

12 NCAC 09B .0205 is amended as published in Vol.30, Issue 14, pages 1498-99:

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING

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

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

(1) LEGAL UNIT

(A)	Motor Vehicle Laws	20 Hours
(B)	Preparing for Court and Testifying in Court	12 Hours
(C)	Elements of Criminal Law	24 Hours
(D)	Juvenile Laws and Procedures	8 Hours
(E)	Arrest, Search and Seizure/Constitutional Law	28 Hours
(F)	ABC <u>Alcohol Beverage Control (ABC)</u> Laws and Procedures	4 Hours
UNIT TOTAL		96 Hours

(2) PATROL DUTIES UNIT

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

(3) LAW ENFORCEMENT COMMUNICATION UNIT

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

(4) INVESTIGATION UNIT

(A)	Fingerprinting and Photographing Arrestee	6 Hours
(B)	Field Note-taking and Report Writing	12 Hours

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

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

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

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

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

Eff. January 1, 1981;

Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;

Amended Eff. July 1, 2016; January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989.

12 NCAC 09B .0235 is amended as published in Vol. 30, Issue 14, pages 1499-1500:

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 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 topic areas:

(1) Juvenile Justice Common Core:

(A)	Juvenile Justice Overview	2 hours
(B)	Basic Individual Counseling Skills	46 8 hours
(C)	Interpersonal Communication Skills	8 hours
(D)	Working with Families	3 hours
(E)	Characteristics of Delinquents	34 hours
(F)	Unlawful Workplace Harassment	2 hours
(G)	Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace	2 hours
(H)	Staff and Juvenile Relationships	4 hours
(I)	Gang Awareness	4 hours
(J)	Situational Awareness and Risk Assessment	4 hours
(K)	Restraints, Controls and Defensive Techniques	28 hours
(L)	Mechanical Restraints	4 hours
(M)	Secure Transportation	4 hours
(N)	Mental Health	8 hours
(O)	CPR	4 hours
(P)	First Aid	4 hours
(Q)	Employee Fitness and Wellness	4 hours
(R)	Multi-Generational Workforce	3 hours
(S)	Understanding Workplace Differences	4 hours

Total Hours 104 hours

(2) Juvenile Court Counselor Specific:

(A)	Roles and Responsibilities	8 hours
(B)	Juvenile Law	8 hours
(C)	Intake	8 hours
(D)	Risk and Needs Assessment	4 hours
(E)	Report Writing and Documentation	12 hours
(F)	Interviewing	6 hours

1	(G)	Driver Safety	4 hours
2		Total Hours	50 hours
3		Total Course Hours	154 hours

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

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

12 (d) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court
13 Counselors, the Director of the school conducting the course shall notify the Commission of training completion by
14 submitting a Report of Training Course Completion for each trainee. The Report of Training Completion Form is
15 located on the agency's website: [http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-](http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx)
16 [11-Form_10-2-14.pdf.aspx](http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx).

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

22
23 *History Note:* Authority *G.S. 17C-2; 17C-6; 17C-10;*
24 *Temporary Adoption Eff. April 15, 2003;*
25 *Eff. April 1, 2004;*
26 *Amended Eff. July 1, 2016; August 1, 2015; May 1, 2014.*
27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0236

DEADLINE FOR RECEIPT: Friday, June 10, 2016

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.

Please add pages numbers on the bottom center of the page in accordance with [26 NCAC 02C .0108\(1\)\(h\)](#), as this Rule runs over one page.

Page 2, line 26, please add the amended effective date

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: Thursday, May 26, 2016

12 NCAC 09B .0236 is amended as published in Vol. 30, Issue 14, pages 1500-1501:

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

(a) The basic training course for Juvenile Justice Officers shall consist of a minimum of 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 topic areas:

(1) Juvenile Justice Common Core:

(A)	Juvenile Justice Overview	2 hours
(B)	Basic Individual Counseling Skills	46 8 hours
(C)	Interpersonal Communication Skills	8 hours
(D)	Working with Families	3 hours
(E)	Characteristics of Delinquents	34 hours
(F)	Unlawful Workplace Harassment	2 hours
(G)	Career Survival: Integrity and Ethics in the North Carolina Department of Public Safety Workplace	2 hours
(H)	Staff and Juvenile Relationships	4 hours
(I)	Gang Awareness	4 hours
(J)	Situational Awareness and Risk Assessment	4 hours
(K)	Restraints, Controls and Defensive Techniques	28 hours
(L)	Mechanical Restraints	4 hours
(M)	Secure Transportation	4 hours
(N)	Mental Health	8 hours
(O)	CPR	4 hours
(P)	First Aid	4 hours
(Q)	Employee Fitness and Wellness	4 hours
(R)	Multi-Generational Workforce	3 hours
(S)	Understanding Workplace Differences	4 hours

Total Hours 104 hours

(2) Juvenile Justice Officer Specific:

(A)	Treatment Program Operations	4 hours
(B)	Maintaining Documentation of Activities and Behaviors	6 hours
(C)	Basic Group Leadership Skills	8 hours
(D)	Crisis Intervention Techniques	8 hours
(E)	Effective Behavior Management	12 hours
(F)	Health Services Overview	2 hours

1	(G)	Trauma and Delinquents	6 hours
2	(H)	Contraband and Search Techniques	2 hours
3		Total Hours	48 hours
4		Total Course Hours	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 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 completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting the course shall notify the Commission of the training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Completion Form is located on the agency's website: http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx.

(e) Employees of the Division of Adult Correction and Juvenile Justice who have completed the minimum 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 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;
Temporary Adoption Eff. April 15, 2003;
Eff. April 1, 2004;
Amended Eff. August 1, 2015; May 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0305

DEADLINE FOR RECEIPT: Friday, June 10, 2016

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.

Page 2, line 7, replace "which" with "that"

Page 2, lines 11, 20, and 32, please consider changing "Such" to "The"

Page 2, lines 31 thru 33, when read together, it appears as though there could be delay between the certification of a Specialized Instructor and the certification of a General Instructor, but that the renewal of the Specialized Instructor would be intentionally delayed to be concurrent with the certification of General Instructor. Please clarify if that delay is intentional and if it creates a gap period when a Specialized Instructor is not certified.

Page 3, lines 7 and 10, please consider changing "such" to "the"

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: Thursday, May 26, 2016

12 NCAC 09B .0305 is amended as published in Vol. 30, Issue 14, pages 1501-1502:

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

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to run concurrently with the existing General Instructor Certification, except as set out in Paragraph (d) of this Rule. The applicant shall apply for certification as a Specialized Instructor within 60 days from the date 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 as set forth in Rule .0303 of this Section 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 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 shall 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 shall not be 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 basic ~~training, Speed Measuring Instrument Operator, SMI Instructor, Instructor Training~~ training or Specialized Instructor Training course or in-service training course, pursuant to 12 NCAC 09E .0105. Acceptable documentary evidence shall include official Commission records submitted by School

- 1 Directors or In-Service Training Coordinators and written certification from a School Director or
 2 In-Service Training Coordinator;
- 3 (2) proof that the applicant has, within the three-year period preceding application for renewal,
 4 attended and ~~successfully~~ completed any instructor updates that have been issued by the
 5 Commission. Acceptable documentary evidence shall include official Commission records
 6 submitted by School Directors or In-Service Training Coordinators, or copies of certificates of
 7 completion issued by the institution which provided the instructor updates; and
- 8 (A) a favorable written recommendation from a School Director or In-Service Training
 9 Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer
 10 Certification Form that the instructor ~~successfully~~ taught at least 12 hours in each of the
 11 topics for which Specialized Instructor Certification was granted. Such teaching must
 12 have occurred in a Commission-accredited basic ~~training, Speed Measuring Instrument~~
 13 ~~Operator, SMI Instructor, Instructor Training~~ training or Specialized Instructor Training
 14 ~~course~~ course, pursuant to 12 NCAC 09C .0401, or an in-service training course,
 15 pursuant to 12 NCAC 09E .0105 , during the three-year period of Specialized Instructor
 16 Certification; or
- 17 (B) a favorable evaluation by a Commission or staff member, based on an on-site classroom
 18 evaluation of a presentation by the instructor in a Commission-certified training course or
 19 a Commission-recognized in-service training course, during the three-year period of
 20 Specialized Instructor Certification. Such evaluation shall be certified on a Commission
 21 Instructor Evaluation Form, located on the agency's website:
 22 <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>.
- 23 (3) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a
 24 minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification
 25 courses, administered by a certified Specialized Firearms Instructor, within the three-year period
 26 preceding the application for renewal.
- 27 (4) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has
 28 passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered
 29 by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the
 30 application for renewal.

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

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

1 in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical
2 Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be
3 maintained.

4 (e) All instructors shall remain active during their period of certification. Any Specialized Instructor training
5 courses previously accepted by the Commission for purposes of certification shall no longer be recognized if the
6 instructor does not teach at least 12 hours in each of the specialized topics during the three-year period for which
7 certification was granted. Upon application for re-certification, such applicants shall meet the requirements of Rule
8 .0304 of this Section.

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

13
14 *History Note: Authority G.S. 17C-6;*

15 *Eff. January 1, 1981;*

16 *Amended Eff. July 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012; November 1, 2007;*

17 *January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1, 1991; July 1, 1989;*

18 *December 1, 1987; February 1, 1987.*
19

RRC STAFF OPINION

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0701

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- X ☐ Object, based on:
 - ☐ Lack of statutory authority
 - ☐ Unclear or ambiguous
 - X ☐ Unnecessary
 - ☐ Failure to comply with the APA
 - ☐ Extend the period of review

COMMENT:

Upon review of Session Law 2015-49, it appears as though a large majority of this Rule is duplicative of G.S. 17C-10.1. A comparison is provided below of the statutory and rule language. Please note that two portions of this Rule are not duplicative and are therefore not highlighted in the chart below:

- In Paragraph (a) of 12 NCAC 09B .0701, the agency has identified the form used to provide information to the Division; and
- In Subparagraph (e)(4) of 12 NCAC 09B .0701, the agency has identified the 180 hours of “supplementary high-liability training” to satisfy G.S. 17C-10.1(c)(5).

The duplicative language is represented by the highlighting in the rule language column as follows, with some minor word changes:

Language in G.S. 17C-10.1	Language in 12 NCAC 09B .0701
<p>Paragraph (a):</p> <p>Notwithstanding any other provision of law, the Commission shall waive an applicant's completion of the Commission-accredited training course and issue probationary certification to a current or honorably discharged former military police officer provided the Commission, upon evaluating the individual applicant's combined training and experience pursuant to G.S. 93B-15.1(a), determines that the applicant's combined training and experience is substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer and the applicant satisfies all of the following conditions:</p>	<p>Lines 6, and 13 thru 15:</p> <p>(a) Pursuant to G.S. 17C-10.1 a current or honorably-discharged former military police officer seeking certification as a law enforcement officer shall submit to the Standards Division a completed Form F-21, Request for Military Evaluation for BLET, and copies of the individual's military law enforcement training and personnel records and Certificate of Release or Discharge documentation from Military Service. Form F-21 is located on the agency's website: http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-15.aspx.</p> <p>(b) Upon receipt of the documentation prescribed in Paragraph (a) of this Rule, the Standards Division shall evaluate the applicant's combined training and experience pursuant to G.S. 93B-15.1 to determine if the applicant's combined training and experience is substantially equivalent to or exceeds the minimum requirements for employment as a law enforcement officer as prescribed</p>
<p>Subparagraph (a)(1) thru (a)(3):</p> <p>(1) Successfully completed a military police training program and been awarded a military police occupational specialty rating.</p> <p>(2) Performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of the application for certification as a law enforcement officer.</p> <p>(3) Meets the minimum standards for law enforcement officers as set out in 12 NCAC 9B.0101 and 12 NCAC 9B.0111.</p>	<p>Lines 19 thru 26:</p> <p>(1) has completed a formal military basic training program and been awarded a military police occupational specialty rating;</p> <p>(2) has performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer; and</p> <p>(3) whose combined training and experience is determined to be substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403(2) of this Subchapter.</p>
<p>Paragraph (b):</p> <p>An applicant certified pursuant to subsection (a) of this section must successfully complete the employing agency's in-service firearms training and qualification program prior to employment and shall serve a one-year period of probation. During the one-year period of probation, the applicant must successfully complete the Legal Unit and 24 hours of training in the service of civil process in a Commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination in its entirety.</p>	<p>Line 27, thru page 2, line 3:</p> <p>(d) An applicant certified pursuant to Paragraph (c) of this Rule shall complete, within one year of being issued certification, the following with passing scores:</p> <p>(1) the following topics of a Commission-accredited Basic law Enforcement Training course as specified in Rule 09B .0205 of this Subchapter:</p> <p>(A) Arrest, Search and Seizure/Constitutional Law 28 Hours</p> <p>(B) Elements of Criminal law 24 Hours</p> <p>(C) Juvenile Laws and Procedures 8 Hours</p> <p>(D) ABC Laws and Procedures 4 Hours</p> <p>(E) Motor Vehicle Laws 20 Hours</p> <p>(F) Preparing for Court and Testifying in Court 12 Hours</p> <p>(G) Civil Process 24 Hours</p> <p>Total Hours 120 Hours;</p> <p>(2) the Basic Law Enforcement Training comprehensive written exam; and</p>

	(3) <u>the hiring agency's in-service firearms training and qualification program.</u>
Language in G.S. 17C-10.1	Language in 12 NCAC 09B .0701
Paragraph (c):	Page 2, lines 4 thru 7:
The Commission shall issue certification to a current or honorably discharged former military police officer whose combined training and experience is not substantially equivalent to or does not exceed the minimum expectations for employment as a law enforcement officer if the applicant meets all of the following requirements:	(e) The <u>Division shall issue certification to a current or honorably discharged military police officer whose combined training and experience is not substantially equivalent to or does not exceed the minimum requirements for employment as a law enforcement officer, as specified in Rule 09B .0403 of this Subchapter, if the applicant meets the following requirements:</u>
Subparagraph (c)(1) thru (c)(6):	Page 2, lines 8 thru 35:
<p>(1) Successfully completed a formal military basic training program and been awarded a military police occupational specialty rating.</p> <p>(2) Engaged in the active practice of military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of the application for certification as a law enforcement officer.</p> <p>(3) Meets the minimum standards for law enforcement officers as set out in 12 NCAC 9B.0101 and 12 NCAC 9B.0111.</p> <p>(4) Successfully completes the Legal Unit and 24 hours of training in the service of civil process in a Commission-accredited Basic Law Enforcement Training Course.</p> <p>(5) Successfully completes any supplementary high-liability training as deemed necessary by the Commission, not to exceed an additional 180 hours.</p> <p>(6) Obtains a passing grade on the State Comprehensive Basic Law Enforcement Training (BLET) Exam.</p>	<p>(1) completed a formal military basic training program and been awarded a military police occupational specialty rating;</p> <p>(2) performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer;</p> <p>(3) meets the minimum standards for law enforcement officers as prescribed in Rule 09B .0101 and Rule 09b .0111 of this Subchapter;</p> <p>(4) completes with passing scores the following Basic Law Enforcement Training topics included in Rule .0205 of this Subchapter:</p> <p>(A) Orientation 2 Hours</p> <p>(B) Arrest, Search and Seizure/Constitutional Law 28 Hours</p> <p>(C) Elements of Criminal law 24 Hours</p> <p>(D) Subject Control and Arrest Techniques 40 Hours</p> <p>(E) Juvenile Laws and Procedures 8 Hours</p> <p>(F) Firearms 48 Hours</p> <p>(G) ABC Laws and Procedures 4 Hours</p> <p>(H) Motor Vehicle Laws 20 Hours</p> <p>(I) Law Enforcement Driver Training 40 Hours</p> <p>(J) Domestic Violence Response 12 Hours</p> <p>(K) Individuals with Mental Illness and Developmental Disabilities 8 hours</p> <p>(L) Preparing for Court and Testifying in Court 12 Hours</p> <p>(M) Patrol Techniques 28 Hours</p> <p>(N) Civil Process 24 Hours</p> <p>(O) Human Trafficking 2 Hours</p> <p>Total Hours 300 Hours; and</p> <p>(5) achieves a passing score on the Basic Law Enforcement Training comprehensive written examination.</p>
Language in G.S. 17C-10.1	Language in 12 NCAC 09B .0701
Paragraph (d):	Page 3, lines 1 thru 3:

Members of the Air/Army National Guard and Military Reserve Components who have performed as a military police officer for not less than 1,040 hours during the five years preceding the date of application shall be deemed to satisfy the requirements of subdivision (2) of subsection (a) and subdivision (2) of subsection (c) of this section.	(g) Members of the Air/Army National Guard and Military Reserve Components who have performed as a military police officer for not less than 1,040 hours during the five years preceding the date of application for certification shall be deemed to satisfy the requirements of Paragraph (c)(2) and Paragraph (e)(2) of this Rule.
Paragraph (e):	Page 3, lines 4 thru 8:
An applicant who, after completing the required training in subsection (a) or (c) of this section, fails to obtain a passing score on not more than two of the units of the comprehensive exam may be retested in the units the applicant failed. An applicant who fails three or more of the units must enroll in and successfully complete a subsequent offering of the Basic Law Enforcement Training Course in its entirety in order to be eligible to be certified.	(h) An applicant who, after completing the required training in Paragraph (d)(1) or (e)(4) this Rule, fails to achieve a passing score on the Basic Law Enforcement Training comprehensive written exam may be retested in the units the applicant failed. An applicant who fails three or more units must enroll in and complete with passing scores a subsequent delivery of the Basic Law Enforcement Training course in its entirety in order to be eligible for certification.
Paragraph (f):	Page 3, lines 9 thru 16:
An active duty military police officer who obtains certification under this section may retain the certification for the duration of active duty provided the officer continues to serve in a military police capacity and complies with any in-service training requirements as may be required by the Commission. An active duty member who is unable to complete annual in-service requirements due to deployment or overseas assignment shall have 12 months from the time the officer returns to the United States in which to complete any required in-service training. The officer shall retain the certification for a period of one year following separation from active duty.	(i) An active duty military police officer who obtains certification while on active duty under this Rule may retain the certification for the duration of active duty provided the officer continues to perform military police officer duties and complies with the in-service training requirements, as specified in Rule 09E .0105 of this Chapter. An active duty military police officer who is unable to complete annual in-service requirements due to deployment or overseas assignment shall have 12 months from the time the officer returns to the United States in which to complete the in-service training requirements, as specified in Rule 09E .0105 of this Chapter for each year he or she was unable to complete due to overseas assignment. The officer shall retain the certification for a period of one year following separation from active duty.

A comparison of 12 NCAC 09B .0701 to the applicable statute, G.S. 17C-10.1, “Certification of military service members and veterans with law enforcement training and experience,” reflects that a substantial portion of the rule is duplicative of the statutory language. G.S. 150B-21.9 requires the following of the Rules Review Commission:

- (a) Standards. - The Commission must determine whether a rule meets all of the following criteria:
- (1) It is within the authority delegated to the agency by the General Assembly.
 - (2) It is clear and unambiguous.
 - (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.
 - (4) It was adopted in accordance with Part 2 of this Article.

In light of the duplicative content of this Rule, 12 NCAC 09B .0701 does not appear necessary to implement or interpret G.S. 17C-10.1. The information that is contained within this Rule and not

duplicative of G.S. 17C-10.1 is the information referencing the Commission's Form F-21, and the 180 hours of "supplementary high-liability training" set forth on page 2, lines 17 through 31 to identify what courses satisfy G.S. 17C-10.1(c)(5).

SUMMARY:

Staff is concerned that the adoption of 12 NCAC 09B .0701 by the Criminal Justice Education and Training Standards Commission is an unnecessary rule, aside from the reference to the form and the supplemental training. It is staff's opinion that this Rule should be objected to for failure to comply with G.S. 150B-21.9(a)(3).

SECTION .0700 – MILITARY TRAINED APPLICANT

12 NCAC 09B .0701 is adopted as published in Vol. 30, Iss. 14, Pages 1502-1503:

12 NCAC 09B .0701 MILITARY TRANSFEREES

(a) Pursuant to G.S. 17C-10.1 a current or honorably-discharged former military police officer seeking certification as a law enforcement officer shall submit to the Standards Division a completed Form F-21, Request for Military Evaluation for BLET, and copies of the individual's military law enforcement training and personnel records and Certificate of Release or Discharge documentation from Military Service. Form F-21 is located on the agency's website: http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-15.aspx.

(b) Upon receipt of the documentation prescribed in Paragraph (a) of this Rule, the Standards Division shall evaluate the applicant's combined training and experience pursuant to G.S. 93B-15.1 to determine if the applicant's combined training and experience is substantially equivalent to or exceeds the minimum requirements for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403 of this Subchapter.

(c) The Division shall issue probationary certification, pursuant to Rule 09C .0303 of this Chapter, to an applicant who meets the following requirements:

- (1) has completed a formal military basic training program and been awarded a military police occupational specialty rating;
- (2) has performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer; and
- (3) whose combined training and experience is determined to be substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403(2) of this Subchapter.

(d) An applicant certified pursuant to Paragraph (c) of this Rule shall complete, within one year of being issued certification, the following with passing scores:

- (1) the following topics of a Commission-accredited Basic law Enforcement Training course as specified in Rule 09B .0205 of this Subchapter:

(A)	Arrest, Search and Seizure/Constitutional Law	28 Hours
(B)	Elements of Criminal law	24 Hours
(C)	Juvenile Laws and Procedures	8 Hours
(D)	ABC Laws and Procedures	4 Hours
(E)	Motor Vehicle Laws	20 Hours
(F)	Preparing for Court and Testifying in Court	12 Hours
(G)	Civil Process	24 Hours

- 1 Total Hours 120 Hours;
- 2 (2) the Basic Law Enforcement Training comprehensive written exam; and
- 3 (3) the hiring agency's in-service firearms training and qualification program.
- 4 (e) The Division shall issue certification to a current or honorably discharged military police officer whose
- 5 combined training and experience is not substantially equivalent to or does not exceed the minimum requirements
- 6 for employment as a law enforcement officer, as specified in Rule 09B .0403 of this Subchapter, if the applicant
- 7 meets the following requirements:
- 8 (1) completed a formal military basic training program and been awarded a military police
- 9 occupational specialty rating;
- 10 (2) performed military police officer duties in any of the branches of military service, active or
- 11 reserve, or the National Guard for not less than two of the five years preceding the date of
- 12 application for certification as a law enforcement officer;
- 13 (3) meets the minimum standards for law enforcement officers as prescribed in Rule 09B .0101 and
- 14 Rule 09b .0111 of this Subchapter;
- 15 (4) completes with passing scores the following Basic Law Enforcement Training topics included in
- 16 Rule .0205 of this Subchapter:
- | | | |
|---------------------------|---|-----------------------|
| 17 (A) | <u>Orientation</u> | <u>2 Hours</u> |
| 18 (B) | <u>Arrest, Search and Seizure/Constitutional Law</u> | <u>28 Hours</u> |
| 19 (C) | <u>Elements of Criminal law</u> | <u>24 Hours</u> |
| 20 (D) | <u>Subject Control and Arrest Techniques</u> | <u>40 Hours</u> |
| 21 (E) | <u>Juvenile Laws and Procedures</u> | <u>8 Hours</u> |
| 22 (F) | <u>Firearms</u> | <u>48 Hours</u> |
| 23 (G) | <u>ABC Laws and Procedures</u> | <u>4 Hours</u> |
| 24 (H) | <u>Motor Vehicle Laws</u> | <u>20 Hours</u> |
| 25 (I) | <u>Law Enforcement Driver Training</u> | <u>40 Hours</u> |
| 26 (J) | <u>Domestic Violence Response</u> | <u>12 Hours</u> |
| 27 (K) | <u>Individuals with Mental Illness and Developmental Disabilities</u> | <u>8 Hours</u> |
| 28 (L) | <u>Preparing for Court and Testifying in Court</u> | <u>12 Hours</u> |
| 29 (M) | <u>Patrol Techniques</u> | <u>28 Hours</u> |
| 30 (N) | <u>Civil Process</u> | <u>24 Hours</u> |
| 31 (O) | <u>Human Trafficking</u> | <u>2 Hours</u> |
| 32 <u>Total Hours</u> | | <u>300 Hours; and</u> |
- 33 (5) achieves a passing score on the Basic Law Enforcement Training comprehensive written
- 34 examination.
- 35 (f) The Division shall waive any training topic in Paragraph (e)(4) of this Rule if the applicant provides
- 36 documentation indicating he or she has completed substantially equivalent combined military training and
- 37 experience in that topic.

(g) Members of the Air/Army National Guard and Military Reserve Components who have performed as a military police officer for not less than 1,040 hours during the five years preceding the date of application for certification shall be deemed to satisfy the requirements of Paragraph (c)(2) and Paragraph (e)(2) of this Rule.

(h) An applicant who, after completing the required training in Paragraph (d)(1) or (e)(4) this Rule, fails to achieve a passing score on the Basic Law Enforcement Training comprehensive written exam may be retested in the units the applicant failed. An applicant who fails three or more units must enroll in and complete with passing scores a subsequent delivery of the Basic Law Enforcement Training course in its entirety in order to be eligible for certification.

(i) An active duty military police officer who obtains certification while on active duty under this Rule may retain the certification for the duration of active duty provided the officer continues to perform military police officer duties and complies with the in-service training requirements, as specified in Rule 09E .0105 of this Chapter. An active duty military police officer who is unable to complete annual in-service requirements due to deployment or overseas assignment shall have 12 months from the time the officer returns to the United States in which to complete the in-service training requirements, as specified in Rule 09E .0105 of this Chapter for each year he or she was unable to complete due to overseas assignment. The officer shall retain the certification for a period of one year following separation from active duty.

(j) When completing the required training topics specified in Paragraph (d)(1) or Paragraph (e)(4) of this Rule, the individual shall meet all requirements specified in Rule 9B .0203 and Rule 9B .0405 of this Subchapter.

Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1

Eff. July 1, 2016

§ 17C-10.1. Certification of military service members and veterans with law enforcement training and experience.

(a) Notwithstanding any other provision of law, the Commission shall waive an applicant's completion of the Commission-accredited training course and issue probationary certification to a current or honorably discharged former military police officer provided the Commission, upon evaluating the individual applicant's combined training and experience pursuant to G.S. 93B-15.1(a), determines that the applicant's combined training and experience is substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer and the applicant satisfies all of the following conditions:

- (1) Successfully completed a military police training program and been awarded a military police occupational specialty rating.
- (2) Performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of the application for certification as a law enforcement officer.
- (3) Meets the minimum standards for law enforcement officers as set out in 12 NCAC 9B.0101 and 12 NCAC 9B.0111.

(b) An applicant certified pursuant to subsection (a) of this section must successfully complete the employing agency's in-service firearms training and qualification program prior to employment and shall serve a one-year period of probation. During the one-year period of probation, the applicant must successfully complete the Legal Unit and 24 hours of training in the service of civil process in a Commission-accredited Basic Law Enforcement Training Course and successfully pass the State Comprehensive Examination in its entirety.

(c) The Commission shall issue certification to a current or honorably discharged former military police officer whose combined training and experience is not substantially equivalent to or does not exceed the minimum expectations for employment as a law enforcement officer if the applicant meets all of the following requirements:

- (1) Successfully completed a formal military basic training program and been awarded a military police occupational specialty rating.
- (2) Engaged in the active practice of military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of the application for certification as a law enforcement officer.
- (3) Meets the minimum standards for law enforcement officers as set out in 12 NCAC 9B.0101 and 12 NCAC 9B.0111.
- (4) Successfully completes the Legal Unit and 24 hours of training in the service of civil process in a Commission-accredited Basic Law Enforcement Training Course.
- (5) Successfully completes any supplementary high-liability training as deemed necessary by the Commission, not to exceed an additional 180 hours.
- (6) Obtains a passing grade on the State Comprehensive Basic Law Enforcement Training (BLET) Exam.

(d) Members of the Air/Army National Guard and Military Reserve Components who have performed as a military police officer for not less than 1,040 hours during the five years preceding the date of application shall be deemed to satisfy the requirements of subdivision (2) of subsection (a) and subdivision (2) of subsection (c) of this section.

(e) An applicant who, after completing the required training in subsection (a) or (c) of this section, fails to obtain a passing score on not more than two of the units of the comprehensive exam may be retested in the units the applicant failed. An applicant who fails

three or more of the units must enroll in and successfully complete a subsequent offering of the Basic Law Enforcement Training Course in its entirety in order to be eligible to be certified.

(f) An active duty military police officer who obtains certification under this section may retain the certification for the duration of active duty provided the officer continues to serve in a military police capacity and complies with any in-service training requirements as may be required by the Commission. An active duty member who is unable to complete annual in-service requirements due to deployment or overseas assignment shall have 12 months from the time the officer returns to the United States in which to complete any required in-service training. The officer shall retain the certification for a period of one year following separation from active duty.

(g) As used in this section, the following terms mean:

- (1) Branches of military service. – The United States Armed Forces: Air Force; Army; Marine; Navy; active, reserve, Air/Army National Guard components; and the Coast Guard.
- (2) Combined training. – Basic military training, basic military police training, in-service or advanced military police training and, any other military training courses that may be applicable to the performance of law enforcement duties.
- (3) Military police. – All law enforcement occupational classifications in the various branches of the Armed Forces, including Military Police Officer, Security Forces Specialist, Master-at-Arms, Maritime Enforcement Specialist, Boarding Officer, and Security forces.

(h) The Commission shall adopt rules to implement the provisions of this section.
(2015-49, s. 1; 2015-264, s. 37(a).)

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0701

DEADLINE FOR RECEIPT: Friday, June 10, 2016

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 28, and page 2, line 33, what is the "passing score"? Is this provided in another rule that could be cross-referenced?

Line 29, capitalize "law" to be consistent with the remainder of this Rule

Line 34, and page 2, line 23, please make conforming proposed changes as set forth on line 14 of 12 NCAC 09B .0205? Please use consistent terminology.

Page 2, line 3, how is the "hiring agency's in-service firearms training" known? Is this provided in another rule that could be cross-referenced? Why does this Rule appear to indicate that the person has a year after certification is issued to complete the firearms training when G.S. 17C-10(b) states that the applicant must complete the "in-service firearms training and qualifications program prior to employment"? Please clarify.

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: Thursday, May 26, 2016

SECTION .0700 – MILITARY TRAINED APPLICANT

12 NCAC 09B .0701 is adopted as published in Vol. 30, Iss. 14, Pages 1502-1503:

12 NCAC 09B .0701 MILITARY TRANSFEREES

(a) Pursuant to G.S. 17C-10.1 a current or honorably-discharged former military police officer seeking certification as a law enforcement officer shall submit to the Standards Division a completed Form F-21, Request for Military Evaluation for BLET, and copies of the individual's military law enforcement training and personnel records and Certificate of Release or Discharge documentation from Military Service. Form F-21 is located on the agency's website: http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-15.aspx.

(b) Upon receipt of the documentation prescribed in Paragraph (a) of this Rule, the Standards Division shall evaluate the applicant's combined training and experience pursuant to G.S. 93B-15.1 to determine if the applicant's combined training and experience is substantially equivalent to or exceeds the minimum requirements for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403 of this Subchapter.

(c) The Division shall issue probationary certification, pursuant to Rule 09C .0303 of this Chapter, to an applicant who meets the following requirements:

- (1) has completed a formal military basic training program and been awarded a military police occupational specialty rating;
- (2) has performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer; and
- (3) whose combined training and experience is determined to be substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403(2) of this Subchapter.

(d) An applicant certified pursuant to Paragraph (c) of this Rule shall complete, within one year of being issued certification, the following with passing scores:

- (1) the following topics of a Commission-accredited Basic law Enforcement Training course as specified in Rule 09B .0205 of this Subchapter:

(A)	Arrest, Search and Seizure/Constitutional Law	28 Hours
(B)	Elements of Criminal law	24 Hours
(C)	Juvenile Laws and Procedures	8 Hours
(D)	ABC Laws and Procedures	4 Hours
(E)	Motor Vehicle Laws	20 Hours
(F)	Preparing for Court and Testifying in Court	12 Hours
(G)	Civil Process	24 Hours

- 1 Total Hours 120 Hours;
- 2 (2) the Basic Law Enforcement Training comprehensive written exam; and
- 3 (3) the hiring agency's in-service firearms training and qualification program.
- 4 (e) The Division shall issue certification to a current or honorably discharged military police officer whose
- 5 combined training and experience is not substantially equivalent to or does not exceed the minimum requirements
- 6 for employment as a law enforcement officer, as specified in Rule 09B .0403 of this Subchapter, if the applicant
- 7 meets the following requirements:
- 8 (1) completed a formal military basic training program and been awarded a military police
- 9 occupational specialty rating;
- 10 (2) performed military police officer duties in any of the branches of military service, active or
- 11 reserve, or the National Guard for not less than two of the five years preceding the date of
- 12 application for certification as a law enforcement officer;
- 13 (3) meets the minimum standards for law enforcement officers as prescribed in Rule 09B .0101 and
- 14 Rule 09b .0111 of this Subchapter;
- 15 (4) completes with passing scores the following Basic Law Enforcement Training topics included in
- 16 Rule .0205 of this Subchapter:
- | | |
|--|-----------------------|
| 17 <u>(A) Orientation</u> | <u>2 Hours</u> |
| 18 <u>(B) Arrest, Search and Seizure/Constitutional Law</u> | <u>28 Hours</u> |
| 19 <u>(C) Elements of Criminal law</u> | <u>24 Hours</u> |
| 20 <u>(D) Subject Control and Arrest Techniques</u> | <u>40 Hours</u> |
| 21 <u>(E) Juvenile Laws and Procedures</u> | <u>8 Hours</u> |
| 22 <u>(F) Firearms</u> | <u>48 Hours</u> |
| 23 <u>(G) ABC Laws and Procedures</u> | <u>4 Hours</u> |
| 24 <u>(H) Motor Vehicle Laws</u> | <u>20 Hours</u> |
| 25 <u>(I) Law Enforcement Driver Training</u> | <u>40 Hours</u> |
| 26 <u>(J) Domestic Violence Response</u> | <u>12 Hours</u> |
| 27 <u>(K) Individuals with Mental Illness and Developmental Disabilities</u> | <u>8 Hours</u> |
| 28 <u>(L) Preparing for Court and Testifying in Court</u> | <u>12 Hours</u> |
| 29 <u>(M) Patrol Techniques</u> | <u>28 Hours</u> |
| 30 <u>(N) Civil Process</u> | <u>24 Hours</u> |
| 31 <u>(O) Human Trafficking</u> | <u>2 Hours</u> |
| 32 <u>Total Hours</u> | <u>300 Hours; and</u> |
- 33 (5) achieves a passing score on the Basic Law Enforcement Training comprehensive written
- 34 examination.
- 35 (f) The Division shall waive any training topic in Paragraph (e)(4) of this Rule if the applicant provides
- 36 documentation indicating he or she has completed substantially equivalent combined military training and
- 37 experience in that topic.

1 (g) Members of the Air/Army National Guard and Military Reserve Components who have performed as a military
2 police officer for not less than 1,040 hours during the five years preceding the date of application for certification
3 shall be deemed to satisfy the requirements of Paragraph (c)(2) and Paragraph (e)(2) of this Rule.

4 (h) An applicant who, after completing the required training in Paragraph (d)(1) or (e)(4) this Rule, fails to achieve
5 a passing score on the Basic Law Enforcement Training comprehensive written exam may be retested in the units
6 the applicant failed. An applicant who fails three or more units must enroll in and complete with passing scores a
7 subsequent delivery of the Basic Law Enforcement Training course in its entirety in order to be eligible for
8 certification.

9 (i) An active duty military police officer who obtains certification while on active duty under this Rule may retain
10 the certification for the duration of active duty provided the officer continues to perform military police officer
11 duties and complies with the in-service training requirements, as specified in Rule 09E .0105 of this Chapter. An
12 active duty military police officer who is unable to complete annual in-service requirements due to deployment or
13 overseas assignment shall have 12 months from the time the officer returns to the United States in which to complete
14 the in-service training requirements, as specified in Rule 09E .0105 of this Chapter for each year he or she was
15 unable to complete due to overseas assignment. The officer shall retain the certification for a period of one year
16 following separation from active duty.

17 (j) When completing the required training topics specified in Paragraph (d)(1) or Paragraph (e)(4) of this Rule, the
18 individual shall meet all requirements specified in Rule 9B .0203 and Rule 9B .0405 of this Subchapter.

19
20 Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1

21 Eff. July 1, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0104

DEADLINE FOR RECEIPT: Friday, June 10, 2016

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 22 and 24, replace "must" with "shall"

Line 32, please consider replacing "Such" with "The"

Line 32 references a "Commission form" [G.S. 150B-2\(8a\)d](#) does not require a form to be a rule if "the contents or substantive requirements of which are prescribed by rule or statute." Is there a rule or statute that provides the information required in the forms?

Line 34, replace "which" with "that"

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: Thursday, May 26, 2016

12 NCAC 09E .0104 is amended as published in Vol. 30, Iss. 14, Pages 1503-1504:

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

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

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors:
 - (A) delivering CPR certifications that include cognitive and skills testing;
 - (B) delivering use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
 - (C) delivering Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

In addition, each instructor certified by the Commission to teach in a ~~Commission-certified~~ Commission-accredited basic training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or Commission-recognized in-service training course shall remain competent in his or her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by ~~attending and successfully~~ completing all instructor updates issued by the Commission.

- (2) Instructors who teach a required in-service training ~~topic~~ topic, other than a topic taught pursuant to Paragraph (1) of this Rule, or a Firearms Training and Qualification course pursuant to Rule 9E .0105(a)(1) of this Subchapter, must achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training topic online must also complete the in-service training for the topic he or she will be teaching. Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented by the Department Head or In-Service Training Coordinator once completed.
- (3) The instructor shall deliver the training consistent with the specifications established in Rules 09E .0105 and .0106.
- (4) The instructor shall report the successful or unsuccessful completion of training for each officer to the Department Head. Such reporting shall be on a Commission form.
- (5) When the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer did not qualify and the instructor shall deliver a Commission form to the officer which shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Department Head or designated representative within 24 hours of the failure to qualify. The

instructor shall personally deliver this form or send the form by certified mail to the Department head or designated representative within 72 hours of the failure to qualify.

All Commission forms are available for download on the Criminal Justice Standards Division website: <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>.

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

Eff. July 1, 1989;

Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006; January 1, 2005.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0105

DEADLINE FOR RECEIPT: Friday, June 10, 2016

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, delete the phrase "topical areas and specifications" as the terms are repeated within the next five terms

Line 16, replace "are not" with "shall not be"

Page 2, line 12, replace "are" with "shall be"

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: Thursday, May 26, 2016

12 NCAC 09E .0105 is amended as published in Vol. 30, Iss. 14, Pages: 1504-1505

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) 2016 Firearms Training and Qualification (6 credits);
- (2) 2016 Legal Update (4 credits);
- (3) 2016 Juvenile Minority Sensitivity Training: The Color of Justice (2 credits);
- (4) Human Trafficking Awareness (2 credits);
- (5) North Carolina Firearms Laws: Citizens and Guns (minimum of 2 credits); and
- (6) 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. Topics delivered pursuant to Rule .0104(1) of this Subchapter to satisfy this requirement are not required to be written in Instructional Systems Design format or delivered by an instructor 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

Salemburg, 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 and topics delivered pursuant to Rule .0104(1) of this Subchapter ~~is~~ are 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;

Eff. July 1, 1989;

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

Temporary Amendment Eff. January 1, 2005;

Amended Eff. July 1, 2016; January 1, 2016; January 1, 2015; February 1, 2014; June 1, 2012;

February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006.