12 NCAC 10B .2004 is proposed for readoption with substantive changes as follows:

12 NCAC 10B .2004 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct a Commission-mandated In-Service Training Program:

(1) The instructors shall:

(a) hold ~~General~~ Criminal Justice Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and ~~.0306;~~ .0306, except for instructors who exclusively deliver:

(i) CPR certifications that include cognitive and skills testing;

(ii) use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or

(iii) Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

(b) when teaching a legal block of instruction, hold Professional Lecturer Instructor certification issued either by ~~either~~ the Commission as set out in ~~either~~ 12 NCAC 10B .0906 or .0916, or by the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, or hold Criminal Justice ~~General~~ Instructor Certification as issued by the ~~North Carolina~~ Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306; ~~.0306, when teaching a legal block of instruction;~~

(c) when teaching a medical or psychological block of instruction, hold Professional Lecturer Instructor certification issued by the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306; ~~.0306, when teaching a medical or psychological block of instruction; or~~

(d) hold ~~Specific~~ Specialized Instructor Certification issued by the Criminal Justice Education and ~~training~~ Training Standards Commission when teaching the lesson plans published by the NC Justice Academy as follows:

(i) Firearms range qualification must be taught by a Specialized Firearms Instructor certified in accordance with 12 NCAC 09B .0304(f). The instructor who teaches the classroom instruction regarding use of force may either hold Professional Lecturer Certification as set out in 12 NCAC 09B ~~.0306(a)(1);~~ .0306(a)(1), 12 NCAC 10B .0906, or 12 NCAC 10B .0916 or hold a ~~Specific Certification Firearms~~ Specialized Firearms Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission;

(ii) Weapons Retention and Disarming ~~Techniques~~ Techniques, Spontaneous Attack Defense and Compliance Control Tactics, Handcuffing and Impact Weapons Refresher, and Compliance and Control Tactics: Equipment Retention courses must be taught by ~~Subject Control Arrest Techniques~~ a Specialized Compliance and Control Tactics (CCT) Instructor certified in accordance with 12 NCAC 09B .0304(d);

~~(iii) Spontaneous Attack Defense and Subject Control/Arrest Techniques must be taught by a Subject Control Arrest Techniques Instructor certified in accordance with 12 NCAC 09B .0304(d);~~

~~(iv) Handcuffing and Impact Weapons Refresher and Subject Control Arrest Techniques: Equipment Retention must be taught by a Subject Control Arrest Techniques Instructor certified in accordance with 12 NCAC 09B .0304(d);~~

~~(v)~~(iii) Wellness and Stress Awareness and Health and Fitness for Detention Officers must be taught by a Specialized Physical Fitness Instructor certified in accordance with 12 NCAC 09B .0304(h);

~~(vi)~~(iv) Law Enforcement Driver Training (classroom and practical) must be taught by a Specialized Law Enforcement Driver Training Instructor certified in accordance with 12 NCAC 09B .0304(g); and

~~(vii)~~(v) Active Shooter: Practical Refresher must be taught by a ~~General~~ certified Criminal Justice Instructor as set out in Sub-item (1)(a) of this Rule, who has also completed the North Carolina Justice Academy's "Rapid Deployment Instructor Training Course."

(e) In addition, each instructor certified by the Criminal Justice Education and Training Standards Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Competent includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.

~~In addition, each instructor certified by the Criminal Justice Education and Training Standards Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Competent includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.~~

(2) Instructors who teach a required in-service training ~~course~~ topic, other than those topics outlined in Items (1)(a)(i) through (1)(a)(iii) of this Rule, ~~must~~ shall achieve a passing grade on a topic-specific ~~course specific~~ test developed by the North Carolina Justice Academy or by the agency delivering the ~~training.~~ training before delivering the topic of instruction.

(3) Instructors who teach a required in-service training ~~course~~ topic online, in addition to meeting the above testing requirement, ~~must~~ shall also complete the in-service training for the ~~course~~ topic he or she will be ~~teaching.~~ teaching before delivering the topic of instruction.

(4) Instructors who teach an in-service training course in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests as outlined in this section and have their instruction documented by the Sheriff, Agency Head, or In-Service Training Coordinator once completed.

~~(3)~~(5) The use of guest participants is permitted provided they are subject to the direct on-site supervision of a commission-certified instructor.

~~(4)~~(6) The instructor shall deliver the training consistent with the specifications as established in the rules in this Section.

~~(5)~~(7) The instructor shall document the successful or unsuccessful completion of training for each person attending a training program and forward a record of their completion to each person's Sheriff or ~~Department~~ Agency Head. For firearms qualification, pursuant to .2104 of this Subchapter, the Specialized Firearms Instructor shall also document the target used, the scoring matrix used, and the course of fire.

(8) When an individual fails to qualify with a weapon, pursuant to .2104 and .2105 of this Subchapter, the instructor shall inform the officer of the failure to qualify. The instructor shall then provide the individual with Firearms Qualification Record Form F-9A, pursuant to .2201 of this Subchapter, which the individual is required to sign. The F-9A form shall require the individual to notify the Sheriff or Agency Head within 24 hours of the qualification failure. The instructor shall also provide the completed F-9A form to the Sheriff or Agency Head within 72 hours of the qualification failure.

History Note: *Authority G.S. 17E-4; 17E-7;*
Eff. January 1, 2007;
Amended Eff. January 1, 2013; February 1, 2012; January 1, 2011; March 1, 2010; January 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;
Amended Eff. February 1, ~~2023.~~ 2023;
Readopted Eff. March 1, 2027.