 1989.*

12

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0209**

DEADLINE FOR RECEIPT: Friday, October 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 29, consider rewriting the sentence as follows:

"shall be ~~applied used as the~~ basic curriculum for ~~delivery of~~ basic instructor training courses."

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 12 NCAC 09B .0209 is proposed for amendment as published in vol. 28, issue 24, page 2990, **with changes:**

2 **12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING**

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

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

7 (c) Each instructor training course shall include the following identified topic areas and minimum instructional hours for
8 each area:

9	(1)	Orientation/Self Assessment	3 Hours
10	(2)	Curriculum Development: ISD Model	3 Hours
11	(3)	Law Enforcement Instructor Liabilities	2 Hours
12		and Responsibilities	
13	(4)	Interpersonal Communication in Instruction	4 Hours
14	(5)	Lesson Plan Preparation: Professional Resources	2 Hours
15	(6)	Lesson Plan Preparation: Format and Objectives	6 Hours
16	(7)	Teaching Adults	4 Hours
17	(8)	Principles of Instruction: Demonstration Methods and	
18		Practical Exercise	6 Hours
19	(9)	Methods and Strategies of Instruction	4 Hours
20	(10)	The Evaluation Process	4 Hours
21	(11)	Principles of Instruction: Audio-Visual Aids	6 Hours
22	(12)	Student 10-Minute Talk and Video Critique	6 Hours
23	(13)	Student Performance:	
24		First 30-Minute Presentation	6 Hours
25		Second 30-Minute Presentation	6 Hours
26		Final 80-Minute Presentation and Review	12 Hours
27	(14)	Examination and Course Closing	3 Hours <u>1 Hour</u>

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

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

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

1
2
3
4
5
6
7
8
9

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

*History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. January 1, 2015; December 1, 2009; August 1, 2005; November 1, 1998; January 1,
1995; March 1, 1990; July 1, 1989; January 1, 1985.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0226**

DEADLINE FOR RECEIPT: Friday, October 10, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 12 and 15, replace "will" with "may"

Line 34, consider rewriting the sentence as follows:

"shall be ~~used as the basic~~ curriculum for ~~delivery of~~ specialized firearms instructor training courses."

Page 2, lines 8 thru 9, is this an accurate statement? Are there no other "schools" in North Carolina that may offer this course?

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 12 NCAC 09B .0226 is proposed for amendment as published in vol. 28, issue 24, pages 2990-2991 **with changes:**

2 **12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING**

3 (a) The instructor training course for specialized firearms instructor certification shall consist of a minimum of ~~83~~
4 81 hours of instruction presented during a continuous period of not more than two weeks.

5 (b) Each specialized firearms instructor training course shall be designed to provide the trainee with the skills and
6 knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training
7 Course or a "~~Law Enforcement Officers' In-Service Firearms Training and Qualification Program~~". law enforcement
8 officer in-service firearms training program.

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

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

11 (2) present a written endorsement by either

12 (A) a certified school director indicating the student will be utilized to instruct firearms in the
13 Basic Law Enforcement Training Course; or

14 (B) a department head, certified school director, or in-service training coordinator, indicating
15 the student will be utilized to instruct firearms in a "~~Law Enforcement Officers'~~
16 ~~In-Service Firearms Training and Qualification Program~~". law enforcement officer in-
17 service firearms training program.

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

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

33 (e) The "Specialized Firearms Instructor Training Manual" as published by the North Carolina Justice Academy
34 shall be used as the ~~basic~~ curriculum for delivery of specialized firearms instructor training courses. Copies of this
35 publication may be inspected at the:

36 Criminal Justice Standards Division
37 North Carolina Department of Justice
38 1700 Tryon Park Drive

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Post Office Drawer 149
Raleigh, North Carolina 27610

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

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) The Commission-certified school that is certified to offer the "Specialized Firearms Instructor Training" course is the North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;
Eff. May 1, 1986;
Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0227**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 11 and 14, replace "will" with "may"

Line 34, consider rewriting the sentence as follows:

"~~shall be used as the basic curriculum for delivery of~~ specialized driver instructor training courses."

Page 2, lines 4 thru 5, is this an accurate statement? Are there no other "schools" in North Carolina that may offer this course?

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 12 NCAC 09B .0227 is proposed for amendment as published in vol. 28, issue 24, page 2991 **with changes:**

2 **12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING**

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

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

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

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

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

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

29 (e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall
30 be used as the basic curriculum for delivery of specialized driver instructor training courses. Copies of this
31 publication may be inspected at the:

32 Criminal Justice Standards Division
33 North Carolina Department of Justice
34 1700 Tryon Park Drive
35 Post Office Drawer 149
36 Raleigh, North Carolina 27610

37 and may be obtained at ~~no cost to the student~~ **the cost of printing and postage** from the Academy at the following
38 address:

1 North Carolina Justice Academy
2 Post Office Box 99
3 Salemburg, North Carolina 28385

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

6
7 *History Note: Authority G.S. 17C-6;*
8 *Eff. May 1, 1986;*
9 *Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; February 1, 2006; August 1,*
10 *2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.*

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0232**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 16 and 19, replace "will" with "may"

Line 36, consider rewriting the sentence as follows:

"shall be used as the basic curriculum for ~~delivery of~~ specialized subject..."

Page 2, lines 10 thru 11, is this an accurate statement? Are there no other "schools" in North Carolina that may offer this course?

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 12 NCAC 09B .0232 is proposed for amendment as published in vol. 28, issue 24, pages 2991-2992, **with changes:**

2 **12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR**

3 **TRAINING**

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

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

11 (c) Each applicant for specialized subject control arrest techniques instructor training shall:

- 12 (1) have completed the criminal justice general instructor training course;
- 13 (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in
14 the course; and
- 15 (3) present a written endorsement by either
- 16 (A) a certified school director indicating the student will be utilized to instruct subject control
17 arrest techniques in Basic Law Enforcement Training Courses; or
- 18 (B) a department head, certified school director, or in-service training coordinator indicating
19 the student will be utilized to instruct Subject Control Arrest Techniques for the "Law
20 Enforcement Officers' In-Service Training Program."

21 (d) Each specialized subject control arrest techniques instructor training course shall include the following
22 identified topic areas and minimum instructional hours for each area:

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

35 (e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North
36 Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized subject control arrest
37 techniques instructor training courses. Copies of this publication may be inspected at the:

38 Criminal Justice Standards Division

1 North Carolina Department of Justice
2 1700 Tryon Park Drive
3 Post Office Drawer 149
4 Raleigh, North Carolina 27610

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

7 North Carolina Justice Academy
8 Post Office Box 99
9 Salemburg, North Carolina 28385

10 (f) The Commission-certified school that is certified to offer the "Specialized Subject Control Arrest Techniques
11 Instructor Training" course is the North Carolina Justice Academy.

12

13 *History Note: Authority G.S. 17C-6;*
14 *Eff. February 1, 1987;*
15 *Amended Eff. January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1,*
16 *2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989.*

17

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0233**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 10, delete the "or"

Line 12, add an "or" at the end of the line

Lines 17 and 19, replace "will" with "may"

Line 21, add an "and" at the end of the line

Line 36, consider rewriting the sentence as follows:

~~"shall be used as the basic curriculum for delivery of specialized physical..."~~

Page 2, lines 10 thru 11, is this an accurate statement? Are there no other "schools" in North Carolina that may offer this course

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 12 NCAC 09B .0233 is proposed for amendment as published in vol. 28, issue 24, page 2992 **with changes:**

2 **12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING**

3 (a) The instructor training course required for specialized physical fitness instructor certification shall consist of a
4 minimum of ~~60~~ 58 hours of instruction presented during a continuous period of not more than two weeks.

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

8 (c) Each applicant for specialized physical fitness training shall:

- 9 (1) qualify through one of the following three options:
 - 10 (A) have completed the criminal justice general instructor training course; or
 - 11 (B) hold a current and valid North Carolina Teacher's Certificate and hold ~~a minimum of~~ a
12 baccalaureate degree in physical education and be teaching in physical education topics;
 - 13 (C) be presently instructing physical education topics in a community college, college or
14 university and ~~hold a minimum of~~ possess a baccalaureate degree in physical education;
15 and

- 16 (2) present a written endorsement by **either either:**
 - 17 (A) a school director indicating the student will be utilized to instruct physical fitness in Basic
18 Law Enforcement Training Courses; or
 - 19 (B) a certified school director, or in-service training coordinator indicating the student will be
20 utilized to instruct physical fitness for the "Law Enforcement Officers' In-Service
21 Training Program";

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

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

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

35 (e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be
36 used as the basic curriculum for delivery of specialized physical fitness instructor training courses. Copies of this
37 publication may be inspected at the:

38 Criminal Justice Standards Division

1 North Carolina Department of Justice
2 1700 Tryon Park Drive
3 Post Office Drawer 149
4 Raleigh, North Carolina 27610

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

7 North Carolina Justice Academy
8 Post Office Box 99
9 Salemburg, North Carolina 28385

10 (f) The Commission-certified school that is certified to offer the "Specialized Physical Fitness Instructor Training"
11 course is the North Carolina Justice Academy.

12
13 *History Note: Authority G.S. 17C-6;*
14 *Eff. July 1, 1989;*
15 *Amended Eff. January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1,*
16 *2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.*

17

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0302**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, replace "which" with "that"

Line 5, replace "are not authorized to" with "shall not"

Line 5, consider rewriting the citation as follows:

"Rule 09B .0304 of this Subchapter..."

Line 15, define or delete "successful"

Lines 18 and 21, define or delete "successfully"

Line 19, delete the "09B" of the citation

Line 28, replace "must" with "shall"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09B .0302** is proposed for amendment as published in vol. 28, issue 24, page 2993:

2 **12 NCAC 09B .0302 GENERAL INSTRUCTOR CERTIFICATION**

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

- 10 (1) Present documentary evidence showing that the applicant:
- 11 (A) is a high school graduate, or has passed the General Education Development Test (GED)
12 indicating high school equivalency, and
- 13 (B) has acquired four years of practical experience as a criminal justice officer or as an
14 administrator or specialist in a field directly related to the criminal justice system.
- 15 (2) Present evidence showing successful completion of a Commission-certified instructor training program
16 or an equivalent instructor training course utilizing the Instructional Systems Design model, an
17 international model with applications in education, military training, and private enterprise.
- 18 (3) Successfully pass the comprehensive written examination administered by the Commission, as required
19 in Rule 09B .0413(d) of this Subchapter.

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

24 (c) Persons having completed a Commission-certified instructor training course or an equivalent instructor training
25 course utilizing the Instructional Systems Design model, an international model with applications in education, military
26 training, and private enterprise, and not having made application within 60 days of completion of the course shall
27 complete a subsequent Commission-certified instructor training course in its entirety.

28 (d) Applicants for Speed Measuring Instrument Instructor courses must possess full general instructor certification.
29

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

31 *Eff. January 1, 1981;*

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

33 *December 1, 1987; October 1, 1985; January 1, 1985.*
34

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0304**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, is the term "may" correct? Is there a situation when the Commission would not issue the certification?

Lines 15, 20, and 36; page 2, lines 21 and 31; page 3, lines 25 and 33; and page 4, line 6, replace "must" with "shall"

Line 19, replace the semicolon after "Council" with a period

Line 21, delete "9B"

Lines 29 down, is the font the same size?

Line 30; and page 2, lines 24 and 33; page 3, lines 7 and 28; and page 4, line 9, is the correct term in the citation "Section" or should it be "Subchapter"?

Page 2, lines 2 thru 19, please be consistent. Normally lists should begin with lowercase letters, but the majority of the rules appear to begin with uppercase letters. Please be consistent.

Page 2, line 8; page 3, line 8; and page 4, line 16, define or delete "successfully"

Page 2, lines 16 thru 17, should this text be similar to lines 2 thru 6? Please clarify.

Page 2, lines 25 and 34; page 3, lines 8, 13, and 29; and page 4, lines 10 and 19, define or delete "pertinent"

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, September 26, 2014

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

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

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

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

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

20 (c) An applicant must achieve a minimum score of 75 percent on the comprehensive written exam, as specified in Rule
21 9B .0414 of this Subchapter in order to qualify for Specialized Instructor Certification in the following topical areas:

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

27 ~~(d)~~ (d) To qualify for Specialized Instructor Certification in the Subject Control Arrest Techniques topical area, an
28 applicant must meet the following requirements:

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

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

- 1 (1) The first option is:
- 2 (A) hold CPR instructor certification through the American Red Cross, American Heart
 3 Association, American Safety and Health Institute or National Safety Council; an
 4 organization whose curriculum meets the national standards set forth by the International
 5 Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular
 6 Care;
- 7 (B) hold, or have held, basic Emergency Medical Technician certification;
- 8 (C) have successfully completed the Department of Transportation's 40 hour EMT Instructor
 9 Course or equivalent within the last three years or hold a North Carolina ~~teaching certificate;~~
 10 Professional Educator's License, issued by the Department of Public Instruction; and
- 11 (D) obtain the recommendation of a Commission-certified school director or in-service training
 12 coordinator.

- 13 (2) The second option is:
- 14 (A) hold General Instructor Certification, either probationary status or full general instructor
 15 status, as specified in Rule .0303 of this Section;
- 16 (B) hold CPR instructor certification through an organization whose curriculum meets the
 17 national standard;
- 18 (C) hold, or have held, basic EMT certification; and
- 19 (D) obtain the recommendation of a Commission-certified school director or in-service training
 20 coordinator.

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

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

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

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

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

3 ~~(g)~~(h) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become
4 certified through one of the following two methods:

5 (1) The first method is:

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

8 (B) successfully complete the pertinent Commission-approved specialized instructor training
9 ~~course and achieve a minimum score of 75 percent on the Commission's comprehensive~~
10 ~~written examination;~~ course; and

11 (C) obtain the recommendation of a Commission-certified School Director.

12 (2) The second method is:

13 (A) ~~successfully complete~~ Complete the pertinent Commission-approved specialized instructor
14 training ~~course and achieve a minimum score of 75 percent on the Commission's~~
15 ~~comprehensive written examination;~~ course;

16 (B) obtain the recommendation of a Commission-certified School director or in-service training
17 coordinator; and

18 (C) meet one of the following qualifications:

19 (i) hold a valid North Carolina ~~Teacher's Certificate~~ Professional Educator's License,
20 issued by the Department of Public Instruction and hold a baccalaureate degree in
21 physical education and be presently teaching in physical education topics; or

22 (ii) be presently instructing physical education topics in a community college, college
23 or university and hold a baccalaureate degree in physical education.

24 ~~(h)~~(i) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult Correction
25 and Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant must meet the following
26 requirements:

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

29 (2) ~~Successfully complete~~ Complete the pertinent Commission-approved specialized instructor training
30 course; and

31 (3) Obtain the recommendation of a Commission-certified school director.

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

34 (1) Have ~~successfully~~ completed a Commission-certified basic instructor training course or an equivalent
35 instructor training course utilizing the Instructional Systems Design model, an international model with
36 applications in education, military training, and private ~~enterprise, within the 12-month period~~
37 ~~preceding application;~~ enterprise;

1 (2) Hold instructor certification in CPR and First Aid by ~~fulfillment of the American Red Cross Instructor~~
 2 ~~requirements; and the American Red Cross, American Heart Association, American Safety and Health~~
 3 Institute or National Safety Council; and

4 (3) Obtain the recommendation of a Commission-certified school director.

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

7 (1) The first option is:

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

10 (B) ~~successfully complete~~ Complete the pertinent Commission-approved specialized instructor
 11 training course ~~and achieve a minimum score of 75 percent on the Commission's~~
 12 ~~comprehensive written examination; course; and~~

13 (C) obtain the recommendation of a Commission-certified school director or in-service training
 14 coordinator.

15 (2) The second option is:

16 (A) have successfully completed the Fire Service Instructor Methodology Course or the
 17 equivalent utilizing the Instructional Systems Design model, an international model with
 18 applications in education, military training, and private enterprise;

19 (B) ~~successfully complete~~ Complete the pertinent Commission-approved specialized instructor
 20 training course; and

21 (C) obtain the recommendation of a Commission-certified school director or in-service training
 22 coordinator.

23

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

25 *Eff. January 1, 1981;*

26 *Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;*

27 *Temporary Amendment Eff. January 1, 2001;*

28 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006;*

29 *December 1, 2004; August 1, 2002.*

30

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0401**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5, 8, and 10, define or delete "satisfactorily"

Line 5, should "Commission" be capitalized to remain consistent with the rest of the rules?

Line 5, replace "which" with "that"

Line 6, replace both "his" with "his or her"

Lines 6 and 17, replace "such" with "the"

Line 7, add a comma after "appointment"

Line 8 and 10, define or delete "entirety"

Line 9 uses the term "prescribed" and line 11 uses the term "stipulated." Should the terms be consistent between the lines?

Line 13, define or delete "successfully"

Line 20, define or delete "successful"

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, September 26, 2014

1 **SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING**

2 **12 NCAC 09B .0401** is proposed for amendment as published in vol. 28, issue 24, page 2995:

3 **12 NCAC 09B .0401 TIME REQUIREMENT FOR COMPLETION OF TRAINING**

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

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

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

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

16 (e) If local confinement supervisory and administrative personnel complete basic training prior to being employed by a
17 facility in a supervisory and administrative position ~~which that~~ requires certification, such personnel shall be duly appointed to
18 a local confinement facility supervisory and administrative position within one year of the completion of training for ~~that the~~
19 basic training course ~~specified in 12 NCAC 09B .0205, to be recognized under these Rules.~~ This one year period shall begin
20 with the successful completion of the ~~State Comprehensive Examination.~~ comprehensive written exam.

21
22 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*

23 *Eff. January 1, 1981;*

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0403**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, define or delete "satisfactorily"

Line 10; page 5, lines 35 and 37; and page 6, line 3, should "Commission" be capitalized to remain consistent with the rest of the rules?

Lines 13 and 29; page 2, line 6, 10, 14, and 33; page 3, lines 10, 14, and 17; page 5, line 37; and page 6, line 14, define or delete "in its entirety"

Lines 13, 23, 25, 27, 29, 35, and 37; page 2, lines 2, 6, 10, 14, 17, 27, and 34; page 3, lines 3, 10, 14, 17, 31, and 37; page 4, lines 2, 9, 10, 14, 23, 27, and 32; page 5, line 37; page 6, lines 9 and 14, define or delete "successfully"

Line 16, replace "which" with "that"

Line 16, replace "Such" with "The"

Line 18, consider replacing "successful completion" with "passing"

Line 26, the citation appears to include an extra period. Compare this citation to page 2, line 3. Citations should be consistent.

Page 3, line 9, delete "be required to"

Page 3, lines 21 thru 22, 25 thru 26, and 29 thru 30, how is the amount of training required determined? Are there factors for consideration?

Page 3, line 32, add information to the citation, such as "Chapter"

Page 3, lines 31 and 36, add a comma after "guard"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, September 26, 2014

Page 3, line 35, what is the Commission form? What information is contained within it necessary for the Commission's review? Where is the form located?

Page 4, line 7, delete "undertake and successfully"

Page 4, lines 14 and 23, what is meant by the statement "some of the topics"? This seems vague. Please clarify.

Page 4, lines 19 thru 22, and lines 28 and 30, it appears that the concept of these sentences are the same, but do not have consistent language. Please be consistent.

Page 4, line 34, replace "must meet, and" with "shall"

Page 4, line 33 thru page 5, line 22, review this language in light of S.L. 2014-67 <http://www.ncga.state.nc.us/Sessions/2013/Bills/Senate/PDF/S761v4.pdf>

Page 5, lines 1 thru 2, the phrase "and experience" may not be necessary in light of the statutory change

Page 5, lines 5 thru 6, replace "suspension of revocation" with "suspension, or revocation"

Page 5, line 8, replace "must meet, and" with "shall"

Page 5, line 10, add a comma after "certification"

Page 5, lines 20 thru 21, replace "must meet at a minimum," with "shall satisfy"

Page 5, line 24, how is the information "deemed necessary"? How is that information communicated?

Page 5, line 27, replace "such" with "the"

Page 6, line 9, define or delete "properly"

Page 6, lines 9 thru 11, consider re-writing this sentence by moving "No additional training shall be required where the applicant obtained certification..."

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 12 NCAC 09B .0403 is proposed for amendment as published in vol. 28, issue 24, pages 3000-3004:

2 **12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER**

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

- 10 (1) Persons having completed a ~~commission-accredited~~ Commission-accredited basic training program and not
 11 having been duly appointed and sworn as a law enforcement officer within one year of completion of the
 12 program shall complete a subsequent ~~commission-accredited~~ Commission-accredited basic training
 13 program in its entirety and successfully pass the State Comprehensive Examination prior to obtaining
 14 probationary law enforcement certification, unless the Director determines that a delay in applying for
 15 certification was not due to neglect on the part of the applicant, in which case the Director may accept a
 16 ~~commission-accredited~~ Commission-accredited basic training program which is over one year old. Such
 17 extension of the one year period shall not exceed 30 days from the ~~expiration date of a commission-~~
 18 ~~accredited basic training program;~~ first year anniversary of the successful completion of the state
 19 comprehensive examination;
- 20 (2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and
 21 experience. Out-of-state transferees ~~cannot~~ shall not have a break in service exceeding one year. At a
 22 minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement experience and
 23 have successfully completed a basic law enforcement training course accredited by the ~~State from which~~
 24 ~~transferring-~~ transferring State. Prior to employment as a certified law enforcement officer, out-of-state
 25 transferees must successfully complete the employing agency's in-service firearms training and qualification
 26 program as prescribed in 12 NCAC ~~9E 09E~~ .0100. At a minimum, out-of-state transferees shall
 27 successfully complete the Legal Unit in a ~~commission-accredited~~ Commission-accredited Basic Law
 28 Enforcement Training Course as prescribed in ~~12 NCAC Rule 9B 09B~~ .0205(b)(1) of this Subchapter and
 29 shall successfully pass the State Comprehensive Examination in its entirety within the 12 month
 30 probationary period;
- 31 (3) Persons who have completed a minimum 369-hour basic law enforcement training program accredited by
 32 the ~~North Carolina Criminal Justice Education and Training Standards~~ Commission under guidelines
 33 administered beginning October 1, 1984 and have been separated from a sworn position for over one year
 34 but less than three years who have had a minimum of two years' experience as a full-time, sworn law
 35 enforcement officer in North Carolina shall successfully complete the ~~refresher training enumerated in Rule~~
 36 ~~.0403(a)(2)~~ Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed
 37 in Rule 09B .0205(b)(1) of this Subchapter, and shall successfully pass the State Comprehensive

- 1 Examination in its entirety within the 12 month probationary period. Prior to employment as a certified law
 2 enforcement officer, these persons shall successfully complete the employing agency's in-service firearms
 3 training and qualification program as prescribed in ~~42 NCAC 9E-0100~~, Subchapter 09E of this Chapter;
- 4 (4) Persons out of the law enforcement profession for over one year but less than three years who have had less
 5 than two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete a
 6 ~~commission accredited~~ Commission-accredited basic training program in its entirety and successfully pass
 7 the State Comprehensive Examination;
- 8 (5) Persons out of the law enforcement profession for over three years regardless of prior training or
 9 experience shall complete a ~~commission accredited~~ Commission-accredited basic training program in its
 10 entirety and shall successfully pass the State Comprehensive Examination;
- 11 (6) Persons who separated from law enforcement employment during their probationary period after having
 12 completed a ~~commission accredited~~ Commission-accredited basic training program and who have
 13 separated from a sworn law enforcement position for more than one year shall complete a subsequent
 14 ~~commission accredited~~ Commission-accredited basic training program in its entirety and successfully pass
 15 the State Comprehensive Examination;
- 16 (7) Persons who separated from a sworn law enforcement position during their probationary period after
 17 having successfully completed a ~~commission accredited~~ Commission-accredited basic training program and
 18 who have separated from a sworn law enforcement position for less than one year shall serve a new 12
 19 month probationary ~~period~~, period as prescribed in Rule 09B 401(a) of this Subchapter, but need not
 20 complete an additional training program;
- 21 (8) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by
 22 the North Carolina Criminal Justice Training and Standards Council under guidelines administered
 23 beginning on July 1, 1973 and continuing through September 30, 1978 and who have separated from a
 24 sworn law enforcement position for over one year but less than two years shall be required to complete the
 25 Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a ~~commission accredited~~
 26 Commission-accredited Basic Law Enforcement Training Course as prescribed in ~~42 NCAC Rule 9B 09B~~
 27 .0205(b)(1) and .0205(b)(5)(C) of this Subchapter and successfully pass the State Comprehensive
 28 Examination within the 12 month probationary period;
- 29 (9) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by
 30 the North Carolina Criminal Justice Training and Standards Council under guidelines administered
 31 beginning on July 1, 1973 and continuing through September 30, 1978 and have been separated from a
 32 sworn law enforcement position for over two years shall be required to complete a current ~~commis-~~
 33 ~~sion accredited~~ Commission-accredited basic training program in its entirety regardless of training and
 34 experience and shall successfully pass the State Comprehensive Examination;
- 35 (10) Persons who have completed a minimum 240-hour basic law enforcement training program accredited by
 36 the ~~North Carolina Criminal Justice Education and Training Standards~~ Commission under guidelines
 37 administered beginning October 1, 1978 and continuing through September 30, 1984 and have been

1 separated from a sworn position over one year but less than three years shall be required to complete the
 2 Legal Unit in a ~~commission-accredited~~ Commission-accredited Basic Law Enforcement Training Course as
 3 prescribed in ~~12-NCAC Rule 9B 09B~~ .0205(b)(1) and successfully pass the State Comprehensive
 4 Examination within the 12 month probationary period;

5 (11) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have
 6 been separated from a sworn law enforcement position for over one year and who have not previously
 7 completed a minimum basic training program accredited by either the North Carolina Criminal Justice
 8 Training and Standards Council or the ~~North Carolina Criminal Justice Education and Training Standards~~
 9 Commission shall be required to complete a ~~commission-accredited~~ Commission-accredited basic training
 10 program in its entirety and shall successfully pass the State Comprehensive Examination prior to
 11 ~~employment.~~ employment;

12 (12) Persons who have completed training as a federal law enforcement officer and are ~~appointed~~ candidates for
 13 appointment as a sworn law enforcement officer in North Carolina shall be required to complete a
 14 ~~commission-accredited~~ Commission-accredited basic training program in its entirety and shall successfully
 15 pass the State Comprehensive Examination;

16 (13) Applicants with part-time experience who have a break in service in excess of one year shall complete a
 17 ~~commission-accredited~~ Commission-accredited basic training program in its entirety and successfully pass
 18 the State Comprehensive Examination prior to employment;

19 (14) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and
 20 Training Standards Commission shall be subject to evaluation of their prior training and experience on an
 21 individual basis. The ~~division~~ Standards Division staff shall determine the amount of training required of
 22 these applicants;

23 (15) Alcohol law enforcement agents who separate from employment with the Division of Alcohol Law
 24 Enforcement and transfer to another law enforcement agency in a sworn capacity shall be subject to
 25 evaluation of their prior training and experience on an individual basis. The ~~division~~ Standards Division
 26 staff shall determine the amount of training required of these ~~applicants; and applicants;~~

27 (16) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and
 28 transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior
 29 training and experience on an individual basis. The ~~division~~ Standards Division staff shall determine the
 30 amount of training required of these ~~applicants.~~ applicants;

31 (17) Active duty, guard or reserve military members failing to successfully complete all of the required annual
 32 in-service training topics, as defined in Rule 09E .0105, due to military obligations, are subject to the
 33 following training requirements as a condition for return to active criminal justice status. The agency head
 34 shall verify the person's completion of the appropriate training by submitting a statement, on a Commission
 35 approved form;

36 (A) Active duty, guard or reserve military members holding probationary or general certification as a
 37 criminal justice officer who fail to successfully complete all of the required annual in-service training topics

1 due to military obligations for up to a period of three years, shall complete the previous year's required in-
 2 service training topics, the current year's required in-service training topics, and successfully complete the
 3 appointing agency's in-service firearms training and qualification program as prescribed in Subchapter 09E
 4 of this Chapter prior to their return to active criminal justice status;

5 (B) Active, guard or reserve military members holding probationary or general certification as a
 6 criminal justice officer who fail to successfully complete all of the required annual in-service training topics
 7 due to military obligations for a period greater than three years shall undertake and successfully complete
 8 the following topic areas within the following time frames:

9 1) The person shall successfully complete the previous year's required in-service training
 10 topics, the current year's required in-service training topics, and successfully complete
 11 the appointing agency's in-service firearms training and qualification program as
 12 prescribed in Subchapter 09E of this Chapter prior to their return to active criminal
 13 justice status;

14 2) The person shall successfully pass the practical skills testing for some of the topics
 15 enumerated in Rule .0205(b)(5) of this Subchapter prior to return to active criminal
 16 justice status. The required topics include First Responder, Law Enforcement Driver
 17 Training, and Subject Control Arrest Techniques. The person shall complete one
 18 physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The
 19 person must also be examined by a physician per Rule .0104(b) of this Subchapter. This
 20 practical skills testing may be undertaken either in a Commission-accredited Basic Law
 21 Enforcement Training course or under the instruction of a Commission certified
 22 instructor for that particular skill; and

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

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

36 (1) Been awarded a military occupational specialty that is substantially equivalent to or exceeds the training
 37 requirements required for certification and performed in the occupational specialty;

1 (2) Completed a military program of training, completed testing or equivalent training and experience as
 2 determined by Paragraph (d) of this Rule;

3 (3) Engaged in the active practice of that occupation for at least two of the five years prior to the date of
 4 application; and

5 (4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension of
 6 revocation of a license to practice that occupation in this State at the time the act was committed.

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

10 (1) Hold a current license, certification or registration from another jurisdiction which is substantially
 11 equivalent to or exceeds the requirements required for certification;

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

14 (3) Demonstrate competency in the occupation by:

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

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

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

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

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

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

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

34 (1) Persons who hold probationary, general, or grandfather certification as local confinement personnel and
 35 separate after having completed a commission-accredited course as prescribed in ~~12 NCAC Rule 9B 09B~~
 36 .0224 or .0225 of this Subchapter and have been separated for more than one year shall complete a
 37 subsequent commission-accredited training course in its entirety and successfully pass the State

1 Comprehensive Examination during the probationary period as prescribed in ~~12 NCAC 9B-.0401(a); Rule~~
 2 09B .0401(a) of this Subchapter;

- 3 (2) Persons who separated from a local confinement personnel position after having completed a commis-
 4 sion-accredited course as prescribed in ~~12 NCAC Rule 9B 09B .0224 or .0225~~ of this Subchapter and who
 5 have been separated for less than one year shall serve a new 12 month probationary period, but need not
 6 complete an additional training program;
- 7 (3) Applicants who hold or previously held "Detention Officer Certification" issued by the North Carolina
 8 Sheriffs' Education and Training Standards Commission shall be subject to evaluation of their prior training
 9 and experience on an individual basis. Where the applicant properly obtained certification and successfully
 10 completed the required 120 hour training course, and has not had a break in service in excess of one year,
 11 no additional training will be required; and
- 12 (4) Persons holding certification for local confinement facilities who transfer to a district or county
 13 confinement facility shall ~~satisfactorily~~ complete the course for district and county confinement facility
 14 personnel, as adopted by reference in 12 NCAC ~~9B 09B .0224~~, in its entirety and successfully pass the
 15 State Comprehensive Examination during the probationary period as prescribed in ~~12 NCAC 9B-.0401(a);~~
 16 Rule 09B .0401(a) of this Subchapter.

17
 18 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1*
 19 *Eff. January 1, 1981;*
 20 *Amended Eff. November 1, 2014; August 1, 2000; November 1, 1993; March 1, 1992; July 1, 1989;*
 21 *February 1, 1987.*
 22

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0406**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4, 25, 30, and 33, define or delete "in its entirety"

Lines 5, 16, and 25, define or delete "satisfactorily"

Line 15, define or delete "fully"

Line 20, what is the Commission form? What information is contained on the form necessary for the Commission's review? Where is it located?

Line 26, replace "will" with "shall"

Line 32, define or delete "successfully"

Lines 29 and 32, the current version mandates the completion of a course. Could someone decide not to take the course? Consider re-writing as follows:

"the trainee shall not be given course completion certification (or re-examination, depending on the rule). The trainee may enroll in a subsequent offering..."

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09B .0406** is proposed for amendment as published in vol. 28, issue 24, pages 2995-2996:

2 **12 NCAC 09B .0406 **COMPREHENSIVE WRITTEN EXAMINATION -- BASIC LAW ENFORCEMENT****
 3 ****TRAINING****

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

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

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

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

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

20 (1) ~~the~~The trainee's request for re-examination shall be made in writing on the Commission's form and shall be
 21 received by the Standards Division within 30 days of the examination.

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

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

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

28 (5) ~~should~~Should the trainee on re-examination not achieve ~~the prescribed~~ a minimum score of 70 percent on
 29 the examination, the trainee ~~may not be given successful course completion and~~ shall enroll and
 30 ~~successfully~~ complete a subsequent offering of the Basic Law Enforcement Training Course in its entirety.

31 (f) A trainee who fails to achieve a passing score of 70 percent on three or more of the units as prescribed in 12 NCAC 9B
 32 .0406(b) shall not be given the opportunity for re-examination on those units; and shall enroll in and successfully complete a
 33 subsequent offering of the Basic Law Enforcement Training Course in its entirety.

34
 35 *History Note: Authority G.S. 17C-6; 17C-10;*

36 *Eff. January 1, 1981;*

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0408**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 7 and 26, define or delete "satisfactorily"

Line 16, define or delete "fully"

Line 17, add a comma after "curriculum"

Line 19, add a comma after "examination"

Line 22, what is the Commission form? What information is contained on the form necessary for the Commission's review? Where is it located?

Lines 26 and 32, define or delete "in its entirety"

Lines 31 thru 32, the current version mandates the completion of a course. Could someone decide not to take the course? Consider re-writing as follows:

"the trainee shall not be given recommendation for certification (or re-examination, depending on the rule). The trainee may enroll in a subsequent offering..."

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 *Amended Eff. January 1, 2015; November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987;*
2 *October 1, 1983; April 1, 1983.*
3

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0413**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, define or delete "authorized" How is it known who is authorized?

Lines 4 and 15, define or delete "satisfactorily"

Line 6, define or delete "successful"

Line 27, define or delete "successfully"

Lines 8 thru 9, why is this language not in 12 NCAC 09B .0408?

Line 14, define or delete "fully"

Line 18, what is the Commission form? What information is contained on the form necessary for the Commission's review? Where is it located?

Lines 24 thru 25, please track the language in 12 NCAC 09B .0408, line 27. Please be consistent.

Lines 26 thru 28, why are these lines indented? Consider re-writing as follows:

"A trainee that does not make the minimum score on the exam shall not be given a course completion certificate. The trainee may enroll in a subsequent offering..."

Line 26, what is the "minimum score"?

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

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09B .0413** is proposed for amendment as published in vol. 28, issue 24, page 2997:

2 **12 NCAC 09B .0413 **COMPREHENSIVE WRITTEN EXAM -- INSTRUCTOR TRAINING****

3 (a) An authorized representative of the Commission shall administer a comprehensive written examination to each trainee
4 who has satisfactorily completed the first 12 units of the "Criminal Justice Instructor Training Course" as described in the
5 "Basic Instructor Training Manual." This comprehensive written examination shall be administered within 60 days of the
6 successful completion of the first 12 units of the "Criminal Justice Instructor Training Course, as specified in Rule .0209 of
7 this Subchapter."

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

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

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

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

18 (1) The trainee's request for re-examination shall be made in writing on the Commission's form and shall be
19 received by the Standards Division within 30 days of the examination.

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

22 (3) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for
23 re-examination and shall satisfactorily complete the subsequent examination in its entirety.

24 (4) The trainee will be assigned in writing by the Standards Division staff a place, time, and date for
25 re-examination.

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

29 (f) A trainee who fails to score at least 65 percent on the Commission's comprehensive written examination shall be
30 terminated from the course.

31

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

33 *Eff. February 1, 1987;*

34 *Amended Eff. January 1, 2015; January 1, 1995.*

35

36

37

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0414**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 9, consider the following rewrite and delete lines 22 thru 23:

"written examination to each trainee within 60 days of the completed required course work."

Line 9, as written, define or delete "satisfactorily" The rewrite would take care of this issue.

Line 34, define or delete "in its entirety"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09B .0414** is proposed for amendment as published in vol. 28, issue 24, page 2997:

2 **12 NCAC 09B .0414 COMPREHENSIVE WRITTEN EXAM - SPECIALIZED INSTRUCTOR TRAINING**

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

11 _____ (1) Specialized Firearms Instructor Training;

12 _____ (2) Specialized Driver Instructor Training;

13 _____ (3) Specialized Subject Control Arrest Techniques Instructor Training;

14 _____ (4) Specialized Physical Fitness Instructor Training;

15 _____ (5) Specialized Explosives and Hazardous Materials Instructor Training;

16 _____ (6) Radar Instructor Training;

17 _____ (7) Criminal Justice Time-Distance/Speed Measurement Instrument (TD/SMI) Instructor Training;

18 _____ (8) LIDAR Instructor Training;

19 _____ (9) Re-Certification Training for Radar Instructors;

20 _____ (10) Re-Certification Training for TD/SMI Instructors; and

21 _____ (11) Re-Certification Training for LIDAR Instructors

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

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

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

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

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

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

35

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

37 *Eff. February 1, 1987;*

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09B .0416**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, define or delete "satisfactorily"

Lines 9 thru 14, why is this rule not set up like the prior rules.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

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

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

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

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

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

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

15

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

17 *Eff. February 1, 1987;*

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

19

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09C .0211**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, delete the comma after "Presentation"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

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

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

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

7 (1) The number of training hours;

8 (2) The training delivery period;

9 (3) Location;

10 (4) Anticipated number of trainees;

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

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

13
14 *History Note: Authority G.S. 17C-6; 150B-11;*
15 *Eff. January 1, 1981;*
16 *Amended Eff. January 1, 2015; August 1, 2000.*

17

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09C .0403**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 10 and 15, are these forms the same? The title is different in the rule. What are the Commission forms? What information is contained within these forms necessary for the Commission's review? Where are the forms located?

Lines 14, define or delete "satisfactory"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09C .0403** is proposed for amendment as published in vol. 28, issue 24, page 2998:

2 **12 NCAC 09C .0403 REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION**

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

4 (1) After acquiring accreditation for the course and before commencing each delivery of the course, the
5 school director shall notify the Commission of the school's intent to offer the training course by
6 submitting a Pre-delivery Report of Training Course Presentation; and

7 (2) ~~Not more than 10 days~~ ~~Upon~~ ~~after~~ completing delivery of the accredited course, ~~and not more than 10~~
8 ~~days after receiving from the Commission's representative the Report of Examination Scores, course,~~
9 the school director shall notify the Commission regarding the progress and achievement of each
10 enrolled trainee by submitting a Post-delivery Report of Training Course Presentation.

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

13 (b) Upon successful completion of a Commission-accredited training course by ~~state youth services~~ Juvenile Justice
14 Officer trainees, the director of the school conducting such course shall notify the Commission of the satisfactory
15 achievement of trainees by submitting a monthly Report of Training Course Completion.

16
17 *History Note:* *Authority G.S. 17C-6; 17C-10;*
18 *Eff. January 1, 1981;*
19 *Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987.*

20

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09E .0105**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, correct the rule name in box 2.

Line 3, delete "minimum"

Page 2, line 4, define or delete "successful"

Page 2, line 14, replace "must" with "shall"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 12 NCAC 09E .0105 is proposed for amendment as published in vol. 28, issue 20; pages 2420-21:

2 **12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING**

3 (a) The following topical areas and specifications are established as minimum topics, ~~specifications~~ specifications, and
4 hours to be included in each law enforcement officer's annual in-service training courses. For the purposes of this
5 Subchapter, a credit shall be equal to one hour of traditional classroom instruction. These specifications shall be
6 incorporated in each law enforcement agency's annual in-service training courses:

- 7 (1) ~~2014~~ 2015 Firearms Training and Qualification (6 credits);
8 (2) ~~2014~~ 2015 Legal Update (4 credits);
9 (3) ~~2014~~ 2015 Juvenile Minority Sensitivity ~~Training: A Juvenile—Now What? Training: What does it~~
10 ~~have to do with me?~~ (2 credits);
11 (4) ~~2014 Officer Safety: The First Five Minutes~~ 2015 Domestic Violence: Teen Dating Violence (4 (2
12 credits); and
13 (5) ~~2014~~ 2015 Department Topics of Choice (8 10 credits). The Department Head may choose any topic,
14 provided the lesson plan is written in Instructional Systems Design format and is taught by an
15 instructor who is certified by the Commission.

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

19 Criminal Justice Standards Division
20 North Carolina Department of Justice
21 1700 Tryon Park Drive
22 Raleigh, North Carolina 27610

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

24 North Carolina Justice Academy
25 Post Office Drawer 99
26 Salemburg, North Carolina 28385

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

30 Criminal Justice Standards Division
31 North Carolina Department of Justice
32 1700 Tryon Park Drive
33 Raleigh, North Carolina 27610

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

35 North Carolina Justice Academy
36 Post Office Drawer 99
37 Salemburg, North Carolina 28385

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

4 (e) Successful completion of training shall be demonstrated by passing a written test for each in-service training topic, as
 5 follows:

6 (1) A written test comprised of at least five questions per credit shall be developed by the agency or the
 7 North Carolina Justice Academy for each in-service training topic requiring testing. Written courses
 8 that are more than four credits in length are required to have a written test comprising of a minimum of
 9 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written
 10 test requirement;

11 (2) A student shall pass each test by achieving 70 percent correct answers; and

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

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

18 *Eff. July 1, 1989;*

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

20 *Temporary Amendment Eff. January 1, 2005;*

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

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

23

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09F .0102**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On the form, correct the certification date in box 5.

Line 5, replace "to:" with "to explain the following:"

Lines 10, 13, and 14, delete "explain"

Lines 10 thru 11, is this a feasible, accurate statement? What is meant by "Common and Statutory Law"? Consider re-writing as follows:

"the types of situations that the use of deadly physical force is justified;"

Line 13, replace "NCGS" with "G.S."

Lines 27 and 28; and page 2, line 10, define or delete "properly"

Line 30; and page 2, line 13, define or delete "successfully"

Page 2, line 4, replace "can" with "may"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09F .0102** is proposed for amendment as published in Vol. 28, pages 1717-1718 **with changes** as follows:

2 **12 NCAC 09F .0102 TOPICAL AREAS**

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

5 (1) Legal Issues (two hours): The student shall be able to ~~to: demonstrate a general knowledge of~~
6 ~~North Carolina law on concealed handguns, handgun safety, and use of deadly force. The~~
7 ~~instructor shall use the lesson plan produced by the North Carolina Justice Academy. The~~
8 ~~instructor shall determine the student's level of understanding of the relevant legal issues by a~~
9 ~~written examination.~~

10 (a) explain the provisions under North Carolina Common and Statutory Law in which the
11 use of deadly physical force would be justifiable;

12 (b) list areas where the carrying of a concealed handgun is prohibited;

13 (c) explain the requirements of handgun storage under NCGS 14-315.1; and

14 (d) explain the laws governing the carrying of a concealed handgun.

15 The instructor shall determine the student's level of understanding of the relevant legal issues by a written
16 examination.

17 (2) Handgun Nomenclature: The students shall be able either verbally or in writing to list the primary
18 parts of their personal handguns.

19 (3) Handgun Safety: The students shall be able to:

20 (a) list at least four rules of safe gun handling and demonstrate all of these procedures during
21 range exercises;

22 (b) list four methods of safely storing a handgun and choose the method most appropriate for
23 their personal use;

24 (c) describe safety issues relating to the safe carry of a handgun; and

25 (d) determine the proper storage of their handguns when there are minors in the home.

26 (4) Handgun Fundamentals: The students shall be able to:

27 (a) demonstrate how to properly load both a revolver and a semiautomatic handgun;

28 (b) demonstrate how to properly unload both a revolver and a semiautomatic handgun;

29 (c) describe the operational characteristics of their handguns; and

30 (d) successfully complete a proficiency test administered by the instructor as prescribed in 12
31 NCAC 09F .0105.

32 (5) Marksmanship Fundamentals: The student shall be able to:

33 (a) demonstrate a proper handgun grip;

34 (b) demonstrate either the Weaver or Isosceles Stance;

35 (c) describe the elements of sight alignment and sight picture; and

36 (d) demonstrate trigger control in a dry fire exercise.

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

15

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

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

18 *Eff. May 1, 1996;*

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

20

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09G .0308**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, replace "which" with "that"

Line 13, define or delete "directly"

Lines 17 and 21, define or delete "successfully"

Line 18, verify the citation to Rule .0413(d), as that rule is currently proposed to be repealed and does not contain a Paragraph (d)

Line 28, define or delete "in its entirety."

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09G .0308** is proposed for amendment as published in vol. 28, issue 24, page 2998-2999:

2 **12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION**

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

- 9 (1) Present documentary evidence showing that the applicant:
- 10 (A) is a high school graduate, or has passed the General Education Development Test (GED)
11 indicating high school equivalency;
- 12 (B) has acquired four years of practical experience as a criminal justice officer or as an
13 administrator or specialist in a field directly related to the criminal justice system.
- 14 (2) Present evidence showing successful completion of a Commission-certified instructor training program
15 or an equivalent instructor training course utilizing the Instructional Systems Design model, an
16 international model with applications in education, military training, and private enterprise.
- 17 (3) Successfully pass the comprehensive written examination administered by the Commission, as
18 specified in Rule .0413(d) of this Subchapter, within 60 days of completion of the Commission-
19 certified instructor training program.

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

25 (c) Persons having completed a Commission-certified instructor training course or an equivalent instructor training
26 course utilizing the Instructional Systems Design model, an international model with applications in education, military
27 training, and private enterprise, and not having made application within 60 days of completion of the course shall
28 complete a subsequent Commission-certified instructor training course in its entirety.

29

30 *History Note: Authority G.S. 17C-6;*
31 *Temporary Adoption Eff. January 1, 2001;*
32 *Eff. August 1, 2002;*
33 *Amended Eff. January 1, 2015; January 1, 2006.*

34

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09G .0314**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3, define or delete "authorized" How is it known who is authorized?

Lines 17 thru 18 include a website citation that is not available in other rules, but is helpful to provide notification of where the form is located. As for the form, what is the Commission form? What information is contained within it necessary for the Commission's review? Where is the form located?

Lines 22, define or delete "satisfactorily"

Lines 22 and 27, define or delete "in its entirety."

Lines 25 thru 28, why are these lines indented? Consider re-writing as follows:

"A trainee that does not make the minimum score of 75 percent on the examination shall not be given a course completion certificate. The trainee may enroll in a subsequent offering..."

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

1 **12 NCAC 09G .0314** is proposed for amendment as published in vol. 28, issue 24, page 2999:

2 **12 NCAC 09G .0314 **COMPREHENSIVE WRITTEN EXAM - INSTRUCTOR TRAINING****

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

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

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

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

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

19 (2) The trainee's request for re-examination shall include the favorable recommendation of the School
20 Director who administered the course.

21 (3) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for
22 re-examination and shall satisfactorily complete the subsequent examination in its entirety.

23 (4) The trainee will be assigned in writing by the Standards Division staff a place, time, and date for
24 re-examination.

25 (5) Should the trainee on re-examination not achieve ~~the prescribed~~ a minimum score of 75 percent on the
26 examination, the trainee may not be given successful course completion and shall enroll and
27 ~~successfully~~ complete a subsequent offering of the instructor course in its entirety before further
28 examination may be permitted.

29 ~~(e)~~(e) A trainee who fails to score at least 65 percent on the comprehensive written examination shall be terminated from
30 the course.

31

32 *History Note: Authority G.S. 17C-6; 17C-10;*
33 *Temporary Adoption Eff. January 1, 2001;*
34 *Eff. August 1, ~~2002~~ 2002;*
35 *Amended Eff. January 1, 2015.*

36

REQUEST FOR TECHNICAL CHANGE

AGENCY: **Criminal Justice Education and Training Standards Commission**

RULE CITATION: **12 NCAC 09G .0414**

DEADLINE FOR RECEIPT: Friday, October 10, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 7, delete the comma after "include" and "as a minimum,"

Line 22, add an "and"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, September 26, 2014

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

2 **12 NCAC 09G .0414 INSTRUCTOR TRAINING**

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

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

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

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

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

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

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

36 North Carolina Justice Academy
 37 Post Office Drawer 99

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Salemburg, North Carolina 28385

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