

12 NCAC 09B .0227 is proposed for amendment as published in vol. 29, issue 14, pages 1688-89:

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

(a) The instructor training course required for specialized driver instructor certification shall consist of a minimum of ~~33~~ 48 hours of instruction ~~presented during a continuous period of not more than one week.~~ instruction.

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

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

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

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

- |     |  |                                  |
|-----|--|----------------------------------|
| (1) | Orientation  | 1 <del>Hours</del> <u>Hour</u>   |
| (2) | Lesson Plan Review (BLET)  | 4 Hours                          |
| (3) | General Mechanical Knowledge   | <del>1 Hour</del> <u>2 Hours</u> |
| (4) | Before - Operation Inspection  | 1 <del>Hours</del> <u>Hour</u>   |
| (5) | Laws of Natural Force & Operating Characteristics  | 2 Hours                          |
| (6) | Driver <del>Practicum/Pre-Test</del> <u>Practicum/Pre-Qualification</u>  | <del>49</del> <u>32</u> Hours    |
| (7) | <del>Fundamentals of Professional Liability for Trainers</del> <u>Legal and Operational Considerations for the Driver Instructor</u> | 4 Hours                          |
| (8) | Course <del>Review</del> <u>Description Packet and Administrative Code Review</u>  | 1 Hour                           |
| (9) | Course Review  | 1 Hour                           |

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

Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tryon Park Drive  
Post Office Drawer 149  
Raleigh, North Carolina 27610

and may be obtained at 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) Commission-certified schools that are certified to offer the "Specialized Driver Instructor Training" course are The North Carolina Justice Academy and The North Carolina State Highway Patrol Training Center.

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

*Eff. May 1, 1986;*

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

1 **12 NCAC 09B .0228 is proposed for repeal as published in vol. 29, issue 11, pages 1304-05:**

2  
3 **12 NCAC 09B .0228      BASIC TRAINING - WILDLIFE ENFORCEMENT OFFICERS**

4  
5 *History Note:      Authority G.S. 17C-6; 17C-10;*

6 *Eff. February 1, 1987;*

7 *Amended Eff. April 1, 2008; August 1, 2004; August 1, 2000; August 1, 1995; July 1, 1991; July 1,*  
8 *1989.*

9 *Repealed Eff. August 1, 2015*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0235

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

**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.

*In (b), line 8, you have said "topical areas"; however, elsewhere (for example in 12 NCAC 09B .0227), you say "topic areas." Please be consistent.*

*In (d), line 47, by "such course" I assume you mean the courses contained in the Rule? Please change "such" to "the" or whatever you mean.*

*In (d), is the determination of whether a trainee is "successful" and has "satisfactorily" achieved left exclusively to the Directors of the schools? What do you mean by "satisfactory achievement of trainees"? What are they satisfactorily achieving?*

*Also, in (d), what is the "Report of Training Course Completion"? Is this a form provided by you? If so, is it available on your website? Please indicate where this information can be found and what is required to be contained in the submission.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Friday, June 26, 2015

12 NCAC 09B .0235 is proposed for amendment as follows as published in vol. 29, issue 14, pages 1689-90:

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

(a) The basic training course for Juvenile Court Counselors and Chief Court Counselors shall consist of a minimum of ~~160~~ 154 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a Juvenile Court Counselor and a Chief Court Counselor.

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

(1) Juvenile Justice Common Core:

|     |   |                  |
|-----|---|------------------|
| (A) | <del>Juvenile Justice Overview;</del> <u>Overview</u>   | 2 hours          |
| (B) | <del>Counseling and Communication Skills;</del> <u>Basic Individual Counseling Skills</u>   | 16 hours         |
| (C) | <del>Characteristics of Delinquents;</del> <u>Interpersonal Communication Skills</u>  | 8 hours          |
| (D) | <del>Unlawful Workplace Harassment;</del> <u>Working with Families</u>  | 3 hours          |
| (E) | <del>Professional Ethics;</del> <u>Characteristics of Delinquents</u>   | 3 hours          |
| (F) | <del>Staff and Juvenile Relationships;</del> <u>Unlawful Workplace Harassment</u>   | 2 hours          |
| (G) | <del>Gang Awareness;</del> <u>Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace</u> | 2 hours          |
| (H) | <del>Situational Awareness and Risk Assessment;</del> <u>Staff and Juvenile Relationships</u>                                       | 4 hours          |
| (I) | <del>Restraints, Controls and Defensive Techniques;</del> <u>Gang Awareness</u>   | 4 hours          |
| (J) | <del>Secure Transportation;</del> <u>Situational Awareness and Risk Assessment</u>  | 4 hours          |
| (K) | <del>Mental Health; and</del> <u>Restraints, Controls and Defensive Techniques</u>  | 28 hours         |
| (L) | <del>Basic Life Support: CPR and First Aid; and</del> <u>Mechanical Restraints</u>  | 4 hours          |
| (M) | <u>Secure Transportation</u>  | 4 hours          |
| (N) | <u>Mental Health</u>  | 8 hours          |
| (O) | <u>CPR</u>  | 4 hours          |
| (P) | <u>First Aid</u>  | 4 hours          |
| (Q) | <u>Employee Fitness and Wellness</u>  | 4 hours          |
|     | <u>Total Hours</u>  | <u>104 hours</u> |
| (2) | Juvenile Court Counselor Specific:  |                  |
| (A) | <del>Roles and Responsibilities;</del> <u>Responsibilities</u>  | 8 hours          |
| (B) | <del>Juvenile Law;</del> <u>Law</u>   | 8 hours          |
| (C) | <del>Intake;</del> <u>Intake</u>  | 8 hours          |
| (D) | <del>Risk and Needs Assessment;</del> <u>Assessment</u>   | 4 hours          |
| (E) | <del>Report Writing and Documentation;</del> <u>Documentation</u>   | 12 hours         |
| (F) | <del>Interviewing; and</del> <u>Interviewing</u>  | 6 hours          |
| (G) | <del>Driver Safety;</del> <u>Safety</u>   | 4 hours          |
|     | <u>Total Hours</u>  | <u>50 hours</u>  |
|     | <u>Total Course Hours</u>   | <u>154 hours</u> |

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

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

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

(e) Employees of the Division of Adult Correction and Juvenile Justice who have ~~successfully~~ completed the minimum ~~160~~ 152 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to ~~successfully~~ complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

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

1                   *Temporary Adoption Eff. April 15, 2003;*  
2                   *Eff. April 1, 2004;*  
3                   *Amended Eff. August 1, 2015; May 1, 2014.*  
4

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0236

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

***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.

*In (b), you have said "topical areas"; however, elsewhere (for example in 12 NCAC 09B .0227), you say "topic areas." Please be consistent.*

*In (d), by "such course" I assume you mean the courses contained in the Rule? Please change "such" to "the" or whatever you meant.*

*In (d), is the determination of whether a trainee is "successful" and has "satisfactorily" achieved left exclusively to the Directors of the schools? What do you mean by "satisfactory achievement of trainees"? What are they satisfactorily achieving?*

*Also, in (d), what is the "Report of Training Course Completion"? Is this a form provided by you? If so, is it available on your website? Please indicate where this information can be found and what is required to be contained in the submission.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Friday, June 26, 2015

12 NCAC 09B .0236 is proposed for amendment as publishes in vol. 29, issue 14, pages 1690-91:

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

(a) The basic training course for Juvenile Justice Officers shall consist of a minimum of ~~160~~ 152 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a juvenile justice officer.

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

(1) Juvenile Justice Common Core:

|     |   |           |
|-----|---|-----------|
| (A) | <del>Juvenile Justice Overview;</del> <u>Overview</u>   | 2 hours   |
| (B) | <del>Counseling and Communication Skills;</del> <u>Basic Individual Counseling Skills</u>   | 16 hours  |
| (C) | <del>Characteristics of Delinquents;</del> <u>Interpersonal Communication Skills</u>  | 8 hours   |
| (D) | <del>Unlawful Workplace Harassment;</del> <u>Working with Families</u>  | 3 hours   |
| (E) | <del>Professional Ethics;</del> <u>Characteristics of Delinquents</u>   | 3 hours   |
| (F) | <del>Staff and Juvenile Relationships;</del> <u>Unlawful Workplace Harassment</u>   | 2 hours   |
| (G) | <del>Gang Awareness;</del> <u>Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace</u> | 2 hours   |
| (H) | <del>Situational Awareness and Risk Assessment;</del> <u>Staff and Juvenile Relationships</u>                                       | 4 hours   |
| (I) | <del>Restraints, Controls and Defensive Techniques;</del> <u>Gang Awareness</u>   | 4 hours   |
| (J) | <del>Secure Transportation;</del> <u>Situational Awareness and Risk Assessment</u>  | 4 hours   |
| (K) | <del>Mental Health; and</del> <u>Restraints, Controls and Defensive Techniques</u>  | 28 hours  |
| (L) | <del>Basic Life Support: CPR and First Aid; and</del> <u>Mechanical Restraints</u>  | 4 hours   |
| (M) | <u>Secure Transportation</u>  | 4 hours   |
| (N) | <u>Mental Health</u>  | 8 hours   |
| (O) | <u>CPR</u>  | 4 hours   |
| (P) | <u>First Aid</u>  | 4 hours   |
| (Q) | <u>Employee Fitness and Wellness</u>  | 4 hours   |
|     | <u>Total Hours</u>  | 104 hours |

(2) Juvenile Justice Officer Specific:

|     |  |           |
|-----|--|-----------|
| (A) | <del>Treatment Program Operation;</del> <u>Operations</u>                          | 4 hours   |
| (B) | <del>Maintaining Documentation of Activities and Behaviors;</del> <u>Behaviors</u> | 6 hours   |
| (C) | <del>Basic Group Leadership Skills;</del> <u>Skills</u>                            | 8 hours   |
| (D) | <del>Crisis Intervention Techniques;</del> <u>Techniques</u>                       | 8 hours   |
| (E) | <del>Effective Behavior Management;</del> <u>Management</u>                        | 12 hours  |
| (F) | <del>Health Services Overview; and</del> <u>Overview</u>                           | 2 hours   |
| (G) | <del>Trauma and Delinquents;</del> <u>Delinquents</u>                              | 6 hours   |
| (H) | <u>Contraband and Search Techniques</u>  | 2 hours   |
|     | <u>Total Hours</u>   | 48 hours  |
|     | <u>Total Course Hours</u>  | 152 hours |

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

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

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

(e) Employees of the Division of Adult Correction and Juvenile Justice who have ~~successfully~~ completed the minimum ~~160~~ 154 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to ~~successfully~~ complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

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

1                   *Temporary Adoption Eff. April 15, 2003;*  
2                   *Eff. April 1, 2004;*  
3                   *Amended Eff. August 1, 2015; May 1, 2014.*  
4



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0305

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

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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.

*In (a), please consider adding a cross-reference to set forth the requirements for Specialized Instructor Certification. Something like "the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued..."*

*In (a), line 7, please change "must" to "shall."*

*In (b)(1), what are the requirements for the general probationary instructor certifications? Please consider adding a cross-reference to the appropriate Rule?*

*In (b)(3), please change "must" to "shall."*

*In (b)(4), please change "is not" to "shall not be"*

*In (c)(2)(A), what are Commission certified and Commission recognized in-service training courses? Where can these be found? Is a list available on your website?*

*In (c)(2)(B), where can the Commission Instructor Evaluation Form be found? What is contained in the Form?*

*In (d), you have said "topical areas"; however, elsewhere (for example in 12 NCAC 09B .0227), you say "topic areas." Please be consistent.*

*In (d), please change "must" to "shall."*

*In (f), please change "is permissible" to "shall be permissible" and "must" to "shall." Also, please delete or define "direct."*

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

Amber Cronk May  
Commission Counsel

Date submitted to agency: Friday, June 26, 2015

12 NCAC 09B .0305 is proposed for amendment as published in vol. 29, issue 14, pages 1691-92:

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

(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to run concurrently with the existing General Instructor Certification, except as set out in Paragraph (d) of this Rule. The applicant must apply for certification as a Specialized Instructor within 60 days from the date of completion of a specialized instructor course. the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

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

- (1) where certification for both General Probationary Instructor and Specialized Instructor Certification are issued on the same date, the instructor is required to satisfy the teaching requirement for only the general probationary instructor certification. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued;
- (2) when Specialized Instructor Certification is issued during an existing period of General Instructor Certification, either probationary status or full general status, the specialized instructor may satisfy the teaching requirement for the General Certification by teaching the specialized subject for which certification has been issued;
- (3) where Specialized Instructor Certification becomes concurrent with an existing active period of General Instructor Certification, and there are 12 months or more until the certifications' expiration date, the instructor must teach 12 hours for each specialized topic for which certification has been issued; and
- (4) where Specialized Instructor Certification becomes concurrent with an existing active period of General Instructor Certification, and there are fewer than 12 months until the certification expiration date, the instructor is not required to teach any hours for the specialized subject.

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

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

- 1           (2)     proof that the applicant has, within the three-year period preceding application for renewal,  
 2                   attended and ~~successfully~~ completed any instructor updates that have been issued by the  
 3                   Commission. Acceptable documentary evidence shall include official Commission records  
 4                   submitted by School Directors or In-Service Training Coordinators, or copies of certificates of  
 5                   completion issued by the institution which provided the instructor updates; and
- 6           (A)     a favorable written recommendation from a School Director or In-Service Training  
 7                   Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer  
 8                   Certification Form that the instructor ~~successfully~~ taught at least 12 hours in each of the  
 9                   topics for which Specialized Instructor Certification was granted. Such teaching must  
 10                  have occurred in a Commission-certified training course or a Commission-recognized in-  
 11                  service training course during the three-year period of Specialized Instructor  
 12                  Certification; or
- 13          (B)     a favorable evaluation by a Commission or staff member, based on an on-site classroom  
 14                   evaluation of a presentation by the instructor in a Commission-certified training course or  
 15                   a Commission-recognized in-service training course, during the three-year period of  
 16                   Specialized Instructor Certification. Such evaluation shall be certified on a Commission  
 17                   Instructor Evaluation Form.
- 18          (3)     proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a  
 19                   minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification  
 20                   courses, administered by a certified Specialized Firearms Instructor, within the three-year period  
 21                   preceding the application for renewal.
- 22          (4)     proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has  
 23                   passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered  
 24                   by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the  
 25                   application for renewal.

26   Upon the applicant's submission of the required documentation for renewal, the Commission staff shall renew the  
 27   certification as a Specialized Instructor. Such renewal shall occur at the time of renewal of the General Instructor  
 28   certification.

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

36   (e) All instructors shall remain active during their period of certification. Any Specialized Instructor training  
 37   courses previously accepted by the Commission for purposes of certification shall no longer be recognized if the

1 instructor does not teach at least 12 hours in each of the specialized topics during the three-year period for which  
2 certification was granted. Upon application for re-certification, such applicants shall meet the requirements of Rule  
3 .0304 of this Section.

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

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

10 *Eff. January 1, 1981;*

11 *Amended Eff. ~~August 1, 2015~~; May 1, 2014; June 1, 2012; November 1, 2007; January 1, 2006;*

12 *December 1, 2004; August 1, 2004; August 1, 2000; July 1, 1991; July 1, 1989; December 1,*

13 *1987; February 1, 1987.*  
14

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0401

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

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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.

*In (a), where can the Commission-accredited basic training courses be found? Is a list available on your website? Please indicate where these can be found.*

*In (a), how is it determined what are the skills and knowledge necessary to perform the duties?*

*In (8), line 8, please add "or her" after "his."*

*In (c), what "basic training course" are you referring to when you say "the basic training course"?*

*In (d), what positions require certification? Is there a rule or statute that you can cross-reference?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Friday, June 26, 2015

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

**12 NCAC 09B .0401** is proposed for amendment as published in vol. 29, issue 11, page 1305:

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

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

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

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

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

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

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

*Eff. January 1, 1981;*

*Amended Eff. August 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 09C .0303

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

**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.

*In (b), what is the "Report of Appointment"? Is this a form available on your website? What is required to be submitted in this Report? Please delete or define "completed."*

*Please consider adding some sort of introductory statement for Sub-Paragraphs (b)(1) through (b)(3) for purposes of clarity.*

*In (c), what do you mean by "terminated for cause"? Is there a rule or statute that you could cross-reference (there very well may not be.)*

*In (d), please delete or define "successfully." The Rule referenced does not appear to set what is considered successful completion, only the required courses.*

*In (f), what do you mean by "lawfully"? Is there a rule or statute that you could cross-reference?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Friday, June 26, 2015

12 NCAC 09C .0303 is proposed for amendment as published in vol. 29, issue 11, page 1305:

**12 NCAC 09C .0303 PROBATIONARY CERTIFICATION**

(a) Before a prospective criminal justice officer may be administered the oath of office, exercise the power of arrest, or commence active service as an officer, the employing agency shall have in its possession the person's Probationary Certification.

(b) The Commission shall certify as a probationary officer a person meeting the minimum standards for criminal justice ~~employment~~ employment, as specified in Rule .0101 of this Subchapter when the person's employing agency submits a completed Report of Appointment to the Standards Division.

(1) The Standards Division shall issue the person's Probationary Certification to the employing agency.

(2) If an oath is required, the official administering an oath of office to the person shall be presented the person's Probationary Certification prior to the swearing. The administering official shall sign and date the oath on the Probationary Certification. The employing agency shall return a copy of the signed Probationary Certification to the Standards Division within 10 days of the administration of the officer's oath.

(3) If no oath is required, the officer's department head shall endorse the Probationary Certification and enter the date on which the officer's service commenced, returning a copy of the certification to the Standards Division within 10 days of the commencement of the officer's service.

(c) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the Standards Division unless sooner terminated for cause.

(d) Before a prospective law enforcement officer, ~~except wildlife enforcement officers,~~ officer ~~can~~ may be issued a Probationary Certification, the prospective officer ~~must~~ shall have successfully completed the required basic training course stipulated in 12 NCAC 9B .0205(b).

~~(e) Before a prospective wildlife enforcement officer can be issued a Probationary Certification, the prospective officer must have successfully completed the required basic training course stipulated in 12 NCAC 9B .0228(b).~~

~~(f)~~(e) An applicant for certification who holds a valid Probationary Certification issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be certified as a probationary law enforcement officer as specified under Paragraphs (b), (c) and (d) of this Rule.

~~(g)~~(f) Where the local governing authority lawfully declares the existence of a public emergency, the department head of the criminal justice agency of the jurisdiction may swear persons as law enforcement officers without first obtaining Probationary Certification for those officers. The employing agency shall obtain Probationary Certification for such emergency officers not more than 20 days after the administration of their oath of office.

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

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2015; November 1, 1993; March 1, 1992; July 1, 1989; October 1, 1985.*



12 NCAC 09E .0105 is proposed for amendment as published in vol. 29, issue 14, pages 1693-94:

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

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

- (1) ~~2015~~ 2016 Firearms Training and Qualification (6 credits);
- (2) ~~2015~~ 2016 Legal Update (4 credits);
- (3) ~~2015~~ 2016 Juvenile Minority Sensitivity Training: ~~What does it have to do with me?~~ The Color of Justice (2 credits);
- (4) ~~2015 Domestic Violence: Teen Dating Violence~~ Human Trafficking Awareness (2 credits); and (2 credits);
- (5) North Carolina Firearms Laws: Citizens and Guns (minimum of 2 credits); and
- ~~(5)(6)~~ 2015 2016 Department Topics of Choice (10 credits). The Department Head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission.

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

Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tryon Park Drive  
Raleigh, North Carolina 27610

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

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

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

Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tryon Park Drive  
Raleigh, North Carolina 27610

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

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

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

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

- (1) A written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement;
- (2) A student shall pass each test by achieving 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

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

1                   *Eff. July 1, 1989;*  
2                   *Amended Eff. January 1, 2005; November 1, 1998;*  
3                   *Temporary Amendment Eff. January 1, 2005;*  
4                   *Amended Eff. January 1, 2016; January 1, 2015; February 1, 2014; June 1 ,2012; February 1,*  
5                   *2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006.*  
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