PROPOSED RULE AMENDMENTS

Public Hearing:

August 10, 2022
10:00 am

Full Commission Vote:

August 12, 2022
9:00 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:

Charminique Williams
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602.
Title: Definitions, Minimum Standards for Criminal Justice Officers, Background Investigation, Fingerprint Record Check, Medical Examination, Qualification Appraisal Interview, Documentation of Educational Requirements, Minimum Standards for Law Enforcement Officers, Minimum Standards for Local Confinement Personnel, Minimum Standards for Juvenile Court Counselors and Chief Court Counselors, Minimum Standards for Juvenile Justice Officers, Responsibilities of the School Director, Specialized Instructor Certification, Certification of Diversion Investigators and Supervisors, Comprehensive Written Exam-Specialized Instructor Training, Satisfaction of Minimum Training-Specialized Instructor, Specialized Rapid Deployment Instructor Training; Military, Agency Reporting of Drug Screening Results.

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

12 NCAC 09A .0103 Definitions
12 NCAC 09B .0101 Minimum Standards for Criminal Justice Officers
12 NCAC 09B .0102 Background Investigation
12 NCAC 09B .0103 Fingerprint Record Check
12 NCAC 09B .0104 Medical Examination
12 NCAC 09B .0105 Qualification Appraisal Interview
12 NCAC 09B .0106 Documentation of Educational Requirements
12 NCAC 09B .0111 Minimum Standards for Law Enforcement Officers
12 NCAC 09B .0114 Minimum Standards for Local Confinement Personnel
12 NCAC 09B .0116 Minimum Standards for Juvenile Court Counselors and Chief Court Counselors
12 NCAC 09B .0117 Minimum Standards for Juvenile Justice Officers
12 NCAC 09B .0202 Responsibilities of the School Director
12 NCAC 09B .0304 Specialized Instructor Certification
12 NCAC 09B .0314 Certification of Diversion Investigators and Supervisors
12 NCAC 09B .0414 Comprehensive Written Exam-Specialized Instructor Training
12 NCAC 09B .0415 Satisfaction of Minimum Training-Specialized Instructor
12 NCAC 09B .0418 Specialized Rapid Deployment Instructor Training
12 NCAC 09B .0701 Military
12 NCAC 09C .0310 Agency Reporting of Drug Screening Results

Statutory authority for the rule change: G.S. 17C-6, 17C-6, 17C-10; 17E-4; 90-113.74E; 93B-15.1

Amendment: On February 25, 2022, the Criminal Justice Education and Training Standards Commission proposed amendments to the rules mentioned above to:

Certify Rapid Deployment Instructors and Specialized Instructors.
Ensure uniformity of minimum standards.

Establish requirements for the submission of Pre- and Post delivery for the Division of Juvenile Justice courses.

Specify the renewal requirements for Diversion Investigator and Diversion Supervisors.

Allow all qualified military police applicants to attend identified training and pass the State Comprehensive Examination within their one-year probationary period.

☐ **State Impact:** None
☐ **Local Government Impact:** No
☐ **Substantial Economic Impact:** No
☐ **Small Business Impact:** No

*Rules begin on the following page*
12 NCAC 09A .0103 is proposed for amendment as follows:

12 NCAC 09A .0103  DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F, except as modified in 12 NCAC 09A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

1. "Active Duty Military" means, for the purpose of determining eligibility for certification pursuant to 12 NCAC 09B .0401 and 12 NCAC 09B .0403, full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

2. "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(2).

3. "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the Department of Public Safety as authorized by G.S. 18B-500.

4. "Chief Court Counselor" means the person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

5. "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or equivalent regulating body from another state that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

6. "Convicted" or "Conviction" means, for purposes of this Chapter, the entry of:
   (a) a plea of guilty;
   (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or
   (c) a plea of no contest, nolo contendere, or the equivalent.

7. "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3), excluding Correctional officers and probation/parole officers.

8. "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (2) of this Rule.

9. "Department Head" "Agency Head" means the chief administrator of any criminal justice agency, and specifically includes any chief of police or agency director. "Department Head" "Agency Head" also includes a designee appointed in writing by the Department Head. Agency Head.

10. "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.

11. "Educational Points" means points earned toward the Professional Certificate Programs for studies completed, with passing scores achieved, for semester hour or quarter hour credit at a regionally-
accredited institution of higher learning. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.

(12) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a Commission-certified basic training course that has not concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:

(a) for law enforcement officers, that the officer is attending an approved course presentation averaging a minimum of 12 hours of instruction each week; and

(b) for Department of Public Safety, Division of Adult Correction and Juvenile Justice personnel, that the officer is attending the last or final phase of the approved training course necessary for satisfying the total course completion requirements.

(13) "High School" means an educational program that meets the compulsory attendance requirements in the jurisdiction in which the school is located.

(14) "In-Service Training" means all training prescribed in 12 NCAC 09E.0105 that must be completed, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.

(15) "In-Service Training Coordinator" means the person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.

(16) "Lateral Transfer" means the employment of a criminal justice officer by a Criminal Justice Agency based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.

(17) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19, 1973, that reads as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or bribery, nor will I condone such
acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God or by affirmation to my chosen profession law enforcement.

(18) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the chief court counselor.

(19) "Juvenile Justice Officer" means a person designated by the Secretary of the Department of Public Safety, Division of Adult Correction and Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.

(20) "Law Enforcement Officer" means an appointee of a Criminal Justice Agency, an agency of the State, or of any political subdivision of the State who, by virtue of his or her office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from the title "Law Enforcement Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of G.S. 17E.

(21) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of Commission-approved law enforcement training courses. Twenty classroom hours of Commission-approved law enforcement training equals one law enforcement training point.

(22) "LIDAR" is an acronym for "Light Detection and Ranging" and means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.

(23) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or any officer, supervisor, or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.

(24) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

(a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (24)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the
offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

"Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 1508-21.6. The publication is available from the Commission's website: http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

(i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;

(ii) driving while license permanently revoked or permanently suspended;

(iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
(iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

(25) "Qualified Assistant" means an additional staff person designated by the School Director to assist in the administration of a course when an institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

(26) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

(27) "Resident" means any youth committed to a facility operated by the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

(28) "School" or "criminal justice school" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

(29) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.

(30) "Speed-Measuring Instruments" (SMI) means those devices or systems, including RADAR, Time-Distance and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.

(31) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

(32) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;
Eff. January 1, 1981;
Readopted Eff. July 1, 1982;
Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;
Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;
Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;
Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. August 1, 2002; April 1, 2001;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. January 1, 2017; February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005; April 1, 2004;
Amended Eff. October 1, 2022;
12 NCAC 09B .0101 is proposed for amendment as follows:

**SUBCHAPTER 09B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING**

**SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT**

12 NCAC 09B .0101 MINIMUM STANDARDS FOR CRIMINAL JUSTICE LAW ENFORCEMENT OFFICERS

Every criminal justice law enforcement officer who is employed in or has received a conditional offer of employment for a certified position by an agency in North Carolina shall:

1. be a citizen of the United States;
2. be at least 20 years of age; and be at least 18 years of age for telecommunicators;
3. be a high school graduate, or the equivalent as defined in 12 NCAC 09B .0106;
4. be of good moral character pursuant to G.S. 17C-10 as evidenced by the following:
   a. not having been convicted of a felony;
   b. not having been convicted of a misdemeanor as defined in 12 NCAC 09B .0111(1) for five years or the completion of any corrections supervision imposed by the courts, whichever is later;
5. have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
6. have had a medical examination as required by 12 NCAC 09B .0104;
7. not having been convicted of an offense that would prohibit the possession of a firearm or ammunition, under 18 U.S.C. 922, which is hereby incorporated by reference with subsequent amendments and editions and can be found at no cost at https://www.govinfo.gov/content/pkg/USCODE-2018-title18/pdf/USCODE-2018-title18-partI-chap44.pdf;
8. having submitted to and produced a negative result on a drug test within 60 days of employment or any in-service drug screening required by the appointing agency that meets the certification standards of the Department of Health and Human Services for Federal Workplace Drug-Testing Programs. A list of certified drug-testing labs that meet this requirement may be obtained at no cost at https://www.samhsa.gov/programs/campaigns/drug-free-workplace/guidelines-resources/drug-testing/certified-lab-list;
9. submitting to a background investigation consisting of the verification of age and education and a criminal history check of local, state, and national files;
10. being truthful in providing information to the appointing agency and to the Standards Division for the purpose of obtaining probationary or general certification;
(g) not having pending or outstanding felony charges that, if convicted of such charges, would disqualify the applicant from holding such certification, pursuant to G.S. 17C-13; and

(h) not having engaged in any conduct that brings into question the truthfulness or credibility of the officer, or involves "moral turpitude." "Moral turpitude" is conduct that is contrary to justice, honesty, or morality, including conduct as defined in: In re Willis 288 N.C.-1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions that cite these cases as authority.

(4) have been fingerprinted and a search made of local, state, and national files to disclose any criminal record;

(5) have been examined and certified by a licensed surgeon, physician, physician assistant, or nurse practitioner to meet physical requirements necessary to fulfill the officer’s particular responsibilities and shall have produced a negative result on a drug screen administered according to the following specifications: as described in 12 NCAC 09C.0310;

(a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;

(b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;

(c) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;

(d) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs;

(e) the test conducted shall be not more than 60 days old, calculated from the time the laboratory reports the results to the date of employment; and

(f) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples;
have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered.

have been interviewed personally by the department head or the department head representative or representatives to determine such things as the applicant's appearance, demeanor, attitude, and ability to communicate; and as described in 12 NCAC 09B .0105; and

have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC 09B .0102;

not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;

for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the agency approved service handgun(s) and any other weapon(s) that the applicant has been issued or authorized to use by the agency; and

be of good moral character as defined in : In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.

Make the following notifications:

(a) within 30 days of the qualifying event notify the Standards Division and the appointing department agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

(b) within 30 days of the qualifying event notify the Standards Division and the appointing department agency head in writing of all criminal offenses for which the officer pleads no contest pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

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

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

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

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

(14) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all
times during which the law enforcement officer is certified by the Commission.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. April 1, 2018; October 1, 2017; September 1, 2001; April 1, 1999; January 1, 1995;
November 1, 1993; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
Amended Eff. October 1, 2020;
An ended Eff. October 1, 2022;
12 NCAC 09B.0102 is proposed for amendment as follows:

12 NCAC 09B .0102 BACKGROUND INVESTIGATION

(a) Any agency contemplating the employment of an applicant as a criminal justice officer shall, prior to employment, complete a background investigation on such applicant. The investigation shall examine the applicant's character traits and habits relevant to performance as a criminal justice law enforcement officer and shall determine whether the applicant is of good moral character. This examination includes completion of Commission forms Personal History Statement Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history record check required by each.

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3) to provide a basis for the investigation. The agency shall certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement Form (F-3) and give the applicant the opportunity to update the Personal History Statement Form (F-3) prior to submission to the Division.

(c) The agency shall utilize an investigator with prior experience or training in conducting background investigations. The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-8) and shall include in the report of investigation:

1. biographical data;
2. family data;
3. scholastic data;
4. employment data;
5. criminal history data;
6. interviews with the applicant's references; and
7. a summary of the investigator's findings and conclusions regarding the applicant's moral character.

This documentation shall be included with all other documentation required in 12 NCAC 09C.0307.

(d) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted. For criminal justice officers employed by the North Carolina Department of Juvenile Justice and Delinquency Prevention, the agency may use the method of documenting the results of the background investigation it deems most appropriate to its needs in accordance with the Commission form. However, the Commission's Mandated Background Investigation Form must be used as a guide of minimum information to be collected and recorded by the investigator for all other criminal justice officer applicants that are regulated by the Commission.

(e) The employing agency shall provide the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website at no cost at https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/. Upon
written request by the Director of the Standards Division, the employing agency shall provide the Commission with a copy of any background investigation retained by the agency.

History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. August 1, 2002; August 1, 1998; July 1, 1989;
Temporary Amendment Eff. April 15, 2003;
Amended Eff. April 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2022.
12 NCAC 09B .0103 is proposed for amendment as follows:

12 NCAC 09B .0103  FINGERPRINT CRIMINAL HISTORY RECORD CHECK

(a) Each applicant for employment certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS), fingerprinted twice, using FBI Form FD-258, Fingerprint Record Card.

(b) The employing agency shall check the applicant's fingerprints against local files and shall forward both completed applicant's fingerprints fingerprint forms [record] to the North Carolina State Bureau of Investigation for fingerprint and a criminal history record check utilizing fingerprints against state and federal files.

(c) The employing agency will receive a report of the results of the fingerprint criminal history record check utilizing fingerprints against state and federal files. Regardless of the disposition of the inquiry, the employing agency shall permanently retain the results of the fingerprint criminal history record check utilizing fingerprints in the applicant's personnel file, compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to G.S. Chapter 121 and G.S. Chapter 132. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.

(d) An applicant for employment certification as a law enforcement officer may not be employed or placed in a sworn law enforcement position requiring certification by the Commission prior to the date on which the employing agency and Standards Division receive the report of the results of the fingerprint criminal history record check utilizing fingerprints, check unless all of the following requirements are met:

(1) The employing department head determines that the delay in receiving the fingerprint record check will result in undue hardship to the agency and certifies that determination to the Commission;

(2) The preliminary criminal history investigation conducted by the employing agency has failed to disclose any disqualifying criminal record;

(3) The applicant meets all of the minimum standards for employment and certification contained in this Subchapter;

(4) The Fingerprint Record Cards have in fact been executed, delivered to, and received by the State Bureau of Investigation for the purpose of a criminal history search;

(5) The applicant has completed and signed the applicant's certificate (Section A) of the Commission's Report of Appointment, wherein the applicant's temporary employment and probationary law enforcement officer certification is acknowledged to be contingent on the consistency of the fingerprint record check with the information provided in the Personal History Statement Form.

(e) An applicant for employment as a criminal justice officer other than a law enforcement officer may be employed prior to the date on which the employing agency receives the report of the results of the fingerprint record check, if all of the following requirements are met:

(1) The completed Fingerprint Record Cards have been forwarded to and received by the State Bureau of Investigation;

(2) The applicant meets all other minimum requirements for employment and certification.
The applicant's continued employment is contingent upon the agency's review and evaluation of the
results of the fingerprint record check.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.
Amended Eff. October 1, 2022;
12 NCAC 09B .0104 is proposed for amendment as follows:

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

(a) Each applicant for employment as a criminal justice officer certification or enrollment in a basic law enforcement training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) within one year prior to employment by the employing agency and shall be examined by either a surgeon, physician, physician assistant, or nurse practitioner who is licensed to practice medicine in North Carolina or by a surgeon, physician, physician assistant, or nurse practitioner authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces to help determine his or her the applicant's fitness to carry out the physical requirements of the criminal justice officer position.

(b) The examining Prior to conducting the examination, the surgeon, physician, physician assistant, or nurse practitioner shall: shall record the results of the examination on the Commission's Medical Examination Report Form and shall record any evidence of past or present defects, diseases, injuries, operations:

1. read the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice. Copies of this publication may be obtained at no cost at https://ncdoj.gov/law-enforcement-training/criminal-justice/;

2. read, sign, and date the Medical History Statement Form (F-1); and

3. read the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2).

(c) The examining physician, surgeon, physician's assistant, nurse practitioner, shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form. An applicant for employment as a law enforcement officer seeking general certification may not be employed or placed in a sworn law enforcement position prior to the date on which the employing agency receives the report of the results of the medical examination unless all of the following requirements are met:

1. The applicant has completed and signed the applicant's certificate (Section A) of the Commission's Report of Appointment, wherein the applicant's temporary employment and probationary law enforcement officer certification is acknowledged to be contingent on a report to the Commission of the completion of the drug screening of the individual being issued general certification.

2. The requirements of this Paragraph shall be met within 60 days of the law enforcement officer being issued general certification.

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

1. the applicant's beginning the Basic Law Enforcement Training Course and

2. the agency submission of application for certification to the Commission.

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

Eff January 1, 1981;

Amended Eff. October 1, 2022:
12 NCAC 09B .0105 is proposed for amendment as follows:

12 NCAC 09B .0105 QUALIFICATIONS APPRAISAL EMPLOYMENT INTERVIEW

(a) Prior to employing any applicant for employment as a criminal justice officer, the employing agency shall conduct an interview of the applicant to determine evaluation of the applicant's knowledge, skills and abilities and potential for demonstrating potential for success as a criminal justice law enforcement officer.

(b) The Department Agency head should appoint a panel of staff members to sit as a unit with the Department head during the interview. However, the Department head may conduct the interview personally or by delegating the responsibility to a qualified staff member or panel.

(c) The agency may use the method of interviewing and recording the interview it deems most appropriate to its needs. The Commission's Qualifications Appraisal Interview form may be used as a guide for the interviewer.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. October 1, 2022;
12 NCAC 09B .0106 is proposed for amendment as follows:

12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

(a) Each applicant for employment as a certification as a criminal justice—law enforcement officer shall furnish to the employing agency documentary evidence that the applicant has met the educational requirements for the criminal justice—field—of—expected—employment—of—high—school,—college—or—university—graduation— to—the—employing—agency. Documentary evidence of high school graduation consists of diplomas or transcripts from public schools or private schools which meet standards adopted by either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a comparable out of state agency; or such documentation as described in Paragraphs (b), (c), (d), (e) of this Rule. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or the state university of the state in which the institution is located.

(b) High school diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or a comparable out-of-state statute. Documentary evidence of educational requirements shall consist of official transcripts of courses completed or diplomas received from a school that meets the approval guidelines of either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or a comparable out-of-state agency. Documentary evidence of college or university graduation consists of diplomas or transcripts from colleges or universities accredited by the Department of Education of the state in which the institution is located; from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located. High school diplomas earned through correspondence enrollment in an entity that charges a fee and requires the individual to complete little or no education or coursework to obtain a high school diploma shall not be recognized toward these minimum educational requirements.

(c) Diplomas earned from high schools or equivalent institutions outside of the United States must be translated into English and be accompanied by an authentic transcript. Transcripts shall be evaluated to ensure they are scholastically comparable to United States curriculum requirements. Documentary evidence of having received a high school equivalency credential from the issuing state shall be satisfied by a certified copy of a high school equivalency credential from the issuing state.

(d) High school diplomas earned through on-line or correspondence courses shall be evaluated on a case by case basis. Such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.

(e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S. Department of Education, the state Department of Education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diploma.
(f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD214.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000;
Amended Eff. October 1, 2022;
12 NCAC 09B .0111 CRIMINAL HISTORY RECORD MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS

(a) Consistent with and subject to the requirements of 12 NCAC 09A .0204, every law enforcement officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal or military court of: In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every law enforcement officer employed by an agency in North Carolina shall:

(1) not have committed or been convicted of:

   (1) (a) a felony;
   (2) (b) a crime for which the punishment could have been imprisonment for more than two years;
   (3) (e) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application—certification for employment;
   (4) a crime or unlawful act defined as a "Class B Misdemeanor" occurring after the date of certification;
   (5) (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;
   (6) (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of certification application for employment; or
   (7) (f) a combination of four or more "Class A or B Misdemeanors" regardless of the date;

(b) The requirements of this Rule shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

(2) be a high school, college, or university graduate or have passed the General Educational Development Test indicating high school equivalency; and

(3) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106. Such firearms training compliance must have occurred prior to submission of the application for certification to the Commission and must be completed using the agency-approved service handgun(s) and any other weapon(s) that the applicant has been issued or authorized to use by the agency.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Eff: January 1, 1981;
Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985; January 1, 1985; January 1, 1983;

Amended Eff. October 1, 2022.
12 NCAC 09B .0114 is proposed for amendment as follows:

12 NCAC 09B .0114  MINIMUM STANDARDS FOR LOCAL CONFINEMENT PERSONNEL

In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every officer, supervisor, or administrator employed by a local confinement facility in North Carolina shall:

(1) not have committed or been convicted of:
   (a) a felony; or
   (b) a crime for which the punishment could have been imprisonment for more than two years; or
   (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five-year period prior to the date of application for employment; or
   (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction; or
   (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of application for employment;

(2) be a high school, college, or university graduate or have passed the General Educational Development Test indicating high school equivalency;

(1) be a citizen of the United States;

(2) be at least 20 years of age;

(3) be a high school graduate, or the equivalent as defined in 12 NCAC 09B .0106;

(4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;

(5) have had a medical examination as required by 12 NCAC 09B .0104;

(6) have produced a negative result on a drug screen as described in 12 NCAC 09C .0310;

(7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).

The psychological screening examination shall be valid for a period of one year from the date on which it was administered.

(8) have been interviewed as described in 12 NCAC 09B .0105; and

(9) have a background investigation conducted by the employing agency, including a personal interview as required by 12 NCAC 09B .0102;

(10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;

(11) be of good moral character as defined in: In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 355, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.

(12) Make the following notifications:
(a) within 30 days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

(b) within 30 days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

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

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

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

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

(13) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the law enforcement officer is certified by the Commission.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;
Eff. June 1, 1986;
Amended Eff. November 1, 2015; December 1, 1987;
Amended Eff. October 1, 2022;
12 NCAC 09B .0116 is proposed for amendment as follows:

12 NCAC 09B .0116 MINIMUM STANDARDS FOR JUVENILE COURT COUNSELORS AND CHIEF COURT COUNSELORS

In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every juvenile court counselor and chief court counselor employed by the North Carolina Department of Juvenile Justice and Delinquency Prevention shall:

(1) not have committed or been convicted of:
   (a) a felony;
   (b) a crime for which the punishment could have been imprisonment for more than two years;
   (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application for employment;
   (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction;
   (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of application for employment;

(2) have attained a bachelor's degree from a regionally accredited institution of higher learning;
   (1) be a citizen of the United States;
   (2) be at least 20 years of age;
   (3) have attained a bachelor's degree from a regionally accredited institution of higher learning;
   (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;
   (5) have had a medical examination as required by 12 NCAC 09B .0104;
   (6) have produced a negative results on a drug screen as described in 12 NCAC 09C .0310;
   (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
   (8) have been interviewed as described in 12 NCAC 09B .0105;
   (9) use the method of documenting the results of the background investigation it deems most appropriate to its needs in accordance with the Commission form. However, the Commission's Mandated Background Investigation Form (F-8) must be used as a guide of minimum information to be collected and recorded by the investigator for all other law enforcement officer applicants that are regulated by the Commission;
   (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;
   (11) be of good moral character as defined in: In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re
Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Berbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.

(12) Make the following notifications:

(a) within 30 days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

(b) within 30 days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

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

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

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

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

(14) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the law enforcement officer is certified by the Commission.

History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. April 15, 2003;
Eff. April 1, 2004;

Amended Eff. October 1, 2022.
12 NCAC 09B .0117 is proposed for amendment as follows:

12 NCAC 09B .0117 MINIMUM STANDARDS FOR JUVENILE JUSTICE OFFICERS

In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every juvenile justice officer employed by the North Carolina Department of Juvenile Justice and Delinquency Prevention shall:

1. not have committed or been convicted of:
   (a) a felony;
   (b) a crime for which the punishment could have been imprisonment for more than two years;
   (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five-year period prior to the date of application for employment;
   (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction; or
   (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of application for employment;

2. be a high school, college, or university graduate or have passed the General Equivalency Development Test indicating high school equivalency;

3. be a citizen of the United States;

4. be at least 20 years of age;

5. have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09B .0103;

6. have had a medical examination as required by 12 NCAC 09B .0104;

7. have produced a negative results on a drug screen as described in 12 NCAC 09C .0310;

8. have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered.

9. have been interviewed as described in 12 NCAC 09B .0105; and

10. use the method of documenting the results of the background investigation it deems most appropriate to its needs in accordance with the Commission form. However, the Commission's mandated Background Investigation Form (F-8) must be used as a guide of minimum information to be collected and recorded by the investigator for all other law enforcement officer applicants that are regulated by the Commission;

11. not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09B .0111;

12. be of good moral character as defined in: In re Willis 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re
(12) Make the following notifications:

(a) within 30 days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

(b) within 30 days of the qualifying event notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest pleads guilty or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);

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

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

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

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

(14) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the law enforcement officer is certified by the Commission.

Amended Eff. October 1, 2022.
12 NCAC 09B.0202 is proposed for amendment as follows:

12 NCAC 09B.0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

(1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;

(2) Select and schedule instructors who are certified by the Commission;

(3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;

(4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;

(5) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;

(6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;

(7) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by the school to be necessary or appropriate for:

(A) effective course delivery;

(B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and

(C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;

(8) If appropriate, recommend housing and dining facilities for trainees;

(9) Administer the course delivery in accordance with Commission approved lesson plans and course management guides;

(10) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and

(11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission, utilizing forms required for submission, which are located on the Agency's website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:
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;

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;

Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;

With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while engaged in a practical performance exercise;

Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques";

Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;

Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-1 OA) shall indicate a requested date and location for the administration of the State comprehensive exam, and include the following attachments:

(A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and

(B) a copy of any rules and requirements for the school. A copy of those rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;

Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General
Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;

Administer or designate a staff person to administer course specific tests during course delivery:

(A) to determine and record the level of trainee comprehension and retention of instructional subject matter;

(B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and

(C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and

No more than 10 days after the conclusion of a school’s offering of Basic Law Enforcement Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:

(A) a "Student Course Completion" form for each individual enrolled on the day of orientation;

(B) a "Certification and Test Score Release" form;

(C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and

(D) the orientation class enrollment roster.

(c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified "Criminal Justice Instructor Training Course," the School Director shall:

(1) Schedule course presentation pursuant to Rule .0209 of this Subchapter;

(2) Schedule evaluators as follows:

(A) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and

(B) each instructor and evaluator shall document successful participation in a program presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation;

(3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-10A) [Form F-10A(ITC)] with the following attachments:
(A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
(B) the names and instructor numbers for all instructors and evaluators; and
(C) a copy of any rules and requirements for the school; and
(4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report (Form F-10B) containing the following:
(A) class enrollment roster;
(B) a course schedule with the designation of instructors and evaluators utilized in delivery;
(C) scores recorded for each trainee on the 70 minute skill presentation; and
(D) designation of trainees who completed the course in its entirety and whom the School Director finds to be competent to instruct.
(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall:
(1) select and schedule speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction as follows:
(A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
(B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
(C) require each instructor to sign each individual form and submit the original to the School Director;
(2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation (Form-F-10A) [Form F-10A (SMI)] that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and
(3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course Presentation (Form F-10 B) [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.

(e) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Juvenile Justice Officer Basic, Juvenile Justice Court Counselor and Chief Court Counselor Basic, and Restraints, Controls, and Defensive Techniques Instructor course, the School Director shall:

1. Schedule course presentation pursuant to Rules .0235, .0236, and .0241 of this Subchapter;

2. Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;

3. Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Restraints, Controls, and Defensive Techniques";

4. Not less than 30 days before commencing delivery of the Juvenile Justice Officer Basic Training Course, Juvenile Justice Court Counselor and Chief Court Counselor Basic Training Course, or Restraints, Controls, and Defensive Techniques Instructor Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the State comprehensive exam, and include the following attachments:

   A. a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and

   B. a list of all instructors scheduled to instruct in the course identified in the Pre-Delivery document.

5. Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than
acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;

(6) Not more than 10 days after the conclusion of a school's offering of Juvenile Justice Officer Basic, Juvenile Justice Court Counselor and Chief Court Counselor Basic or Restraints, Controls, and Defensive Techniques training course, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:

(A) class enrollment roster;

(B) a course schedule with the designation of instructors and evaluators utilized in delivery;

(C) a "Certification and Test Score Release" form;

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

Eff. January 1, 1981;

Amended Eff. November 1, 1981;

Readopted w/Change Eff. July 1, 1982;

Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;

May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

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

12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION

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

1. Subject Control Arrest Techniques;
2. First Responder;
3. Firearms;
4. Law Enforcement Driver Training;
5. Physical Fitness;
6. Restraint, Control and Defense Techniques (Department of Public Safety, Division of Adult Correction and Juvenile Justice);
7. Medical Emergencies (Department of Public Safety, Division of Adult Correction and Juvenile Justice); or
8. Explosive and Hazardous Materials Emergencies;

(b) To qualify for and maintain any Specialized Instructor Certification, an applicant shall possess a valid CPR Certification that includes cognitive and skills testing, through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

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

1. Subject Control Arrest Techniques;
2. Firearms;
3. Law Enforcement Driver Training;
4. Physical Fitness; and
6. Rapid Deployment

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

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

(e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant shall satisfy one of the following two options:
(1) The first option is:

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

(2) The second option is:

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

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

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

(g) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an applicant shall meet the following requirements:

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

(h) To qualify for Specialized Instructor Certification in the Rapid Deployment topical area, an applicant shall meet the following requirements:

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

(h)(i) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become certified through one of the following two methods:

(1) The first method is:
   (A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
   (B) complete the Commission-approved specialized physical fitness instructor training course;
   and
   (C) obtain the recommendation of a Commission-certified School Director.

(2) The second method is:
   (A) Complete the Commission-approved specialized physical fitness instructor training course;
   (B) obtain the recommendation of a Commission-certified School director or in-service training coordinator; and
   (C) meet one of the following qualifications:
      (i) hold a valid North Carolina Professional Educator's License, issued by the Department of Public Instruction, hold a baccalaureate degree in physical education, and be presently teaching in physical education topics; or
      (ii) be presently instructing physical education topics in a community college, college, or university and hold a baccalaureate degree in physical education.

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

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

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

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

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

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

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

(3) Obtain the recommendation of a Commission-certified school director.
(k)(l) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical area, an applicant shall satisfy one of the following two options:

1. The first option is:
   - (A) hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
   - (B) Complete the Commission-approved specialized explosives and hazardous materials instructor training course; and
   - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

2. The second option is:
   - (A) have completed the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise;
   - (B) Complete the Commission-approved specialized explosives and hazardous materials instructor training course; and
   - (C) obtain the recommendation of a Commission-certified school director or in-service training coordinator.

History Note: Authority G.S. 17C-6;
Eff. January 1, 1981;
Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;
Temporary Amendment Eff. January 1, 2001;
Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006;
December 1, 2004; August 1, 2002;
Amended Eff. July 1, 2023;
12 NCAC 09B .0314 is proposed for amendment as follows:

12 NCAC 09B .0314 CERTIFICATION OF DIVERSION INVESTIGATORS AND SUPERVISORS

(a) The diversion training courses for investigators and supervisors shall provide the trainee with the skills and knowledge to perform the duties of a law enforcement Diversion Investigator or Supervisor. The diversion training course for investigators shall be 20 classroom hours. The diversion training course for supervisors shall be administered in a four hour online training course. To be certified as a Diversion Investigator or Diversion Supervisor, the trainee shall complete the respective diversion training course and achieve a minimum score of 70 percent on the comprehensive written or online examination.

(b) Applications for Diversion Investigator or Diversion Investigator Supervisor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination administered at the conclusion of the Commission-accredited diversion training program. Persons having completed the Commission-accredited diversion training course and not having submitted the application within 60 days of the date the applicant passed the State comprehensive examination shall complete a subsequent Commission-accredited diversion training course in its entirety.

(c) Only a Sheriff, deputy sheriff, or law enforcement officer certified or appointed through the North Carolina Criminal Justice Education and Training Standards or North Carolina Sheriffs' Education and Training Standards Commissions and employed by a law enforcement agency shall be enrolled in a diversion training course. A trainee shall not be certified as a Diversion Investigator or Diversion Supervisor until the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter, has been completed with passing scores and probationary or general law enforcement certification has been granted. Sheriffs and appointed deputy sheriffs shall be allowed to participate in the diversion training courses on a space available basis at the discretion of the Diversion Training Course School Director without having enrolled in, or having completed with passing scores, the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter and 12 NCAC 09G .0411 and without being currently certified in a probationary status or holding justice officer certification.

(d) Special Agents with the North Carolina State Bureau of Investigation deemed Diversion Investigators as of July 1, 2019, shall be automatically granted certification under this Rule for a period of three years.

(e) The term of certification as a Diversion Investigator or Supervisor shall be three years. An application for renewal shall be received by the CJ Standards Division within 60 days from the current certification expiration date and shall include the following:

- (1) proof that the applicant completed the one hour Diversion Investigator or Diversion Supervisor refresher training as provided by the NC Justice Academy.

- (2) a completed Diversion Investigator/Supervisor Application, Form F-22(LE).

(f) The "Diversion Training Courses" required for certification, authored by the North Carolina State Bureau of Investigation and published by the North Carolina Justice Academy, shall include the topic areas as outlined in G.S. 17C-6(a)(19) and is to be applied as the basic curriculum for the Diversion Training Courses for Diversion Investigator...
and Diversion Supervisors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tyron Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and obtained at cost from the Academy at the following address:

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

History Note: Authority G.S. 17C-6; 17E-4; 90-113.74E;
Eff. February 1, 2020;
12 NCAC 09B.0414 is proposed for amendment as follows:

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

(a) The Commission shall administer a comprehensive written examination within 60 days of the completed required course work for the following courses:

1. Specialized Firearms Instructor Training;
2. Specialized Driver Instructor Training;
3. Specialized Subject Control Arrest Techniques Instructor Training;
4. Specialized Physical Fitness Instructor Training;
5. Specialized Explosives and Hazardous Materials Instructor Training;
6. Specialized Rapid Deployment Instructor Training

(b) The examination shall be an objective test covering the topic areas contained in the certified course curriculum.

(c) The Commission's representative shall submit to the school director within five business days of the administration of the examination a report of the results of the test for each trainee examined.

(d) A trainee shall achieve a passing score on the comprehensive written examination if he or she achieves 75 percent correct answers.

(e) A trainee who fails to achieve a minimum score of 75 percent on the Commission's comprehensive written examination shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. February 1, 1987;
Amended Eff. January 1, 2015; June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989;
Amended Eff. July 1, 2023;
12 NCAC 09B .0415 is proposed for amendment as follows:

12 NCAC 09B .0415 SATISFACTION OF MINIMUM TRAINING - SPECIALIZED INSTRUCTOR

(a) To acquire successful completion of the "Specialized Firearms Instructor Training," "Specialized Driver Instructor Training," "Specialized Subject Control Arrest Techniques Instructor Training," "Specialized Physical Fitness Instructor," "Specialized Rapid Deployment Instructor" and the "Specialized Explosives and Hazardous Materials Instructor Training" courses, the trainee shall:


2. Demonstrate proficiency in all required motor-skill and performance subjects as specified in each specialized instructor training manual.

(b) Should a trainee fail to meet the minimum criteria on a motor skill or performance area, he or she shall be authorized one opportunity for a re-test at the discretion of the school director. Such re-test must be completed during the original course and prior to the trainee's being administered the comprehensive written examination. Failure to meet the required criteria on a re-test requires enrollment in a subsequent course.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. February 1, 1987;
Amended Eff. June 1, 2013; August 1, 2000; July 1, 1989;
Amended Eff. July 1, 2023;
12 NCAC 09B .0418 is proposed for adoption as follows:

12 NCAC 09B .0418  SPECIALIZED RAPID DEPLOYMENT INSTRUCTOR TRAINING

(a) The instructor training course for Specialized Rapid Deployment Instructor Training Certification shall consist of a minimum of 24 hours of classroom and scenario-based training instruction plus time required to complete the tasks associated with Active Shooter events presented during a continuous period of not more than one week.

(b) Each Specialized Rapid Deployment Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice rapid deployment instructor in a Basic Law Enforcement Training (BLET) Course or a law enforcement officer in-service training program.

(c) Each applicant for specialized rapid deployment instructor training shall:

   (1) have successfully completed the criminal justice rapid deployment instructor training course;
   (2) possess current General Instructor certification,
   (2) possess a current CPR certification, and
   (3) present a written endorsement by either
       (A) a certified school director indicating the student may be utilized to instruct Rapid Deployment in the Basic Law Enforcement Training Course; or
       (B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct rapid deployment in a law enforcement officer in-service training program; and

(d) each Specialized Rapid Deployment Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

   (1) Orientation/Pretest .................................................. 1 Hour
   (2) Instructor Introduction/Elevator Speech .......................................................... 1 Hour
   (3) Rapid Deployment BLET .................................................. 3 Hours
   (4) Explosive Device Recognition .................................................. 1 Hour
   (5) Scenario Based Training Deployment .................................................. 1 Hour
   (6) Scenario Development – Computer Room .................................................. 3 Hour
   (7) Practical Exercises ........................................................................ 9 Hours
   (8) Scenario De Briefs ................................................................. 1 Hour
   (9) Video Review ........................................................................ 3 Hours
   (10) Post Testing and Course Closing .................................................. 1 Hour

(e) The "Specialized Rapid Deployment Instructor Training Manual" published by the North Carolina Justice Academy shall be the curriculum for the Specialized Firearms Instructor Training course. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610
and may be obtained at the cost of printing and postage from the Academy at the following address:
North Carolina Justice Academy
Post Office Box 99
Salemburg, North Carolina 28385

History Note: Authority G.S. 17C-6;
Eff. July 1, 2023;
12 NCAC 09B .0701 is proposed for amendment as follows:

**SECTION .0700 – MILITARY TRAINED APPLICANT**

**12 NCAC 09B .0701 MILITARY TRANSFEREES**

(a) Pursuant to G.S. 17C-10.1 a current or honorably-discharged former military police officer seeking certification as a law enforcement officer shall submit to the Standards Division a completed Form F-21, Request for Military Evaluation for BLE, and copies of the individual's military law enforcement training and personnel records and Certificate of Release or Discharge documentation from Military Service. Form F-21 is located on the agency's website: [http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493ef7-21_Military-EvalCJ_6-8-15.aspx](http://www.ncdoj.gov/getdoc/f7c44036-d56a-4c12-90a3-d73a8806493ef7-21_Military-EvalCJ_6-8-15.aspx).

(b) Upon receipt of the documentation prescribed in Paragraph (a) of this Rule, the Standards Division shall evaluate the applicant's combined training and experience pursuant to G.S. 93B-15.1 to determine if the applicant's combined training and experience is substantially equivalent to or exceeds the minimum requirements for employment as a law enforcement officer as prescribed in Rules 09B .0101, 09B .0111, and 09B .0403 of this Subchapter.

(c) The Division shall issue probationary certification, pursuant to Rule 09C .0303 of this Chapter, to an applicant who meets the following requirements:

1. has completed a formal military basic training program and been awarded a military police occupational specialty rating;
2. has performed military police officer duties in any of the branches of military service, active or reserve, or the National Guard for not less than two of the five years preceding the date of application for certification as a law enforcement officer; and
3. whose combined training and experience is determined to be substantially equivalent to or exceeds the minimum expectations for employment as a law enforcement officer as prescribed in Rules .0101, .0111, and .0403(2) of this Subchapter.

(d) An applicant certified pursuant to Paragraph (c) of this Rule shall complete, within one year of being issued certification, the following with passing scores pursuant to Rule .0405(b) of this Subchapter:

1. the Basic Law Enforcement Training topics pursuant to Rule .0205(b)(1) and (b)(6)(A) of this Subchapter; and
2. the Basic Law Enforcement Training comprehensive written exam pursuant to Rule .0406(d) of this Subchapter.

(e) An applicant certified pursuant to Paragraph (c) of this Rule shall complete the in-service Firearms Training and Qualification course pursuant to 12 NCAC 09E .0106 prior to beginning employment with the hiring agency.

(f) The Division shall issue probationary certification to a current or honorably discharged military police officer whose combined training and experience is not substantially equivalent to or does not exceed the minimum requirements for employment as a law enforcement officer, as specified in Rule .0403 of this Subchapter, if the applicant meets the following requirements:
completed a formal military basic training program and been awarded a military police occupational
specialty rating;

(2) performed military police officer duties in any of the branches of military service, active or reserve,
or the National Guard for not less than two of the five years preceding the date of application for
certification as a law enforcement officer;

(3) meets the minimum standards for law enforcement officers as prescribed in Rule .0101 and Rule
.0111 of this Subchapter;

(4) completes with passing scores pursuant to Rule .0405(b) of this Subchapter the Basic Law
Enforcement Training topics pursuant to Rule .0205(b)(1), (b)(2)(F), (b)(3)(B), (b)(3)(D), (b)(4)(F),
(b)(5)(C), (b)(5)(G), (b)(6)(A), and (b)(7) of this Subchapter; and

(5) achieves a passing score on the Basic Law Enforcement Training comprehensive written
examination pursuant to Rule .0406(d) of this Subchapter.

(g) An applicant certified pursuant to Paragraph (f) of this Rule shall complete, within one year of being issued
certification, the following with passing scores pursuant to Rule .0405(b) of this Subchapter:

(1) the Basic Law Enforcement Training topics pursuant to Rule .0205(b)(1), (b)(2)(F), (b)(3)(B),
(b)(4)(C), (b)(4)(E), (b)(5)(C), (b)(5)(G), (b)(6)(A), and (b)(7) of this Subchapter; and

(2) achieve a passing score on the Basic Law Enforcement Training comprehensive written examination
pursuant to Rule .0406(d) of this Subchapter.

(h) The Division shall waive any training topic in Paragraph (f)(4) (g)(1) of this Rule if the applicant provides
documentation indicating he or she has completed substantially equivalent combined military training and experience
in that topic.

(i) Members of the Air/Army National Guard and Military Reserve Components who have performed as a military
police officer for not less than 1,040 hours during the five years preceding the date of application for certification shall
be deemed to satisfy the requirements of Paragraph (c)(2) and Paragraph (f)(2) of this Rule.

(j) An applicant who, after completing the required training in Paragraph (d)(1) or (f)(4) (g)(1) this Rule, fails to
achieve a passing score on the Basic Law Enforcement Training comprehensive written exam may be retested in the
units the applicant failed. An applicant who fails three or more units must enroll in and complete with passing scores
a subsequent delivery of the Basic Law Enforcement Training course in its entirety in order to be eligible for
certification.

(k) An active duty military police officer who obtains certification while on active duty under this Rule may retain
the certification for the duration of active duty provided the officer continues to perform military police officer duties
and complies with the in-service training requirements, as specified in Rule .0105 of this Chapter. An active duty
military police officer who is unable to complete annual in-service requirements due to deployment or overseas
assignment shall have 12 months from the time the officer returns to the United States in which to complete the in­
service training requirements, as specified in Rule .0105 of this Chapter for each year he or she was unable to complete
due to overseas assignment. The officer shall retain the certification for a period of one year following separation from
active duty.
(I)(k)—When completing the required training topics specified in Paragraph (d)(1) or Paragraph (f)(4) (g)(1) of this Rule, the individual shall meet all requirements specified in Rule .0203 and Rule .0405 of this Subchapter.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10; 93B-15.1; Eff. July 1, 2016; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

Amended Eff. October 1, 2022.
12 NCAC 09C .0310 is proposed for amendment as follows:

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

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

(a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other initial and confirmatory tests authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;

(b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;

(c) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates, and amphetamines or their metabolites;

(d) the test threshold values meet the requirements established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 82 FR 7920 (2017) incorporated by reference, including later amendments and editions found at no cost at https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs;

(e) conduct the test within 90 days of certification;

(f) the laboratory conducting the test shall be certified for federal workplace drug testing programs, and shall adhere to applicable federal rules, regulations, and guidelines pertaining to the handling, testing, storage, and preservation of samples.

(b) Each agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants and lateral transfers. If the positive result were explained to the satisfaction of the agency's medical review officer, who shall be a licensed physician, the positive results are not required to be reported.

(c)(b) Each agency, if it conducts a drug screen for in-service officers, shall report in writing positive results or refusals to submit to an in-service drug screening to the Criminal Justice Standards Division within 30 days of the positive result or refusal, unless the positive result has been explained to the satisfaction of the agency's medical review officer, who shall be a licensed physician, to the extent the drug screen conducted conforms to the specifications of this Rule, 12 NCAC 09C .0310, 12 NCAC 09B .0101(5)(a), (b), (c), (d), and (f).

(d)(e) For reporting purposes, a result is considered "positive" only in those cases where the drug screen reveals the presence of an illegal drug at a level equal to or greater than the threshold value as established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs and incorporated by reference in this Rule, 12 NCAC 09B .0101(5)(d).
(e)(d) All written reports required to be submitted to the Criminal Justice Standards Division by this Rule shall contain the individual's name, date of birth, either the date the test was administered or the date of the refusal, and a copy of the drug screen panel with the results of the medical officer review.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1990;
Amended Eff. October 1, 2018; May 1, 2009;
Amended Eff. October 1, 2022;