

## 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 Education and Training Standards Commission is established in the Department of Justice and is located in the Old Education Building, 114 West Edenton Street, in Raleigh, North Carolina. The mailing address is:

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

*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.

##### 12 NCAC 09A .0102 PURPOSE

The purpose of the 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.

##### 12 NCAC 09A .0103 DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F, except as modified in 12 NCAC 09A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

- (1) "Active Duty Military" means, for the purpose of determining eligibility for certification pursuant to 12 NCAC 09B .0401 and 12 NCAC 09B .0403, 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 Adult Correction and Juvenile Justice.
- (5) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (6) "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.
- (7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3).
- (8) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (2) of this Rule.
- (9) "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.
- (10) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (11) "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. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (12) "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 Adult Correction and 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.
- (13) "High School" means an educational program that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
- (14) "In-Service Training" means all training prescribed in 12 NCAC 09E .0105 that must be completed, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.
- (15) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.
- (16) "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.
- (17) "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 of 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.

- (18) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the Chief Court Counselor.
- (19) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public Safety, Division of Adult Correction and Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.
- (20) "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.
- (21) "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.
- (22) "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.
- (23) "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.
- (24) "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-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>. 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.
- (25) "Qualified Assistant" means an additional staff person designated by the School Director 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.
- (26) "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.
- (27) "Resident" means any youth committed to a facility operated by the Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (28) "School" or "criminal justice 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.
- (29) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.
- (30) "Speed-Measuring Instruments" (SMI) means those devices or systems, including RADAR, Time-Distance, 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.
- (31) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (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. October 1, 2022.*

**12 NCAC 09A .0104      STANDING COMMITTEES**  
**12 NCAC 09A .0105      SPECIAL COMMITTEES**

*History Note:      Authority G.S. 17C-5; 17C-6; 17C-8;*  
*Eff. January 1, 1981;*  
*Repealed Eff. July 1, 1987.*

**12 NCAC 09A .0106      CRIMINAL JUSTICE STANDARDS DIVISION**

The Criminal Justice Standards Division of the Department of Justice shall administer the standards set forth in 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.*

**12 NCAC 09A .0107      PROCEDURES FOR PETITIONS FOR RULE-MAKING**

- (a) Petitions for Rule-Making shall be submitted to the Commission and shall contain:
- (1) petitioner's name, address, and telephone number;
  - (2) a draft of the proposed rule or rule change for adoptions or amendments; and
  - (3) the reason for its proposal.
- (b) Petitioners may also submit the following in the petition:
- (1) the effect of the proposal on existing rules or decisions;
  - (2) data supporting the proposal;
  - (3) practices likely to be affected by the proposal; and
  - (4) a list or description of persons likely to be affected by the proposed rule.

*History Note:      Authority G.S. 150B-20;*  
*Eff. January 1, 1981;*  
*Amended Eff. April 1, 2009; November 1, 1993; July 1, 1988; April 1, 1984;*  
*Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge Donald W. Overby declared Paragraph (d) of this rule void as applied in Curtis Canty v. NC Criminal Justice Education and Training Standards Commission (14 DOJ 01202);*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Amended Eff. August 1, 2019.*

## **12 NCAC 09A .0108      APPLICABILITY OF RADAR/TDS STANDARDS PRE 7/1/82**

*History Note:*    *Authority G.S. 17C-6;*  
                          *Eff. July 1, 1982;*  
                          *Repealed Eff. August 1, 2014.*

### **SECTION .0200 - ENFORCEMENT OF RULES**

#### **12 NCAC 09A .0201      INVESTIGATION OF VIOLATION OF RULES**

(a) If any criminal justice agency, school, 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:

- (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.*

#### **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:

- (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 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 and verification of such compliance has been made by the Commission; or
- (5) suspend and 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.*

#### **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 Commission may 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.*

#### **12 NCAC 09A .0204      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 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 enrolled in and satisfactorily completed the required basic training course in its entirety within prescribed time periods relevant or applicable to a specified position or job title;
- (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 as a Class B misdemeanor; or
  - (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103 as a Class A misdemeanor, each of which occurred after the date of initial certification;
- (4) has been discharged by a criminal justice agency for commission or conviction of:
  - (A) a motor vehicle offense requiring the revocation of the officer's driver's license; or
  - (B) any other offense involving moral turpitude;
- (5) has been discharged by a criminal justice agency 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 of any information required for certification or accreditation;
- (7) has knowingly and willfully, by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, 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 whatsoever, 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(8);
- (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;
- (12) has refused to submit to an applicant or lateral transferee drug screen as required by the rules in this Chapter, or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the agency through which the officer is certified;
- (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09C .0310, 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.

(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.*

## **12 NCAC 09A .0205 PERIOD OF 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 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;
- (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 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 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), regardless of the date of conviction.

(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, .0235, and .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.



*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.*

## **12 NCAC 09A .0206 SUMMARY SUSPENSIONS**

(a) The Commission, by and through the Probable Cause Committee, shall summarily suspend the certification of a criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the certification if the public health, safety, or welfare requires action pursuant to G.S. 150B-3. The Commission has determined that the following conditions specifically affect the public health, safety, or welfare and therefore it, by and through the Probable Cause Committee, as outlined in 12 NCAC 09A .0201, shall summarily suspend a certification of a criminal justice officer if:

- (1) the person has committed or been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification;
- (2) the certified officer fails to complete the in-service training requirements as prescribed in 12 NCAC 09E; or
- (3) the certified officer has produced a positive result on a urinalysis test, conducted in accordance with 12 NCAC 09C .0310;

(b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee shall meet only upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.

(c) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings for suspension and revocation.

(d) The Director, upon receipt of information showing the existence of a basis for summary suspension provided for in Subparagraph (a)(1), (2), or (3) of this Rule, shall coordinate the meeting described in Paragraph (b) of this Rule. All affected persons shall be notified that the person may submit any pertinent matters to the Probable Cause Committee for its consideration before the Committee acts on the summary suspension issue. No person shall be allowed more than 48 hours to submit information to the Probable Cause Committee.

(e) Upon oral notification by the Director that the certification of an officer or instructor is being summarily suspended by written order, the officer or instructor shall not perform duties requiring certification by the Commission.

(f) The Commission, by and through the Director, upon determining that a Commission-certified Concealed Carry Handgun Instructor has conducted a concealed carry handgun training course as mandated by G.S. 14-415.12(a)(4) that is not in compliance with 12 NCAC 09F .0102 shall do the following until such time as the training course has been brought into compliance or reported to the Probable Cause Committee for action:

- (1) summarily suspend the Concealed Carry Handgun Instructor certification, prohibiting him or her from delivering concealed carry handgun training until the Director determines the training program is brought into compliance with 12 NCAC 09F .0102 and 12 NCAC 09F .0105 of this Chapter; and
- (2) inform the instructor that he or she may appeal the Director's suspension by requesting, in writing, a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(g) The Commission, by and through the Director, upon determining that a Commission-certified instructor has conducted a Commission-approved training course in a way that was not in accordance with the requirements of this Chapter or has conducted a Commission-approved training course while being in violation of the instructor's minimum standards as outlined in 12 NCAC 09B .0301 shall do the following until such time as the training course or his or her instructor certification has been brought into compliance:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the noncompliance is remedied; and
- (2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(h) The Commission, by and through the Director, upon determining a Commission-certified instructor has been alleged to have violated a certification rule as outlined in this Chapter shall do the following:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the matter is resolved; and
- (2) the Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(i) A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings for suspension or revocation.

(j) The Commission, by and through the Director, upon determining that a criminal justice officer who was issued a waiver of the requirements of 12 NCAC 09C .0306 has not met those requirements within 60 days of being awarded general certification by the Commission, shall summarily suspend the officer's certification until the officer meets the requirements of 12 NCAC 09C .0306.

*History Note: Authority G.S. 17C-6; 17C-10; 150B-3;  
Eff. January 1, 1981;  
Amended Eff. October 1, 2017; February 1, 2016; December 1, 2007; March 1, 2004; July 1, 1990; July 1, 1989; October 1, 1985; August 15, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. March 1, 2024; August 1, 2021.*

#### **12 NCAC 09A .0207 ADMINISTRATIVE HEARING PROCEDURES**

(a) Administrative hearings in contested cases conducted by the Commission or an Administrative Law Judge as authorized in G.S. 150B-40(e) shall be governed by:

- (1) procedures set out in Article 3A of G.S. 150B;
- (2) the Rules of Civil Procedure as contained in G.S. 1A-1;
- (3) the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.

(b) The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in 26 NCAC 03 are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which this agency has authority to adopt rules pursuant to G.S. 150B-38(h).

(c) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties of the Chief Administrative Law Judge or the presiding Administrative Law Judge in 26 NCAC 03.

(d) Pursuant to G.S. 17C-11(b), an applicant for certification, or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.

*History Note: Authority G.S. 17C-6; 17C-11(b); 150B-38(h); 150B-40;  
Eff. August 1, 2019.*

#### **12 NCAC 09A .0208 PUBLIC COMMENTS AT HEARINGS**

For hearings in which public comments are allowed or required, the following rules apply:

- (1) The Chair may:
  - (a) authorize the designation of any agency employee to act as the hearing officer;
  - (b) set out the type of hearings that the designated employees are authorized to conduct;
  - (c) reference the rules of procedure for conducting public rulemaking hearings.
- (2) The Chair may set time limits on oral presentations.
  - (a) Unless the Chair specifies otherwise, oral presentations are limited to five minutes per person or requesting entity;
  - (b) The Chair may require that oral presentations be limited to representative spokespersons for those advocating or opposing agenda items;
  - (c) In making the above decisions, the Chair should consider:
    - (i) the length of the agenda and of the meeting;
    - (ii) the number of rules or agenda items subject to comment;
    - (iii) the complexity of the issues;
    - (iv) the public interest in a particular rule, report or agenda item;

- (v) the number of people desiring to address the agency;
  - (vi) the variations in the speakers' arguments and level of agreement within their positions or relationships;
  - (vii) the nature of the comments in relation to the agency's scope of review; and
  - (viii) the amount of notice given to the agency, commission, or committee.
- (3) The Chair will set the date, time, and place of any public hearing.
    - (a) If no hearing end time is designated prior to the beginning of the meeting, the Chair may end the hearing once the purpose for that public hearing has been concluded, or
    - (b) If a hearing end time has been designated for a hearing in which comments will be accepted, the hearing officer will remain in the meeting until such end time is reached.
  - (4) When a hearing officer is designated, the hearing officer will collect written and oral submission presented during the hearing and submit to the agency, commission or committee as appropriate following the close of the record.
  - (5) Nothing in this Rule is meant to require the agency, commission, or committee to allow public comment when not required by statute.
  - (6) For purposes of this Rule, Chair means the person designated as chairperson for the agency, commission or committee, holding the hearing. In the event the Chair is not present at the hearing, the Vice-Chair will preside, and if the Vice-Chair is also not present, then the hearing officer will preside, and either will act, for purposes of this rule and for the hearing, with the authority of the Chair.

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 2024.*

#### **12 NCAC 09A .0209 EXTENDED RENEWALS AND REPORTING DUE TO DISASTER**

Due to the disaster caused by Hurricane Helene as referenced in the Governor's Executive Order 315, the General Assembly's Session Laws 2024-51 and 2024-53, and the President's Declaration FEMA-4827-DR, all deadlines, expiration dates, or reporting requirements of any sort set forth in Chapter 09 that refer or relate to certification renewals, educational requirements, or training requirements are extended until March 1, 2025, for the following persons and entities:

- (1) Any of the following persons who reside in an affected jurisdiction set forth in Item (3) of this Rule:
  - (a) criminal justice officer;
  - (b) instructor;
  - (c) professional lecturer;
  - (d) school director;
  - (e) qualified assistant; and
  - (f) any other person who is certified by the Commission.
- (2) Any of the following entities located in an affected jurisdiction set forth in Item (3) of this Rule:
  - (a) law enforcement agency;
  - (b) school; and
  - (c) any other entity that is accredited by the Commission or which has reporting requirements to the Commission.
- (3) Affected jurisdictions, as defined in Declaration FEMA-4827-DR and amendments issued by the President of the United States, include:
  - (a) Alexander County
  - (b) Alleghany County
  - (c) Ashe County
  - (d) Avery County
  - (e) Buncombe County
  - (f) Burke County
  - (g) Cabarrus County
  - (h) Caldwell County
  - (i) Catawba County
  - (j) Cherokee County
  - (k) Clay County

- (l) Cleveland County
- (m) Forsyth County
- (n) Gaston County
- (o) Graham County
- (p) Haywood County
- (q) Henderson County
- (r) Iredell County
- (s) Jackson County
- (t) Lee County
- (u) Lincoln County
- (v) Macon County
- (w) Madison County
- (x) McDowell County
- (y) Mecklenburg County
- (z) Mitchell County
- (aa) Nash County
- (bb) Polk County
- (cc) Rowan County
- (dd) Rutherford County
- (ee) Stanly County
- (ff) Surry County
- (gg) Swain County
- (hh) Transylvania County
- (ii) Union County
- (jj) Watauga County
- (kk) Wilkes County
- (ll) Yadkin County
- (mm) Yancey County
- (nn) Eastern Band of Cherokee Indians

*History Note: G.S. 17C-6; Authority Session Law 2024-53 and State of North Carolina Executive Order 315 inclusive of amendments, to expire on March 1, 2025; Emergency Adoption Eff. November 20, 2024.*

## **SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING**

### **SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT**

#### **12 NCAC 09B .0101 MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS**

Every law enforcement officer who is employed in or has received a conditional offer of employment for a certified position by an agency in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09B .0106;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
- (5) have had a medical examination as required by 12 NCAC 09B .0104;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 09C .0310;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening shall be valid for a period of one year from the date on which it was administered.
- (8) have been interviewed as described in 12 NCAC 09B .0105;
- (9) have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC 09B .0102;
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;

- (11) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency approved service handgun(s) and any other weapon(s) that the applicant has been issued or authorized to use by the agency; and
- (12) be of good moral character as defined in: : In re Willis, 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.
- (13) Make the following notifications:
  - (a) within five business days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is found guilty, charged, arrested, pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (b) within five business days of service, officers shall notify the Standards Division and the appointing agency head of all Domestic Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
  - (c) within five business days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
  - (d) within five business days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.
  - (e) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item.
- (14) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the law enforcement officer is certified by the Commission.

*History Note: Authority G.S. 17C-6; 17C-10;  
 Eff. January 1, 1981;  
 Amended Eff. April 1, 2018; October 1, 2017; September 1, 2001; April 1, 1999; January 1, 1995;  
 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. October 1, 2020;  
 Temporary Amendment Eff. February 15, 2022;  
 Amended Eff. October 1, 2022; August 23, 2022.*

## **12 NCAC 09B .0102 BACKGROUND INVESTIGATION**

(a) Prior to employment, an agency shall complete a background investigation on all applicants for certification. The investigation shall examine the applicant's character traits and habits relevant to performance as a law enforcement officer and shall determine whether the applicant is of good moral character. This examination includes completion of Commission forms Personal History Statement Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history record check required by each.

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3) to provide a basis for the investigation. The agency shall certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement Form (F-3) and give the applicant the opportunity to update the Personal History Statement Form (F-3) prior to submission to the Division.

(c) The agency shall utilize an investigator with prior experience or training in conducting background investigations. The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-8) and shall include in the report of investigation:

- (1) biographical data;
- (2) family data;
- (3) scholastic data;
- (4) employment data;
- (5) criminal history data;
- (6) interviews with the applicant's references; and
- (7) a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3). This documentation shall be included with all other documentation required in 12 NCAC 09C .0307.

(d) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted.

(e) The employing agency shall provide to the Division staff the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website at no cost <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2002; August 1, 1998; July 1, 1989;  
Temporary Amendment Eff. April 15, 2003;  
Amended Eff. April 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. October 1, 2022.*

### **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 criminal history record check utilizing fingerprints against State and federal files.

(c) The employing agency will receive a report of the results of the criminal history record 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.*

#### **12 NCAC 09B .0104 MEDICAL EXAMINATION**

(a) Each applicant for certification or enrollment in a Commission approved basic law enforcement training course pursuant to Rule 12 NCAC 09B .0205, shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of law enforcement officer.

(b) Prior to being examined, the applicant shall provide the examining physician, physician or nurse practitioner with:

- (1) the Medical History Statement Form (F-1), which must be read, completed, and signed; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2).

(c) The examining physician, physician's assistant, nurse practitioner, shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form. The Medical Examination Report Form (F-2) shall contain the following information:

- (1) Name, date of birth, employing agency, height, weight, and last 4 digits of the Social Security Number for the person being examined;
- (2) Results of Vision Acuity;
- (3) Results of Hearing Acuity;
- (4) Results of Cardiovascular Examination;
- (5) Abnormal Findings;
- (6) Tuberculosis Risk Questionnaire;
- (7) Tuberculosis Symptom Questionnaire; and
- (8) Name, signature, and medical license number of examining medical professional.

(d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the Commission approved basic law enforcement training course; and
- (2) the employing agency submission of application for certification to the Commission.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990; April 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. November 1, 2024; October 1, 2022.*

#### **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 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 identifies those individuals he or she deems qualified.

*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.*

#### **12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

(a) Each applicant for certification as a law enforcement officer shall furnish 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, the Division of Non-Public Instruction, or a comparable out of state 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 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 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 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 satisfactory scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a 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.

## **12 NCAC 09B .0107 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS**

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000; December 1, 1987;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.

## **12 NCAC 09B .0108 MINIMUM STANDARDS FOR STATE YOUTH SERVICES OFFICERS**

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2001; December 1, 1987; October 1, 1985; July 1, 1983; January 1, 1983;  
Temporary Repeal Eff. April 15, 2003;  
Repealed Eff. April 1, 2004.

## **12 NCAC 09B .0109 MINIMUM STANDARDS FOR PROBATION/PAROLE OFFICERS**

## **12 NCAC 09B .0110 MINIMUM STANDARDS FOR PROBATION/PAROLE INTAKE OFFICERS**

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000; December 1, 1987;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.



## **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 a combination of four or more Class A Misdemeanor or Class B Misdemeanor regardless of the date;
- (7) 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 or equivalent regulating body from another 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.*

## **12 NCAC 09B .0112 MINIMUM STANDARDS FOR PAROLE CASE ANALYSTS**

*History Note: Authority G.S. 17C-6;  
Eff. April 1, 1983;  
Amended Eff. August 1, 2000; December 1, 1987;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.*

## **12 NCAC 09B .0113 MINIMUM STANDARDS PROBATION/PAROLE OFFICERS-SURVEILLANCE**

*History Note: Filed as a Temporary Rule Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;  
Authority G.S. 17C-6;  
Eff. April 1, 1984;  
Amended Eff. August 1, 2000; August 1, 1995; December 1, 1987;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.*

## **12 NCAC 09B .0114 MINIMUM STANDARDS FOR LOCAL CONFINEMENT PERSONNEL**

(a) Every officer, supervisor, or administrator employed by a local confinement facility in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09B .0106;

- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
- (5) have had a medical examination as required by 12 NCAC 09B .0104;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 09C .0310;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered.
- (8) have been interviewed as described in 12 NCAC 09B .0105;
- (9) have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC .09B .0102;
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;
- (11) be of good moral character as defined in : In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.
- (12) Make the following notifications:
  - (A) within five days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (B) within five days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (C) within five days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
  - (D) within five days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition; and
  - (E) within five days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.
- (13) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item.

(b) The word "officer" as identified in Paragraph (a) of this Rule, means those officers identified in G.S. 17C-2(3).

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

*History Note: Authority G.S. 17C-6; 17C-10;  
 Eff. June 1, 1986;  
 Amended Eff. November 1, 2015; December 1, 1987;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest eff. May 25, 2019;  
 Amended Eff. October 1, 2022.*

*History Note: Authority G.S. 17C-6;  
Eff. February 1, 1987;  
Amended Eff. August 1, 2000;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.*

**12 NCAC 09B .0116 MINIMUM STANDARDS FOR JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS**

(a) Every Juvenile Court Counselor and Chief Court Counselor employed by the North Carolina Department of Juvenile Justice and Delinquency Prevention shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) have attained a bachelor's degree as described in 12 NCAC 09B .0106(b);
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
- (5) have had a medical examination as required by 12 NCAC 09B .0104;
- (6) have produced a negative results on a drug screen as described in 12 NCAC 09C .0310;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
- (8) have been interviewed as described in 12 NCAC 09B .0105;
- (9) use the method of documenting the results of the background investigation it deems most appropriate to its needs in accordance with the Commission form. However, the Commission's Mandated Background Investigation Form (F-8) must be used as a guide of minimum information to be collected and recorded by the investigator for all other law enforcement officer applicants that are regulated by the Commission;
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;
- (11) be of good moral character as defined in: *In re Willis* 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E. 2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174(1989); *in re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.
- (12) Make the following notifications:
  - (A) within five days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (B) within five days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (C) within five days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
  - (D) within five days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition; and
  - (E) within five days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.
- (13) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the

order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Item.

(b) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the law enforcement officer is certified by the Commission.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. October 1, 2022.*

## **12 NCAC 09B .0117 MINIMUM STANDARDS FOR JUVENILE JUSTICE OFFICERS**

(a) Every Juvenile Justice Officer employed by the North Carolina Department of Juvenile Justice and Delinquency Prevention shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be a high school graduate or the equivalent as defined in 12 NCAC 09B .0106;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
- (5) have had a medical examination as required by 12 NCAC 09B .0104;
- (6) have produced a negative results on a drug screen as described in 12 NCAC 09C .0310;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered.
- (8) have been interviewed as described in 12 NCAC 09B .0105;
- (9) have a documented background investigation conducted by the agency using the method the agency deems most appropriate to its needs in accordance with the Commission form. However, the Commission's Mandated Background Investigation Form (F-8) must be used as a guide of minimum information to be collected and recorded by the investigator for all other law enforcement officer applicants that are regulated by the Commission;
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;
- (11) be of good moral character as defined in : In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions,
- (12) Make the following notifications:
  - (A) within five days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (B) within five days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (C) within five days of service, officers shall notify the Standards Division of all Domestic Violence Protective Order (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
  - (D) within five days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions,

shall also notify the Standards Division of arrests or criminal charges and final disposition;

- (E) within five days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standards Division of these orders.
- (13) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case was handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, from the officer or the agency head, shall be sufficient notice for compliance with this Subparagraph.
- (b) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the law enforcement officer is certified by the Commission.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Amended Eff. November 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. October 1, 2022.*

## **SECTION .0200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION**

### **12 NCAC 09B .0201 ADMINISTRATION OF CRIMINAL JUSTICE SCHOOLS**

- (a) An institution or agency shall secure school accreditation pursuant to 12 NCAC 09C .0401 prior to offering any criminal justice training course.
- (b) Each institution or agency accredited by the Commission to administer Commission-accredited criminal justice training programs shall designate one compensated staff member for each commission-accredited program for which the institution or agency has been granted accreditation. Such staff member shall be certified by the Commission under Section .0500 of this Subchapter to be the criminal justice School Director. The School Director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and managing each sponsored accredited criminal justice training course. If the Commission-accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant must be designated to assist the School Director in the administration of the course. This person must be selected by the School Director and must attend a course orientation conducted by Standards Division staff and attend the annual School Directors' Conference.
- (c) The Commission-accredited institution or agency shall permanently maintain records of all criminal justice training courses sponsored or delivered by the school, reflecting:
  - (1) course title;
  - (2) delivery hours of course;
  - (3) course delivery dates;
  - (4) names and addresses of instructors utilized within designated subject-matter areas;
  - (5) a roster of enrolled trainees, showing class attendance and designating whether each trainee's course participation was successful or unsuccessful;
  - (6) copies of all rules, regulations and guidelines developed by the School Director;
  - (7) documentation of any changes in the initial course outline, including substitution of instructors; and
  - (8) documentation of make-up work achieved by each individual trainee, including test scores and methods.
- (d) The Commission-accredited institution or agency offering any criminal justice training program or course of instruction shall meet or exceed the following specifications:

- (1) acquire and allocate financial resources to provide commission certified instructors and to meet other program expenses; and
  - (2) provide one designated clerical support person to assist the School Director in maintaining required records, complete reports, and provide other clerical needs as required by the School Director.
- (e) In the event an accredited institution or agency does not own the classrooms, physical training rooms, firing range, or driving track required for training delivery, written agreements between entities involved shall be in place in order to ensure access to and use of such facilities. A copy of such agreement must be on file for review by staff to the Commission.
- (f) The North Carolina Justice Academy is accredited by the Commission to administer the following Specialized Instructor programs:
- (1) Specialized Instructor – Compliance and Control Tactics;
  - (2) Specialized Instructor - Law Enforcement Firearms;
  - (3) Specialized Instructor – Law Enforcement Driver Training;
  - (4) Specialized Instructor – Physical Fitness; and
  - (5) Specialized Instructor – Explosive and Hazardous Emergencies.
- (g) The North Carolina State Highway Patrol is accredited by the Commission to administer the Specialized Instructor – Law Enforcement Driving Program.
- (h) The North Carolina Department of Adult Correction (DAC) Office of Staff Development and Training is accredited by the Commission to administer the DAC-Firearms Instructor and DAC-Controls, Restraints, and Defensive Techniques programs.

*History Note: Authority G.S. 17C-6;  
 Eff. January 1, 1981;  
 Amended Eff. November 1, 1981;  
 Readopted Eff. July 1, 1982;  
 Amended Eff. August 1, 2004; August 1, 2000; January 1, 1996; March 1, 1992; January 1, 1985;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. November 1, 2024.*

## **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;
  - (3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;
  - (4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;
  - (5) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
  - (6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
  - (7) Develop, adopt, reproduce, and distribute any supplemental rules and 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;
  - (8) If appropriate, recommend housing and dining facilities for trainees;
  - (9) Administer the course delivery in accordance with Commission approved lesson plans and course management guides;

- (10) 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. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and
  - (11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission, utilizing forms required for submission, which are located on the Agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.
- (b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:
- (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
  - (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three 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;
  - (3) Schedule only 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;
  - (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, 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;
  - (5) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques";
  - (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
  - (7) Not less than 30 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. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the State comprehensive exam, and include the following attachments:
    - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and
    - (B) a copy of any 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 instructor is using the Instructional System Design model, and that the delivery is objective-based,

documented by, and consistent with a Commission-approved lesson plan. 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) 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;

- (9) Administer or designate a staff person 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) of this Subchapter; and
  - (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:
    - (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
    - (B) a "Certification and Test Score Release" form;
    - (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and
    - (D) the orientation class enrollment roster.
- (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, an international model with applications in education, military training, and private enterprise; and
    - (B) each instructor and evaluator shall document successful participation in a 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;
  - (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:
    - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
    - (B) the names and last four digits of the social security numbers of all instructors and evaluators; and
    - (C) a copy of any rules and requirements for the school; and
  - (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] 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 and whom the School Director finds to be competent to instruct.



(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 speed measurement operator training course or re-certification course, the School Director shall:

- (1) select and schedule speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction as follows:
  - (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
  - (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
  - (C) require each instructor to sign each individual form and submit the original to the School Director;
- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] 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. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and
- (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement 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 (SMI)]. This report shall include the original motor-skill examination form(s) 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. April 1, 2022; July 1, 2021; January 1, 2021; July 1, 2020.*

## **12 NCAC 09B .0203 ADMISSION OF TRAINEES**

- (a) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course who is not a citizen of the United States.
- (b) The school shall not admit any individual younger than 20 years of age as a trainee in any non-academic basic criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment as trainees in a presentation of the Basic Law Enforcement Training Course with prior written approval from the Director of the Standards Division. The Director shall approve early enrollment if the individual will be 20 years of age prior to the date of the State Comprehensive Examination for the course.
- (c) The school shall give priority admission in certified criminal justice training courses to individuals holding full-time employment with criminal justice agencies.
- (d) The school shall not admit any individual as a trainee in a presentation of the "Criminal Justice Instructor Training Course" who does not meet the education and experience requirements for instructor certification under Rule .0302 of this Subchapter within 60 days of successful completion of the Instructor Training State Comprehensive Examination.
- (e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of the Basic Law Enforcement Training Course unless the individual, within one year prior to admission to the Basic Law Enforcement Training Course, scores at or above mastery level on the NROC Edready™ Skills Inventory for

English or places into course DRE 098 or above at a North Carolina Community College as a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as approved by the State Board of Community Colleges on October 17, 2014, (<http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the reading component of a nationally standardized test and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

- (1) Partial or limited enrollee does not include enrollees who hold or have held within 12 months prior to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.
- (2) A "nationally standardized test" means a test that:
  - (A) reports scores as national percentiles, stanines, or grade equivalents; and
  - (B) compares student test results to a national norm.

(f) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course unless the individual has provided to the School Director a medical examination report, completed by a physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the Standards Division shall grant an exception to this standard for a period of time not to exceed the commencement of the physical fitness topical area when failure to receive the medical examination report is not due to neglect on the part of the trainee.

(g) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course unless the individual is a high school, college, or university graduate or has received a high school equivalency credential recognized by the issuing state. High school diplomas earned through correspondence enrollment in an entity that charges a fee and requires the individual to complete little or no education or coursework to obtain a high diploma shall not be recognized toward the educational requirements.

(h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training Course unless the individual has provided the School Director one of the following types of record checks in the manner set forth in Paragraph (i) of this Rule:

- (1) a written notification, known as a "Criminal Record Conviction History for B.L.E.T. Enrollment," Form F-25, located at <https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>, from a department head stating that a criminal record check for local and state records has been conducted and no criminal convictions as listed in Paragraph (j) of this Rule were found that prohibit the individual trainee's enrollment in a presentation of the Basic Law Enforcement Training Course. The hiring agency or the individual trainee shall also provide certified court documentation for each criminal conviction;
- (2) a certified criminal record check for local and state records, and certified court documentation for each criminal conviction. For the purpose of this Rule "Certified court documentation" and "record check" mean a document with either a raised seal or other visible verification that the document is authentic as a copy of the court's official record as authorized by law;
- (3) if the individual trainee has only resided in North Carolina since obtaining the age of majority, provide a fingerprint-based criminal history background check known as a "Right to Review" performed by the North Carolina State Bureau of Investigation. For the purpose of this Rule "Resided in" means any place the trainee has lived, worked, attended school, or participated in an internship. The individual shall also provide certified court documentation for each criminal conviction;
- (4) a fingerprint-based criminal history background check known as a "Right to Review" performed by a federal agency including all locations where the trainee has lived since obtaining the age of majority. The individual shall also provide certified court documentation for each criminal conviction; or
- (5) trainees who have served in the United States Armed Forces, in addition to one of the types of criminal records checks listed in Subparagraphs (1) through (4) of this Paragraph shall provide a copy of their Certificate of Discharge, DD Form 214, that shows their "Character of Service" and "Narrative Reason for Separation." Individuals showing a "Character of Service" as "Bad Conduct" or "Dishonorable" shall provide certified copies of their court-martial proceedings to include the final disposition. Trainees shall also provide documentation to show that they have requested their official military personnel file, which shall be provided upon receipt.

- (6) A trainee who has been naturalized as a United States Citizen is exempt from providing the criminal record checks for locations where they resided outside of the United States prior to naturalization.
- (7) A trainee who has resided outside the United States, other than those described in Subparagraph (5) and (6), who cannot obtain a criminal record check from any location outside the United States shall document the following, to be forwarded to the Standards Division for review on a case by case basis:
  - (A) the name of the agencies contacted,
  - (B) the date the agencies were contacted,
  - (C) the contact information for the agencies contacted, and
  - (D) the reason the information cannot be provided.
- (i) Documents obtained in accordance with Paragraph (h) of this Rule shall meet the following requirements:
  - (1) any records provided shall fall within the time period beginning when the trainee obtains the age of majority and continuing through the date of application;
  - (2) any records provided shall include all locations where the trainee has resided since obtaining the age of majority; and
  - (3) any records provided shall include all legal names utilized by the trainee since obtaining the age of majority.
- (j) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course who has been convicted of the following:
  - (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 application for employment, unless the individual intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission;
  - (4) four or more crimes or unlawful acts defined as Class B Misdemeanors, regardless of the date of conviction;
  - (5) four or more crimes or unlawful acts defined as Class A Misdemeanors, except the trainee may be enrolled if the last conviction date occurred more than two years prior to the date of enrollment; or
  - (6) a combination of four or more Class A Misdemeanors or Class B Misdemeanors regardless of the date of conviction, unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.
- (k) Individuals charged with crimes specified in Paragraph (j) of this Rule may be admitted into the Basic Law Enforcement Training Course if such offenses were dismissed or the person was found not guilty, but completion of the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice officer through the North Carolina Criminal Justice Education and Training Standards Commission will be issued. Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall notify the School Director of all criminal offenses the trainee is arrested for or charged with, pleads no contest to, pleads guilty to, or is found guilty of, and of all Domestic Violence Protective Orders (G.S. 50B) that are issued by a judicial official after a hearing that provides an opportunity for both parties to be present. This includes all criminal offenses except minor traffic offenses and includes any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this Paragraph, as an offense where the maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or similar laws of other jurisdictions that shall be reported to the School Director are G.S. 20-138.1 (driving while under the influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5)(fictitious name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious name for a special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S. 20-111(5)(fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Paragraph shall be in writing and specify the nature of the offense, the court where the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Protective Order (50B), and the final disposition and the date thereof. The notifications required under this Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in court. The requirements of this Paragraph are applicable at all times during which the trainee is enrolled in a Basic

Law Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

(l) The school shall not admit any individual as a trainee in the presentation of the Basic Law Enforcement Training Course unless the individual has provided to the School Director:

- (1) copies of all active Domestic Violence Orders of Protection and Civil Non-Contact Orders issued to the individual; or
- (2) a signed and dated written statement from the individual certifying that no such active Orders exist related to the individual.

(m) The school shall not admit any individual as a trainee in the presentation of the Basic Law Enforcement Training Course unless the individual has provided to the School Director a copy of their valid driver's license.

*History Note: Authority G.S. 17C-6; 17C-10; 93B-9; Eff. January 1, 1981; Amended Eff. January 1, 2019; April 1, 2018; January 1, 2017; February 1, 2016; November 1, 2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December 1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. July 1, 2020.*

#### **12 NCAC 09B .0204 TRAINING COURSE ENROLLMENT**

- (a) Any school offering a Basic Law Enforcement Training Course shall have enrolled 10 trainees in the offering.
- (b) Any school may make written request to the Director of the Standards Division to deliver the Basic Law Enforcement Training Course with no fewer than eight enrolled trainees. The Director shall approve the request if it includes a summary of the efforts the school has made to notify its respective community of the availability of the course and the reasons supporting the school's need to enroll fewer than 10 trainees.
- (c) The school may not enroll any trainee later than the initial day of delivery of a certified training course unless the trainee's enrollment is pursuant to an authorization of limited enrollment in a subsequent course pursuant to Rule .0405 of this Subchapter or pursuant to prescribed supplementary or remedial training required pursuant to Rule .0402 of this Subchapter.
- (d) The school may not enroll more than 18 trainees in a presentation of the "Criminal Justice Instructor Training Course" as constituted under Rule .0209 of this Section.

*History Note: Authority G.S. 17C-6; Eff. January 1, 1981; Amended Eff. April 1, 2018; April 1, 2017; August 1, 2005; August 1, 2000; January 1, 1985; November 1, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

- (a) The basic training course for law enforcement officers shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.
- (b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 640 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

(1)	LEGAL UNIT	
	(A) Motor Vehicle Laws	20 Hours
	(B) Controlled Substance	12 Hours
	(C) Elements of Criminal Law	24 Hours
	(D) Juvenile Laws and Procedures	8 Hours
	(E) Arrest, Search and Seizure/Constitutional Law	28 Hours
	(F) Alcohol Beverage Control (ABC)Laws and Procedures	4 Hours
	UNIT TOTAL	96 Hours
(2)	PATROL DUTIES UNIT	
	(A) Techniques of Traffic Law Enforcement	24 Hours

	(B)	Explosives and Hazardous Materials Emergencies	12 Hours
	(C)	Traffic Crash Investigation	24 Hours
	(D)	In-Custody Transportation	8 Hours
	(E)	Crowd Management	12 Hours
	(F)	Patrol Techniques	28 Hours
	(G)	Law Enforcement Communication and Information Systems	8 Hours
	(H)	Anti-Terrorism	4 Hours
	(I)	Rapid Deployment	8 Hours
		UNIT TOTAL	128 Hours
(3)		LAW ENFORCEMENT COMMUNICATION UNIT	
	(A)	Responding to Victims and the Public	10 Hours
	(B)	Domestic Violence Response	16 Hours
	(C)	Ethics for Professional Law Enforcement	4 Hours
	(D)	Individuals with Mental Illness and Developmental Disabilities	24 Hours
	(E)	Crime Prevention Techniques	6 Hours
	(F)	Communication Skills for Law Enforcement Officers	8 Hours
	(G)	Preparing for Court and Testifying in Court	12 hours
		UNIT TOTAL	80 Hours
(4)		INVESTIGATION UNIT	
	(A)	Fingerprinting and Photographing Arrestee	6 Hours
	(B)	Field Note-taking and Report Writing	12 Hours
	(C)	Criminal Investigation	34 Hours
	(D)	Interviews	16 Hours
	(E)	Human Trafficking	2 Hours
		UNIT TOTAL	70 Hours
(5)		PRACTICAL APPLICATION UNIT	
	(A)	First Responder	32 Hours
	(B)	Firearms	48 Hours
	(C)	Law Enforcement Driver Training	40 Hours
	(D)	Physical Fitness (classroom instruction)	8 Hours
	(E)	Fitness Assessment and Testing	12 Hours
	(F)	Physical Exercise 1 hour daily, 3 days a week	34 Hours
	(G)	Subject Control Arrest Techniques	40 Hours
		UNIT TOTAL	214 Hours
(6)		SHERIFF-SPECIFIC UNIT	
	(A)	Civil Process	24 Hours
	(B)	Sheriffs' Responsibilities: Detention Duties	4 Hours
	(C)	Sheriffs' Responsibilities: Court Duties	6 Hours
		UNIT TOTAL	34 Hours
(7)		COURSE ORIENTATION	2 Hours
(8)		TESTING	16 Hours
		TOTAL COURSE HOURS	640 Hours

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

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

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

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

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

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;  
Amended Eff. January 1, 2019; July 1, 2018; January 1, 2018; July 1, 2017; July 1, 2016; January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09B .0206 BASIC TRAINING - CORRECTIONAL OFFICERS**

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000; August 1, 1995; July 1, 1989; February 1, 1987; April 1, 1983;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.

#### **12 NCAC 09B .0207 BASIC TRAINING -- STATE YOUTH SERVICES OFFICERS**

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000; December 1, 1987; January 1, 1983;  
Temporary Repeal Eff. April 15, 2003;  
Repealed Eff. April 1, 2004.

#### **12 NCAC 09B .0208 BASIC TRAINING - PROBATION/PAROLE OFFICERS**

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. January 1, 1995; April 1, 1983;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.

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

(a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 38 hours of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing. The Instructor Training course shall be presented during a period of no more than 15 business days. 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:

- (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 continuation of the course;
- (3) whether those enrolled in the course have been or will likely be called into 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 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.

(b) Each Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- |      |  |         |
|------|--|---------|
| (1)  | Orientation and Pre-Test   | 2 Hour  |
| (2)  | Instructional Systems Design (ISD)   | 3 Hours |
| (3)  | Law Enforcement Instructor Liabilities and Legal Responsibilities  | 2 Hours |
| (4)  | Criminal Justice Instructional Leadership  | 4 Hours |
| (5)  | Lesson Plan Preparation: Professional Resources  | 2 Hours |
| (6)  | Lesson Plan Development and Formatting   | 3 Hours |
| (7)  | Adult Learning   | 2 Hours |
| (8)  | Instructional Styles and Platform Skills   | 5 Hours |
| (9)  | Classroom Management   | 3 Hours |
| (10) | Active Learning: Demonstration and Practical Exercises   | 3 Hours |
| (11) | The Evaluation Process of Learning   | 3 Hours |
| (12) | Audio Visual Aids  | 5 Hours |
| (13) | Course Closing and Post-test   | 1 Hour  |
| (14) | Completion of tasks associated with practical exercises, student presentations, and post testing. The Instructor Training School Director shall determine the number of hours required to complete this portion of the curriculum. This decision shall be based on the number of enrolled students, available facilities, and number of instructors. |         |

(c) The most current version of the "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

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

and may be purchased by cash, money order, or credit card, from the Academy bookstore at the following address:

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

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;  
August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,  
1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019;  
Amended Eff. December 1, 2023; April 1, 2022; July 1, 2021; January 1, 2021.*

## **12 NCAC 09B .0210 RADAR INSTRUCTOR TRAINING COURSE**

(a) The radar instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice radar instructor. This course shall be for a period not to exceed six consecutive weeks. 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:

- (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 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 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.

(b) The radar instructor training course required for radar instructor certification shall include the topic areas and minimum number of hours as outlined in the Radar Instructor Training Course. To qualify for radar instructor certification, an applicant shall meet the requirements as outlined in the Radar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) Each applicant for radar instructor training shall:

- (1) present the endorsement of a Commission-recognized school director or agency executive officer or his designee;
- (2) possess full criminal justice general instructor certification as required in 12 NCAC 09B .0302; and
- (3) possess a current and valid radar operator certification.

(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar instructor training course for radar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

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

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

(e) Commission-certified school that is certified to offer the "Radar Instructor Training Course" is The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989;  
February 1, 1987; August 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022.*

## **12 NCAC 09B .0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE**

(a) The time-distance instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a time-distance instructor. This course shall be for a period not to exceed eight consecutive weeks. 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:

- (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 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 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.

(b) Each applicant for the time-distance speed measurement instrument instructor training course shall meet the requirements of 12 NCAC 09B .0210(c)(1) and (2) and 12 NCAC 09B .0309. The time-distance instructor training course required for time-distance instructor certification shall include the topic areas and minimum number of hours as outlined in the Time-Distance Instructor Training Course. To qualify for time-distance instructor certification, an applicant shall meet the requirements as outlined in the Time-Distance Instructor Training Course and meet the requirement of 12 NCAC 09B .0408 and .0409.



(c) The "Time-Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the criminal justice time-distance speed measurement instrument instructor training course for time-distance speed measurement instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

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

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

(d) Commission-certified school that is certified to offer the "Time Distance Instructor Training Course" is The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Amended Eff. November 1, 2007; April 1, 1999; November 1, 1998; November 1, 1993; July 1, 1989; February 1, 1987; August 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022.*

## **12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS**

(a) The radar operator training course for law enforcement officers shall be designed to provide the trainee 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. 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:

- (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 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 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.

(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training course. Such a trainee shall not be certified as a radar operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the radar operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or hold general law enforcement certification. The radar operator training course required for radar operator certification shall include the topic areas and minimum number of hours as outlined in the Radar Operator Training Course. To qualify for radar operator certification, an applicant shall meet the minimum requirements as outlined in the Radar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar operator training course for radar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice

1700 Tryon Park Drive  
Post Office Drawer 149  
Raleigh, North Carolina 27602  
and may be obtained at cost from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*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. April 1, 2022.

## **12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS**

(a) The radar/time-distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a radar/time-distance operator. This course shall be for a period not to exceed four consecutive weeks. 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:

- (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 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 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.

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and time-distance speed measurement instrument operator training course. Such a trainee shall not be certified as a radar and time-distance speed measurement instrument operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in radar and time-distance speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/time-distance operator training course required for radar/time-distance operator certification shall include the topic areas and minimum number of hours as outlined in the Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator certification, an applicant shall meet the minimum requirements as outlined in the Radar/Time-Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar/time-distance operator training course for radar/time-distance instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

and may be obtained at cost from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*History Note:* Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
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. April 1, 2022.

## **12 NCAC 09B .0214 CERTIFICATION TRAINING FOR TIME-DISTANCE OPERATORS**

(a) The time-distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a time-distance operator. This course shall not exceed four consecutive weeks. 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:

- (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 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 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.

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the time-distance speed measurement operator training course. Such a trainee shall not be certified as a time-distance speed measurement operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in time-distance speed measurement operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The time-distance operator training course required for time-distance operator certification shall include the topic areas and minimum number of hours as outlined in the Time-Distance Operator Training Course. To qualify for time-distance operator certification, an applicant shall meet the minimum requirements as outlined in the Time-Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the time-distance operator training course for time-distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

and may be obtained at cost from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*History Note:* Authority G.S. 17C-6;  
Eff. November 1, 1981;

*Readopted w/change Eff. July 1, 1982;*  
*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. April 1, 2022.*

**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 measurement instruments not included on the officers' initial speed measurement instrument certification. The course shall be designed to provide the trainee with the skills and knowledge to proficiently perform those tasks essential to function as an instructor or operator using the additional speed measuring instrument(s).

(b) Each applicant for supplemental speed measuring instrument training shall:

- (1) possess a valid radar, time-distance, or lidar speed measuring instrument instructor or operator certification as a result of successful completion of 12 NCAC 09B .0210, .0211, .0212, .0213, .0214, .0237, .0238, .0242, or .0244;
- (2) present the endorsement of a Commission-recognized school director or agency executive officer or his designee.

(c) The supplemental SMI training course required for certification on the additional instrument(s) shall include the topic areas and number of hours as outlined in the Supplemental SMI Training Course. To qualify for certification on the additional instrument(s) an applicant shall meet the requirements as outlined in the Supplemental SMI Training Course and meet the requirements of 12 NCAC 09B .0409.

(d) Certification as instructor or operator of the additional speed measuring instruments shall expire on midnight of the date of expiration of the instructor or operator certification referred to in 12 NCAC 09B .0215(b) and .0310(a).

(e) The "Supplemental SMI Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the supplemental SMI training course for SMI instructors or operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

(f) Commission-certified schools that are certified to offer the "Supplemental SMI Training Course" for Instructors are: The North Carolina Justice Academy.

*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.*

**12 NCAC 09B .0216 BASIC TRAINING - PAROLE CASE ANALYSTS**

*History Note: Authority G.S. 17C-6;*  
*Eff. April 1, 1983;*  
*Amended Eff. January 1, 1985;*  
*Temporary Repeal Eff. January 1, 2001;*  
*Repealed Eff. August 1, 2002.*

**12 NCAC 09B .0217 BASIC TRAINING -- ALCOHOL LAW ENFORCEMENT AGENTS**

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. April 1, 1983;  
Amended Eff. December 1, 1987; October 1, 1985;  
Repealed Eff. November 1, 1993.*

**12 NCAC 09B .0218 RE-CERTIFICATION TRAINING FOR RADAR INSTRUCTORS**

(a) The radar instructor re-certification training course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a criminal justice radar instructor. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a radar instructor re-certification course shall:

- (1) possess criminal justice general instructor certification as required in 12 NCAC 09B .0302;
- (2) have been certified as a radar instructor within the three years preceding the completion date of the re-certification course.

(c) The radar instructor re-certification training course required for radar instructor re-certification shall include the topic areas and minimum number of hours as outlined in the Radar Instructor Training Course. To qualify for radar instructor re-certification, an applicant shall meet the requirements as outlined in the Radar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar instructor re-certification training course for radar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

(e) Commission-accredited schools that are accredited to offer the "Radar Instructor Re-Certification Training Course" are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. July 1, 1983;  
Amended Eff. November 1, 2007; April 1, 1999; July 1, 1989; February 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019.*

**12 NCAC 09B .0219 RE-CERTIFICATION TRAINING FOR TIME-DISTANCE INSTRUCTORS**

(a) The time-distance instructor re-certification training course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a criminal justice time-distance instructor. This course shall be presented within a period not to exceed one week.

(b) Each applicant for the time-distance instructor re-certification course shall:

- (1) Meet the requirements of 12 NCAC 09B .0218(b) and shall have successfully completed the re-certification courses of 12 NCAC 09B .0218(c).
- (2) Have been certified as a time-distance instructor within the three years preceding the completion date of the re-certification course.

(c) The time-distance instructor re-certification training course required for time-distance instructor re-certification shall include the topic areas and minimum number of hours as outlined in the Time-Distance Instructor Training Course. To qualify for time-distance instructor re-certification, an applicant shall meet the requirements as outlined in the Time-Distance Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(d) The "Time-Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the time-distance instructor re-certification training course for time-distance instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

(e) Commission-certified schools that are certified to offer the "Time-Distance Instructor Re-Certification Training Course" are: The North Carolina Justice Academy.

*History Note:* Authority G.S. 17C-6;  
Eff. July 1, 1983;  
Amended Eff. November 1, 2007; April 1, 1999; July 1, 1989; February 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **12 NCAC 09B .0220 RE-CERTIFICATION COURSE FOR RADAR OPERATORS**

(a) 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 function of a radar operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a radar operator re-certification course shall meet the requirements of 12 NCAC 09C .0308(c) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in radar operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0220(b), but such personnel must have successfully completed one introductory level speed measurement instrument course that included instruction on operation of radar instruments. Courses that meet this requirement are described in 09B .0212, .0213, .0242, and .0244.

(d) The radar operator re-certification training course required for radar operator re-certification shall include the topic areas and number of hours as outlined in the Radar Operator Training Course. To qualify for radar operator re-certification, an applicant shall meet the requirements as outlined in the Radar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(e) The "Radar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar operator re-certification training course for radar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

*History Note:* Authority G.S. 17C-6;  
Eff. October 1, 1983;  
Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;  
Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; August 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **12 NCAC 09B .0221 RE-CERTIFICATION COURSE FOR RADAR/TIME-DISTANCE OPERATORS**

- (a) The radar/time-distance 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 function of a radar/time-distance operator. This course shall be presented within a period not to exceed one week.
- (b) Each applicant for a radar and time-distance operator re-certification course shall meet the requirements of 12 NCAC 09C .0308(c) and (d).
- (c) Federal law enforcement personnel shall be allowed to participate in radar and time-distance operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0221(b), but such personnel must have successfully completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments and time-distance instruments. Courses that meet this requirement are described in 12 NCAC 09B .0212, .0213, .0214, .0242, and .0244.
- (d) The radar/time-distance operator re-certification training course required for radar/time-distance operator re-certification shall include the topic areas and number of hours as outlined in the Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator re-certification, an applicant shall meet the requirements as outlined in the Radar/Time-Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.
- (e) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/time-distance operator re-certification training course for radar/time-distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

*History Note: Authority G.S. 17C-6;  
Eff. October 1, 1983;  
Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; August 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09B .0222 RE-CERTIFICATION COURSE FOR TIME-DISTANCE OPERATORS**

- (a) The time-distance operator re-certification training course shall be designed to provide the trainee with the skills and knowledge to continue to proficiently perform the function of a time-distance operator. This course shall be presented within a period not to exceed one week.
- (b) Each applicant for a time-distance operator re-certification course shall meet the requirements of 12 NCAC 09C .0308(c) and (d).
- (c) Federal law enforcement personnel shall be allowed to participate in time-distance operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0222(b), but such personnel must have successfully completed one introductory level speed measurement instrument course that included instruction on operation of time-distance instruments. Courses that meet this requirement are described in 12 NCAC 09B .0213, .0214, .0242, and .0244.
- (d) The time-distance operator re-certification training course required for time-distance operator re-certification shall include the topic areas and number of hours as outlined in the Time-Distance Operator Training Course. To qualify for time-distance operator re-certification, an applicant shall meet the requirements as outlined in the Time-Distance Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.
- (e) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the time-distance operator re-certification training course for time-distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice

114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602  
and may be obtained at cost from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*History Note:* Authority G.S. 17C-6;  
Eff. October 1, 1983;  
Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; July 1, 1989; August 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019.

**12 NCAC 09B .0223 BASIC TRAINING - PROBATION/PAROLE OFFICERS-SURVEILLANCE**

*History Note:* Filed as a Temporary Rule Eff. December 14, 1983 for a period of 120 days to expire on April 12,  
1984;  
Authority G.S. 17C-6;  
Eff. April 1, 1984;  
Amended Eff. January 1, 1995;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.

**12 NCAC 09B .0224 BASIC TRAINING -- COUNTY CONFINEMENT FACILITY**

(a) The basic training course for detention officers as prescribed in 12 NCAC 10B by the North Carolina Sheriffs' Education and Training Standards Commission is hereby incorporated by reference, and shall automatically include any subsequent amendments and editions of the incorporated material as provided by G.S. 150B-21.6, to be the minimum basic training course required for county confinement facility personnel. The "Detention Officer Certification Training Manual" as published by the North Carolina Justice Academy shall apply as the basic curriculum for county confinement facility personnel. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemberg, North Carolina 28385-0099. The cost of this manual is forty dollars (\$40.00) per copy.

(b) Notice of successful course completion issued by the Sheriffs' Standards Division shall be sufficient to satisfy this requirement.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. June 1, 1986;  
Amended Eff. August 1, 1998; January 1, 1992; July 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019.

**12 NCAC 09B .0225 BASIC TRAINING -- LOCAL CONFINEMENT PERSONNEL**

(a) The basic training course for detention officers as prescribed in 12 NCAC 10B by the North Carolina Sheriffs' Education and Training Standards Commission is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6 to be the minimum basic training course required for local confinement facility personnel. The "Detention Officer Certification Training Manual" as published by the North Carolina Justice Academy shall apply as the basic curriculum for local confinement facility personnel. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemberg, North Carolina 28385-0099. The cost of this manual is forty dollars (\$40.00) per copy.

(b) Notice of successful course completion issued by the Sheriffs' Standards Division shall be sufficient to satisfy this requirement.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. June 1, 1986;



*Amended Eff. August 1, 1998; March 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

(a) The instructor training course for Specialized Firearms Instructor Training Certification shall consist of a minimum of 50 hours of classroom and range instruction plus time required to complete the tasks associated with Range Operations presented during a continuous period of not more than two weeks. 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:

- (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 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 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.

(b) Each Specialized Firearms Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training (BLET) Course or a law enforcement officer in-service firearms training program.

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

- (1) have completed the criminal justice instructor training course;
- (2) present a written endorsement by either:
  - (A) a certified school director indicating the student may be utilized to instruct firearms in the Basic Law Enforcement Training Course; or
  - (B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct firearms in a law enforcement officer in-service firearms training program; and
- (3) Once within 365 days prior to enrollment each prospective student shall demonstrate proficiency during a qualification administered by the North Carolina Justice Academy. To successfully complete this qualification each prospective student shall achieve a minimum score of 92 percent 2 out of 3 times on both the BLET Day and Night Courses of Fire while using a 'Sam Browne' type belt and security holster and agency-issued duty or ballistic-equivalent ammunition.

(d) Each Specialized Firearms Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- |      |   |         |
|------|---|---------|
| (1)  | Orientation/Pretest   | 2 Hours |
| (2)  | Range Operations  | 2 Hours |
| (3)  | Civil Liability   | 4 Hours |
| (4)  | Night Firing  | 2 Hours |
| (5)  | Combat Shooting Classroom and Range   | 8 Hours |
| (6)  | Mental Conditioning   | 1 Hours |
| (7)  | Shotgun Operation and Firing  | 4 Hours |
| (8)  | Service Handgun - Operation and Use   | 8 Hours |
| (9)  | Rifle - Operation and Maintenance   | 4 Hours |
| (10) | Service Handgun - Maintenance and Cleaning  | 2 Hours |
| (11) | Range Medical Emergencies   | 2 Hours |
| (12) | In-Service Firearms Requirements  | 2 Hours |
| (13) | BLET Lesson Plan Review   | 1 Hour  |
| (14) | Range Drills as defined in the Specialized Firearms Instructor Training Manual and the Specialized Firearms Instructor Training Course Management Guide | 8 Hours |
| (15) | Completion of tasks associated with Range Operations and Instructor Practicums hours determined by number of students and instructors:                  |         |

- (A) Conduct a BLET Day Course of Fire
- (B) Conduct a BLET Night Course of Fire
- (C) Conduct a Long Gun Course of Fire
- (D) Develop a Combat Course of Fire

(e) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be the curriculum for the Specialized Firearms Instructor Training course. Copies of this publication may be inspected at the:

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

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

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

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

*History Note: Authority G.S. 17C-6;  
Eff. May 1, 1986;  
Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022; January 1, 2021.*

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

(a) The instructor training course required for Specialized Driver Instructor Certification shall consist of a minimum of 24 hours of classroom instruction plus the time required to conduct the tasks as required in the driver practicums based on number of students, available facilities, and number of instructors.

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

(c) Each applicant for Specialized Driver Instructor Training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a written endorsement by either
  - (A) a certified school director indicating the student may be utilized to instruct driving in Basic Law Enforcement Training Courses; or
  - (B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct driver training in the "Law Enforcement Officer's Annual In-Service Training Program";
- (3) possess a valid operator driver's license;
- (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years; and
- (5) Within 365 days prior to enrollment in the Specialized Driver Instructor Training course, the prospective student shall complete a qualification administered by the North Carolina Justice Academy or the North Carolina State Highway Patrol Training Academy requiring the individual to achieve minimum scores on the following Basic Law Enforcement Training driving course exercises:
  - (A) minimum score of 85 percent on 2 out of 3 attempts on the Off-set Lane Maneuver, Serpentine, and Precision Exercise during daylight conditions;
  - (B) minimum score of 85 percent on 2 out of 3 attempts on the Precision Exercise during nighttime conditions;

- (C) minimum score of 85 percent on one five-minute attempt during daytime conditions and one five-minute attempt during nighttime conditions on the Emergency Response exercise;
- (D) minimum score of 85 percent on one five-minute attempt during daytime conditions and one five-minute attempt during nighttime conditions on the Pursuit Exercise; and
- (E) score 100 percent on 2 out of 3 attempts on all phases of the Fixed Radius Curve and Evasive Action Exercises.

(d) Each Specialized Driver Instructor Training course shall include the following identified topic areas and instructional hours for each area:

- |      |  |         |
|------|--|---------|
| (1)  | Orientation  | 1 Hour  |
| (2)  | Lesson Plan Review (BLET)  | 6 Hours |
| (3)  | General Mechanical Knowledge   | 2 Hours |
| (4)  | Before - Operation Inspection  | 1 Hour  |
| (5)  | Laws of Natural Force & Operating Characteristics  | 3 Hours |
| (6)  | Legal and Operational Considerations for the Driver Instructor   | 4 Hours |
| (7)  | Course Description Packet and Administrative Code Review   | 2 Hour  |
| (8)  | Course Review  | 1 Hour  |
| (9)  | Building Driving Courses   | 4 Hours |
| (10) | Completion of tasks associated with the Driver Practicums. The number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors. |         |

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

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

and may be obtained at the cost of printing and postage from the Academy at the following address:  
 North Carolina Justice Academy  
 Post Office Box 99  
 Salemburg, North Carolina 28385

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

*History Note: Authority G.S. 17C-6;  
 Eff. May 1, 1986;  
 Amended Eff. August 1, 2015; January 1, 2015; February 1, 2013; August 1, 2006; February 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. January 1, 2021.*

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

*History Note: Authority G.S. 17C-6; 17C-10;  
 Eff. February 1, 1987;  
 Amended Eff. April 1, 2008; August 1, 2004; August 1, 2000; August 1, 1995; July 1, 1991; July 1, 1989;  
 Repealed Eff. August 1, 2015.*

- 12 NCAC 09B .0229 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - FIREARMS**
- 12 NCAC 09B .0230 CORRECTIONS SPECIALIZED INSTRUCTOR TRA – UNARMED SELF-DEF**
- 12 NCAC 09B .0231 BASIC TRAINING – PROBATION/PAROLE INTENSIVE OFFICER**

*History Note: Authority G.S. 17C-6;  
Eff. February 1, 1987;  
Amended Eff. January 1, 1995; July 1, 1989;  
Temporary Repeal Eff. January 1, 2001;  
Repealed Eff. August 1, 2002.*

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

(a) The instructor training course required for Specialized Subject Control Arrest Techniques Instructor Certification shall consist of a minimum of 29 hours of classroom instruction plus time required to complete the tasks associated with Subject Control Arrest Techniques Instructional Methods and Demonstration presented during a continuous period of not more than two weeks. 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:

- (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 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 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.

(b) Each Specialized Subject Control Arrest Techniques Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice Specialized Subject Control Arrest Techniques Instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Subject Control Arrest Techniques Instructor Training shall:

- (1) have completed the Criminal Justice Instructor Training course;
- (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by either
  - (A) a certified School Director indicating the student is qualified to instruct subject control arrest techniques in Basic Law Enforcement Training Courses; or
  - (B) a Department Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct subject control arrest techniques for the Law Enforcement Officers' Annual In-Service Training program; and
- (4) Within 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:
  - (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Subject Control Arrest Techniques; and
  - (B) achieve at least the 60<sup>th</sup> percentile on a physical fitness assessment.

(d) Each Specialized Subject Control Arrest Techniques Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- |     |  |         |
|-----|--|---------|
| (1) | Orientation                            | 1 Hour  |
| (2) | Response to Injury                     | 4 Hours |
| (3) | Combat Conditioning                    | 4 Hours |
| (4) | Safety Guidelines/Rules                | 2 Hours |
| (5) | Fundamentals of Professional Liability | 4 Hours |
| (6) | Practical Skills Enhancement           | 4 Hours |
| (7) | Student Instructional Practicum        | 6 Hours |
| (8) | BLET Lesson Plan Review                | 4 Hours |

- (9) Completion of tasks associated with Subject Control Arrest Techniques Instructional Methods and Demonstrations. The number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors.
- (e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for the Specialized Subject Control Arrest Techniques Instructor Training course. Copies of this publication may be inspected at the:
- Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tryon Park Drive  
Post Office Drawer 149  
Raleigh, North Carolina 27610
- and may be obtained at the cost of printing and postage from the Academy at the following address:
- North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385
- (f) The Commission-certified school that is certified to offer the "Specialized Subject Control Arrest Techniques Instructor Training" course is the North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. February 1, 1987;  
Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022; January 1, 2021.*

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

(a) The instructor training course required for Specialized Physical Fitness Instructor Certification shall consist of a minimum of 47 hours of classroom and field instruction, plus the tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods, presented during a continuous period of not more than two weeks. 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:

- (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 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 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.

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

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

- (1) qualify through one of the following three options:
  - (A) have completed the criminal justice general instructor training course;
  - (B) hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree in physical education, and be teaching in physical education topics; or
  - (C) be presently instructing physical education topics in a community college, college, or university and possess a baccalaureate degree in physical education;
- (2) present a written endorsement by either:
  - (A) a certified School Director indicating the student may be utilized to instruct physical fitness in Basic Law Enforcement Training Courses; or

- (B) a certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct physical fitness for the Law Enforcement Officers' In-Service Training Program;
- (3) present a letter from a physician stating fitness to participate in the course; and
- (4) Within 365 days prior to enrollment complete a qualification administered by the North Carolina Justice Academy requiring the individual to:
  - (A) complete Scenario #1 of the Police Officer Physical Abilities Test (POPAT) in no more than six minutes;
  - (B) complete Scenario #2 of the POPAT in no more than three minutes; and
  - (C) complete a physical fitness assessment achieve at a minimum percentile score of 60.
- (d) Each Specialized Physical Fitness Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:
 

(1) Orientation	1 Hour
(2) Physical Fitness Sessions	6 Hours
(3) Physical Fitness Assessments, Exercise Programs, and Instructional Methods	14 Hours
(4) Injury Care and Prevention	4 Hours
(5) Nutrition	7 Hours
(6) Civil Liability	3 Hours
(7) CVD Risk Factors	3 Hours
(8) Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours
(9) Lesson Plan Review	2 Hours
(10) Exercise Leadership	3 Hours
(11) Completion of tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods. The number of hours required to complete this portion of the curriculum shall be determined by number of students, number of instructors, and available facilities.	
- (e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for specialized physical fitness instructor training courses. Copies of this publication may be inspected at the:
 

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

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

North Carolina Justice Academy  
 Post Office Box 99  
 Salemburg, North Carolina 28385
- (f) The Commission-certified school that is certified to offer the "Specialized Physical Fitness Instructor Training" course is the North Carolina Justice Academy.

*History Note:* Authority G.S. 17C-6;  
 Eff. July 1, 1989;  
 Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. April 1, 2022; January 1, 2021.

**12 NCAC 09B .0234 BASIC TRAINING -- JUVENILE DETENTION HOMES PERSONNEL**

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
 Eff. March 1, 1990;  
 Amended Eff. August 1, 2001;  
 Temporary Repeal Eff. April 15, 2003;  
 Repealed Eff. April 1, 2004.

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

(a) The Juvenile Court Counselors and Chief Court Counselors training course shall consist of a minimum of 119 hours of classroom and practical skills instruction.

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

(1)	Juvenile Justice Common Core:	
(A)	Basic Individual Counseling Skills	6 hours
(B)	Interpersonal Communication Skills	6 hours
(C)	Working with Families	3 hours
(D)	Characteristics of Delinquents	4 hours
(E)	Staff and Juvenile Relationships: Maintaining Professional Boundaries	4 hours
(F)	Gang Awareness	2 hours
(G)	Situational Awareness and Risk Assessment	4 hours
(H)	Restraints, Controls, and Defensive Techniques	28 hours
(I)	Mechanical Restraints	4 hours
(J)	Youth Mental Health First-Aid	8 hours
(K)	Trauma and Delinquents	6 hours
(L)	Driver and Secure Transport Safety	4 hours
(M)	Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System	2 hours
(N)	Verbal De-escalation for Juvenile Justice	2 hours
	Total Hours	83 hours
(2)	Juvenile Court Counselor Specific:	
(A)	Statutory Responsibilities and Requirements of Juvenile Court Counselors	6 hours
(B)	Juvenile Law	8 hours
(C)	Intake, Supervision and Services	8 hours
(D)	Assessing Risk and Needs	6 hours
(E)	Report Writing and Documentation	8 hours
	Total Hours	36 hours
	Total Course Hours	119 hours

(c) Upon completion of a Commission-certified training course for Juvenile Court Counselors and Chief Court Counselors, the Director of the school conducting the course shall notify the Commission of training completion by submitting a Report of Training Course Completion for each trainee. The Report of Training Course Completion, F-11, identifies the student, student's social security number, date of birth, employing agency, position, date of appointment, and course information, to include title of course, location course was conducted at, the dates the course began and ended, the hours the course was conducted, number of instructional contact hours, and name of certifying official regarding the successful completion of the training course.

(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 119 hour training program accredited by the Commission pursuant to Rule .0236 of this Section after January 1, 2013 who transfer from a Juvenile Justice Officer position to a Juvenile Court Counselor position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Court Counselor under Subparagraph (b)(2) of this Rule.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Temporary Adoption Eff. April 15, 2003; Eff. April 1, 2004; Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014; 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.*

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

(a) The Juvenile Justice Officer training course shall consist of a minimum of 117 hours of classroom and practical skills instruction.

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

(1)	Juvenile Justice Common Core:	
(A)	Basic Individual Counseling Skills	6 hours
(B)	Interpersonal Communication Skills	6 hours
(C)	Working with Families	3 hours
(D)	Characteristics of Delinquents	4 hours
(E)	Staff and Juvenile Relationships: Maintaining Professional Boundaries	4 hours
(F)	Gang Awareness	2 hours
(G)	Situational Awareness and Risk Assessment	4 hours
(H)	Restraints, Controls, and Defensive Techniques	28 hours
(I)	Mechanical Restraints	4 hours
(J)	Youth Mental Health First-Aid	8 hours
(K)	Trauma and Delinquents	6 hours
(L)	Driver and Secure Transport Safety	4 hours
(M)	Racial and Ethnic Disparities (RED) – Addressing RED within the Juvenile Justice System	2 hours
(N)	Verbal De-escalation for Juvenile Justice	2 hours
	Total Hours	83 hours
(2)	Juvenile Justice Officer Specific:	
(A)	Treatment Program Operations	4 hours
(B)	Maintaining Documentation of Activities and Behaviors	8 hours
(C)	Basic Group Leadership Skills	4 hours
(D)	Effective Behavior Management	10 hours
(E)	Health Services Overview	2 hours
(F)	Contraband and Search Techniques	2 hours
(G)	Suicide Prevention and Response	4 hours
	Total Hours	34 hours
	Total Course Hours	117 hours

(c) Upon completion of a Commission-certified training course for Juvenile Justice Officers the Director of the school conducting the course shall notify the Commission of the training completion by submitting a Report of Training Course Completion for each trainee. The requirements for completion of the Report of Training Course Completion, F-11, is outlined in 12 NCAC 09B .0235.

(d) Employees of the Division of Juvenile Justice and Delinquency Prevention who have completed the minimum 117 hour training program accredited by the Commission under Rule .0235 of this Section after January 1, 2013 who transfer from a Juvenile Court Counselor position to a Juvenile Justice Officer position shall be required to complete only the portions of the course identified as specific to the duties and responsibilities of a Juvenile Justice Officer pursuant to Subparagraph (b)(2) of this Rule.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Amended Eff. July 1, 2017; July 1, 2016; August 1, 2015; May 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. March 1, 2024.*

### **12 NCAC 09B .0237 LIDAR INSTRUCTOR TRAINING COURSE**

(a) The Lidar Instructor Training Course shall be designed to provide the trainee with the skills and knowledge to perform the function of a lidar instructor. This course shall be for a period not to exceed six consecutive weeks. 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:

- (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 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 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.

(b) The Lidar Instructor Training Course required for lidar instructor certification shall include the topic areas and number of hours as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor certification, an applicant shall meet the requirements as outlined in The Lidar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) Each applicant for lidar instructor training shall:

- (1) present the endorsement of a Commission-recognized school director or agency executive officer or his designee;
- (2) possess full criminal justice General Instructor Certification as required in 12 NCAC 09B .0302; and
- (3) possess a current and valid lidar operator certification.

(d) The "Lidar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the lidar instructor training course for lidar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

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

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

(e) Commission-certified school that is certified to offer the LIDAR Instructor Training Course is The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. May 1, 2004;  
Amended Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022.*

## **12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS**

(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a law enforcement lidar operator. This course shall be for a period not to exceed four consecutive weeks. 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:

- (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 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 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.

(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the Lidar Operator Training Course. Such a trainee shall not be certified as a lidar operator until the Basic Law Enforcement Training

Course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in the lidar operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the Basic Law Enforcement Training Course and without being currently certified in a probationary status or holding general law enforcement certification. The Lidar Operator Training Course required for lidar operator certification shall include the topic areas and number of hours as outlined in the Lidar Operator Training Course. To qualify for lidar operator certification, an applicant shall meet the requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Lidar Operator Training Course for lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

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

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

*History Note: Authority G.S. 17C-6;  
Eff. May 1, 2004;  
Amended Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022.*

## **12 NCAC 09B .0239 RE-CERTIFICATION TRAINING FOR LIDAR INSTRUCTORS**

(a) The Lidar Instructor Re-Certification Training Course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a lidar instructor. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a Lidar Instructor Re-Certification Training Course shall:

- (1) possess criminal justice General Instructor Certification as required in 12 NCAC 09B .0302; and
- (2) have been certified as a lidar instructor within the three years preceding the completion date of the re-certification training course.

(c) The Lidar Instructor Re-Certification Training Course required for lidar instructor re-certification shall include the topic areas and number of hours as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor re-certification, an applicant shall meet the requirements as outlined in the Lidar Instructor Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(d) The "Lidar Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Lidar Instructor Re-Certification Training Course for lidar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

(e) Commission-certified schools that are certified to offer the Lidar Instructor Re-Certification Training Course are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. May 1, 2004;  
Amended Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09B .0240 RE-CERTIFICATION TRAINING COURSE FOR LIDAR OPERATORS**

- (a) The Lidar 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 function of a lidar operator. This course shall be presented within a period not to exceed one week.
- (b) Each applicant for a Lidar Operator Re-Certification Training Course shall meet the requirements of 12 NCAC 09C .0308(c) and (d).
- (c) Federal law enforcement personnel shall be allowed to participate in Lidar Operator Re-Certification Training Courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0238(b), but such personnel must have successfully completed one introductory level speed measurement instrument course that included instruction on operation of lidar instruments. Courses that meet this requirement are described in 09B.0238, .0242, and .0244.
- (d) The Lidar Operator Re-Certification Training Course required for lidar operator re-certification shall include the topic areas and number of hours as outlined in the Lidar Operator Training Course. To qualify for lidar operator re-certification, an applicant shall meet the requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.
- (e) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Lidar Operator Re-Certification Training Course for lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

*History Note: Authority G.S. 17C-6;  
Eff. May 1, 2004;  
Amended Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09B .0241 JUVENILE JUSTICE SPECIALIZED INSTRUCTOR TRAINING – RESTRAINTS, CONTROLS AND DEFENSIVE TECHNIQUES**

- (a) The instructor training course requirement for the Department of Public Safety, Division of Juvenile Justice Restraints, Controls and Defensive Techniques Specialized Instructor certification shall consist of at least 70 hours of instruction presented during a continuous period of not more than two weeks.
- (b) Each Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques course shall be designed to provide the trainee with the skills and knowledge to perform the function of the Juvenile Justice Restraints, Controls and Defensive Techniques Instructor in the "Basic Training for Juvenile Justice Officers" course and the "Basic Training for Juvenile and Chief Court Counselors" courses, as well as in-service training courses for juvenile justice officers and juvenile and chief court counselors.
- (c) Each applicant for enrollment in the Specialized Instructor Training – Restraints, Controls and Defensive Techniques course shall:
  - (1) Have completed the criminal justice general instructor training course; and
  - (2) Possess a valid CPR certification that includes cognitive and skills testing.
- (d) Each Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques course shall include the following identified topical areas:

- (1) Orientation;
- (2) Introduction to Restraints, Controls and Defensive techniques;
- (3) Physical Fitness/Warm-Up and Stretching Exercises;
- (4) Response to Injury;
- (5) Restraints, Controls and Defensive Techniques Basic Techniques;
- (6) Restraint Applications; and
- (7) RCDT Program Student Evaluation and Testing

(e) The Commission-certified school that is certified to offer the Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques course is the Office of Staff Development and Training of the North Carolina Department of Public Safety.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. December 1, 2004;  
Amended Eff. May 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09B .0242 CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS**

(a) The radar/lidar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a radar and lidar operator. This course shall be for a period not to exceed four consecutive weeks. 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:

- (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 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 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.

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a radar and lidar speed measurement instrument operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in a radar/lidar speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/lidar operator training course required for radar and lidar operator certification shall include the topic areas and number of hours as outlined in the Radar/Lidar Operator Training Course. To qualify for radar and lidar operator certification, an applicant shall meet the requirements as outlined in the Radar/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/lidar operator training course for radar and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

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

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

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019;  
Amended Eff. April 1, 2022.*

**12 NCAC 09B .0243 RE-CERTIFICATION TRAINING COURSE FOR RADAR/LIDAR OPERATORS**

- (a) The Radar/Lidar 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 function of a radar and lidar operator. This course shall be presented within a period not to exceed one week.
- (b) Each applicant for a Radar/Lidar Operator Re-Certification Training Course shall meet the requirements of 12 NCAC 09C .0308(c) and (d).
- (c) Federal law enforcement personnel shall be allowed to participate in Radar/Lidar Operator Re-Certification Training Courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0242(b), but such personnel must have successfully completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments and lidar instruments. Courses that meet this requirement are described in 12 NCAC 09B .0212, .0213, .0237, .0242, and .0244.
- (d) The Radar/Lidar Operator Re-Certification Training Course required for radar and lidar operator re-certification shall include the topic areas and number of hours as outlined in the Radar/Lidar Operator Training Course. To qualify for radar and lidar operator re-certification, an applicant shall meet the requirements as outlined in the Radar/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.
- (e) The "Radar/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Radar/Lidar Operator Re-Certification Training Course for radar and lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019.*

**12 NCAC 09B .0244 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE/LIDAR OPERATORS**

- (a) The radar/time-distance/lidar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to perform the function of a radar, time-distance, and lidar operator. This course shall be for a period not to exceed four consecutive weeks. 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:
- (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 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 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.

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/time-distance/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a radar, time-distance, and lidar speed measurement instrument operator until the basic law enforcement training course has been completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to participate in radar, time-distance, and lidar speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/time-distance/lidar operator training course required for radar, time-distance, and lidar operator certification shall include the topic areas and number of hours as outlined in The Radar/Time-Distance/Lidar Operator Training Course. To qualify for radar, time-distance, and lidar operator certification, an applicant shall meet the requirements as outlined in The Radar/Time-Distance/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(c) The "Radar/Time-Distance/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the radar/time-distance/lidar operator training course for radar, time-distance, and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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

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

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

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022.*

#### **12 NCAC 09B .0245 RE-CERTIFICATION TRAINING COURSE FOR RADAR/TIME-DISTANCE/LIDAR OPERATORS**

(a) The Radar/Time-Distance/Lidar 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 function of a radar, time-distance, and lidar operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a Radar/Time-Distance/Lidar Operator Re-Certification Training Course shall meet the requirements of 12 NCAC 09C .0308(c) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in Radar/Time-Distance/Lidar Operator Re-Certification Training Courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 09B .0243(b), but such personnel must have successfully completed one or more introductory level speed measurement instrument courses that included instruction on operation of radar instruments, time-distance instruments and lidar instruments. Courses that meet this requirement are described in 09B .0212, .0213, .0214, .0238, .0242, and .0244.

(d) The Radar/Time-Distance/Lidar Operator Re-Certification Training Course required for radar, time-distance, and lidar operator re-certification shall include the topic areas and number of hours as outlined in the Radar/Time-Distance/Lidar Operator Training Course. To qualify for radar, time-distance, and lidar operator re-certification, an applicant shall meet the requirements as outlined in the Radar/Time-Distance/Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .0408 and .0409.

(e) The "Radar/Time-Distance/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied as basic curriculum for the Radar/Time-Distance/Lidar Operator Re-Certification Training Course for radar, time-distance, and lidar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 2007;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS**

### **12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS**

(a) A person participating in a Commission-certified criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accordance with the requirements of this Section and as stated on the applicant's Application for Instructor or Professional Lecturer Certification, F-12. The Application for Instructor or Professional Lecturer F-12 shall contain:

- (1) name of applicant/instructor;
- (2) address, phone, email address, date of birth, age, last four of Social Security Number, and Acadis number;
- (3) current agency/firm, status (Retired, Civilian, Sworn), agency address, and business phone number;
- (4) type of instructor certification applying for;
- (5) supporting documents for specific certification sought;
- (6) highest education level, school attended, school location, and graduation date;
- (7) criminal justice experience;
- (8) signature of applicant/instructor;
- (9) school, course title, hours taught, course date(s) and whether course was a requirement of Mandatory In-Service Training; and
- (10) signature of certifying School Director or In-Service Training Coordinator, school or agency, phone number, and email address.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission has knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur. The following action shall be taken by the Commission:

- (1) issue an oral warning and request for compliance; or
- (2) issue a written warning and request for compliance; or
- (3) issue an official written reprimand; or
- (4) suspend the individual's certification for no more than three years; or

- (5) revoke the individual's certification.
- (e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:
- (1) has failed to meet and maintain any of the requirements for qualification;
  - (2) has failed to remain competent in the person's areas of expertise;
  - (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the Rules .0209 and .0205 of this Subchapter;
  - (4) has demonstrated "unprofessional personal" conduct in the delivery of Commission approved or mandated training. For the purposes of this Subparagraph, unprofessional personal conduct is identified as:
    - (A) job-related conduct that constitutes a violation of state or federal law;
    - (B) a conviction or commission of a criminal offense, as set out in 12 NCAC 09A .0204;
    - (C) the willful violation of rules of this Chapter;
    - (D) conduct that is detrimental to instruction in the Commission's mandated courses. Conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;
    - (E) the physical or verbal abuse of a client or student who the instructor is teaching or supervising; or
    - (F) falsification of an instructor application or other employment documentation;
  - (5) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial, financial, dating, or sexual, even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists. The written notice to managing personnel shall be submitted to the Criminal Justice Standards Division within 10 days upon receipt and shall include:
    - (A) school/agency name;
    - (B) name of course;
    - (C) name of instructor, School Director, or Qualified Assistant;
    - (D) name of student;
    - (E) name of managing personnel;
    - (F) nature of the relationship; and
    - (G) explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
  - (6) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
  - (7) has failed to meet or maintain good moral character as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
  - (8) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;
  - (9) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program by deceit, fraud, or misrepresentation;
  - (10) has committed or been convicted of an offense that could result in the denial, suspension, or revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or
  - (11) has knowingly made a material misrepresentation of any information required for certification or accreditation.
- (f) When a person certified as a criminal justice officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), or the North Carolina Company/Campus Police Program, has been



denied certification or had his or her certification suspended or revoked by a North Carolina, out of state or federal approving, certifying or licensing agency, the certified criminal justice officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days.

(g) Any instructor whose criminal justice officer certification or power to make arrests is suspended or revoked by the federal government, State of North Carolina or any subdivisions thereof, or by any other State or any subdivisions thereof, shall report the suspension or revocation to the Commission within five days of the officer's receipt of notice of the revocation or suspension.

(h) Criminal justice officers certified as a General Instructor as outlined in this Rule shall have their general instructor certification automatically suspended or revoked for the same time period as his or her respective Commission criminal justice certification. The suspension or revocation of the general instructor certification shall also include suspension or revocation to any Commission recognized specialized or additional instructor certification, as outlined in Rule .0304 of this Section.

(i) Any applicant for instructor certification whose criminal justice officer certification or power to make arrests has been denied, suspended, or revoked at any time by the federal government, State of North Carolina or any subdivisions thereof, or by any other State or any subdivisions thereof, shall report the suspension or revocation to the Commission at the time the application is submitted. This requirement is not withstanding any subsequent reinstatement of the certification or power to make arrests.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. December 1, 2018; October 1, 2017; October 1, 2009; August 1, 2004; April 1, 1999; July 1, 1991; January 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; October 1, 2020; August 1, 2019.*

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

(a) A General Instructor Certification issued after December 31, 1984, shall be limited to those topics that are not expressly incorporated under the Specialized Instructor Certification category. Individuals certified under the general instructor category shall not teach any of the subjects specified in Rule .0304 of this Section, entitled "Specialized Instructor Certification." To qualify for issuance of Probationary Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process by meeting the following requirements:

- (1) Present documentary evidence showing that the applicant:
  - (A) is a high school, college, or university graduate or has received a high school equivalency credential as recognized by the issuing state; and
  - (B) has acquired four years of practical experience as a Criminal Justice Officer, an administrator or specialist in a field related to the criminal justice system, or as an employee of a Criminal Justice Agency;
- (2) Present evidence showing completion of a Commission-accredited instructor training program or an equivalent instructor training course.
- (3) Achieve a passing score on the comprehensive written examination administered by the Commission, as required by Rule .0413(d) of this Subchapter.

(b) Applications for Probationary Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination administered at the conclusion of the Commission-accredited instructor training program.

(c) Persons having completed a Commission-accredited training course and not having submitted the application within 60 days of the date the applicant passed the State comprehensive examination shall complete a subsequent Commission-accredited instructor training course in its entirety by completing the requirements in Paragraph (a) of this Rule.

(d) Out-of-State applicants having completed an equivalent instructor training course and who are certified or have been certified within two years prior to the submission of application to the Standards Division as an instructor in a Criminal Justice Program, as verified by the respective State Police Officer Standards and Training (POST) or Federal Law Enforcement Training Center FLETC or military POST organization, are eligible to apply for Probationary Instructor Certification upon achieving a passing score of 75 percent on the comprehensive written examination administered by the Commission, as required by Rule .0413(d) of this Subchapter. The application shall

be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination.

(e) The Standards Division staff shall evaluate the out-of-state applicant's combined training and experience to determine if the combined training and experience is equivalent to or exceeds the requirements for Probationary Instructor certification as prescribed in Subparagraphs (a)(1) and (2) of this Rule and includes course topics in instructional leadership, liability, teaching adults, presentation styles, and written lesson plan preparation.

(f) Applicants for Speed Measuring Instrument Instructor courses shall possess probationary or General Instructor Certification.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. October 1, 2017; January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; May 1, 2004; August 1, 2000; July 1, 1991; December 1, 1987; October 1, 1985; January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. February 1, 2020.*

## **12 NCAC 09B .0303 TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for certification as a general instructor shall, be in a probationary status, for a period not to exceed 12 months, until satisfying the requirements of Paragraph (b) of this Rule.

(b) The probationary instructor shall be eligible for General Instructor status if the instructor, submits to the Commission the following forms which are found on the agency website <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>:

- (1) a Form F-12A, signed by a certified School Director of In-Service Training Coordinator, indicating a favorable recommendation; and
- (2) a Form F-16, Commission Instructor Evaluation Form, indicating the Instructor taught a minimum of eight hours of Commission-accredited basic training, Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B .0601, 10B. 1302, or 10B .2005, during the probationary period. The Instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission.

(c) Probationary Instructors may request an extension of up to one year to teach the 8-hour minimum requirement. The Director may grant the requested extension upon showing of just cause based upon the circumstances that created the need for an extension. For purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the instructor from fulfilling the teaching requirement.

(d) The term of certification as a general instructor is indefinite, provided the instructor completes during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice Academy. The Standards Division shall post on its website on January 1 of the current year the list of instructors who have met this requirement during the previous calendar year.

(e) If the instructor fails to meet the instructor refresher training specified in Paragraph (d) of this Rule, he or she shall deliver eight hours of evaluated instruction in a Commission-accredited basic training, Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B .0601, .1302, or .2005, and complete the instructor refresher training specified in Paragraph (d) of this Rule within 60 days from the last day of the previous calendar year.

(f) If an instructor fails to meet the requirements of Paragraph (d) or (e) of this Rule, the certification period for the instructor shall cease, and the instructor shall be required to complete the requirements of Rule 09B .0302 of this Section in order to obtain probationary instructor status.

(g) The use of guest participants in a delivery of the Basic Law Enforcement Training Course is permissible. However, such guest participants shall be supervised on-site by a Commission-certified instructor and must be authorized by the School Director. A guest participant shall only be used to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.

(h) "Commission-recognized in-service training" shall mean training meeting the following requirements:

- (1) training is taught by an instructor certified by the Commission;
- (2) training utilizes a lesson plan in the Instructional Systems Design format; and
- (3) completion of training shall be demonstrated by a passing score on a written test as follows:

- (A) a written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement;
- (B) a student shall pass each test by achieving at least 70 percent correct answers; and
- (C) a student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.
- (D) Topics delivered pursuant to 12 NCAC 09E .0104(1) and 12 NCAC 09E .0105(a)(1) shall not require written testing.

*History Note: Authority G.S. 17C-6;  
 Eff. January 1, 1981;  
 Amended Eff. January 1, 2017; December 1, 2007; November 1, 2007; August 1, 2006; January 1, 2006; August 1, 2000; July 1, 1991; 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. July 1, 2020; August 1, 2019.*

#### **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) Subject Control Arrest Techniques;
- (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 Adult Correction and Juvenile Justice);
- (7) Medical Emergencies (Department of Public Safety, Division of Adult Correction and Juvenile Justice); or
- (8) Explosive and Hazardous Materials Emergencies.

(b) To qualify for and maintain any Specialized Instructor Certification, 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 percent on the comprehensive written exam, as specified in Rule .0414 of this Subchapter in order to qualify for Specialized Instructor Certification in the following topical areas:

- (1) Subject Control Arrest Techniques;
- (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 Subject Control Arrest Techniques topical area, an applicant shall meet the following requirements:

- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
- (2) Complete the pertinent Commission-approved specialized instructor course; 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 one of the following two options:

- (1) The first option is:

- (A) Hold CPR instructor certification through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council;
  - (B) Hold, or have held, basic Emergency Medical Technician certification;
  - (C) 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) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.
- (2) The second option is:
- (A) Hold General 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) Hold, or have held, basic EMT certification; and
  - (D) 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 Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
  - (2) Complete the Commission-approved specialized firearms instructor training course; 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 Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
  - (2) Complete the Commission-approved specialized driver instructor training course; 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 Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
    - (B) complete the Commission-approved specialized physical fitness instructor training course; and
    - (C) obtain the recommendation of a Commission-certified School Director.
  - (2) The second method is:
    - (A) Complete the Commission-approved specialized physical fitness instructor training course;
    - (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, hold a baccalaureate degree in physical education, and be presently teaching in physical education topics; 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 Instructor Certification in the Department of Public Safety, Division of Adult Correction and Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant shall meet the following requirements:
- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
  - (2) Complete the Commission-approved corrections specialized instructor training – controls, restraints, and defensive techniques course; and

- (3) Obtain the recommendation of a Commission-certified school director.
- (j) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult Correction and Juvenile Justice Medical Emergencies topical area, an applicant shall meet the following requirements:
  - (1) Have completed a Commission-certified basic instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise;
  - (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) Obtain the recommendation of a Commission-certified school director.
- (k) 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 Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
    - (B) Complete the Commission-approved specialized explosives and hazardous materials instructor training course; 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 the Commission-approved specialized explosives and hazardous materials instructor training course; 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.*

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

- (a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.
- (b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and Specialized Instructor Certification are issued on the same date, the instructor is required to instruct, within three years after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.
- (c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification, the specialized instructor may satisfy the teaching requirement for the General Probationary Certification by teaching the specialized subject for which certification has been issued.
- (d) The term of certification as a specialized instructor shall be three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has

remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written certification from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and
  - (A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Application for Instructor and Professional Lecturer Certification Form (Form F-12) stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;
  - (B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>;
  - (C) proof that the applicant has met the requirement set forth in Rule .0303(d) of this Section;
  - (D) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal;
  - (E) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.
  - (F) proof that the individual applying for renewal as a Specialized Driver Instructor has achieved the following minimum scores in accordance with the procedural and evaluative requirements listed in the "Course Description Packet (CDP) for Driver Instructor Certification Renewal" as published by the North Carolina Justice Academy within the three-year period preceding the application for renewal. The individual applying for renewal must achieve a minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver" and "Serpentine" courses during the daytime, a minimum score of 85 on two out of three attempts for the "Precision" course during both day and night evaluation, a score of "Pass" on two out of three attempts for each command for the "Evasive Action/Maneuver" course during the daytime, and a score of Pass on two out of three attempts in each direction for the "Fixed Radius Curve" course during the daytime. Evaluations will be administered by a certified Specialized Driving Instructor.
  - (G) proof that the individual applying for renewal as a Specialized Subject Control Arrest Techniques Instructor has satisfactorily completed the technique evaluations skills of the Basic Law Enforcement Training SCAT courses, administered by a certified Specialized SCAT Instructor, within the three-year period preceding the application for renewal.

(e) Certification as a Specialized Instructor in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.

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

- (1) holds a current General Instructor certification;
- (2) has completed all pre-qualification requirements for that specialty;
- (3) has passed the state examination for that specialty with a minimum score of 75;
- (4) has completed eight hours of evaluated instruction in the specialty where re-issuance of certification is taught, as documented on an F-16 located on the agency's website: [https://ncdoj.gov/law-enforcement\\_training/criminal-justice/forms-and-publications/](https://ncdoj.gov/law-enforcement_training/criminal-justice/forms-and-publications/). The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked; and
- (5) has maintained non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas.

(g) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(h) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

(i) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012;  
November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1,  
1991; July 1, 1989; December 1, 1987; February 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019;  
Amended Eff. May 1, 2023; January 1, 2022; January 1, 2020; August 1, 2019.*

## **12 NCAC 09B .0306 PROFESSIONAL LECTURER CERTIFICATION**

(a) The Commission may issue Professional Lecturer Certification to a person in a profession, who, by virtue of academic degrees and professional expertise has developed special knowledge in one or more of the following areas:

- (1) Law
- (2) Psychology
- (3) Medicine

(b) To be eligible for such certification, an applicant shall:

- (1) Have attained a degree from an institution of higher learning accredited by an accreditation agency recognized by the United States Department of Education in a subject listed in Paragraph (a) of this Rule;
- (2) Obtain the endorsement of a Commission-recognized School Director or In-Service Training Coordinator who shall:
  - (A) recommend the applicant for certification as a professional lecturer; and

- (B) describe the applicant's expected participation, topical areas, duties, and responsibilities in a delivery of Commission-certified training conducted by the school; and
- (C) describe the attributes showing the applicant to be a beneficial contributor to the delivery or presentation in a Commission-certification training program.

*History Note:* Authority G.S. 17C-6;  
 Eff. January 1, 1981;  
 Amended Eff. January 1, 2006; July 1, 1991; January 1, 1985;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09B .0307 TERMS AND CONDITIONS OF PROFESSIONAL LECTURER CERTIFICATION**

- (a) Certification as a professional lecturer shall remain effective for 36 months from the date of issuance. The lecturer shall apply for re-certification at or before the end of the 36 month period.
- (b) During the 36 month period of certification, a certified professional lecturer may participate in repetitions of the same training course or courses for which certification is granted so long as there are no changes therein which alter the topical areas, duties, and responsibilities of the lecturer.

*History Note:* Authority G.S. 17C-6;  
 Eff. January 1, 1981;  
 Amended Eff. January 1, 2006; July 1, 1991; January 1, 1985;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09B .0308 RADAR INSTRUCTOR**

To qualify for radar instructional assignments, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process satisfactory to the Commission. The applicant shall meet the following requirements for radar instructor certification:

- (1) Must hold general instructor certification as required in 12 NCAC 09B .0302; and
- (2) Must successfully complete the Commission-approved radar instructor training course as required in 12 NCAC 09B .0210; and
- (3) Obtain the recommendation of a Commission-recognized school director or agency executive officer or his designee.

*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.

**12 NCAC 09B .0309 TIME-DISTANCE INSTRUCTORS**

In addition to all requirements contained in 12 NCAC 9B .0308 of this Section, applicants in this category shall complete an instructor training course in time-distance speed measurement as required in 12 NCAC 9B .0211. An applicant meeting the requirements for time-distance speed measurement instrument instructor certification shall be issued a certification to run concurrently with the existing radar instructor certification.

*History Note:* Authority G.S. 17C-6;  
 Eff. November 1, 1981;  
 Readopted Eff. July 1, 1982;  
 Amended Eff. April 1, 1999; November 1, 1993; December 1, 1987;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09B .0310 TERMS AND CONDITIONS -- SMI INSTRUCTORS**



(a) The term of a Speed Measurement Instrument (SMI) instructor, which includes radar, time-distance, and lidar instructors, is three years from the date the Commission issues the certificate, unless sooner terminated by the Commission. The certificate may be renewed for subsequent three year periods. The SMI instructor desiring renewal shall:

- (1) Hold general instructor certification as required in 12 NCAC 09B .0303.
- (2) Have been active in the SMI classroom instructional process during the previous certification period.
- (3) Successfully complete a Commission-approved SMI instructor re-certification course as required in 12 NCAC 09B .0218, .0219, or .0239.

(b) All SMI instructors seeking re-certification shall successfully complete the re-certification course within 12 months from expiration of the initial certification period or re-certification period. If re-certification training is not obtained within the 12-month period, successful completion of the appropriate instructor training program as required in 12 NCAC 09B .0308 is required to obtain instructor certification. This prescribed 12-month period does not extend the instructor certification period.

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted Eff. July 1, 1982;  
Amended Eff. November 1, 2007; April 1, 1999; November 1, 1993; February 1, 1991; July 1, 1989; 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.*

#### **12 NCAC 09B .0311 CERTIFIED INSTRUCTORS PRE 7/1/82**

*History Note: Authority G.S. 17C-6;  
Eff. July 1, 1982;  
Amended Eff. April 1, 1999;  
Repealed Eff. August 1, 2014.*

#### **12 NCAC 09B .0312 INSTRUCTOR CERTIFICATION RENEWAL**

(a) Individuals who hold Specialized Instructor certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Rule .0305(d) of this Subchapter. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

(b) The Director may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted as specified in 12 NCAC 09B .0305(d). Such extension, however, shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period.

*History Note: Authority G.S. 17C-6;  
Eff. March 1, 1990;  
Amended Eff. January 1, 2017; August 1, 2006; January 1, 2006; August 1, 2000; January 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09B .0313 CERTIFICATION AND TRAINING FOR SCHOOL RESOURCE OFFICERS**

(a) A "School Resource Officer (SRO)" is defined as any law enforcement officer assigned to one or more public schools within a local school administrative unit, as defined in G.S. 115C-5(6), who works in a school at least 20 hours per week for more than 12 weeks per calendar year to assist with all of the following:

- (1) School safety;
- (2) School security;
- (3) Emergency preparedness;

- (4) Emergency response; and
- (5) Any additional responsibilities related to school safety or security assigned by the officer's employer while the officer is acting as a School Resource Officer.

Any written memorandum of understanding between the local school administrative unit and the law enforcement agency governing the School Resource Officer shall be consistent with this Paragraph.

(b) Law enforcement officers assigned by their agency to perform duties as a School Resource Officer shall:

- (1) have been issued general certification by the North Carolina Criminal Justice Education and Training Standards Commission as a law enforcement officer; and
- (2) have until December 31, 2020, to complete the basic School Resource Officer Training course, if they are acting in the capacity of a School Resource Officer between October 1, 2018 and December 31, 2019. Any officer assigned as a School Resource Officer effective January 1, 2020 or later shall complete the School Resource Officer Training course pursuant to Paragraph (g) of this Rule, within one year after being assigned as a School Resource Officer. Law enforcement officers who previously completed the training pursuant to Paragraph (g) of this Rule and who have been continually assigned as an SRO pursuant to Paragraph (a) of this Rule shall be credited with completion of the basic School Resource Officer Training. Law enforcement officers who completed the training pursuant to Paragraph (g) of this Rule between October 1, 2018 and December 31, 2020 shall be credited with completion of the basic School Resource Officer Training course even if they were not assigned as an SRO pursuant to Paragraph (a) of this Rule as long as they comply with the annual SRO refresher training pursuant to Paragraph (g) of this Rule.

(c) A law enforcement officer assigned to one or more public schools within a local school administrative unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar year and who has not completed the initial training as established by Paragraph (g) of this Rule shall not work in a school as a School Resource Officer until the officer has completed the initial training as established by Paragraph (g) of this Section.

(d) The agency head shall submit to the Criminal Justice Standards Division a Form F-20 Commission School Resource Officer Assignment Form for the person(s) selected to act as a School Resource Officer for the agency. The Form F-20 is located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-114-wpfd-law-enforcement> and must be completed in its entirety. The Commission School Resource Officer Assignment Form consists of the following:

- (1) applicant's name;
- (2) date of birth;
- (3) social security number;
- (4) name of agency and address;
- (5) date awarded general certification;
- (6) completion date of School Resource Officer training; and
- (7) date assigned as a School Resource Officer.

(e) The term of certification as a School Resource Officer shall be indefinite, provided the School Resource Officer completes during each calendar year a one hour basic School Resource Officer refresher training authored by North Carolina Justice Academy. For School Resource Officers who complete the basic SRO training requirement in 2020 or earlier, this requirement shall be effective January 1, 2021. For SROs, this requirement shall be effective the year following the officer's successful completion of the basic School Resource Officer Training course. A certified School Resource Officer who has not completed the refresher training during a calendar year as established by this Rule shall not work in a school as a School Resource Officer until the officer has completed the required refresher training as established by this Rule. Any refresher training deficiency must be made up on or before January 31<sup>st</sup> of the following calendar year.

(f) Instructors who teach a basic SRO course in an in-person traditional classroom format will receive credit toward the completion of the basic SRO course requirement as required by this Rule, provided that they pass all tests required by the SRO Training Manual authored by the North Carolina Justice Academy. Instructors shall have their instruction documented by the Department Head or In-Service Training Coordinator once completed.

(g) The basic School Resource Officer Training course for law enforcement officers shall provide the trainee with the skills and knowledge to perform in the capacity of a School Resource Officer. The basic School Resource Officer Training Course authored by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:

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

Post Office Drawer 149  
Raleigh, North Carolina 27602

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

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

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. October 1, 2018;  
Amended Eff. August 1, 2021; October 1, 2019.

## **12 NCAC 09B .0314 CERTIFICATION OF DIVERSION INVESTIGATORS AND SUPERVISORS**

(a) The diversion training courses for investigators and supervisors shall provide the trainee with the skills and knowledge to perform the duties of a law enforcement Diversion Investigator or Supervisor. The diversion training course for investigators shall be 20 classroom hours delivered utilizing the Prescription Drug Diversion Investigator Certification Course developed by the North Carolina State Bureau of Investigation and North Carolina Justice Academy. The diversion training course for supervisors shall be administered in a four hour online training course utilizing the Prescription Drug Diversion Supervisor Certification Course developed by the North Carolina State Bureau of Investigation and North Carolina Justice Academy. To be certified as a Diversion Investigator or Diversion Supervisor the trainee shall complete the respective diversion training course and achieve a minimum score of 70 percent on the comprehensive written or online examination. The examination shall be an objective test covering the topic areas contained in the accredited course curriculum.

(b) Applications for Diversion Investigator or Diversion Investigator Supervisor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination administered at the conclusion of the Commission-accredited diversion training program. Persons having completed the Commission-accredited diversion training course and not having submitted the application within 60 days of the date the applicant passed the State comprehensive examination shall complete a subsequent Commission-accredited diversion training course in its entirety.

(c) Only a Sheriff, deputy sheriff, or law enforcement officer certified or appointed through the North Carolina Criminal Justice Education and Training Standards or North Carolina Sheriffs' Education and Training Standards Commissions and employed by a law enforcement agency shall be enrolled in a diversion training course. A trainee shall not be certified as a Diversion Investigator or Diversion Supervisor until the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter, has been completed with passing scores and probationary or general law enforcement certification has been granted as outlined in 12 NCAC 09C .0303, 12 NCAC 09C .0304, 12 NCAC 10B .0403 or 12 NCAC 10B .0404. Sheriffs and appointed deputy sheriffs shall be allowed to participate in the diversion training courses on a space available basis at the discretion of the Diversion Training Course School Director without having enrolled in, or having completed with passing scores, the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter and 12 NCAC 09G .0411 and without being currently certified in a probationary status or holding justice officer certification.

(d) Special Agents with the North Carolina State Bureau of Investigation deemed Diversion Investigators as of July 1, 2019, shall be automatically granted certification under this Rule for a period of three years.

(e) The term of certification as a Diversion Investigator or Supervisor shall be three years. An application for renewal shall be received by the Criminal Justice Standards Division within 60 days prior to the current certification date and shall include the following:

- (1) proof that the applicant completed the one hour Diversion Investigator or Diversion Supervisor refresher training as provided by the North Carolina Justice Academy, and
- (2) a completed Diversion Investigator/Supervisor Application, Form F-22(LE).

(f) The "Diversion Training Courses" required for certification, authored by the North Carolina State Bureau of Investigation and published by the North Carolina Justice Academy, shall include the topic areas as outlined in G.S. 17C-6(a)(19) and is to be applied as the basic curriculum for the Diversion Training Courses for Diversion Investigator and Diversion Supervisors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tyron Park Drive

Post Office Drawer 149  
Raleigh, North Carolina 27602  
and obtained at cost from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*History Note:* Authority G.S. 17C-6; 17E-4; 90-113.74E;  
Eff. February 1, 2020;  
Amended Eff. October 1, 2022; January 1, 2021.

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

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

- (a) Each criminal justice officer, with the exception of law enforcement officers, holding probationary certification shall complete, with passing scores, a Commission-accredited basic training course as prescribed in Rules .0225, .0235, .0236, .0411 and .0412 of this Subchapter that includes training in the skills and knowledge necessary to perform the duties of his or her office. The officer shall complete the course within one year from the date of his or her original appointment, as determined by the date of the probationary certification.
- (b) Each law enforcement officer shall have completed with passing scores the accredited basic training course as prescribed in Rule .0205 of this Subchapter prior to obtaining probationary certification.
- (c) If a trainee completes the basic training course as prescribed in Rule .0205 of this Subchapter prior to being employed as a law enforcement officer, the trainee shall be duly appointed and sworn as a law enforcement officer within one year of passing the comprehensive written exam as specified in Rule .0406 of this Subchapter for that basic training course to be recognized under these Rules.
- (d) An active duty member of the armed forces who begins the basic training course as prescribed in Rule .0205 of this Section within five years prior to separating from active duty status, and completes the basic training course in its entirety pursuant to Rule .0405 of this Section and achieves a passing score on the comprehensive written examination pursuant to Rule .0406 of this Section shall be eligible for probationary certification pursuant to 12 NCAC 09C .0303 for a period of 12 months from the date the individual separates from active duty status in the armed forces.
- (e) If local confinement supervisory and administrative personnel complete basic training prior to being employed by a facility in a supervisory and administrative position that requires certification as prescribed in G.S. 153A-217 and G.S. 153A-218, the personnel shall be duly appointed to a local confinement facility supervisory and administrative position within one year of the completion of training for the basic training course specified in 12 NCAC 09B .0205. This one year period shall begin with the date the applicant achieves a passing score on the comprehensive written exam, as specified in Rule .0411 of this Section.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. October 1, 2016; August 1, 2015; January 1, 2015; January 1, 1995; March 1, 1992; July 1, 1989; June 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **12 NCAC 09B .0402 WAIVER OF COMPLETION OF TRAINING**

- (a) The Commission may waive an officer's completion of the commission-accredited training course upon receiving documentary evidence from the employing department that the officer has satisfactorily completed equivalent training. All such officers, however, shall serve a one year period of probation.
- (b) Training received in states with laws governing or regulating criminal justice officer training shall, if subject to such review, have been approved or certified by the appropriate agency of the state in which the training was received.
- (c) The Commission may prescribe as a condition of certification supplementary or remedial training deemed necessary to equate previous training with current standards.
- (d) The Commission shall require satisfactory performance on a commission approved written examination as proof of equivalent training.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. March 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

(a) The Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if equivalent training has been completed as specified in Rule .0402(a) of this Section. Applicants for certification with prior law enforcement experience shall have been employed in a full-time, sworn law enforcement position in order to be considered for training evaluation under this Rule. Applicants for certification with a combination of full-time and part-time experience shall be evaluated on the basis of the full-time experience only. The determination of full time or part time is determined by the employing agency who submits the applicant's certification documents. For the purposes of this Rule, equivalent training is the topics of instruction successfully completed at a federal, military or out of state law enforcement training academy. The following criteria shall be used by Standards Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements:

- (1) Persons having completed a Commission-accredited Basic Law Enforcement Training Course and not having been duly appointed and sworn as a law enforcement officer within one year of completion of the course shall complete a subsequent Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to obtaining probationary law enforcement certification, unless the Director determines that a delay in applying for certification was not due to inaction or fault on the part of the applicant, in which case the Director shall accept a Commission-accredited Basic Law Enforcement Training Course that is over one year old. The appointing agency shall request in writing the extension of the one year period, which shall not exceed 30 days from the first year anniversary of the passing of the State Comprehensive Examination;
- (2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and experience. Out-of-state transferees shall not have a break in service exceeding three years. At a minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course accredited by the transferring state. An individual's attendance at his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Prior to employment as a certified law enforcement officer, out-of-state transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. In addition, out-of-state transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- (3) Persons who have completed a 369-hour Commission-accredited Basic Law Enforcement Training Course under guidelines administered beginning October 1, 1984, have been separated from a sworn position for over one year but less than three years, and who have had a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period. Prior to employment as a certified law enforcement officer, these persons shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106;
- (4) Persons who have completed a 396-hour Commission-accredited Basic Law Enforcement Training Course under guidelines administered beginning October 1, 1984, have been separated from a sworn position more than one year but less than five years and who have a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina, who have not committed, as defined in 12 NCAC 09A .0103(5), or been convicted of a disqualifying criminal

offense as listed in Rule .0111(a) of this Subchapter, and who have successfully completed the mandatory in-service training requirements pursuant to 12 NCAC 09E .0105 or 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification, during each year the person was separated from a sworn position prior to employment as a certified law enforcement officer shall complete the topic areas within the following time frames:

- (A) Prior to employment as a certified law enforcement officer, the person shall complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106;
- (B) Prior to employment as a certified law enforcement officer, the person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics set forth in Rule .0205(b)(5) of this Subchapter. The person shall also successfully complete the Police Officer Physical Abilities Test. The practical skills testing and the Police Officer Physical Abilities Test may be completed either in a Commission-accredited Basic Law Enforcement Training Course or under the instruction of a Commission-certified instructor for that particular skill. The person shall also meet the requirements per Rule .0101 of this Subchapter; and
- (C) Within 12 months of being issued probationary certification, the person shall complete the remaining topics in the legal unit of instruction in the Commission-accredited Basic Law Enforcement Training Course as set forth in Rule .0205(b)(1) of this Subchapter. The person shall achieve a passing score on the appropriate topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training Course or under the instruction of a Commission-certified instructor for that particular topic of instruction.

An individual's attendance at his or her basic law enforcement class shall not count towards the two years' full-time sworn law enforcement experience. Persons who meet the criteria of this Part shall be processed as a probationary certification and shall serve a one-year probationary period as defined in 12 NCAC 09C .0303;

- (5) Persons who have been separated from a sworn position for over one year but less than three years who have had less than two years' experience as a full-time, sworn law enforcement officer in North Carolina shall complete a Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of this Section, and achieve a passing score on the State Comprehensive Examination;
- (6) Persons who have been separated from a sworn position for over three years who do not meet the criteria of Subparagraph (4) of this Paragraph shall complete a Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of this Section, regardless of prior training or experience, and shall achieve a passing score on the State Comprehensive Examination;
- (7) Persons who have been separated from a sworn law enforcement position during their probationary period after having completed a Commission-accredited Basic Law Enforcement Training Course and who have been separated from a sworn law enforcement position for more than one year shall complete a subsequent Commission-accredited Basic Law Enforcement Training Course and shall achieve a passing score on the State Comprehensive Examination;
- (8) Upon reappointment to the same agency or appointment to another agency, persons who have been separated from a sworn law enforcement position during their probationary period after having completed a Commission-accredited Basic Law Enforcement Training Course shall be charged with the cumulative amount of time served during his initial or subsequent appointments and allowed the remainder of the probationary period to complete Commission requirements, but shall not be required to complete an additional Commission-accredited Basic Law Enforcement Training Course;
- (9) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and who have been separated from a sworn law enforcement position for over one year but less than two years shall complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a Commission-accredited Basic Law Enforcement Training Course as

- prescribed in Rule .0205(b)(1) and .0205(b)(5)(C) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
- (10) Persons who have completed a minimum 160-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines administered beginning on July 1, 1973, and continuing through September 30, 1978, and have been separated from a sworn law enforcement position for two or more years shall complete a Commission-accredited basic training program, as prescribed in Rule .0405 of this Section, regardless of training and experience, and shall achieve a passing score on the State Comprehensive Examination;
  - (11) Persons who have completed a minimum 240-hour Commission-accredited Basic Law Enforcement Training Course under guidelines administered beginning October 1, 1978, and continuing through September 30, 1984, and have been separated from a sworn position over one year but less than three years shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within the 12 month probationary period;
  - (12) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who have been separated from a sworn law enforcement position for over one year and who have not previously completed a minimum basic training program accredited by either the North Carolina Criminal Justice Training and Standards Council or the Commission shall complete a Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;
  - (13) Individuals seeking certification with the Commission who have performed duties for the Federal Government as a Criminal Investigator (GS 1811) as defined in the Office of Personnel Management General Schedule, Qualification Standards (<https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1800/criminal-investigation-series-1811/>), who have not had a break in service exceeding three years, shall be evaluated to determine the amount and quality of their training and experience. For the purposes of this Rule, equivalent training is the topics of instruction successfully completed at a federal, military, or out of state law enforcement training academy. The following criteria shall be used by Standards Division staff in Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements. At a minimum, individuals shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics set forth in 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics;
  - (14) Federal law enforcement transferees other than those listed in Subparagraph (a)(13) of this Rule who have not had a break in service exceeding three years shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this

- Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary period;
- (15) Applicants with part-time experience who have a break in service in excess of one year shall complete a Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;
- (16) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation based on the applicant's active or inactive certification status with the Sheriffs' Commission and the standards contained in Parts (A) through (D) of this Subparagraph. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if he or she has been employed in a full-time, sworn law enforcement position during the previous 12 months. A deputy sheriff certified with the Sheriffs' Commission shall be considered inactive if he or she has not been employed in a full-time, sworn law enforcement position during the previous 12 months.
- (A) The Standards Division shall issue certification to an applicant holding active general certification with the Sheriffs' Commission provided that the applicant:
- (i) Does not have a break in service of greater than 12 months;
  - (ii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005 for each year certification was held; and
  - (iii) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training State Comprehensive Examination.
- (B) The Standards Division shall issue certification to an applicant holding inactive certification with the Sheriffs' Commission provided that the applicant:
- (i) Holds inactive probationary or general certification with the Sheriffs' Commission;
  - (ii) Has served a minimum of 24 months of full time sworn service or does not have a break in service of greater than 12 months;
  - (iii) Has completed the mandatory in-service training requirements pursuant to 12 NCAC 10B .2005, with the exception of Firearms Training and Requalification; and
  - (iv) Held active status with the Sheriffs' Commission within 12 months of the date the applicant achieved a passing score on the Basic Law Enforcement Training State Comprehensive Examination.
- (C) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs' Standards BLET Challenge as prescribed in 12 NCAC 10B .0505(6)(b) shall meet the following requirements in order to obtain probationary certification from the Commission:
- (i) Have a minimum of 24 months of sworn, full-time law enforcement service;
  - (ii) Not have a break in service of greater than 12 months; and
  - (iii) Have completed all mandatory in-service requirements pursuant to 12 NCAC 10B .2005 during the previous two years.
- (D) An applicant who is a criminal justice officer, as defined in G.S. 17C-2(3), and who is elected Sheriff shall be reinstated by the Commission upon the conclusion of the period of service as Sheriff and in conformance with 12 NCAC 09C .0303;
- (17) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to November 1, 1993, and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of certification held by the applicant and the length of any break in the applicant's sworn, full-time service;
- (18) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement Division and transfer to another law enforcement agency in a sworn capacity shall be subject to evaluation of their prior training and experience on an individual basis. The Standards Division staff shall determine the amount of training required of these applicants, based upon the type of



certification held by the applicant and the length of any break in the applicant's sworn, full-time service;

- (19) Active duty, guard, or reserve military members failing to complete all of the required annual in-service training topics, as defined in 12 NCAC 09E .0105 of this Chapter, due to military obligations are subject to the following training requirements as a condition for return to active criminal justice status. The agency head shall verify the person's completion of the appropriate training by submitting a statement, on Form F-9C, Return to Duty Request form. This form is located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>;
- (A) Active duty members of the armed forces eligible for probationary certification pursuant to this Paragraph and active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for up to a period of three years shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete with a passing score the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E prior to their return to active criminal justice status;
- (B) Active duty, guard, or reserve military members holding probationary or general certification as a criminal justice officer who fail to complete all of the required annual in-service training topics due to military obligations for a period greater than three years shall complete the following topic areas within the following time frames:
- (i) The person shall complete the previous year's required in-service training topics, the current year's required in-service training topics, and complete the appointing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106 prior to their return to active criminal justice status;
- (ii) The person shall achieve a passing score on the practical skills testing for the First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to returning to active criminal justice status. This practical skills testing may be completed either in a Commission-accredited Basic Law Enforcement Training Course or under the instruction of a Commission-certified instructor for that particular skill. The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person shall also be examined by a physician per Rule .0104(b) of this Subchapter; and
- (iii) The person shall complete required topics in the legal unit of instruction in the Commission-accredited Basic Law Enforcement Training Course as set forth in Rule .0205(b)(1) of this Subchapter. The required topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall achieve a passing score on the topic tests for each course. The person may undertake each of these legal unit topics of instruction either in a Commission-accredited Basic Law Enforcement Training Course or under the instruction of a Commission-certified instructor for that particular topic of instruction. The person shall complete each of the enumerated topics of instruction within 12 months from the beginning of his or her return to active criminal justice status; and
- (20) An active duty member of the armed forces who completes the Commission-accredited Basic Law Enforcement Training Course in its entirety as prescribed in Rule .0405 of this Subchapter, annually completes the mandatory in-service training topics as prescribed in 12 NCAC 09E .0105, with the exception of the Firearms and Qualification testing requirements contained in 12 NCAC 09E .0105(a)(3) for each year subsequent to the completion of the Commission-accredited Basic Law Enforcement Training Course, and achieves a passing score on the State Comprehensive Examination as prescribed in Rule .0406 of this Subchapter within five years of separating from active duty status shall be eligible for probationary certification as prescribed in 12 NCAC 09C .0303 for a period of 12 months from the date he or she separates from active duty status in the

armed forces. All mandatory in-service training topics as prescribed in 12 NCAC 09E .0105 shall be completed by the individual prior to receiving probationary certification.

(b) If an evaluation, conducted by Standards Division staff, of the applicant's prior training and experience determines that required attendance in the entire Commission-accredited Basic Law Enforcement Training Course is unnecessary, the Director of the Standards Division shall determine the amount of training the individual shall complete during his or her probationary period.

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

- (1) Persons who hold probationary, general, or grandfather certification as local confinement personnel and separate after having completed a Commission-accredited basic training course as prescribed in Rule .0224 or .0225 of this Subchapter and have been separated for one year or more shall complete a subsequent Commission-accredited basic training course and achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this Subchapter;
- (2) Upon reappointment to the same agency or appointment to another agency, persons who have been separated from a local confinement personnel position during their probationary period after having completed a Commission-accredited basic training program shall be charged with the cumulative amount of time served during his initial or subsequent appointments and allowed the remainder of the probationary period to complete Commission requirements, but shall not be required to complete an additional Commission-accredited basic training course.
- (3) Applicants who hold or previously held "Detention Officer Certification" issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of their prior training and experience on an individual basis. No additional training shall be required where the applicant obtained certification and successfully completed the required 120 hour training course and has not had a break in service in excess of one year; and
- (4) Persons holding certification for local confinement facilities who transfer to a district or county confinement facility shall complete the course for district and county confinement facility personnel, as adopted by reference in Rule .0224 of this Subchapter, and achieve a passing score on the State Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this Subchapter.

*History Note: Authority G.S. 17C-6; 17C-10; 17C-10.1; 93B-15.1; Eff. January 1, 1981; Amended Eff. October 1, 2017; January 1, 2017; October 1, 2016; November 1, 2014; August 1, 2000; November 1, 1993; March 1, 1992; July 1, 1989; February 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. December 1, 2023; July 1, 2021.*

#### **12 NCAC 09B .0404      TRAINEE ATTENDANCE**

(a) Each trainee enrolled in a certified Basic Law Enforcement Training Course shall attend all class sessions. The school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is enrolled.

(b) The school director may excuse a trainee from attendance at specific class sessions. However, in no case may excused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total of class absences exceeds five percent regardless of the prior completion of make-up work.

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. Absences that occur during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director shall notify the Standards Division prior to scheduling the make-up work.

(d) 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 instruction for an individual trainee in a specific course delivery, not to exceed 90 hours, 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 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 at <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.

(e) the School Director shall provide the following information to the Director of the Criminal Justice Standards Division for consideration of a waiver under Paragraph (d) of this Rule:

- (1) a memorandum justifying the absence waiver;
- (2) specific documentation related to the trainee's request; and
- (3) a training completion plan pursuant to Paragraph (c) of this Rule.

(f) A school director may terminate a trainee from course participation or may deny certification of successful course completion where the trainee is tardy to or departs early from class meetings or field exercises.

(g) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements of the Commission, the trainee, upon the authorization of the school director, may be deemed to have satisfactorily completed the required number of hours for attendance provided the trainee's attendance is not less than 100 percent of the instructional hours as required by the Commission.

(h) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion.

(i) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the "Specialized Subject Control Arrest Techniques Instructor Training" course under Rule .0232 of this Subchapter, or the "Specialized Physical Fitness Instructor Training" course under Rule .0233 of this Subchapter, shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism. The Director of the Criminal Justice Standards Division may grant a waiver for completion of course requirements in a course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the absence. For the purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the student from completing the entire course in one continuous course delivery.

(j) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this Subchapter, the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. November 1, 1981;  
Readopted Eff. July 1, 1982;  
Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1, 1993;  
July 1, 1989; February 1, 1987; June 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022; August 1, 2021.*

#### **12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE**

(a) Each delivery of an accredited basic training course includes all units as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraph (b) of this Rule during a scheduled delivery. The school director may develop supplemental rules as set forth in Rule .0202(a)(7) of this Subchapter, but may not add substantive courses, or change or expand the substance of the

courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director of the Standards Division may issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of Basic Law Enforcement Training Course but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;
- (2) the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or
- (3) the trainee participated in an accredited course but had an identified deficiency in essential knowledge or skill in no more than two of the specific topic areas incorporated in course content as prescribed under Rule .0205 of this Subchapter;

The trainee who is deficient in more than two topical areas shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.

(b) The trainee shall demonstrate proficiency in the school's cognitive topical area tests by achieving a minimum score of 70 percent on each topical area test and shall also demonstrate proficiency in the motor skills and performance subjects:

- (1) a trainee who fails to achieve a passing score on the first attempt shall have one opportunity for reexamination following remediation;
- (2) a trainee shall be allowed failure, remediation, and reexamination in no more than four topical area tests;
- (3) upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or reexamination and shall be immediately dismissed from the course and shall be required to complete a subsequent delivery of Basic Law Enforcement Training in its entirety.

(c) An authorization of limited enrollment in a subsequent delivery of the Basic Law Enforcement Training Course may not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a) of this Rule:

- (1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and
- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

(d) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of the Basic Law Enforcement Training Course commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

- (1) The trainee shall attend and satisfactorily complete in its entirety each topical area identified by the school director as an area of trainee deficiency in the prior course participation with the exception of the "Physical Fitness" topical area.
- (2) There are two options available for satisfying a deficiency in the "Physical Fitness" topical area with the school director's approval:
  - (A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or
  - (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed

two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

A certified "Physical Fitness" instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and active participation with passing grades on all required topic and motor-skill tests, and having no deficiencies, the trainee shall be eligible for administration of the comprehensive written examination by the Commission, as set forth in Rule .0406 of this Section.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984;  
January 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

(a) Within 60 days of the conclusion of a school's offering of the Basic Law Enforcement Training Course, the Commission shall administer a comprehensive written examination to each trainee who has completed all of the required course work pursuant to Rule .0405 of this Section. A trainee shall not be administered the comprehensive written examination until such time as all of the course work is completed or he or she is granted a medical waiver by the Director of the Criminal Justice Standards Division in accordance with Paragraph (f) of this Rule.

(b) The examination shall be comprised of six units as specified in 12 NCAC 09B .0205(b).

(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) A trainee shall achieve a passing score on the comprehensive written examination upon answering a minimum of 70 percent of the questions correctly on each of the six units as prescribed in Paragraph (b) of this Rule.

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

- (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form and shall be received by the Standards Division within 30 days of the examination. The Re-examination Request form is located on the agency's website:

[http://ncdoj.gov/getdoc/dcb72ee9-fa01-4664-a7a0-ef33ac0941ee/Exam-Admission-Form\\_F-23\\_4-19-17.aspx](http://ncdoj.gov/getdoc/dcb72ee9-fa01-4664-a7a0-ef33ac0941ee/Exam-Admission-Form_F-23_4-19-17.aspx). The examination request form shall include the following information:

- (A) first-time examination training type;  
(B) trainee information; and  
(C) school information and appropriate signatures.

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

- (3) A trainee shall have, within 60 days of the original examination(s), only one opportunity for re-examination and shall achieve a passing score on the subsequent unit examination.

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

- (5) Should the trainee on re-examination not achieve a minimum score of 70 percent on the examination, the trainee shall not be eligible for probationary certification, as prescribed in 12 NCAC 09C .0303(d). The trainee shall enroll and complete a subsequent offering of the Basic Law Enforcement Training Course before further examination is permitted.

(f) A trainee who sustains injury prior to the final POPAT attempt and who achieved a passing score on the last attempt, who has completed the required coursework with the exception of the final POPAT, may request from the Director of the Criminal Justice Standards Division a medical waiver to take the comprehensive written examination prior to completion of the final POPAT. The medical waiver request shall include the following information:

- (1) a memorandum from the School Director justifying a medical wavier;

- (2) copies of the last POPAT assessment; and
- (3) medical documentation from a surgeon, physician, physician assistant, or nurse practitioner showing the diagnosis of the injury and the estimated medical release date.

Upon receipt of the information contained in this Paragraph, the Director of the Criminal Justice Standards Division shall approve the medical waiver request. The School Director shall submit the medical waiver approval from the Director of the Criminal Justice Standards Division with the comprehensive examination admission form. The trainee must complete the final POPAT attempt within 120 calendar days of the original state written examination date.

(g) A trainee who fails to achieve a passing score of 70 percent on three or more of the units as set forth in Rule .0205(b) of this Subchapter shall not be given the opportunity for re-examination on those units; and shall enroll in and complete a subsequent offering of the Basic Law Enforcement Training Course before further examination is permitted.

*History Note:* Authority G.S. 17C-6; 17C-10;  
 Eff. January 1, 1981;  
 Amended Eff. July 1, 2018; January 1, 2015; August 1, 2000; July 1, 1989; July 1, 1985; January 1, 1983;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## **12 NCAC 09B .0407 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS**

*History Note:* Authority G.S. 17C-6; 17C-10;  
 Eff. January 1, 1981;  
 Amended Eff. July 1, 1989; July 1, 1985; April 1, 1984; January 1, 1983;  
 Repealed Eff. August 1, 2000.

## **12 NCAC 09B .0408 COMPREHENSIVE WRITTEN EXAMINATION - BASIC SMI CERTIFICATION**

(a) Within 60 days of the conclusion of the classroom instruction portion of a school's offering of any speed measurement instrument operator course or re-certification course, the Commission shall administer a comprehensive written examination to each trainee who has completed all of the required course work.

(b) The examination shall be an objective test covering the topic areas contained in the certified 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 candidate for certification.

(d) A trainee shall pass the operator training course as required in 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, or .0244 by achieving 70 percent correct answers.

(e) An operator seeking recertification shall pass the operator training recertification course as specified in 12 NCAC 09B .0220, .0221, .0222 .0240, .0243, or .0245 by achieving 75 percent correct answers.

(f) A trainee who has participated in a scheduled delivery of a certified training course and has demonstrated 100 percent competence in each motor-skill or performance area of the course curriculum, but has failed to achieve a passing score, as specified in Paragraph (d) of this Rule, on the Commission's comprehensive written examination, may request the Director of the Standards Division to authorize a re-examination of the trainee under the following requirements:

- (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form, located on the agency's website: <http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>. The Re-Examination Request form shall be received by the Standards Division within 30 days of the examination;
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course;
- (3) A trainee shall have, within 60 days of the original examination, only one opportunity for re-examination and shall achieve a passing score on the subsequent examination; and
- (4) The trainee shall be notified by the Standards Division staff of a place, time, and date for re-examination.

(g) If the trainee fails to achieve the minimum score as specified in Paragraph (d) of this Rule on the re-examination, the trainee may not be recommended for certification and shall enroll and complete a subsequent course offering before further examination may be permitted.

*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.*

## **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 score of 70 percent correct answers on the comprehensive written examination, provided for in 12 NCAC 09B .0408(d);
- (2) demonstrate successful completion of a certified offering of courses as prescribed under 12 NCAC 09B .0212, .0213, .0214, .0215, .0238, .0242, or .0244 as shown by the certification of the school director;
- (3) demonstrate 100 percent proficiency in the motor-skill and performance subject areas as demonstrated to a certified Speed Measurement Instrument (SMI) instructor and further evidenced through documentation on the Commission's SMI forms and by the subscribing instructor's certification of trainee competence;
- (4) present evidence showing prior North Carolina certification in a Commission-certified operator training course as prescribed in 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, .0244 or present evidence showing prior certification that meets or exceeds North Carolina certification, or present evidence showing completion of 12 hours of supervised field practice within 90 days after completing a Commission-certified radar operator training course as prescribed in 12 NCAC 09B .0212, .0213, .0242, .0244; and
- (5) Individuals applying for SMI operator certification may request an extension of the 90 day requirement to complete the 12 hours of supervised field practice required pursuant to Subparagraph (a)(4) of this Rule. The requested extension shall not exceed 12 months. The Director shall grant the extension request upon a showing of just cause. For purposes of this Rule, "just cause" means an accident, illness, emergency, course cancellation, or other exceptional circumstance that prevents the applicant from completing the required supervised field practice time.

(b) Any trainee failing to achieve 100 percent proficiency in the motor-skill area may request written permission from the Director of the Standards Division for re-examination. The trainee's request for re-examination shall be made in writing and must be received by the Standards Division within 30 days of the original examination. The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course. A trainee shall have, within 90 days of the original examination, only one opportunity for motor-skill re-examination and must satisfactorily complete each identified area of deficiency on the original motor-skill examination. The trainee shall be notified by the Standards Division staff of a place, time and date for re-examination. If the trainee fails to achieve the prescribed score on the examination, the trainee shall not be recommended for certification and shall enroll and complete a subsequent course offering in its entirety before further examination may be permitted.

(c) 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 written examination provided for in 12 NCAC 09B .0408(e);
- (2) Demonstrate successful completion of a certified offering of courses as prescribed under 12 NCAC 09B .0218, .0219, .0220, .0221, .0222, .0239, .0240, .0243, or .0245 as shown by the certification of the school director; and
- (3) Satisfy all motor-skill requirements as required in Subparagraph (a)(3) of this Rule.

(d) At the time a trainee seeking operator re-certification fails to achieve the prescribed requirements on the comprehensive written examination as specified in 12 NCAC 09B .0409(c)(1), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of a

subsequent course offering as prescribed under either 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, or .0244 before further examination is permitted.

(e) At the time a trainee seeking operator re-certification fails to achieve the prescribed motor-skill requirements as specified in 12 NCAC 09B .0409(c)(3), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of the required motor-skill testing. Provided, however, such an officer may request re-examination as prescribed in Paragraph (b) of this Rule.

*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. January 1, 2021.*

### **12 NCAC 09B .0410 CRIMINAL JUSTICE INSTRUCTOR TRAINING COURSE**

(a) To successfully complete the "Criminal Justice Instructor Training Course" the trainee shall:

- (1) complete all of the required course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Instructor Training Manual" as published by the North Carolina Justice Academy; and
- (2) attain the passing score on each performance area as specified in the course abstract of the "Instructor Manual" for the final written lesson plan and final 70-minute presentation.

(b) Should a trainee fail to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1985;  
Amended Eff. January 1, 2018; January 1, 1995; February 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. January 1, 2021.*

### **12 NCAC 09B .0411 COMPREHENSIVE WRITTEN EXAM -- LOCAL CONFINEMENT FACILITY**

(a) At the conclusion of a school's offering of the "Local Confinement Facility Personnel" course, as prescribed in 12 NCAC 09B .0225, an authorized representative of the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all the course work. A trainee cannot be administered the comprehensive written examination until such time as all course work is completed.

(b) The examination shall be an objective test consisting of multiple choice, true-false, or similar questions covering the topic areas as prescribed in 12 NCAC 09B .0225.

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

(d) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated satisfactory competence in each motor-skill or performance area of the course curriculum but has failed to achieve the minimum score of 70 percent on the Commission's comprehensive written examination may request the director of the Standards Division to authorize a re-examination of the trainee.

- (1) The trainee's request for re-examination shall be made in writing on the Commission's form and shall be received by the Standards Division within 30 days of the examination.
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course.
- (3) A trainee shall have, within 90 days of the original examination, only one opportunity for re-examination and shall satisfactorily complete the subsequent examination in its entirety.
- (4) A trainee will be assigned in writing by the Standards Division staff a place, time, and date for re-examination.



- (5) If the trainee fails to achieve the prescribed minimum score on the re-examination, the trainee may not be recommended for certification and shall enroll and complete a subsequent course offering in its entirety before further examination may be permitted.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. June 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09B .0412 SATISFACTION OF MINIMUM TRAINING -- LOCAL CONFINEMENT FACILITY**

To acquire successful completion of the "Local Confinement Facility Personnel" course, as prescribed in 12 NCAC 09B .0225, the trainee shall:

- (1) achieve a score of 70 percent correct answers on the Commission-administered comprehensive written examination(s), provided in Rule .0411 of this Subchapter;
- (2) demonstrate successful completion of an accredited offering of the "Local Confinement Facility Personnel" course, as prescribed in 12 NCAC 09B .0225, by obtaining the recommendation of the trainee's school director that the trainee possesses at least the minimum degree of general attributes, knowledge, and skills to function as an inexperienced local confinement facility officer, supervisor, or administrator.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. June 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

(a) The Director of the Standards Division, or his designee, shall administer a comprehensive written examination to each trainee who has completed the first 12 units of the "Criminal Justice Instructor Training Course" as described in the "Basic Instructor Training Manual." This comprehensive written examination shall be administered within 60 days of the completion of the first 12 units of the "Criminal Justice Instructor Training Course, as specified in Rule .0209 of this Subchapter.

(b) The examination shall be an objective test covering the topic areas contained in the accredited 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) A trainee shall achieve a passing score on the comprehensive written examination if he or she achieves a minimum of 75 percent correct answers.

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

- (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form, located on the agency's website: <http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>. The Re-Examination Request form shall be received by the Standards Division within 30 days of the examination;
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course;
- (3) A trainee shall have, within 60 days of the original examination, only one opportunity for re-examination and shall achieve a passing score on the subsequent examination; and
- (4) The trainee shall be notified in writing by the Standards Division staff a place, time, and date for re-examination.

(f) Should the trainee not achieve a passing score on the re-examination the trainee shall not be given course completion and shall enroll and complete a subsequent offering of the instructor course before further examination may be permitted.

(g) A trainee who fails to score at least 65 percent on the Commission's comprehensive written examination shall not be eligible for re-examination, and shall complete a subsequent offering of the 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; January 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

(a) The Commission shall administer a comprehensive written 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 Subject Control Arrest Techniques Instructor Training;
- (4) Specialized Physical Fitness Instructor Training;
- (5) Specialized Explosives and Hazardous Materials Instructor Training;
- (6) Radar Instructor Training;
- (7) Criminal Justice Time-Distance/Speed Measurement Instrument (TD/SMI) Instructor Training;
- (8) LIDAR Instructor Training;
- (9) Re-Certification Training for Radar Instructors;
- (10) Re-Certification Training for TD/SMI Instructors; and
- (11) Re-Certification Training for LIDAR Instructors.

(b) The examination shall be an objective test covering the topic areas contained in the certified 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) A trainee shall achieve a passing score on the comprehensive written examination if he or she achieves 75 percent correct answers.

(e) A trainee who fails to achieve a minimum score of 75 percent on the Commission's comprehensive written 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.*

#### **12 NCAC 09B .0415 SATISFACTION OF MINIMUM TRAINING - SPECIALIZED INSTRUCTOR**

(a) To acquire successful completion of the "Specialized Firearms Instructor Training," "Specialized Driver Instructor Training," "Specialized Subject Control Arrest Techniques Instructor Training," "Specialized Physical Fitness Instructor," and the "Specialized Explosives and Hazardous Materials Instructor Training" courses, the trainee shall:

- (1) satisfactorily complete all required coursework as specified in the course abstract of the "Specialized Firearms Instructor Training Manual," the "Specialized Driver Instructor Training Manual," the "Specialized Subject Control Arrest Techniques Instructor Training Manual," the "Specialized Physical Fitness Instructor Training Manual," and the "Specialized Explosives and Hazardous Materials Instructor Training Manual" as published by the North Carolina Justice Academy; and

- (2) demonstrate proficiency in all required motor-skill and performance subjects as specified in each specialized instructor training manual.
- (b) Should a trainee fail to meet the minimum criteria on a motor skill or performance area, he or she shall be authorized one opportunity for a re-test at the discretion of the school director. Such re-test must be completed during the original course and prior to the trainee's being administered the comprehensive written examination. Failure to meet the required criteria on a re-test requires enrollment in a subsequent course.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. February 1, 1987;  
Amended Eff. June 1, 2013; August 1, 2000; July 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

- (a) To acquire successful completion of the "Speed Measurement Instrument (SMI) Instructor Training Courses," and the "SMI Instructor Re-Certification Courses", the trainee shall complete all required course work as specified in Rules .0210, .0211, .0218, .0219, .0237, or .0239 of this Subchapter for the specific course in attendance.
- (b) If the trainee fails to demonstrate 100 percent competence in each motor-skill or performance area, he or she shall be authorized one opportunity for a re-test. Such re-test shall be at the recommendation of the school director and a request shall be made to the Standards Division within 30 days of the original testing. Re-examination shall be completed within 90 days of the original testing. Failure to score 100 percent on the re-test requires enrollment in a subsequent SMI operator course and an SMI instructor course.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. February 1, 1987;  
Amended Eff. January 1, 2015; November 1, 2007; April 1, 1999;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09B .0417 SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR TRAINING**

- (a) The instructor training course required for Specialized Explosives and Hazardous Materials Instructor Certification shall consist of a minimum of 59 hours of classroom instruction plus time required to complete Instructor Practicums presented during a continuous period of not more than two weeks. 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:
  - (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 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 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.

- (b) Each Specialized Explosives and Hazardous Materials Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice explosives and hazardous materials instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.
- (c) Each applicant for Specialized Explosives and Hazardous Materials Instructor Training shall:
  - (1) have completed either:
    - (A) the criminal justice instructor training course; or
    - (B) the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with application in education, military training, and private enterprise;

- (2) present a written endorsement by either:
  - (A) a certified school director indicating the student will be utilized to instruct explosives and hazardous materials in Basic Law Enforcement Training Courses; or
  - (B) a department head, certified school director, or in-service training coordinator, indicating the student will be utilized to instruct explosives and hazardous materials training in the Law Enforcement Officer's Annual In-Service Training Program; and
- (3) present a completed OSHA Respirator Medical Evaluation Questionnaire, accompanied by a statement from a licensed medical professional stating the applicant is physically fit to participate in the course.

(d) Each Specialized Explosives and Hazardous Materials Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- |      |  |           |
|------|--|-----------|
| (1)  | Orientation  | 2 Hours   |
| (2)  | Introduction to Hazardous Materials  | 1 Hour    |
| (3)  | Hazardous Materials Identification   | 2.5 Hours |
| (4)  | Awareness Level Actions at Hazardous Materials Incidents   | 1.5 Hours |
| (5)  | Chemical Properties and Hazardous Materials Behavior   | 3 Hours   |
| (6)  | Incident Management  | 3 Hours   |
| (7)  | Strategic Goals and Tactical Objectives  | 3.5 Hours |
| (8)  | Terrorist and Other Criminal Activity  | 5 Hours   |
| (9)  | Personal Protective Equipment  | 5 Hours   |
| (10) | Decontamination  | 5 Hours   |
| (11) | Product Control  | 4 Hours   |
| (12) | Air Monitoring and Sampling  | 1.5 Hours |
| (13) | Victim Rescue and Recovery   | 4 Hours   |
| (14) | Evidence Preservation and Sampling   | 3 Hours   |
| (15) | Illicit Laboratories   | 2 Hours   |
| (16) | Introduction to Explosive Devices  | 1 Hour    |
| (17) | Improvised Explosive Device Anatomy  | 2 Hours   |
| (18) | Packaged Improvised Explosive Devices  | 1 Hour    |
| (19) | Suicide/Homicide Improvised Explosive Devices  | 1 Hour    |
| (20) | Vehicle Borne Improvised Explosive Devices   | 1 Hour    |
| (21) | Radio Controlled Improvised Explosive Devices with Live Demonstration  | 5 Hours   |
| (22) | Improvised Explosive Device Threat Response  | 1 Hour    |
| (23) | Explosives and Hazardous Materials Emergencies and BLET Lesson Plan Review   | 1 Hour    |
| (24) | Completion of tasks associated with Instructor Practicums. The number of required hours to complete this portion of the curriculum shall be based on the number of students and instructors. |           |

(e) The basic curriculum for delivery of the Specialized Explosives and Hazardous Materials Instructor Training course shall be the Specialized Explosives and Hazardous Materials Instructor Training Manual," as published by the North Carolina Justice Academy. Copies of these publications may be inspected at the agency:

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

and may be obtained at no cost to the student from the Academy at the following address:

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

(f) The North Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials Instructor Training course.

*History Note: Authority G.S. 17C-6; 17C-10; Eff. June 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. April 1, 2022; January 1, 2021.*

## SECTION .0500 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOL DIRECTORS

### 12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS

(a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a Commission-certified criminal justice training course shall be and continuously remain certified by the Commission as a school director.

(b) To qualify for initial certification as a School Director, an applicant shall:

- (1) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission;
- (2) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0106.
- (3) attend or must have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and
- (4) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the executive officer of the institution or agency currently certified, or which may be seeking certification, by the Commission to make presentation of certified training programs and for whom the applicant will be the designated School Director. The F-10 School Director/Qualified Assistant Application shall contain:
  - (A) the name of the appointing institution or agency;
  - (B) the name, date of birth, social security number (last 4 numbers), phone number, email, instructor certification number, location, and the date the applicant completed orientation training;
  - (C) the applicant's educational background, specifically, the dates of attendance, the institution attended, and the degree or diploma attained from each institution;
  - (D) the applicant's criminal justice experience, specifically, the agency for which the applicant worked, the applicant's duties in each position, and the dates of employment. The applicant shall have acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system. At least one year of the required four years experience must have been while actively participating in criminal justice training as a Commission certified instructor;
  - (E) the signature of the applicant certifying the accuracy of the contents of the application, and
  - (F) the signature of the appointing institution's executive officer signifying recommendation of an applicant to be a School Director; or
  - (G) the signature of the School Director signifying recommendation of an applicant to be a Qualified Assistant.

(c) In addition to the requirements identified in Paragraph (b) of this Rule, to qualify for certification as a School Director in the presentation of the Criminal Justice Instructor Training Course, an applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1985;  
Amended Eff. February 1, 2016; November 1, 2015; July 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. December 1, 2023.*

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

(a) The term of certification as a School Director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application, the certification may subsequently be renewed by the Commission for three-year periods. The application for renewal, F-10 School Director/Qualified Assistant Application, shall meet the requirements as outlined in 12 NCAC 09B .0501(4).

- (b) To retain certification as a School Director, the School Director shall:
- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a School Director, as outlined in 12 NCAC 09B .0202(a);
  - (2) Submit a renewal application executed by the executive officer of the institution or agency currently certified by the Commission to make presentation of certified training programs and for whom the applicant will be the designated School Director; and
  - (3) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.
- (c) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the School Director from attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1985;  
Amended Eff. February 1, 2016; May 1, 2014; April 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. December 1, 2023.*

#### **12 NCAC 09B .0503      SUSPENSION: REVOCATION: DENIAL/SCHOOL DIR. CERTIFICATION**

- (a) The Commission may deny, suspend, or revoke certification of a school director when the Commission finds that the person has failed to meet or continuously maintain any of the requirements for qualification or through performance fails to comply with the rules of this Chapter.
- (b) Prior to the Commission's action denying, suspending, or revoking a school director's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.
- (c) The Commission shall deny, suspend, or revoke the certification of a School Director when they have found the person has engaged in any conduct outlined in 12 NCAC 09B .0301(e) and (f).

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. August 1, 2019.*

#### **12 NCAC 09B .0504      CERTIFICATION OF QUALIFIED ASSISTANT**

- (a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a Commission approved training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:
- (1) be selected by the School Director;
  - (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09B .0302;
  - (3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104;
  - (4) attend or have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff;
  - (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for whom the applicant will be the designated Qualified Assistant; and
  - (6) In addition to the requirements identified in this Paragraph to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an

applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

(b) As directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09B .0202.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 2020;  
Amended Eff. November 1, 2024.

#### **12 NCAC 09B .0505 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0504(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the Rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division shall notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it has found the person has engaged in any conduct outlined in Rule .0301(e) or (f) of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in Rule .0504(c) of this Section.
- (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director shall grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 2020;  
Amended Eff. November 1, 2024.

### **SECTION .0600 - CERTIFICATION OF POSTSECONDARY CRIMINAL JUSTICE EDUCATION PROGRAMS**

#### **12 NCAC 09B .0601 PURPOSE**

(a) The purpose of the certification of postsecondary criminal justice education programs is to:

- (1) officially recognize those academic institutions that have established minimum requirements as set forth by the Criminal Justice Education and Training Standards Commission;
- (2) improve the quality of criminal justice education in North Carolina; and
- (3) advance the standards approved by the Commission as set forth in Section .0600 of this Subchapter.

(b) The certification of postsecondary criminal justice education programs is strictly voluntary. Criminal justice education programs in postsecondary institutions will not be required to comply with rules as outlined in Section .0600 of this Subchapter.

*History Note:* Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09B .0602 ESTABLISHMENT OF PROGRAM EVALUATION COMMITTEE**

The Program Evaluation Committee is a standing subcommittee of the Education and Training Committee of the commission. The Program Evaluation Committee shall be composed of two members appointed by the North Carolina Criminal Justice Association, according to its by-laws, and three members who shall be commission members to include the North Carolina Criminal Justice Association's representative to the Commission.

*History Note: Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Amended Eff. July 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09B .0603 LEVELS OF APPROVAL**

(a) An institution operating a postsecondary criminal justice program not currently meeting all of the criteria for certification as contained in the "Certification Guidelines Manual for Postsecondary Criminal Justice Programs" may apply to the Commission for Candidate Status. This category also applies to institutions that have not graduated a regular class but have a program under way which appears to meet most of the criteria.

(b) The "Certification Guidelines Manual For Postsecondary Criminal Justice Programs" as published by the Commission is hereby adopted by reference and shall not include any subsequent amendments, to provide specific information about the postsecondary criminal justice education certification process as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Standards Division.

(c) Programs awarded certification will be entitled to all rights and recognitions by the Commission. These include any benefits provided by the Commission to certified programs. Programs in this status must have graduated a class.

*History Note: Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Amended Eff. December 1, 1998; July 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09B .0604 SELF STUDY**

(a) There must be a systematic plan to conduct evaluative activities on an on-going basis. Self-evaluation is a continuing obligation of the institution offering a criminal justice program. The self-evaluation must include, as a minimum, a specific response to each guideline for approval as outlined in the "Certification Manual". Supplementary materials may be appended to the report if they clarify the response(s).

(b) The self-study may be conducted utilizing a recent institutional self-study conducted within the past three years or one currently underway for the Southern Association of Colleges and Universities accreditation or re-accreditation. Care should be taken to appropriately supplement materials used in the Southern Association self-study with information required specifically for certification by the Commission, as found in the self-evaluation report forms.

(c) A Visiting Team may be required. It will use the self-evaluation as the primary evaluation instrument during the site visit.

(d) Five copies of the completed self-evaluation report and five copies of the college catalog must be submitted to the Commission's Program Evaluation Committee for the Visiting Team and Committee use.

*History Note: Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*



## **12 NCAC 09B .0605 INSTITUTIONAL VISITATION**

- (a) After copies of the completed self-evaluation report have been received by the Program Evaluation Committee, the institution will make arrangements for a team to visit the institution, if a team visit is called for.
- (b) Duties and composition of the Visiting Team are outlined in the "Certification Guidelines Manual".
- (c) Visits will normally be one day in duration, but for planning purposes, each application and self-evaluation report will be examined to estimate the length of the visit.
- (d) Team activities during the visit will include the following:
  - (1) review of the goals and objectives of the program;
  - (2) preliminary, interim, and closing conferences with the program administrator;
  - (3) conferences with faculty groups, individual faculty members, and support personnel;
  - (4) conferences with administrative officers of the institution;
  - (5) discussions with criminal justice officials served by the program;
  - (6) conferences with students and graduates, if possible;
  - (7) visits to appropriate school facilities and resources;
  - (8) review of appropriate records; and
  - (9) upon completion of the visit, the team will conduct an exit interview with appropriate institutional representatives.
- (e) On-site arrangements will be conducted in the following manner:
  - (1) The institution will provide those documents, reports, and other material requested by the Program Evaluation Committee prior to the site visitation.
  - (2) The institution will provide lodging, meals, and transportation for the Program Evaluation Committee.
  - (3) The institution will make arrangements for a convenient office or conference room, as well as secretarial and other support services.

*History Note: Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09B .0606 APPLICATION PROCEDURES**

- (a) The chief academic officer of an institution will direct a letter to the Commission indicating an intent to seek certification.
- (b) The Commission shall furnish the institution with an application form and a copy of the relevant procedures.
- (c) The filing of an application seeking certification does not assume eventual certified status, nor should there be an implication that an official form of recognition or approval has been granted.  
Note: An institution may publish the following statement:  
"(NAME OF INSTITUTION) \_\_\_\_\_  
has applied for certification to the North Carolina Criminal Justice Education and Training Standards Commission Program Evaluation Committee. At this time, certification has not been granted."
- (d) Upon receipt of the application, the Program Evaluation Committee shall furnish the institution with a copy of the self-evaluation report forms.
- (e) The institution shall conduct its self-study in accordance with the self-evaluation report forms. Three procedural options exist for conducting the self-study:
  - (1) An institution may choose to utilize, in conjunction with the self-evaluation report forms, materials from recent Southern Association of Colleges and Universities accreditation efforts. The Program Evaluation Committee will take into account the age of these materials in its decision-making. Following submission of these materials, site visitations may be conducted.
  - (2) Alternatively, anticipating an upcoming accreditation by the Southern Association of Colleges and Universities, an institution may conduct the self-study and submit it requesting tentative certification. If the Program Evaluation Committee determines the self-study appears to meet certification criteria, the institution will be granted tentative certification.
  - (3) Alternatively, the entire process may be independent of the Southern Association of Colleges and Universities. The institution conducts its self-study, submits the document and a site visit is conducted.

- (f) The Program Evaluation Committee will review submitted materials for completeness and prima facie evidence of eligibility. If prima facie evidence of eligibility exists, the Program Evaluation Committee may direct the appointment of a visiting team and shall notify the institution. In the event that the Program Evaluation Committee determines a lack of prima facie evidence for eligibility, the institution shall be notified in writing by certified mail with return receipt requested.
- (g) Site visitation may be conducted if prima facie evidence of eligibility exists. The site visit may be foregone when evidence clearly supports certification.
- (h) An institution shall be notified in writing of the date its certification application is being considered by the Program Evaluation Committee and shall have the right to representation for the purpose of answering questions or clarifying issues under consideration.
- (i) The Program Evaluation Committee will render a decision regarding certification at its next regularly scheduled meeting. An institution will be notified of such a decision within thirty days by certified mail with return receipt requested.
- (j) In light of the program's announced objectives and standards and the report of the visiting team, the Program Evaluation Committee may recommend to the Education and Training Committee of the commission any of the following actions:
- (1) certify or re-certify with or without stipulations to include probation;
  - (2) defer action subject to conditions; or
  - (3) deny or revoke certification.
- (k) In the case of disapproval an institution may appeal in accordance with the appeal procedures outlined in Rule .0608 of this Section. If no appeal is received, or if the appeal is denied, appropriate recommendations are forwarded to the Commission.
- (l) The Education and Training Committee shall determine whether or not to recommend certification to the Commission based upon the report of the Program Evaluation Committee. An institution may appeal the Education and Training Committee's decision under the provisions of North Carolina General Statute 150B.
- (m) When certification is awarded, the Commission shall notify the institution, program, and the public as follows:
- (1) As soon as possible, the chairman of the Commission shall send a formal letter and certificate to the institution's chief executive officer, enclosing a copy of the Commission's decision.
  - (2) Data in the self-evaluation report, the team report, and the supplementary reports are confidential and are not shared with the members of the North Carolina Criminal Justice Association, the press, or the public, except as may be required by government regulations. If data are used for statistical purposes, individual programs and schools shall not be identified with any particular data.

*History Note: Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Amended Eff. July 1, 1988; September 1, 1987; May 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09B .0607 PROCEDURAL CONSIDERATIONS**

### **(a) Candidate Status:**

- (1) An institution will be eligible to remain in Candidate Status for no more than four years after the date that the application is received.
- (2) If at any time during the four-year period it is considered that the institution is not making reasonable progress toward meeting criteria for approval, the Program Evaluation Committee will withdraw Candidate Status and notify the institution in writing. The notification will set forth the reasons for the Program Evaluation Committee's withdrawal of status, and give notice of procedures for appeal.

### **(b) Certified Status:**

- (1) Programs in this status will be re-certified at such time as the institution is scheduled for reaccreditation by the Southern Association of Colleges and Universities, or at the end of a ten year period, at the discretion of the institution.
- (2) The Commission reserves the right to withdraw certification or to place an institution on probationary status at such time as evidence is brought to the Commission's attention indicating substantial failure to meet or maintain criteria for certification. The program shall remain in this

status until certification is restored or revoked by the Commission. An institution will be given a reasonable period of time to rectify the problem. This period of time shall not exceed two years.

- (3) The Commission should be informed of significant program changes. Where the changes alter the nature and scope of the program, or appear to the Commission to be detrimental, the Commission may require a reevaluation of the program.

*History Note: Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09B .0608 APPEAL PROCEDURES**

(a) If the Program Evaluation Committee renders an adverse decision other than deferral of action, the institution shall have the right to appeal as outlined in this Section. If the institution wishes to contest a deferral decision, it may bring such complaint before the Program Evaluation Committee and request notification of its decision. The institution may then appeal as outlined in Paragraphs (b) and (c) of this Rule.

(b) If the institution does not appeal the decision of the Program Evaluation Committee with regard to certification, it may reapply for certification after one year from the denial of certification.

(c) If the institution wishes to appeal the recommendation of the Program Evaluation Committee, it may rebut said recommendation before the Education and Training Committee of the commission in the following manner:

- (1) The institution shall notify the chairman of the commission in writing of its desire to rebut the Program Evaluation Committee's decision within ten days of the receipt of notification by the Program Evaluation Committee.
- (2) The chairman of the commission shall forward the request for rebuttal to the Chairman of the Education and Training Committee who shall schedule a Program Evaluation Committee hearing at the earliest possible time for consideration of the appeal.
- (3) Should the institution wish to appeal the decision of the Education and Training Committee, it may do so under the provisions of North Carolina General Statute 150B.
- (4) The Education and Training Committee recommendation and report from the hearing held under North Carolina General Statute 150B shall then be made to the Commission at its next regularly scheduled meeting.

*History Note: Authority G.S. 17C-6(b)(10);  
Eff. January 1, 1985;  
Amended Eff. September 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **SECTION .0700 – MILITARY TRAINED APPLICANT**

### **12 NCAC 09B .0701 MILITARY TRANSFEREES**

(a) Pursuant to G.S. 17C-10.1, a current or honorably-discharged former military police officer seeking certification as a law enforcement officer shall submit to the Criminal Justice Standards Division a completed Form F-21, Request for Military Evaluation for Basic Law Enforcement Training, and copies of the individual's military law enforcement training and personnel records and Certificate of Release or Discharge documentation from Military Service. Form F-21 is located on the agency's website: [http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21\\_Military-EvalCJ\\_6-8-15.aspx](http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493f/F-21_Military-EvalCJ_6-8-15.aspx).

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

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

- (1) has completed a formal military basic training program and been awarded a military police occupational specialty rating;

- (2) has performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer; and
  - (3) whose combined training and experience is determined to be substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer as prescribed in Rules .0101, .0111, and .0403(2) of this Subchapter.
- (d) Within one year of being issued certification pursuant to Paragraph (c) of this Rule, an applicant shall complete, with passing scores pursuant to Rule .0405(b) of this Subchapter, the following:
- (1) the Basic Law Enforcement Training topics pursuant to Rule .0205(b)(1) and (b)(6)(A) of this Subchapter; and
  - (2) the Basic Law Enforcement Training comprehensive written exam pursuant to Rule .0406(d) of this Subchapter.
- (e) An applicant certified pursuant to Paragraph (c) of this Rule shall complete the in-service Firearms Training and Qualification course pursuant to 12 NCAC 09E .0106 prior to beginning employment with the hiring agency.
- (f) The Division shall issue probationary certification to a current or honorably discharged military police officer whose combined training and experience is not substantially equivalent to or does not exceed the minimum requirements for employment as a law enforcement officer, as specified in Rule .0403 of this Subchapter, if the applicant meets the following requirements:
- (1) completed a formal military basic training program and been awarded a military police occupational specialty rating;
  - (2) performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer; and
  - (3) meets the minimum standards for law enforcement officers as prescribed in Rule .0101 and Rule .0111 of this Subchapter;
- (g) Within one year of being issued certification pursuant to Paragraph (f) of this Rule, an applicant shall complete, with passing scores pursuant to Rule .0405(b) of this Subchapter, the following:
- (1) the Basic Law Enforcement Training topics pursuant to Rule .0205(b)(1), (b)(2)(F), (b)(3)B), (b)(3)(D), (b)(4)(E), (b)(5)(C), (b)(5)(G), (b)(6)(A), and (b)(7) of this Subchapter; and
  - (2) the Basic Law Enforcement Training comprehensive written examination pursuant to Rule .0406(d) of this Subchapter.
- (h) The Division shall waive any training topic in Paragraph (g)(1) of this Rule if the applicant provides documentation indicating he or she has completed substantially equivalent combined military training and experience in that topic.
- (i) Members of the Air National Guard, Army National Guard, and Military Reserve Components who have performed as a military police officer for not less than 1,040 hours during the five years preceding the date of application for certification shall be deemed to satisfy the requirements of Paragraph (c)(2) and Paragraph (f)(2) of this Rule.
- (j) An applicant who, after completing the required training in Paragraph (d)(1) or (g)(1) of this Rule, fails to achieve a passing score on the Basic Law Enforcement Training comprehensive written exam may be retested in each unit the applicant failed. An applicant who fails three or more units must enroll in and complete with passing scores a subsequent delivery of the Basic Law Enforcement Training course in its entirety in order to be eligible for certification.
- (k) An active duty military police officer who obtains certification while on active duty may retain the certification under this Rule for the duration of active duty provided the officer continues to perform military police officer duties and complies with the in-service training requirements, as specified in 12 NCAC 09E .0105. An active duty military police officer who is unable to complete annual in-service requirements due to deployment or overseas assignment shall have 12 months from the time the officer returns to the United States in which to complete the in-service training requirements, as specified in Rule .0105 of this Chapter for each year he or she was unable to complete due to overseas assignment. The officer shall retain the certification for a period of one year following separation from active duty.
- (1) When completing the required training topics specified in Paragraph (d)(1) or Paragraph (g)(1) of this Rule, the individual shall meet all requirements specified in Rule .0203 and Rule .0405 of this Subchapter.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1;  
Eff. July 1, 2016;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. October 1, 2022.*

## **SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS**

### **SECTION .0100 - RESPONSIBILITIES OF CRIMINAL JUSTICE STANDARDS DIVISION**

#### **12 NCAC 09C .0101 ADMINISTRATION OF PROGRAMS**

(a) The Standards Division shall administer and enforce all programs of the Commission regarding certification and implementation of standards.

(b) The administrative duties of the Standards Division include:

- (1) preparing and distributing a compilation of the rules in this Chapter, to persons, agencies, and institutions subject thereto;
- (2) creating and distributing forms to aid application for certification and reporting of programs conducted under the rules in this Chapter;
- (3) developing and administering comprehensive examinations to provide a basis for the decision to certify criminal justice officers;
- (4) monitoring and evaluating the activities of persons, agencies, and institutions subject to the rules in this Chapter;
- (5) providing technical assistance to agencies and institutions regarding their substantive and procedural responsibilities under the rules in this Chapter;
- (6) investigating and reporting to the Probable Cause Committee violations of and deviations from the rules in this Chapter by any person, agency, or institution;
- (7) maintaining records of application, qualification, and program reports filed with the Commission under the rules in this Chapter;
- (8) collecting information relevant to the programs of the Commission from persons, agencies, and institutions subject to the rules in this Chapter;
- (9) compiling and maintaining the official records of Commission meetings and acts;
- (10) transmitting notice of Commission actions to all persons, agencies, and institutions affecting by Commission action;
- (11) initiating judicial proceedings at the direction of the Commission to enjoin an offending or non-complying criminal justice agency from violation of the rules in this Chapter; and
- (12) divulging to authorized requestors information in the personnel and program files of the Commission.

*History Note: Authority G.S. 17C-9;  
Eff. January 1, 1981;  
Amended Eff. March 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0102 DEVELOPMENT OF PROGRAMS**

The Standards Division shall assist the commission in developing and evaluating programs for the improvement of the criminal justice system by:

- (1) Compiling data, performing research, and developing reports concerning the needs of criminal justice agencies;
- (2) Presenting to the Commission recommendations for the development of new programs and the revision of existing programs;
- (3) Disseminating information about Commission programs to concerned agencies and persons; and
- (4) Collecting comments about Commission programs contributed by agencies and the public.

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

*Eff. January 1, 1981;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09C .0103 DIVULGING PERSONNEL INFORMATION**

(a) The head of a criminal justice agency may request in writing and with the appropriate authorization for release, information in the Standards Division files regarding the suitability or qualifications of a criminal justice officer for employment or retention.

(b) The Director of the Standards Division shall evaluate the request to determine what, if any, information the Standards Division files contain that is necessary to the retention or employment of the officer or applicant.

(c) The Director shall divulge the information in the Standards Division files in accordance with State personnel laws. The information shall be provided to the head of the criminal justice agency in writing by personal delivery or personally addressed first class mail.

(d) The Standards Division shall maintain a copy of the letter divulging such information in the personnel file of the subject officer or applicant.

*History Note: Authority G.S. 17C-9;*  
*Eff. January 1, 1981;*  
*Amended Eff. October 1, 2018;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **SECTION .0200 - FORMS**

### **12 NCAC 09C .0201 PERSONAL HISTORY STATEMENT**

The Personal History Statement, is a questionnaire to be completed by an applicant for employment as a criminal justice officer. The questions seek information regarding the applicant's work, residential, military, and arrest history; financial condition; and references.

*History Note: Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09C .0202 MEDICAL HISTORY STATEMENT**

The Medical History Statement is a questionnaire to be completed by an applicant. The form seeks to facilitate the applicant's medical examination by listing information pertinent to the applicant's present and past physical condition, injuries, diseases, or operations.

*History Note: Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09C .0203 MEDICAL EXAMINATION REPORT**

The Medical examination Report, is a form provided to the examining physician to record the results of the applicant's medical examination.

*History Note: Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09C .0204 QUALIFICATIONS APPRAISAL INTERVIEW**

The Qualifications Appraisal Interview, is a form providing the agency's interviewers with a method of recording evaluations of the applicant. Inquiries relate to appearance, manner and bearing, ability to present ideas, social adaptability, alertness, and judgment.

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09C .0205 REPORT OF APPOINTMENT**

The Report of Appointment is used for reporting the appointment of criminal justice officers and indicating the applicant's progress toward completing the requirements for certification.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Temporary Amendment Eff. January 1, 2001;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09C .0206 REQUEST FOR GENERAL CERTIFICATION**

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Repealed Eff. July 1, 1982.

#### **12 NCAC 09C .0207 APPLICATION FOR AWARD OF PROFESSIONAL CERTIFICATE**

The Application For Award of Law Enforcement Certificate, requests information regarding the education, training, and experience qualifying the applicant for various levels of certification under the Law Enforcement Officers' Professional Certificate Program. The Application For Award of Criminal Justice Certificate, requests information regarding the education, training, and experience qualifying the State Youth Services officer/applicant for various levels of certification under the Criminal Justice Officers' Professional Certificate Program.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 15, 1981;  
Temporary Amendment Eff. January 1, 2001;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09C .0208 REPORT OF SEPARATION**

(a) The Affidavit of Separation and Report of Separation shall be used for reporting the date of and reason for the separation of a criminal justice officer from the employing agency. The date of separation shall be the date the criminal justice officer resigned or the date the employing agency terminated the employee.

(b) An agency separating a person from employment or appointment as a criminal justice officer shall, not later than 10 days after separation, forward to the Commission a completed Affidavit of Separation and Report of Separation.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Temporary Amendment Eff. January 1, 2001;  
Amended Eff. October 1, 2018; August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09C .0209 REQUEST FOR SCHOOL ACCREDITATION**

The Request for School Accreditation, provides the means for an agency or institution to become certified to conduct criminal justice training and to affiliate with the Criminal Justice Education and Training System. It seeks information on the physical, financial, and staff support provided to the criminal justice school by the agency or institution.

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09C .0210 REQUEST FOR TRAINING COURSE ACCREDITATION**

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Repealed Eff. October 1, 2017.

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

The Pre-delivery Report of Training Course Presentation is a form on which the School Director notifies the Commission of its intent to present the Basic Law Enforcement Training course. Information requested includes:

- (1) The number of training hours;
- (2) The training delivery period;
- (3) Location;
- (4) Anticipated number of trainees;
- (5) The requested date and location for the administration of the state comprehensive exam; and
- (6) Topical course schedule including proposed instructional assignments.

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Amended Eff. January 1, 2015; August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09C .0212 POST-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

The Post-Delivery Report of Training Course Presentation (Form F-10B) is a form on which the School Director notifies the Commission of the completion of the Commission-accredited Basic Law Enforcement Training Course, together with the achievement and performance level attained by each enrolled trainee. The information requested includes a listing of each instructor used in delivering the training with topics presented, and the trainees' scores on each written, oral or motor-skill examination administered by the school.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. January 1, 2025.

#### **12 NCAC 09C .0213 STUDENT COURSE COMPLETION RECORD**

The Student Course Completion Record, is a form used to report the satisfactory completion of training in courses other than the "Basic Law Enforcement Training" course. The Report of Training Course Completion shall include student information, name, date of birth, and Social Security Number; employment information to include department or agency, division where applicable, position name or title, and date of appointment; course information to include course title, location held, course start and end dates, class hours, and total contact hours of instruction. The form must be signed and dated by the School Director along with the name of the accredited institution.

*History Note:* Authority G.S. 17C-6; 150B-21.2;  
Eff. January 1, 1981;



*Amended Eff. August 1, 2000;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0214      REQUEST FOR INSTRUCTIONAL CERTIFICATION**

The Request for Instructional Certification, is used by persons seeking certification as general instructors or as artisan/practitioner lecturers. It seeks information regarding personal and professional background as well as documentation of the specific criteria for certification.

*History Note:      Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0215      PROFESSIONAL LECTURER CERTIFICATION**

The Application for Professional Lecturer Certification is used by persons seeking certification as a lecturer in an accredited criminal justice course. It requests information regarding the applicant's credentials and the topic areas of expected instruction.

*History Note:      Authority G.S. 17C-6;*  
*Eff. January 1, 1981;*  
*Amended Eff. January 1, 1995;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0216      RECOMMENDATION FOR GENERAL INSTRUCTOR CERTIFICATION**

(a) The recommendation for General Instructor certification pursuant to Rule 12 NCAC 09B .0303 shall be completed by a School Director or In-Service Training Coordinator after an instructor has finished the required probationary year.

(b) In the form, the official shall recommend that the instructor receive General Instructor certification and certify that the official has observed and evaluated the instructor. The F-12 form used for this recommendation is located on the agency's website: <http://www.ncdoj.gov/getdoc/f2ea275c-187d-4d7e-825d-98a8662f7443/F-12.aspx>.

*History Note:      Authority G.S. 17C-6; 150B-11;*  
*January 1, 1981;*  
*Amended Eff. July 1, 2017;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0217      APPLICATION FOR LAW ENFORCEMENT EMPLOYMENT**  
**12 NCAC 09C .0218      FORM ORDER BLANK**

*History Note:      Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Repealed Eff. August 1, 2014.*

**12 NCAC 09C .0219      FD-258 - FINGERPRINT CARD**

FD-258 is the Federal Bureau of Investigation's form used by the Commission for the collection of fingerprint impressions of applicants for employment as criminal justice officers.

*History Note:      Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0220      ACQUISITION OF FORMS**

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Repealed Eff. July 1, 2014.

## **SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS**

### **12 NCAC 09C .0301 CERTIFICATION OF CRIMINAL JUSTICE PERSONNEL**

Every person employed or appointed by the State or any political subdivision thereof as a criminal justice officer shall be certified as prescribed by these Rules prior to being administered the oath of office or commencing active service. The Commission shall certify an officer as either a probationary officer or general officer based on the officer's qualifications and experience.

*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.

### **12 NCAC 09C .0302 PROBATIONARY PERIOD**

Every criminal justice officer below the level of department head and including officers who transfer laterally into an agency shall satisfactorily complete a probationary period with that agency of not less than 12 months.

*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.

### **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 of this 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](http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)--6-11.aspx). 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 officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the Standards Division unless sooner terminated by his or her agency for cause.

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

(f) 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.*

#### **12 NCAC 09C .0304 GENERAL CERTIFICATION**

(a) The Commission shall grant an officer general certification if evidence is received by the Standards Division that an officer has successfully completed the training requirements of 12 NCAC 09B .0400 within the officer's probationary period and that the officer has met all other requirements for general certification. General certification shall not be granted if the officer's department head submits a written request to the Director of the Standards Division to withhold general certification from the officer.

(b) The Commission shall honor a valid general certification issued to a deputy sheriff by the North Carolina Sheriffs' Education and Training Standards Commission for the purpose of lateral transfer, as provided for in 12 NCAC 09C .0306, to a law enforcement agency under the jurisdiction of G.S. 17C if evidence is received by the Standards Division that the officer has successfully completed the training requirements as mandated by the Sheriffs' Commission within the officer's probationary period and the officer has successfully completed the training requirements of 12 NCAC 09B .0205 in addition to complying with all other commission requirements for general certification.

(c) For local confinement personnel in service prior to June 1, 1986, the Commission shall grant General Certification to all local confinement personnel officially appointed and in local confinement facility service or county confinement facility service with any political subdivision of the state on May 31, 1986. Such personnel shall be exempt from the provisions of Rules .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before August 31, 1986 and all General Certification granted after that date shall be as prescribed in Subchapter 09C, Section .0300.

(d) For local confinement personnel of juvenile detention homes, either state or local, in service prior to January 1, 1990, the Commission shall grant General Certification to all local confinement personnel officially appointed and in juvenile detention homes with any political subdivision of the state on December 31, 1989. Such personnel shall be exempt from the provisions of Rules .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before March 31, 1990 and all General Certifications granted after that date shall be as prescribed in Subchapter 09C, Section .0300.

(e) General certification is continuous from the date of issuance, so long as:

- (1) The certified officer remains continuously employed or appointed as a criminal justice officer in good standing with an agency and the certification has not been terminated for cause; or
- (2) The certified officer, having separated in good standing from a criminal justice agency, is re-appointed or re-employed as a criminal justice officer within one year, and the certification has not been terminated for cause; and
- (3) The certified officer meets the in-service training requirements as prescribed in 12 NCAC 09E during each full calendar year of certification.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. August 1, 1998; March 1, 1990; July 1, 1989; June 1, 1986; April 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0305 REPORT OF SEPARATION**

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Repealed Eff. October 1, 2018.*

## **12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS**

(a) A law enforcement officer with general certification from either the Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service. Prior to employing an officer who has been separated from his previous agency for more than 30 days, the employing agency shall:

- (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division;
- (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. No certification shall be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized; and
- (3) notify the Commission by submitting a Report of Appointment that the officer is being employed and stating the date on which employment will commence;
- (4) obtain a signed and notarized Release Authorization Form from the transferring officer. The employing agency shall obtain the full personnel file from the previous agency(ies) worked during the previous 24 months and include this content in the background file, minus any medically protected or sensitive material; and
- (5) complete a background investigation on all applicants for employment as set forth in 12 NCAC 09B .0102.

(b) For officers who have been separated from their previous agency for more than 30 days, prior to transfer of certification law enforcement officers with more than a 30 day gap in employment by an agency shall:

- (1) comply with the requirements of 12 NCAC 09B .0104
- (2) submit results of the physical examination to the employing agency for placement in the officer's permanent personnel file;
- (3) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09C .0310; and
- (4) either:
  - (A) submit a copy of the Firearms Qualification Record Instructions Form F-9A to the employing agency for placement in the officer's permanent personnel file when the duty and off duty weapons remain the same as those previously used to qualify. The Form F-9A shall contain the date(s) and instructors signature indicating the law enforcement officer's successful completion of the mandatory firearms classroom training, and the firearms range qualification scores for the duty and off-duty weapons assigned to the law enforcement officer. Such in-service training compliance shall have occurred within the 12 month period preceding transfer; or
  - (B) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.

(c) Prior to employing an officer who has been separated from his previous agency for 30 days or less, the employing agency shall:

- (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division;
- (2) review the Form F-5B, Affidavit of Separation from the previous employed agency;
- (3) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. This fingerprint check will be waived once all officers are enrolled in the Federal Bureau of Investigation's Next Generation Identification System and Criminal Justice Record of Arrest and Prosecution Background (RapBack) Service. No certification shall be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized;
- (4) notify the Commission by submitting a Name/Status Change, Form F-19, that the officer is being employed and stating the date on which the employment will commence. The Name/Status Change, Form f-19, shall contain the officers name, date of birth and Social Security Number on file, and any changes to that information, the agency's name, officer's current status and status

- changed to, the effective date of change, whether the officer is undercover or not, and the signature and printed name of the submitting agency head or authorized representative, and
- (5) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.

(d) Officers previously certified who were not previously required to meet the educational or basic training requirements shall not be required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.

(e) For currently certified full time officers with no break in service, upon written request from the department head of the hiring agency, the Division shall waive for a period of no more than 60 days from the receipt of the Report of Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), and (b)(4) of this Rule.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. April 1, 2018; October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1, 1989; July 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. March 1, 2024.*

### **12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION**

(a) Each criminal justice agency shall place information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule. The files shall be available for examination in five days by representatives of the Commission for verifying compliance with these Rules.

- (1) Criminal Justice Officer with probationary certification:
- (A) the officer's Personal History Statement (Form F-3), pursuant to 12 NCAC 09C .0201;
  - (B) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;
  - (C) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;
  - (D) the Commission's Mandated Background Investigation Form as completed by the agency's investigator, (Form F-8), pursuant to 12 NCAC 09B .0102;
  - (E) a summary of the officer's Qualifications Appraisal Interview, (Form F-4), prepared by the agency's interviewers, pursuant to 12 NCAC 09C .0204. The Form F-4 identifies the officer candidate interviewed, the position interviewed for, and the interviewer(s)' comments regarding the applicant's appearance, manner, and bearing, ability to present ideas, social adaptability, alertness and judgment, and interviewer(s) recommendation for employment;
  - (F) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
  - (G) course listing(s) and completion date(s) of all criminal justice training completed by the officer;
  - (H) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
  - (I) a written summary of the officer's psychological examination results, pursuant to 12 NCAC 09B .0101(7);
  - (J) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
  - (K) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
  - (L) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;
  - (M) oath of office, pursuant to 12 NCAC 09C .0303;
  - (N) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
  - (O) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and

- (P) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.
- (2) Criminal Justice Officer with general certification:
  - (A) the officer's Medical History Statement and Medical Examination Report (Form F-1 and F-2), pursuant to 12 NCAC 09B .0104;
  - (B) documentation of the officer's drug screening results, pursuant to 12 NCAC 09C .0310;
  - (C) a copy of all certificates or diplomas obtained, pursuant to 12 NCAC 09B .0106;
  - (D) course listing(s) and completion date(s) of all criminal justice training completed by the officer;
  - (E) the results of the officer's fingerprint record check, pursuant to 12 NCAC 09B .0103;
  - (F) for the law enforcement officer, records of all in-service training received by the officer, as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
  - (G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
  - (H) copy of Report of Appointment/Application for Certification (Form F-5A), pursuant to 12 NCAC 09C .0205;
  - (I) oath of office, pursuant to 12 NCAC 09C .0303;
  - (J) copy of firearms qualification (Form F-9A), pursuant to 12 NCAC 09E .0106;
  - (K) once separated, a copy of the Affidavit of Separation, Form F-5B), pursuant to 12 NCAC 09C .0208; and
  - (L) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-151.

(b) These records shall be maintained by the criminal justice agency in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

*History Note: Authority G.S. 17C-2; 17C-6;  
 Eff. January 1, 1981;  
 Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. May 1, 2024; August 1, 2019.*

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

(a) Every person employed or appointed by the state or any political subdivision thereof as a law enforcement officer who uses a Speed Measuring Instrument for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the speed measuring instrument.

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

- (1) radar operator speed measurement instrument (SMI) certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0210, .0212, .0213, .0218, .0220, .0221, .0242, .0243, .0244, or .0245;
- (2) time-distance speed measurement instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0211, .0213, .0214, .0219, .0221, .0222, .0244, or .0245;
- (3) lidar speed measurement instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0237, .0238, .0239, .0240, .0242, .0243, .0244, or .0245.

(c) Certification in one or more categories reflects operational proficiency in the designated type(s) of approved equipment for which the trainee has been examined and tested. Such certification is for a three year period from the date of issue and re-certifications is for a three year period from the date of issue, unless sooner terminated by the Commission. The applicant shall meet the following requirements for operator certification or re-certification within 90 days of course completion and upon the presentation of documentary evidence showing that the applicant:

- (1) has successfully completed the training program as required in 12 NCAC 09B .0210, .0211, .0212, .0213, .0214, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, .0240, .0242, .0243, .0244, or .0245; and
  - (2) has successfully completed a Commission-certified basic law enforcement training course as required in 12 NCAC 09B .0400 and is currently certified in a probationary status or holds general law enforcement certification; or
  - (3) if the applicant is a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E has met and is in compliance with the employment and training standards as established and made effective for such position by the North Carolina Sheriffs' Education and Training Standards Commission.
- (d) Certified operators shall be notified by the Commission not less than 90 days prior to expiration of certification. All applicants for re-certification shall successfully complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. If re-certification is not obtained within the 12 month period, successful completion of the appropriate operator training programs as required by 12 NCAC 09B .0409(a) shall be required to obtain operator 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 of the Post-Delivery Report of Training Course Presentation.
- (e) Operator re-certification shall be issued only to officers with current law enforcement certification.
- (f) All certifications issued pursuant to this Rule and the standards in effect between November 1, 1981 and July 1, 1982 shall continue with full force and effect; however, said certifications are subject to the provisions of 12 NCAC 09C .0308(d) and (e).

*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.*

**12 NCAC 09C .0309 LATERAL TRANSFER OF LOCAL CONFINEMENT PERSONNEL**

- (a) An officer, supervisor or administrator with general certification, pursuant to 12 NCAC 09C .0304, may transfer from one local confinement facility to another local confinement facility, or may transfer from one county confinement facility to another county confinement facility with less than a 12-month break in service.
- (b) Prior to employing the individual, the employing agency shall:
- (1) verify the certification, pursuant to 12 NCAC 09C .0304, of the individual with the Standards Division;
  - (2) submit an up-to-date fingerprint check, pursuant to 12 NCAC 09B .0103;
  - (3) pursuant to 12 NCAC 09C .0302, advise the individual that he will be serving under a probationary appointment with the agency for one year;
  - (4) notify the Commission, by submitting a Report of Appointment, Form F-5A (LCP), that the individual is being employed and stating the date on which employment will commence. The Report of Appointment, Form F-5A (LCP) shall contain the following:
    - (A) Employing agency;
    - (B) Applicant's name, address, date of birth, and Social Security Number;
    - (C) Drug Screen result, pursuant to 12 NCAC 09C .0310; and
    - (D) Fingerprint Requirement, pursuant to 12 NCAC 09B .0103.
- (b) Prior to transfer of certification, local confinement personnel shall:
- (1) complete a Medical History Statement Form F-1 within one year prior to the transfer to the employing agency. The Medical History Statement Form F-1 shall contain the following information regarding the local confinement person being transferred;

- (A) name, date of birth, address, telephone number;
  - (B) current medications, allergies, and past medical history;
  - (C) occupational history; and
  - (D) name and signature of a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board,
- (2) submit to examination by a physician who holds a current license to practice medicine in the United States pursuant to 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
  - (3) submit results of the physical examination to the employing agency for placement in the individual's permanent personnel file; and
  - (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09B .0101(5).
- (c) Certified local confinement personnel who transfer to another agency within 12 months of leaving their previous position are exempt from meeting the educational or basic training requirements of this Rule. This exemption applies only if they were not initially required to meet these requirements when they were first employed by the agency from which they were transferring.
- (d) No certification will be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; Eff. June 1, 1986; Amended Eff. August 1, 1998; July 1, 1990; March 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. November 1, 2024.*

#### **12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS**

- (a) Every law enforcement officer shall produce a negative result on a drug screen administered according to the following specifications:
- (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
  - (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then agency staff must use an established chain of custody procedure. The chain of custody is an official document that establishes a process that tracks the movement of the urine specimen through its collection, safeguarding, and analysis lifecycle by documenting each person who handled the urine sample, the date/time it was collected or transferred, and the purpose of the transfer.
  - (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
  - (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;
  - (5) conduct the test within 90 days of employment;
  - (6) pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920), the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.



- (b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result were explained by the applicant or lateral transfer to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920), who holds a current license to practice medicine in the United States, as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (b)(3) of this Rule, then the positive results are not required to be reported.
- (c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920) who holds a current license to practice medicine in the United States as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (a)(3) of the Rule then the positive results are not required to be reported.
- (d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of a controlled substance at a level equal to or greater than the threshold value, current at the time of the test, as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.
- (e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of a controlled substance at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.
- (f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. July 1, 1990;  
Amended Eff. October 1, 2018; May 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. November 1, 2024; October 1, 2022.

#### **12 NCAC 09C .0311 RECERTIFICATION FOLLOWING SEPARATION**

- (a) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with a minimum of one year of service who have been separated from the North Carolina Department of Public Safety for less than three years may have their certification reinstated following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and .0117, but are exempt from the job appropriate basic training course as described in 12 NCAC 09B .0235 and .0236.
- (b) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with less than one year of service who have been separated from the North Carolina Department of Public Safety for less than two years may have their certification reinstated following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and .0117, and shall complete the job appropriate basic training course as described in 12 NCAC 09B .0235 and .0236.
- (c) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers who have been separated from the North Carolina Department of Public Safety for more than three years, upon their return shall complete the verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117 and shall complete the job appropriate basic training course described in 12 NCAC 09B .0235 and .0236.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. May 1, 2023.

#### **SECTION .0400 - ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS AND TRAINING COURSES**

##### **12 NCAC 09C .0401 ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS**

- (a) Any school requesting accreditation or re-accreditation, pursuant to the Commission's authority to certify criminal justice training schools in G.S. 17C-6, and which is in compliance with the requirements contained in Section .0200 of this Subchapter, shall submit a completed Form F-10(SA) Request for School Accreditation. The

Form F-10(SA) is available on the agency's website: [http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). The F-10(SA) Request for School Accreditation shall contain the following:

- (1) The name of the requesting institution/agency;
  - (2) The mailing address, phone number, and name of the institution head or executive officer;
  - (3) The name, title or rank, address and phone number of the designated School Director;
  - (4) The type of Commission approved training course in which accreditation is being sought;
  - (5) The type and location of all facilities to be used in administering the Commission approved training course; and
  - (6) The signature of the institution head or executive officer.
- (b) Upon receipt of a completed Request for School Accreditation application:
- (1) The Standards Division staff reviews the application and conducts a site visit to tour facilities, confirm information on the application, and determine if and where deficiencies exist;
  - (2) The Standards Division Staff contacts the applying institution or agency concerning deficiencies and provides assistance on correcting problem areas;
  - (3) The Standards Division staff recommends to the Education and Training Committee when the accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
  - (4) The Education and Training Committee recommends to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation for the applicant institution or agency.
- (c) Accreditation or Re-accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200, Minimum Standards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.
- (d) In instances where the Education and Training Committee determines the school seeking accreditation or reaccreditation is not in compliance with the requirements contained in Section .0200 of this Subchapter, the school application and staff reports shall be reviewed by the Probable Cause Committee, as specified in 12 NCAC 09A .0201.
- (e) The Commission shall suspend or revoke a school's accreditation when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation. The Commission, by and through the Probable Cause Committee, shall summarily suspend the accreditation of a criminal justice school if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.
- (1) For the purpose of considering a summary suspension of accreditation, the Probable Cause Committee shall meet only during its regularly scheduled quarterly meeting or upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting;
  - (2) A summary suspension shall be effective on the date specified in the order of the summary suspension or upon service of the certified copy of the order at the last known address of the school, whichever is later. The summary suspension shall remain effective during the proceedings for suspension and revocation;
  - (3) Upon oral notification to the executive officer or officers of the institution or agency sponsoring any criminal justice training program or course of instruction by the Director that the accreditation of a school is being summarily suspended by written order, the school shall not perform any duties or conduct any courses requiring accreditation by the Commission;
  - (4) The Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

*History Note: Authority G.S. 17C-6; 17C-11;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2004, January 1, 1996;  
Temporary Amendment Eff. January 1, 2007;  
Temporary Amendment Expired October 13, 2007;  
Amended Eff. February 1, 2016; April 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Emergency Amendment Eff. May 21, 2024;  
Temporary Amendment Eff. September 1, 2024.*

## **12 NCAC 09C .0402 ACCREDITATION OF TRAINING COURSES**

- (a) An accredited criminal justice school shall apply for accreditation for each of its courses by submitting a completed Request for Training Course Accreditation.

(b) One of two types of accreditation may be sought by the school, depending upon the nature of the course for which accreditation is sought.

- (1) Temporary accreditation shall apply to courses being offered by an accredited school on a one-time or infrequent basis and will remain effective for the duration of the specified course offering, not in excess of one year.
- (2) Continuing accreditation shall apply to courses offered on a regular or continuous basis by an accredited school and will remain effective until surrendered, revoked, or the school's accreditation expires or is suspended or revoked.

(c) The Commission may suspend or revoke the accreditation of a course when it finds that the school has failed to meet or to continuously maintain any requirement, standard, or procedure for course accreditation.

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

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

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

- (1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form F-10A(LE) Pre-delivery Report of Training Course Presentation; and
- (2) Not more than 10 days after completing delivery of the accredited course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form F-10B(LE) Post-delivery Report of Training Course Presentation.

Forms F-10A(LE) and F-10B(LE) are located on the agency's website at: <http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>.

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

(b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the achievement of trainees by submitting a Report of Training Course Completion (Form F-11). This form is located on the agency's website: [http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form\\_10-2-14.pdf.aspx](http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx).

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0404      PILOT COURSE PRESENTATION/PARTICIPATION**

(a) Consistent with the curriculum development policy of the Commission, the Education and Training Committee shall recommend to the commission the delivery system and the developer of course curricula. Designation of the developer of course curricula by the Commission shall be deemed as approval of the developer to conduct pilot courses.

(b) Individuals who successfully complete a pilot course offering shall not be required by other rules of this Chapter to complete additional training for that specific certification program. Such pilot training courses shall be recognized for purposes of certification or recertification.

*History Note: Authority G.S. 17C-6;  
Eff. February 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**SECTION .0500 - MINIMUM STANDARDS FOR ACCREDITATION OF ASSOCIATE OF  
APPLIED SCIENCE DEGREE PROGRAMS INCORPORATING BASIC LAW ENFORCEMENT**

**TRAINING**

<b>12 NCAC 09C .0501</b>	<b>PURPOSE AND REQUIREMENTS OF ACCREDITATION</b>
<b>12 NCAC 09C .0502</b>	<b>DELIVERY OF PROGRAMS</b>
<b>12 NCAC 09C .0503</b>	<b>STUDENTS</b>
<b>12 NCAC 09C .0504</b>	<b>INSTRUCTORS</b>
<b>12 NCAC 09C .0505</b>	<b>POST-DELIVERY TRAINING COURSE REPORT</b>

*History Note: Authority G.S. 17C-6;  
Eff. August 15, 1981;  
Amended Eff. April 1, 1984;  
Repealed Eff. July 1, 1989.*

**SECTION .0600 - EQUIPMENT AND PROCEDURES**

**12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS**

The following procedures shall be adhered to for approval of speed-measuring instruments:

- (1) Prior to the inclusion as an approved 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 automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost from the National Highway Traffic Safety Administration at the following address:

National Highway Traffic Safety Administration  
400 Seventh Street, SW  
Washington, DC 20590

- The manufacturer shall provide evidence that the instrument meets or exceeds the applicable standards published by the National Highway Traffic Safety Administration, United States Department of Transportation.
- (2) All speed-measuring instruments shall be evaluated by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Crime Control and Public Safety. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.
- (3) A current list of all approved speed-measuring instruments shall be included in Appendix "A" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy.
- (4) The "Speed-Measurement Instrument Operator Training Course Manuals" as published by the North Carolina Justice Academy shall be applied as the basic curriculum for the speed-measuring instrument operator training courses for speed-measuring instrument operators as administered by the North Carolina Criminal Justice Education and Training Standards Commission. Copies of these publications may be inspected at the office of the agency:

Criminal Justice Standards Division

North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*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.

<b>12 NCAC 09C .0602</b>	<b>TESTING: ACCURACY</b>
<b>12 NCAC 09C .0603</b>	<b>TESTING: RADIO MICROWAVE (RADAR)</b>
<b>12 NCAC 09C .0604</b>	<b>TESTING: TIME-DISTANCE</b>
<b>12 NCAC 09C .0605</b>	<b>OPERATING PROCEDURES</b>
<b>12 NCAC 09C .0606</b>	<b>CONCURRENT RESPONSIBILITY AND APPROVAL</b>

*History Note:* Authority G.S. 8-50.2; 17C-6;  
Eff. November 1, 1981;  
12 NCAC 9C .0602 and .0606 Readopted Eff. July 1, 1982;  
12 NCAC 9C .0603, .0604, .0605 Readopted w/change Eff. July 1, 1982;  
Amended Eff. January 1, 1995; November 1, 1993; February 1, 1991; July 1, 1989;  
December 1, 1987;  
January 1, 1983;  
Repealed Eff. August 1, 1998.

**12 NCAC 09C .0607 SPEED-MEASURING INSTRUMENT ACCURACY TEST**

The purpose of this Rule is to establish the minimum requirements and test methods for determining the accuracy of speed-measuring instruments used by law enforcement agencies to measure the speed of vehicles for enforcement of speed laws and regulations. All requirements and tests shall conform with G.S. 8-50.2 and G.S. 17C-6.

- (1) Accuracy test standard:
  - (a) Annual tests of all speed-measuring instruments shall be in conformance with G.S. 8-50.2(c). The results of these tests shall be recorded on forms provided by the Commission.
  - (b) Daily tests of all speed-measuring instruments shall be in conformance with G.S. 8-50.2(b)(4) and G.S. 17C-6(13).
- (2) Accuracy requirements and test methods:
  - (a) Annual:

The annual tests for accuracy requirements for each specific Radar, Time-Distance, and Lidar speed-measuring instrument, as outlined in Appendix "B" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149

Raleigh, North Carolina 27602  
and may be obtained at a cost of seven dollars and twelve cents (\$7.12) from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

- (b) Daily:  
The daily tests for accuracy requirements for each specific Radar, Time-Distance, and Lidar speed-measuring instrument, as outlined in Appendix "C" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at a cost of seven dollars and twelve cents (\$7.12) from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*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.

## **12 NCAC 09C .0608 SPEED-MEASURING INSTRUMENT OPERATING PROCEDURES**

The purpose of this Rule is to establish the requirements for operating speed-measuring instruments used by law enforcement officers to measure the speed of vehicles for enforcement of speed laws and regulations. All operating procedures shall conform with G.S. 8-50.2. The operating procedures for each specific Radar, Time-Distance, and Lidar speed-measuring instrument, as outlined in Appendix "C" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

*History Note:* Authority G.S. 8-50.2; 17C-6;  
Eff. August 1, 1998;  
Amended Eff. November 1, 2007; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## SUBCHAPTER 09D – PROFESSIONAL CERTIFICATE PROGRAMS

### SECTION .0100 - LAW ENFORCEMENT OFFICERS' PROFESSIONAL CERTIFICATE PROGRAM

#### 12 NCAC 09D .0101 PURPOSE

In order to recognize the level of competence of law enforcement officers serving the governmental agencies within the state, to foster increased interest in college education and professional law enforcement training programs, and to attract highly qualified individuals into a law enforcement career, the Criminal Justice Education and Training Standards Commission establishes the Law Enforcement Officers' Professional Certificate Program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and on-the-job experience.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### 12 NCAC 09D .0102 GENERAL PROVISIONS

(a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:

- (1) The officer shall presently hold general law enforcement officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission, the Company and Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding;
- (2) The officer shall be familiar with and subscribe to the Law Enforcement Code of Ethics;
- (3) The officer shall be a full-time, sworn, paid member of a law enforcement agency within the state;
- (4) Applicants shall be given credit for the satisfactory completion of all in-service law enforcement training which is not mandated by the Commission pursuant to 12 NCAC 09E .0105;
- (5) Applicants shall not be given credit for the satisfactory completion of Commission-mandated Basic Law Enforcement Training courses; and
- (6) Full-time, paid employees of a law enforcement agency within the State who have successfully completed a Commission-accredited law enforcement officer basic training program and have previously held general law enforcement officer certification as specified in Subparagraph (1) of this Paragraph, but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires continuous employment with the law enforcement agency from the date of promotion or transfer from a sworn, certified position to the date of application for a professional certificate.

(b) Awards are based upon a formula which combines formal education, law enforcement training, and actual experience as a law enforcement officer. Points are computed in the following manner:

- (1) Each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;
- (2) Twenty classroom hours of Commission-approved law enforcement training shall equal one point; and
- (3) Only experience as a full-time, sworn, paid member of a law enforcement agency or equivalent experience shall be acceptable for consideration.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. June 1, 2012; August 1, 2002; August 1, 1995; May 1, 1986; April 1, 1984; January 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09D .0103 BASIC LAW ENFORCEMENT CERTIFICATE**

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Repealed Eff. August 1, 2002.*

**12 NCAC 09D .0104 INTERMEDIATE LAW ENFORCEMENT CERTIFICATE**

(a) In addition to the qualifications set forth in Rule .0102(a) of this Subchapter, an applicant for the Intermediate Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points and years of full-time law enforcement experience as set out in Rule .0102(b) of this Section.

Educational Degrees				AA/AS	AB/BS
Years of Law Enforcement Experience	8	6	4	4	2
Minimum Law Enforcement Training Points				16	8
Minimum Total Education and Training Points	32	40	48	16	8

(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council for Higher Education Accreditation.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2002; August 1, 1995; May 1, 1986; January 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09D .0105 ADVANCED LAW ENFORCEMENT CERTIFICATE**

(a) In addition to the qualifications set forth in Rule .0102(a) of this Subchapter, an applicant for the Advanced Law Enforcement Certificate shall possess or be eligible to possess the Intermediate Law Enforcement Certificate and shall have acquired the following combination of educational points or degrees, law enforcement training points and years of full-time law enforcement experience as set out in Rule .0102(b) of this Section.

Educational Degrees			AA/AS	AB/BS	GRAD./PRO.
Years of Law Enforcement Experience	12	9	9	6	4
Minimum Law Enforcement Training Points	-	-	36	24	16
Minimum Total Education and Training Points	48	60	36	24	16

(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council for Higher Education Accreditation.



*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2002; August 1, 1995; May 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09D .0106 METHOD OF APPLICATION**

- (a) All applicants for an award of the intermediate and advanced certificates shall complete an "Application for Award of Law Enforcement Certificate."
- (b) Documentation of education and training shall be provided by certified copies of transcripts, diplomas, Report of Training Course Completion, agency training records, or other verifying documents attached to the application.
- (c) The applicant shall submit the Application for Award of Law Enforcement Certificate to the department head who shall attach a recommendation and forward the application to the Commission. Certificates will be issued to the department head for award to the applicant.
- (d) Certificates and awards remain the property of the Commission and the Commission shall have the power to cancel or recall any certificate or award.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2002; August 1, 1995; May 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **SECTION .0200 - CRIMINAL JUSTICE OFFICERS' PROFESSIONAL CERTIFICATE PROGRAM**

#### **12 NCAC 09D .0201 PURPOSE**

In order to recognize the level of competence of criminal justice officers serving the governmental agencies within the State, to foster increased interest in college education and professional criminal justice training programs, and to attract highly qualified individuals into a criminal justice career, the Criminal Justice Education and Training Standards Commission establishes the criminal justice officer's professional certificate program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and on-the-job experience.

*History Note:* Authority G.S. 17C-6;  
Eff. August 15, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09D .0202 GENERAL PROVISIONS**

- (a) The officer shall presently hold general criminal justice officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission, the Company and Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding.
- (b) The officer shall hold general certification with the Commission in the category of state youth services officer.
- (c) The officer shall be a permanent, paid member of a criminal justice agency within the State.
- (d) Permanent, paid employees of the Department of Public Safety, Division of Juvenile Justice, who have successfully completed a Commission-accredited criminal justice officer basic training program and have previously held general certification as specified in 12 NCAC 09B .0116 and 12 NCAC 09B .0117, but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires continuous employment with the Department of Public Safety, Division of Juvenile Justice from the date of promotion or transfer from a certified position to the date of application for a professional certificate.
- (e) Each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;

- (f) Twenty classroom hours of Commission-approved criminal justice training shall equal one point;
- (g) Only experience as a permanent, paid member of a criminal justice agency or the equivalent experience as determined by the Commission shall be acceptable of consideration.
- (c) Separate sub-programs will be administered as follows: The Youth Services Certificate is appropriate for permanent, paid state youth services officers employed by the Department of Public Safety, Division of Juvenile Justice.

*History Note:* Authority G.S. 17C-6;  
 Eff. August 15, 1981;  
 Amended Eff. June 1, 2012; August 1, 2002; December 1, 1987; May 1, 1986; July 1, 1982;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09D .0203 BASIC CRIMINAL JUSTICE CERTIFICATE**

*History Note:* Authority G.S. 17C-6;  
 Eff. August 15, 1981;  
 Repealed Eff. October 1, 2018;  
 Expired Eff. June 1, 2019 pursuant to G.S. 150B-21.3A.

**12 NCAC 09D .0204 INTERMEDIATE CRIMINAL JUSTICE CERTIFICATE**

(a) In addition to the qualifications set forth in Rule .0202(a) of this Subchapter, an applicant for the Intermediate Criminal Justice Certificate shall possess or be eligible to possess the Basic Criminal Justice Certificate and shall have acquired the following combination of educational points or degrees, criminal justice training points and years of criminal justice experience:

Educational Degrees				AA/AS	AB/BS
Years of Criminal Justice Experience	8	6	4	4	2
Minimum Criminal Justice Training Points	-	-	-	15	10
Minimum Total Education and Training Points	30	60	90	15	10

(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council of Higher Education Accreditation.

*History Note:* Authority G.S. 17C-6;  
 Eff. August 15, 1981;  
 Amended Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09D .0205 ADVANCED CRIMINAL JUSTICE CERTIFICATE**

(a) In addition to the qualifications set forth in Rule .0202(a) of this Subchapter, an applicant for the Advanced Criminal Justice Certificate shall possess or be eligible to possess the Intermediate Criminal Justice Certificate and shall have acquired the following combinations of educational points or degrees, criminal justice training points and years of criminal justice experience:

Educational Degrees	AA/AS	AB/BS	GRAD./PRO.
---------------------	-------	-------	------------

Years of Criminal Justice Experience	12	9	9	6	4
Minimum Criminal Justice Training Points	-	-	25	15	10
Minimum Total Education and Training Points	60	90	25	15	10

(b) Educational points claimed must be issued by institutions recognized by the United States Department of Education and the Council of Higher Education Accreditation.

*History Note:* Authority G.S. 17C-6;  
 Eff. August 15, 1981;  
 Amended Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09D .0206 METHOD OF APPLICATION**

- (a) All applicants for an award of the basic, intermediate or advanced certificates in each sub-program shall complete an "Application for Award of Criminal Justice Certificate."
- (b) Documentation of education and training shall be provided by certified copies of transcripts, diplomas, Report of Training Course Completion, agency training records, or other verifying documents attached to the application.
- (c) The applicant shall submit the "Application for Award of Criminal Justice Certificate" to his department head who shall attach his recommendation and forward the application to the Commission. Certificates will be issued to the Department head for award to the applicant.
- (d) Certificates and awards remain the property of the Commission and the Commission shall have the power to cancel or recall any certificate or award.

*History Note:* Authority G.S. 17C-6;  
 Eff. August 15, 1981;  
 Amended Eff. May 1, 1986;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS**

**SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM**

**12 NCAC 09E .0101 PURPOSE**

In order to ensure a minimum level of proficiency in specific topical areas for law enforcement officers serving the governmental agencies within the state, the Commission establishes the law enforcement officers' annual in-service training program.

*History Note:* Authority G.S. 17C-6; 17C-10;  
 Eff. July 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09E .0102 REQUIRED ANNUAL IN-SERVICE TRAINING TOPICS**

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

*Eff. July 1, 1989;*  
*Amended Eff. January 1, 2005;*  
*Temporary Amendment Eff. January 1, 2005;*  
*Amended Eff. February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007;*  
*January 1, 2006;*  
*Repealed Eff. February 1, 2013.*

**12 NCAC 09E .0103 DEPARTMENT HEAD RESPONSIBILITIES: ANNUAL IN-SERVICE TRAINING**

The state or local law enforcement agency head shall ensure that the annual in-service training is conducted according to specifications as outlined in Rules 09E .0105 and 09E .0106. In addition, the state or local law enforcement agency head or designated representative:

- (1) shall review departmental policies regarding the use of force during the agency's annual in-service training program; and
- (2) shall report to the Criminal Justice Standards Division once each calendar year a roster of all law enforcement officers who fail to successfully complete the annual in-service training and firearms qualification, pursuant to 12 NCAC 09E .0106, and shall certify that all law enforcement officers in the agency not listed did successfully complete the training. This roster shall reflect the annual in-service training and firearms qualification status of all law enforcement officers employed by the agency as of December 31 of each calendar year and shall be received by the Criminal Justice Standards Division no later than the following January 15<sup>th</sup>. Officers having completed Basic Law Enforcement Training and passed the comprehensive state final examination in this same calendar year must complete the annual in-service training for the year if they were sworn in between January 1<sup>st</sup> and June 30<sup>th</sup> of that year. Officers sworn in between July 1<sup>st</sup> and December 31<sup>st</sup> must complete the annual in-service training by June 30<sup>th</sup> of the following year, and
- (3) shall maintain in each officer's file documentation that the officer has completed the annual in-service training requirement; and
- (4) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(a) and (b), prohibit access to such weapon(s) until such time as the officer obtains qualification; and
- (5) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(d), prohibit the possession of such weapon(s) while on duty or when acting in the discharge of that agency's official duties, and shall deny the officer authorization to carry such weapon(s) concealed when off-duty, except when the officer is on his own premises; and
- (6) shall, where an officer has access to any specialized or tactical weapon(s) not specifically covered in Rule .0106(a) and (b) of this Section, prohibit the officer's use of the weapon(s) while engaged in the officer's official capacity unless the agency head determines the officer is competent to use the weapon in a lawful and prudent manner based upon the officer's experience, training, education, and disciplinary record.

*History Note: Authority G.S. 17C-6; 17C-10;*  
*Eff. July 1, 1989;*  
*Amended Eff. January 1, 2005; January 1, 1995;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Amended Eff. March 1, 2024.*

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

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

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors:
  - (A) delivering CPR certifications that include cognitive and skills testing;
  - (B) delivering use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion;or

- (C) delivering Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

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

- (2) Instructors who teach a required in-service training topic, other than a topic taught pursuant to Paragraph (1) of this Rule, or a Firearms Training and Qualification course pursuant to Rule .0105(a)(1) of this Section, shall achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training topic online shall also complete the in-service training for the topic he or she will be teaching. Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented by the Department Head or In-Service Training Coordinator once completed.
- (3) Instructors who, no more than 60 days prior to the upcoming calendar year, complete mandated in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina Justice Academy as part of the Instructor Training Update program shall have satisfied the requirements of 12 NCAC 09E .0105 for the upcoming calendar year.
- (4) The instructor shall deliver the training consistent with the specifications established in Rules 09E .0105 and .0106.
- (5) The instructor shall report the successful or unsuccessful completion of training for each officer to the Department Head.
- (6) When the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer did not qualify and the instructor shall deliver a Commission form F-9A (Firearms Qualification and Record) to the officer that shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Department Head or designated representative within 24 hours of the failure to qualify. The instructor shall personally deliver this form or send the form by certified mail to the Department head or designated representative within 72 hours of the failure to qualify.

All Commission forms are available for download on the Criminal Justice Standards Division website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. July 1, 1989;  
Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006;  
January 1, 2005;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. July 1, 2020.

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

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. July 1, 1989;  
Amended Eff. January 1, 2005; November 1, 1998;  
Temporary Amendment Eff. January 1, 2005;  
Amended Eff. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016;  
January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1, 2009;  
April 1, 2008; February 1, 2007; January 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. January 1, 2022; January 1, 2021; January 1, 2020;  
Repealed Eff. November 1, 2024.

## **12 NCAC 09E .0106 ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS**

(a) All certified law enforcement officers shall qualify for both day and night use with their individual and department-approved service handguns at least once each calendar year. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. In addition to the requirements specified in Rule .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training Law Enforcement Officers" course requirements for firearms qualification.

(b) If an officer's duty handgun is replaced the officer shall qualify both day and night with the new handgun within 15 days of issuance.

(c) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively for both day and night use at least once each calendar year.

(d) The qualifications required by Paragraphs (a) through (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition, including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition for all weapons.

(e) All certified law enforcement officers who are authorized to carry off-duty handguns shall qualify with each such handgun consistent with the specifications outlined in Rules .0105(1) and .0106(a) and (h) of this Section.

(f) To satisfy the training requirements for all in-service firearms qualifications, an officer shall attain at least 70 percent accuracy with each weapon.

(g) The qualifications required by Paragraphs (a) and (c) of this Rule shall be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for which qualification is required shall be deemed as having failed and Rule .0103(4) and (5) of this Section shall apply.

(h) The In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms qualification. Copies of this publication may be inspected at the office of the agency:

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

and may be viewed and downloaded at no cost from the Academy's website at the following address:

<http://www.jus.state.nc.us/NCJA>

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. July 1, 1989;  
Amended Eff. January 1, 2019; April 1, 2018; January 1, 2006; January 1, 2005; November 1, 1998; March 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09E .0107 FAILURE TO QUALIFY: ANNUAL IN-SERVICE FIREARMS TRAINING**

(a) Where an officer is employed with an agency that establishes a higher standard for annual in-service firearms training than those specified in this Subchapter and the officer has failed to meet the requirements of the employing agency as of December 31 of each calendar year, such officer shall meet the requirements of this Rule for continued certification. Prior to transfer to another agency, the officer shall meet the requirements of this Rule.

(b) Upon notification to the Division via Form F-9B 'Report of Non-Compliance of Mandatory In-Service Training' that an officer has failed to meet the requirements for in-service firearms training and qualification as specified in 12 NCAC 09E .0106(a) of this Subchapter, the law enforcement officer's certification shall be suspended. Form F-9B is located on the Commission's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2>.

(c) The Division shall rescind the suspension indicated in Paragraph (b) of this Rule upon receipt from an agency representative of Form F-9C 'Return to Duty Request', indicating the suspended officer has completed the in-service firearms training and qualification pursuant to 12 NCAC 09E .0106(a) and (b). Form F-9C is located on the Commission's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2>.

(d) The suspended officer shall be granted limited enrollment in a presentation of the "Basic Law Enforcement Training" course to complete the training pursuant to 12 NCAC 09B .0205(b)(5)(B). Such enrollment and successful completion must occur within the calendar year of the suspension of law enforcement officer certification.

(e) Failure to enroll and successfully complete the training pursuant to 12 NCAC 09B .0205(b)(5)(B) within the calendar year of the suspension of certification shall subject the officer to training evaluation as specified in 12 NCAC 09B .0403.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. July 1, 1989;  
Amended Eff. January 1, 2005; August 1, 2000; March 1, 1992; March 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. July 1, 2023.*

#### **12 NCAC 09E .0108 FAILURE TO COMPLETE ANNUAL IN-SERVICE TRAINING**

(a) Failure to successfully complete the annual in-service training topics as specified in 12 NCAC 09E .0102 within the calendar year shall result in suspension of the law enforcement officer's certification.

(b) Upon notification that a law enforcement officer who has been continuously employed with an agency during the 12 month calendar year has failed to meet the requirements for in-service training as specified in 12 NCAC 09E .0102, the officer's certification shall be suspended by the Standards Division Director.

(c) No officer suspended under Paragraph (b) of this Rule shall work as a certified law enforcement officer until:

- (1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has complied with the requirements for reinstatement of certification as specified in this subsection; and
- (2) the department head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law enforcement certification to the suspended officer.

(d) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the same calendar year, the officer shall have completed all of the in-service training topics as specified in 12 NCAC 09E .0102 by the end of that same calendar year. Upon notification that such officer has failed to meet all the requirements for in-service training as specified in 12 NCAC 09E .0102, the law enforcement officer's certification shall be suspended.

(e) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall have completed all of the in-service training topics as specified in 12 NCAC 09E .0102 by the end of the subsequent calendar year. Upon notification that such officer has failed to meet all the requirements for in-service training as specified in 12 NCAC 09E .0102, the law enforcement officer's certification shall be suspended.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 2005;  
Amended Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09E .0109 IN-SERVICE TRAINING COORDINATOR REQUIREMENTS**

(a) Any persons designated by an agency head to act as, or who perform the duties of, an In-Service Training Coordinator in the delivery or presentation of a Commission-mandated or Commission-recognized in-service training course shall have on file confirmation from the Commission acknowledging designation as In-Service Training Coordinator prior to acting in an official capacity as an In-Service Training Coordinator.

(b) To be eligible to serve as an In-Service Training Coordinator, an applicant shall:

- (1) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;
- (2) be certified by the Commission as a General Instructor; and
- (3) have completed the "Coordinating In-Service Training" course presented by the North Carolina Justice Academy for the purpose of familiarization with trainee and instructor evaluation.

(c) The agency head shall submit to the Criminal Justice Standards Division a Form F-18 Commission In-Service Training Coordinator Request form containing the names and other requested information for the persons selected to act as In-Service Training Coordinators for the agency. The Form F-18 is located on the agency's website: [http://ncdoj.gov/getdoc/feb459d2-6db1-45be-94c8-a2e5305b350b/F-18\(ITC\)-6-11.aspx](http://ncdoj.gov/getdoc/feb459d2-6db1-45be-94c8-a2e5305b350b/F-18(ITC)-6-11.aspx). The agency head shall ensure that the persons selected meet the requirements set forth in Paragraphs (a) and (b) of this Rule.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 2006;  
Amended Eff. February 1, 2016;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## **12 NCAC 09E .0110 IN-SERVICE TRAINING COORDINATOR RESPONSIBILITIES**

In planning, developing, coordinating, and delivering each Commission-mandated in-service training course, the In-Service Training Coordinator shall:

- (1) administer the delivery of the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) select and schedule instructors who are certified by the Commission;
- (3) ensure that each instructor utilizes a current Commission-approved lesson plan;
- (4) monitor, or designate a certified instructor to monitor, the presentations of instructors during course deliveries and prepare written evaluations on their performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure the instructor is using the Instructional System Design model, and that the delivery is objective based, documented by and consistent with a Commission recognized lesson plan. For each topic area, the in-service training coordinator's evaluation shall be based upon the course delivery observations, the instructor's use of a Commission recognized lesson plan, and the results of the student evaluation of the instructor. For probationary instructors, these evaluations shall be prepared on Commission forms and forwarded to the Commission. Based on this evaluation, the In-Service Training Coordinator shall have the responsibility for recommending approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on Commission forms in accordance with Commission standards as set out in this Chapter. These evaluations shall be kept on file by the agency 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 In-Service Training Coordinator shall forward a copy of the evaluation to the Commission. Any designated certified instructor who is evaluating the instructional presentation of another instructor shall, at a minimum, hold certification in the same instructional topic area as that for which the instructor is being evaluated.
- (5) maintain records of all in-service training received by the agency's officers which include:
  - (a) course title;
  - (b) delivery hours of course;
  - (c) course delivery dates;
  - (d) names and addresses of instructors utilized for each topic;
  - (e) a roster of enrolled trainees documenting class attendance; and
  - (f) test scores from in-service training.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **SUBCHAPTER 09F - CONCEALED HANDGUN TRAINING**

#### **SECTION .0100 - CONCEALED HANDGUN TRAINING PROGRAM**



## **12 NCAC 09F .0101 PURPOSE**

In order to ensure a minimum level of familiarization and proficiency in specific topical areas for citizens who lawfully carry handguns concealed, the Commission establishes these rules for the concealed handgun training program and the administration of the program.

*History Note: Authority G.S. 14-415.12; 14-415.13; 1995 S.L., c. 507 s. 22;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

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

- (1) Legal Issues (two hours): The student shall be able to explain the following:
  - (a) the types of situations when the use of deadly physical force would be justified;
  - (b) list the areas where the carrying of a concealed handgun is prohibited;
  - (c) the requirements for handgun storage under G.S. 14-315.1; and
  - (d) the laws governing the carrying of a concealed handgun.The instructor shall determine the student's level of understanding of the relevant legal issues by administering a written examination.
- (2) Handgun Nomenclature: The instructor shall identify to the students the primary parts of the revolver and semiautomatic handgun.
- (3) Handgun Safety: The students shall be able to:
  - (a) list at least four rules of safe gun handling and demonstrate all of these procedures during range exercises;
  - (b) list four methods of safely storing a handgun and choose the method most appropriate for their personal use;
  - (c) describe safety issues relating to the safe carry of a handgun; and
  - (d) determine the proper storage of their handguns when there are minors in the home.
- (4) Handgun Fundamentals: The instructor shall demonstrate to the students:
  - (a) how to load both a revolver and a semiautomatic handgun;
  - (b) how to unload both a revolver and a semiautomatic handgun; and
  - (c) the operational characteristics of the revolver and the semiautomatic handgun.
- (5) Marksmanship Fundamentals: The student shall be able to:
  - (a) demonstrate a proper handgun grip;
  - (b) demonstrate either the Weaver or Isosceles Stance;
  - (c) describe the elements of sight alignment and sight picture; and
  - (d) demonstrate trigger control in a dry fire exercise.
- (6) Presentation Techniques: The instructor shall demonstrate to the students the draw or presentation of the revolver and semiautomatic handgun with a variety of holster types.
- (7) Cleaning and Maintenance: The instructor shall demonstrate to the student:
  - (a) how to "field strip" the handguns if the handgun can be field stripped;
  - (b) how to perform a "Function Check"; and
  - (c) based on the manufacturer's recommendations, list the lubrication points of the specific handguns being demonstrated.
- (8) Ammunition: The instructor shall list and explain the four components of ammunition.

*History Note: Authority G.S. 14-415.12;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Amended Eff. November 1, 2014; February 1, 2013; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. October 1, 2019.*

## **12 NCAC 09F .0103 APPROVAL OF COURSES**

*History Note:* Authority G.S. 14-415.12;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
RRC Objection February 22, 2024 and rule returned to the agency on May 29, 2024.

## **12 NCAC 09F .0104 INSTRUCTOR QUALIFICATIONS**

*History Note:* Authority G.S. 14-415.12;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Amended Eff. November 1, 2015; September 1, 2005; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
RRC Objection February 22, 2024 and rule returned to agency on May 29, 2024.

## **12 NCAC 09F .0105 INSTRUCTOR RESPONSIBILITIES**

*History Note:* Authority G.S. 14-415.12; 14-415.13;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Amended Eff. April 1, 2018; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. January 1, 2020; August 1, 2019;  
RRC Objection February 22, 2024 and rule returned to agency on May 29, 2024.

## **12 NCAC 09F .0106 SANCTIONS**

- (a) The Commission shall suspend an approved course if the Commission finds that the course has failed to meet or maintain the required standards for approval, pursuant to Rule .0103 of this Section.
- (b) The Commission, through the Standards Division, shall randomly conduct unannounced audits of a Concealed Carry Handgun course taught by a certified Concealed Carry Handgun instructor for compliance with the requirements of this Subchapter.
- (c) The Commission shall deny, suspend, or revoke the certification of instructor status if the Commission finds that the instructor:
  - (1) failed to meet or maintain the required course and instruction standards approved by the Commission as set forth in 12 NCAC 09F .0102 or 12 NCAC 09F .0105;
  - (2) failed to submit modification of courses or change in instructor status;
  - (3) submitted any non-sufficient funds check;
  - (4) falsified any record of completion with a passing score of an approved course;
  - (5) distributed any certificate provided by the Commission without the named permittee undertaking the approved course from that instructor;
  - (6) taught any Concealed Carry Handgun course or approved certification while the instructor's certification was suspended by the Commission;
  - (7) is ineligible to receive and possess a firearm under federal or North Carolina state law; or
  - (8) instructs a class without having a valid Concealed Carry Handgun Instructor Certification as established in 12 NCAC 09F .0104.
- (d) Instructors who have lost certified status pursuant to Subparagraphs (1), (2), or (3) of Paragraph (c) of this Rule may reapply for certification upon documentation of compliance after one year has elapsed from the date of suspension of the instructor's certification by the Commission. Instructors who have lost certified status pursuant to Subparagraphs (4), (5), (6), or (7) of Paragraph (c) of this Rule shall have their certification suspended or permanently revoked by the Commission as set forth in 12 NCAC 09A .0206.

*History Note:* Authority G.S. 14-415.12; 14-415.13;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Amended Eff. April 1, 2018; May 1, 2016; February 1, 2007; September 1, 2005; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## **12 NCAC 09F .0107 FILING AND FEES**

(a) Each instructor of an approved course shall file with the Commission a copy of the firearms course description, outline, and proof of instructor certification at least annually, or upon modification of the course if it occurs before the annual certification. A fee of fifty dollars (\$50.00) shall be submitted for the initial and annual filing of a course. If modification of the course occurs before the renewal filing date, a fee of twenty-five dollars (\$25.00) shall be charged.

(b) Instructors shall, in writing, request the number of certificates needed and shall remit a fee of two dollars (\$2.00) per certificate with a minimum request of 25 certificates per instructor. Requests for certificates shall be sent to:

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

All such fees shall be paid by certified check made payable to the North Carolina Department of Justice.

*History Note:* Authority G.S. 14-415.12; 150B-19(5); 1995 S.L., c. 507 s. 22;  
Temporary Adoption Eff. November 1, 1995;  
Eff. May 1, 1996;  
Amended Eff. February 1, 2014; November 1, 1998;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## **SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION**

### **SECTION .0100 - SCOPE, APPLICABILITY, AND DEFINITIONS**

#### **12 NCAC 09G .0101 SCOPE AND APPLICABILITY OF SUBCHAPTER**

This Subchapter governs the implementation of minimum standards for employment, training, and certification of two classes of corrections officers: correctional officers and probation/parole officers, as well as the standards for corrections schools and the state corrections certificate program. Definitions and procedures contained within 12 NCAC 09A through 09F do not apply to these classes of corrections officers, unless referenced. Only rules included in Subchapter 09G apply to these employees of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.

*History Note:* Authority G.S. 17C-1; 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; November 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

#### **12 NCAC 09G .0102 DEFINITIONS**

The following definitions apply throughout this Subchapter only:

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

- (2) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission identified in G.S. 17C.
- (3) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified offense.
- (4) "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 duly constituted, established adjudicating body, tribunal, or official, either civilian or military; or
  - (c) a plea of no contest, nolo contendere, or the equivalent.
- (5) "Correctional Officer" means an employee of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, responsible for the custody of inmates or offenders.
- (6) "Corrections Officer" means either or both of the two classes of officers employed by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice: correctional officer or probation/parole officer.
- (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies including the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (8) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (9) "Educational Points" means points earned toward the State Correction Officers' Professional Certificate Program for studies completed, with passing scores achieved, for semester hour or quarter hour credit 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. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (10) "High School" means a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
- (11) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.
- (12) "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 (12)(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 Department of Adult Correction section of 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-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>. 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.
- (13) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent with 12 NCAC 09G .0404, which are used to develop new training course curricula.
- (14) "Probation/Parole Officer" means an employee of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned to any other community-based program operated by the Division of Adult Correction and Juvenile Justice.
- (15) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.
- (16) "School" means an institution, college, university, academy, or agency that offers penal or corrections training for correctional officers or probation/parole officers. "School" includes the corrections training course curricula, instructors, and facilities.
- (17) "School Director" means the person designated by the Secretary of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice to administer the School.
- (18) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (19) "State Corrections Training Points" means points earned toward the State Corrections Officers' Professional Certificate Program by completion of Commission-approved corrections training courses. Twenty classroom hours of Commission-approved corrections training equals one State Corrections training point.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217; Temporary Adoption Eff. January 1, 2001; Eff. August 1, 2002; Amended Eff. December 1, 2018; January 1, 2017; January 1, 2015; April 1, 2009; 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, 2023.*

## **12 NCAC 09G .0103      RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES**

- (a) Petitions for Rule-Making shall be submitted to the Commission and shall contain:
- (1) petitioner's name, address and telephone number;
  - (2) a draft of the proposed rule or rule change for adoptions or amendments; and
  - (3) the reason for its proposal.
- (b) Petitioners may also submit the following in the petition:
- (1) the effect of the proposal on existing rules or decisions;
  - (2) data supporting the proposal;
  - (3) practices likely to be affected by the proposal; and
  - (4) a list or description of persons likely to be affected by the proposed rule.
- (c) Administrative hearings in contested cases conducted by the Commission or an Administrative Law Judge (as authorized in G.S. 150B-40) shall be governed by:
- (1) procedures set out in G.S. 150B, Article 3;
  - (2) the Rules of Civil Procedure as contained in G.S. 1A-1;
  - (3) the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.
- (d) The rules establishing procedures for contested cases incorporated by the Office of Administrative Hearings as contained in 26 NCAC 03 are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which this agency has authority to adopt rules under G.S. 150B-38(h).
- (e) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding Administrative Law Judge in 26 NCAC 03.
- (f) An applicant for certification or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.

*History Note: Authority G.S. 17C-6; 17C-11(b); 150B-20; 150B-38(h); 150B-40;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2019;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **SECTION .0200 - MINIMUM STANDARDS FOR CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE**

### **12 NCAC 09G .0201      EMPLOYMENT      PROCESS:      DOCUMENTATION:      AND      RECORDS RETENTION**

- (a) The North Carolina Department of Correction is a state agency and is subject to G.S. 126. The employment process shall be consistent with the rules established by the State Personnel Commission as authorized by G.S. 126-4(6) and 126-4(7)(a).
- (b) The North Carolina Department of Correction shall document the employment process and that the minimum standards for employment have been satisfied through forms as approved by the State Personnel Commission.
- (c) The North Carolina Department of Correction shall maintain and release those employment records in accordance with G.S. 126-24.

*History Note: Authority G.S. 126-4; 126-24;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09G .0202      CITIZENSHIP**

*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;  
Repealed Eff. July 1, 2024.

## **12 NCAC 09G .0203 AGE**

*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;  
Repealed Eff. November 1, 2024.

## **12 NCAC 09G .0204 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

- (a) Each applicant for certification as a correctional officer or probation/parole officer shall furnish 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, the Division of Non-Public Instruction, or a comparable out of state agency; or such documentation as described in Paragraphs (b), (c), (d), (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 the program must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or a comparable out-of-state statute.
- (c) Diplomas earned from high school or equivalent institutions outside of the United States must be translated into English and be accompanied by an authentic transcript. The Criminal Justice Standards Division (Division) 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 correspondence courses to ensure 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, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.
- (f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD-214 Certificate of Release from Active Duty.

*History Note:* Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; 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, 2023.

## **12 NCAC 09G .0205 MEDICAL EXAMINATION**

(a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, physician assistant, or nurse practitioner who holds a current license in the United States to practice medicine, as issued by a state medical board, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer as listed in the current job description provided by the North Carolina Department of Adult Correction.

(b) Prior to being examined, the applicant shall provide the examining physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed by the applicant; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2). The Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form shall notify the examining physician, physician's assistant, or nurse practitioner that the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.

(c) The examining physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

(d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and
- (2) an agency's submission of application for certification to the Commission.

*History Note:* Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Temporary Amendment Eff. February 15, 2022;  
Amended Eff. November 1, 2024; May 1, 2023; October 1, 2022; August 23, 2022.

## **12 NCAC 09G .0206 MORAL CHARACTER**

*History Note:* Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. October 1, 2017; April 1, 2017; January 1, 2015; June 1, 2012; April 1, 2009;  
August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. August 1, 2021;  
Repealed Eff. May 1, 2023.

## **12 NCAC 09G .0207 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 criminal history record check utilizing fingerprints against state and federal files.

(c) The employing agency will receive a report of the results of the criminal history 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, General Records Schedule: Local Government Agencies, established pursuant



to G.S. Chapter 121 and G.S. Chapter 132. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) An applicant for certification as a correctional officer or probation/parole officer may not be employed or placed in a position requiring certification by the Commission prior to the date on which the employing agency and Standards Division receive the report of the results of the criminal history record check utilizing fingerprints.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. May 1, 2023.*

## **12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS**

(a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the correctional officer is certified by the Commission.

(b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:

- (1) be a citizen of the United States, or have a U.S. Permanent Resident Card (Green Card) and have resided in the United States for at least three years;
- (2) be at least 18 years of age;
- (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- (5) have had a medical examination as required by 12 NCAC 09G .0205;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
- (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;
- (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
- (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s);
- (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: *In re Willis* 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E. 2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *in re Applicants for License*, 143 N.C.1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- (12) make the following notifications:
  - (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division (Division) and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (B) within 30 days of the qualifying event, notify the Division and the appointing agency head in writing of all criminal offenses which are dismissed or for which the officer pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual (correctional officers section) and offense of driving under the influence (DUI) or driving while impaired (DWI);
  - (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
  - (D) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case as handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the

Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

(c) Within 30 days of service, the agency head, provided he or she has knowledge of the correctional officer's arrests or criminal charges and final disposition, shall also notify the Standards Division of arrests, criminal charges and final dispositions.

(d) Within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall notify the Standards Divisions of these orders.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. May 1, 2023.  
Amended Eff. July 1, 2024.*

### **12 NCAC 09G .0209 MINIMUM STANDARDS FOR PROBATION/PAROLE OFFICERS**

(a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all items during which the probation/parole officer is certified by the Commission.

(b) Every probation/parole officer employed by the North Carolina Department of Adult Correction shall:

- (1) be a citizen of the United States
- (2) be at least 20 years of age
- (3) have attained a bachelor's degree as described in 12 NCAC 09G .0204;
- (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- (5) have had a medical examination as required by 12 NCAC 09G .0205;
- (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
- (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
- (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;
- (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
- (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0412. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s); and,
- (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others as more fully discussed and interpreted in: *In re Willis* 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E. 2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *in re Applicants for License*, 143 N.C.1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- (12) make the following notifications:
  - (A) within 30 days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (B) within 30 days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offense of driving under the influence (DUI) or driving while impaired (DWI);

- (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
- (D) within 30 days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
- (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standard Division of these orders; and
- (F) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case as handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. May 1, 2023.

#### **12 NCAC 09G .0210 BACKGROUND INVESTIGATION**

- (a) Prior to employing an applicant, the North Carolina Department of Adult Correction shall complete a background investigation on that applicant for certification. The investigation shall examine the applicant's character traits and habits relevant to performance as a correctional officer or probation/parole officer and shall determine whether the applicant is of good moral character.
- (b) The background investigation will consist of the following:
  - (1) verification of age;
  - (2) verification of education;
  - (3) criminal history check of local, state, and national files; and
  - (4) personal interview.
- (c) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the Criminal Justice Standards Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted.

*History Note:* Authority G.S. 17C-6;  
Eff. May 1, 2023.

#### **12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS**

- (a) Every correctional or probation/parole officer shall have produced a negative result on a drug screen administered according to the following specifications:
  - (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
  - (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen. If the specimen is handled only by a medical professional or a third party provider and the laboratory utilizes federally mandated chain of custody procedures, then the agency does not need an inter-agency chain of custody procedure. If agency staff will be handling the urine specimen at any point, then the agency needs an established chain of custody procedure. The chain of custody is an official document that establishes a process that tracks the movement of the urine specimen through its collection, safeguarding, and analysis lifecycle by documenting each person who handled the urine sample, the date/time it was collected or transferred, and the purpose of the transfer.

- (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites; and
  - (4) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at <https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>;
  - (5) conduct the test within 90 days of employment;
  - (6) pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (82 FR 7920), the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.
- (b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants. If the positive result was explained by the applicant to the satisfaction of the Medical Review Officer who pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920), holds a current license to practice medicine in the United States, as more likely than not caused by a source other than the unlawful use of substances listed in Subparagraph (a)(3) of this Rule, then the positive results are not required to be reported.
- (c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the officer has explained the positive result to the satisfaction of the Medical Review Officer, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing Programs (82 FR 7920) who holds a current license to practice medicine, in the United States as more like than not caused by a source other than the lawful use of substances listed in Subparagraph (a)(3) of the Rule then the positive results are not required to be reported.
- (d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of a controlled substance at a level equal to or greater than the threshold value, current at the time of the test as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.
- (e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the presence of an illegal drug at a level less than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.
- (f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

*History Note:* Authority G.S. 17C-6; 17C-10;  
Eff. May 1, 2023;  
Amended Eff: November 1, 2024.

## **SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS**

### **12 NCAC 09G .0301 CERTIFICATION OF CORRECTIONAL OFFICERS AND PROBATION/PAROLE OFFICERS**

Every person employed as a correctional officer or probation/parole officer shall be certified as prescribed by the Rules of this Section. The Commission shall certify an officer as either a probationary officer or general officer based on the officer's qualifications and experience, as specified in Rule .0303 and Rule .0304 of this Subchapter.

*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.

## **12 NCAC 09G .0302 CRIMINAL HISTORY RECORD**

(a) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer applicant, in North Carolina shall not have been convicted by a local, state, federal or military court of:

- (1) a felony;
- (2) a crime or unlawful act constituting a Class B misdemeanor as defined in 12 NCAC 09G .0102(10), if the conviction took place within three years prior to issuance of certification or if the person was under any corrections supervision imposed by the court as a result of the conviction within three years prior to the issuance of certification; or
- (3) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g) would prohibit the possession of a firearm or ammunition;

(b) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer probation/parole officer applicant, and probation/parole 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 or unlawful act constituting a Class B misdemeanor as defined in 12 NCAC 09G .0102(10), if the conviction took place within three years prior to issuance of certification or if the person was under any corrections supervision imposed by the court as a result of the conviction within three years prior to the issuance of certification; or
- (3) an offense that, pursuant to 18 USC 922(g) would prohibit the possession of a firearm or ammunition.

*History Note:* Authority G.S. 17C-6;  
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, 2023; October 1, 2020.

## **12 NCAC 09G .0303 PROBATIONARY CERTIFICATION**

(a) A prospective employee may commence active service as a correctional officer or probation/parole officer at the time of employment.

(b) Within 90 days of appointment to a position for which the Commission requires certification, the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall submit a completed Report of Appointment/Application for Certification to the Standards Division. The Report of Appointment/Application for Certification includes information regarding the appointee's personal identification, education, military service record, and any criminal convictions.

(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice submits a completed Report of Appointment/Application for Certification to the Standards Division.

(d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.

(e) The officer's Probationary Certification shall remain valid for 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) Documentation of Probationary Certification shall be maintained with the officer's personnel records with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice and the Commission.

*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.

## **12 NCAC 09G .0304 GENERAL CERTIFICATION**

- (a) The Commission shall grant an 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 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 of employment standards of 12 NCAC 09G .0205, .0208 (except 12 NCAC 09G .0208(4)), and .0209 (except 12 NCAC 09G .0209(4)) 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 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 corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Notice of Transfer to the Standards Division.
  - (1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current General 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.

**12 NCAC 09G .0305 RECERTIFICATION FOLLOWING SEPARATION**

- (a) Previously certified corrections officers, with a minimum of one year of service who have been separated from the North Carolina Department of Adult Correction for less than three years, may have their certification reinstated following a reverification of employment standards in 12 NCAC 09G .0202, .0203, .0208 (excluding 12 NCAC 09G .0208(4) and .0209 (excluding 12 NCAC 09G .0209(4)), but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0411.
- (b) Previously certified corrections officers with less than one year of service who have been separated from the North Carolina Department of Adult Correction for less than two years, may have their certification reinstated following a reverification of employment standards 12 NCAC 09G .0202, .0203, and .0208 (excluding 12 NCAC 09G .0208(5)) and .0209 (excluding 12 NCAC 09G .0209(5)), and shall complete the job appropriate basic training course described in 12 NCAC 09G .0411.
- (c) Previously certified corrections officers who have been separated from the North Carolina Department of Adult Correction for more than three years, upon their return shall complete the verification of employment standards and shall complete the job appropriate basic training course described in 12 NCAC 09G .0411.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. May 1, 2023.

**12 NCAC 09G .0306 RETENTION OF RECORDS OF CERTIFICATION**

(a) The North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall place in the officer's certification file the official notification from the Commission of either Probationary or General Certification for each correctional officer, probation/parole officer employed or appointed by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice. The certification file shall also contain:

- (1) the officer's Report of Appointment/Application for Certification, including the Department of Public Safety Personnel Action Form;
- (2) the officer's Medical History Statement and Medical Examination Report;
- (3) documentation of the officer's drug screening results;
- (4) documentation of the officer's educational achievements;
- (5) documentation of all corrections training completed by the officer;
- (6) documentation of the officer's psychological examination results;
- (7) documentation and verification of the officer's age;
- (8) documentation and verification of the officer's citizenship;
- (9) documentation of any prior criminal record; and
- (10) miscellaneous documents including letters, investigative reports, and subsequent charges and convictions;
- (11) oath of office; and
- (12) if separated, a copy of the Report of Separation or Department of Public Safety Action Form.

(b) All files and documents relating to an officer's certification shall be available for examination and utilization at any reasonable time by representatives of the Commission for the purpose of verifying compliance with the Rules in this Subchapter. These records shall be maintained in compliance with the North Carolina Department of Natural and Cultural Resources Records Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

*History Note: Authority G.S. 17C-2; 17C-6;  
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. August 1, 2019.*

## **12 NCAC 09G .0307 CERTIFICATION OF INSTRUCTORS**

(a) A person participating in a Commission-accredited corrections training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification or Professional Lecturer Certification as outlined in Rules .0308, .0310, and .0311 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this Section and as stated on the applicant's Application for Instructor or Professional Lecturer Certification F-12. The requirements to complete the Application for Instructor or Professional Lecturer are outlined in 12 NCAC 09B .0301.

(c) In addition to all other requirements of this Section each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur, 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 no more than three years; or
- (5) revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain currently knowledgeable in the person's areas of expertise by failing to attend trainings as required by the rules in this Chapter;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Basic Instructor Training Manual" as found in Rule .0414 of this Subchapter;
- (4) has failed to follow specific guidelines outlined in the basic corrections officers' training manual set out in Rules .0411 through .0416 of this Subchapter;
- (5) has demonstrated unprofessional personal conduct in the delivery of Commission approved or mandated training. For the purposes of this Subparagraph "unprofessional personal conduct" is identified as:
  - (A) job-related conduct that constitutes a violation of state or federal law;
  - (B) conviction or commission of a criminal offense as set out in Rule .0504 of this Subchapter;
  - (C) the willful violation of rules of this Chapter;
  - (D) conduct that is detrimental to instruction in the Commission's mandated courses. For purposes of this Chapter, conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;
  - (E) the physical or verbal abuse of a client or student who the instructor is teaching or supervising; or
  - (F) falsification of an instructor application or other employment documentation;
- (6) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial, financial, dating, or sexual even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists and
  - (A) the written notice to managing personnel shall include:
    - (i) school/agency name;
    - (ii) name of course;
    - (iii) name of the instructor, School Director, or Qualified Assistant;
    - (iv) name of student;
    - (v) name of managing personnel; and
    - (vi) nature of the relationship;
  - (B) the written notice from the school/agency managing personnel to the Standards Division shall be submitted within 10 days of receipt of notice from the instructor, School Director, or Qualified Assistant and shall include:
    - (i) school/agency name;
    - (ii) name of course;
    - (iii) name of the instructor, School Director, or Qualified Assistant;
    - (iv) name of student;
    - (v) name of managing personnel;
    - (vi) nature of the relationship; and
    - (vii) explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
- (7) has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
- (8) has failed to meet or maintain good moral character as defined in: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
- (9) has committed or been convicted of an offense that could result in the denial, suspension, or revocation of an officers certification pursuant to Rules .0204 or .0504 of this Subchapter;



- (10) has knowingly made a material misrepresentation of any information required for certification or accreditation.
- (f) When a person certified as an officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission (Fire Commission), Office of Emergency Medical Services and the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency has been denied certification or had his or her certification suspended or revoked by their respective Commission or agency the officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days. The General Instructor certification shall be (if applicable) suspended or revoked for the same time period as their respective Commission in accordance with the following:
- (1) this suspension or revocation of the General Instructor certification shall also include suspension or revocation to any Commission recognized specialized or additional instructor certification, as outlined in Rule .0310 of this Section;
  - (2) if the term of suspension or revocation exceeds the expiration date of the instructor's initial certification expiration date, they shall forfeit their certifications as a General Instructor and Specialized Instructor and shall be required to obtain certification pursuant to the requirements of Rule .0304 of this Section before any instruction may be delivered in any Commission-approved or mandated training, including the completion of a subsequent Instructor Training course in its entirety; and
  - (3) if the term of suspension or revocation does not exceed the expiration date of the instructor's initial certification expiration date, the instructor shall be reinstated as a General Instructor only upon reinstatement of his or her law enforcement officer certification by the Commission. The terms of renewal for the existing General Instructor and Specialized Instructor certifications shall remain subject to all renewal requirements pursuant to Rule .0309(c) of this Section by the next expiration date.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
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, 2020; August 1, 2019.*

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

- (a) General Instructor Certifications issued after December 31, 1984, shall be limited to those topics that are not expressly incorporated under the Specialized Instructor Certification category, specified in Rule .0310 of this Section. Individuals certified under the general instructor category are not authorized to teach any of the subjects specified in Rule .0310 of this Subchapter, entitled "Specialized Instructor Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process by meeting the following requirements:
- (1) Present documentary evidence showing that the applicant:
    - (A) is a high school, college, or university graduate or has received a high school equivalency credential as recognized by the issuing state; and
    - (B) has acquired four years of practical experience as a Criminal Justice Officer, Corrections Officer, Probation/Parole Officer an administrator or specialist in a field related to the criminal justice system, or an employee of a Criminal Justice Agency.
  - (2) Present evidence showing successful completion of a Commission-accredited instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
  - (3) Achieve a passing score on the comprehensive written examination administered by the Commission, as specified in 12 NCAC 09B .0413(d), within 60 days of completion of the Commission-accredited instructor training program.
- (b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the state comprehensive written examination administered by the Commission for the

Commission-accredited instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.

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

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2017; February 1, 2016; November 1, 2015; January 1, 2015; January 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09G .0309 TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements pursuant to Rule .0308 of this Section for certification as a general instructor shall, be in a probationary status, for a period not to exceed 12 months, until satisfying the requirements of Paragraph (b) of this Rule.

(b) The probationary instructor shall be eligible for General Instructor status if the instructor, submits to the Commission the following forms which are found on the agency website <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>:

- (1) a Form F-12A, signed by a certified School Director of In-Service Training Coordinator, indicating a favorable recommendation; and
- (2) a Form F-16, Commission Instructor Evaluation Form, indicating the Instructor taught a minimum of eight hours of Commission-accredited basic training, Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B .0601, 10B. 1302, or 10B .2005, during the probationary period. The Instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission.

(c) Probationary Instructors may request an extension of up to one year to teach the 8-hour minimum requirement. The Director may grant the requested extension upon showing of just cause based upon the circumstances that created the need for an extension. For purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the instructor from fulfilling the teaching requirement.

(d) The term of certification as a general instructor is indefinite, provided the instructor completes during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice Academy. The Standards Division shall post on its website on January 1 of the current year the list of instructors who have met this requirement during the previous calendar year.

(e) If the instructor fails to complete the instructor refresher training specified in Paragraph (d) of this Rule, he or she shall deliver eight hours of evaluated instruction in a Commission-accredited basic or Commission-recognized training course and complete the instructor refresher training specified in Paragraph (d) of this Rule within 60 days.

(f) If an instructor fails to meet the requirements of Paragraph (d) or (e) of this Rule, the certification period for the instructor shall cease, and the instructor shall be required to complete the requirements of Rule .0308 of this Section in order to obtain probationary instructor status.

(g) "Commission-recognized in-service training" shall mean training meeting the following requirements:

- (1) training is taught by an instructor certified by the Commission;
- (2) training utilizes a lesson plan in the Instructional Systems Design format; and
- (3) completion of training shall be demonstrated by a passing score on a written test as follows:
  - (A) a written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement;
  - (B) a student shall pass each test by achieving 70 percent correct answers; and

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

*History Note:* Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2017; June 1, 2012; August 1, 2006; January 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. July 1, 2020.

## **12 NCAC 09G .0310 SPECIALIZED INSTRUCTOR CERTIFICATION**

(a) The Commission may 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) Firearms (DOC);
- (2) Controls, Restraints, and Defensive Techniques (DOC).

(b) To qualify for Specialized Instructor Certification, an applicant must meet the following requirements:

- (1) hold General Instructor Certification, either probationary status or full general instructor status, as specified in 12 NCAC 09G .0309;
- (2) successfully complete the pertinent Commission-approved specialized instructor training course; and
- (3) obtain the recommendation of a Commission-certified School Director.

(c) To qualify for and maintain any Specialized Instructor Certification, an applicant must possess a valid CPR Certification that included cognitive and skills testing, through an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care.

*History Note:* Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2006; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

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

(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.

(b) Where certifications for both General Probationary Instructor and Specialized Instructor are issued on the same date, the instructor shall be required to instruct within three years after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

(c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification the specialized instructor may satisfy the teaching requirement for the General Probationary Certification by teaching the specialized subject for which certification has been issued.

(d) The term of certification as a specialized instructor shall not exceed three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0310 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, or Commission-recognized in-service training course. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, and written certification from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and
  - (A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule .0310 of this Section, or Commission-recognized in-service training course;
  - (B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, or Commission-recognized in-service training course, during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>.
  - (C) has met the requirement set forth in Rule .0309(c) of this Section.
- (e) The use of guest participants in a delivery of a Commission-mandated training course pursuant to this Section shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.

*History Note:* Authority G.S. 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Amended Eff. January 1, 2017; May 1, 2014; June 1, 2012; January 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. January 1, 2020.

## **12 NCAC 09G .0312 INSTRUCTOR CERTIFICATION RENEWAL**

- (a) Individuals who hold Specialized Instructor Certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Rule .0311(c) of this Section. The Director of the Standards Division may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.
- (b) The Director of the Standards Division may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted as specified in 12 NCAC 09G .0311(c). Such extension, however, shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period.

*History Note:* Authority G.S. 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Amended Eff. January 1, 2017; August 1, 2006; January 1, 2006;

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

### **12 NCAC 09G .0313      CORRECTIONS INSTRUCTOR TRAINING**

- (a) To successfully complete Corrections Instructor Training, the trainee shall:
- (1) complete all of the required course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Instructor Training Manual", as published by the North Carolina Justice Academy; and
  - (2) attain the passing score on each performance area as specified in the course abstract of Instructor Training Manual for the final written lesson plan and final 70-minute presentation.
- (b) If a trainee fails to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course.

*History Note:      Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. January 1, 2018; 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, 2021.*

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

- (a) A representative of the Standards Division shall administer a comprehensive written examination to each trainee who has completed the first 12 units of the Criminal Justice Instructor Training Course as described in the "Instructor Training" manual.
- (b) The examination shall be an objective test covering the topic areas contained in the accredited course curriculum.
- (c) A trainee shall achieve a passing score on the comprehensive written examination if he or she achieves a minimum of 75 percent correct answers.
- (d) A trainee who has participated in a scheduled delivery of an accredited training course and has demonstrated satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has failed to achieve the minimum passing score of 75 percent on the comprehensive written examination, may request the Director of the Standards Division to authorize a re-examination of the trainee.
- (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form and shall be received by the Standards Division within 30 days of the examination. The Re-Examination Request form is located on the Agency's website: <http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>.
  - (2) The trainee's request for re-examination shall include the favorable recommendation of the School Director who administered the course.
  - (3) A trainee shall have, within 60 days of the original examination, only one opportunity for re-examination and shall achieve a passing score on the subsequent examination.
  - (4) The trainee shall be assigned in writing by the Standards Division staff a place, time, and date for re-examination.
  - (5) Should the trainee not achieve a minimum score of 75 percent on the re-examination, the trainee shall not be given course completion and shall enroll and complete a subsequent offering of the instructor course before further examination may be permitted.
- (e) A trainee who fails to score at least 65 percent on the comprehensive written examination shall not be eligible for re-examination, and shall complete a subsequent offering of the instructor training course before further examination is permitted.

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

**12 NCAC 09G .0315      COMPREHENSIVE WRITTEN EXAM - SPECIALIZED INSTRUCTOR TRAINING**

- (a) At the conclusion of a school's offering of the "Specialized Firearms Instructor Training" and "Specialized Controls, Restraints and Defensive Techniques Instructor Training" course in its entirety, the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of the required course work. A trainee shall not be administered the comprehensive written examination until such time as all of the pertinent course work is completed.
- (b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the topic areas contained in the accredited course curriculum.
- (c) The Commission's representative shall submit to the School Director within five days of the administration of the examination a report of the results of the test for each trainee examined.
- (d) A trainee shall successfully complete the comprehensive written examination if he/she achieves a minimum of 75 percent correct answers.
- (e) A trainee who fails to achieve the minimum score of 75 percent on the Commission's comprehensive written examination shall not be given successful course completion and shall enroll and successfully complete a subsequent offering of the specialized instructor training course in its entirety before further examination may be permitted.

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

**12 NCAC 09G .0316      PROFESSIONAL LECTURER CERTIFICATION**

- (a) The Commission may issue Professional Lecturer Certification to a person in a profession, who, by virtue of academic degrees and professional expertise, has developed special knowledge in one or more of the following areas:
  - (1) Law;
  - (2) Psychology;
  - (3) Medicine.
- (b) To be eligible for such certification, an applicant shall:
  - (1) be a graduate of a regionally accredited law school, medical school, or other school accredited for conferring degrees in law, psychology or medicine;
  - (2) obtain the endorsement of a Commission-certified School Director who shall:
    - (A) recommend the applicant for certification as a professional lecturer;
    - (B) describe the applicant's expected participation, topical areas, duties, and responsibilities in a delivery of Commission-accredited training course conducted by the school; and
    - (C) describe the attributes showing the applicant to be a beneficial contributor to the delivery or presentation in a Commission-accredited training program.

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

**SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICER, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE**

**12 NCAC 09G .0401      ADMINISTRATION OF BASIC CORRECTIONS TRAINING SCHOOLS**

- (a) The Secretary of the North Carolina Department of Correction shall have primary responsibility for implementation of the rules in this Section. The executive officer or officers of the institution or agency shall secure School Certification pursuant to 12 NCAC 09G .0402 prior to offering any corrections training course.
- (b) The Secretary shall designate one compensated staff member for each Commission-certified program for which the North Carolina Department of Correction has been granted certification. Such staff member shall be formally

certified by the Commission under Rule .0405 of this Subchapter to be the corrections School Director. The School Director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and generally managing each sponsored certified corrections training course. If the certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified training course, an additional Qualified Assistant must be designated to assist the School Director in the administration of the course. This person must be selected by the School Director and must attend a course orientation conducted by Standards Division staff and attend the annual School Directors' Conference.

*History Note: Authority 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Temporary Adoption Expired December 20, 2001;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09G .0402 ACCREDITATION OF CORRECTIONS SCHOOLS**

(a) The Commission shall establish a standing subcommittee of the Education and Training Committee for the purposes of evaluating Request for School Accreditation applications and making recommendations to the Education and Training Committee on the granting of accreditation to institutions and agencies. The Accreditation Committee shall be comprised of two members appointed by the School Directors' Advisory Committee and two members who shall be commission members to include the North Carolina Community Colleges System's representative to the Commission. The Chairman of the Commission shall appoint the Chairman of the Accreditation Committee.

(b) Any school meeting the minimum requirements contained in 12 NCAC 09G .0400 must submit a properly completed Request for School Accreditation application. Upon receipt of a properly completed Request for School Accreditation application:

- (1) the Standards Division staff shall review the application for any omissions and clarifications and conduct a site visit to tour facilities, confirm information on the application, and determine if and where deficiencies exist;
- (2) the applying institution or agency shall be contacted concerning deficiencies and assistance shall be given on correcting problem areas;
- (3) the application and staff reports are submitted to the Accreditation Committee for review;
- (4) a recommendation shall be submitted to the Education and Training Committee on the approval or denial of the application; and
- (5) the Education and Training Committee shall recommend to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation for the applicant institution or agency.

(c) Accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked for just cause.

(d) The identity of those schools accredited under this Rule shall be published and distributed annually by the Standards Division together with the name and business address of the School Director and the schedule of corrections training courses planned for delivery during the succeeding year.

(e) A school may apply for reaccreditation to the Commission by submitting a properly completed Request for School Accreditation application. The application for reaccreditation shall contain information on changes in facilities, equipment, and staffing. Upon receipt of a properly completed application:

- (1) the Standards Division staff shall review the application for any omissions and clarification;
- (2) copies of the site visits conducted during the last period of certification shall be attached to the application;
- (3) the application and staff reports shall be submitted to the Accreditation Committee for review;
- (4) a recommendation shall be submitted to the Education and Training Committee on the approval or denial of the application; and
- (5) the Education and Training Committee shall recommend to the full Commission at its next regularly scheduled meeting the approval or denial of reaccreditation of the applicant institution or agency.

(f) In instances where accredited schools have been found to be in compliance with 12 NCAC 09G .0400 through favorable site visit reports, Standards Division staff shall be authorized to reaccredit on behalf of the Commission. Such action shall be reported to the Commission through the Accreditation Committee and the Education and Training Committee at its next scheduled meeting.

(g) The Commission may suspend or revoke a school's accreditation when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation.

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

### **12 NCAC 09G .0403 ACCREDITATION OF TRAINING COURSES**

(a) An accredited corrections school shall apply for accreditation for each of its courses by submitting a completed Request for Training Course Accreditation Form.

(b) One of two types of accreditation may be sought by the school, depending upon the nature of the course for which accreditation is sought.

(1) Temporary accreditation shall apply to courses being offered by an accredited school on a one-time basis and will remain effective for the duration of the specified course offering, not in excess of one year.

(2) Continuing accreditation shall apply to courses offered by an accredited school and will remain effective until surrendered, revoked, or the school's accreditation expires, or is suspended, or is revoked.

(c) The Commission may suspend or revoke the accreditation of a course when it finds that the school has failed to meet or to continuously maintain any requirement, standard, or procedure for course accreditation.

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

### **12 NCAC 09G .0404 PILOT COURSE PRESENTATION/PARTICIPATION**

(a) The Education and Training Committee shall recommend to the Commission the most efficient and effective delivery system and developer of course curricula for the implementation of newly developed training courses based upon the size of the target population, the nature and complexity of the training problem, and the availability of resources. Designation of the developer of course curricula by the Commission shall be deemed as approval of the developer to conduct pilot courses.

(b) Individuals who successfully complete a pilot course offering shall not be required by other rules of this Subchapter to complete additional training for that specific certification program. Such pilot training courses shall be recognized for purposes of certification or recertification.

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

### **12 NCAC 09G .0405 CERTIFICATION OF SCHOOL DIRECTORS**

(a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a Commission-certified corrections training course shall be and continuously remain certified by the Commission as a School Director.

(b) To qualify for initial certification as a corrections School Director, an applicant shall:

(1) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission;



- (2) Furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09G .0204.
- (3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required;
- (4) submit a completed Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This request shall be executed by the executive officer of the Office of Staff Development and Training of the North Carolina Department of Adult Correction, and shall contain the requirements as set forth in 12 NCAC 09B .0501(4).

(c) In addition to the requirements identified in Subparagraph (b) of this Rule, to qualify for certification as a School Director in the presentation of the "Criminal Justice Instructor Training Course" an applicant shall document successful completion of Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of the instructor training course and trainee evaluation.

*History Note: Authority G.S. 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Temporary Adoption Expired December 20, 2001;  
 Temporary Adoption Eff. April 15, 2003;  
 Eff. April 1, 2004;  
 Amended Eff. February 1, 2016; January 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. December 1, 2023.*

**12 NCAC 09G .0406 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION**

(a) The term of certification as a School Director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application the certification may subsequently be renewed by the Commission for two-year periods. The application for renewal, F-10 School Director/Qualified Assistant Application, shall meet the requirements as outlined in 12 NCAC 09B .0501(4).

(b) To retain certification as School Director, the School Director shall:

- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a School Director, as outlined in 12 NCAC 09G .0408;
- (2) Submit a renewal application executed by the executive officer of the institution or agency currently certified by the Commission to make presentation of certified training programs and for whom the applicant will be the designated School Director.
- (3) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(c) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the School Director from attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Temporary Adoption Expired December 20, 2001;  
 Temporary Adoption Eff. April 15, 2003;  
 Eff. April 1, 2004;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. December 1, 2023.*

**12 NCAC 09G .0407 SUSPENSION: REVOCATION: DENIAL/SCHOOL DIRECTOR CERTIFICATION**

- (a) The Commission may deny, suspend, or revoke certification of a School Director when the Commission finds that the person has failed to meet or maintain any of the requirements for qualification or through performance fails to comply with the rules of this Chapter.
- (b) Prior to the Commission's action denying, suspending, or revoking a School Director's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.
- (c) The Commission shall deny, suspend or revoke the certification of a School Director when they have found the person has engaged in any conduct outlined in 12 NCAC 09B .0301(e) and (f).

*History Note:* Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Temporary Adoption Expired December 20, 2001;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. August 1, 2019.

#### **12 NCAC 09G .0408 RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

In planning, developing, coordinating, and delivering each Commission-approved corrections training course, the School Director shall:

- (1) formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) schedule course presentation for delivery such that each training course required for certification shall be presented on a regular basis; and
- (3) select and schedule instructors who are certified by the Commission.

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

#### **12 NCAC 09G .0409 ADMISSION OF TRAINEES AND COURSE ENROLLMENT**

The school may not enroll any trainee later than the second day of delivery of an accredited training course unless the trainee's enrollment is pursuant to prescribed supplementary or remedial training required under 12 NCAC 09G .0410 of this Section.

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

#### **12 NCAC 09G .0410 WAIVER OF COMPLETION OF TRAINING**

- (a) The Commission may waive an officer's completion of the Commission-accredited training course upon receiving documentary evidence from the North Carolina Department of Correction that the officer has satisfactorily completed equivalent training. All such officers, however, shall serve a one year period of probationary certification as defined in 12 NCAC 09G .0303.
- (b) Training received in states with laws governing or regulating corrections officer training shall, if subject to such review, have been approved or certified by the appropriate agency of the state in which the training was received.
- (c) The Commission shall prescribe as a condition of certification supplementary or remedial training deemed necessary to equate previous training with current standards.
- (d) The Commission shall require satisfactory performance on a written examination as proof of equivalent training.

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

*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0411 BASIC TRAINING FOR CORRECTIONAL OFFICERS**

(a) The basic training course for correctional officers shall consist of at least 160 hours of instruction, as approved by the Commission, designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a correctional officer. The instructional components of this course must be listed in the "Basic Correctional Officer Training Manual," and shall include firearms training; controls, restraints, and defensive techniques; legal issues for correctional supervision; emergency procedures; Division of Prisons operational processes such as classification, search and seizure, health services, and contemporary correctional theory.

(b) The "Basic Correctional Officer Training Manual" as published by the North Carolina Department of Correction is to be applied as the basic curriculum for delivery of correctional officer basic training courses. Copies of this publication may be inspected at the office of the agency:

The Office of Staff Development and Training  
North Carolina Department of Correction  
2211 Schieffelin Road  
Apex, North Carolina 27502  
With mailing address:  
MSC 4213  
Raleigh, North Carolina 27699-4213  
and may be obtained at cost from the Department of Correction.

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

**12 NCAC 09G .0412 BASIC TRAINING FOR PROBATION/PAROLE OFFICERS**

(a) The basic training course for probation/parole officers shall consist of at least 216 hours of instruction, as approved by the Commission, designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a probation/parole officer. The instructional components of this course shall be listed in the "Basic Probation/Parole Officer Training Manual," and shall include firearms training; administrative matters, review and testing; controls, restraints, and defensive techniques; court processes; case processing and management; arrest procedures; basic life support; employee wellness; professional ethics; personal and professional conduct; and contemporary correctional theory.

(b) The "Basic Probation/Parole Officer Training Manual" as published by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall be applied as the curriculum for probation/parole officer basic training courses specified in Paragraph (a) of this Rule. Copies of this publication may be inspected at the office of the agency:

The Office of Staff Development and Training  
North Carolina Department of Public Safety  
Division of Adult Correction and Juvenile Justice  
2211 Schieffelin Road  
Apex, North Carolina 27502  
With mailing address:  
MSC 4213  
Raleigh, North Carolina 27699-4213

and may be obtained at the cost of printing and postage from the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

*History Note: Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*

*Eff. August 1, 2002;*  
*Amended Eff. January 1, 2015; February 1, 2006; August 1, 2004;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0413 BASIC TRAINING FOR PROBATION/PAROLE OFFICERS-INTERMEDIATE**

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

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

(a) The Instructor Training course required for General Instructor certification shall consist of at least the minimum number of hours of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days. 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:

- (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 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 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.

(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the functions of a criminal justice instructor.

(c) The "Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

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

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

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

*History Note: Authority G.S. 17C-6;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Amended Eff. April 1, 2022; July 1, 2021; January 1, 2021.*

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

(a) The instructor training course requirement for Corrections Specialized Instructor Training – Firearms certification shall consist of at least 80 hours of instruction presented during a period of not more than two consecutive weeks. 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:

- (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 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 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.

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

(c) Each Corrections Specialized Firearms Instructor Training course shall include the following topical areas:

- (1) Course Overview;
- (2) Legal Considerations for Firearm Instructors;
- (3) Department of Public Safety, Division of Adult Correction Firearms Training Courses;
- (4) Firearms Safety;
- (5) Range Operations;
- (6) Medical Emergencies on the Range;
- (7) Handgun – Operation, Use and Maintenance:
  - (A) Handgun Training – Classroom and Range;
  - (B) Handgun Low/Limited Light Fire; and
  - (C) Handgun Care and Maintenance;
- (8) Advanced Handgun Training – Classroom and Range;
- (9) Shotgun Operation, Use and Maintenance:
  - (A) Shotgun Training – Classroom and Range;
  - (B) Shotgun Low/Limited Light Fire – Range; and
  - (C) Shotgun Care and Maintenance;
- (10) Special Techniques, Training Aids, and Methods;
- (11) Situational Use of Firearms:
  - (A) The Shooting Decision;
  - (B) Situational Use of Firearms;
  - (C) Situational Exercises – Day; and
  - (D) Situational Exercises – Low/Limited Light; and
- (12) Administrative Matters, Testing, and Evaluation.

(d) The Commission certified school that is certified to offer the "Corrections Specialized Instructor Training - Firearms" course is the Office of Staff Development and Training of the North Carolina Department of Public Safety.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022.*

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

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

- (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 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 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.

(b) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a corrections controls, restraints, and defensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for correctional officers and probation/parole officers.

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

- (1) Introduction to Controls, Restraints, and Defensive Techniques;
- (2) Physical Fitness/Warm-up and Stretching;
- (3) Response to Injury;
- (4) Basic Controls and Techniques;
- (5) Advanced Controls and Techniques;
- (6) Restraint Applications; and
- (7) CRDT Program Student Evaluations and Testing.

(d) The Commission-certified school that is certified to offer the "Corrections Specialized Instructor Training/Controls, Restraints, and Defensive Techniques" course is the Office of Staff Development and Training of the North Carolina Department of Public Safety.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2014; November 1, 2005; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022.*

## **12 NCAC 09G .0417 CERTIFICATION OF QUALIFIED ASSISTANT**

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a Commission approved training course, a Qualified Assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission, pursuant to 12 NCAC 09B .0302;
- (3) furnish documentary evidence to the Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09B .0104.
- (4) attend or have attended the most current offering of the Qualified Assistant's orientation as developed and presented by the Commission staff;
- (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the issuance of such certification. This application shall be executed by the certified School Director of the institution or agency currently accredited to administer Commission approved training courses and for whom the applicant will be the designated Qualified Assistant; and
- (6) In addition to the requirements identified in this Paragraph, to qualify for certification as a Qualified Assistant in the presentation of the Criminal Justice Instructor Training Course, an

applicant shall document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on delivery of instructor training course and student evaluations.

(b) As directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in Rule .0408 of this Section.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 2020;  
Amended Eff. November 1, 2024.*

#### **12 NCAC 09G .0418 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule .0417(a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person failed to meet or maintain any of the requirements for qualification or failed to comply with the rules of this Chapter.

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division shall notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it has found the person has engaged in any conduct outlined in Rule .0307 of this Subchapter.

(e) To retain certification as a Qualified Assistant, the Qualified Assistant shall:

- (1) Participate in annual training conducted by Commission staff. This annual training shall be delivered in a conference, classroom, or virtual format and shall contain information relevant to the responsibilities of a Qualified Assistant, as outlined in Rule .0417(c) of this Section;
- (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission.

(f) The Director shall grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances, which precluded the Qualified Assistant from attending the scheduled annual training. Qualified Assistants who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 2020;  
Amended Eff. November 1, 2024.*

### **SECTION .0500 - ENFORCEMENT OF RULES**

#### **12 NCAC 09G .0501 INVESTIGATION OF VIOLATION OF RULES**

(a) If any corrections agency, school, 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 Subchapter, the Commission may take action to correct the violation and to ensure that similar violations do not occur.

(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) The Probable Cause Committee may:

- (1) direct the Standards Division to conduct a further investigation of the alleged violation;
- (2) request the Attorney General to authorize an investigation by the State Bureau of Investigation of the alleged violation;
- (3) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to 12 NCAC 09G .0103; or
- (4) determine the appropriate sanctions against the violator pursuant to the Commission's rules.

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

#### **12 NCAC 09G .0502 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:

- (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 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 and verification of such compliance has been made by the Commission; or
- (5) suspend and 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;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09G .0503 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 Commission may take action to correct the violation and to ensure that the violation does not reoccur, 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; or
- (5) revoking or denying the individual's certification.

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

#### **12 NCAC 09G .0504 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

- (a) The Commission shall revoke the certification of a correctional officer or probation/parole officer when the Commission finds that the officer has committed or been convicted of a felony offense.
- (b) The Commission shall deny the certification of a correctional officer when the Commission finds the officer has been convicted of a felony.
- (c) The Commission shall deny the certification of a probation/parole officer when the Commission finds the officer has committed or been convicted of a felony offense.
- (d) The Commission may, based on the evidence for each case, suspend, revoke, or deny the certification of a corrections officer, as defined in 12 NCAC 09G .0102(4) when the Commission finds that the applicant for certification or the certified officer:
  - (1) has not enrolled in and completed with passing scores the required basic training course in its entirety in time periods prescribed in 12 NCAC 09G .0400 applicable to a specified position or job title;



- (2) fails to meet or maintain one or more of the employment standards required by 12 NCAC 09G .0200 for the category of the officer's certification or fails to meet or maintain one or more of the training standards required by 12 NCAC 09G .0400 for the category of the officer's certification;
  - (3) for correctional officers as defined in 12 NCAC 09G .0102(3), have been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) within a three year period prior to the date of application for employment or have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification, whichever is later;
  - (4) for correctional officers as defined in 12 NCAC 09G .0102(3), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) after certification;
  - (5) for probation/parole officers as defined in 12 NCAC 09G .0102(12), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) for a three year period prior to the date of application for employment or after certification have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
  - (6) has been discharged by the North Carolina Department of Adult Correction for:
    - (A) commission or conviction of a motor vehicle offense requiring the revocation of the officer's drivers license; or
    - (B) lack of good moral character as defined in 12 NCAC 09G .0206;
  - (7) has been discharged by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice because the officer lacks the mental or physical capabilities to fulfill the responsibilities of a corrections officer;
  - (8) has knowingly made a material misrepresentation of any information required for certification or accreditation;
  - (9) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, obtained or attempted to obtain credit, training, or certification from the Commission;
  - (10) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;
  - (11) has failed to notify the Standards Division of all criminal charges or convictions as required by 12 NCAC 09G .0208 or .0209;
  - (12) 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;
  - (13) has refused to submit to an applicant drug screen as required by 12 NCAC 09G .0206; or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the Department of Public Safety, Division of Adult Correction and Juvenile Justice;
  - (14) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09G .0206, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory; or
  - (15) has been denied certification or had such certification suspended or revoked by a previous action of the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, the North Carolina Sheriffs' Education and Training Standards Commission, or a similar North Carolina, out of state, or federal approving, certifying, or licensing agency whose function is the same or similar to the agencies if the certification was denied, suspended, or revoked based on grounds that would constitute a violation of this Subchapter.
- (e) Following suspension, revocation, or denial of the person's certification, the person shall not remain employed or appointed as a corrections officer and the person shall not exercise any authority of a corrections officer during a period for which the person's certification is suspended, revoked, or denied.

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

*Amended Eff. May 1, 2023; December 1, 2018; January 1, 2015; April 1, 2009; December 1, 2004; 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, 2023; August 1, 2021.*

**12 NCAC 09G .0505 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

(a) When the Commission revokes or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of the sanction shall be permanent where the cause of the sanction is the commission or conviction of a felony offense, and shall be 10 years where the cause of sanction is:

- (1) the second suspension of an officer's certification for any of the causes requiring a three-year period of suspension; or
- (2) revocation or denial of certification by the North Carolina Sheriffs' Education and Training Standards Commission based on grounds that would constitute a violation of this Subchapter.

(b) When the Commission suspends or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of sanction shall be not less than three years; however, the Commission may 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) conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), for a three year period prior to the date of application, or completion of any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
- (2) commission or conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), after certification;
- (3) discharge by the North Carolina Department of Adult Correction pursuant to 12 NCAC 09G .0504(b)(4) and (b)(5) of this Section;
- (4) refusal to submit to the applicant drug screen required by the Rules in this Subchapter;
- (5) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09G .0205, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory;
- (6) the applicant has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (7) the applicant has knowingly and willfully obtained, attempted to obtain, aided another person to obtain, or aided another person attempt to obtain credit, training or certification by any means of false pretense, deception, defraudation, misrepresentation or cheating;
- (8) failure to make either of the notifications as required by 12 NCAC 09G .0208 or .0209;
- (9) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or
- (10) certification revoked or denied by the North Carolina Sheriffs' Education and Training Standards Commission, if such certification was revoked or denied based on grounds that would constitute a violation of Section 09G of these Rules.

(c) When the Commission suspends or denies the certification of a corrections 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;
- (2) failure to meet or maintain the minimum standards for certification; or
- (3) discharge from the North Carolina Department of Adult Correction for impairment of physical or mental capabilities.

*History Note: Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Amended Eff. December 1, 2018; December 1, 2004;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Amended Eff. May 1, 2023; January 1, 2022.*

## **12 NCAC 09G .0506 SUMMARY SUSPENSIONS**

(a) The Commission, by and through the Probable Cause Committee, may summarily suspend the certification of a corrections officer or instructor before the commencement of proceedings for suspension or revocation of the certification when, in the opinion of the Probable Cause Committee, the public health, safety, or welfare requires this emergency action of summary suspension. The Commission has determined that the following condition specifically affects the public health, safety, or welfare and therefore it, by and through the Probable Cause Committee, may utilize summary suspension: when the corrections officer has committed or been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification.

(b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee may meet upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.

(c) A summary suspension shall be effective on the date specified in the order of summary suspension or on service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings.

(d) Upon verbal notification by the Director that the certification of an officer or instructor is being summarily suspended by written order, the North Carolina Department of Correction shall take such steps as are necessary to ensure that the officer or instructor does not perform duties requiring certification by the Commission.

(e) The Commission, by and through the Director, upon determining that a Commission-certified instructor has conducted Commission-approved training course in a way that was not in accordance with the requirements of this Chapter or has conducted a Commission-approved training course while being in violation of the instructor's minimum standards as outlined in 12 NCAC 09G .0307 shall do the following until such time as the training course or his or her instructor certification has been brought into compliance:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the noncompliance is remedied; and
- (2) the Director shall send a report of all summary suspensions for formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(f) The Commission, by and through the Director, upon determining a Commission-certified instructor has been alleged to have violated a certification rule as outlined in this Chapter shall do the following:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the matter is resolved; and
- (2) the Director shall send a report of all summary suspensions for formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(g) The Commission, by and through the Director, upon a Finding of Probable Cause by the Probable Cause Committee that an instructor has violated a certification rule outlined in this Chapter shall summarily suspend the individual's instructor certification. A summary suspension shall be effective on the date specified in the order of summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings.

*History Note: Authority G.S. 17C-6; 17C-10; 150B-3;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. August 1, 2021.*

## **SECTION .0600 - PROFESSIONAL CERTIFICATE PROGRAM**

### **12 NCAC 09G .0601 PURPOSE**

In order to recognize the level of competence of corrections officers serving within the State, to foster increased interest in college education and professional corrections training programs, and to attract highly qualified individuals into a corrections career, the Criminal Justice Education and Training Standards Commission establishes the State Corrections Officers' Professional Certificate Program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and on-the-job experience.

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

## **12 NCAC 09G .0602 GENERAL PROVISIONS**

(a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:

- (1) The officer shall hold a general correctional officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding.
- (2) The officer shall hold general certification with the Commission in one of the following categories:
  - (A) correctional officer; or
  - (B) probation/parole officer.
- (3) The officer shall be a permanent, full-time, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (4) Permanent, paid employees of the Department of Public Safety, Division of Adult Correction and Juvenile Justice who have completed a Commission-certified corrections officer basic training program and have previously held general certification as specified in 12 NCAC 09G .0602(a)(1) and 12 NCAC 09G .0602(a)(2), but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires employment with the Department of Public Safety, Division of Adult Correction and Juvenile Justice from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(b) Awards are based upon a formula that combines formal education, corrections training, and actual experience as a corrections officer. Points are computed in the following manner:

- (1) each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;
- (2) 20 classroom hours of Commission-approved corrections training shall equal one point; and
- (3) only experience as a permanent, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice or the equivalent experience as determined by the Commission shall be acceptable of consideration.

Point requirements for each award are described in 12 NCAC 09G .0604 and .0605.

(c) Certificates shall be awarded in an officer's area of expertise only. The State Corrections Certificate is appropriate for permanent, paid corrections employees employed by the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; June 1, 2012; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09G .0603 BASIC STATE CORRECTIONS CERTIFICATE**

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Repealed Eff. October 1, 2018.*

**12 NCAC 09G .0604 INTERMEDIATE STATE CORRECTIONS CERTIFICATE**

(a) In addition to the qualifications set forth in 12 NCAC 09G .0602(a) of this Section, an applicant for the Intermediate State Corrections Certificate shall possess or be eligible to possess the Basic State Corrections Certificate and shall have acquired the following combination of educational points or degrees, corrections training points and years of corrections experience:

Educational Degrees				AA/AS	AB/BS
Years of Corrections Experience	8	6	4	4	2
Minimum Corrections Training Points				15	10
Minimum Total Education and Training Points	30	60	90	15	10

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college, or university accredited as such by the Department of Education of the state in which the institution is located, the appropriate regional accrediting body, or the state university of the state in which the institution is located.

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

**12 NCAC 09G .0605 ADVANCED STATE CORRECTIONS CERTIFICATE**

(a) In addition to the qualifications set forth in 12 NCAC 09G .0602(a) of this Section, an applicant for the Advanced State Corrections Certificate shall possess or be eligible to possess the Intermediate State Corrections Certificate and shall have acquired the following combinations of educational points or degrees, corrections training points and years of corrections experience:

Educational Degrees				AA/AS	AB/BS	GRAD./PRO.
Years of Corrections Experience	12	9	9	9	6	4
Minimum Corrections Training Points	-	-	25	25	15	10
Minimum Total Education and Training Points	60	90	25	25	15	10

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college, or university accredited as such by the Department of Education of the state in which the institution is located, the regional national accrediting body, or the state university of the state in which the institution is located.

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

**12 NCAC 09G .0606 METHOD OF APPLICATION**

(a) All applicants for an award of the basic, intermediate, or advanced certificates in the professional certificate program shall complete an "Application for Award of State Corrections Certificate."

- (b) Documentation of education and training shall be provided by certified copies of transcripts, diplomas, Report of Training Course Completion, agency training records, or other verifying documents attached to the application.
- (c) The applicant shall submit the "Application for Award of State Corrections Certificate" to his department head who shall attach his recommendation and forward the application to the Commission. Certificates will be issued to the Department head for award to the applicant.
- (d) Certificates and awards remain the property of the Commission, and the Commission shall have the power to cancel or recall any certificate or award.

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

## **SECTION .0700 - FORMS**

### **12 NCAC 09G .0701 REPORT: APPLICATION: AND CERTIFICATION FORMS**

(a) The following are Commission approved forms to be used by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice in making reports, applications, or requests for certification to the Commission:

- (1) The Medical History Statement. The Medical History Statement is a questionnaire to be completed by an applicant. The form includes information pertinent to the applicant's present and past physical condition, injuries, diseases, or operations.
- (2) The Medical Examination Report. The Medical Examination Report is a form provided to the examining physician to record the results of the applicant's medical examination. The Medical Examination Report is form that includes the following information regarding the applicant:
  - (A) contact information;
  - (B) date of birth; and
  - (C) medical information.
- (3) The Request for School Accreditation Form. The Request for School Accreditation Form provides the means for an agency or institution to become certified to conduct corrections training and to affiliate with the Criminal Justice Education and Training System. It seeks information on the physical, financial, and staff support provided to the school by the agency or institution.
- (4) The Request for Training Course Accreditation Form. The Request for Training Course Accreditation Form is used to obtain accreditation for a school's particular offering of a corrections training course. It requests information regarding the administration of the course, the particular facilities to be used, and the proposed curriculum of the course.
- (5) The Report of Appointment/Application for Certification. The Report of Appointment/Application for Certification is used for reporting the appointment of correctional officers and probation/parole officers, and indicating the applicant's progress toward completing the requirements for certification. The Report of Appointment/Application for Certification form includes the following information:
  - (A) type of certification;
  - (B) applicant contact information;
  - (C) criminal history;
  - (D) military history;
  - (E) applicant appointment date and position title; and
  - (F) medical information.
- (6) Notice of Transfer. The Notice of Transfer form is used to notify the Standards Division of an officer's change in the type of corrections officer certification. The Notice of Transfer form includes the following information:
  - (A) applicant information;
  - (B) transfer information;
  - (C) employment date and title; and
  - (D) education completed.

- (7) Report of Separation. The North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, when separating a person from employment as a correctional officer or probation/parole officer shall forward to the Commission a completed Report of Separation or Department of Public Safety Personnel Action Form within 30 days of separation. The Report of Separation form includes the following information:
- (A) type of certification;
  - (B) applicant contact information;
  - (C) criminal history; and
  - (D) applicant appointment date and position title.
- (8) The Request for Instructional Certification Form. The Request for Instructional Certification Form is used by persons seeking certification as general instructors. It seeks information regarding personal and professional background as well as documentation of the specific criteria for certification. The Request for Instructional Certification form includes:
- (A) applicant contact information;
  - (B) certification type;
  - (C) employment date and title;
  - (D) education completed;
  - (E) practical experience; and
  - (F) recommendation
- (9) The Recommendation for General Instructor Certification Form. The Recommendation for General Instructor Certification Form is completed by a School Director or agency head after an instructor has finished the required probationary period. In the form the official recommends that the instructor receive General Instructor Certification and certifies that the official has observed and evaluated the instructor to be a teaching professional. The Recommendation for General Instructional Certification form includes:
- (A) applicant contact information;
  - (B) certification type;
  - (C) employment date and title;
  - (D) education completed;
  - (E) practical experience; and
  - (F) recommendation
- (10) The Application for Award of State Corrections Certificate. The Application For Award of State Corrections Certificate requests information regarding the education, training, and experience qualifying the applicant for various levels of certification under the State Corrections Officers' Professional Certificate Program. The Application for Award of State Corrections Certificate form includes:
- (A) applicant contact information;
  - (B) certificate type;
  - (C) employment date and title;
  - (D) education completed;
  - (E) practical experience; and
  - (F) recommendation

(b) All forms contained in this Rule may be accessed on the agency's website at <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>

*History Note:* Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002.  
Amended Eff. December 1, 2018;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## **SUBCHAPTER 09H - QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS**

## **SECTION .0100 - FIREARMS QUALIFICATION CERTIFICATION PROGRAM**

### **12 NCAC 09H .0101 PURPOSE**

The Commission hereby establishes rules to allow for the firearms qualification certification of qualified retired law enforcement officers, as defined in G.S. 14-415.10, who are authorized by federal law, Section 926C of Title 18 of the United States Code, to lawfully carry handguns concealed. The rules in this Section establish the method by which a qualified retired officer shall be tested to determine whether the officer meets the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm. The rules in this Section do not apply to qualified retired law enforcement officers who complete the required training and firearms qualification with the agency from which they retired.

*History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26; Eff. April 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09H .0102 MINIMUM TRAINING SPECIFICATIONS**

- (a) Firearms Training and Qualification shall consist of a minimum of four hours and include the requirements of Paragraphs (c), (d) and (e) of this Rule.
- (b) Each qualified retired law enforcement officer shall qualify with each handgun he or she carries in accordance with the guidelines in the In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy relating to rounds fired, distances, the ratio of shots fired from each yard line and positions of fire.
- (c) Qualification shall include a day and night qualification course with each handgun he or she carries, and a single day and night combat course with one handgun that he or she carries.
- (d) Each qualified retired law enforcement officer shall receive a minimum of two hours of instruction on the North Carolina laws of self-defense, the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private citizens.
- (e) Instruction shall include a review of firearms safety and basic marksmanship fundamentals.
- (f) The qualification requirements shall be achieved at least once in a single day in no more than three attempts per day for each course of fire and for each weapon for which qualification is required. Officers not qualifying in a single day for each course of fire shall be deemed as a failure and the retired qualified law enforcement officers shall not be allowed to carry that weapon until such time as the qualification requirements have been met.
- (g) Qualified retired law enforcement officers shall be certified for a period of 12 months from the date the application is approved by the Commission. Upon application for renewal, the certification shall be renewed by the Commission for 12-month periods provided the qualified retired law enforcement officer meets the rules specified in this Subchapter.

*History Note: Authority G.S. 14-415.10; 14-415.25; 14.415.26; 17C-6; Eff. May 1, 2009; Amended Eff. April 1, 2017; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019; Amended Eff. July 1, 2020.*

### **12 NCAC 09H .0103 INSTRUCTORS**

- (a) Only instructors who hold Specialized Instructor Certification in Firearms issued by the Criminal Justice Education and Training Standards Commission as outlined in Rules 09B .0302 and 09B .0304 may conduct the firearms qualification training as specified in Rule 09H .0102.
- (b) Each instructor specified in Paragraph (a) of this Rule shall record and retain the firearms qualification scores for each qualified retired law enforcement officer trained by the instructor for a period of five years. These scores shall not be transmitted to the Criminal Justice Standards Division unless requested but must be available for inspection by Criminal Justice Standards Division representatives at reasonable times. If the instructor is conducting training on behalf of a North Carolina, governmental law enforcement agency, the North Carolina Justice Academy, or a North Carolina Community College, the institution shall maintain the records in lieu of the instructor in order to comply with this Rule.



(c) Upon successful qualification, the instructor shall sign and date the Retired Law Enforcement Officers Firearms Qualification Certification Application Form (F-9R) attesting to the successful qualification.

*History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26;  
Eff. April 1, 2009;  
Amended Eff. December 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09H .0104 SANCTIONS**

(a) The Commission shall deny or revoke the applicant for firearms qualification certification or the qualified retired law enforcement officer's firearms qualification certification when the Commission finds the applicant or retired officer has willfully and intentionally falsified any application or documentation required for qualification certification. Any applicant or qualified retired law enforcement officer denied or revoked may request an administrative hearing with the Commission subsequent to the summary denial or revocation in accordance with G.S. Chapter 150B, Article 3A.

(b) The Commission may deny or suspend the applicant or retired law enforcement officer's firearms qualification certification when the Commission finds the applicant or retired officer:

- (1) has failed to successfully complete the required training or qualification specified in Rule 09H .0102; or
- (2) is ineligible to receive and possess firearms under federal or state law.

(c) Before taking action, the Standards Division shall investigate the alleged violation of Paragraph (b) of this Rule and present a report of its findings to the Probable Cause Committee of the Commission.

(d) The Probable Cause Committee may:

- (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 12 NCAC 09A .0107 and 26 NCAC 03; or
- (3) determine the appropriate sanctions against the violator pursuant to Paragraphs (f) and (g) of this Rule.

(e) Denials or revocations in accordance with Paragraph (a) of this Rule are permanent. The retired officer is ineligible to ever receive firearms qualification certification from the Commission.

(f) Denials or suspensions in accordance with Paragraph (b) of this Rule are:

- (1) until the applicant or retired officer has successfully completed the required training or qualification specified in Rule 09H .0102; or
- (2) until the applicant or retired officer is eligible to receive or possess firearms under federal or state law.

(g) Any applicant or qualified retired law enforcement officer who receives firearms qualification certification under the rules in this Section who becomes ineligible under any of the standards enumerated in this Rule shall notify the Criminal Justice Standards Division of such disqualification within 10 calendar days of the occurrence of the event.

*History Note: Authority G.S. 17C-6; 14-415.10; 14-415.25; 14-415.26;  
Eff. April 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09H .0105 FILING AND FEES**

Each applicant for firearms qualification certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program shall submit the following to the Commission:

- (1) a Commission application form (Form F-9R) containing the applicant's notarized signature which attests that the applicant meets the definition of qualified retired law enforcement officer set forth in G.S. 14-415.10 and is eligible to receive or possess firearms under federal and state law. The Form F-9R, available on the agency's website at <http://www.ncdoj.gov/getdoc/23af3614-2aa2-4416-bbae-25cbe9441e06/1F-9R-8-09.aspx>, shall include the signature of a Commission certified Specialized Firearms Instructor attesting that the applicant has met the training and qualification

standards as specified in Rule 09H .0102 and lists the handguns with which the qualified retired officer qualified;

- (2) a copy of the qualified retired officer's photographic identification indicating retirement status issued by the law enforcement agency from which the applicant retired; and
- (3) a fee of fifty dollars (\$50.00) for the initial one-year qualification and a fee of twenty-five dollars (\$25.00) for the annual renewal thereafter. Applications and fees shall be submitted to:

Criminal Justice Standards Division  
North Carolina Department of Justice  
Post Office Drawer 149  
Raleigh, NC 27602.

All fees shall be paid by certified check or money order made payable to the North Carolina Department of Justice.

*History Note:* Authority G.S. 14-415.10; 14-415.25; 14-415.26; 17C-6;  
Eff. April 1, 2009;  
Amended Eff. April 1, 2017;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.