

# PROPOSED RULE AMENDMENTS

## Public Hearing

### May 14, 2024 (1:00pm) Microsoft Teams

Online through **Microsoft Teams**

[Join the meeting now](#)

Meeting ID: 296 160 314 463

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### Full Commission Vote – Special Meeting

### May 15, 2024 (2:30pm) Microsoft Teams

Online through **Microsoft Teams**

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Meeting ID: 226 514 090 404

Passcode: RmR3Xx

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[+1 919-670-1307,,699103470#](#) United States, Raleigh

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Phone conference ID: 699 103 470#

### Full Commission Vote – Quarterly Meeting

## August 23, 2024

Wake Technical Community College

Public Safety Training Center

321 Chapanoke Road

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:

Michelle Schilling  
Deputy Director  
Criminal Justice Standards Division  
PO Drawer 149  
Raleigh, NC 27602

Agency: Criminal Justice Education and Training Standards Commission  
Contact: Michelle Schilling  
Impact Summary: State Government: No  
Local Government: No  
Substantial Impact: No  
Small Business: No

12 NCAC 09G .0202 Citizenship  
12 NCAC 09G .0208 Minimum Standards for Correctional Officers  
  
12 NCAC 09A .0204 Suspension: Revocation: or Denial of Certification  
12 NCAC 09A .0205 Period of Suspension: Revocation: or Denial  
12 NCAC 09A .0208 Public Comments At Hearing  
12 NCAC 09B .0104 Medical Examination  
12 NCAC 09B .0304 Specialized Instructor Certification  
12 NCAC 09B .0504 Certification of Qualified Assistant  
12 NCAC 09B .0505 Terms and Conditions of Qualified Assistant Certification  
12 NCAC 09C .0309 Lateral Transfer of Local Confinement Personnel  
12 NCAC 09C .0310 Agency Reporting of Drug Screening Results  
12 NCAC 09D .0102 General Provisions  
12 NCAC 09G .0205 Medical Examination  
12 NCAC 09G .0211 Agency Reporting of Drug Screening Results  
12 NCAC 09G .0417 Certification of Qualified Assistant  
12 NCAC 09G .0418 Terms and Condition of Qualified Assistant Certification  
12 NCAC 09G .0602 General Provisions

Statutory authority for rule change: G.S. 17C-6, 17C-10

\*Rules begin on the following page

*12 NCAC 09G .0202 Citizenship*

*12 NCAC 09G .0208 Minimum Standards for Correctional Officers*

1 **12 NCAC 09A .0204 is being proposed for amendment as follows:**

2  
3 **12 NCAC 09A .0204 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

4 (a) The Commission shall revoke the certification of a criminal justice officer when the Commission finds that the  
5 officer has committed or been convicted ~~of~~ by a local, state, federal, or military court of any offense as outlined in 12  
6 NCAC 09B .0111(a).

7 (1) ~~— a felony offense; or~~

8 (2) ~~— a criminal offense for which the authorized punishment included imprisonment for more than two~~  
9 ~~years. years; or~~

10 (3) ~~— a crime or unlawful act defined as a “Class B misdemeanor” within the 5 year period prior to the~~  
11 ~~date of certification;~~

12 (b) The Commission ~~may~~ shall suspend, revoke, or deny the certification of a criminal justice officer when the  
13 Commission finds that the applicant for certification or the certified officer:

14 (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety  
15 within prescribed time periods relevant or applicable to a specified position or job title;

16 (2) fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC  
17 09B .0100 for the category of the officer's certification or fails to meet or maintain one or more of  
18 the minimum training standards required by 12 NCAC 09B .0200 or 12 NCAC 09B .0400 for the  
19 category of the officer's certification;

20 (3) has committed or been convicted of:

21 (A) a criminal offense or unlawful act defined in 12 NCAC 09A .0103 as a Class B  
22 misdemeanor within the five-year period prior to the date of certification, or

23 (B) four or more criminal offenses or unlawful acts defined in 12 NCAC 09A .0103 as a Class  
24 A misdemeanor, regardless of the date of commission or conviction except the applicant  
25 shall be certified if the last conviction or commission occurred more than two years prior  
26 to the date of appointment each of which occurred after the date of initial certification; or

27 (C) a criminal offense or unlawful act defined in 12 NCAC 09A .0103 as a Class B  
28 misdemeanor which occurred after appointment; or

29 (D) four or more crimes or unlawful acts as defined in 12 NCAC 09A .0103 as Class B  
30 misdemeanors regardless of the date of commission or conviction; or

31 (E) any combination of four or more crimes or unlawful acts defined in 12 NCAC 09A .0103  
32 as a Class A misdemeanor or Class B misdemeanor regardless of the date of commission  
33 or conviction.

34 (4) has been discharged by a criminal justice agency for commission or conviction of:

35 (A) a motor vehicle offense requiring the revocation of the officer's driver's license; or

36 (B) any other offense involving moral turpitude;

- 1 (5) has been discharged by a criminal justice agency because the officer lacks the mental or physical
- 2 capabilities to properly fulfill the responsibilities of a criminal justice officer;
- 3 (6) has knowingly made a material misrepresentation of any information required for certification or
- 4 accreditation;
- 5 (7) has knowingly and willfully, by any means of false pretense, deception, defraudation,
- 6 misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or
- 7 certification from the Commission;
- 8 (8) has knowingly and willfully, by any means of false pretense, deception, defraudation,
- 9 misrepresentation or cheating whatsoever, aided another person in obtaining or attempting to obtain
- 10 credit, training or certification from the Commission;
- 11 (9) has failed to make either of the notifications as required by 12 NCAC 09B ~~.0101(8)~~; .0101(13);
- 12 (10) has been removed from office by decree of the Superior Court in accord with the provisions of G.S.
- 13 128-16 or has been removed from office by sentence of the court in accord with the provisions of
- 14 G.S. 14-230;
- 15 (11) fails to satisfactorily complete the minimum in-service training requirements as prescribed in 12
- 16 NCAC 09E;
- 17 (12) has refused to submit to an applicant or lateral transferee drug screen as required by the rules in this
- 18 Chapter, or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in
- 19 the Drug Screening Implementation Guide as required by the agency through which the officer is
- 20 certified;
- 21 (13) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC
- 22 09C .0310, where the positive result cannot be explained to the Commission's satisfaction;
- 23 (14) has been denied certification or had certification suspended or revoked by the North Carolina
- 24 Sheriffs' Education and Training Standards Commission, the North Carolina Criminal Justice
- 25 Education and Training Standards Commission; the North Carolina Company/Campus Police
- 26 Program; or a similar North Carolina, out of state or federal approving, certifying or licensing
- 27 agency;
- 28 (15) has performed activities or duties for which certification by the Commission is required without
- 29 having first obtained the appropriate certification; or
- 30 (16) has been convicted of any offense proscribed by 18 USC 922(g)(8) that would prohibit possession
- 31 of a firearm or ammunition.

32 (c) Following suspension, revocation, or denial of the person's certification, the person may not remain employed or  
33 appointed as a criminal justice officer and the person may not exercise any authority of a criminal justice officer during  
34 a period for which the person's certification is suspended, revoked, or denied.

35  
36 *History Note:* Authority G.S. 17C-6; 17C-10;  
37 Eff. January 1, 1981;  
38 Amended Eff. April 1, 2009; February 1, 2006; August 1, 2001; August 1, 1995; November 1, 1993;  
39 March 1, 1992; July 1, 1990;

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*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*  
*Amended Eff: November 1, 2024.*

1 **12 NCAC 09A .0205 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

2 (a) When the Commission revokes or denies the certification of a criminal justice officer, the period of the sanction  
3 shall be permanent where the cause of sanction is:

- 4 (1) commission or conviction of a felony offense, except as provided by G.S. 17C-13(a);
- 5 (2) commission or conviction of a criminal offense for which punishment is authorized by law to  
6 included imprisonment for more than two years, except as provided by G.S. 17C-13(a); or
- 7 (3) the second suspension of an officer's certification for any of the causes requiring a five-year period  
8 of suspension pursuant to 12 NCAC 09A .0204.

9 (b) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction  
10 shall be not less than five years; however, the Commission may reduce or suspend the period of sanction or substitute  
11 a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or  
12 probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the  
13 cause of sanction is:

- 14 (1) commission or conviction of a criminal offense other than those listed in Paragraph (a) of this Rule;
- 15 (2) refusal to submit to the applicant or lateral ~~transferee-transferee, or in-service~~ drug screen required  
16 by these Rules;
- 17 (3) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09C  
18 .0310, where the positive result cannot be explained to be in compliance with the law;
- 19 (4) material misrepresentation of any information required for certification or accreditation;
- 20 (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person to attempt  
21 to obtain credit, training or certification by any means of false pretense, deception, defraudation,  
22 misrepresentation or cheating;
- 23 (6) failure to make either of the notifications as required by 12 NCAC 09B .0101(8);
- 24 (7) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- 25 (8) performing activities or duties for which certification by the Commission is required without having  
26 first obtained the appropriate certification; or
- 27 (9) commission or conviction of a crime or unlawful act as defined as a Class B misdemeanor in 12  
28 NCAC 09A .0103 and which occurred within 5 years prior to the date of appointment; or
- 29 (10) commission or conviction of four or more crimes or unlawful acts as defined as Class A  
30 misdemeanor in 12 NCAC 09A .0103, except the applicant may be employed if the last conviction  
31 occurred more than two years prior to the date of certification; or
- 32 (11) commission or conviction of a crime or unlawful act defined as a Class B misdemeanor in 12 NCAC  
33 09A .0103 which occurred after the date of appointment; or
- 34 (12) commission or conviction of four or more crimes or unlawful acts defined as a Class B misdemeanor  
35 in 12 NCAC 09A .0103 regardless of the date of commission or conviction; or
- 36 (13) commission or conviction of a combination of four or more Class A Misdemeanor or Class B  
37 Misdemeanor offenses, regardless of the date of commission or conviction.

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(c) When the Commission suspends or denies the certification of a criminal justice officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements pursuant to 12 NCAC 09B .0205, 0225, .0235, and 0236;
- (2) failure to meet or maintain the minimum standards of employment pursuant to 09B .0101, .0111, .0114, .0116, .0117;
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 09E.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. February 1, 2006; August 1, 2001; November 1, 1993; July 1, 1990; July 1, 1989;  
October 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019;  
Amended Eff. November 1, 2024; January 1, 2022; July 1, 2020.*



1 **12 NCAC 09A .0208 is being proposed for adoption as follows:**

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3 **12 NCAC 09A .0208 PUBLIC COMMENTS AT HEARINGS**

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

5 (a) The Chair may:

- 6 (1) authorize the designation of any agency employee to act as the hearing officer;
- 7 (2) set out the type of hearings that the designated employees are authorized to conduct;
- 8 (3) reference the rules of procedure for conducting public rulemaking hearings.

9 (b) The Chair may set time limits on oral presentations.

- 10 (1) Unless the Chair specifies otherwise, oral presentations are limited to five minutes per person or  
11 requesting entity;
- 12 (2) The Chair may require that oral presentations be limited to representative spokespersons for those  
13 advocating or opposing agenda items;
- 14 (3) In making the above decisions, the Chair should consider:
  - 15 (A) the length of the agenda and of the meeting;
  - 16 (B) the number of rules or agenda items subject to comment;
  - 17 (C) the complexity of the issues;
  - 18 (D) the public interest in a particular rule, report or agenda item;
  - 19 (E) the number of people desiring to address the agency;
  - 20 (F) the variations in the speakers' arguments and level of agreement within their positions or  
21 relationships;
  - 22 (G) the nature of the comments in relation to the agency's scope of review; and
  - 23 (H) the amount of notice given to the agency, commission, or committee.

24 (c) The Chair will set the date, time, and place of any public hearing, and, when required, comply with North Carolina  
25 General Statutes Chapter 150B.

- 26 (1) If no hearing end time is designated prior to the beginning of the meeting, the Chair may end the  
27 hearing at any appropriate time.
- 28 (2) If a hearing end time has been designated for a hearing in which comments will be accepted, the  
29 hearing officer will remain in the meeting until such end time is reached.

30 (d) When a hearing officer is designated, the hearing officer will collect written and oral submission presented during  
31 the hearing and submit to the agency, commission or committee as appropriate following the close of the record.

32 (e) Nothing in this rule is meant to require the agency, commission, or committee to allow public comment when not  
33 required by statute.

34 (f) For purposes of this rule, Chair means the person designated as chairperson for the agency, commission or  
35 committee, holding the hearing. In the event the Chair is not present at hearing, the Vice-Chair will preside, and if  
36 the Vice-Chair is also not present, then the hearing officer will preside, and either will act, for purposes of this rule  
37 and for the hearing, with the authority of the Chair.

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History Note: Authority G.S. 150-B  
Eff. November 1, 2024

1 **12 NCAC 09B .0104 is being proposed for amendment as follows:**

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3 **12 NCAC 09B .0104 MEDICAL EXAMINATION**

4 (a) Each applicant for certification or enrollment in a ~~basic law enforcement training course~~ Commission approved  
5 Basic Law Enforcement Training Course shall complete, sign, and date the Commission's Medical History Statement  
6 Form (F-1) and shall be examined by either a ~~surgeon~~, physician, physician assistant, or nurse practitioner who is  
7 ~~licensed to practice in North Carolina or authorized to practice medicine in the United States Armed Forces, as outlined~~  
8 ~~in 10 U.S. Code 1094~~, holds a current license to practice medicine, to help determine his or her fitness to carry out  
9 the physical requirements of the position of law enforcement officer.

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

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

15 (c) The "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as  
16 published by the North Carolina Department of Justice may be obtained for use by the examining physician, surgeon,  
17 physician's assistant, or nurse practitioner, at no cost, at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.

18 (d) The examining physician, surgeon, physician's assistant, nurse practitioner, shall record the results of the  
19 examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

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

- 22 (1) the applicant's beginning the Basic Law Enforcement Training Course; and  
23 (2) the agency submission of application for certification to the Commission.

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25 *History Note:* *Authority G.S. 17C-6; 17C-10;*  
26 *Eff. January 1, 1981;*  
27 *Amended Eff. April 1, 2018; October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990;*  
28 *April 1, 1985;*  
29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
30 *2019;*  
31 *Amended Eff. ~~October 1, 2022~~ November 1, 2024*  
32

1 **12 NCAC 09B .0304 is being proposed for amendment as follows:**

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3 **12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION**

4 (a) The Commission shall issue a Specialized Instructor Certification to an applicant who has developed specific  
5 motor skills and abilities by virtue of special training and demonstrated experience in one or more of the following  
6 topical areas:

- 7 (1) ~~Subject Control Arrest Techniques; Compliance and Control Techniques;~~  
8 (2) First Responder;  
9 (3) Firearms;  
10 (4) Law Enforcement Driver Training;  
11 (5) Physical Fitness;  
12 (6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of ~~Adult~~  
13 ~~Correction and Juvenile Justice~~);  
14 (7) Medical Emergencies (Department of Public Safety, Division of ~~Adult Correction and Juvenile~~  
15 ~~Justice~~); ~~or~~  
16 (8) Explosive and Hazardous Materials ~~Emergencies~~; Emergencies; or  
17 (9) Standardized Field Sobriety Testing.

18 (b) To qualify for and maintain ~~any~~ Specialized Instructor ~~Certification~~; Certification in topical areas in Paragraph  
19 (a)(1) through (a)(8) of this Rule, an applicant shall possess a valid CPR Certification that includes cognitive and skills  
20 testing, through the American Red Cross, American Heart Association, American Safety and Health Institute, or  
21 National Safety Council.

22 (c) An applicant shall achieve a minimum score of 75 percent on the comprehensive written exam, as specified in  
23 Rule .0414 of this Subchapter in order to qualify for Specialized Instructor Certification in the following topical areas:

- 24 (1) ~~Subject Control Arrest Techniques; Compliance and Control Techniques;~~  
25 (2) Firearms;  
26 (3) Law Enforcement Driver Training;  
27 (4) Physical Fitness; and  
28 (5) Explosive and Hazardous Materials Emergencies.

29 (d) To qualify for Specialized Instructor Certification in the ~~Subject Control Arrest Techniques~~ Compliance and  
30 Control Techniques topical area, an applicant shall meet the following requirements:

- 31 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as  
32 specified in Rule .0303 of this Section;  
33 (2) Complete the pertinent Commission-approved specialized instructor course; and  
34 (3) Obtain the recommendation of a Commission-certified school director or in-service training  
35 coordinator.

36 (e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant shall satisfy  
37 one of the following two options:

- 1 (1) The first option is:
- 2 (A) Hold CPR instructor certification through the American Red Cross, American Heart
- 3 Association, American Safety and Health Institute, or National Safety Council;
- 4 (B) Hold, or have held, basic Emergency Medical Technician certification;
- 5 (C) Have completed the Department of Transportation's 40 hour EMT Instructor Course or
- 6 equivalent within the last three years or hold a North Carolina Professional Educator's
- 7 License, issued by the Department of Public Instruction; and
- 8 (D) Obtain the recommendation of a Commission-certified school director or in-service
- 9 training coordinator.

- 10 (2) The second option is:
- 11 (A) Hold General Instructor Certification, either probationary status or full general instructor
- 12 status, as specified in Rule .0303 of this Section;
- 13 (B) Hold CPR instructor certification through the American Red Cross, American Heart
- 14 Association, American Safety and Health Institute or National Safety Council;
- 15 (C) Hold, or have held, basic EMT certification; and
- 16 (D) Obtain the recommendation of a Commission-certified school director or in-service
- 17 training coordinator.

18 (f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant shall meet the following

19 requirements:

- 20 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
- 21 specified in Rule .0303 of this Section;
- 22 (2) Complete the Commission-approved specialized firearms instructor training course; and
- 23 (3) Obtain the recommendation of a Commission-certified school director or in-service training
- 24 coordinator.

25 (g) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an

26 applicant shall meet the following requirements:

- 27 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
- 28 specified in Rule .0303 of this Section;
- 29 (2) Complete the Commission-approved specialized driver instructor training course; and
- 30 (3) Obtain the recommendation of a Commission-certified school director or in-service training
- 31 coordinator.

32 (h) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become

33 certified through one of the following two methods:

- 34 (1) The first method is:
- 35 (A) hold General Instructor Certification, either probationary status or full general instructor
- 36 status, as specified in Rule .0303 of this Section;

1 (B) complete the Commission-approved specialized physical fitness instructor training course;  
2 and

3 (C) obtain the recommendation of a Commission-certified School Director.

4 (2) The second method is:

5 (A) Complete the Commission-approved specialized physical fitness instructor training course;

6 (B) obtain the recommendation of a Commission-certified School director or in-service  
7 training coordinator; and

8 (C) meet one of the following qualifications:

9 (i) hold a valid North Carolina Professional Educator's License, issued by the  
10 Department of Public Instruction, hold a baccalaureate degree in physical  
11 education, and be presently teaching in physical education topics; or

12 (ii) be presently instructing physical education topics in a community college,  
13 college, or university and hold a baccalaureate degree in physical education.

14 (i) To qualify for Specialized Certification in the Standardized Field Sobriety Testing topical area, an applicant shall:

15 (1) Be certified by the North Carolina Department of Health and Human Services, Forensic Test for  
16 Alcohol Branch, as a Standardized Field Sobriety Instructor.

17 (2) Obtain the recommendation of a Commission-certified school director or in-service training  
18 coordinator.

19 ~~(j)~~ (j) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult  
20 ~~Correction and~~ Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant shall meet the  
21 following requirements:

22 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as  
23 specified in Rule .0303 of this Section;

24 (2) Complete the Commission-approved corrections specialized instructor training – controls,  
25 restraints, and defensive techniques course; and

26 (3) Obtain the recommendation of a Commission-certified school director.

27 ~~(k)~~ (k) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult  
28 ~~Correction and~~ Juvenile Justice Medical Emergencies topical area, an applicant shall meet the following requirements:

29 (1) Have completed a Commission-certified basic instructor training course or an equivalent instructor  
30 training course utilizing the Instructional Systems Design model, an international model with  
31 applications in education, military training, and private enterprise;

32 (2) Hold instructor certification in CPR and First Aid by the American Red Cross, American Heart  
33 Association, American Safety and Health Institute, or National Safety Council; and

34 (3) Obtain the recommendation of a Commission-certified school director.

35 ~~(l)~~ (l) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies  
36 topical area, an applicant shall satisfy one of the following two options:

37 (1) The first option is:

- 1 (A) hold General Instructor Certification, either probationary status or full general instructor  
2 status, as specified in Rule .0303 of this Section;
- 3 (B) Complete the Commission-approved specialized explosives and hazardous materials  
4 instructor training course; and
- 5 (C) obtain the recommendation of a Commission-certified school director or in-service training  
6 coordinator.
- 7 (2) The second option is:
- 8 (A) have completed the Fire Service Instructor Methodology Course or the equivalent utilizing  
9 the Instructional Systems Design model, an international model with applications in  
10 education, military training, and private enterprise;
- 11 (B) Complete the Commission-approved specialized explosives and hazardous materials  
12 instructor training course; and
- 13 (C) obtain the recommendation of a Commission-certified school director or in-service training  
14 coordinator.

15  
16 *History Note:* *Authority G.S. 17C-6;*  
17 *Eff. January 1, 1981;*  
18 *Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;*  
19 *Temporary Amendment Eff. January 1, 2001;*  
20 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006;*  
21 *December 1, 2004; August 1, 2002;*  
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
23 *2019.*  
24 *Amended Eff. November 1, 2024*  
25

1 **12 NCAC 09B .0504 is being proposed for amendment as follows:**

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3 **12 NCAC 09B .0504 CERTIFICATION OF QUALIFIED ASSISTANT**

4 (a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the  
5 planning, development, and implementation of ~~an accredited basic recruit~~ a Commission approved training course, a  
6 qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible  
7 to serve as a Qualified Assistant, an applicant shall:

- 8 (1) be selected by the School Director;
- 9 ~~(2) have four years of experience as a criminal justice officer or as an administrator or specialist in a~~  
10 ~~field directly related to the criminal justice system;~~
- 11 ~~(3) be certified as a General Instructor, pursuant to 12 NCAC 09B .0302, if certified as a Qualified~~  
12 ~~Assistant for a Instructor Training Course;~~
- 13 ~~(4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor~~  
14 ~~Orientation Course as offered by the North Carolina Justice Academy;~~
- 15 ~~(5) have completed an orientation course conducted by Standards Division staff; and~~
- 16 ~~(6) participate in the annual training conducted by Commission staff.~~
- 17 (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice  
18 Education and Training Standards Commission;
- 19 (3) furnish documentary evidence to the Standards Division of high school, college, or university  
20 graduation as outlined in 12 NCAC 09B .0104.
- 21 (4) attend or must have attended the most current offering of the Qualified Assistant's orientation as  
22 developed and presented by the Commission staff; and
- 23 (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the  
24 issuance of such certification. This application shall be executed by the certified School Director  
25 of the institution or agency currently accredited to administer Commission approved training  
26 courses and for whom the applicant will be the designated Qualified Assistant.

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

31 ~~(b) Any person designated by a School Director as a Qualified Assistant in the delivery or presentation of a~~  
32 ~~Commission mandated training course shall have on file confirmation from the Commission acknowledging~~  
33 ~~designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.~~

34 ~~(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application~~  
35 ~~form. The Qualified Assistant Application Form is located on the agency's website at no cost [http://nedoj.gov/About-](http://nedoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx)~~  
36 ~~DOJ/Law Enforcement Training and Standards/Criminal Justice Education and Training Standards/Forms and-~~  
37 ~~Publications.aspx. Applicants shall provide the following information on the Qualified Assistant Application Form:~~



1           ~~(1) — accredited school name and contact information;~~

2           ~~(2) — applicant's name and contact information;~~

3           ~~(3) — applicant's instructor certification number; and~~

4           ~~(4) — School Director name and signature.~~

5           ~~(d) The School Director shall ensure that the person selected meets the requirements set forth in Paragraphs (a) and~~  
6           ~~(b) of this Rule.~~

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

9

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

11                         *Eff. January 1, 2020.*

12                         *Amended Eff. November 1, 2024*

13

1 **12 NCAC 09B .0505 is being proposed for amendment as follows:**

2  
3 **12 NCAC 09B .0505 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

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

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

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

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

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

16 (1) Participate in annual training conducted by Commission staff. This annual training shall be  
17 delivered in a conference, classroom, or virtual format and shall contain information relevant to the  
18 responsibilities of a Qualified Assistant, as outlined in 12 NCAC 09B .0504(c);

19 (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice  
20 Education and Training Standards Commission.

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

25  
26 *History Note: Authority G.S. 17C-6;*  
27 *Eff. January 1, 2020.*  
28 *Amended Eff. November 1, 2024*  
29

1 **12 NCAC 09C .0309 is being proposed for amendment as follows:**

2  
3 **12 NCAC 09C .0309 LATERAL TRANSFER OF LOCAL CONFINEMENT PERSONNEL**

4 (a) An officer, supervisor or administrator with general certification may transfer from one local confinement facility  
5 to another local confinement facility, or may transfer from one county confinement facility to another county  
6 confinement facility with less than a 12-month break in service. Prior to employing the individual, the employing  
7 agency shall:

- 8 (1) verify the certification of the individual with the Standards Division;
- 9 (2) submit an up-to-date fingerprint check in the same manner as prescribed for non-certified new  
10 applicants; no certification will be transferred if the holder has been convicted since initial  
11 certification of any offense for which revocation or suspension or certification is authorized;
- 12 (3) advise the individual that he will be serving under a probationary appointment with the agency for  
13 one year;
- 14 (4) notify the Commission, by submitting a Report of Appointment, that the individual is being  
15 employed and stating the date on which employment will commence.

16 (b) Prior to transfer of certification, local confinement personnel shall:

- 17 (1) complete a Medical History Statement Form within one year prior to the transfer to the employing  
18 agency;
- 19 (2) submit to examination by a physician ~~licensed to practice medicine in North Carolina~~ who holds a  
20 current license to practice medicine in the same manner prescribed for non-certified new applicants  
21 in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
- 22 (3) submit results of the physical examination to the employing agency for placement in the individual's  
23 permanent personnel file; and
- 24 (4) produce a negative result on a drug screen administered according to the specifications outlined in  
25 12 NCAC 09B .0101(5).

26 (c) Local confinement personnel previously certified who were not previously required to meet the educational or  
27 basic training requirements are not required to meet such requirements when laterally transferring to another agency  
28 with less than a 12-month break in service.

29  
30 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*  
31 *Eff. June 1, 1986;*  
32 *Amended Eff. August 1, 1998; July 1, 1990; March 1, 1990;*  
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
34 *2019.*  
35 *Amended Eff. November 1, 2024*  
36

1 **12 NCAC 09C .0310 is being proposed for amendment as needed:**

2  
3 **12 NCAC 09C .0310 AGENCY REPORTING OF DRUG SCREENING RESULTS**

4 (a) Every law enforcement officer shall produce a negative result on a drug screen administered according to the  
5 following specifications:

- 6 (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay  
7 method and a confirmatory test on an initial positive result using a gas chromatography/mass  
8 spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the  
9 Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- 10 (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding  
11 of the specimen. If the specimen is handled only by a medical professional or a third party provider  
12 and the laboratory utilizes federally mandated chain of custody procedures, then the agency does  
13 not need an inter-agency chain of custody procedure. If agency staff will be handling the urine  
14 specimen at any point, then agency staff shall document the collection, storage, and processing of  
15 the specimen for testing purposes.
- 16 (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates,  
17 and amphetamines or their metabolites; and
- 18 (4) the test threshold values meet the requirements established by the Department of Health and Human  
19 Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated  
20 by reference, including later amendments and editions found at no cost at  
21 [https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs)  
22 [federal-workplace-drug-testing-programs](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs);
- 23 (5) conduct the test within 90 days of certification;
- 24 (6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and  
25 shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling,  
26 testing, storage, and preservation of samples.

27 (b) Each agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results  
28 of required drug screening obtained from applicants and lateral transfers. If the positive result were explained by the  
29 applicant or lateral transfer to the satisfaction of the agency's Medical Review Officer, who holds a current license to  
30 practice medicine, ~~shall be a licensed physician~~, the positive results are not required to be reported.

31 (c) Each agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals  
32 to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive  
33 result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review  
34 Officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of  
35 this Rule.

1 (d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the  
2 presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of  
3 Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

4 (e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the  
5 presence of an illegal drug at a level less than the threshold value as established by the Department of Health and  
6 Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

7 (f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain  
8 the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of  
9 the drug screen panel with the results of the medical officer review.

10  
11 *History Note:* Authority G.S. 17C-6; 17C-10;  
12 Eff. July 1, 1990;  
13 Amended Eff. October 1, 2018; May 1, 2009;  
14 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
15 2019;  
16 Amended Eff. ~~October 1, 2022.~~ November 1, 2024.  
17

1 **12 NCAC 09D .0102 GENERAL PROVISIONS**

2 (a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following  
3 preliminary qualifications:

- 4 (1) The officer shall presently hold general law enforcement officer certification. A person serving  
5 under a probationary certification is not eligible for consideration. An officer subject to suspension  
6 or revocation proceedings, **on probation** subsequent to suspension or revocation proceedings, or is  
7 under investigation for possible decertification action by the Commission, the Company and  
8 Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards  
9 Commission shall not be eligible for professional awards for the pendency of the proceeding **or the**  
10 **period of probation:**
- 11 (2) The officer shall be familiar with and subscribe to the Law Enforcement Code of Ethics;
- 12 (3) The officer shall be a full-time, sworn, paid member of a law enforcement agency within the state;
- 13 (4) Applicants shall be given credit for the satisfactory completion of all in-service law enforcement  
14 training which is not mandated by the Commission pursuant to 12 NCAC 09E .0105;
- 15 (5) Applicants shall not be given credit for the satisfactory completion of Commission-mandated Basic  
16 Law Enforcement Training courses; and
- 17 (6) Full-time, paid employees of a law enforcement agency within the State who have successfully  
18 completed a Commission-accredited law enforcement officer basic training program and have  
19 previously held general law enforcement officer certification as specified in Subparagraph (1) of  
20 this Paragraph, but are presently, by virtue of promotion or transfer, serving in non-sworn positions  
21 not subject to certification are eligible to participate in the professional certificate program.  
22 Eligibility for this exception requires continuous employment with the law enforcement agency  
23 from the date of promotion or transfer from a sworn, certified position to the date of application for  
24 a professional certificate.

25 (b) Awards are based upon a formula which combines formal education, law enforcement training, and actual  
26 experience as a law enforcement officer. Points are computed in the following manner:

- 27 (1) Each semester hour of college credit shall equal one point and each quarter hour shall equal two-  
28 thirds of a point;
- 29 (2) Twenty classroom hours of Commission-approved law enforcement training shall equal one point;  
30 and
- 31 (3) Only experience as a full-time, sworn, paid member of a law enforcement agency or equivalent  
32 experience shall be acceptable for consideration.

33  
34 *History Note: Authority G.S. 17C-6;*  
35 *Eff. January 1, 1981;*  
36 *Amended Eff. June 1, 2012; August 1, 2002; August 1, 1995; May 1, 1986; April 1, 1984; January*  
37 *1, 1983;*  
38 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
39 *2019.*  
40 *Amended Eff. November 1, 2024*



1 **12 NCAC 09G .0202 is being proposed to be repealed as follows:**

2

3 **~~12 NCAC 09G .0202~~ — **CITIZENSHIP****

4 ~~Every person employed as a correctional or probation/parole officer by the North Carolina Department of Public~~  
5 ~~Safety, Division of Adult Correction and Juvenile Justice shall provide the agency with documentation verifying that~~  
6 ~~he or she is a citizen of the United States.~~

7

8 *History Note: Authority G.S. 17C-6; 17C-10;*  
9 *Temporary Adoption Eff. January 1, 2001;*  
10 *Eff. August 1, 2002;*  
11 *Amended Eff. January 1, 2015; August 1, 2004;*  
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
13 *2019.*  
14 *Repealed Eff. July 1, 2024*

15

16



1 **12 NCAC 09G .0205 is being proposed for amendment as follows:**

2  
3 **12 NCAC 09G .0205 MEDICAL EXAMINATION**

4 (a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training  
5 course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined  
6 by either a ~~surgeon~~, physician, physician assistant, or nurse practitioner who ~~is licensed to practice in North Carolina~~  
7 ~~or authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as~~  
8 ~~outlined in 10 U.S. Code 1094, holds a current license to practice medicine~~, to help determine his or her fitness to  
9 carry out the physical requirements of the position of correctional officer or probation/parole officer.

10 (b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or  
11 nurse practitioner with:

- 12 (1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and  
13 (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A)  
14 Form attached to the Medical Examination Report Form (F-2). The Instructions to Agency and  
15 Examiner for Completion of Medical Examination Report (F-2A) Form shall notify the examining  
16 surgeon, physician, physician's assistant, or nurse practitioner that the "Medical Screening  
17 Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the  
18 North Carolina Department of Justice is available at no cost at [https://ncdoj.gov/law-enforcement-](https://ncdoj.gov/law-enforcement-training/criminal-justice/)  
19 [training/criminal-justice/](https://ncdoj.gov/law-enforcement-training/criminal-justice/).

20 (c) The examining surgeon, physician, physician's assistant, or nurse practitioner shall record the results of the  
21 examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

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

- 24 (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training  
25 course, and  
26 (2) an agency's submission of application for certification to the Commission.

27  
28 *History Note:* Authority G.S. 17C-6; 17C-10;  
29 Temporary Adoption Eff. January 1, 2001;  
30 Eff. August 1, 2002;  
31 Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004;  
32 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
33 2019;  
34 Temporary Amendment Eff. February 15, 2022;  
35 Amended Eff. May 1, 2023; October 1, 2022; ~~August 23, 2022~~; November 1, 2024  
36

1 **12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS**

2 (a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during  
3 which the correctional officer is certified by the Commission.

4 (b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:

- 5 (1) be a citizen of the United ~~States;~~ States, or have a U.S. Permanent Resident Card (Green Card) and  
6 have resided in the United States for at least five (5) years;
- 7 (2) be at least ~~20~~ 18 years of age;
- 8 (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;
- 9 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
- 10 (5) have had a medical examination as required by 12 NCAC 09G .0205;
- 11 (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
- 12 (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).  
13 The psychological screening examination shall be valid for a period of one year from the date on  
14 which it was administered;
- 15 (8) have a background investigation conducted by the Department of Adult Correction, including a  
16 personal interview as described in 12 NCAC 09G .0210;
- 17 (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
- 18 (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily  
19 Complete the Department of Adult Correction's departmental firearms training program as  
20 prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within  
21 one year of the date of employment and by using the department approved service handgun(s);
- 22 (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline,  
23 attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: In  
24 re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216  
25 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants  
26 for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924);  
27 State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- 28 (12) make the following notifications:
- 29 (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division  
30 (Division) and the appointing agency head in writing of all criminal offenses for which the  
31 officer is charged or arrested. This shall include traffic offenses identified in the  
32 Department of Adult Correction section of the Class B Misdemeanor Manual and offenses  
33 of driving under the influence (DUI) or driving while impaired (DWI);
- 34 (B) within 30 days of the qualifying event, notify the Division and the appointing agency head  
35 in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or  
36 of which the officer is found guilty. This shall include traffic offenses identified in the

1 Class B Misdemeanor Manual (correctional officers section) and offense of driving under  
2 the influence (DUI) or driving while impaired (DWI);

3 (C) within 30 days of service, officers shall notify the Standards Division of all Domestic  
4 Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are  
5 issued by a judicial official against the officer;

6 (D) within 30 days of the date the case was disposed of in court, the agency head, provided he  
7 or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall  
8 also notify the Standards Division of arrests or criminal charges and final disposition;

9 (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and  
10 Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge  
11 of the order, shall also notify the Standard Division of these orders; and

12 (f) The required notifications in this Rule shall be in writing and shall specify the nature of the  
13 offense or order, the court in which the case as handled, the date of the arrest, criminal  
14 charge, or service of the order, and the final disposition. The notification shall include a  
15 certified copy of the order or court documentation and final disposition from the Clerk of  
16 Court in the county of adjudication. The requirements of this Item shall be applicable at all  
17 times during which the officer is employed and certified by the Commission and shall also  
18 apply to all applicants for certification. Receipt by the Standards Division of a single  
19 notification, for the officer or the agency head, shall be sufficient notice for compliance  
20 with this Item.

21  
22 *History Note:* Authority G.S. 17C-6; 17C-10;

23 *Eff. May 1, 2023.*

24 *Amended Eff. July 1, 2024*

25

1 **12 NCAC 09G .0211 is being proposed for amendment as follows:**

2  
3 **12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS**

4 (a) Every correctional or probation/parole officer shall have produced a negative result on a drug screen administered  
5 according to the following specifications:

- 6 (1) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay  
7 method and a confirmatory test on an initial positive result using a gas chromatography/mass  
8 spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the  
9 Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- 10 (2) a chain of custody shall be maintained on the specimen from collection to the eventual discarding  
11 of the specimen. If the specimen is handled only by a medical professional or a third party provider  
12 and the laboratory utilizes federally mandated chain of custody procedures, then the agency does  
13 not need an inter-agency chain of custody procedure. If agency staff will be handling the urine  
14 specimen at any point, then the agency needs a firmly established chain of custody procedure;
- 15 (3) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates,  
16 and amphetamines or their metabolites; and
- 17 (4) the test threshold values meet the requirements established by the Department of Health and Human  
18 Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated  
19 by reference, including later amendments and editions found at no cost at  
20 [https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs)  
21 [federal-workplace-drug-testing-programs](https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs);
- 22 (5) conduct the test within 90 days of certification;
- 23 (6) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and  
24 shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling,  
25 testing, storage, and preservation of samples.

26 (b) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results  
27 of required drug screening obtained from applicants. If the positive result was explained by the applicant to the  
28 satisfaction of the agency's Medical Review Officer, ~~who shall be a licensed physician,~~ holds a current license to  
29 practice medicine, the positive results are not required to be reported.

30 (c) The agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals  
31 to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive  
32 result or refusal, unless the officer has explained the positive result to the satisfaction of the agency's Medical Review  
33 Officer, ~~who shall be a licensed physician,~~ holds a current license to practice medicine, to the extent the drug screen  
34 conducted conforms to the specifications of this Rule.

35 (d) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the  
36 presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of  
37 Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

1 (e) For reporting purposes, a result is considered "negative" only in those cases where the drug screen reveals the  
2 presence of an illegal drug at a level less than the threshold value as established by the Department of Health and  
3 Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule.

4 (f) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain  
5 the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of  
6 the drug screen panel with the results of the medical officer review.

7

8 *History Note: Authority G.S. 17C-6; 17C-10;*  
9 *Eff. May 1, 2023.*  
10 *Amended Eff: November 1, 2024*

11

1 **12 NCAC 09G .0417 is being proposed for amendment as follows:**

2  
3 **12 NCAC 09G .0417 CERTIFICATION OF QUALIFIED ASSISTANT**

4 (a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the  
5 planning, development, and implementation of ~~an accredited basic recruit~~ a Commission approved training course, a  
6 ~~qualified assistant~~ Qualified Assistant shall be designated to assist the School Director in the administration of the  
7 course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- 8 (1) be selected by the School Director;
- 9 ~~(2) have four years of experience as a criminal justice officer or as an administrator or specialist in a~~  
10 ~~field directly related to the criminal justice system;~~
- 11 ~~(3) be certified as a General Instructor, pursuant to Rule .0308 of this Subchapter, if certified as a~~  
12 ~~Qualified Assistant for an Instructor Training Course;~~
- 13 ~~(4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor~~  
14 ~~Training Orientation Course as offered by the North Carolina Justice Academy;~~
- 15 ~~(5) have completed an orientation course conducted by Standards Division staff; and~~
- 16 ~~(6) participate in the annual training conducted by Commission staff.~~
- 17 (2) hold current General Instructor certification as issued by the North Carolina Criminal Justice  
18 Education and Training Standards Commission;
- 19 (3) furnish documentary evidence to the Standards Division of high school, college, or university  
20 graduation as outlined in 12 NCAC 09B .0104.
- 21 (4) attend or must have attended the most current offering of the Qualified Assistant's orientation as  
22 developed and presented by the Commission staff; and
- 23 (5) submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the  
24 issuance of such certification. This application shall be executed by the certified School Director  
25 of the institution or agency currently accredited to administer Commission approved training  
26 courses and for whom the applicant will be the designated Qualified Assistant.

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

31 ~~(b) Any person designated by a School Director as a Qualified Assistant or who performs the duties of, a Qualified~~  
32 ~~Assistant in the delivery or presentation of a Commission mandated training course shall have on file confirmation~~  
33 ~~from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a~~  
34 ~~Qualified Assistant.~~

35 ~~(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application~~  
36 ~~Form F 10(QA). The Qualified Assistant Application Form F 10(QA) is located on the agency's website at no cost~~  
37 ~~<http://ncdoj.gov/About DOJ/Law Enforcement Training and Standards/Criminal Justice Education and Training>~~

1 ~~Standards/Forms and Publications.aspx. Applicants shall provide the following information on the Qualified~~  
2 ~~Assistant Application Form:~~

3 (1) ~~accredited school name and contact information;~~

4 (2) ~~applicant's name and contact information;~~

5 (3) ~~applicant's instructor certification number; and~~

6 (4) ~~School Director name and signature.~~

7 ~~(d) The School Director shall ensure that the person selected meets the requirements set forth in Paragraphs (a) and~~  
8 ~~(b) of this Rule.~~

9 ~~(e)~~ (c) When directed by the School Director, the Qualified Assistant shall assist in the planning, developing,  
10 coordinating, and delivering of Commission-mandated training courses as outlined in Rule .0408 of this Section.

11  
12 *History Note: Authority G.S. 17C-6;*

13 *Eff. January 1, 2020.*

14 *Amended Eff. November 1, 2024*

1 **12 NCAC 09G .0418 is being proposed for amendment as follows:**

2  
3 **12 NCAC 09G .0418 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

4 (a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the  
5 certification, unless earlier terminated by action of the Commission. The application for renewal shall include  
6 documentation meeting the requirements of Rule .0417(a) and (b) of this Section.

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

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

13 (d) The Commission shall deny, suspend, or revoke the certification of a Qualified Assistant when it have found the  
14 person has engaged in any conduct outlined in Rule .0307 of this Subchapter.

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

16 (1) Participate in annual training conducted by Commission staff. This annual training shall be  
17 delivered in a conference, classroom, or virtual format and shall contain information relevant to the  
18 responsibilities of a Qualified Assistant, as outlined in 12 NCAC 09G .0417(c);

19 (2) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice  
20 Education and Training Standards Commission.

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

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26 *History Note: Authority G.S. 17C-6;*  
27 *Eff. January 1, 2020.*  
28 *Amended Eff. November 1, 2024*  
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1 **12 NCAC 09G .0602 GENERAL PROVISIONS**

2 (a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following  
3 preliminary qualifications:

4 (1) The officer shall hold a general correctional officer certification. A person serving under a  
5 probationary certification is not eligible for consideration. An officer subject to suspension or  
6 revocation ~~proceedings~~ proceedings, on probation subsequent to suspension or revocation  
7 proceedings, or under investigation for possible decertification action by the Commission, the North  
8 Carolina Company Police Program, the North Carolina Campus Police Program, or the North  
9 Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for  
10 professional awards for the pendency of the proceeding or the period of probation.

11 (2) The officer shall hold general certification with the Commission in one of the following categories:

12 (A) correctional officer; or

13 (B) probation/parole officer.

14 (3) The officer shall be a permanent, full-time, paid employee of the Department of Public Safety,  
15 Division of Adult Correction and Juvenile Justice.

16 (4) Permanent, paid employees of the Department of ~~Public Safety, Division of Adult Correction and~~  
17 ~~Juvenile Justice~~ who have completed a Commission-certified corrections officer basic training  
18 program or out-of-state equivalent and have previously held general certification as specified in 12  
19 NCAC 09G .0602(a)(1) and 12 NCAC 09G .0602(a)(2), but are presently, by virtue of promotion  
20 or transfer, serving in positions not subject to certification are eligible to participate in the  
21 professional certificate program. ~~Eligibility for this exception requires employment with the~~  
22 ~~Department of Public Safety, Division of Adult Correction and Juvenile Justice from the date of~~  
23 ~~promotion or transfer from a certified position to the date of application for a professional certificate.~~

24 (b) Awards are based upon a formula that combines formal education, corrections training, and actual experience as  
25 a corrections officer. Points are computed in the following manner:

26 (1) each semester hour of college credit shall equal one point and each quarter hour shall equal two-  
27 thirds of a point;

28 (2) 20 classroom hours of Commission-approved corrections training shall equal one point; and

29 (3) only experience as a permanent, paid employee of the Department of Public Safety, Division of  
30 Adult Correction and Juvenile Justice or the equivalent experience as determined by the  
31 Commission shall be acceptable of consideration.

32 Point requirements for each award are described in 12 NCAC 09G .0604 and .0605.

33 (c) Certificates shall be awarded in an officer's area of expertise only. The State Corrections Certificate is appropriate  
34 for permanent, paid corrections employees employed by the Department of Public Safety, Division of Adult Correction  
35 and Juvenile Justice.

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

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*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Amended Eff. January 1, 2015; June 1, 2012; August 1, 2004;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019.*  
*Amended Eff. November 1, 2024*