

1 **12 NCAC 09E .0103 is proposed for amendment as follows:**

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3 **12 NCAC 09E .0103 DEPARTMENT HEAD RESPONSIBILITIES: ANNUAL IN-SERVICE TRAINING**

4 The Department head shall ensure that the annual in-service training is conducted according to specifications as  
5 outlined in Rules 09E .0105 and 09E .0106. In addition, the Department head or designated representative:

- 6 (1) shall review departmental policies regarding the use of force during the agency's annual in-service  
7 training ~~program; and program. The Department head or designated representative shall certify that~~  
8 ~~this review has been completed by submitting a Commission form to the Criminal Justice Standards~~  
9 ~~Division; and~~ and  
10 (2) shall report to the Criminal Justice Standards Division once each calendar year a roster of all law  
11 enforcement officers who fail to successfully complete the annual in-service training and firearms  
12 qualification and shall certify that all law enforcement officers in the agency not listed did  
13 successfully complete the training. This roster shall reflect the annual in-service training and  
14 firearms qualification status of all law enforcement officers employed by the agency as of December  
15 31 of each calendar year and shall be received by the Criminal Justice Standards Division no later  
16 than the following January 15<sup>th</sup>; ~~and 15<sup>th</sup>.~~ Officers having completed Basic Law Enforcement  
17 Training and passed the comprehensive state final examination in this same calendar year must  
18 complete the annual in-service training for the year if they were sworn in between January 1<sup>st</sup> and  
19 June 30<sup>th</sup> of that year. Officers sworn in between July 1<sup>st</sup> and December 31<sup>st</sup> must complete the  
20 annual in-service training by June 30<sup>th</sup> of the following year, and  
21 (3) shall maintain in each officer's file documentation ~~on a Commission form that~~ the officer has  
22 completed the annual in-service training requirement; and  
23 (4) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E  
24 .0106(a) and (b), prohibit access to such weapon(s) until such time as the officer obtains  
25 qualification; and  
26 (5) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E  
27 .0106(d), prohibit the possession of such weapon(s) while on duty or when acting in the discharge  
28 of that agency's official duties, and shall deny the officer authorization to carry such weapon(s)  
29 concealed when off-duty, except when the officer is on his own premises; and  
30 (6) shall, where the officer has access to any specialized or tactical weapon(s) not specifically covered  
31 in Rule 09E .0106(a) and (b), use industry accepted practices and procedures to ensure that officers  
32 authorized to use such weapon(s) are qualified. Where the officer fails to qualify, the agency head  
33 or designated representative shall restrict access to such weapon(s).

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35 *History Note: Authority G.S. 17C-6; 17C-10;*  
36 *Eff. July 1, 1989;*  
37 *Amended Eff. January 1, 2024; January 1, 2005; January 1, 1995;*  
38 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
39 *2019.*

