## **Proposed Rule Amendments**

## **Public Hearing:**

August 21, 2014 – 10:30 am
Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27502

**Instructions for Oral and Written Comments:** The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Trevor Allen
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602
(919) 779-8205

Title:

Law Enforcement In-Service Training
Department of Justice, Criminal Justice Standards Division Agency:

Trevor Allen (919) 779-8211 Contact: **Impact Summary:** State Government: No

Local Government: No (minimal)

Substantial Impact: No Small Business: No

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12 NCAC 09E 010!	5: LAW ENFORCEMENT	OFFICER'S IN-SI	ERVICE TRAINING	PROGRAM

□ Statutory authority for the rule change: G.S. 17C-6; 17C-10
□ Amendment: The Criminal Justice Education and Training Standards Commission amends this rule annually in order to update the required in-service training topics for law enforcement officers.
□ State Impact: None
□ Local Government Impact: None
□ Substantial Economic Impact: No
□ Small Business Impact: No
See Rules beginning on next page.

12 NCAC 09E .0105 is proposed for amendment as follows:

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

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

- (1) 2014 2015 Firearms Training and Qualification (6 credits);
- (2) 2014 2015 Legal Update (4 credits);
- (3) 2014 2015 Juvenile Minority Sensitivity Training: A Juvenile Now What? Training: What does it have to do with me? (2 credits);
- (4) 2014 Officer Safety: The First Five Minutes 2015 Domestic Violence: Teen Dating Violence (4 (2 credits); and
- (5) 2014 2015 Department Topics of Choice (8 10 credits). The Department Head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission.
- (b) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of the:

**Criminal Justice Standards Division** 

**North Carolina Department of Justice** 

1700 Tryon Park Drive

Raleigh, North Carolina 27610

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

**North Carolina Justice Academy** 

**Post Office Drawer 99** 

Salemburg, North Carolina 28385

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

**Criminal Justice Standards Division** 

**North Carolina Department of Justice** 

1700 Tryon Park Drive

Raleigh, North Carolina 27610

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

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**Post Office Drawer 99** 

Salemburg, North Carolina 28385

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

(e) Successful completion of training shall be demonstrated by passing a written test for each inservice training topic, as follows:

(1) A written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement;

(2) A student shall pass each test by achieving 70 percent correct answers; and

(3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student must complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

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

Eff. July 1, 1989;

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

Temporary Amendment Eff. January 1, 2005;

Amended Eff. February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1, 2009;

April 1, 2008; February 1, 2007; January 1, 2006.

12 NCAC 09B .0202: RESPONSIBILITIES OF THE SCHOOL DIRECTOR 12 NCAC 09B .0205: BASIC LAW ENFORCEMENT TRAINING 12 NCAC 09B .0209: CRIMINAL JUSTICE INSTRUCTOR TRAINING 12 NCAC 09B .0226: SPECIALIZED FIREARMS INSTRUCTOR TRAINING 12 NCAC 09B .0227: SPECIALIZED DRIVER INSTRUCTOR TRAINING 12 NCAC 09B .0232: SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING 12 NCAC 09B .0233: SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING 12 NCAC 09B .0302: GENERAL INSTRUCTOR CERTIFICATION 12 NCAC 09B .0304: SPECIALIZED INSTRUCTOR CERTIFICATION 12 NCAC 09B .0401: TIME REQUIREMENT FOR COMPLETION OF TRAINING 12 NCAC 09B .0406: COMPREHENSIVE WRITTEN EXAMINATION - BASIC LAW ENFORCEMENT **TRAINING** 12 NCAC 09B .0408: COMPREHENSIVE WRITTEN EXAMINATION - BASIC SMI TRAINING 12 NCAC 09B .0413: COMPREHENSIVE WRITTEN EXAMINATION - INSTRUCTOR TRAINING 12 NCAC 09B .0414: COMPREHENSIVE WRITTEN EXAMINATION - SPECIALIZED INSTRUCTOR TRAINING 12 NCAC 09B .0416: SATISFACTION OF MINIMUM TRAINING - SMI INSTRUCTOR 12 NCAC 09C .0211: PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION 12 NCAC 09C .0403: REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION 12 NCAC 09G .0308: GENERAL INSTRUCTOR CERTIFICATION 12 NCAC 09G .0314: COMPREHENSIVE WRITTEN EXAMINATION - INSTRUCTOR TRAINING 12 NCAC 09G .0414: INSTRUCTOR TRAINING □ Statutory authority for the rule changes: G.S. 17C-2; 17C-6; 17C-10; 150B-11 ☐ Amendment: The Criminal Justice Education and Training Standards Commission voted to remove the comprehensive written examination from the curricula of Commission training courses. With these rule revisions, the Commission also removes the responsibility of the School Director of SMI and Instructor courses to coordinate and provide time and facility during the delivery of these courses for the administration of the comprehensive written examination. ☐ State Impact: None

Department of Justice, Criminal Justice Standards Division

Title:

Agency:

Contact:

**Impact Summary:** 

**Various** 

Trevor Allen (919) 779-8211

Local Government: No (minimal)

State Government: No

Substantial Impact: No Small Business: No

☐ Local Government Impact: None
☐ Substantial Economic Impact: No
☐ Small Business Impact: No
See Rules beginning on next page.

#### TITLE 12 – DEPARTMENT OF JUSTICE

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Criminal Justice Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 09B .0202, .0205, .0209, .0226, .0227, .0232, .0233, .0302, .0304, .0401, .0406, .0408, .0413-.0414; 09C .0211, .0403; and 09G .0308, .0314, .0414.

Agency	obtained G.S. 150B-19.1 certification:
	OSBM certified on:
$\boxtimes$	<b>RRC certified on:</b> <i>April 17, 2014 and May 16, 2013</i>
	Not Required

**Link to agency website pursuant to G.S. 150B-19.1(c):** http://www.ncdoj.gov/getdoc/b624de9e-34a3-4c46-a6e3-75d174107e93/Public-Hearing\_Rule-Revisions\_8-21-14.aspx

**Fiscal Note if prepared posted at:** http://www.osbm.state.nc.us/files/pdf\_files/DOJ06042013\_4.pdf

**Proposed Effective Date:** November 1, 2014

**Public Hearing**: **Date:** August 21, 2014

Time: 10:30 a.m.

Location: Wake Technical Community College, Public Safety Training Center, 321 Chapanoke Road, Raleigh, NC

27603

Reason for Proposed Action: The Criminal Justice Education and Training Standards Commission voted to remove the comprehensive written examination from the curricula of all Commission courses. The examination is still required for certification, but is being removed as part of the individual courses. This will allow students to successfully complete the course work, yet will still have to pass the required exam in order to become certified as officers, instructors or Speed Measurement Instrument operators.

**Comments may be submitted to:** Trevor Allen, 1700 Tryon Park Drive, Raleigh, NC 27610; phone (919) 779-8205; fax (919) 779-8210; email tjallen@ncdoj.gov

Comment period ends: August 21, 2014

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal	State f Enviro Analys Local f Substa	check all that apply). Funds affected Commental permitting of DOT affected Sis submitted to Board of Transportation funds affected Committed to Board of Transportation
	CH	IAPTER 09 – CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS
SUB	CHAPT	ER 09B – STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING
SEC	o. NOIT	200 – MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION
(a) In		.0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR  g, developing, coordinating, and delivering each Commission-certified criminal justice training ool Director shall:
course,	(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 must 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)	Review each instructor's lesson plans and other instructional materials for conformance to
	(6)	Commission standards and to minimize repetition and duplication of subject matter;
	(6)	Arrange for the timely availability of appropriate audiovisual aids and materials, publications,
	(7)	facilities, and equipment for training in all topic areas;
	(7)	Develop, adopt, reproduce, and distribute any supplemental rules, regulations, 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 and 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 procedures and standards, give
	` /	consideration to advisory guidelines issued by the Commission, and ensure that the training
		offered is safe and effective;
	(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

(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:

Education-and-Training-Standards/Forms-and-Publications.aspx.

course to the Commission.

<u>(12)</u>

(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;

All forms required for submission to the Commission are located on the Agency's website: <a href="http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-">http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-</a>

- (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;
- (3) Schedule only those 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 in any other capacity;
- (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas as outlined in Rule .0304(a) of this Subchapter, schedule one specialized certified instructor certified by the Commission for each six trainees while actively engaged in a practical performance exercise;
- (5) Schedule one specialized certified instructor certified by the Commission for each eight trainees while actively engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques;"
- (6) Not schedule any 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 15 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation as set out in 12 NCAC 09C .0211 .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the state comprehensive exam, along and include with the following attachments:
  - (A) a course schedule showing arrangement of topical presentations and proposed instructional assignments; and
  - (B) a copy of any rules, regulations, and requirements for the school. A copy of such 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 Commission forms 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 Commission forms in accordance with Commission standards as set out in this Chapter. These evaluations shall 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 designated instructor certified by the Commission 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 appropriate 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; Subchapter; and
- (10) During a delivery of Basic Law Enforcement Training, make available to the Commission four hours of scheduled class time and classroom facilities for the administration of a written examination to those trainees who have satisfactorily completed all course work; and
- (11)(10) Not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, 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) which that shall include:

- (A) a "Student Course Completion" form for each individual enrolled on the day of orientation; and
- (B) a "Certification and Test Score Release" form.
- (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 to include 40 hours of instruction each week during consecutive calendar weeks until course requirements are completed;
  - (2) Schedule at least one evaluator for each six trainees, as follows:
    - (A) no evaluator shall be assigned more than six trainees during a course delivery;
    - (B) each evaluator, as well as the instructors, must have successfully 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
    - (C) each instructor and evaluator must document successful participation in a program presented by the <u>North Carolina</u> 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) [Form F-10A(ITC)] with the following attachments:
    - (A) a course schedule showing 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, regulations, and requirements for the school; and
  - (4) Not more than 10 days after course completion 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 designation of instructors and evaluators utilized in delivery;
    - (C) scores recorded for each trainee on both the 80 minute skill presentation and the final written examination; presentation; and
    - (D) designation of trainees who successfully 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:
  - select and schedule radar, time-distance, or lidar 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; 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 date, submit to the Director of the Standards Division a Request for Training Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] which shall contain a period of course delivery including the proposed starting date, course location 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 if the request is approved or denied; and
  - (3) upon completing delivery of the Commission-certified course, and not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, 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. 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.

Authority G.S. 17C-6.

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

- (a) The basic training course for law enforcement officers consists of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.
- (b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 620 616 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

(1)	LEGAL	UNIT	
	(A)	Motor Vehicle Laws	20 Hours
	(B)	Preparing for Court and Testifying in Court	12 Hours
	(C)	Elements of Criminal Law	24 Hours
	(D)	Juvenile Laws and Procedures	8 Hours
	(E)	Arrest, Search and Seizure/Constitutional Law	28 Hours
	(F)	ABC Laws and Procedures	4 Hours
	UNIT T	OTAL	96 Hours
(2)	PATRO	L DUTIES UNIT	
	(A)	Techniques of Traffic Law Enforcement	24 Hours
	(B)	Explosives and Hazardous Materials Emergencies	12 Hours
	(C)	Traffic Crash Investigation	20 Hours
	(D)	In-Custody Transportation	8 Hours
	(E)	Crowd Management	12 Hours
	(F)	Patrol Techniques	28 Hours
	(G)	Law Enforcement Communication and Information Systems	8 Hours
	(H)	Anti-Terrorism	4 Hours
	(I)	Rapid Deployment	8 Hours
	UNIT T		124 Hours
(3)	LAW E	NFORCEMENT COMMUNICATION UNIT	
	(A)	Responding to Victims and the Public	10 Hours
	(B)	Domestic Violence Response	12 Hours
	(C)	Ethics for Professional Law Enforcement	4 Hours
	(D)	Individuals with Mental Illness and Developmental Disabilities	8 Hours
	(E)	Crime Prevention Techniques	6 Hours
	(F)	Communication Skills for Law Enforcement Officers	8 Hours
	UNIT T		48 Hours
(4)		ΓIGATION UNIT	
	(A)	Fingerprinting and Photographing Arrestee	6 Hours
	(B)	Field Note-taking and Report Writing	12 Hours
	(C)	Criminal Investigation	34 Hours
	(D)	Interviews: Field and In-Custody	16 Hours
	(E)	Controlled Substances	12 Hours
	(F)	Human Trafficking	2 Hours
	UNIT T		82 Hours
(5)		ICAL 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)	SHER	RIFF-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)	COU	RSE ORIENTATION	2 Hours
(8)	TEST	TING	<del>20</del> <u>16</u> Hours
	TOTA	AL COURSE HOURS	620 616 Hours

(c) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used as the curriculum for this training course for law enforcement officers 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 a cost of eighty-seven dollars and ten cents (\$87.10) from the North Carolina Justice Academy at the following address:

North Carolina Justice Academy Post Office Drawer 99 Salemburg, 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.

Authority G.S. 17C-6; 17C-10.

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

- (a) The instructor training course required for general instructor certification shall consist of a minimum of 77 75 hours of instruction presented during a continuous period of not more than two weeks.
- (b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice instructor.
- (c) Each instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

JI 000011 00		
(1)	Orientation/Self Assessment	3 Hours
(2)	Curriculum Development: ISD Model	3 Hours
(3)	Law Enforcement Instructor Liabilities	2 Hours
	and Responsibilities	
(4)	Interpersonal Communication in Instruction	4 Hours
(5)	Lesson Plan Preparation: Professional Resources	2 Hours
(6)	Lesson Plan Preparation: Format and Objectives	6 Hours
(7)	Teaching Adults	4 Hours
(8)	Principles of Instruction: Demonstration Methods and	
	Practical Exercise	6 Hours
(9)	Methods and Strategies of Instruction	4 Hours
(10)	The Evaluation Process	4 Hours
(11)	Principles of Instruction: Audio-Visual Aids	6 Hours
(12)	Student 10-Minute Talk and Video Critique	6 Hours
(13)	Student Performance:	
	First 30-Minute Presentation	6 Hours
	Second 30-Minute Presentation	6 Hours
	Final 80-Minute Presentation and Review	12 Hours
(14)	_Examination and Course Closing	3 Hours 1 Hour

(d) The "Basic Instructor Training Manual" "Instructor Training" manual as published by the North Carolina Justice Academy shall be applied used as the basic curriculum for delivery of basic instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division North Carolina Department of Justice

114 West Edenton Street

Old Education Building 1700 Tryon Park Drive

Post Office Drawer 149 Raleigh, North Carolina 27602

and may be purchased from the Academy at the following address:

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

Authority G.S. 17C-6.

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

- (a) The instructor training course for specialized firearms instructor certification shall consist of a minimum of 83 81 hours of instruction presented during a continuous period of not more than two weeks.
- (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 Course or a "Law Enforcement Officers' In Service Firearms Training and Qualification Program". law enforcement officer in-service firearms training program.
- (c) Each applicant for specialized firearms instructor training shall:
  - (1) have completed the criminal justice general instructor training course; and
  - (2) present a written endorsement by either
    - (A) a certified school director indicating the student will 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 will be utilized to instruct firearms in a "Law Enforcement Officers' In Service Firearms Training and Qualification Program." law enforcement officer inservice firearms training program.
- (d) Each specialized firearms instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation/Pretest	8 Hours
(2)	Range Operations	38 Hours
(3)	Civil Liability	4 Hours
(4)	Night Firing	2 Hours
(5)	Combat Shooting	8 Hours
(6)	Mental Conditioning	1 Hours
(7)	Shotgun Operation and Firing	4 Hours
(8)	Service Handgun - Operation and Use	5 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/Post Test Review	3 Hours 1 Hour

(e) The "Specialized Firearms Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized firearms 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 no cost to the student from the Academy at the following address:

North Carolina Justice Academy

Post Office Box 99 Salemburg, North Carolina 28385

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

Authority G.S. 17C-6.

#### 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 35 33 hours of instruction presented during a continuous period of not more than one week.
- (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 will 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 will be utilized to instruct driver training in the "Law Enforcement Officer's Annual In-Service Training Program";
  - (3) possess a valid operator driver's license; and
  - (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years.
- (d) Each specialized driver instructor training course shall include the following identified topic areas and instructional hours for each area:

(1)	Orientation	1 Hours
(2)	Lesson Plan Review (BLET)	4 Hours
(3)	General Mechanical Knowledge	1 Hour
(4)	Before - Operation Inspection	1 Hours
(5)	Laws of Natural Force & Operating Characteristics	2 Hours
(6)	Driver Practicum/Pre-Test	19 Hours
(7)	Fundamentals of Professional Liability for Trainers	4 Hours
(8)	Course Review/State Exam Review	3 Hours 1 Hour

(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of 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 no cost to the student from the Academy at the following address:

North Carolina Justice Academy Post Office Box 99

Salemburg, North Carolina 28385

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

Authority G.S. 17C-6.

## 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 80 78 hours of instruction presented during a continuous period of not more than two weeks.
- (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 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 general instructor training course;
  - (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course; and
  - (3) present a written endorsement by either
    - (A) a certified school director indicating the student will be utilized 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 will be utilized to instruct Subject Control Arrest Techniques for the "Law Enforcement Officers' In-Service Training Program."
- (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	l Hour
(2)	Skills Pre-Test	1 Hour
(3)	Student Instructional Practicum	3 Hours
(4)	Practical Skills Evaluation	3 Hours
(5)	Response to Injury	4 Hours
(6)	Combat Conditioning	12 Hours
(7)	Safety Guidelines/Rules	2 Hours
(8)	Practical Skills Enhancement	4 Hours
(9)	Subject Control/Arrest Techniques Practical Skills and Instructional Methods	44 Hours
(10)	Fundamentals of Professional Liability For Law Enforcement Trainers	4 Hours
(11)	State Comprehensive Examination/Course Closing	<del>2 Hours</del>
	TOTAL	80 <u>78</u> Hours

(e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized subject control arrest techniques 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 no cost to the student from the Academy at the following address:

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

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

Authority G.S. 17C-6.

### 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  $\frac{60}{58}$  hours of instruction presented during a continuous period of not more than two weeks.

- (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; or
    - (B) hold a current and valid North Carolina Teacher's Certificate and hold a minimum of a baccalaureate degree in physical education and be teaching in physical education topics;
    - (C) be presently instructing physical education topics in a community college, college or university and hold a minimum of possess a baccalaureate degree in physical education; and
  - (2) present a written endorsement by either
    - (A) a school director indicating the student will 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 will 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.
- (d) Each specialized physical fitness instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	5 Hours
(2)	Lesson Plan Review	4 Hours
(3)	Physical Fitness Assessments, Exercise Programs and Instructional Methods	31 Hours
(4)	Injury Care and Prevention	4 Hours
(5)	Nutrition	6 Hours
(6)	Civil Liabilities for Trainers	2 Hours
(7)	CVD Risk Factors	2 Hours
(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours
<del>(9)</del>	State Examination	2 Hours
	TOTAL	60 <u>58</u> Hours

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of 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 no cost to the student from the Academy at the following address:

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

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

Authority G.S. 17C-6.

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

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

(a) General Instructor Certification issued after December 31, 1984 shall be limited to those topics which are not expressly incorporated under the Specific Instructor Certification category. Individuals certified under the general instructor category are not authorized to teach any of the subjects specified in Rule 09B .0304, entitled "Specific Instructor Certification". Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional

process to the satisfaction of the Commission. The applicant shall meet the following requirements for General Instructor Certification:

- (1) Present documentary evidence showing that the applicant:
  - (A) is a high school graduate, or has passed the General Education Development Test (GED) indicating high school equivalency, and
  - (B) has 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.
- (2) Present evidence showing successful completion of a Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.
- (3) Successfully pass the comprehensive written examination administered by the Commission, as required in Rule .0413(d) of this Subchapter.
- (b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant successfully passed the state comprehensive examination administered at the conclusion of completed the Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.
- (c) Persons having completed a Commission-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 not having made application within 60 days of completion of the course shall complete a subsequent Commission-certified instructor training course in its entirety.
- (d) Applicants for Speed Measuring Instrument Instructor courses must possess full general instructor certification.

Authority G.S. 17C-6.

#### 12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION

- (a) The Commission may issue a Specialized Instructor Certification to an applicant who has developed specific motor skills and abilities by virtue of special training and demonstrated experience in one or more of the following topical areas:
  - (1) 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 <u>Adult Correction and Juvenile Justice</u>);
  - (7) Medical Emergencies (Department of Public Safety, Division of <u>Adult Correction and</u> Juvenile Justice); or
  - (8) Explosive and Hazardous Materials Emergencies Emergencies.
- (b) To qualify for and maintain any Specialized Instructor Certification, an applicant must possess a valid CPR Certification that includes cognitive and skills testing, through an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care. the American Red Cross, American Heart Association, American Safety and Health Institute or National Safety Council;
- (c) An applicant must 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.
- (c)(d) To qualify for Specialized Instructor Certification in the Subject Control Arrest Techniques topical area, an applicant must 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;
- <u>Successfully complete Complete</u> the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; course; and
- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.
- (d)(e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant must 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; an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care;
    - (B) hold, or have held, basic Emergency Medical Technician certification;
    - (C) have successfully completed the Department of Transportation's 40 hour EMT Instructor

      Course or equivalent within the last three years or hold a North Carolina teaching

      certificate; 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 an organization whose curriculum meets the national standard;
    - (C) hold, or have held, basic EMT certification; and
    - (D) obtain the recommendation of a Commission-certified school director or in-service training coordinator.
- (e)(f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant must 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) <u>Successfully complete Complete</u> the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; course; and
  - (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.
  - (f)(g) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an applicant must 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) <u>Successfully complete Complete</u> the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; course; and
    - (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.
  - (g)(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) successfully complete the pertinent Commission-approved specialized instructor training course and achieve a minimum score of 75 percent on the Commission's comprehensive written examination; course; and

- (C) obtain the recommendation of a Commission-certified School Director.
- (2) The second method is:
  - (A) <u>successfully complete</u> <u>Complete</u> the pertinent Commission-approved specialized instructor training <u>course</u> and <u>achieve a minimum score of 75 percent on the Commission's comprehensive written examination; course;</u>
  - (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 <u>Teacher's Certificate</u> <u>Professional Educator's</u> <u>License, issued by the Department of Public Instruction</u> and 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.
- (h)(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 must 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) <u>Successfully complete Complete</u> the pertinent Commission-approved specialized instructor training course; and
  - (3) Obtain the recommendation of a Commission-certified school director.
- (i)(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 must meet the following requirements:
  - (1) Have successfully 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, within the 12 month period preceding application; enterprise;
  - (2) Hold instructor certification in CPR and First Aid by fulfillment of the American Red Cross

    Instructor requirements; and 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.
- (j)(k) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant must 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) <u>successfully complete Complete</u> the pertinent Commission-approved specialized instructor training <u>course</u> and <u>achieve a minimum score of 75 percent on the Commission's comprehensive written examination; course;</u> and
    - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.
  - (2) The second option is:
    - (A) have successfully 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) <u>successfully complete</u> <u>Complete</u> the pertinent Commission-approved specialized instructor training course; and
    - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

Authority G.S. 17C-6.

## 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 satisfactorily complete a commission-accredited basic training course which includes training in the skills and knowledge necessary to perform the duties of his office. The officer shall complete such course within one year from the date of his original appointment as determined by the date of the probationary certification.
- (b) Each law enforcement officer, except wildlife enforcement officers, shall have satisfactorily completed in its entirety the accredited basic training course as prescribed in 12 NCAC 09B .0205(b) prior to obtaining probationary certification.
- (c) Each wildlife enforcement officer shall have satisfactorily completed in its entirety the Basic Training Wildlife Enforcement Officers' course stipulated in 12 NCAC 09B .0228(b) prior to obtaining probationary certification.
- (d) If a trainee completes the basic training course prior to being employed as a law enforcement officer, the trainee shall be duly appointed and sworn as a law enforcement officer within one year of the completion of training successfully passing the comprehensive written exam as specified in Rule .0406 of this Section for that basic training course to be recognized under these Rules. This one year period shall begin with the successful completion of the State Comprehensive Examination.
- (e) If local confinement <u>supervisory and administrative</u> personnel complete basic training prior to being employed by a facility in a <u>supervisory and administrative</u> position <u>which that</u> requires certification, such personnel shall be duly appointed to a local confinement facility <u>supervisory and administrative</u> position within one year of the completion of training for <u>that the</u> basic training course <u>specified in 12 NCAC 09B .0205</u>. to be recognized under these Rules. This one year period shall begin with the successful completion of the <u>State Comprehensive Examination</u>. comprehensive written exam.

Authority G.S. 17C-2; 17C-6; 17C-10.

## 12 NCAC 09B .0406 COMPREHENSIVE WRITTEN EXAMINATION – BASIC LAW ENFORCEMENT RAINING

- (a) At Within 60 days of the conclusion of a school's offering of the Basic Law Enforcement Training Course in its entirety, the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of the required course work. A trainee shall not be administered the comprehensive written examination until such time as all of the course work is completed.
- (b) The examination shall be comprised of six units as specified in 12 NCAC 09B .0205(a). .0205(b). Each unit is designed to test the trainees' proficiency in that unit.
- (c) The Commission's representative shall submit to the school director within five <u>business</u> days of the administration of the examination a report of the results of the test for each trainee examined.
- (d) A trainee shall have successfully completed achieved a passing score on the comprehensive written examination upon achieving a minimum of 70 percent correct answers on each of the six units as prescribed in 12 NCAC 9B .0406(b). Paragraph (b) of this Rule.
- (e) 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 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/she he or she failed to make a passing score of 70 percent:
  - (1) the <u>The</u> 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 <u>The</u> trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course(s).
  - (3) a <u>A</u> trainee shall have, within 90 60 days of the original examination(s), only one opportunity for re-examination and shall satisfactorily complete the subsequent unit examination in its entirety.
  - (4) the <u>The</u> trainee will be assigned in writing by the Director of the Standards Division a place, time, and date for re-examination.
  - (5) should Should the trainee on re-examination not achieve the prescribed a minimum score of 70 percent on the examination, the trainee may not be given successful course completion and shall enroll and successfully complete a subsequent offering of the Basic Law Enforcement Training Course in its entirety.

(f) A trainee who fails to achieve a passing score of 70 percent on three or more of the units as prescribed in 12 NCAC 09B .0406(b) shall not be given the opportunity for re-examination on those units; and shall enroll in and successfully complete a subsequent offering of the Basic Law Enforcement Training Course in its entirety.

Authority G.S. 17C-6; 17C-10.

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

- (a) At 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, an authorized representative of the Commission shall administer to all candidates for certification as operators a comprehensive written examination. the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily 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 <u>business</u> 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 fully 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 the prescribed 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. trainee, under the following requirements:
  - (g)(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:
  - (h)(2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course;
  - (i)(3) A trainee shall have, within 90 60 days of the original examination, only one opportunity for reexamination and shall satisfactorily complete the subsequent examination in its entirety: and
  - (j)(4) The trainee shall be notified by the Standards Division staff of a place, time, and date for re-examination.
- (k)(h) If the trainee fails to achieve the prescribed 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 in its entirety before further examination may be permitted.

Authority G.S. 17C-6.

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

- (a) An authorized representative of the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily 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 successful 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 consisting of multiple-choice, true-false, or similar questions covering the topic areas contained in the accredited course curriculum.
- (c) The Commission's representative shall submit to the school director within five <u>business</u> days of the administration of the examination a report of the results of the test for each trainee examined.
- (d) A trainee shall successfully complete achieve a passing score on the comprehensive written examination if he/she he or she achieves a minimum of 75 percent correct answers.

- (e) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has failed to achieve the minimum passing score of 75 percent on the 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 60 days of the original examination, only one opportunity for reexamination and shall satisfactorily complete the subsequent examination in its entirety.
  - (4) The trainee will be assigned in writing by the Standards Division staff a place, time, and date for re-examination.
  - (5) Should the trainee on re-examination not achieve the prescribed minimum score on the examination, the trainee may not be given successful course completion and shall enroll and successfully complete a subsequent offering of the instructor course in its entirety before further examination may be permitted.
- (f) A trainee who fails to score at least 65 percent on the Commission's comprehensive written examination shall be terminated from the course.

Authority G.S. 17C-6; 17C-10.

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

(a) At the conclusion of a school's offering of the "Specialized Firearms Instructor Training," "Specialized Driver Instructor Training," "Specialized Subject Control Arrest Techniques Instructor Training," "Specialized Physical Fitness Instructor Training," "Specialized Explosives and Hazardous Materials Instructor Training," the "Radar Instructor Training," the "Criminal Justice Time Distance/Speed Measurement Instrument (TD/SMI) Instructor Training," the "LIDAR Instructor Training," the "Re Certification Training for Radar Instructors," the "Re Certification Training for LIDAR Instructors" courses, the The Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of the required course work. 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) <u>Re-Certification Training for Radar Instructors;</u>
- (10) Re-Certification Training for TD/SMI Instructors; and
- (11) Re-Certification Training for LIDAR Instructors.

The Commission shall administer the comprehensive written examination within 60 days of the trainee's completion of all required course work. A trainee cannot be administered the comprehensive written examination until such time as all of the required course work is completed.

- (b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the topic areas contained in the certified course curriculum.
- (c) The Commission's representative shall submit to the school director within five <u>business</u> days of the administration of the examination a report of the results of the test for each trainee examined.
- (d) A trainee shall successfully complete 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 successfully complete a subsequent offering of the specialized instructor training course in its entirety before further examination may be permitted.

Authority G.S. 17C-6; 17C-10.

#### 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: shall
  - (1) satisfactorily 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; and attendance.
  - (2) achieve a score of 75 percent correct answers on a Commission administered comprehensive written examination.
- (b) If the trainee passes the written examination but fails to meet the minimum criteria on an area demonstrate 100 percent competence in each of motor skills motor-skill or performance area, testing, he/she he or she shall be authorized one opportunity for a re-test. Such re-test must shall be at the recommendation of the school director and a request must shall be made to the Standards Division within 30 days of the original testing. Re-examination must shall be completed within 90 days of the original testing. Failure on the re-test requires enrollment in a subsequent SMI operator course and an SMI instructor course.

Authority G.S. 17C-6; 17C-10.

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

### SECTION .0200 - FORMS

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

The Pre-delivery Report of Training Course Presentation, is a form on which the School Director notifies the Commission of its intent to present the Basic Law Enforcement Training course. Information requested includes includes: the number of hours; delivery period; location; anticipated number of trainees; and a topical course schedule including proposed instructional assignments.

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

Authority G.S. 17C-6; 150B-11.

### SECTION .0400 - ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS AND TRAINING COURSES

#### 12 NCAC 09C .0403 REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION

- (a) Each presentation of the "Basic Law Enforcement Training" course shall be reported to the Commission as follows:
  - (1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Pre-delivery Report of Training Course Presentation; and
  - (2) Not more than 10 days Upon after completing delivery of the accredited course, and not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Post-delivery Report of Training Course Presentation.

Note: Special arrangements shall be made between the Standards Division and the school director for the reporting of law enforcement achievement in a Public Safety Officer course.

(b) Upon successful completion of a Commission-accredited training course by state youth services <u>Juvenile Justice</u> <u>Officer</u> trainees, the director of the school conducting such course shall notify the Commission of the satisfactory achievement of trainees by submitting a monthly Report of Training Course Completion.

Authority G.S. 17C-6; 17C-10.

## SUBCHAPTER 09G – STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND CERTIFICATION

# SECTION .0300 – CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, PROBATION/PAROLE OFFICERS-INTERMEDIATE, AND INSTRUCTORS

#### 12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION

- (a) General Instructor Certification after December 31, 1984 shall be limited to those topics which are not expressly incorporated under the Specialized Instructor Certification category. Individuals certified under the general instructor category are not authorized to teach any of the subjects specified in 12 NCAC 09G .0310, entitled "Specialized Instructor Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in corrections and proficiency in the instructional process to the satisfaction of the Commission. The applicant shall meet the following requirements for General Instructor Certification:
  - (1) Present documentary evidence showing that the applicant:
    - (A) is a high school graduate, or has passed the General Education Development Test (GED) indicating high school equivalency;
    - (B) has 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.
  - (2) Present evidence showing successful completion of a Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.
  - (3) Successfully pass the comprehensive written examination administered by the Commission, as specified in Rule .0413(d) of this Subchapter, within 60 days of completion of the Commission-certified instructor training program.
- (b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant successfully passed the state comprehensive examination administered at the conclusion of the completed the Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.
- (c) Persons having completed a Commission-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 not having made application within 60 days of completion of the course shall complete a subsequent Commission-certified instructor training course in its entirety.

Authority G.S. 17C-6.

#### 12 NCAC 09G .0314 COMPREHENSIVE WRITTEN EXAM - INSTRUCTOR TRAINING

- (a) An authorized representative of the North Carolina Department of Correction Standards Division shall administer a comprehensive written examination to each trainee who has satisfactorily completed the first 12 units of the Corrections Criminal Justice Instructor Training Course as described in the "Basic Instructor Training Manual." "Instructor Training" manual.
- (b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the topic areas contained in the accredited course curriculum.
- (c) A trainee shall successfully complete achieve a passing score on the comprehensive written examination if he/she he or she achieves a minimum of 75 percent correct answers.
- (d) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has failed to achieve the minimum passing score of 75 percent on the comprehensive written examination, may request the Director of the Standards Division to authorize a re-examination of the trainee.
  - (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-<u>Examination Request</u> form and shall be received by the Standards Division within 30 days of the examination. The form is found on the Agency's website: http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx.

- (2) The trainee's request for re-examination shall include the favorable recommendation of the School Director who administered the course.
- (3) A trainee shall have, within 90 60 days of the original examination, only one opportunity for reexamination and shall satisfactorily complete the subsequent examination in its entirety.
- (4) The trainee will be assigned in writing by the Standards Division staff a place, time, and date for re-examination.
- (5) Should the trainee on re-examination not achieve the prescribed a minimum score of 75 percent on the examination, the trainee may not be given successful course completion and shall enroll and successfully-complete a subsequent offering of the instructor course in its entirety before further examination may be permitted.
- (f)(e) A trainee who fails to score at least 65 percent on the comprehensive written examination shall be terminated from the course.

Authority G.S. 17C-6; 17C-10.

# SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE

## 12 NCAC 09G .0414 INSTRUCTOR TRAINING

- (a) The instructor training course required for general instructor certification shall consist of a minimum of 80 78 hours of instruction presented during a continuous period of not more than two weeks.
- (b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice instructor.
- (c) Each instructor training course shall include, as a minimum, the following identified topic areas:
  - (1) Orientation and Pretest:
  - (2) Curriculum Development: ISD Model;
  - (3) Civil Liability for Law Enforcement Trainers;
  - (4) Interpersonal Communication in Instruction;
  - (5) Lesson Plan Preparation: Professional Resources;
  - (6) Lesson Plan Preparation: Format and Objectives;
  - (7) Teaching Adults;
  - (8) Principles of Instruction: Demonstration Methods and Practical Exercise;
  - (9) Methods and Strategies of Instruction;
  - (10) The Evaluation Process;
  - (11) Principles of Instruction: Audio-Visual Aids;
  - (12) Student 10-Minute Talk and Video Critique; Critique; and
  - (13) Student Performance:

First 30-Minute Presentation;

Second 30-Minute Presentation;

Final 80-Minute Presentation; and Presentation.

(14) Examination.

(d) The "Basic Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the basic curriculum for delivery of basic instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division North Carolina Department of Justice

114 West Edenton Street 1700 Tryon Park Drive

**Old Education Building** 

Post Office Drawer 149

Raleigh, North Carolina 27602

and may be purchased at <u>the</u> cost <u>of printing and postage</u> from the <u>North Carolina Justice</u> Academy at the following address:

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

### Impact of Proposed Adoption of 12 NCAC 9B .0403

Description: Revision to allow military transferees and their spouses to obtain certifications.

Purpose: Compliance with new statutory requirement in NCGS 93B-15.1.

<u>Baseline</u>: Currently military transferees and their spouses would be required to meet existing standards for all types of certifications issued by the Criminal Justice Education and Training Standards Commission. G.S. 93B-15.1 requires occupational boards to issue certification to military transferees and their spouses if certain criteria are met and exempts them from existing standards.

Cost Estimates: According to the 2011 Demographics Profile of the Military Community, North Carolina's Active Duty population is 106,689 and Selected Reserve population is 24,093. Approximately half of each population is married. This source does not provide a geographical distribution of individuals who separate from Active Duty or Reserve military. However, the rate of total separations from Active Duty (184,484) compared to the total Active Duty population (1,411,425) is calculated to be about 13.07%. Assuming that 13.07% of NC's Active Duty population is separated during a given year and the size of NC's military population stays about the same (which is plausible given the trend), it is estimated that about 13,900 formerly Active Duty members may seek certification from this Commission. Likewise, the rate of total separations from Reserve Duty (133,675) compared to the total Reserve population (855,867) is calculated to be 15.62%. Assuming that 15.62% of NC's Reserve population is separated during a given year, it is estimated that about 3,800 former Reserve members may seek certification from this Commission. In addition, approximately ½ of both Active Duty and Reserve members are married overall. Assuming that rate to be true in NC, then there it is estimated that there are 65,400 military spouses in NC. Therefore it is estimated that a maximum 83,100 individuals who may qualify for an exemption under the new legislative and rule provision. It is likely that the number of individuals affected would be much smaller than this estimate since there would not be enough vacant positions of the local level they require certification.

<sup>1</sup> 

<sup>&</sup>lt;sup>1</sup> Military One Source. "2011 Demographics Profile of the Military Community." http://www.militaryonesource.mil/12038/MOS/Reports/2011 Demographics Report.pdf

There will be a recurring cost to the State for Commission staff to evaluate whether or not a military transferee or spouse may qualify for such an exemption. It is estimated that such evaluations would require a full-time Criminal Justice Training Specialist III position to be budgeted at approximately \$47,905 if all qualifying individuals were to apply. Given that it is difficult to estimate how many individuals from those eligible would actually apply as this is also depended in part on the number of available jobs, the Division is planning to have existing staff absorb the cost and re-evaluate the situation within a year. If only existing staff is used, the state would still incur an opportunity cost of the staff time to evaluate the additional certification applications of \$19.27/hour, given total compensation of current staff. Over the past eight years, the Division has averaged managing 61,969 certifications with a staff of about 11, which suggests each staff member manage about 2.7 certifications per hour.

Benefit Estimates: The individuals who would take advantage of the proposed changes in Rule .0403 would incur the benefit of no longer needing to spend time and funds on attending the certified training courses required for the different certifications. Currently, if the individual has not yet secured a position, they need to attend a community college to obtain the training and incur the related costs. If the individual attends training provided at the community college in order to maintain their current position in law enforcement, then community colleges waive the cost of the training; and the state currently incurs the costs. And lastly, if the training is provided on the job the by local agencies, the opportunity cost is borne by the local governments. Given the lack of data, estimating benefits to either individuals, community colleges (state government), or local governments from the exemption provided to military transferees and their spouses is very difficult.

Proposed rule with indicated revisions follows on next page...

12 NCAC 09B .0403 is proposed for amendment as follows:

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

- (a) The division Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if equivalent training has been satisfactorily completed as specified in Rule .0402(a). .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 following criteria shall be used by division Standards Division staff in evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training requirements:
  - Persons having completed a <u>commission accredited</u> <u>Commission-accredited</u> <u>basic</u> training program and not having been duly appointed and sworn as a law enforcement officer within one year of completion of the program shall complete a subsequent <u>commission accredited</u> <u>Commission-accredited</u> <u>basic</u> training program in its entirety and successfully pass 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 neglect on the part of the applicant, in which case the Director may accept a <u>commission-accredited</u> <u>Commission-accredited</u> <u>basic</u> training program which is over one year old. Such extension of the one year period shall not exceed 30 days from the <u>expiration date of a commission accredited basic</u> training <u>program</u>; <u>first</u> year anniversary of the successful completion 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 cannot shall not have a break in service exceeding one

year. At a minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement experience and have successfully completed a basic law enforcement training course accredited by the State from which transferring. transferring State. Prior to employment as a certified law enforcement officer, out-of-state transferees must successfully complete the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 9E 09E .0100. At a minimum, out-of-state transferees shall successfully complete the Legal Unit in a commission accredited Commission-accredited Basic Law Enforcement Training Course as prescribed in 12 NCAC Rule 9B 09B .0205(b)(1) of this Subchapter and shall successfully pass the State Comprehensive Examination in its entirety within the 12 month probationary period;

- (3) Persons who have completed a minimum 369-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Education and Training Standards Commission under guidelines administered beginning October 1, 1984 and have been separated from a sworn position for over one year but less than three years who have had a minimum of two years' experience as a full-time, sworn law enforcement officer in North Carolina shall successfully complete the refresher training enumerated in Rule .0403(a)(2) Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule 09B .0205(b)(1) of this Subchapter, and shall successfully pass the State Comprehensive Examination in its entirety within the 12 month probationary period. Prior to employment as a certified law enforcement officer, these persons shall successfully complete the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 9E .0100; Subchapter 09E of this Chapter;
- (4) Persons out of the law enforcement profession 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 Commission-accredited basic training program in its entirety and successfully pass the State Comprehensive Examination;
- (5) Persons out of the law enforcement profession for over three years regardless of prior training or experience shall complete a commission-accredited Commission-accredited basic training program in its entirety and shall successfully pass the State Comprehensive Examination;
- (6) Persons who separated from law enforcement employment during their probationary period after having completed a commission accredited Commission-accredited basic training program and who have separated from a sworn law enforcement position for more than one year shall complete a subsequent commission accredited Commission-accredited basic training program in its entirety and successfully pass the State Comprehensive Examination;
- (7) Persons who separated from a sworn law enforcement position during their probationary period after having successfully completed a commission accredited Commission-accredited basic training program and who have separated from a sworn law enforcement position for less than one

- year shall serve a new 12 month probationary period, period as prescribed in Rule 09B 401(a) of this Subchapter, but need not complete an additional training program;
- 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 separated from a sworn law enforcement position for over one year but less than two years shall be required to complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a commission accredited Commission-accredited Basic Law Enforcement Training Course as prescribed in 12 NCAC Rule 9B 09B .0205(b)(1) and .0205(b)(5)(C) of this Subchapter and successfully pass the State Comprehensive Examination within the 12 month probationary period;
- (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 have been separated from a sworn law enforcement position for over two years shall be required to complete a current commission accredited Commission-accredited basic training program in its entirety regardless of training and experience and shall successfully pass the State Comprehensive Examination;
- (10) Persons who have completed a minimum 240-hour basic law enforcement training program accredited by the North Carolina Criminal Justice Education and Training Standards Commission 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 be required to complete the Legal Unit in a commission accredited Commission-accredited Basic Law Enforcement Training Course as prescribed in 12 NCAC Rule 9B 09B .0205(b)(1) and successfully pass the State Comprehensive Examination within the 12 month probationary period;
- (11) 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 North Carolina Criminal Justice Education and Training Standards Commission shall be required to complete a commission accredited Commission-accredited basic training program in its entirety and shall successfully pass the State Comprehensive Examination prior to employment. employment:
- (12) Persons who have completed training as a federal law enforcement officer and are appointed candidates for appointment as a sworn law enforcement officer in North Carolina shall be required to complete a commission accredited Commission-accredited basic training program in its entirety and shall successfully pass the State Comprehensive Examination;

- (13) Applicants with part-time experience who have a break in service in excess of one year shall complete a commission accredited Commission-accredited basic training program in its entirety and successfully pass the State Comprehensive Examination prior to employment;
- (14) Applicants who hold or previously held 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. The <u>division Standards Division</u> staff shall determine the amount of training required of these applicants;
- (15) Alcohol law enforcement agents who separate from employment with the Division of Alcohol Law Enforcement 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 division Standards Division staff shall determine the amount of training required of these applicants; and applicants;
- (16) 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 <u>division Standards Division staff</u> shall determine the amount of training required of these <u>applicants.</u> <u>applicants.</u>
- Active duty, guard or reserve military members failing to successfully complete all of the required annual in-service training topics, as defined in Rule 09E .0105, 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 a Commission approved form;
  - (A) Active duty, guard or reserve military members holding probationary or general certification as a criminal justice officer who fail to successfully 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 inservice training topics, and successfully complete the appointing agency's in-service firearms training and qualification program as prescribed in Subchapter 09E of this Chapter prior to their return to active criminal justice status;
  - (B) Active, guard or reserve military members holding probationary or general certification as a criminal justice officer who fail to successfully complete all of the required annual in-service training topics due to military obligations for a period greater than three years shall undertake and successfully complete the following topic areas within the following time frames:
    - The person shall successfully complete the previous year's required in-service training topics, the current year's required in-service training topics, and successfully complete the appointing agency's in-service firearms training and qualification program as prescribed in Subchapter 09E of this Chapter prior to their return to active criminal justice status;

- The person shall successfully pass the practical skills testing for some of the topics enumerated in Rule .0205(b)(5) of this Subchapter prior to return to active criminal justice status. The required topics include First Responder, Law Enforcement Driver Training, and Subject Control Arrest Techniques. The person shall complete one physical fitness assessment in lieu of the Fitness Assessment and Testing topic. The person must also be examined by a physician per Rule .0104(b) of this Subchapter. This practical skills testing may be undertaken either in a Commission-accredited Basic Law Enforcement Training course or under the instruction of a Commission certified instructor for that particular skill; and
- The person shall successfully complete some of the topics in the legal unit of instruction in the Basic Law Enforcement Training course as set forth in Rule 09B .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 successfully pass the appropriate topic tests for each course delivery. 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 have 12 months from the beginning of their return to active criminal justice status to successfully complete each of the enumerated topics of instruction.
- (b) A military trained individual seeking certification pursuant to G.S. 93B-15.1 who applies to the Standards Division for a certification issued by the Commission must meet, and submit documentation to the Standards Division verifying his or her compliance with the following requirements:
  - (1) Been awarded a military occupational specialty that is substantially equivalent to or exceeds the training requirements required for certification and performed in the occupational specialty;
  - (2) Completed a military program of training, completed testing or equivalent training and experience as determined by Paragraph (d) of this Rule;
  - (3) Engaged in the active practice of that occupation for at least two of the five years prior to the date of application; and
  - (4) Not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension of revocation of a license to practice that occupation in this State at the time the act was committed.
- (c) Military spouses who, pursuant to G.S. 93B-15.1, apply to the Standards Division for a certification issued by the Commission must meet, and submit documentation to the Standards Division verifying his or her compliance with, the following requirements:

- (1) Hold a current license, certification or registration from another jurisdiction which is substantially equivalent to or exceeds the requirements required for certification;
- (2) Be in good standing with the issuing agency and not been disciplined by the agency that has the jurisdiction to issue the license, certification or permit; and
- (3) Demonstrate competency in the occupation by:
  - (A) Having completed continuing education comparable to the education and training required for the type of certification for which the application is being made, as determined by Paragraph (b) of this Rule; or
  - (B) Having engaged in the active practice of that occupational specialty for at least two of the five years prior to the date of application.
- (d) A military trained individual or military spouse seeking General Certification as a law enforcement officer must meet, at a minimum, the requirements of Rule 9B .0403(a)(2) of this Section. The Division shall review the documents received to determine if any additional training is required to satisfy the certification requirements of this Subchapter.
- (e) In the event the applicant's prior training is not substantially equivalent to the Commission's standards, the Commission shall prescribe as a condition of certification, supplementary or remedial training deemed necessary to equate previous training with current standards.
- (f) Where certifications issued by the Commission require satisfactory performance on a written examination as part of the training, the Commission shall require such examinations for the certification.
- (d)(g) In those instances not specifically incorporated within this Section Rule or where an evaluation of the applicant's prior training and experience determines that required attendance in the entire Basic Law Enforcement Training Course would be impractical, the Director of the Standards Division is authorized to exercise his discretion in determining the amount of training those persons shall complete during their probationary period.
- (e)(h) The following criteria shall be used by division 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 course as prescribed in 12 NCAC Rule 9B 09B .0224 or .0225 of this Subchapter and have been separated for more than one year shall complete a subsequent commission-accredited training course in its entirety and successfully pass the State Comprehensive Examination during the probationary period as prescribed in 12 NCAC 9B .0401(a); Rule 09B .0401(a) of this Subchapter;
  - (2) Persons who separated from a local confinement personnel position after having completed a commission-accredited course as prescribed in 12 NCAC Rule 9B 09B .0224 or .0225 of this Subchapter and who have been separated for less than one year shall serve a new 12 month probationary period, but need not complete an additional training program;

(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. Where the applicant properly obtained certification and successfully completed the required 120 hour training course, and has not had a break in service in excess of one year, no additional training will be required; and

(4) Persons holding certification for local confinement facilities who transfer to a district or county confinement facility shall satisfactorily complete the course for district and county confinement facility personnel, as adopted by reference in 12 NCAC 9B 09B .0224, in its entirety and successfully pass the State Comprehensive Examination during the probationary period as prescribed in 12 NCAC 9B .0401(a). Rule 09B .0401(a) of this Subchapter.

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

Eff. January 1, 1981;

Amended Eff. August 1, 2000; November 1, 1993; March 1, 1992; July 1, 1989; February 1, 1987.

#### 12 NCAC 09F .0102 TOPICAL AREAS

At the May 21 CJETS Commission meeting, the Planning and Standards Committee voted to add/clarify the language in paragraph (1). The language has been revised to include objectives for the 'Legal Issues' section of the Concealed Carry Handgun Training curriculum requirements.

The revised rule will be considered at the August 21 Commission meeting, and follows on the next page.

12 NCAC 09F .0102 is proposed for amendment as published in Vol. 28, pages 1717-1718 with changes as follows:

#### 12 NCAC 09F .0102 TOPICAL AREAS

The course entitled "Concealed Carry Handgun Training" shall consist of eight hours of instruction and shall include the following identified topical areas:

- (1) Legal Issues (two hours): The student shall be able to to: demonstrate a general knowledge of North Carolina law on concealed handguns, handgun safety, and use of deadly force. The instructor shall use the lesson plan produced by the North Carolina Justice Academy. The instructor shall determine the student's level of understanding of the relevant legal issues by a written examination.
  - (a) explain the provisions under North Carolina Common and Statutory Law in which the use of deadly physical force would be justifiable;
  - (b) list areas where the carrying of a concealed handgun is prohibited;
  - (c) explain the requirements of handgun storage under NCGS 14-315.1; and
  - (d) explain the laws governing the carrying of a concealed handgun.

The instructor shall determine the student's level of understanding of the relevant legal issues by a written examination.

- (2) Handgun Nomenclature: The students shall be able either verbally or in writing to list the primary parts of their personal handguns.
- (3) Handgun Safety: The students shall be able to:
  - (a) list at least four rules of safe gun handling and demonstrate all of these procedures during range exercises;
  - (b) list four methods of safely storing a handgun and choose the method most appropriate for their personal use;
  - (c) describe safety issues relating to the safe carry of a handgun; and
  - (d) determine the proper storage of their handguns when there are minors in the home.
- (4) Handgun Fundamentals: The students shall be able to:
  - (a) demonstrate how to properly load both a revolver and a semiautomatic handgun;
  - (b) demonstrate how to properly unload both a revolver and a semiautomatic handgun;
  - (c) describe the operational characteristics of their handguns; and
  - (d) successfully complete a proficiency test administered by the instructor as prescribed in 12 NCAC 09F .0105.
- (5) Marksmanship Fundamentals: The student shall be able to:
  - (a) demonstrate a proper handgun grip;
  - (b) demonstrate either the Weaver or Isosceles Stance;
  - (c) describe the elements of sight alignment and sight picture; and
  - (d) demonstrate trigger control in a dry fire exercise.

- (6) Presentation Techniques: The students shall be able to demonstrate the draw or presentation with their handguns.
- (7) Cleaning and Maintenance: The students shall be able to:
  - (a) demonstrate how to "field strip" the handguns if their handguns can be field stripped;
  - (b) describe how to perform a "Function Check" on their personal handguns; and
  - (c) based on the manufacturer's recommendations, list the lubrication points of their specific handguns.
- (8) Ammunition: The students shall be able to list the four components of handgun ammunition.
- (9) Proficiency Drills: The students shall be able to:
  - (a) demonstrate how to properly check a handgun in order to ensure that it is safe;
  - (b) demonstrate how to fire a handgun from a ready position;
  - (c) demonstrate the ability to fire a handgun from various distances; and
  - (d) successfully complete a proficiency test administered by the instructor as prescribed in 12 NCAC 09F .0105(7).

History Note: Authority G.S. 14-415.12;

Temporary Adoption Eff. November 1, 1995;

Eff. May 1, 1996;

Amended Eff. February 1, 2013; May 1, 2004.