

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 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) a combination of four or more Class A Misdemeanor or Class B Misdemeanor regardless of the date;
- (8) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g)(8), would prohibit the possession of a firearm or ammunition.

(b) 12 NCAC 09A .0103(5) defines "Commission of an offense" as a finding by the North Carolina Criminal Justice Education and Training Standards Commission 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.

12 NCAC 09B .0115 MINIMUM STANDARDS PROBATION/PAROLE INTENSIVE OFFICER

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
Salemburg, 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 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. 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
Salemberg, 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
Salemburg, 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
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; 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, Salemburg, 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
Salemburg, 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 60th 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
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.

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
Salemburg, 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
Salemburg, 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
Salemburg, 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/>. 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 31st 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 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 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. 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
Salemberg, 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.

(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.*