Burgos, Alexander N

To: Wiggs, Travis C
Subject: RE: [External] Re: September RRC Meeting-Request for Technical Changes

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From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Friday, September 18, 2026 4:14 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan E <mlock@ncdoj.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: Re: [External] Re: September RRC Meeting-Request for Technical Changes

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Attached are the revised CJETS rules for RRC consideration at the upcoming September 29 meeting. The original submission also included rules that have not been revised but remain for consideration and approval. Please let me know if you would like me to provide copies of those rules as well.

Meghan Lock and I plan to attend the meeting in person. Please let me know if there is anything else I can provide at this time.

Thank you,

Holly

Holly M. Cardoza

CJETSC Rulemaking Coordinator

Criminal Justice Standards Division

Phone: (919) 661-5991

hcardoza@ncdoj.gov

1700 Tryon Park Drive

Raleigh, North Carolina 27610

ncdoj.gov

Please note messages to or from this address may be public records.

12 NCAC 09A .0101 is readopted as published in 40:18 NCR 1438-1458 as follows:

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES

12 NCAC 09A .0101 LOCATION

The North Carolina Criminal Justice Standards Division ~~Education and Training Standards Commission~~ is established in the Department of Justice and is located ~~in the Old Education Building, 114 West Edenton Street,~~ at 1700 East Tryon Park Drive, in Raleigh, North Carolina. The mailing address is:

North Carolina Criminal Justice Standards Division
~~Education and Training Standards Commission~~
Post Office Drawer 149
Raleigh, North Carolina 27602
Telephone ~~(919)716-6470~~ (919)661-5980

History Note: *Authority G.S. 17C-3; 17C-6;*
Eff. January 1, 1981;
Amended Eff. November 1, 1998; August 15, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0102 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0102 PURPOSE

The purpose of the ~~commission~~ Commission is to raise the level of competence within the criminal justice community by:

(1) Establishing minimum standards for employment and retention of criminal justice personnel;

(2) Establishing minimum standards for the training and education of criminal justice personnel;

(3) Promoting the planning and development of a systematic career development program for criminal justice professionals by providing and encouraging advanced or specialized training, education, and certification;

(4) Planning and promoting the development and improvement of a comprehensive system of education and training in the administration of criminal justice;

(5) Conducting and stimulating research and planning, by public and private agencies, designed to improve education and training in the administration of criminal justice;

(6) Studying the recruitment, selection, education and training of criminal justice personnel and recommending improvements in such methods; and

(7) Maintaining liaison among local, state, and federal agencies with respect to criminal justice education and training.

History Note: *Authority G.S. 17C-1; 17C-6;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0103 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0103 DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F:

(1) "Active Duty Military" means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

(2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(2).

(3) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the Department of Public Safety as authorized by G.S. 18B-500.

(4) "Chief Court Counselor" means the person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Public Safety, Division of Juvenile Justice.

(5) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.

(6) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09A .0201, or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(7) "Convicted" or "Conviction" means the entry of:

(a) a plea of guilty;

(b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or

(c) a plea of no contest, nolo contendere, or the equivalent.

(8) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).

(9) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (2) of this Rule.

(10) "Agency Head" means the chief administrator of any criminal justice agency, and specifically includes any chief of police or agency director. "Agency Head" also includes a designee appointed in writing by the Agency Head.

(11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.

(12) "Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

(13) "Educational Points" means points earned toward the Professional Certificate Programs for studies completed, with passing scores achieved, for semester hour or quarter hour credit hours awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located.

(14) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a Commission-certified basic training course that has not concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:

(a) for law enforcement officers, that the officer is attending an approved course presentation averaging a minimum of 12 hours of instruction each week; and

(b) for Department of Public Safety, Division of Juvenile Justice personnel, that the officer is attending the last or final phase of the approved training course necessary for satisfying the total course completion requirements.

(15) "High School" means ~~an educational program~~ a public or private school offering education in grades 9 through 12 or 10 through 12 that meets the compulsory attendance requirements in the jurisdiction in which the school is located.

(16) "In-Service Training" means all training that must be completed, pursuant to this Chapter, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.

(17) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.

(18) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.

(19) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19, 1973, that reads as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God or by affirmation to my chosen profession law enforcement.

(20) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the Chief Court Counselor.

(21) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public Safety, Division of Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.

(22) "Law Enforcement Officer" means an appointee of a Criminal Justice Agency, an agency of the State, or of any political subdivision of the State who, by virtue of his or her office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from the title "Law Enforcement Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of G.S. 17E.

(23) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of Commission-approved law enforcement training courses. Twenty classroom hours of Commission-approved law enforcement training equals one law enforcement training point.

(24) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.

(25) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or any officer, supervisor, or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.

(26) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

(a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website: ~~http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4e2a/Class-B-Misdemeanor-Manual-2005.aspx.~~ https://ncdoj.gov/download/16/general-information/360601/class-b-misdemeanor-manual-09-2022.pdf. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated

as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

(i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;

(ii) driving while license permanently revoked or permanently suspended;

(iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and

(iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(27) "Qualified Assistant" means an additional staff person designated by the School Director, pursuant to Rule 09B .0201 of this Chapter, to assist in the administration of a course when an institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(28) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(29) "School" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(30) "School Director" means the person designated by the sponsoring institution or agency to administer the school, pursuant to Rule 09B .0201 of this Chapter.

(31) "Speed-Measuring Instruments" (SMI) means those devices or systems, including ~~RADAR, Time-Distance,~~ RADAR and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.

~~(32) "Time Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.~~

History Note: *Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*
Eff. January 1, 1981;
Amended Eff. November 1, 1981; August 15, 1981;
Readopted Eff. July 1, 1982;

Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;
Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;
Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005; April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025; October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0106 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0106 CRIMINAL JUSTICE STANDARDS DIVISION

The Criminal Justice Standards Division of the Department of Justice shall administer the minimum standards established by the Commission as set forth in the rules of this Chapter ~~these Rules~~ regarding the certification of criminal justice officers and instructors and the accreditation of criminal justice training schools and programs. The Standards Division shall present to the Commission for its adoption administrative procedures for those programs of certification and accreditation and may create ~~appropriate~~ forms for application for and administration of those programs.

History Note: *Authority G.S. 17C-6; 17C-9;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0201 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0201 INVESTIGATION OF VIOLATION OF RULES

(a) If any criminal justice agency, school, or an authorized representative acting on behalf of either, ~~or individual~~ is reported to be or suspected of being in violation of any of the rules in this Chapter, the Commission may take action in accordance with Rules .0202 through .0206 of this Section ~~if necessary~~ to correct the violation and to ensure that similar violations do not occur in the future.

(b) Before taking action against an agency, school, or individual for a violation, the Standards Division shall investigate the alleged violation and present a report of its findings to the Probable Cause Committee of the Commission.

(c) The Probable Cause Committee shall convene prior to the next regular meeting of the Commission, shall consider the report of the Standards Division, and shall make a determination as to whether or not probable cause exists that the Commission's rules have been violated.

(d) If it is determined by the Probable Cause Committee that probable cause exists, it ~~may:~~ shall:

(1) direct the Standards Division to conduct a further investigation of the alleged violation;

(2) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to Rule .0207 of this Subchapter; or

(3) determine the appropriate sanctions against the violator pursuant to the Commission's rules.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. March 1, 2004; November 1, 1993; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, ~~2021.~~ 2021;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0202 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0202 SANCTIONS FOR VIOLATIONS BY AGENCIES OR SCHOOLS

If the Commission finds that a violation has been committed by an agency or school, the Commission ~~may:~~ shall:

(1) issue an oral warning and request for compliance;

(2) issue a written warning and request for compliance;

(3) issue an official written reprimand;

(4) suspend ~~and~~ or refuse to grant accreditation to any school or program or course of instruction until proper corrective measures have been taken to bring the agency or school into compliance with ~~these Rules~~ the rules of this Chapter which were violated and verification of such compliance has been made by the Commission; or

(5) suspend ~~and~~ or refuse to grant accreditation to any school or program or course of instruction for a specific period of time not to exceed five years.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0203 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0203 SANCTIONS FOR VIOLATIONS BY INDIVIDUALS

When any person certified by the Commission is found to have knowingly and willfully violated any provision or requirement of ~~these Rules,~~ the rules of this Chapter, the Commission ~~may~~ shall take action to correct the violation and to ensure that the violation does not re-occur, including:

(1) issuing an oral warning and request for compliance;

(2) issuing a written warning and request for compliance;

(3) issuing an official written reprimand;

(4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual;

(5) revoking or denying the individual's certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0204 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0204 ~~SUSPENSION: REVOCATION:~~ SUSPENSION, REVOCATION, OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed, pursuant to 12 NCAC 09A .0103(6), or been convicted of:

(1) a felony offense; or

(2) a criminal offense for which the ~~authorized~~ maximum punishment included imprisonment for more than two years.

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

(1) has not completed the required basic training course in its entirety within prescribed time periods ~~relevant or~~ applicable to a specified position or job title, pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).

(2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;

(3) has committed or been convicted of:

(A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103(26)(b) as a Class B misdemeanor; or

(B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification;

(4) has been separated by a criminal justice ~~agency~~ agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, for commission or conviction of a motor vehicle offense requiring the revocation of the officer's driver's ~~license.~~ license;

(5) has been ~~discharged~~ separated by a criminal justice ~~agency~~ agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;

(6) has knowingly made a material misrepresentation, including knowingly providing false or omitting information, of any information required for certification or accreditation;

(7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, obtained or attempted to obtain credit, training, or certification from the Commission;

(8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;

(9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);

(10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;

(11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E .0100;

(12) has refused to submit to a drug screen as required by 12 NCAC 09C .0310 and 09G .0211;

(13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310 or 09G .0211, where the positive result cannot be explained to the Commission's satisfaction;

(14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;

(15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or

(16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition;

(17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,

(A) while on duty;

(B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;

(C) while on or off duty on the premises operated by the employing criminal justice agency;

(D) while in uniform of the employing agency in a public place;

(E) with an employee with whom the person had at the time supervisory responsibilities; or

(F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

(18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995; November 1, 1993; March 1, 1992; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff: January 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0205 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0205 PERIOD OF ~~SUSPENSION: REVOCATION:~~ SUSPENSION, REVOCATION, OR DENIAL

(a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction shall be permanent where the cause of sanction is:

(1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);

(2) commission or conviction of a criminal offense for which the maximum punishment ~~is authorized by law to~~ included imprisonment for more than two years, except as provided by G.S. 17C-13(a); or

(3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension pursuant to 12 NCAC 09A .0204.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission shall reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

(1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;

(2) refusal to submit to the applicant or lateral transferee drug screen required by ~~these Rules;~~ 12 NCAC 09C .0310;

(3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;

(4) material ~~misrepresentation~~ misrepresentation, including omitting or knowingly providing false information ~~of any information~~ required for certification or accreditation;

(5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, fraud, misrepresentation or cheating;

(6) failure to make ~~either~~ any of the notifications as required by 12 NCAC 09B .0101(13);

(7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;

(8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; ~~or~~

(9) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" in 12 NCAC 09A ~~.0103(24)(b),~~ .0103(26)(b) regardless of the date of ~~conviction.~~ commission or conviction;

(10) engaging in sexual activity outlined in Rule .0204(b)(17) of this Subchapter; or

(11) untruthfulness during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the Division, the Company and Campus Police Administrator, or the Sheriffs' Standards Division as outlined in 12 NCAC 09A .0204(b)(18).

(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

(1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, ~~0225,~~ .0225, .0235, and ~~0236;~~ .0236;

(2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;

(3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or

(4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC ~~09E.~~ 09E .0100.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989; October 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. March 1, 2024; January 1, 2022; July 1, ~~2020.~~ 2020;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0103 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0103 FINGERPRINT CRIMINAL HISTORY RECORD CHECK

(a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).

(b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of Investigation for a state and federal fingerprint-based criminal history record check. ~~check utilizing fingerprints against State and federal files.~~

(c) The employing agency will receive a report of the results of the state and federal fingerprint-based criminal history record check. ~~check utilizing fingerprints against State and federal files.~~ The employing agency shall retain the results of the criminal history record check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) Each applicant for certification and certified criminal justice officers shall also submit electronic fingerprints, other identifying information required by the State and National Repositories of Criminal Histories, and any other information required by the State Bureau of Investigation for their enrollment in the Federal Bureau of Investigation's Next Generation Identification (NGI) System and Criminal Justice Record of Arrest and Prosecution Background (RapBack) Service.

(e) Pursuant to 12 NCAC 09C .0303(a), an applicant for certification as a law enforcement officer may not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the results of the criminal history record check utilizing fingerprints.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. March 1, 2024; October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0105 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0105 EMPLOYMENT INTERVIEW

(a) Prior to employment, the employing agency shall conduct an interview of the applicant to evaluate the applicant's knowledge, skills, and abilities for success as a law enforcement officer.

(b) The ~~Agency~~ agency head may conduct the interview personally or delegate the responsibility to a qualified staff member or panel, who is competent, whether by education, training, or experience, to conduct the employment interview. The ~~respective~~ agency head shall identify ~~identifies~~ those individuals he or she deems qualified.

(c) A summary of the applicant's interview, including the name and signature of the interviewer, shall be retained in the applicant's personnel file at the agency, pursuant to 12 NCAC 09C .0307(a)(1)(E).

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0106 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

(a) Each applicant for certification as a law enforcement officer shall ~~furnish~~ submit documentary evidence of high school, college, or university graduation to the employing agency. Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private schools which meet standards adopted by either the North Carolina Department of Public Instruction, pursuant to 16 NCAC 06D .0100, which is hereby incorporated by reference, and shall include any later amendments and editions; ~~Instruction,~~ the Division of Non-Public Education, pursuant to 01 NCAC 40 .0300, which is hereby incorporated by reference, and shall include any later amendments and editions; ~~Instruction,~~ or a governing ~~comparable~~ out of state entity; ~~agency;~~ or such documentation as described in Paragraphs (b), (c), (d), and (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or the state university of the state in which the institution is located.

(b) High school diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or if earned outside North Carolina, the requirements of the state statute governing high school diplomas from home school programs in the state where the diploma was earned. ~~a comparable out-of-state statute.~~

(c) Diplomas earned from high schools or equivalent institutions outside of the United States must be translated into English and be accompanied by a true and accurate or certified ~~an authentic~~ transcript. The Division's staff shall evaluate the transcripts to ensure they are scholastically comparable to United States curriculum requirements.

(d) The Division's staff shall evaluate high school diplomas earned through on-line or distance education ~~correspondence~~ courses on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

(e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S. Department of Education, the state Department of Education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.

(f) Documentary evidence of the attainment of passing ~~satisfactory~~ scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a certified ~~true~~ copy of the veteran's DD214, Certificate of Release from Active Duty.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

Amended Eff. October 1, ~~2022.~~ 2022;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0111 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0111 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 09A .0204, every law enforcement officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal, or military court of:

(1) a felony;

(2) a ~~crime~~ criminal offense for which the maximum punishment ~~could have been~~ included imprisonment for more than two years;

(3) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of certification ;

(4) a crime or unlawful act defined as a "Class B Misdemeanor" occurring after the date of certification;

(5) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;

(6) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of certification or

(7) a combination of four or more Class A Misdemeanor or Class B Misdemeanor regardless of the date;

(8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 09A .0103(5) defines "Commission of an offense" as a finding by the North Carolina Criminal Justice Education and Training Standards ~~Commission~~ Commission, or equivalent regulating body from another ~~state~~ state, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985; January 1, 1985; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0202 is readopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

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

(1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;

(2) Select and schedule instructors who are certified by the Commission, pursuant to 12 NCAC 09B .0301;

(3) Ensure each instructor utilizes Commission approved lesson plans and instructional materials, as specified in Rules .0205, .0209, .0210, ~~.0211,~~ .0212, ~~.0213, .0214,~~ .0226, .0227, .0232, .0233, .0235, .0236, .0237, .0238, .0241, .0313, .0314, ~~or~~ and .0410 of this Subchapter;

(4) Arrange for the availability of audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;

(5) Develop, reproduce, and distribute any requirements determined by the school to be necessary or appropriate for:

(A) effective course delivery;

(B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and

(C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;

(6) Administer the course delivery in accordance with Commission approved lesson plans, pursuant to Subparagraph (a)(3) of this Rule;

(7) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been ~~delegated.~~ delegated;

(8) Within 48 hours of making a schedule change, [~~hours,~~] notify the Division in writing of any schedule changes for an ongoing Commission-approved course. Schedule changes include changes to training times, blocks of instruction, training locations, and any other content included on the approved Pre-Delivery Report (F-10A) for the course, as prescribed in 12 NCAC 09I .0102. Notification shall include an explanation of and reasoning for the schedule change from the School Director or a qualified assistant.

(9) Within 48 hours of the occurrence of a student illness or injury, [~~hours,~~] notify the Division of an instance of illness or injury requiring or resulting in medical assistance or hospitalization of a student enrolled in a Commission-approved course. Notification shall consist of a completed Student Injury Report pursuant to 12 NCAC 09I .0103 and 12 NCAC 09I .0105;

(10) Within five business days of the qualifying event, notify the Division in writing of:

(A) the removal by the School Director, school, training program, or employing institution of a Commission-certified instructor from a Commission-accredited course delivery; or

(B) the opening by the school, training program, or employing institution of an internal investigation, disciplinary proceeding, or pre-disciplinary proceeding which a Commission-certified instructor is the subject of and which contains allegations that could constitute conduct outlined in 12 NCAC 09B .0301(e) or could otherwise be considered a failure to meet or maintain requirements for instructor certification, pursuant to 12 NCAC 09B .0300.

Written notification shall include the name of the instructor; name of the school or agency; name of the Commission-accredited courses for which the instructor is planned to teach, currently teaching, or removed from; dates and explanation of the qualifying event or conduct which resulted in the instructor's removal, investigation, or proceeding; and explanation of action taken by the School Director, training program, or school.

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

(1) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as six one-week breaks until course requirements are completed. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students that may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction. Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency;

(2) Schedule only ~~specialized instructors~~ Specialized Instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;

(3) With the exception of the First Responder, Officer Health and Wellness, Explosives and Hazardous Materials Emergencies, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while

engaged in a practical performance exercise;

(4) Schedule one ~~specialized instructor~~ Specialized Instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area ~~areas~~ ~~Subject Control Arrest Techniques or~~ Compliance and Control Tactics;

(5) Schedule no single individual to instruct more than ~~35 percent of the total hours of the 640-hour curriculum or~~ 25 percent of the total hours of the 868-hour curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;

(6) Not less than 30 calendar days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC ~~09C .0211;~~ 09I .0102;

(7) Submit a copy of ~~any~~ all rules and requirements for the school. A copy of those rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;

(8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall ~~be of sufficient duration to~~ ensure that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan, pursuant to Subparagraph (a)(3) of this Rule. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form ~~F-16)~~ F-16), pursuant to 12 NCAC 09I .0101, and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated. ~~The Criminal Justice Evaluation (Form F-16) shall contain the following information:~~

~~(A) Instructor's name, date of birth, and Acadis ID number;~~

~~(B) Evaluator's name, and Acadis ID number;~~

~~(C) Block of Instruction, date, location, and total hours of instruction;~~

~~(D) Scores for Instructional Ability and Strategies; and~~

~~(E) Presentation Evaluation Criteria.~~

(9) Administer or designate a Qualified Assistant to administer course specific tests during course delivery:

(A) to determine and record the level of trainee comprehension and retention of instructional subject matter;

(B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and

(C) to determine subject or topic areas of deficiency for the application of Rule ~~.0405(a)(3)~~ .0405(a) of this Subchapter; and

(10) Not more than 10 calendar days after the conclusion of a school's offering of Basic Law Enforcement Training, ensure all student test scores and class documents have been uploaded to the North Carolina Justice Training and Certification portal, ~~Acadis platform,~~ and submit to the Commission a Post-Delivery Report of Training Course Presentation ~~(Form F-10B).~~ (Web Form F-10B), pursuant to 12 NCAC 09I .0102.

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

(1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;

(2) Schedule evaluators as follows:

(A) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, as evaluated by Division staff pursuant to 12 NCAC 09B .0302(d) and (e); ~~an international model with applications in education, military training, and private enterprise;~~ and

(B) each instructor and evaluator shall have completed an instructor training orientation program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation. The completion of an instructor training orientation program shall be documented in the ~~Acadis platform~~. North Carolina Justice Training and Certification portal.

(3) Not fewer than 30 calendar days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation, Form F-10A, pursuant to 12 NCAC 09I .0102, with the following attachments:

(A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;

(B) the names and Academy ID ~~Acadis identification~~ numbers of all instructors and evaluators; and

(C) a copy of any rules and requirements for the school; and

(4)[~~(5)~~] Not more than 10 calendar days after course completion, submit to the Commission a Post-Delivery Report of Training Course Presentation Form F-10B, pursuant to 12 NCAC 09I .0102, containing the following:

(A) class enrollment roster;

(B) a course schedule with the designation of instructors and evaluators utilized in delivery;

(C) scores recorded for each trainee on the 70 minute skill presentation; and

(D) designation of trainees who completed the course in its entirety.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, ~~RADAR and Time-Distance, Time-Distance, or LIDAR~~ RADAR/LIDAR, or LIDAR speed ~~measurement~~ measuring instrument (SMI) operator training course or re-certification course, the School Director shall:

(1) select and schedule ~~speed measurement instrument~~ SMI instructors who are certified by the Commission as ~~instructors~~ instructors, pursuant to Rules .0237 and .0308 of this Subchapter, for the specific speed ~~measurement~~ measuring instruments in which the trainees are to receive instruction;

(2) not fewer than 30 calendar days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Training Course Presentation, Form F-10A, ~~that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument;~~ pursuant to 12 NCAC 09I .0102, and

(3) upon completing delivery of the Commission-certified course, and not more than 10 calendar days after the conclusion of a school's offering of ~~a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement~~ a RADAR, LIDAR, or RADAR/LIDAR operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation, Form ~~F-10B.~~ F-10B, pursuant to 12 NCAC 09I .0102. This report shall include the original motor-skill examination ~~form(s)~~ forms completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

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

1985;

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

Amended Eff. January, 1, 2025; April 1, 2022; July 1, 2021; January 1, 2021; July 1, ~~2020.~~ 2020; Readopted Eff. October 1, 2026.

12 NCAC 09B .0212 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0212 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR OPERATORS

(a) The Radar Operator Training Course for law enforcement officers shall be designed to provide the student with the skills and knowledge to perform the function of a law enforcement radar operator. This course shall be for a period not to exceed four consecutive weeks and shall consist of a minimum of 30 hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Introduction to Radar Training	0.5 Hours
(3)	Speed Offenses and Speed Enforcement	2 Hours
(4)	Basic Principles of Radar Speed Measurement	5 Hours
(5)	Legal and Operational Considerations	4 Hours
(6)	Familiarization and Operation of Specific Radar Instruments	10 Hours
(7)	Courtroom Preparation	3 Hours
(8)	Motor-Skill Performance Testing	4 Hours
(9)	Course Review	1 Hour

This course shall have a minimum ratio of one instructor per six students.

(b) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency shall be enrolled in the Radar Operator Training Course. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the ~~a~~ Radar Operator Training Course at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course, pursuant to 12 NCAC 09B .0205, and without being currently certified in a probationary status or holding general law enforcement certification.

(c) The Radar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the functions of a radar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of six hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Legal and Operational Considerations	1.5 Hours
(3)	Motor-Skill Performance Testing	4 Hours

This course shall have a minimum ratio of one instructor per six students.

(d) Students enrolled in a Radar Operator Re-Certification Training Course shall, at the time of enrollment, hold active radar operator certification or have previously held active radar operator certification within the 12 months prior to the scheduled end date of the course. Federal law enforcement personnel shall be allowed to participate in a Radar Operator Re-Certification Training Course at the discretion of the school director without previously having held radar operator certification, but such personnel must have completed one introductory level speed measurement instrument

course that included instruction on operation of radar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule and those described in 12 NCAC 09B .0242(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. ~~166A- 19.3(19),~~ 166A-19.3(19) the Director of the Criminal Justice Standards Division shall allow additional time to complete a specific course delivery beyond the time limits set forth in Paragraphs (a) and (c) of this Rule when the Director determines that doing so is necessary based on consideration of the following factors:

(1) Whether instruction has begun in the course or whether course initiation may be postponed;

(2) The risk of harm to students that may be caused by the continuation of the course;

(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(4) The specific need for the waiver; and

(5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website, https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;
Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989; August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026; April 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0215 is readopted as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0215 SUPPLEMENTAL SMI TRAINING

(a) The supplemental speed measuring instrument (SMI) training course for law enforcement officers shall be designed to allow officers an opportunity to be certified on additional speed measuring instruments and modes, as defined in 12 NCAC 09C .0308(h), not included on the officers' initial speed measuring instrument certification. The course shall be designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as an instructor or operator using the additional speed measuring instruments and modes.

(b) Each applicant for supplemental SMI training shall:

(1) possess a valid radar or lidar speed measuring instrument instructor or operator certification as a result of successful completion of a training course set forth in 12 NCAC 09B .0210, .0212, .0237, .0238, or .0242;

(2) present the endorsement of a Commission-certified school director or in-service training coordinator, or agency head or his or her ~~designee~~ designee, by submitting Form SMI-16, pursuant to 12 NCAC 09I .0106(a)(4);

(3) present a copy of the applicant's active SMI operator or instructor certification, which lists the instruments and modes that the officer is certified to operate;

(4) demonstrate proficiency in the motor-skill and performance subject areas with the instrument and modes as evidenced by completion of the Commission's SMI-1 Form, SMI-1A Form, or SMI-13 Form pursuant to 12 NCAC 09I ~~.0106;~~ .0106(a)(1)-(3); and

(5) for individuals seeking certification on modes which are not included on their current SMI certification, complete 240 minutes of supervised field practice for each additional mode on Form SMI-15 pursuant to 12 NCAC 09I ~~.0106.~~ .0106(b)(2). For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

(c) The supplemental SMI training course required for certification on the additional instruments shall consist of a minimum of 1.5 hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 hour
(2)	Familiarization & Operation of Specific SMI Instruments	0.5 hour
(3)	Motor Skills Testing (per instrument per student)	0.5 hour

(d) Adding instruments and modes to an individual's SMI operator or instructor certification shall not extend the certification period as prescribed in 12 NCAC 09B .0308 and 12 NCAC 09C .0308.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. November 1, 2007; May 1, 2004; August 1, 2002; April 1, 1999;

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

Amended Eff. February 1, ~~2026.~~ 2026;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0304 is readopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION

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

(1) Compliance and Control Tactics;

(2) First Responder;

(3) Firearms;

(4) Law Enforcement Driver Training;

(5) Physical Fitness;

(6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of Juvenile ~~Justice);~~ Justice and Delinquency Prevention);

(7) Medical Emergencies (Department of Public Safety, Division of Juvenile ~~Justice);~~ Justice and Delinquency Prevention);

(8) Explosive and Hazardous Materials Emergencies; or

(9) Standardized Field Sobriety Testing.

(b) To qualify for and maintain Specialized Instructor Certification in a topical ~~areas~~ area outlined in Subparagraph (a)(1) through (a)(8) of this Rule, an applicant shall possess a valid CPR Certification that includes cognitive and skills testing, through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(c) An applicant shall achieve a minimum score of ~~75~~ 80 percent on the comprehensive ~~written~~ [~~state~~] State exam, as specified in Rule .0414 of this Subchapter, in order to qualify for Specialized Instructor Certification in the following topical areas:

(1) Compliance and Control Tactics;

(2) Firearms;

(3) Law Enforcement Driver Training;

(4) Physical Fitness; and

(5) Explosive and Hazardous Materials Emergencies.

(d) To qualify for Specialized Instructor Certification in the Compliance and Control Tactics topical area, an applicant shall meet the following requirements:

(1) Hold ~~General~~ probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status,~~ as specified in Rule .0303 of this Section:

(2) Complete the Commission-approved specialized Compliance and Control Tactics instructor ~~course;~~ course, as specified in Rule .0232 of this Subchapter; and

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

(e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant shall ~~satisfy~~ become certified through one of the following two ~~options:~~ methods:

(1) The first ~~option~~ method is:

(A) Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council;

(B)[~~(A)~~] Hold, or have held, basic Emergency Medical Technician certification;

(C)[~~(B)~~] Have completed the Department of Transportation's 40 hour EMT Instructor Course or equivalent within the last three years or hold a North Carolina Professional Educator's License, issued by the Department of Public Instruction; and

(D)[~~(C)~~] Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(2) The second ~~option~~ method is:

(A) Hold ~~General~~ probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status,~~ as specified in Rule .0303 of this Section;

(B) Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute or National Safety Council;

(C)[~~(B)~~] Hold, or have held, basic EMT certification; and

(D)[~~(C)~~] Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant shall meet the following requirements:

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

(2) Complete the instructor training course for Specialized Firearms Instructor Training Certification as specified in Rule .0209 of this Subchapter; and

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

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

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

(2) Complete the instructor training course for Specialized Driver Instructor Certification as specified in Rule .0227 of this Subchapter; and

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

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

(1) The first method is:

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

(B) complete the instructor training course required for Specialized Physical Fitness Instructor Certification as specified in Rule .0233 of this Subchapter; and

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

(2) The second method is:

(A) Complete the instructor training course required for Specialized Physical Fitness Instructor Certification as specified in Rule .0233 of this Subchapter;

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

(C) meet one of the following qualifications:

(i) hold a valid North Carolina Professional Educator's License, issued by the Department of Public Instruction, and hold a baccalaureate degree in physical ~~education,~~ education; or

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

(i) To qualify for Specialized Certification in the Standardized Field Sobriety Testing topical area, an applicant shall:

(1) Be certified by the North Carolina Department of Health and Human Services, Forensic Test for Alcohol Branch, as a Standardized Field Sobriety ~~Instructor.~~ Instructor; and

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

(j) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant shall meet the following requirements:

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

(2) Complete the instructor training course for the Department of Public Safety, Division of Juvenile Justice Restraints, Controls and Defensive Techniques Specialized Instructor Certification as specified in Rule .0241 of this Subchapter; and

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

(k) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Juvenile Justice Medical Emergencies topical area, an applicant shall meet the following requirements:

(1) Have completed a ~~Commission-certified~~ Commission-accredited criminal justice ~~basic~~ instructor training course or an equivalent instructor training course, pursuant to Rule .0302 of this Section,

utilizing the Instructional Systems Design model, ~~an international model with applications in education, military training, and private enterprise;~~ as evaluated by Division staff pursuant to 12 NCAC 09B .0302(d) and (e); and

(2) Hold instructor certification in CPR and First Aid by the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council; and

(3)[~~(2)~~] Obtain the recommendation of a Commission-certified school director.

(l) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant shall satisfy one of the following two options:

(1) The first option is:

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

(B) ~~Complete~~ complete the instructor training course for Specialized Explosives and Hazardous Materials Instructor Certification as specified in Rule .0417 of this Subchapter; and

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

(2) The second option is:

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

(B) ~~Complete~~ complete the instructor training course for Specialized Explosives and Hazardous Materials Instructor Certification as specified in Rule .0417 of this Subchapter; and

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

History Note: *Authority G.S. 17C-6;*
Eff. January 1, 1981;
Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006; December 1, 2004; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, ~~2025.~~ 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0308 is readopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09B .0308 RADAR INSTRUCTOR CERTIFICATION AND RE-CERTIFICATION REQUIREMENTS

(a) A person participating in a Commission-approved RADAR Operator or RADAR Instructor Training Course as an Instructor shall meet the following requirements for RADAR Instructor Certification:

(1) Initial Certification:

(A) ~~must~~ be employed or appointed as a law enforcement officer by a state or local law enforcement agency or be a federal law enforcement officer;

(B) if the applicant is a deputy sheriff, ~~he/she must~~ be in total compliance with the standards established by the North Carolina Sheriff's Education and Training Standards Commission;

(C) ~~must~~ hold ~~Probationary or General~~ Criminal Justice Instructor Certification as required in 12 NCAC 09B .0302;

(D) ~~must~~ hold current RADAR Operator Certification pursuant to 12 NCAC 09C .0308;

(E) ~~must~~ complete the Commission-approved RADAR Instructor Training Course as required in 12 NCAC 09B .0210;

(F) [~~must~~] obtain the recommendation of a Commission-certified school director or agency executive officer or their designee; and

(G) ~~shall~~ not instruct in any RADAR Instructor/Operator or RADAR Instructor/Operator Re-certification Courses until their Certification is received from the Commission.

(2) Re-certification:

(A) ~~must~~ hold current ~~Probationary or General~~ Criminal Justice Instructor Certification as required in 12 NCAC 09B .0302;

(B) ~~must~~ hold current Radar Operator Certification, pursuant to 12 NCAC 09C .0308;

(C) ~~must~~ complete the Commission-approved RADAR Instructor Re-Certification Training Course, pursuant to 12 NCAC 09B .0210;

(D) ~~must~~ have been certified as a RADAR Instructor within the three years preceding the completion of the RADAR Instructor Re-Certification Course;

(E) has [~~must have~~] participated in the classroom instruction and motor skill performance testing in the RADAR Operator Training Course, pursuant to 12 NCAC 09B .0212, during the previous certification period; and

(F) [~~must~~] obtain the recommendation of a Commission-certified school director, agency executive officer, or their designee.

(b) Those individuals who have previously held RADAR Instructor Certification and have not exceeded a six year time period from when his or her RADAR Instructor Certification expired are eligible to ~~reapply~~ apply for reissuance of the previously held RADAR Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

(1) holds current ~~Probationary or General~~ Criminal Justice Instructor Certification, pursuant to 12 NCAC 09B .0302;

(2) has completed the pre-qualification skills assessments;

(3) ~~must complete~~ has completed the Commission-approved RADAR Instructor Re-Certification Training Course, pursuant to 12 NCAC 09B .0210;

(4) has passed the RADAR Instructor comprehensive state examination with a minimum score of 80; ~~75;~~ and

(5) has obtained the recommendation of a Commission-certified school director, agency executive or their designee.

(c) Applicants for re-issuance of the RADAR Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the RADAR Instructor Comprehensive State Examination. Should an applicant not achieve a passing score on either the prequalification skills assessment or RADAR Instructor Comprehensive State Examination, the applicant shall complete the RADAR Operator and RADAR Instructor Course in its entirety.

(d) Applicants whose RADAR Instructor Certification is suspended or revoked shall not qualify for re-issuance.

(e) The term of a RADAR Instructor is three years from the date of issuance. All RADAR Instructors seeking re-certification shall complete the RADAR Instructor Re-certification Course, as outlined in 12 NCAC 09B .0218, within 12 months of the expiration of the initial certification period. The 12-month period does not extend the RADAR Instructor Certification period.

Note: If Time Distance speed measuring instruments are reinstated for use at any point between years 2026 and 2036, individuals who currently hold a RADAR Instructor Certification and have previously held a Time/Distance Instructor Certification will be grandfathered and eligible to reinstate their Time/Distance Instructor Certification.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. January 1, 2006; April 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, ~~2025.~~ 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0408 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0408 COMPREHENSIVE STATE EXAMINATION–SMI OPERATOR CERTIFICATION

(a) Within 60 days of the conclusion of the classroom instruction portion of a school's offering of any speed measuring instrument (SMI) operator course or re-certification course, the Commission shall administer a comprehensive state examination to each student who has completed all of the required course work. The examination shall be an objective test covering the topic areas contained in the certified course curriculum, pursuant to 12 NCAC 09B .0212, .0238, and .0242.

(b) A student of a RADAR, LIDAR, or RADAR/LIDAR operator training shall achieve a passing score on the comprehensive state examination upon answering a minimum of 70 percent of the questions correctly. A student who fails to achieve a passing score on a RADAR, LIDAR, or RADAR/LIDAR operator training comprehensive ~~state~~ State examination shall be eligible to request re-examination with the following conditions:

(1) The student must have achieved a minimum score of 60 percent on the initial examination;

(2) The student's request for re-examination shall be made in writing on the Commission's Examination Request Form (F-23) pursuant to 12 NCAC 09B .0406(c), and shall be received by the Standards Division within 15 days of the initial examination;

(3) The student shall have, within 30 days of the date of initial examination, only one opportunity for re-examination; and

(4) The student must have completed each motor-skill and performance area of the course curriculum.

A student who fails to achieve the minimum passing score of 70 percent on the re-examination, or who fails to achieve a minimum score of 60 percent on the initial examination, shall not be eligible for SMI operator certification until a subsequent SMI operator training course offering and examination are completed by the student.

(c) A student of a RADAR operator re-certification, LIDAR operator re-certification, or RADAR/LIDAR operator re-certification training course, pursuant to Paragraph (a) of this Rule, shall achieve a passing score on the comprehensive state examination upon answering a minimum of 75 percent of the questions correctly. At the time a student fails to achieve the minimum passing score, the student's SMI operator certifications shall be immediately revoked, and the student shall not be eligible for re-certification until a subsequent SMI operator training course offering and further examination are completed by the student.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. January 1, 2015; November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; October 1, 1983; April 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

Amended Eff. February 1, ~~2026.~~ 2026;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0409 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0409 SATISFACTION OF TRAINING -- SMI OPERATORS

(a) To satisfy the training requirements for operator certification, a trainee shall complete all of the following:

(1) achieve a minimum score of 70 percent correct answers on the comprehensive state examination as outlined in 12 NCAC 09B .0408;

(2) complete a Commission-approved course as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a) as evidenced by a completed Post Delivery Form (F-10B) pursuant to 12 NCAC 09I .0102;

(3) demonstrate proficiency in the motor-skill and performance subject areas to a certified Speed Measurement Instrument (SMI) instructor as evidenced on documentation on the Commission's SMI-1 Form for radar instruments and SMI-13 Form for lidar instruments, pursuant to 12 NCAC 09I .0106;

(4) present evidence showing completion of 12 hours of supervised field practice, as outlined in Paragraph (c) of this Rule, within 90 days after completing a RADAR or RADAR/LIDAR operator training course as prescribed in 12 NCAC 09B .0212, .0215, and .0242. Evidence of completion shall consist of a completed SMI-15 Form pursuant to 12 NCAC 09I .0106. Individuals applying for SMI operator certification may request an extension of up to 12 months for the 90-day requirement to complete the 12 hours of supervised field practice. The Director shall grant the extension request upon a showing of just cause which, for the purposes of this ~~rule,~~ Rule, includes accident, illness, emergency, course cancellation, or other exceptional circumstance that prevents the applicant from completing the required supervised field practice time;

(A) Individuals shall be exempt from the portions of the required supervised field practice, as outlined in Subparagraph (c)(4) of this Rule, which they have completed at a prior date, upon providing evidence of prior completion; and

(B) Evidence shall include a completed SMI-14 Form pursuant to 12 NCAC 09I .0106, and a copy of the individual's prior SMI operator or instructor certification which lists the instruments and modes which the officer is certified to operate. Division staff shall evaluate the evidence of prior completion to determine which portions of the supervised field practice have been completed at a prior date.

(b) Any trainee failing to achieve proficiency in the motor-skill area may request re-examination within 15 days of the original examination. The trainee's request for re-examination shall consist of a completed F-23 Exam Admission Form, pursuant to 12 NCAC 09I .0102. A trainee shall have, within 30 days of the original examination, only one opportunity for motor-skill re-examination and must complete each identified area of deficiency on the original motor-skill examination. If the trainee fails to achieve the prescribed score on the examination, the trainee's active SMI operator certifications shall be immediately revoked, and the trainee shall not be eligible for certification or re-certification until a subsequent SMI operator training course offering is completed, as prescribed under 12 NCAC 09B .0212(a), .0238(a), or ~~.0242(a)~~ .0242(a), and further examination is completed.

(c) The 12 hours of supervised field practice shall be completed as follows:

(1) The trainee must conduct the 12 hours of field practice using the radar instrument with the most modes, pursuant to 12 NCAC 09C .0308(h), that the trainee is seeking certification to operate;

(2) The trainee shall operate the police vehicle and the radar instrument while being supervised by a certified radar instructor or operator who is certified to operate the radar instrument used by the trainee during the field practice;

(3) SMIs shall not be used to enforce speed violations by the trainee or by the supervising radar operator or instructor during the 12 hours of field practice;

(4) The 12 hours of field practice shall be completed according to the following time requirements:

(A) for trainees seeking certification with a dual antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 120 minutes in each mode while using the front antenna and 120 minutes in each mode while using the rear antenna;

(B) for trainees seeking certification with a dual antenna unit and with stationary and moving-opposite modes only: 180 minutes in each mode while using the front antenna and 180 minutes in each mode while using the rear antenna;

(C) for trainees seeking certification with a dual antenna unit and with stationary mode only: 360 minutes in stationary mode while using the front antenna and 360 minutes in stationary mode while using the rear antenna;

(D) for trainees seeking certification with a single antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 240 minutes in each mode while using the front antenna;

(E) for trainees seeking certification with a single antenna unit and with stationary and moving-opposite modes only: 360 minutes in each mode while using the front antenna; or

(F) for trainees seeking certification with a single antenna unit and with stationary mode only: 720 minutes in stationary mode while using the front antenna.

(d) To satisfy the training requirements for operator re-certification, an operator seeking re-certification shall:

(1) Achieve a score of 75 percent correct answers on the comprehensive ~~state~~ State examination provided for in 12 NCAC 09B .0408(c);

(2) Complete a Commission-approved course, prescribed under 12 NCAC 09B .0210(d), .0212(c), .0237(d), .0238(c), or .0242(c);

(3) Satisfy all motor-skill requirements as required in Subparagraph (a)(3) of this Rule; and

(4) For individuals seeking supplemental certification or re-certification to operate instruments with additional modes than those currently or previously certified to operate, complete 240 minutes of supervised field practice for each additional mode. For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

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

Eff. November 1, 1981;

Readopted w/change Eff. July 1, 1982;

Amended Eff. November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; August 1, 1984; October 1, 1983; April 1, 1983;

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

Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020; Amended Eff. February 1, 2026; January 1, ~~2021.~~ 2021;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0414 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0414 COMPREHENSIVE STATE EXAM – SPECIALIZED INSTRUCTOR TRAINING

(a) The Commission shall administer a comprehensive ~~state~~ State examination within 60 days of the completed required course work for the following courses:

(1) Specialized Firearms Instructor Training;

(2) Specialized Driver Instructor Training;

(3) Specialized Compliance and Control Tactics Instructor Training;

(4) Specialized Physical Fitness Instructor Training;

(5) Specialized Explosives and Hazardous Materials Emergencies Instructor Training;

(6) ~~Radar~~ RADAR Instructor Training;

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

~~(8)~~ (7) LIDAR Instructor Training;

~~(9)~~ (8) Re-Certification Training for ~~Radar~~ RADAR Instructors; and

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

~~(11)~~ (9) Re-Certification Training for LIDAR Instructors.

(b) The examination shall be an objective test covering the topic areas contained in the ~~certified~~ approved course curriculum.

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

~~(d)~~ (c) A trainee shall achieve a passing score on the comprehensive ~~state~~ State examination if he or she achieves ~~75~~ 80 percent correct answers.

~~(e)~~ (d) A trainee who has achieved a minimum score of 70 percent but below the passing score of 80 percent on the comprehensive [~~state~~] State examination is eligible for a re-examination of the comprehensive state examination.

(e) Trainees enrolled in a RADAR or LIDAR Instructor Re-Certification Course must achieve a minimum score of 80 percent on the comprehensive [~~state~~] State examination. Those who do not meet this requirement are ineligible for a retest and must instead re-enroll and complete the next available Speed Measuring Instrument Operator and Instructor courses corresponding to the certification they are seeking.

~~(e)~~(f) A trainee who fails to achieve a minimum score of ~~75~~ 70 percent on the Commission's comprehensive ~~state~~ State examination shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. February 1, 1987;
Amended Eff. January 1, 2015; June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989;

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

Amended Eff. January 1, ~~2025.~~ 2025;

Readopted Eff. October 1, 2026.

12 NCAC 09C .0303 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

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, as specified in ~~Rule .0101~~ Rules .0101, .0114, .0116, and .0117, of this ~~Subchapter~~ Subchapter, when the person's employing agency submits a Report of Appointment to the Standards Division. The Report of Appointment Form is located on the agency's website: ~~http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)_6-11.aspx.~~ https://ncdoj.gov/download/100/division-of-juvenile-justice/373038/f-5a-jj-juvenile-justice-application-for-certification-08-2026.pdf. The process for issuing probationary certification is as follows:

(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 calendar 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 calendar days of the commencement of the officer's service.

(c) The criminal justice officer's Probationary Certification shall remain valid for ~~one year~~ 12 months from the date the certification is issued by the Standards Division unless sooner terminated by his or her agency. ~~agency for cause.~~

(d) [~~Officers~~] Criminal Justice Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training outlined in 12 NCAC 09B .0235 or .0236, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, Request for Training Extension, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(d)~~(e) Before a prospective law enforcement officer may be issued a Probationary Certification, the prospective officer shall have completed the required basic training course stipulated in 12 NCAC 09B .0205(b).

~~(e)~~(f) 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)~~ (b) through (e) of this Rule.

~~(f)~~(g) Where the local governing authority declares the existence of a public emergency pursuant to G.S. 166A-19.22, 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 calendar 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0308 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09C .0308 SPEED MEASURING INSTRUMENT (SMI) OPERATORS CERTIFICATION PROGRAM

(a) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency who use a SMI for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the SMI. Certification in one or more categories reflects operational proficiency in the designated types of approved equipment for which the trainee has been examined and tested.

(b) Standards Division staff shall issue SMI certification in the following categories:

(1) RADAR operator SMI certification or re-certification requiring completion of the training program as required in 12 NCAC 09B .0210, .0212, .0218, or .0242;

(2) LIDAR SMI operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0237, .0238, .0239, or .0242.

(c) The applicant shall meet the following requirements for SMI operator certification or re-certification within 90 days of completing a SMI course outlined in 12 NCAC 09B .0212, .0238, or .0242:

~~(1) have completed course requirements as outlined in 12 NCAC 09B .0212, .0238, or .0242;~~

~~(2)~~(1) have passed the comprehensive state exam as prescribed in 12 NCAC 09B .0408;

~~(3)~~(2) have completed the 12 hours of field practice training as outlined in 12 NCAC 09B .0409; and

~~(4)~~(3) meet one of the following requirements:

(A) hold active certification as a law enforcement officer; or

(B) be employed as a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E and be in compliance with the employment and training standards as established by the North Carolina Sheriffs' Education and Training Standards Commission, pursuant to 12 NCAC 10B .0400.

(d) Certified SMI operators shall be notified by email via the North Carolina Justice Training and Certification portal not less than 90 days prior to the expiration of certification. All applicants for re-certification shall complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt and review by Division staff of the required documentation outlined in 12 NCAC 09B .0409. Operator re-certification shall be issued only to officers with active law enforcement certification.

(e) If re-certification is not obtained within the prescribed 12-month period, the officer is no longer eligible for re-certification and must meet the requirements of initial operator certification, including completion of a RADAR, LIDAR, or RADAR/LIDAR operator training course as outlined in 12 NCAC 09B .0212(a), 12 NCAC 09B .0238(a), and 12 NCAC 09B .0242(a).

(f) RADAR operator certification is valid for a three-year period from the date of ~~issue.~~ issuance. Re-certification is also valid for a three-year period from the date of ~~issue,~~ issuance, unless sooner terminated by the Commission.

(g) LIDAR operator certification and re-certification shall only be issued when the applicant holds active RADAR operator certification. The expiration date of LIDAR operator certification and re-certification shall match the expiration date of the applicant's RADAR operator certification.

(h) An individual's SMI operator certification shall apply only to the instruments and modes of operation with which the individual has proven proficiency in the motor-skill and performance subject areas, pursuant to 12 NCAC 09B .0409(a)(3), during an SMI operator course pursuant to 12 NCAC 09B .0212, .0215, .0238, and .0242. Modes of operation include: stationary, moving-same direction, and moving-opposite direction.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Temporary Amendment Eff. February 24, 1984, for a period of 120 days to expire on June 22, 1984;
Amended Eff. November 1, 2007; February 1, 2006; May 1, 2004; April 1, 1999; November 1, 1993; March 1, 1992; February 1, 1991; December 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020;
Amended Eff. February 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0601 is readopted as published in 40:18 NCR 1438-1458 as follows:

SECTION .0600 - EQUIPMENT AND PROCEDURES

12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS

(a) Prior to approval as a speed measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi.

(b) Prior to approval, speed measuring instruments shall be evaluated for law-enforcement use in North Carolina by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Public Safety, as outlined in "Appendix A: Approved List of Speed Measuring Instruments" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. November 1, 2007; May 1, 2004; November 1, 1998; August 1, 1998; August 1, 1995; January 1, 1995; November 1, 1993; February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0607 is readopted as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09C .0607 SPEED-MEASURING INSTRUMENT ANNUAL ACCURACY TESTS AND DAILY OPERATIONAL PROCEDURES

(a) All requirements for accuracy testing methods and operational procedures for speed measuring instruments used by law enforcement officers and agencies to measure the speed of vehicles for enforcement of speed laws and regulations shall conform with G.S. 8-50.2 and G.S. 17C-6.

(b) Each speed measuring instrument shall be tested for accuracy within a 12-month period prior to each use of the instrument for speed enforcement purposes, as outlined in "Appendix B: Annual Tests for Accuracy Requirements" published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi. The results of the tests shall be recorded on Form SMI-9 for RADAR instruments and Form SMI-12 for LIDAR instruments, pursuant to 12 NCAC 09I .0106.

(c) On a daily basis, speed measuring instruments must be calibrated and tested for accuracy by the certified SMI operator prior to using the instrument for speed enforcement purposes. The tests shall be conducted according to the recommendations of the instrument's manufacturer and include tuning fork tests for each of the instrument's modes of operation.

(d) The daily operating procedures by SMI operators of each speed measuring instrument shall be in accordance with the instrument's manufacturer recommendations and conform with G.S. 8-50.2. The daily operating procedures are outlined in "Appendix C: Daily Tests for Accuracy Requirements & Operating Procedures" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi.

History Note: *Authority G.S. 8-50.2; 17C-6;*
Eff. August 1, 1998;
Amended Eff: May 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09G .0303 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09G .0303 PROBATIONARY CERTIFICATION

(a) A prospective employee may commence service as a correctional officer or probation/parole officer at the time of employment with the North Carolina Department of Adult Correction.

(b) Within 90 calendar days of appointment to a position for which the Commission requires certification, the North Carolina Department of Adult Correction shall submit a completed Application for Certification Corrections Officer ~~(F-5A)~~ (Form F-5A), pursuant to 12 NCAC 09I .0109, to the Standards Division. ~~The Application for Certification Corrections Officer (F-5A) shall include the:~~

~~(1) applicant's name, social security number, date of birth, driver's license number, and email;~~

~~(2) position being applied for;~~

~~(3) criminal offense record;~~

~~(4) past disciplinary actions;~~

~~(5) military service record;~~

~~(6) education information; and~~

~~(7) signature of agency head or authorized representative.~~

(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Adult Correction submits a completed Application for Certification Corrections Officer (Form F-5A) to the Standards Division.

(d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Adult Correction.

(e) The officer's Probationary Certification shall remain valid for 12 months ~~one year~~ from the date the certification is issued by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.

(f) Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training, pursuant to 12 NCAC 09G .0411 and .0412, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, Request for Training Extension, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(f)~~(g) Pursuant to 12 NCAC 09G .0201, the North Carolina Department of Adult Correction shall maintain documentation of Probationary Certification in the officer's personnel records.

(h) Officers with Probationary Certification who have completed the required basic training and who, through promotional opportunities or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their Probationary Certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and shall complete a verification of employment standards of 12 NCAC 09G 0208 and .0209 (except 12 NCAC 09G .0208(5) and .0209(5)) on Form F-5C(DAC),

pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction. Upon reinstatement of their Probationary Certification, the officer must complete the remainder of their 12-month probationary period prior to being eligible for General Certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, ~~2025.~~ 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09G .0304 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09G .0304 GENERAL CERTIFICATION

(a) The Commission shall grant ~~an~~ a correctional officer or probation/parole officer General Certification when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules .0203, .0204, .0205, and .0303 of this Subchapter.

(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

(c) Certified correctional officers and probation/parole officers who, through promotional opportunities, or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and ~~are exempted from reverification~~ shall complete a verification of employment standards of 12 NCAC 09G ~~.0205,~~ .0208 (except 12 NCAC 09G ~~.0208(4)),~~ .0208(5)) and .0209 (except 12 NCAC 09G ~~.0209(4))~~ .0209(5)) on Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction.

(d) Documentation of General Certification shall be maintained with the correctional or probation/parole officer's personnel records with the North Carolina Department of Adult Correction and the Commission.

(e) Upon transfer of a certified officer from one type of certified corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Form F-D (DAC), Notice of ~~Transfer~~ Certification Transfer, pursuant to 12 NCAC 09I [~~.0108,~~] .0109, to the Standards Division.

(1) Upon receipt of the Notice of Certification Transfer, the Standards Division shall cancel the officer's current General ~~Certification~~ Certification, and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.

(2) The Commission shall grant an officer General Certification as the new type of corrections officer when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, or .0412, within the officer's probationary period and the officer has met all other requirements for General Certification.

History Note: *Authority G.S. 17C-2; 17C-6; 17C-10;*
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;

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

Amended Eff. November 1, 2024; May 1, ~~2023.~~ 2023;

Readopted Eff. October 1, 2026.

12 NCAC 09I .0108 is adopted as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09I .0108 BASIC TRAINING FORMS – JUVENILE JUSTICE AND ADULT CORRECTION

The following Commission-approved forms shall be used by agencies and Commission-accredited [~~delivery sites~~] schools, pursuant to 12 NCAC 09C .0401 and 12 NCAC 09G .0402, for officers holding probationary certification, pursuant to 12 NCAC 09C .0303 and 12 NCAC 09G .0303:

(1) Form F-11, Report of Training Course Completion, shall include the following:

(a) student's name, academy ID number, and date of birth;

(b) name of employing agency;

(c) student's position title and date of appointment;

(d) course title, location, start date, end date, meeting times, and total hours;

(e) whether the student passed the course; and

(f) name of individual completing the form and date of form completion.

(2) Form F-15, Request for Training Extension, shall include the following:

(a) date of request;

(b) employee's name, date of birth, last four of social security number, and position title;

(c) expiration date of probationary certification;

(d) scheduled basic training course type and course start and end dates;

(e) reason for employee not completing basic training;

(f) proposed start and end dates for subsequent basic training;

(g) employee's name, signature, and date signed;

(h) school director's name, signature, and date signed; and

(i) agency authorized representative's name, signature, and date signed.

History Note: *Authority G.S. 17C-6;*
Eff. October 1, 2026.

12 NCAC 09I .0109 is adopted as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09I .0109 CERTIFICATION FORMS – ADULT CORRECTION

The following Commission-approved forms shall be used during the application process for correctional officer or probation/parole officer certification:

(1) Form F-5A (DAC), Adult Correction Report of Appointment and Application, shall include the following information about the applicant:

(a) type of certification applying for;

(b) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;

(c) prior certification history, including whether the applicant previously held a position requiring certification or licensure from any commission, board, or agency and whether any previous certification was suspended or revoked;

(d) whether the applicant has ever been denied employment for a position with a law enforcement agency, corrections agency, or security agency;

(e) names and types of relationships with any family member in prison, jail, or on probation or parole;

(f) history of illegal drug use;

(g) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;

(h) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;

(i) military history, including date and type of last discharge, and the branch, type of discharge, and start and end dates of service for all periods of active duty;

(j) explanation for any type of military discharge other than honorable;

(k) report of appointment information to be completed by the agency authorized representative, including: applicant's position title, [~~beacon~~] Beacon number, effective date, education and degree information, date of fingerprinting, date [~~DCI~~] Division of Criminal Information Network (DCIN) checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab, whether Forms F-1 and F-2 were completed (pursuant to .0105 of this Subchapter), date of physical exam, name and license number of examining medical practitioner;

(l) notarized signature of the applicant; and

(m) signature of agency authorized representative.

(2) Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, shall include the following information about the applicant:

(a) type of certification applying for;

(b) type of application (transfer from a non-certified position or reappointment following separation);

(c) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;

(d) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;

(e) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;

(f) report of appointment information to be completed by the agency authorized representative, including: position title and effective date, Beacon number, date of fingerprinting, date [~~DCI~~] DCIN checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab;

(g) notarized signature of the applicant; and

(h) signature of agency authorized representative.

(3) Form F-5D (DAC), Notice of Certification Transfer, shall include the following information about the applicant:

(a) name, Beacon number, social security number, date of birth, email address, home address, and phone number;

(b) current or previous certification type and certification type transferring to;

(c) position title and effective date of transfer;

(d) education and experience information;

(e) notarized signature of the applicant; and

(f) signature of the agency authorized representative.

(4) Form F-5E (DAC), Notice of Transfer to a Non-Certified Position, shall include the following information about the transferring officer:

(a) name, date of birth, and last four of social security number;

(b) original certification date;

(c) date of transfer to non-certified position;

(d) title of non-certified position;

(e) type of last certification held, including whether it was probationary or general and whether it was correctional officer certification or probation/parole officer certification;

(f) whether basic training was completed;

(g) whether the officer has been subject to a disciplinary transfer;

(h) name, title, and signature of agency head or authorized representative;

(5) Form F-38 (DAC), Authorization for Release of Information to North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Department of Adult Correction, shall include the following:

(a) applicant's name, date of birth, driver's license number and issuing state, home address, and phone number; and

(b) applicant's notarized signature.

History Note: *Authority G.S. 8-50.2; 17C-6;*
Eff. October 1, 2026.

12 NCAC 09I .0110 is adopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09I .0110 CERTIFICATION FORMS – JUVENILE JUSTICE

The following are Commission-approved forms to be used by individuals certified as, or applicants for certification as, juvenile justice officers or juvenile court counselors:

(1) Form F-5A (JJ), Application for Certification - Juvenile Justice Officer & Juvenile Court Counselor, shall include the following:

(a) name, phone number, and address of employing agency;

(b) applicant's name, previous names used, social security number, home address, date of birth, driver's license number and issuing state, email address, and phone number;

(c) position type (Juvenile Justice Officer or Juvenile Court Counselor);

(d) [~~hire date~~] position title and full-time or part-time status;

(e) verification that the applicant has completed certification requirements as set out in 12 NCAC 09B .0116 or .0117, including:

(i) education information, including highest level of education, name and location of high school, type of higher education degree earned, name and location of higher education institution, and how each type of education and/or degree was verified by the employing agency;

(ii) drug screening date, result, and name of laboratory;

(iii) date submitted fingerprints to State Bureau of Investigation and results shall be attached;

(iv) psychological screening date and the name and license number of the evaluating psychologist or psychiatrist;

(v) indication that medical forms, pursuant to .0105 of this Subchapter, have been completed, date of medical examination, and name and license number of examining medical professional;

(vi) indication that background investigation and associated forms, pursuant to 12 NCAC 09B .0102, have been completed;

(vii) indication of whether the applicant has prior military experience and attached military records if applicable;

(viii) employment history of the applicant, supported by Form F-8, pursuant to 12 NCAC 09B .0102, if applicable;

(ix) attached a completed Form [~~F-37;~~] F-36, pursuant to 12 NCAC 09I .0116; and

(x) applicant's arrest, criminal, probation, and Domestic Violence Protective Order history, supported by Form F-3, pursuant to 12 NCAC 09B .0102, if applicable;

(f) date completed Application for Verification of Expungement AOC-CR-280;

(g) signature of applicant and date signed; and

(h) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(2) Form F-5D (JJ), Application for Change in Juvenile Justice Certification, shall include the following:

(a) [~~Facility~~] facility or district of employment;

(b) applicant name, academy ID number, social security number, date of birth, email address, home address, and phone number;

(c) type of certification transferring from;

(d) type of certification transferring to;

(e) effective date of transfer;

(f) full-time or part-time status;

(g) education information, including how the applicant's high school education was verified by the employing agency, how the applicant's college education was verified; type of college degree earned; and institution name;

(h) notarized signature of the applicant; and

(i) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(3) Form F-19 (JJ), Notification of Personnel Record Change, shall include the following:

(a) employing agency name;

(b) individual's name on file with the Division, academy ID number, date of birth, and social security number;

(c) for those notifying of a name change:

(i) new full name;

(ii) reason for name change; and

(iii) attached documentation, if applicable.

(d) for those notifying of a status change:

(i) current full-time or part-time status; and

(ii) status changing to;

(e) name, title, and signature of agency head and date signed.

History Note: *Authority G.S. 17C-6;*
Eff. October 1, 2026.

Burgos, Alexander N

Subject: FW: [External] Re: September RRC Meeting-Request for Technical Changes

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, September 18, 2026 3:47 PM
To: Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan E <mlock@ncdoj.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: [External] Re: September RRC Meeting-Request for Technical Changes

I'm satisfied with the changes made. Please send all of the final revised rules to oah.rules@oah.nc.gov and cc Mr. Burgos and I (or just reply all).

These rules are final for review and can be placed on September's agenda. Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx.

Thank you and have a great weekend.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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hird parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] Re: September RRC Meeting-Request for Technical Changes
Attachments: 12 NCAC 09A .0204.docx; 12 NCAC 09A .0205.docx; 12 NCAC 09B .0202.docx; 12 NCAC 09G .0303.docx; 12 NCAC 09C .0303.docx; 12 NCAC 09I .0109.docx; 12 NCAC 09B .0111.docx

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From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Friday, September 18, 2026 12:11 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan E <mlock@ncdoj.gov>
Subject: Re: [External] Re: September RRC Meeting-Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good Afternoon,

Attached above are the updated rules with the additional requested changes incorporated.

One thing to note: for the requested changes to 12 NCAC 09G .0303, I attached both 12 NCAC 09C .0303 and 09G .0303 because I had previously made the noted changes to the 09G rule but not the 09C rule.

Please let me know if you see anything that I may have missed or if you have any questions.

Thank you,

Holly

Holly M. Cardoza
CJETSC Rulemaking Coordinator
Criminal Justice Standards Division
Phone: (919) 661-5991
hcardoza@ncdoj.gov
1700 Tryon Park Drive
Raleigh, North Carolina 27610
ncdoj.gov

Please note messages to or from this address may be public records.

12 NCAC 09A .0204 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0204 ~~SUSPENSION: REVOCATION:~~ SUSPENSION, REVOCATION, OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed, pursuant to 12 NCAC 09A .0103(6), or been convicted of:

(1) a felony offense; or

(2) a criminal offense for which the ~~authorized~~ maximum punishment included imprisonment for more than two years.

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

(1) has not completed the required basic training course in its entirety within prescribed time periods ~~relevant or~~ applicable to a specified position or job title, pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).

(2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;

(3) has committed or been convicted of:

(A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103(26)(b) as a Class B misdemeanor; or

(B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification;

(4) has been separated by a criminal justice ~~agency~~ agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, for commission or conviction of a motor vehicle offense requiring the revocation of the officer's driver's ~~license.~~ license;

(5) has been ~~discharged~~ separated by a criminal justice ~~agency~~ agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;

(6) has knowingly made a material misrepresentation, including knowingly providing false or omitting information, of any information required for certification or accreditation;

(7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, obtained or attempted to obtain credit, training, or certification from the Commission;

(8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;

(9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);

(10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;

(11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E .0100;

(12) has refused to submit to a drug screen as required by 12 NCAC 09C .0310 and 09G .0211;

(13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310 or 09G .0211, where the positive result cannot be explained to the Commission's satisfaction;

(14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;

(15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or

(16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition;

(17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,

(A) while on duty;

(B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;

(C) while on or off duty on the premises operated by the employing criminal justice agency;

(D) while in uniform of the employing agency in a public place;

(E) with an employee with whom the person had at the time supervisory responsibilities; or

(F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

(18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995; November 1, 1993; March 1, 1992; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff: January 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0205 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0205 PERIOD OF ~~SUSPENSION: REVOCATION:~~ SUSPENSION, REVOCATION, OR DENIAL

(a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction shall be permanent where the cause of sanction is:

(1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);

(2) commission or conviction of a criminal offense for which the maximum punishment is authorized by law to ~~included~~ include imprisonment for more than two years, except as provided by G.S. 17C-13(a); or

(3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension pursuant to 12 NCAC 09A .0204.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission shall reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

(1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;

(2) refusal to submit to the applicant or lateral transferee drug screen required by ~~these Rules;~~ 12 NCAC 09C .0310;

(3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;

(4) material ~~misrepresentation~~ misrepresentation, including omitting or knowingly providing false information ~~of any information~~ required for certification or accreditation;

(5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, fraud, misrepresentation or cheating;

(6) failure to make ~~either~~ any of the notifications as required by 12 NCAC 09B .0101(13);

(7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;

(8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; ~~or~~

(9) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" in 12 NCAC 09A ~~.0103(24)(b),~~ .0103(26)(b) regardless of the date of ~~conviction.~~ commission or conviction;

(10) engaging in sexual activity outlined in Rule .0204(b)(17) of this Subchapter; or

(11) untruthfulness during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the Division, the Company and Campus Police Administrator, or the Sheriffs' Standards Division as outlined in 12 NCAC 09A .0204(b)(18).

(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

(1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, ~~0225,~~ .0225, .0235, and ~~0236;~~ .0236;

(2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;

(3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or

(4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC ~~09E.~~ 09E .0100.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989; October 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. March 1, 2024; January 1, 2022; July 1, ~~2020.~~ 2020;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0111 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0111 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 09A .0204, every law enforcement officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal, or military court of:

(1) a felony;

(2) a crime for which the authorized punishment could have been imprisonment for more than two years;

(3) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of certification ;

(4) a crime or unlawful act defined as a "Class B Misdemeanor" occurring after the date of certification;

(5) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;

(6) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of certification or

(7) a combination of four or more Class A Misdemeanor or Class B Misdemeanor regardless of the date;

(8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 09A .0103(5) defines "Commission of an offense" as a finding by the North Carolina Criminal Justice Education and Training Standards ~~Commission~~ Commission, or equivalent regulating body from another ~~state~~ state, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985; January 1, 1985; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0202 is readopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

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

(1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;

(2) Select and schedule instructors who are certified by the Commission, pursuant to 12 NCAC 09B .0301;

(3) Ensure each instructor utilizes Commission approved lesson plans and instructional materials, as specified in Rules .0205, .0209, .0210, ~~.0211,~~ .0212, ~~.0213, .0214,~~ .0226, .0227, .0232, .0233, .0235, .0236, .0237, .0238, .0241, .0313, .0314, ~~or~~ and .0410 of this Subchapter;

(4) Arrange for the availability of audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;

(5) Develop, reproduce, and distribute any requirements determined by the school to be necessary or appropriate for:

(A) effective course delivery;

(B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and

(C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;

(6) Administer the course delivery in accordance with Commission approved lesson plans, pursuant to Subparagraph (a)(3) of this Rule;

(7) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been ~~delegated.~~ delegated;

(8) Within 48 hours of making a schedule change, [~~hours,~~] notify the Division in writing of any schedule changes for an ongoing Commission-approved course. Schedule changes include changes to training times, blocks of instruction, training locations, and any other content included on the approved Pre-Delivery Report (F-10A) for the course, as prescribed in 12 NCAC 09I .0102. Notification shall include an explanation of and reasoning for the schedule change from the School Director or a qualified assistant.

(9) Within 48 hours of the occurrence of a student illness or injury, [~~hours,~~] notify the Division of an instance of illness or injury requiring or resulting in medical assistance or hospitalization of a student enrolled in a Commission-approved course. Notification shall consist of a completed Student Injury Report pursuant to 12 NCAC 09I .0103 and 12 NCAC 09I .0105;

(10) Within five business days of the qualifying event, notify the Division in writing of:

(A) the removal by the School Director, school, training program, or employing institution of a Commission-certified instructor from a Commission-accredited course delivery; or

(B) the opening by the school, training program, or employing institution of an internal investigation, disciplinary proceeding, or pre-disciplinary proceeding which a Commission-certified instructor is the subject of and which contains allegations that could constitute conduct outlined in 12 NCAC 09B .0301(e) or could otherwise be considered a failure to meet or maintain requirements for instructor certification, pursuant to 12 NCAC 09B .0300.

Written notification shall include the name of the instructor; name of the school or agency; name of the Commission-accredited courses for which the instructor is planned to teach, currently teaching, or removed from; dates and explanation of the qualifying event or conduct which resulted in the instructor's removal, investigation, or proceeding; and explanation of action taken by the School Director, training program, or school.

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

(1) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as six one-week breaks until course requirements are completed. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students that may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction. Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency;

(2) Schedule only ~~specialized instructors~~ Specialized Instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;

(3) With the exception of the First Responder, Officer Health and Wellness, Explosives and Hazardous Materials Emergencies, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while

engaged in a practical performance exercise;

(4) Schedule one ~~specialized instructor~~ Specialized Instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area ~~areas~~ ~~Subject Control Arrest Techniques or~~ Compliance and Control Tactics;

(5) Schedule no single individual to instruct more than ~~35 percent of the total hours of the 640-hour curriculum or~~ 25 percent of the total hours of the 868-hour curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;

(6) Not less than 30 calendar days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC ~~09C .0211;~~ 09I .0102;

(7) Submit a copy of ~~any~~ all rules and requirements for the school. A copy of those rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;

(8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall ~~be of sufficient duration to~~ ensure that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan, pursuant to Subparagraph (a)(3) of this Rule. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form ~~F-16)~~ F-16), pursuant to 12 NCAC 09I .0101, and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated. ~~The Criminal Justice Evaluation (Form F-16) shall contain the following information:~~

~~(A) Instructor's name, date of birth, and Acadis ID number;~~

~~(B) Evaluator's name, and Acadis ID number;~~

~~(C) Block of Instruction, date, location, and total hours of instruction;~~

~~(D) Scores for Instructional Ability and Strategies; and~~

~~(E) Presentation Evaluation Criteria.~~

(9) Administer or designate a Qualified Assistant to administer course specific tests during course delivery:

(A) to determine and record the level of trainee comprehension and retention of instructional subject matter;

(B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and

(C) to determine subject or topic areas of deficiency for the application of Rule ~~.0405(a)(3)~~ .0405(a) of this Subchapter; and

(10) Not more than 10 calendar days after the conclusion of a school's offering of Basic Law Enforcement Training, ensure all student test scores and class documents have been uploaded to the North Carolina Justice Training and Certification portal, ~~Acadis platform,~~ and submit to the Commission a Post-Delivery Report of Training Course Presentation ~~(Form F-10B).~~ (Web Form F-10B), pursuant to 12 NCAC 09I .0102.

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

(1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;

(2) Schedule evaluators as follows:

(A) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, as evaluated by Division staff pursuant to 12 NCAC 09B .0302(d) and (e); ~~an international model with applications in education, military training, and private enterprise;~~ and

(B) each instructor and evaluator shall have completed an instructor training orientation program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation. The completion of an instructor training orientation program shall be documented in the ~~Acadis platform~~. North Carolina Justice Training and Certification portal.

(3) Not fewer than 30 calendar days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation, Form F-10A, pursuant to 12 NCAC 09I .0102, with the following attachments:

(A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;

(B) the names and Academy ID ~~Acadis identification~~ numbers of all instructors and evaluators; and

(C) a copy of any rules and requirements for the school; and

(4)[~~(5)~~] Not more than 10 calendar days after course completion, submit to the Commission a Post-Delivery Report of Training Course Presentation Form F-10B, pursuant to 12 NCAC 09I .0102, containing the following:

(A) class enrollment roster;

(B) a course schedule with the designation of instructors and evaluators utilized in delivery;

(C) scores recorded for each trainee on the 70 minute skill presentation; and

(D) designation of trainees who completed the course in its entirety.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, ~~RADAR and Time-Distance, Time-Distance, or LIDAR~~ RADAR/LIDAR, or LIDAR speed ~~measurement~~ measuring instrument (SMI) operator training course or re-certification course, the School Director shall:

(1) select and schedule ~~speed measurement instrument~~ SMI instructors who are certified by the Commission as ~~instructors~~ instructors, pursuant to Rules .0237 and .0308 of this Subchapter, for the specific speed ~~measurement~~ measuring instruments in which the trainees are to receive instruction;

(2) not fewer than 30 calendar days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Training Course Presentation, Form F-10A, ~~that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument;~~ pursuant to 12 NCAC 09I .0102, and

(3) upon completing delivery of the Commission-certified course, and not more than 10 calendar days after the conclusion of a school's offering of ~~a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement~~ a RADAR, LIDAR, or RADAR/LIDAR operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation, Form ~~F-10B.~~ F-10B, pursuant to 12 NCAC 09I .0102. This report shall include the original motor-skill examination ~~form(s)~~ forms completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

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

1985;

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

Amended Eff. January, 1, 2025; April 1, 2022; July 1, 2021; January 1, 2021; July 1, ~~2020.~~ 2020; Readopted Eff. October 1, 2026.

12 NCAC 09C .0303 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

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, as specified in ~~Rule .0101~~ Rules .0101, .0114, .0116, and .0117, of this ~~Subchapter~~ Subchapter, when the person's employing agency submits a Report of Appointment to the Standards Division. The Report of Appointment Form is located on the agency's website: ~~http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)_6-11.aspx.~~ https://ncdoj.gov/download/100/division-of-juvenile-justice/373038/f-5a-jj-juvenile-justice-application-for-certification-08-2026.pdf. The process for issuing probationary certification is as follows:

(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 calendar 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 calendar days of the commencement of the officer's service.

(c) The criminal justice officer's Probationary Certification shall remain valid for ~~one year~~ 12 months from the date the certification is issued by the Standards Division unless sooner terminated by his or her agency. ~~agency for cause.~~

(d) [~~Officers~~] Criminal Justice Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training outlined in 12 NCAC 09B .0235 or .0236, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, Request for Training Extension, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(d)~~(e) Before a prospective law enforcement officer may be issued a Probationary Certification, the prospective officer shall have completed the required basic training course stipulated in 12 NCAC 09B .0205(b).

~~(e)~~(f) 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)~~ (b) through (e) of this Rule.

~~(f)~~(g) Where the local governing authority declares the existence of a public emergency pursuant to G.S. 166A-19.22, 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 calendar 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09G .0303 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09G .0303 PROBATIONARY CERTIFICATION

(a) A prospective employee may commence service as a correctional officer or probation/parole officer at the time of employment with the North Carolina Department of Adult Correction.

(b) Within 90 calendar days of appointment to a position for which the Commission requires certification, the North Carolina Department of Adult Correction shall submit a completed Application for Certification Corrections Officer ~~(F-5A)~~ (Form F-5A), pursuant to 12 NCAC 09I .0109, to the Standards Division. ~~The Application for Certification Corrections Officer (F-5A) shall include the:~~

~~(1) applicant's name, social security number, date of birth, driver's license number, and email;~~

~~(2) position being applied for;~~

~~(3) criminal offense record;~~

~~(4) past disciplinary actions;~~

~~(5) military service record;~~

~~(6) education information; and~~

~~(7) signature of agency head or authorized representative.~~

(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Adult Correction submits a completed Application for Certification Corrections Officer (Form F-5A) to the Standards Division.

(d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Adult Correction.

(e) The officer's Probationary Certification shall remain valid for 12 months ~~one year~~ from the date the certification is issued by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.

(f) Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training, pursuant to 12 NCAC 09G .0411 and .0412, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, Request for Training Extension, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(f)~~(g) Pursuant to 12 NCAC 09G .0201, the North Carolina Department of Adult Correction shall maintain documentation of Probationary Certification in the officer's personnel records.

(h) Officers with Probationary Certification who have completed the required basic training and who, through promotional opportunities or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their Probationary Certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and shall complete a verification of employment standards of 12 NCAC 09G 0208 and .0209 (except 12 NCAC 09G .0208(5) and .0209(5)) on Form F-5C(DAC),

pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction. Upon reinstatement of their Probationary Certification, the officer must complete the remainder of their 12-month probationary period prior to being eligible for General Certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, ~~2025.~~ 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09I .0109 is adopted as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09I .0109 CERTIFICATION FORMS – ADULT CORRECTION

The following Commission-approved forms shall be used during the application process for correctional officer or probation/parole officer certification:

(1) Form F-5A (DAC), Adult Correction Report of Appointment and Application, shall include the following information about the applicant:

(a) type of certification applying for;

(b) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;

(c) prior certification history, including whether the applicant previously held a position requiring certification or licensure from any commission, board, or agency and whether any previous certification was suspended or revoked;

(d) whether the applicant has ever been denied employment for a position with a law enforcement agency, corrections agency, or security agency;

(e) names and types of relationships with any family member in prison, jail, or on probation or parole;

(f) history of illegal drug use;

(g) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;

(h) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;

(i) military history, including date and type of last discharge, and the branch, type of discharge, and start and end dates of service for all periods of active duty;

(j) explanation for any type of military discharge other than honorable;

(k) report of appointment information to be completed by the agency authorized representative, including: applicant's position title, [~~beacon~~] Beacon number, effective date, education and degree information, date of fingerprinting, date [~~DCI~~] Division of Criminal Information Network (DCIN) checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab, whether Forms F-1 and F-2 were completed (pursuant to .0105 of this Subchapter), date of physical exam, name and license number of examining medical practitioner;

(l) notarized signature of the applicant; and

(m) signature of agency authorized representative.

(2) Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, shall include the following information about the applicant:

(a) type of certification applying for;

(b) type of application (transfer from a non-certified position or reappointment following separation);

(c) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;

(d) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;

(e) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;

(f) report of appointment information to be completed by the agency authorized representative, including: position title and effective date, Beacon number, date of fingerprinting, date [~~DCI~~] DCIN checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab;

(g) notarized signature of the applicant; and

(h) signature of agency authorized representative.

(3) Form F-5D (DAC), Notice of Certification Transfer, shall include the following information about the applicant:

(a) name, Beacon number, social security number, date of birth, email address, home address, and phone number;

(b) current or previous certification type and certification type transferring to;

(c) position title and effective date of transfer;

(d) education and experience information;

(e) notarized signature of the applicant; and

(f) signature of the agency authorized representative.

(4) Form F-5E (DAC), Notice of Transfer to a Non-Certified Position, shall include the following information about the transferring officer:

(a) name, date of birth, and last four of social security number;

(b) original certification date;

(c) date of transfer to non-certified position;

(d) title of non-certified position;

(e) type of last certification held, including whether it was probationary or general and whether it was correctional officer certification or probation/parole officer certification;

(f) whether basic training was completed;

(g) whether the officer has been subject to a disciplinary transfer;

(h) name, title, and signature of agency head or authorized representative;

(5) Form F-38 (DAC), Authorization for Release of Information to North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Department of Adult Correction, shall include the following:

(a) applicant's name, date of birth, driver's license number and issuing state, home address, and phone number; and

(b) applicant's notarized signature.

History Note: *Authority G.S. 8-50.2; 17C-6;*
Eff. October 1, 2026.

Burgos, Alexander N

Subject: FW: [External] Re: September RRC Meeting-Request for Technical Changes

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, September 18, 2026 1:52 PM
To: Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>; Lock, Meghan E <mlock@ncdoj.gov>
Subject: Re: [External] Re: September RRC Meeting-Request for Technical Changes

Good afternoon,

Thank you for the revisions. I have one clarity question involving 09A .0204-.0205 and 09B .0111. Based on your response in 09A .0204, my understanding is your agency does not take into account any prior criminal record when determining the "maximum punishment". Is that correct? If so, then the language in .0204 (line 8) is satisfactory to use.

My confusion is using "authorized" or "authorized by law" if an officer's prior criminal record is not being considered. G.S. 15A-1340.17(c) considers the offender's prior record level when determining the "authorized" punishment. In my mind, the language "maximum punishment authorized by law" is the longest active sentence an individual can receive based on their prior criminal record and the classification of the offense.

Please clarify and/or change the language cited for those three rules and reply at your earliest convenience. I'm otherwise satisfied with these rules.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: September RRC Meeting-Request for Technical Changes

From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Thursday, September 17, 2026 10:13 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: Re: [External] Re: September RRC Meeting-Request for Technical Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good Morning,

Thank you for your time and attention to these rules. I am working on these additional changes now and will have them returned to you as soon as possible.

Thank you,

Holly

Holly M. Cardoza
CJETSC Rulemaking Coordinator
Criminal Justice Standards Division
Phone: (919) 661-5991
hcardoza@ncdoj.gov
1700 Tryon Park Drive
Raleigh, North Carolina 27610
ncdoj.gov

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Burgos, Alexander N

Subject: FW: [External] Re: September RRC Meeting-Request for Technical Changes

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, September 16, 2026 2:55 PM
To: Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: Re: [External] Re: September RRC Meeting-Request for Technical Changes

Good afternoon,

Thank you for the changes and responses. Please see below.

12 NCAC 09A .0204

- Line 8, replace "authorized" with "maximum" for clarity. G.S. 15A-1340.13(c) and .17(c) both consider the offender's prior record level when determining the "maximum" punishment. "Authorized" is also used in 09A .0205(a)(2) in the same context.

12 NCAC 09B .0111

- Line 8, add "authorized" before "punishment."

12 NCAC 09B .0202

- Page 3, line 3, make “areas” singular.

12 NCAC 09G .0303

- *Line 28, after “Form F-15,” add “Request for Training Extension” for clarity*. This request doesn't appear to be resolved.
- *Line 29 and throughout all rules, consider distinguishing between “calendar” and “business” days. This line uses “business days” but most rules only use “days”. Please be consistent for clarity*. You added "business" to line 29 but didn't specify other uses of "days." Is the regulated public to assume all rules refer to "calendar days" unless specified "business"?

12 NCAC 09I .0109

- Page 2, line 13, replace "(DCI)" with "(DCIN)".

Please reply with changes and/or responses at your earliest convenience. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] Re: September RRC Meeting-Request for Technical Changes
Attachments: Additional Requests for Changes.pdf; 09_2026-CJETS-Reqquest for Technical Changes.docx; 12 NCAC 09A .0101.docx; 12 NCAC 09A .0102.docx; 12 NCAC 09A .0103.docx; 12 NCAC 09A .0106.docx; 12 NCAC 09A .0201.docx; 12 NCAC 09A .0202.docx; 12 NCAC 09A .0203.docx; 12 NCAC 09A .0204.docx; 12 NCAC 09A .0205.docx; 12 NCAC 09B .0103.docx; 12 NCAC 09B .0105.docx; 12 NCAC 09B .0106.docx; 12 NCAC 09B .0111.docx; 12 NCAC 09B .0202.docx; 12 NCAC 09B .0212.docx; 12 NCAC 09B .0215.docx; 12 NCAC 09B .0304.docx; 12 NCAC 09B .0308.docx; 12 NCAC 09B .0408.docx; 12 NCAC 09B .0409.docx; 12 NCAC 09B .0414.docx; 12 NCAC 09C .0303.docx; 12 NCAC 09C .0308.docx; 12 NCAC 09C .0601.docx; 12 NCAC 09C .0607.docx; 12 NCAC 09G .0303.docx; 12 NCAC 09G .0304.docx; 12 NCAC 09I .0108.docx; 12 NCAC 09I .0109.docx; 12 NCAC 09I .0110.docx

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From: Cardoza, Holly <hcardoza@NCDOJ.GOV>
Sent: Tuesday, September 15, 2026 4:48 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: [External] Re: September RRC Meeting-Request for Technical Changes

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Good Afternoon,

Attached above are the responses and updated rules based on the Request for Technical Changes for the CJETS Commission rules. Please let me know if you have any additional questions or if there is any additional information I can provide.

Thank you,

Holly

Holly M. Cardoza
CJETSC Rulemaking Coordinator
Criminal Justice Standards Division
Phone: (919) 661-5991
hcardoza@ncdoj.gov
1700 Tryon Park Drive
Raleigh, North Carolina 27610
ncdoj.gov

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Outlook

Re: September RRC Meeting-Request for Technical Changes

From Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Date Tue 9/1/2026 3:56 PM
To Cardoza, Holly <hcardoza@NCDOJ.GOV>
Cc Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>

EXTERNAL SENDER: This email originated from outside the organization. Do not click on links or open attachments unless you can validate the sender and the contents are safe.

Good afternoon,

I've cc'd our newest RRC Counsel, Meghan Barney, who also reviewed your rules. We have a few additional requests/questions below.

- 12 NCAC 09A .0103 – Definitions: Is there a reason that "High School" is being defined this way? It seems that elementary and middle schools would fit the definition. Please clarify. **Response: Language clarified.**
- 12 NCAC 09A .0202- Sanctions for Violations by Agencies or Schools: Lines 8 and 11 say the Commission may "suspend *and* refuse to grant...". Shouldn't "and" be replaced with "or"? It seems implausible that you can suspend something that has not yet been granted. **Response: Resolved.**
- 12 NCAC 09A .0204 – Suspension: Revocation: or Denial of Certification and 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial: The titles need to use commas instead of colons. **Response: Resolved.**
- 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial: On Lines 6-7 and 8-9 the rule citations need to be written out for consistency and clarity and "0225" and "0236" need decimal points before the zeros. **Response: Resolved.**

Please submit the revised rules to me via email, no later than 5 p.m. on September 15, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, August 31, 2026 11:35 AM
To: Cardoza, Holly <hcardoza@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: September RRC Meeting-Request for Technical Changes

Good morning,

I'm the attorney who reviewed the rule submitted by the Criminal Justice Education and Training Standards Commission for the September 2026 RRC meeting. The RRC will formally review this rule at its meeting on Tuesday, September 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on September 15, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A. .0101

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

> *Line 1, where are the "changes" from publication in the Register. Changes should be highlighted.*
> Response: "With changes" has been removed from Line 1.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A. .0102

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4, capitalize "commission".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A. .0103

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

> *Page 4, (b), line 24: the link to the Commission's website takes you a page that is "Not Found". Please verify the link is valid and directs the reader to the "Manual".*
> Response: Link corrected.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0106

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 4-5, "these Rules" is unclear. "Rules" should be lowercase unless you're referring to a specific rule.
Response: Language clarified.

Line 7, delete "appropriate" since it's unclear and unnecessary.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0201

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 6, add "or an" before "authorized". Delete "or individual".
Response: Resolved.

Line 8, delete "if necessary" since it's unnecessary.
Response: Resolved.

Line 16, replace "may" with "shall".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0202

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4, replace "may" with "shall" if the Commission must take one of the listed actions upon finding that a violation has been committed.
Response: Resolved.

Lines 9-10, "these Rules" is unclear. Please specify what rules are being referred to.
Response: Language clarified.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0203

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 5, "these Rules" is unclear. Please specify what rules are being referred to.
Response: Language clarified.

Line 5, replace "may" with "shall" if the Commission must take one of the listed actions upon finding that a willful violation has occurred.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0204

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 7, does the "authorized punishment" for "more than two years" consider the offender's prior criminal history?
Response: Generally, we review the maximum punishment for the offense in determining whether the authorized punishment is for more than 2 years.

Line 12, delete "relevant or" since it's unnecessary.
Response: Resolved.

Line 23, "has been separated" is unclear and ambiguous. Please clarify.
Response: Clarifying language incorporated.

Line 25, "has been discharged" is unclear. Please replace with "has been terminated" or define "discharged".
Response: Clarifying language incorporated.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0205

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 34, add "Rule" before ".0204(b)(17)."
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0103

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

> *Line 7 and 8-9, "utilizing fingerprints against State and federal files" is unclear. I believe this refers to a comparison analysis, but please clarify.*
> Response: Language clarified.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0105

DEADLINE FOR RECEIPT: September 15, 2026

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

In reviewing this Rule, the staff recommends the following changes be made:

Line 6, don't capitalize "Agency" when referring to a generic agency.
Response: Resolved.

Line 8, delete "respective" and add "shall" after "head". Change "identifies" with "identify".
Response: Resolved.

Line 8, how will the agency head identify "those individuals he or she deems qualified"? I assume this will be done in writing and stored in a retrievable location. Please clarify.
Response: The individuals the agency head deem qualified as interviewers are identified through documentation of who conducted the interview on the summary of the interview, as outlined in 12 NCAC 09C .0307(a)(1)(E), which is required to be kept on file with the agency. Additional language has been incorporated to reference this documentation requirement.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0106

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4, consider replacing "furnish" with "submit".
Response: Resolved.

Line 5, replace "or" with "and" if documentary evidence of all graduations must be submitted, if obtained.
Response: Documentary evidence of at least one of the graduation types is required. Multiple is not required.

Lines 6-7, does your agency intend to enforce the "standards adopted" by the listed entities"? If so, incorporate the standards by reference according to G.S. 150B-21.6.
Response: Citations incorporated.

Lines 7-8, who decides if an out of state agency is "comparable"? Is this determination based on certain factors?
Response: Language updated.

Line 15, who decides if an out of state statute is "comparable"?
Response: Language updated.

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

Line 17, is an "authentic transcript" the same as a "true and accurate or certified transcript" (lines 13-14)? Please clarify any distinctions or be consistent with the language used.
Response: Language updated.

Line 19, what are "correspondence courses"? Is there a definition you can cite?
Response: Language updated.

Line 26, "satisfactory" to who?
Response: Language updated.

Line 27, does "true copy" mean that it's "certified"?
Response: Language updated.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0111

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 8, does the "punishment" for "more than two years" consider the offender's prior criminal history?
Response: Generally, we review the maximum punishment for the offense in determining whether the authorized punishment is for more than 2 years.

Line 14, do crimes or unlawful acts defined as "Class A1 Misdemeanors" factor into the analysis for this Rule?
Response: The classifications of misdemeanors under North Carolina Misdemeanor Sentencing pursuant to § 15A-1340.23 is separate and distinct from the classifications of misdemeanors as Class A and Class B misdemeanors for Commission purposes. Class A and B Misdemeanors are defined under 12 NCAC 09A .0103 (26). All misdemeanors under 15A-1340.23 are classified as either Class A or Class B.

Line 21, add a comma before and after "or equivalent regulating body from another state".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0202

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, where are the "changes" from publication in the Register. Changes should be highlighted.
Response: Resolved.

Line 12, replace "or" with "and".
Response: Resolved.

Lines 27 and 32, "Within 48 hours" of what event/occurrence? Please clarify.
Response: Language clarified.

Page 2, line 31, capitalize "specialized instructors" since it's a proper name that your agency has defined.
Response: Resolved.

Page 3, line 1, capitalize "specialized instructor". Line 2, make "areas" singular.
Response: Resolved.

Line 6 and throughout, consider distinguishing between "calendar" and "business" days. There is at least one rule that uses "business days" but most rules only use "days".
Response: Resolved.

Line 10, replace "any" with "all".
Response: Resolved.

Line 16, delete "be of sufficient duration to" since it's unnecessary.
Response: Resolved.

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

Page 4, line 21, does your agency intend to require the utilization of the "Instructional Systems Design model"? If so, incorporate the standards by reference according to G.S. 150B-21.6.
Response: Language updated.

Line 37, replace "(5)" with "(4)".
Response: Resolved.

Page 5, line 12, add "Rules" before ".0237".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0212

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 21, delete "a" before "Radar…".
Response: Resolved.

Line 34, add "the" before "12 months".
Response: Resolved.

Page 2, line 3, delete the extra space before "19.3(19)".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0215

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 14, add a comma after "designee".
Response: Resolved.

Line 20, add "(a)(1)-(3)" to the end of ".0106".
Response: Resolved.

Line 23, add "(b)(2)" to the end of ".0106".
Response: Resolved.

Line 31, add "12 NCAC" before "09C".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0304

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 22, capitalize "state" if only referring to North Carolina.
Response: Resolved.

Page 2, in (1)(A) and (2)(B), those parts were not included in the Register. Why was this language added after publication? Why does this not constitute a substantial change under G.S. 150B-21.2(g)?
Response: This content was mistakenly removed from the rule prior to publication in the Register. The intention of removing (1)(A) and (2)(B) was to reduce redundancy, as there is a similar requirement outlined in Paragraph (b) of this Rule. However, Paragraph (b) requires basic CPR certification while Parts (1)(A) and (2)(B) of Paragraph (e) require CPR instructor certification. Additionally, since this language is already included in the published rule, keeping this language in the rule has no substantial impact, as the requirement for certification is unchanged.

Page 4, line 1, does your agency intend to require the utilization of the "Instructional Systems Design model"? If so, incorporate the standards by reference according to G.S. 150B-21.6.
Response: Language updated.

In (2), that language was not included in the Register. Why does this not constitute a substantial change under G.S. 150B-21.2(g)?
Response: This content was mistakenly removed from the rule prior to publication in the Register. The intention of removing (k)(2) was to reduce redundancy, as there is a similar requirement outlined in Paragraph (b) of this Rule. However, Paragraph (b) requires basic CPR certification while Subparagraph (k)(2) requires CPR instructor certification. Additionally, since this language is already included in the published rule, keeping this language in the rule has no substantial impact, as the requirement for certification is unchanged.

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

Lines 12 and 20, make "complete" lowercase for consistency.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0308

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

> *Line 6 uses "shall", so why is "must" or "shall" necessary at the beginning of each part in (a)(1) and (a)(2)?*
> Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0408

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 12, capitalize "state" if only referring to North Carolina.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0409

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 19, capitalize "rule".
Response: Resolved.

Line 37, add a comma after ".0242(a)".
Response: Resolved.

Page 2, line 27, capitalize "state" if only referring to North Carolina.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0414

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, where are the "changes" from publication in the Register? Changes should be highlighted.
Response: Resolved.

Line 4, capitalize "state" if only referring to North Carolina.
Response: Resolved.

Lines 21, 24, 26 and 29, capitalize "state" if only referring to North Carolina.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0303

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, where the "changes" from publication in the Register. Changes should be highlighted.
Response: Resolved.

Line 4, is "criminal justice officer" being used interchangeably with "law enforcement officer" (line 29, etc.)? Please clarify and use language consistently.
Response: No, the paragraphs which refer to "law enforcement officers" are specific to law enforcement officers. The paragraphs which refer to "criminal justice officers" pertain to all criminal justice officers, including law enforcement officers. The citations in Paragraph (b) as well as terminology in Paragraphs (c) and (d) have been updated to make this distinction clearer.

Line 8, add a comma after "Subchapter".
Response: Resolved.

In (b), line 10, the link to the Commission's website takes you a page that is "Not Found". Please verify the link is valid and directs the reader to the "Report of Appointment Form".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0308

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (c)(1), line 16, why is this language necessary? It appears to already be required in line 15.
Response: Redundant language removed.

Page 2, lines 1-2, replace "issue" with "issuance".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0601

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 10-11 and 17 , delete "of the incorporated material as provided by G.S. 150B-21.6" and end each sentence with "editions".
Response: Resolved.

Lines 18-19, the link to the Commission's website takes you a page that is "Not Found". Please verify the link is valid and directs the reader to "Appendix A:…".
Response: It looks like the link embedded in the published rule by OAH was mistyped. The link text included in the rule takes you to a folder on the "Forms and Publications" page of the Commission's website which contains the Appendix A document. The link text in the rule is as follows: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi
The link embedded in the published rule is missing a dash between the words "law" and "enforcement" as follows: https://ncdoj.gov/lawenforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0607

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 11 and 23, delete "of the incorporated material as provided by G.S. 150B-21.6" and end each sentence with "editions".
Response: Resolved.

In (b), lines 12-13, the link to the Commission's website takes you a page that is "Not Found". Please verify the link is valid and directs the reader to the "Appendix B: …"
Response: It looks like the link embedded in the published rule by OAH was mistyped. The link text included in the rule takes you to a folder on the "Forms and Publications" page of the Commission's website which contains the Appendix B document. The link text in the rule is as follows: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi
The link embedded in the published rule is missing a dash between the words "enforcement" and "training" as follows: https://ncdoj.gov/law-enforcementtraining/criminal-justice/forms-and-publications/#91-105-wpfd-smi

In (d), lines 24-25, the link to the Commission's website takes you a page that is "Not Found". Please verify the link is valid and directs the reader to the "Appendix C: …"
Response: It looks like the link embedded in the published rule by OAH was mistyped. The link text included in the rule takes you to a folder on the "Forms and Publications" page of the Commission's website which contains the Appendix C document. The link text in the rule is as follows: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi
The link embedded in the published rule is missing a dash between the words "criminal" and "justice" as follows: https://ncdoj.gov/law-enforcement-training/criminaljustice/forms-and-publications/#91-105-wpfd-smi

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0303

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, where are the "changes" from publication in the Register. Changes should be highlighted.
Response: Resolved.

Line 28, after "Form F-15," add "Request for Training Extension" for clarity.
Response: Resolved.

Line 29 and throughout all rules, consider distinguishing between "calendar" and "business" days. This line uses "business days" but most rules only use "days". Please be consistent for clarity.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0304

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1, where are the "changes" from publication in the Register? Changes should be highlighted.
Response: Resolved.

Lines 4, 5, 7, 23, 25, and 27, is "officer" referring to a "law enforcement officer" or a different type? Please clarify and use language consistently.
Response: The 09G Subchapter is specific to Correctional Officers and Probation/Parole Officers. Language has been incorporated to specify these two types of officer certifications.

Line 14, after "Form F-5C (DAC)," add "Report of Reappointment/Reinstatement of Certification" for clarity.
Response: Resolved.

Lines 20-21, I don't see Form F-5D under Rule 09I .0108. If intended, please replace with "Form F-5D (DAC), Notice of Certification Transfer", pursuant to 12 NCAC 09I .0109."
Response: Resolved.

Line 23, add a comma after "Certification".
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09I .0108

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4, is "Commission-accredited delivery site(s)" defined somewhere? Where are these sites located? How does the public know where these sites are located?
Response: Language clarified.

Line 5, add "12 NCAC" before "09G .0303".
Response: Resolved.

In (b), line 10, the link to the Commission's website takes you a page that is "Not Found". Please verify the link is valid and directs the reader to the "Report of Appointment Form".
Response: There is no link to the Commission's website in this rule.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09I .0109

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 28, capitalize "beacon".
Response: Resolved.

Line 29, spell out "DCI" the first it's used for clarity.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09I .0110

DEADLINE FOR RECEIPT: September 15, 2026

***PLEASE NOTE:* This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 12, "position title" was not included in the Register, but "~~hire date~~" was included. Why was this change made after publication? Why does this not constitute a substantial change under G.S. 150B-21.2(g)?
Response: Under G.S. 150B-21.2(g), a substantial change is one that affects a different group of persons, addresses a different subject matter, or produces an effect that could not reasonably have been expected based on the original rule.
"Hire date" is being removed from Form F-5A (JJ), as the form is often submitted before an applicant is hired, and "position title" is being added to assist the Criminal Justice Standards Division in verifying that the position that the applicant is seeking falls under the certification type they are applying for.
These changes do not alter any application or certification requirements; they simply assist with processing the documents. Therefore, this change will have no practical impact on the applicants or their certifications.

Line 33, "F-36, pursuant to 12 NCAC 09I. 0106"" was not included in the Register, but "~~F-37~~" was included. Why was this change made after publication? Why does this not constitute a substantial change under G.S. 150B-21.2(g)?
Response: Form F-37 is an Authorization for Release of Information form for juvenile justice officer applicants and juvenile court counselor applicants. Form F-37 has been consolidated with two other Authorization for Release of Information forms into one Form F-36 for all criminal justice officer applicants. The required content is the same as the F-37, but the language on the form encompasses all criminal justice officer certification types. The form requirements are identical.

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

Page 2, line 5, make "Facility" lowercase.
Response: Resolved.

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

Travis C. Wiggs
Commission Counsel
Submitted to agency: August 31, 2026

12 NCAC 09A .0101 is readopted as published in 40:18 NCR 1438-1458 as follows:

CHAPTER 09 - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SUBCHAPTER 09A - CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES

12 NCAC 09A .0101 LOCATION

The North Carolina Criminal Justice Standards Division ~~Education and Training Standards Commission~~ is established in the Department of Justice and is located ~~in the Old Education Building, 114 West Edenton Street,~~ at 1700 East Tryon Park Drive, in Raleigh, North Carolina. The mailing address is:

North Carolina Criminal Justice Standards Division
~~Education and Training Standards Commission~~
Post Office Drawer 149
Raleigh, North Carolina 27602
Telephone ~~(919)716-6470~~ (919)661-5980

History Note: *Authority G.S. 17C-3; 17C-6;*
Eff. January 1, 1981;
Amended Eff. November 1, 1998; August 15, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0102 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0102 PURPOSE

The purpose of the ~~commission~~ Commission is to raise the level of competence within the criminal justice community by:

(1) Establishing minimum standards for employment and retention of criminal justice personnel;

(2) Establishing minimum standards for the training and education of criminal justice personnel;

(3) Promoting the planning and development of a systematic career development program for criminal justice professionals by providing and encouraging advanced or specialized training, education, and certification;

(4) Planning and promoting the development and improvement of a comprehensive system of education and training in the administration of criminal justice;

(5) Conducting and stimulating research and planning, by public and private agencies, designed to improve education and training in the administration of criminal justice;

(6) Studying the recruitment, selection, education and training of criminal justice personnel and recommending improvements in such methods; and

(7) Maintaining liaison among local, state, and federal agencies with respect to criminal justice education and training.

History Note: *Authority G.S. 17C-1; 17C-6;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0103 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0103 DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F:

(1) "Active Duty Military" means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

(2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(2).

(3) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the Department of Public Safety as authorized by G.S. 18B-500.

(4) "Chief Court Counselor" means the person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Public Safety, Division of Juvenile Justice.

(5) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.

(6) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09A .0201, or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(7) "Convicted" or "Conviction" means the entry of:

(a) a plea of guilty;

(b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or

(c) a plea of no contest, nolo contendere, or the equivalent.

(8) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).

(9) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (2) of this Rule.

(10) "Agency Head" means the chief administrator of any criminal justice agency, and specifically includes any chief of police or agency director. "Agency Head" also includes a designee appointed in writing by the Agency Head.

(11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.

(12) "Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

(13) "Educational Points" means points earned toward the Professional Certificate Programs for studies completed, with passing scores achieved, for semester hour or quarter hour credit hours awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located.

(14) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a Commission-certified basic training course that has not concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:

(a) for law enforcement officers, that the officer is attending an approved course presentation averaging a minimum of 12 hours of instruction each week; and

(b) for Department of Public Safety, Division of Juvenile Justice personnel, that the officer is attending the last or final phase of the approved training course necessary for satisfying the total course completion requirements.

(15) "High School" means ~~an educational program~~ a public or private school offering education in grades 9 through 12 or 10 through 12 that meets the compulsory attendance requirements in the jurisdiction in which the school is located.

(16) "In-Service Training" means all training that must be completed, pursuant to this Chapter, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.

(17) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.

(18) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.

(19) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19, 1973, that reads as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God or by affirmation to my chosen profession law enforcement.

(20) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the Chief Court Counselor.

(21) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public Safety, Division of Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.

(22) "Law Enforcement Officer" means an appointee of a Criminal Justice Agency, an agency of the State, or of any political subdivision of the State who, by virtue of his or her office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from the title "Law Enforcement Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of G.S. 17E.

(23) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of Commission-approved law enforcement training courses. Twenty classroom hours of Commission-approved law enforcement training equals one law enforcement training point.

(24) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.

(25) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or any officer, supervisor, or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.

(26) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

(a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

(b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website: ~~http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4e2a/Class-B-Misdemeanor-Manual-2005.aspx.~~ https://ncdoj.gov/download/16/general-information/360601/class-b-misdemeanor-manual-09-2022.pdf. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated

as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

(i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;

(ii) driving while license permanently revoked or permanently suspended;

(iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and

(iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(27) "Qualified Assistant" means an additional staff person designated by the School Director, pursuant to Rule 09B .0201 of this Chapter, to assist in the administration of a course when an institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(28) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(29) "School" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(30) "School Director" means the person designated by the sponsoring institution or agency to administer the school, pursuant to Rule 09B .0201 of this Chapter.

(31) "Speed-Measuring Instruments" (SMI) means those devices or systems, including ~~RADAR, Time-Distance,~~ RADAR and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.

~~(32) "Time Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.~~

History Note: *Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*
Eff. January 1, 1981;
Amended Eff. November 1, 1981; August 15, 1981;
Readopted Eff. July 1, 1982;

Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;
Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;
Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005; April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2025; October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0106 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0106 CRIMINAL JUSTICE STANDARDS DIVISION

The Criminal Justice Standards Division of the Department of Justice shall administer the minimum standards established by the Commission as set forth in the rules of this Chapter ~~these Rules~~ regarding the certification of criminal justice officers and instructors and the accreditation of criminal justice training schools and programs. The Standards Division shall present to the Commission for its adoption administrative procedures for those programs of certification and accreditation and may create ~~appropriate~~ forms for application for and administration of those programs.

History Note: *Authority G.S. 17C-6; 17C-9;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0201 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0201 INVESTIGATION OF VIOLATION OF RULES

(a) If any criminal justice agency, school, or an authorized representative acting on behalf of either, ~~or individual~~ is reported to be or suspected of being in violation of any of the rules in this Chapter, the Commission may take action in accordance with Rules .0202 through .0206 of this Section ~~if necessary~~ to correct the violation and to ensure that similar violations do not occur in the future.

(b) Before taking action against an agency, school, or individual for a violation, the Standards Division shall investigate the alleged violation and present a report of its findings to the Probable Cause Committee of the Commission.

(c) The Probable Cause Committee shall convene prior to the next regular meeting of the Commission, shall consider the report of the Standards Division, and shall make a determination as to whether or not probable cause exists that the Commission's rules have been violated.

(d) If it is determined by the Probable Cause Committee that probable cause exists, it ~~may:~~ shall:

(1) direct the Standards Division to conduct a further investigation of the alleged violation;

(2) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to Rule .0207 of this Subchapter; or

(3) determine the appropriate sanctions against the violator pursuant to the Commission's rules.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. March 1, 2004; November 1, 1993; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, ~~2021.~~ 2021;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0202 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0202 SANCTIONS FOR VIOLATIONS BY AGENCIES OR SCHOOLS

If the Commission finds that a violation has been committed by an agency or school, the Commission ~~may:~~ shall:

(1) issue an oral warning and request for compliance;

(2) issue a written warning and request for compliance;

(3) issue an official written reprimand;

(4) suspend ~~and~~ or refuse to grant accreditation to any school or program or course of instruction until proper corrective measures have been taken to bring the agency or school into compliance with ~~these Rules~~ the rules of this Chapter which were violated and verification of such compliance has been made by the Commission; or

(5) suspend ~~and~~ or refuse to grant accreditation to any school or program or course of instruction for a specific period of time not to exceed five years.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0203 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0203 SANCTIONS FOR VIOLATIONS BY INDIVIDUALS

When any person certified by the Commission is found to have knowingly and willfully violated any provision or requirement of ~~these Rules,~~ the rules of this Chapter, the Commission ~~may~~ shall take action to correct the violation and to ensure that the violation does not re-occur, including:

(1) issuing an oral warning and request for compliance;

(2) issuing a written warning and request for compliance;

(3) issuing an official written reprimand;

(4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual;

(5) revoking or denying the individual's certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, ~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0204 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0204 ~~SUSPENSION: REVOCATION:~~ SUSPENSION, REVOCATION, OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the officer has committed, pursuant to 12 NCAC 09A .0103(6), or been convicted of:

(1) a felony offense; or

(2) a criminal offense for which the authorized punishment included imprisonment for more than two years.

(b) The Commission may suspend, revoke, or deny the certification of a criminal justice officer when the Commission finds that the applicant for certification or the certified officer:

(1) has not completed the required basic training course in its entirety within prescribed time periods ~~relevant or~~ applicable to a specified position or job title, pursuant to 12 NCAC 09C .0303(d) and 09G .0304(a).

(2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the category of the officer's certification;

(3) has committed or been convicted of:

(A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103(26)(b) as a Class B misdemeanor; or

(B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103(26)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification;

(4) has been separated by a criminal justice ~~agency~~ agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, for commission or conviction of a motor vehicle offense requiring the revocation of the officer's driver's ~~license.~~ license;

(5) has been ~~discharged~~ separated by a criminal justice ~~agency~~ agency, for which an Affidavit of Separation has been completed pursuant to 12 NCAC 09C .0208, because the officer lacks the mental or physical capabilities to properly fulfill the responsibilities of a criminal justice officer;

(6) has knowingly made a material misrepresentation, including knowingly providing false or omitting information, of any information required for certification or accreditation;

(7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, obtained or attempted to obtain credit, training, or certification from the Commission;

(8) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation, or cheating, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;

(9) has failed to make either of the notifications as required by 12 NCAC 09B .0101(13);

(10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;

(11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12 NCAC 09E .0100;

(12) has refused to submit to a drug screen as required by 12 NCAC 09C .0310 and 09G .0211;

(13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310 or 09G .0211, where the positive result cannot be explained to the Commission's satisfaction;

(14) has been denied certification or had certification suspended or revoked by the North Carolina Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice Education and Training Standards Commission; the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency;

(15) has performed activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; or

(16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession of a firearm or ammunition;

(17) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,

(A) while on duty;

(B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;

(C) while on or off duty on the premises operated by the employing criminal justice agency;

(D) while in uniform of the employing agency in a public place;

(E) with an employee with whom the person had at the time supervisory responsibilities; or

(F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

(18) has been found to be untruthful during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during a period for which the person's certification is suspended, revoked, or denied.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995; November 1, 1993; March 1, 1992; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.
Amended Eff: January 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09A .0205 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09A .0205 PERIOD OF ~~SUSPENSION: REVOCATION:~~ SUSPENSION, REVOCATION, OR DENIAL

(a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction shall be permanent where the cause of sanction is:

(1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);

(2) commission or conviction of a criminal offense for which punishment is authorized by law to included imprisonment for more than two years, except as provided by G.S. 17C-13(a); or

(3) the second suspension of an officer's certification for any of the causes requiring a five-year period of suspension pursuant to 12 NCAC 09A .0204.

(b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be not less than five years; however, the Commission shall reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

(1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;

(2) refusal to submit to the applicant or lateral transferee drug screen required by ~~these Rules;~~ 12 NCAC 09C .0310;

(3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C .0310, where the positive result cannot be explained to the satisfaction of the agency's Medical Review Officer, who shall be a licensed physician;

(4) material ~~misrepresentation~~ misrepresentation, including omitting or knowingly providing false information ~~of any information~~ required for certification or accreditation;

(5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt to obtain credit, training or certification by any means of false pretense, deception, fraud, misrepresentation or cheating;

(6) failure to make ~~either~~ any of the notifications as required by 12 NCAC 09B .0101(13);

(7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;

(8) performing activities or duties for which certification by the Commission is required without having first obtained the appropriate certification; ~~or~~

(9) commission or conviction of four or more crimes or unlawful acts defined as "Class B misdemeanors" in 12 NCAC 09A ~~.0103(24)(b),~~ .0103(26)(b) regardless of the date of ~~conviction.~~ commission or conviction;

(10) engaging in sexual activity outlined in Rule .0204(b)(17) of this Subchapter; or

(11) untruthfulness during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the Division, the Company and

Campus Police Administrator, or the Sheriffs' Standards Division as outlined in 12 NCAC 09A .0204(b)(18).

(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

(1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, ~~0225,~~ .0225, .0235, and ~~0236;~~ .0236;

(2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;

(3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or

(4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC ~~09E.~~ 09E .0100.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989; October 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. March 1, 2024; January 1, 2022; July 1, ~~2020.~~ 2020;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0103 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0103 FINGERPRINT CRIMINAL HISTORY RECORD CHECK

(a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).

(b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of Investigation for a state and federal fingerprint-based criminal history record check. ~~check utilizing fingerprints against State and federal files.~~

(c) The employing agency will receive a report of the results of the state and federal fingerprint-based criminal history record check. ~~check utilizing fingerprints against State and federal files.~~ The employing agency shall retain the results of the criminal history record check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121-4 and G.S. 132-8.1. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) Each applicant for certification and certified criminal justice officers shall also submit electronic fingerprints, other identifying information required by the State and National Repositories of Criminal Histories, and any other information required by the State Bureau of Investigation for their enrollment in the Federal Bureau of Investigation's Next Generation Identification (NGI) System and Criminal Justice Record of Arrest and Prosecution Background (RapBack) Service.

(e) Pursuant to 12 NCAC 09C .0303(a), an applicant for certification as a law enforcement officer may not perform any action requiring certification by the Commission prior to the date on which the employing agency receives the report of the results of the criminal history record check utilizing fingerprints.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. March 1, 2024; October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0105 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0105 EMPLOYMENT INTERVIEW

(a) Prior to employment, the employing agency shall conduct an interview of the applicant to evaluate the applicant's knowledge, skills, and abilities for success as a law enforcement officer.

(b) The ~~Agency~~ agency head may conduct the interview personally or delegate the responsibility to a qualified staff member or panel, who is competent, whether by education, training, or experience, to conduct the employment interview. The ~~respective~~ agency head shall identify ~~identifies~~ those individuals he or she deems qualified.

(c) A summary of the applicant's interview, including the name and signature of the interviewer, shall be retained in the applicant's personnel file at the agency, pursuant to 12 NCAC 09C .0307(a)(1)(E).

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0106 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

(a) Each applicant for certification as a law enforcement officer shall ~~furnish~~ submit documentary evidence of high school, college, or university graduation to the employing agency. Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private schools which meet standards adopted by either the North Carolina Department of Public Instruction, pursuant to 16 NCAC 06D .0100, which is hereby incorporated by reference, and shall include any later amendments and editions; ~~Instruction,~~ the Division of Non-Public Education, pursuant to 01 NCAC 40 .0300, which is hereby incorporated by reference, and shall include any later amendments and editions; ~~Instruction,~~ or a governing ~~comparable~~ out of state entity; ~~agency;~~ or such documentation as described in Paragraphs (b), (c), (d), and (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or the state university of the state in which the institution is located.

(b) High school diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or if earned outside North Carolina, the requirements of the state statute governing high school diplomas from home school programs in the state where the diploma was earned. ~~a comparable out-of-state statute.~~

(c) Diplomas earned from high schools or equivalent institutions outside of the United States must be translated into English and be accompanied by a true and accurate or certified ~~an authentic~~ transcript. The Division's staff shall evaluate the transcripts to ensure they are scholastically comparable to United States curriculum requirements.

(d) The Division's staff shall evaluate high school diplomas earned through on-line or distance education ~~correspondence~~ courses on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

(e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S. Department of Education, the state Department of Education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.

(f) Documentary evidence of the attainment of passing ~~satisfactory~~ scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a certified ~~true~~ copy of the veteran's DD214, Certificate of Release from Active Duty.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

Amended Eff. October 1, ~~2022.~~ 2022;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0111 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0111 CRIMINAL HISTORY RECORD

(a) Consistent with and subject to the requirements of 12 NCAC 09A .0204, every law enforcement officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal, or military court of:

(1) a felony;

(2) a crime for which the punishment could have been imprisonment for more than two years;

(3) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of certification ;

(4) a crime or unlawful act defined as a "Class B Misdemeanor" occurring after the date of certification;

(5) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;

(6) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of certification or

(7) a combination of four or more Class A Misdemeanor or Class B Misdemeanor regardless of the date;

(8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 09A .0103(5) defines "Commission of an offense" as a finding by the North Carolina Criminal Justice Education and Training Standards ~~Commission~~ Commission, or equivalent regulating body from another ~~state~~ state, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

(c) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985; January 1, 1985; January 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0202 is readopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

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

(1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;

(2) Select and schedule instructors who are certified by the Commission, pursuant to 12 NCAC 09B .0301;

(3) Ensure each instructor utilizes Commission approved lesson plans and instructional materials, as specified in Rules .0205, .0209, .0210, ~~.0211,~~ .0212, ~~.0213, .0214,~~ .0226, .0227, .0232, .0233, .0235, .0236, .0237, .0238, .0241, .0313, .0314, ~~or~~ and .0410 of this Subchapter;

(4) Arrange for the availability of audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;

(5) Develop, reproduce, and distribute any requirements determined by the school to be necessary or appropriate for:

(A) effective course delivery;

(B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and

(C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;

(6) Administer the course delivery in accordance with Commission approved lesson plans, pursuant to Subparagraph (a)(3) of this Rule;

(7) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been ~~delegated.~~ delegated;

(8) Within 48 hours of making a schedule change, [~~hours,~~] notify the Division in writing of any schedule changes for an ongoing Commission-approved course. Schedule changes include changes to training times, blocks of instruction, training locations, and any other content included on the approved Pre-Delivery Report (F-10A) for the course, as prescribed in 12 NCAC 09I .0102. Notification shall include an explanation of and reasoning for the schedule change from the School Director or a qualified assistant.

(9) Within 48 hours of the occurrence of a student illness or injury, [~~hours,~~] notify the Division of an instance of illness or injury requiring or resulting in medical assistance or hospitalization of a student enrolled in a Commission-approved course. Notification shall consist of a completed Student Injury Report pursuant to 12 NCAC 09I .0103 and 12 NCAC 09I .0105;

(10) Within five business days of the qualifying event, notify the Division in writing of:

(A) the removal by the School Director, school, training program, or employing institution of a Commission-certified instructor from a Commission-accredited course delivery; or

(B) the opening by the school, training program, or employing institution of an internal investigation, disciplinary proceeding, or pre-disciplinary proceeding which a Commission-certified instructor is the subject of and which contains allegations that could constitute conduct outlined in 12 NCAC 09B .0301(e) or could otherwise be considered a failure to meet or maintain requirements for instructor certification, pursuant to 12 NCAC 09B .0300.

Written notification shall include the name of the instructor; name of the school or agency; name of the Commission-accredited courses for which the instructor is planned to teach, currently teaching, or removed from; dates and explanation of the qualifying event or conduct which resulted in the instructor's removal, investigation, or proceeding; and explanation of action taken by the School Director, training program, or school.

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

(1) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as six one-week breaks until course requirements are completed. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

(A) Whether instruction has begun in the course or whether course initiation may be postponed;

(B) The risk of harm to students that may be caused by continuation of the course;

(C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(D) The specific need for the waiver; and

(E) The degree of benefit to the public in allowing a break in instruction. Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency;

(2) Schedule only ~~specialized instructors~~ Specialized Instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;

(3) With the exception of the First Responder, Officer Health and Wellness, Explosives and Hazardous Materials Emergencies, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while

engaged in a practical performance exercise;

(4) Schedule one ~~specialized instructor~~ Specialized Instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical areas ~~Subject Control Arrest Techniques or~~ Compliance and Control Tactics;

(5) Schedule no single individual to instruct more than ~~35 percent of the total hours of the 640-hour curriculum or~~ 25 percent of the total hours of the 868-hour curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;

(6) Not less than 30 calendar days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC ~~09C .0211;~~ 09I .0102;

(7) Submit a copy of ~~any~~ all rules and requirements for the school. A copy of those rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;

(8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall ~~be of sufficient duration to~~ ensure that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan, pursuant to Subparagraph (a)(3) of this Rule. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form ~~F-16)~~ F-16), pursuant to 12 NCAC 09I .0101, and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated. ~~The Criminal Justice Evaluation (Form F-16) shall contain the following information:~~

~~(A) Instructor's name, date of birth, and Acadis ID number;~~

~~(B) Evaluator's name, and Acadis ID number;~~

~~(C) Block of Instruction, date, location, and total hours of instruction;~~

~~(D) Scores for Instructional Ability and Strategies; and~~

~~(E) Presentation Evaluation Criteria.~~

(9) Administer or designate a Qualified Assistant to administer course specific tests during course delivery:

(A) to determine and record the level of trainee comprehension and retention of instructional subject matter;

(B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and

(C) to determine subject or topic areas of deficiency for the application of Rule ~~.0405(a)(3)~~ .0405(a) of this Subchapter; and

(10) Not more than 10 calendar days after the conclusion of a school's offering of Basic Law Enforcement Training, ensure all student test scores and class documents have been uploaded to the North Carolina Justice Training and Certification portal, ~~Acadis platform,~~ and submit to the Commission a Post-Delivery Report of Training Course Presentation ~~(Form F-10B).~~ (Web Form F-10B), pursuant to 12 NCAC 09I .0102.

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

(1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;

(2) Schedule evaluators as follows:

(A) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, as evaluated by Division staff pursuant to 12 NCAC 09B .0302(d) and (e); ~~an international model with applications in education, military training, and private enterprise;~~ and

(B) each instructor and evaluator shall have completed an instructor training orientation program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation. The completion of an instructor training orientation program shall be documented in the ~~Acadis platform~~. North Carolina Justice Training and Certification portal.

(3) Not fewer than 30 calendar days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation, Form F-10A, pursuant to 12 NCAC 09I .0102, with the following attachments:

(A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;

(B) the names and Academy ID ~~Acadis identification~~ numbers of all instructors and evaluators; and

(C) a copy of any rules and requirements for the school; and

(4)[~~(5)~~] Not more than 10 calendar days after course completion, submit to the Commission a Post-Delivery Report of Training Course Presentation Form F-10B, pursuant to 12 NCAC 09I .0102, containing the following:

(A) class enrollment roster;

(B) a course schedule with the designation of instructors and evaluators utilized in delivery;

(C) scores recorded for each trainee on the 70 minute skill presentation; and

(D) designation of trainees who completed the course in its entirety.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, ~~RADAR and Time-Distance, Time-Distance, or LIDAR~~ RADAR/LIDAR, or LIDAR speed ~~measurement~~ measuring instrument (SMI) operator training course or re-certification course, the School Director shall:

(1) select and schedule ~~speed measurement instrument~~ SMI instructors who are certified by the Commission as ~~instructors~~ instructors, pursuant to Rules .0237 and .0308 of this Subchapter, for the specific speed ~~measurement~~ measuring instruments in which the trainees are to receive instruction;

(2) not fewer than 30 calendar days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Training Course Presentation, Form F-10A, ~~that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument;~~ pursuant to 12 NCAC 09I .0102, and

(3) upon completing delivery of the Commission-certified course, and not more than 10 calendar days after the conclusion of a school's offering of ~~a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement~~ a RADAR, LIDAR, or RADAR/LIDAR operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation, Form ~~F-10B.~~ F-10B, pursuant to 12 NCAC 09I .0102. This report shall include the original motor-skill examination ~~form(s)~~ forms completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

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

1985;

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

Amended Eff. January, 1, 2025; April 1, 2022; July 1, 2021; January 1, 2021; July 1, ~~2020.~~ 2020; Readopted Eff. October 1, 2026.

12 NCAC 09B .0212 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0212 CERTIFICATION AND RE-CERTIFICATION TRAINING FOR RADAR OPERATORS

(a) The Radar Operator Training Course for law enforcement officers shall be designed to provide the student with the skills and knowledge to perform the function of a law enforcement radar operator. This course shall be for a period not to exceed four consecutive weeks and shall consist of a minimum of 30 hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Introduction to Radar Training	0.5 Hours
(3)	Speed Offenses and Speed Enforcement	2 Hours
(4)	Basic Principles of Radar Speed Measurement	5 Hours
(5)	Legal and Operational Considerations	4 Hours
(6)	Familiarization and Operation of Specific Radar Instruments	10 Hours
(7)	Courtroom Preparation	3 Hours
(8)	Motor-Skill Performance Testing	4 Hours
(9)	Course Review	1 Hour

This course shall have a minimum ratio of one instructor per six students.

(b) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency shall be enrolled in the Radar Operator Training Course. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the ~~a~~ Radar Operator Training Course at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course, pursuant to 12 NCAC 09B .0205, and without being currently certified in a probationary status or holding general law enforcement certification.

(c) The Radar Operator Re-Certification Training Course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the functions of a radar operator. This course shall be presented within a period not to exceed one week and shall consist of a minimum of six hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 Hours
(2)	Legal and Operational Considerations	1.5 Hours
(3)	Motor-Skill Performance Testing	4 Hours

This course shall have a minimum ratio of one instructor per six students.

(d) Students enrolled in a Radar Operator Re-Certification Training Course shall, at the time of enrollment, hold active radar operator certification or have previously held active radar operator certification within the 12 months prior to the scheduled end date of the course. Federal law enforcement personnel shall be allowed to participate in a Radar Operator Re-Certification Training Course at the discretion of the school director without previously having held radar operator certification, but such personnel must have completed one introductory level speed measurement instrument

course that included instruction on operation of radar instruments. Courses that meet this requirement include those described in Paragraph (a) of this Rule and those described in 12 NCAC 09B .0242(a).

(e) If the Governor declares a State of Emergency pursuant to G.S. ~~166A- 19.3(19),~~ 166A-19.3(19) the Director of the Criminal Justice Standards Division shall allow additional time to complete a specific course delivery beyond the time limits set forth in Paragraphs (a) and (c) of this Rule when the Director determines that doing so is necessary based on consideration of the following factors:

(1) Whether instruction has begun in the course or whether course initiation may be postponed;

(2) The risk of harm to students that may be caused by the continuation of the course;

(3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(4) The specific need for the waiver; and

(5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website, https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses that began or were in progress during the effective period of the State of Emergency.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;
Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989; August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, 2026; April 1, ~~2022.~~ 2022;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0215 is readopted as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0215 SUPPLEMENTAL SMI TRAINING

(a) The supplemental speed measuring instrument (SMI) training course for law enforcement officers shall be designed to allow officers an opportunity to be certified on additional speed measuring instruments and modes, as defined in 12 NCAC 09C .0308(h), not included on the officers' initial speed measuring instrument certification. The course shall be designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as an instructor or operator using the additional speed measuring instruments and modes.

(b) Each applicant for supplemental SMI training shall:

(1) possess a valid radar or lidar speed measuring instrument instructor or operator certification as a result of successful completion of a training course set forth in 12 NCAC 09B .0210, .0212, .0237, .0238, or .0242;

(2) present the endorsement of a Commission-certified school director or in-service training coordinator, or agency head or his or her ~~designee~~ designee, by submitting Form SMI-16, pursuant to 12 NCAC 09I .0106(a)(4);

(3) present a copy of the applicant's active SMI operator or instructor certification, which lists the instruments and modes that the officer is certified to operate;

(4) demonstrate proficiency in the motor-skill and performance subject areas with the instrument and modes as evidenced by completion of the Commission's SMI-1 Form, SMI-1A Form, or SMI-13 Form pursuant to 12 NCAC 09I ~~.0106;~~ .0106(a)(1)-(3); and

(5) for individuals seeking certification on modes which are not included on their current SMI certification, complete 240 minutes of supervised field practice for each additional mode on Form SMI-15 pursuant to 12 NCAC 09I ~~.0106.~~ .0106(b)(2). For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

(c) The supplemental SMI training course required for certification on the additional instruments shall consist of a minimum of 1.5 hours of instruction, including the following topic areas and minimum hours for each:

(1)	Course Orientation	0.5 hour
(2)	Familiarization & Operation of Specific SMI Instruments	0.5 hour
(3)	Motor Skills Testing (per instrument per student)	0.5 hour

(d) Adding instruments and modes to an individual's SMI operator or instructor certification shall not extend the certification period as prescribed in 12 NCAC 09B .0308 and 12 NCAC 09C .0308.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. November 1, 2007; May 1, 2004; August 1, 2002; April 1, 1999;

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

Amended Eff. February 1, ~~2026.~~ 2026;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0304 is readopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION

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

(1) Compliance and Control Tactics;

(2) First Responder;

(3) Firearms;

(4) Law Enforcement Driver Training;

(5) Physical Fitness;

(6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of Juvenile ~~Justice);~~ Justice and Delinquency Prevention);

(7) Medical Emergencies (Department of Public Safety, Division of Juvenile ~~Justice);~~ Justice and Delinquency Prevention);

(8) Explosive and Hazardous Materials Emergencies; or

(9) Standardized Field Sobriety Testing.

(b) To qualify for and maintain Specialized Instructor Certification in a topical ~~areas~~ area outlined in Subparagraph (a)(1) through (a)(8) of this Rule, an applicant shall possess a valid CPR Certification that includes cognitive and skills testing, through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(c) An applicant shall achieve a minimum score of ~~75~~ 80 percent on the comprehensive ~~written~~ [~~state~~] State exam, as specified in Rule .0414 of this Subchapter, in order to qualify for Specialized Instructor Certification in the following topical areas:

(1) Compliance and Control Tactics;

(2) Firearms;

(3) Law Enforcement Driver Training;

(4) Physical Fitness; and

(5) Explosive and Hazardous Materials Emergencies.

(d) To qualify for Specialized Instructor Certification in the Compliance and Control Tactics topical area, an applicant shall meet the following requirements:

(1) Hold ~~General~~ probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status,~~ as specified in Rule .0303 of this Section:

(2) Complete the Commission-approved specialized Compliance and Control Tactics instructor ~~course;~~ course, as specified in Rule .0232 of this Subchapter; and

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

(e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant shall ~~satisfy~~ become certified through one of the following two ~~options:~~ methods:

(1) The first ~~option~~ method is:

(A) Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council;

(B)[~~(A)~~] Hold, or have held, basic Emergency Medical Technician certification;

(C)[~~(B)~~] Have completed the Department of Transportation's 40 hour EMT Instructor Course or equivalent within the last three years or hold a North Carolina Professional Educator's License, issued by the Department of Public Instruction; and

(D)[~~(C)~~] Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(2) The second ~~option~~ method is:

(A) Hold ~~General~~ probationary or general Criminal Justice Instructor Certification, ~~either probationary status or full general instructor status,~~ as specified in Rule .0303 of this Section;

(B) Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute or National Safety Council;

(C)[~~(B)~~] Hold, or have held, basic EMT certification; and

(D)[~~(C)~~] Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant shall meet the following requirements:

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

(2) Complete the instructor training course for Specialized Firearms Instructor Training Certification as specified in Rule .0209 of this Subchapter; and

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

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

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

(2) Complete the instructor training course for Specialized Driver Instructor Certification as specified in Rule .0227 of this Subchapter; and

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

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

(1) The first method is:

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

(B) complete the instructor training course required for Specialized Physical Fitness Instructor Certification as specified in Rule .0233 of this Subchapter; and

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

(2) The second method is:

(A) Complete the instructor training course required for Specialized Physical Fitness Instructor Certification as specified in Rule .0233 of this Subchapter;

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

(C) meet one of the following qualifications:

(i) hold a valid North Carolina Professional Educator's License, issued by the Department of Public Instruction, and hold a baccalaureate degree in physical ~~education,~~ education; or

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

(i) To qualify for Specialized Certification in the Standardized Field Sobriety Testing topical area, an applicant shall:

(1) Be certified by the North Carolina Department of Health and Human Services, Forensic Test for Alcohol Branch, as a Standardized Field Sobriety ~~Instructor.~~ Instructor; and

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

(j) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant shall meet the following requirements:

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

(2) Complete the instructor training course for the Department of Public Safety, Division of Juvenile Justice Restraints, Controls and Defensive Techniques Specialized Instructor Certification as specified in Rule .0241 of this Subchapter; and

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

(k) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Juvenile Justice Medical Emergencies topical area, an applicant shall meet the following requirements:

(1) Have completed a ~~Commission-certified~~ Commission-accredited criminal justice ~~basic~~ instructor training course or an equivalent instructor training course, pursuant to Rule .0302 of this Section,

utilizing the Instructional Systems Design model, ~~an international model with applications in education, military training, and private enterprise;~~ as evaluated by Division staff pursuant to 12 NCAC 09B .0302(d) and (e); and

(2) Hold instructor certification in CPR and First Aid by the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council; and

(3)[~~(2)~~] Obtain the recommendation of a Commission-certified school director.

(l) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant shall satisfy one of the following two options:

(1) The first option is:

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

(B) ~~Complete~~ complete the instructor training course for Specialized Explosives and Hazardous Materials Instructor Certification as specified in Rule .0417 of this Subchapter; and

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

(2) The second option is:

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

(B) ~~Complete~~ complete the instructor training course for Specialized Explosives and Hazardous Materials Instructor Certification as specified in Rule .0417 of this Subchapter; and

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

History Note: *Authority G.S. 17C-6;*
Eff. January 1, 1981;
Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006; December 1, 2004; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, ~~2025.~~ 2025;
Readopted Eff. October 1, 2026.

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12 NCAC 09B .0308 is readopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09B .0308 RADAR INSTRUCTOR CERTIFICATION AND RE-CERTIFICATION REQUIREMENTS

(a) A person participating in a Commission-approved RADAR Operator or RADAR Instructor Training Course as an Instructor shall meet the following requirements for RADAR Instructor Certification:

(1) Initial Certification:

(A) ~~must~~ be employed or appointed as a law enforcement officer by a state or local law enforcement agency or be a federal law enforcement officer;

(B) if the applicant is a deputy sheriff, ~~he/she must~~ be in total compliance with the standards established by the North Carolina Sheriff's Education and Training Standards Commission;

(C) ~~must~~ hold ~~Probationary or General~~ Criminal Justice Instructor Certification as required in 12 NCAC 09B .0302;

(D) ~~must~~ hold current RADAR Operator Certification pursuant to 12 NCAC 09C .0308;

(E) ~~must~~ complete the Commission-approved RADAR Instructor Training Course as required in 12 NCAC 09B .0210;

(F) [~~must~~] obtain the recommendation of a Commission-certified school director or agency executive officer or their designee; and

(G) ~~shall~~ not instruct in any RADAR Instructor/Operator or RADAR Instructor/Operator Re-certification Courses until their Certification is received from the Commission.

(2) Re-certification:

(A) ~~must~~ hold current ~~Probationary or General~~ Criminal Justice Instructor Certification as required in 12 NCAC 09B .0302;

(B) ~~must~~ hold current Radar Operator Certification, pursuant to 12 NCAC 09C .0308;

(C) ~~must~~ complete the Commission-approved RADAR Instructor Re-Certification Training Course, pursuant to 12 NCAC 09B .0210;

(D) ~~must~~ have been certified as a RADAR Instructor within the three years preceding the completion of the RADAR Instructor Re-Certification Course;

(E) has [~~must have~~] participated in the classroom instruction and motor skill performance testing in the RADAR Operator Training Course, pursuant to 12 NCAC 09B .0212, during the previous certification period; and

(F) [~~must~~] obtain the recommendation of a Commission-certified school director, agency executive officer, or their designee.

(b) Those individuals who have previously held RADAR Instructor Certification and have not exceeded a six year time period from when his or her RADAR Instructor Certification expired are eligible to ~~reapply~~ apply for reissuance of the previously held RADAR Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

(1) holds current ~~Probationary or General~~ Criminal Justice Instructor Certification, pursuant to 12 NCAC 09B .0302;

(2) has completed the pre-qualification skills assessments;

(3) ~~must complete~~ has completed the Commission-approved RADAR Instructor Re-Certification Training Course, pursuant to 12 NCAC 09B .0210;

(4) has passed the RADAR Instructor comprehensive state examination with a minimum score of 80; ~~75;~~ and

(5) has obtained the recommendation of a Commission-certified school director, agency executive or their designee.

(c) Applicants for re-issuance of the RADAR Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the RADAR Instructor Comprehensive State Examination. Should an applicant not achieve a passing score on either the prequalification skills assessment or RADAR Instructor Comprehensive State Examination, the applicant shall complete the RADAR Operator and RADAR Instructor Course in its entirety.

(d) Applicants whose RADAR Instructor Certification is suspended or revoked shall not qualify for re-issuance.

(e) The term of a RADAR Instructor is three years from the date of issuance. All RADAR Instructors seeking re-certification shall complete the RADAR Instructor Re-certification Course, as outlined in 12 NCAC 09B .0218, within 12 months of the expiration of the initial certification period. The 12-month period does not extend the RADAR Instructor Certification period.

Note: If Time Distance speed measuring instruments are reinstated for use at any point between years 2026 and 2036, individuals who currently hold a RADAR Instructor Certification and have previously held a Time/Distance Instructor Certification will be grandfathered and eligible to reinstate their Time/Distance Instructor Certification.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. January 1, 2006; April 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, ~~2025.~~ 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09B .0408 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0408 COMPREHENSIVE STATE EXAMINATION–SMI OPERATOR CERTIFICATION

(a) Within 60 days of the conclusion of the classroom instruction portion of a school's offering of any speed measuring instrument (SMI) operator course or re-certification course, the Commission shall administer a comprehensive state examination to each student who has completed all of the required course work. The examination shall be an objective test covering the topic areas contained in the certified course curriculum, pursuant to 12 NCAC 09B .0212, .0238, and .0242.

(b) A student of a RADAR, LIDAR, or RADAR/LIDAR operator training shall achieve a passing score on the comprehensive state examination upon answering a minimum of 70 percent of the questions correctly. A student who fails to achieve a passing score on a RADAR, LIDAR, or RADAR/LIDAR operator training comprehensive ~~state~~ State examination shall be eligible to request re-examination with the following conditions:

(1) The student must have achieved a minimum score of 60 percent on the initial examination;

(2) The student's request for re-examination shall be made in writing on the Commission's Examination Request Form (F-23) pursuant to 12 NCAC 09B .0406(c), and shall be received by the Standards Division within 15 days of the initial examination;

(3) The student shall have, within 30 days of the date of initial examination, only one opportunity for re-examination; and

(4) The student must have completed each motor-skill and performance area of the course curriculum.

A student who fails to achieve the minimum passing score of 70 percent on the re-examination, or who fails to achieve a minimum score of 60 percent on the initial examination, shall not be eligible for SMI operator certification until a subsequent SMI operator training course offering and examination are completed by the student.

(c) A student of a RADAR operator re-certification, LIDAR operator re-certification, or RADAR/LIDAR operator re-certification training course, pursuant to Paragraph (a) of this Rule, shall achieve a passing score on the comprehensive state examination upon answering a minimum of 75 percent of the questions correctly. At the time a student fails to achieve the minimum passing score, the student's SMI operator certifications shall be immediately revoked, and the student shall not be eligible for re-certification until a subsequent SMI operator training course offering and further examination are completed by the student.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted Eff. July 1, 1982;
Amended Eff. January 1, 2015; November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; October 1, 1983; April 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

Amended Eff. February 1, ~~2026.~~ 2026;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0409 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0409 SATISFACTION OF TRAINING -- SMI OPERATORS

(a) To satisfy the training requirements for operator certification, a trainee shall complete all of the following:

(1) achieve a minimum score of 70 percent correct answers on the comprehensive state examination as outlined in 12 NCAC 09B .0408;

(2) complete a Commission-approved course as prescribed under 12 NCAC 09B .0212(a), .0238(a), or .0242(a) as evidenced by a completed Post Delivery Form (F-10B) pursuant to 12 NCAC 09I .0102;

(3) demonstrate proficiency in the motor-skill and performance subject areas to a certified Speed Measurement Instrument (SMI) instructor as evidenced on documentation on the Commission's SMI-1 Form for radar instruments and SMI-13 Form for lidar instruments, pursuant to 12 NCAC 09I .0106;

(4) present evidence showing completion of 12 hours of supervised field practice, as outlined in Paragraph (c) of this Rule, within 90 days after completing a RADAR or RADAR/LIDAR operator training course as prescribed in 12 NCAC 09B .0212, .0215, and .0242. Evidence of completion shall consist of a completed SMI-15 Form pursuant to 12 NCAC 09I .0106. Individuals applying for SMI operator certification may request an extension of up to 12 months for the 90-day requirement to complete the 12 hours of supervised field practice. The Director shall grant the extension request upon a showing of just cause which, for the purposes of this ~~rule,~~ Rule, includes accident, illness, emergency, course cancellation, or other exceptional circumstance that prevents the applicant from completing the required supervised field practice time;

(A) Individuals shall be exempt from the portions of the required supervised field practice, as outlined in Subparagraph (c)(4) of this Rule, which they have completed at a prior date, upon providing evidence of prior completion; and

(B) Evidence shall include a completed SMI-14 Form pursuant to 12 NCAC 09I .0106, and a copy of the individual's prior SMI operator or instructor certification which lists the instruments and modes which the officer is certified to operate. Division staff shall evaluate the evidence of prior completion to determine which portions of the supervised field practice have been completed at a prior date.

(b) Any trainee failing to achieve proficiency in the motor-skill area may request re-examination within 15 days of the original examination. The trainee's request for re-examination shall consist of a completed F-23 Exam Admission Form, pursuant to 12 NCAC 09I .0102. A trainee shall have, within 30 days of the original examination, only one opportunity for motor-skill re-examination and must complete each identified area of deficiency on the original motor-skill examination. If the trainee fails to achieve the prescribed score on the examination, the trainee's active SMI operator certifications shall be immediately revoked, and the trainee shall not be eligible for certification or re-certification until a subsequent SMI operator training course offering is completed, as prescribed under 12 NCAC 09B .0212(a), .0238(a), or ~~.0242(a)~~ .0242(a), and further examination is completed.

(c) The 12 hours of supervised field practice shall be completed as follows:

(1) The trainee must conduct the 12 hours of field practice using the radar instrument with the most modes, pursuant to 12 NCAC 09C .0308(h), that the trainee is seeking certification to operate;

(2) The trainee shall operate the police vehicle and the radar instrument while being supervised by a certified radar instructor or operator who is certified to operate the radar instrument used by the trainee during the field practice;

(3) SMIs shall not be used to enforce speed violations by the trainee or by the supervising radar operator or instructor during the 12 hours of field practice;

(4) The 12 hours of field practice shall be completed according to the following time requirements:

(A) for trainees seeking certification with a dual antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 120 minutes in each mode while using the front antenna and 120 minutes in each mode while using the rear antenna;

(B) for trainees seeking certification with a dual antenna unit and with stationary and moving-opposite modes only: 180 minutes in each mode while using the front antenna and 180 minutes in each mode while using the rear antenna;

(C) for trainees seeking certification with a dual antenna unit and with stationary mode only: 360 minutes in stationary mode while using the front antenna and 360 minutes in stationary mode while using the rear antenna;

(D) for trainees seeking certification with a single antenna unit and with stationary, moving-opposite direction, and moving-same direction modes: 240 minutes in each mode while using the front antenna;

(E) for trainees seeking certification with a single antenna unit and with stationary and moving-opposite modes only: 360 minutes in each mode while using the front antenna; or

(F) for trainees seeking certification with a single antenna unit and with stationary mode only: 720 minutes in stationary mode while using the front antenna.

(d) To satisfy the training requirements for operator re-certification, an operator seeking re-certification shall:

(1) Achieve a score of 75 percent correct answers on the comprehensive ~~state~~ State examination provided for in 12 NCAC 09B .0408(c);

(2) Complete a Commission-approved course, prescribed under 12 NCAC 09B .0210(d), .0212(c), .0237(d), .0238(c), or .0242(c);

(3) Satisfy all motor-skill requirements as required in Subparagraph (a)(3) of this Rule; and

(4) For individuals seeking supplemental certification or re-certification to operate instruments with additional modes than those currently or previously certified to operate, complete 240 minutes of supervised field practice for each additional mode. For dual antenna instruments, 120 of the 240 minutes must be completed using each antenna.

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

Eff. November 1, 1981;

Readopted w/change Eff. July 1, 1982;

Amended Eff. November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; August 1, 1984; October 1, 1983; April 1, 1983;

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

Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020; Amended Eff. February 1, 2026; January 1, ~~2021.~~ 2021;

Readopted Eff. October 1, 2026.

12 NCAC 09B .0414 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09B .0414 COMPREHENSIVE STATE EXAM – SPECIALIZED INSTRUCTOR TRAINING

(a) The Commission shall administer a comprehensive ~~state~~ State examination within 60 days of the completed required course work for the following courses:

(1) Specialized Firearms Instructor Training;

(2) Specialized Driver Instructor Training;

(3) Specialized Compliance and Control Tactics Instructor Training;

(4) Specialized Physical Fitness Instructor Training;

(5) Specialized Explosives and Hazardous Materials Emergencies Instructor Training;

(6) ~~Radar~~ RADAR Instructor Training;

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

~~(8)~~ (7) LIDAR Instructor Training;

~~(9)~~ (8) Re-Certification Training for ~~Radar~~ RADAR Instructors; and

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

~~(11)~~ (9) Re-Certification Training for LIDAR Instructors.

(b) The examination shall be an objective test covering the topic areas contained in the ~~certified~~ approved course curriculum.

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

~~(d)~~ (c) A trainee shall achieve a passing score on the comprehensive ~~state~~ State examination if he or she achieves ~~75~~ 80 percent correct answers.

~~(e)~~ (d) A trainee who has achieved a minimum score of 70 percent but below the passing score of 80 percent on the comprehensive [~~state~~] State examination is eligible for a re-examination of the comprehensive state examination.

(e) Trainees enrolled in a RADAR or LIDAR Instructor Re-Certification Course must achieve a minimum score of 80 percent on the comprehensive [~~state~~] State examination. Those who do not meet this requirement are ineligible for a retest and must instead re-enroll and complete the next available Speed Measuring Instrument Operator and Instructor courses corresponding to the certification they are seeking.

~~(e)~~(f) A trainee who fails to achieve a minimum score of ~~75~~ 70 percent on the Commission's comprehensive ~~state~~ State examination shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. February 1, 1987;
Amended Eff. January 1, 2015; June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989;

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

Amended Eff. January 1, ~~2025.~~ 2025;

Readopted Eff. October 1, 2026.

12 NCAC 09C .0303 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

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, as specified in ~~Rule .0101~~ Rules .0101, .0114, .0116, and .0117, of this ~~Subchapter~~ Subchapter, when the person's employing agency submits a Report of Appointment to the Standards Division. The Report of Appointment Form is located on the agency's website: ~~http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)_6-11.aspx.~~ https://ncdoj.gov/download/100/division-of-juvenile-justice/373038/f-5a-jj-juvenile-justice-application-for-certification-08-2026.pdf. The process for issuing probationary certification is as follows:

(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 criminal justice officer's Probationary Certification shall remain valid for ~~one year~~ 12 months from the date the certification is issued by the Standards Division unless sooner terminated by his or her agency. ~~agency for cause.~~

(d) [~~Officers~~] Criminal Justice Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training outlined in 12 NCAC 09B .0235 or .0236, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(d)~~(e) Before a prospective law enforcement officer may be issued a Probationary Certification, the prospective officer shall have completed the required basic training course stipulated in 12 NCAC 09B .0205(b).

~~(e)~~(f) 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)~~ (b) through (e) of this Rule.

~~(f)~~(g) Where the local governing authority declares the existence of a public emergency pursuant to G.S. 166A-19.22, 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;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
~~2019.~~ 2019;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0308 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09C .0308 SPEED MEASURING INSTRUMENT (SMI) OPERATORS CERTIFICATION PROGRAM

(a) Only those individuals currently certified as a law enforcement officer or appointed personnel of a law enforcement agency who use a SMI for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the SMI. Certification in one or more categories reflects operational proficiency in the designated types of approved equipment for which the trainee has been examined and tested.

(b) Standards Division staff shall issue SMI certification in the following categories:

(1) RADAR operator SMI certification or re-certification requiring completion of the training program as required in 12 NCAC 09B .0210, .0212, .0218, or .0242;

(2) LIDAR SMI operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0237, .0238, .0239, or .0242.

(c) The applicant shall meet the following requirements for SMI operator certification or re-certification within 90 days of completing a SMI course outlined in 12 NCAC 09B .0212, .0238, or .0242:

~~(1) have completed course requirements as outlined in 12 NCAC 09B .0212, .0238, or .0242;~~

~~(2)~~(1) have passed the comprehensive state exam as prescribed in 12 NCAC 09B .0408;

~~(3)~~(2) have completed the 12 hours of field practice training as outlined in 12 NCAC 09B .0409; and

~~(4)~~(3) meet one of the following requirements:

(A) hold active certification as a law enforcement officer; or

(B) be employed as a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E and be in compliance with the employment and training standards as established by the North Carolina Sheriffs' Education and Training Standards Commission, pursuant to 12 NCAC 10B .0400.

(d) Certified SMI operators shall be notified by email via the North Carolina Justice Training and Certification portal not less than 90 days prior to the expiration of certification. All applicants for re-certification shall complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt and review by Division staff of the required documentation outlined in 12 NCAC 09B .0409. Operator re-certification shall be issued only to officers with active law enforcement certification.

(e) If re-certification is not obtained within the prescribed 12-month period, the officer is no longer eligible for re-certification and must meet the requirements of initial operator certification, including completion of a RADAR, LIDAR, or RADAR/LIDAR operator training course as outlined in 12 NCAC 09B .0212(a), 12 NCAC 09B .0238(a), and 12 NCAC 09B .0242(a).

(f) RADAR operator certification is valid for a three-year period from the date of ~~issue.~~ issuance. Re-certification is also valid for a three-year period from the date of ~~issue,~~ issuance, unless sooner terminated by the Commission.

(g) LIDAR operator certification and re-certification shall only be issued when the applicant holds active RADAR operator certification. The expiration date of LIDAR operator certification and re-certification shall match the expiration date of the applicant's RADAR operator certification.

(h) An individual's SMI operator certification shall apply only to the instruments and modes of operation with which the individual has proven proficiency in the motor-skill and performance subject areas, pursuant to 12 NCAC 09B .0409(a)(3), during an SMI operator course pursuant to 12 NCAC 09B .0212, .0215, .0238, and .0242. Modes of operation include: stationary, moving-same direction, and moving-opposite direction.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Temporary Amendment Eff. February 24, 1984, for a period of 120 days to expire on June 22, 1984;
Amended Eff. November 1, 2007; February 1, 2006; May 1, 2004; April 1, 1999; November 1, 1993; March 1, 1992; February 1, 1991; December 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Emergency Amendment Eff. May 5, 2020; Emergency Amendment Expired Eff. July 31, 2020;
Amended Eff. February 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0601 is readopted as published in 40:18 NCR 1438-1458 as follows:

SECTION .0600 - EQUIPMENT AND PROCEDURES

12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS

(a) Prior to approval as a speed measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi.

(b) Prior to approval, speed measuring instruments shall be evaluated for law-enforcement use in North Carolina by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Public Safety, as outlined in "Appendix A: Approved List of Speed Measuring Instruments" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.

History Note: *Authority G.S. 17C-6;*
Eff. November 1, 1981;
Readopted w/change Eff. July 1, 1982;
Amended Eff. November 1, 2007; May 1, 2004; November 1, 1998; August 1, 1998; August 1, 1995; January 1, 1995; November 1, 1993; February 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09C .0607 is readopted as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09C .0607 SPEED-MEASURING INSTRUMENT ANNUAL ACCURACY TESTS AND DAILY OPERATIONAL PROCEDURES

(a) All requirements for accuracy testing methods and operational procedures for speed measuring instruments used by law enforcement officers and agencies to measure the speed of vehicles for enforcement of speed laws and regulations shall conform with G.S. 8-50.2 and G.S. 17C-6.

(b) Each speed measuring instrument shall be tested for accuracy within a 12-month period prior to each use of the instrument for speed enforcement purposes, as outlined in "Appendix B: Annual Tests for Accuracy Requirements" published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi. The results of the tests shall be recorded on Form SMI-9 for RADAR instruments and Form SMI-12 for LIDAR instruments, pursuant to 12 NCAC 09I .0106.

(c) On a daily basis, speed measuring instruments must be calibrated and tested for accuracy by the certified SMI operator prior to using the instrument for speed enforcement purposes. The tests shall be conducted according to the recommendations of the instrument's manufacturer and include tuning fork tests for each of the instrument's modes of operation.

(d) The daily operating procedures by SMI operators of each speed measuring instrument shall be in accordance with the instrument's manufacturer recommendations and conform with G.S. 8-50.2. The daily operating procedures are outlined in "Appendix C: Daily Tests for Accuracy Requirements & Operating Procedures" as published by the North Carolina Justice Academy, which is hereby incorporated by reference, and shall include any later amendments and editions. ~~editions of the incorporated material as provided by G.S. 150B-21.6.~~ Copies of this publication may be obtained at no cost from the Department of Justice website https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-105-wpfd-smi.

History Note: *Authority G.S. 8-50.2; 17C-6;*
Eff. August 1, 1998;
Amended Eff: May 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. February 1, ~~2026.~~ 2026;
Readopted Eff. October 1, 2026.

12 NCAC 09G .0303 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09G .0303 PROBATIONARY CERTIFICATION

(a) A prospective employee may commence service as a correctional officer or probation/parole officer at the time of employment with the North Carolina Department of Adult Correction.

(b) Within 90 calendar days of appointment to a position for which the Commission requires certification, the North Carolina Department of Adult Correction shall submit a completed Application for Certification Corrections Officer ~~(F-5A)~~ (Form F-5A), pursuant to 12 NCAC 09I .0109, to the Standards Division. ~~The Application for Certification Corrections Officer (F-5A) shall include the:~~

~~(1) applicant's name, social security number, date of birth, driver's license number, and email;~~

~~(2) position being applied for;~~

~~(3) criminal offense record;~~

~~(4) past disciplinary actions;~~

~~(5) military service record;~~

~~(6) education information; and~~

~~(7) signature of agency head or authorized representative.~~

(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Adult Correction submits a completed Application for Certification Corrections Officer (Form F-5A) to the Standards Division.

(d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Adult Correction.

(e) The officer's Probationary Certification shall remain valid for 12 months ~~one year~~ from the date the certification is issued by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.

(f) Officers with Probationary Certification shall be eligible to request an extension of up to six months to complete the required training, pursuant to 12 NCAC 09G .0411 and .0412, upon showing of just cause. For the purposes of this Rule, "just cause" includes an accident, illness, injury, emergency, or course cancellation that precluded the officer from fulfilling the training requirements. The request shall consist of a completed Form F-15, Request for Training Extension, pursuant to 12 NCAC 09I .0108, and shall be received at least five business days prior to the officer's scheduled Probationary Certification expiration.

~~(f)~~(g) Pursuant to 12 NCAC 09G .0201, the North Carolina Department of Adult Correction shall maintain documentation of Probationary Certification in the officer's personnel records.

(h) Officers with Probationary Certification who have completed the required basic training and who, through promotional opportunities or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their Probationary Certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and shall complete a verification of employment standards of 12 NCAC 09G 0208 and .0209 (except 12 NCAC 09G .0208(5) and .0209(5)) on Form F-5C(DAC),

pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction. Upon reinstatement of their Probationary Certification, the officer must complete the remainder of their 12-month probationary period prior to being eligible for General Certification.

History Note: *Authority G.S. 17C-6; 17C-10;*
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, ~~2025.~~ 2025;
Readopted Eff. October 1, 2026.

12 NCAC 09G .0304 is readopted with changes as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09G .0304 GENERAL CERTIFICATION

(a) The Commission shall grant ~~an~~ a correctional officer or probation/parole officer General Certification when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules .0203, .0204, .0205, and .0303 of this Subchapter.

(b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.

(c) Certified correctional officers and probation/parole officers who, through promotional opportunities, or non-disciplinary transfer, move into non-certified positions within the North Carolina Department of Adult Correction, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, or .0412, and ~~are exempted from reverification~~ shall complete a verification of employment standards of 12 NCAC 09G ~~.0205,~~ .0208 (except 12 NCAC 09G ~~.0208(4)),~~ .0208(5)) and .0209 (except 12 NCAC 09G ~~.0209(4))~~ .0209(5)) on Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, pursuant to 12 NCAC 09I .0109, when returning to a position requiring certification if they have maintained employment within the North Carolina Department of Adult Correction.

(d) Documentation of General Certification shall be maintained with the correctional or probation/parole officer's personnel records with the North Carolina Department of Adult Correction and the Commission.

(e) Upon transfer of a certified officer from one type of certified corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Form F-D (DAC), Notice of ~~Transfer~~ Certification Transfer, pursuant to 12 NCAC 09I [~~.0108,~~] .0109, to the Standards Division.

(1) Upon receipt of the Notice of Certification Transfer, the Standards Division shall cancel the officer's current General ~~Certification~~ Certification, and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.

(2) The Commission shall grant an officer General Certification as the new type of corrections officer when an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, or .0412, within the officer's probationary period and the officer has met all other requirements for General Certification.

History Note: *Authority G.S. 17C-2; 17C-6; 17C-10;*
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; August 1, 2004;

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

Amended Eff. November 1, 2024; May 1, ~~2023.~~ 2023;

Readopted Eff. October 1, 2026.

12 NCAC 09I .0108 is adopted as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09I .0108 BASIC TRAINING FORMS – JUVENILE JUSTICE AND ADULT CORRECTION

The following Commission-approved forms shall be used by agencies and Commission-accredited [~~delivery sites~~] schools, pursuant to 12 NCAC 09C .0401 and 12 NCAC 09G .0402, for officers holding probationary certification, pursuant to 12 NCAC 09C .0303 and 12 NCAC 09G .0303:

(1) Form F-11, Report of Training Course Completion, shall include the following:

(a) student's name, academy ID number, and date of birth;

(b) name of employing agency;

(c) student's position title and date of appointment;

(d) course title, location, start date, end date, meeting times, and total hours;

(e) whether the student passed the course; and

(f) name of individual completing the form and date of form completion.

(2) Form F-15, Request for Training Extension, shall include the following:

(a) date of request;

(b) employee's name, date of birth, last four of social security number, and position title;

(c) expiration date of probationary certification;

(d) scheduled basic training course type and course start and end dates;

(e) reason for employee not completing basic training;

(f) proposed start and end dates for subsequent basic training;

(g) employee's name, signature, and date signed;

(h) school director's name, signature, and date signed; and

(i) agency authorized representative's name, signature, and date signed.

History Note: *Authority G.S. 17C-6;*
Eff. October 1, 2026.

12 NCAC 09I .0109 is adopted as published in 40:18 NCR 1438-1458 as follows:

12 NCAC 09I .0109 CERTIFICATION FORMS – ADULT CORRECTION

The following Commission-approved forms shall be used during the application process for correctional officer or probation/parole officer certification:

(1) Form F-5A (DAC), Adult Correction Report of Appointment and Application, shall include the following information about the applicant:

(a) type of certification applying for;

(b) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;

(c) prior certification history, including whether the applicant previously held a position requiring certification or licensure from any commission, board, or agency and whether any previous certification was suspended or revoked;

(d) whether the applicant has ever been denied employment for a position with a law enforcement agency, corrections agency, or security agency;

(e) names and types of relationships with any family member in prison, jail, or on probation or parole;

(f) history of illegal drug use;

(g) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;

(h) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;

(i) military history, including date and type of last discharge, and the branch, type of discharge, and start and end dates of service for all periods of active duty;

(j) explanation for any type of military discharge other than honorable;

(k) report of appointment information to be completed by the agency authorized representative, including: applicant's position title, [~~beacon~~] Beacon number, effective date, education and degree information, date of fingerprinting, date [~~DCI~~] Division of Criminal Information Network (DCIN) checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab, whether Forms F-1 and F-2 were completed (pursuant to .0105 of this Subchapter), date of physical exam, name and license number of examining medical practitioner;

(l) notarized signature of the applicant; and

(m) signature of agency authorized representative.

(2) Form F-5C (DAC), Report of Reappointment/Reinstatement of Certification, shall include the following information about the applicant:

(a) type of certification applying for;

(b) type of application (transfer from a non-certified position or reappointment following separation);

(c) name, social security number, previous names used, date of birth, home address, phone number, driver's license number and issuing state, and email address;

(d) criminal history information, including offense, type of offense, disposition offense, date of offense and disposition, court docket number, county and state, and probation status for all offenses charged, expunged, and pending;

(e) explanation of any Domestic Violence Orders, Ex-Parte Domestic Violence Protection Orders, or any other protective orders issued against the applicant;

(f) report of appointment information to be completed by the agency authorized representative, including: position title and effective date, Beacon number, date of fingerprinting, date DCI checks completed, date psychology screening conducted, name and license number of psychologist, date of negative drug test and name of lab;

(g) notarized signature of the applicant; and

(h) signature of agency authorized representative.

(3) Form F-5D (DAC), Notice of Certification Transfer, shall include the following information about the applicant:

(a) name, Beacon number, social security number, date of birth, email address, home address, and phone number;

(b) current or previous certification type and certification type transferring to;

(c) position title and effective date of transfer;

(d) education and experience information;

(e) notarized signature of the applicant; and

(f) signature of the agency authorized representative.

(4) Form F-5E (DAC), Notice of Transfer to a Non-Certified Position, shall include the following information about the transferring officer:

(a) name, date of birth, and last four of social security number;

(b) original certification date;

(c) date of transfer to non-certified position;

(d) title of non-certified position;

(e) type of last certification held, including whether it was probationary or general and whether it was correctional officer certification or probation/parole officer certification;

(f) whether basic training was completed;

(g) whether the officer has been subject to a disciplinary transfer;

(h) name, title, and signature of agency head or authorized representative;

(5) Form F-38 (DAC), Authorization for Release of Information to North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Department of Adult Correction, shall include the following:

(a) applicant's name, date of birth, driver's license number and issuing state, home address, and phone number; and

(b) applicant's notarized signature.

History Note: *Authority G.S. 8-50.2; 17C-6;*
Eff. October 1, 2026.

12 NCAC 09I .0110 is adopted with changes as published in 40:23 NCR 1862-1899 as follows:

12 NCAC 09I .0110 CERTIFICATION FORMS – JUVENILE JUSTICE

The following are Commission-approved forms to be used by individuals certified as, or applicants for certification as, juvenile justice officers or juvenile court counselors:

(1) Form F-5A (JJ), Application for Certification - Juvenile Justice Officer & Juvenile Court Counselor, shall include the following:

(a) name, phone number, and address of employing agency;

(b) applicant's name, previous names used, social security number, home address, date of birth, driver's license number and issuing state, email address, and phone number;

(c) position type (Juvenile Justice Officer or Juvenile Court Counselor);

(d) [~~hire date~~] position title and full-time or part-time status;

(e) verification that the applicant has completed certification requirements as set out in 12 NCAC 09B .0116 or .0117, including:

(i) education information, including highest level of education, name and location of high school, type of higher education degree earned, name and location of higher education institution, and how each type of education and/or degree was verified by the employing agency;

(ii) drug screening date, result, and name of laboratory;

(iii) date submitted fingerprints to State Bureau of Investigation and results shall be attached;

(iv) psychological screening date and the name and license number of the evaluating psychologist or psychiatrist;

(v) indication that medical forms, pursuant to .0105 of this Subchapter, have been completed, date of medical examination, and name and license number of examining medical professional;

(vi) indication that background investigation and associated forms, pursuant to 12 NCAC 09B .0102, have been completed;

(vii) indication of whether the applicant has prior military experience and attached military records if applicable;

(viii) employment history of the applicant, supported by Form F-8, pursuant to 12 NCAC 09B .0102, if applicable;

(ix) attached a completed Form [~~F-37;~~] F-36, pursuant to 12 NCAC 09I .0116; and

(x) applicant's arrest, criminal, probation, and Domestic Violence Protective Order history, supported by Form F-3, pursuant to 12 NCAC 09B .0102, if applicable;

(f) date completed Application for Verification of Expungement AOC-CR-280;

(g) signature of applicant and date signed; and

(h) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(2) Form F-5D (JJ), Application for Change in Juvenile Justice Certification, shall include the following:

(a) [~~Facility~~] facility or district of employment;

(b) applicant name, academy ID number, social security number, date of birth, email address, home address, and phone number;

(c) type of certification transferring from;

(d) type of certification transferring to;

(e) effective date of transfer;

(f) full-time or part-time status;

(g) education information, including how the applicant's high school education was verified by the employing agency, how the applicant's college education was verified; type of college degree earned; and institution name;

(h) notarized signature of the applicant; and

(i) name, title, and signature of executive officer or authorized representative of the employing agency and date signed.

(3) Form F-19 (JJ), Notification of Personnel Record Change, shall include the following:

(a) employing agency name;

(b) individual's name on file with the Division, academy ID number, date of birth, and social security number;

(c) for those notifying of a name change:

(i) new full name;

(ii) reason for name change; and

(iii) attached documentation, if applicable.

(d) for those notifying of a status change:

(i) current full-time or part-time status; and

(ii) status changing to;

(e) name, title, and signature of agency head and date signed.

History Note: *Authority G.S. 17C-6;*
Eff. October 1, 2026.

Burgos, Alexander N

Subject: FW: September RRC Meeting-Request for Technical Changes

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, September 15, 2026 3:26 PM
To: Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Barney, Meghan E <meghan.barney@oah.nc.gov>
Subject: Re: September RRC Meeting-Request for Technical Changes

Good afternoon,

Just a reminder that your agency's reply to our request for changes is due today by 5pm.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Tuesday, September 1, 2026 3:56 PM
To: Cardoza, Holly
Cc: Burgos, Alexander N; Barney, Meghan E
Subject: Re: September RRC Meeting-Request for Technical Changes

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

I've cc'd our newest RRC Counsel, Meghan Barney, who also reviewed your rules. We have a few additional requests/questions below.

- 12 NCAC 09A .0103 – Definitions: Is there a reason that "High School" is being defined this way? It seems that elementary and middle schools would fit the definition. Please clarify.
- 12 NCAC 09A .0202- Sanctions for Violations by Agencies or Schools: Lines 8 and 11 say the Commission may "suspend *and* refuse to grant...". Shouldn't "and" be replaced with "or"? It seems implausible that you can suspend something that has not yet been granted.
- 12 NCAC 09A .0204 – Suspension: Revocation: or Denial of Certification and 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial: The titles need to use commas instead of colons.
- 12 NCAC 09A .0205 – Period of Suspension: Revocation: or Denial: On Lines 6-7 and 8-9 the rule citations need to be written out for consistency and clarity and "0225" and "0236" need decimal points before the zeros.

Please submit the revised rules to me via email, no later than 5 p.m. on September 15, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, August 31, 2026 11:35 AM
To: Cardoza, Holly <hcardoza@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: September RRC Meeting-Request for Technical Changes

Good morning,

I'm the attorney who reviewed the rule submitted by the Criminal Justice Education and Training Standards Commission for the September 2026 RRC meeting. The RRC will formally review this rule at its meeting on Tuesday, September 29, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on September 15, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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