Proposed Rule Amendments

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

Trevor Allen
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602.

Title:	**Completion of Basic Law Enforcement Training Course**
Agency:	Department of Justice, Criminal Justice Standards Division
Contact:	Trevor Allen (919) 779-8211
Impact Summary:	State Government: No (minimal) Local Government: No (minimal) Substantial Impact: No Small Business: No

12 NCAC 09B .0405: COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE
This rule outlines the requirements for successful completion of the Basic Law Enforcement Training course.

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

Amendment: Alongside minor editorial changes, this rule amends the requirement for successful completion of the Police Officer Physical Abilities Test (POPAT), from the allowance of two attempts to complete each obstacle contained within the test to two (2) attempts to complete the entire test.

State Impact: Minimal. This amendment does not change the fact that deficient students must retest within a specified amount of time. The amendment limits the number of times a student may attempt to successfully complete each obstacle within the test. Since January 2, 2013 only thirteen (13) 'Limited Enrollments' for POPAT retesting have been granted by the Division. This correlates to minimal state funds or resources being realized with this amendment. In addition, the amount of time required to complete the POPAT is short, so the additional work load from this rule change is not expected to be significant.

Local Government Impact: Minimal. The small number of students needed to enroll in subsequent course offerings to re-test indicate minimal impact to individuals and local governments. It should be noted that the proposed amendment relates ONLY to the requirement to retest POPAT; not to the passing of the overall Basic Law Enforcement program. For those individuals who fail to past the POPAT in two attempts there may be an additional impact associates with the time and cost to retake the entire training, however given the likelihood for this to happen the proposed change is not considered significant.

Substantial Economic Impact: No
Small Business Impact: No

See proposed rule text changes beginning on next page.

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each delivery of an accredited basic training course is considered to be a unit as specified in ~~12 NCAC 9B .0205(b).~~rule .0205 of this Section. Each trainee shall attend and satisfactorily complete the full course during a scheduled delivery. The school director may develop supplemental rules as set forth in ~~12 NCAC 9B .0202(a)(6),~~ rule .0206 of this Section, but may not add substantive courses, or change or expand the substance of the courses as set forth in ~~12 NCAC 9B .0205(b)~~ rule .0205 of this Section for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards but such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director of the Standards Division may issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

(1) the trainee attended and satisfactorily completed specified class hours and topics of Basic Law Enforcement Training Course but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering; or

(2) the trainee was granted excused absences by the school director that did not exceed five percent (5%) of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to ~~12 NCAC 9B.0404(c)~~ rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or

(3) the trainee participated in an accredited course but had an identified deficiency in essential knowledge or skill in either one but no more than two of the specific topic areas incorporated in course content as prescribed under ~~12 NCAC 9B .0205;~~ rule .0205 of this Section;

~~(4) t trainee who is deficient in more than two topical areas shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.~~

The trainee who is deficient in more than two topical areas shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.

(b) The trainee shall demonstrate proficiency in the school's cognitive topical area tests by achieving a minimum score of 70 percent on each topical area test and shall also demonstrate proficiency in the motor skills and performance subjects:

(1) a trainee who fails to achieve a passing score on the first attempt shall have one opportunity for reexamination following remediation;

(2) a trainee shall be allowed failure, remediation, and reexamination in no more than four topical area tests;

(3) upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or reexamination and shall be immediately dismissed from the course and shall be required to complete a subsequent delivery of Basic Law Enforcement Training in its entirety.

(c) An authorization of limited enrollment in a subsequent delivery of the Basic Law Enforcement Training Course may not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a) of this Rule:

(1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and

(2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

(d) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of the Basic Law Enforcement Training Course commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

(1) The trainee shall attend and satisfactorily complete in its entirety each topical area identified by the school director as an area of trainee deficiency in the prior course participation with the exception of the "Physical Fitness" topical area:

(A) There are two options available for satisfying a deficiency in the "Physical Fitness" topical area with the school director's approval:

(i) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be

allowed ~~one opportunity (two attempts at each obstacle)~~ two ~~(2)~~ attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or

(ii) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee". This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed ~~one opportunity (two attempts at each obstacle)~~ two (2) attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

(B) A certified "Physical Fitness" instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

(2) Following proper enrollment in the subsequent course offering, scheduled class attendance, and active participation with satisfactory achievement in the course, the trainee shall be eligible for administration of the comprehensive written examination by the Commission and possible certification of successful course completion.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Amended Eff. August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984; January 1, 1983.

Title:	**Annual In-Service Training Specifications**
Agency:	Department of Justice, Criminal Justice Standards Division
Contact:	Trevor Allen (919) 779-8211
Impact Summary:	State Government: No Local Government: No (minimal) Substantial Impact: No Small Business: No

12 NCAC 09E .0105: MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING
These rules list the required topics, along with training specifications, for the annual in-service training program for law enforcement officers.

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

Amendment: These rules are updated annually, as the training topics are changed each year. The number of hours required for training each year remains at 24.

- The Commission wants to change the term “hours” to “credits” to allow for the increasing use of online training in place of traditional classroom training. One credit would equal one hour of traditional classroom training, so all officers would still be required to attain 24 credits of in-service training annually. For agencies that choose to utilize online training, the actual number of hours an officer spends in training would likely be less than 24, as online training typically does not take as long to complete as traditional classroom training. This might result in some time savings for officers, who might have more time to dedicate to their regular tasks.

- The rules require all training instructors (whether they teach in a traditional classroom or online) to pass a short, five-question test on the topic that they teach. The rules also clarify that instructors who teach in traditional classrooms receive training credits for the topic they teach. Online instructors would be required to take a course on the subject matter they plan to teach in order to receive the credits towards their own in-service training.

- Officers, like the instructors, would be required to pass a short five question end-of-topic test for each required in-service training topic. Officers attending written courses worth more than four credits would have to pass a twenty question test. The Justice Academy would write the end-of-topic tests as part of the normal curriculum development process. The Justice Academy has always written questions to go along with the curriculum, so this would not be an added task for the Academy. The individual agencies are also free to write their own tests if they choose to, but they are not required to.

- The rules would change some of the in-service training topics; however, the total number of in-service training hours (credits) would not change.

State Impact: Duties for administering the in-service training program are split between 3 existing positions in this Division at DOJ. Much of the work for developing the training program occurs at the NC Justice Academy. Work there is split between 15 positions. As mentioned above, the Academy already writes questions to accompany the training topics, so this would not create an additional impact on the state agency.

Local Government Impact: Every law enforcement agency in the state must provide 24 hours of time for each law enforcement officer to take the in-service training. The in-service training program has been in place for five years and the number of hours (credits) of training required is not changing, so this is an on-going expense for local government.

While there is a new requirement for instructors to pass a test on the topic they are teaching, for the most part these tests would be short and would take a small fraction of the instructors' time. Also, the requirement for online instructors to take a course on the topic they are teaching is not expected to create more than a minimal impact. The agency anticipates these instructors would opt for an online version of the course, and since they are experts on the topic they would be able to jump to the test and thus complete the course in a short period of time. So, while the rules would require some instructors to spend additional time getting trained, the agency expects that this impact would be minimal.
Although the use of online training may reduce the time officers spend on in-service training, the new requirement that officers must pass end-of-topic tests will likely result in about the same amount of time spent on in-service training as in past years. The agency expects a high rate of passing (98-100%) on the tests given that the questions created by the Justice Academy are already part of the curriculum and there is familiarity with the style of questions. Also, given the 95% passing rate on the 300-question Basic Law Enforcement Training test that officers have to take, the agency is fairly confident that most officers would past the test on the first try. So there is a very small possibility that someone would have to retake the course. Based on all these assumptions, the agency estimates minimal impact to local government in terms of staff time due to the new testing requirement. There would be however a public benefit since the test would insure that the officers are paying attention to the course content, and would therefore be better trained to respond to different situations.

Substantial Economic Impact: No

Small Business Impact: No

See Rules beginning on next page.

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

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

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

(1) Firearms ~~(4):~~ Training and Qualification (4 credits);

(A) Use of Force: review the authority to use deadly force [G.S. 15A-401(d)(2)] including the relevant case law and materials;

(B) Safety:

(i) range rules and regulations;

(ii) handling of a firearm; and

(iii) malfunctions; and

(C) Review of Basic Marksmanship Fundamentals:

(i) grip, stance, breath control and trigger squeeze;

(ii) sight and alignment/sight picture; and

(iii) nomenclature; ~~and~~

(2) Legal Update ~~(4);~~ (4 credits);

(3) ~~Career Survival: Social Networking and Digital Communications (4);~~ Domestic Violence: The Children are Watching (2 credits);

(4) Juvenile Minority Sensitivity Training: ~~Interaction Skills in Building Rapport (2);~~ Don't Press Send (2 credits); and

~~(5) Awareness of Issues Surrounding Returning Military Personnel (2); and~~

~~(6)~~ (5) Department Topics of Choice ~~(8).~~ (12 credits).

(b) The "Specialized Firearms Instructor Training Manual" ~~as~~ published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of ~~the agency~~: the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

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

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive

Raleigh, North Carolina 27610

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

North Carolina Justice Academy

Post Office Drawer 99

Salemburg, North Carolina 28385

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

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

(1) A written test comprised of at least five ~~(5)~~ questions per credit shall be developed by the delivering agency, or the agency may use the written test developed by the North Carolina Justice Academy, for each in-service training topic requiring testing. Written courses which are more than four ~~(4)~~ credits in length are required to do a written test comprising of a minimum of ~~twenty (20)~~ 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement.

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

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

~~(4) A student who completes a topic of in-service training in a traditional classroom setting and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student must complete the in-service training topic in a traditional classroom setting again before taking the exam a third time.~~

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. July 1, 1989;
Amended Eff. January 1, 2005; November 1, 1998;
Temporary Amendment Eff. January 1, 2005;
Amended Eff. _____; June 1 ,2012; February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006

Title:	**Specialized Instructor Certification Period**
Agency:	Department of Justice, Criminal Justice Standards Division
Contact:	Trevor Allen (919) 779-8211
Impact Summary:	State Government: No Local Government: No (minimal) Substantial Impact: No Small Business: No

12 NCAC 09B .0305: TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION
12 NCAC 09G .0311: TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

These rules identify the terms and conditions of Specialized Instructor Certification

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

Amendment: The proposed amendment to this rule makes concurrent the certification periods for instructors (Criminal Justice and Corrections), thus improving the efficiency of the certification and recertification process. It changes the requirement for instructors to recertify by removing the requirement for instructors to teach in an area of specialized instruction when such area was added to an existing instructor certification with less than 12 months left until the end of the instructor's certification period. The amendment is proposed to mitigate the issue some instructors are having in finding a place to teach 12 hours in less than a year. Most community colleges schedule their classes a year in advance and sometimes instructors who add another certification onto their existing certification cannot find a place to teach and then they lose the certification.

State Impact: Prior to this amendment, Criminal Justice Standards Staff processed instructor certification applications (general and specialized) on a much more frequent basis, utilizing an appreciably higher amount of staff hours. The amendments to these rules reduce the amount of hours spent by staff issuing instructor certifications by making the 'Specialized' instructor certification concurrent with the 'General' instructor certification. This is realized by requiring instructors to submit applications for certification less frequently. There is no fiscal impact associated with this amendment. In fact, fewer staff hours are devoted to the certification process, potentially saving state staff time. The Division does not expect these time savings to be significant.

Local Government Impact: Every instructor must make application to the Criminal Justice Standards Commission for renewal of instructor certifications (general and specialized). The proposed amendments (above) will lessen the frequency of application for each instructor, saving time and resources. The Division does not expect these time and cost savings to be significant.

Substantial Economic Impact: No
Small Business Impact: No

See Rules beginning on next page

12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to run concurrently with the existing General Instructor Certification, except as set out in (d). The applicant must apply for certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.

(b) The requirements for certification as a specialized instructor are determined by the expiration date of the existing General Instructor Certification. The following requirements apply during the initial period of certification:

(1) where certification for both general probationary instructor and Specialized Instructor Certification are issued on the same date, the instructor is required to satisfy the teaching requirement for only the general probationary instructor certification. The instructor may satisfy the teaching requirement for the general probationary instructor certification by teaching any specialized topic for which certification has been issued;

(2) when Specialized Instructor Certification is issued during an existing period of General Instructor Certification, either probationary status or full general status, the specialized instructor may satisfy the teaching requirement for the general certification by teaching the specialized subject for which certification has been issued;

(3) where Specialized Instructor Certification becomes concurrent with an existing ~~36 month~~ active period of General Instructor Certification, and there are 12 months or more until the certifications' expiration date, the instructor must teach 12 hours for each specialized topic for which certification has been issued; and

(4) where Specialized Instructor Certification becomes concurrent with an existing active period of General Instructor Certification, and there are less than 12 months until the certification expiration date, the instructor is not required to teach any hours for the specialized subject.

(c) The term of certification as a specialized instructor shall not exceed the 36 month period of full General Instructor Certification. The application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

(1) proof that the applicant has, within the three year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted and ~~such instruction must be~~ that instruction was provided in a Commission-accredited training course or a Commission-recognized in-service training course. Acceptable documentary evidence shall include official Commission records submitted by School Directors or in-service training coordinators and written certification from a School Director or in-service training coordinator;

(2) proof that the applicant has, within the three year period preceding application for renewal, attended and successfully completed any instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and

(3) either:

(A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form that the instructor successfully taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. Such teaching must have occurred in a Commission-certified training course or a Commission-recognized in-service training course during the three year period of Specialized Instructor Certification; or

(B) a favorable evaluation by a Commission or staff member, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-certified training course or a Commission-recognized in-service training course, during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Commission Instructor Evaluation Form.

Upon submission of the required documentation for renewal the Commission staff shall renew the certification as a Specialized Instructor. Such renewal shall occur at the time of renewal of the General Instructor certification.

(d) Certification as a specialized instructor in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) of this Section, specifically those certifications not based upon General Instructor Certification, shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for specialized instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas must be maintained.

(e) All instructors shall remain active during their period of certification. ~~If an instructor does not teach at least 12 hours in each of the topic areas for which certification is granted, the certification shall not be renewed for those topics in which the instructor failed to teach.~~ Any specialized instructor training courses previously accepted by the Commission for purposes of certification shall no longer be recognized if the instructor does not teach at least 12 hours in each of the specialized topics during the three year period for which certification was granted. Upon application for re-certification, such applicants shall meet the requirements of Rule .0304 of this Section.

(f) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" is permissible. However, such guest participants are subject to the direct on-site supervision of a Commission-certified instructor and must be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall in no way replace the primary instructor.

History Note: *Authority G.S. 17C-6;*
Eff. January 1, 1981;
Amended Eff. June 1 ,2012; November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987.

12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to run concurrently with the existing General Instructor Certification. The applicant must apply for certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.

(b) The terms of certification as a specialized instructor shall be determined by the expiration date of the existing General Instructor Certification. The following requirements shall apply during the initial period of certification:

(1) where certifications for both general probationary instructor and Specialized Instructor Certification are issued on the same date, the instructor shall only be required to satisfy the teaching requirement for the general probationary instructor certification. The instructor may satisfy the teaching requirement for the general probationary instructor certification by teaching any specialized topic for which certification has been issued;

(2) when Specialized Instructor Certification is issued during an existing period of General Instructor Certification, either probationary status or full general status, the specialized instructor may satisfy the teaching requirement for the General Certification by teaching the specialized subject for which certification has been issued; ~~and~~

(3) where Specialized Instructor Certification becomes concurrent with an existing ~~36 month~~ active period of General Instructor Certification, and there are 12 months or more until the certifications' expiration date, the instructor must teach 12 hours for each specialized topic for which certification has been issued; and

(4) where Specialized Instructor Certification becomes concurrent with an existing active period of General Instructor Certification, and there are less than 12 months until the certification expiration date, the instructor is not required to teach any hours for the specialized subject.

(c) The term of certification as a specialized instructor shall not exceed the 36 month period of full General Instructor Certification. The certification may subsequently be renewed by the Commission at the time of renewal of the full General Instructor Certification. The application for renewal shall contain, in addition to the requirements listed in ~~12 NCAC 09G .0310~~ Rule .0310 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three year period. Such documentary evidence shall include the following:

(1) proof that the applicant has, within the three year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted and such instruction must be in a Commission-certified training course or a Commission-

recognized in-service training course. Acceptable documentary evidence shall include official Commission records submitted by School Directors and written certification from a School Director; and

(2) either:

(A) a favorable written recommendation from a School Director accompanied by certification that the instructor successfully taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. Such teaching must have occurred in a Commission-certified training course or a Commission-recognized in-service training course during the three year period of Specialized Instructor Certification; or

(B) a written evaluation by a staff member, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-certified training course or a Commission-recognized in-service training course, during the three year period of Specialized Instructor Certification.

(d) ~~If an instructor does not teach at least 12 hours in each of the topic areas for which certification is granted, the certification shall not be renewed for those topics in which the instructor failed to successfully teach.~~ Any specialized instructor training courses previously accepted by the Commission for purposes of certification shall no longer be recognized if the instructor does not successfully teach at least 12 hours in each of the specialized topics during the three year period for which certification was granted. Upon application for re-certification, such applicants shall be required to meet the requirements of ~~12 NCAC 09G .0310.~~ Rule .0310 of this Section.

History Note: *Authority G.S. 17C-6;*
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. June 1, 2012; January 1, 2006.

Title:	**Training Curriculum Hours**
Agency:	Department of Justice, Criminal Justice Standards Division
Contact:	Trevor Allen (919) 779-8211
Impact Summary:	State Government: No Local Government: No (minimal) Substantial Impact: No Small Business: No

12 NCAC 09B .0205, .0209, .0226, .0227, .0232, .0233: BASIC and INSTRUCTOR TRAINING

These rules list the required topics, along with training specifications, for the annual North Carolina Criminal Justice Education and Training Standards Commission training programs for law enforcement officers and instructors.

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

Amendment: The proposed amendments would remove the hours set aside for state certification testing from the curricula contained in the rules proposed for amendment. To be a certified law enforcement officer and/or instructor, a candidate must still satisfy the certification exam with a passing score. Yet, successful completion of the courses (training) is separate from successfully passing the state comprehensive exam (certification). This is similar to other job fields such as law or medicine in that one could successfully complete medical or law school, yet need to also pass a separate certifying/licensing exam, which is not part of the training curriculum.

The proposed changes are made to better distinguish between course completion and certification and to account for the fact that the certification exam no longer needs to be taken right after course completion. The Criminal Justice Standards Division has implemented a regional testing process for administering certification exams to reduce the locations each staff member had to travel to in order to administer the exams. Each course may be completed independent of the state certification exam.

State Impact: None. Separating the certification exam from each curriculum neither adds nor removes work hours from any personnel. The Criminal Justice Standards Division has always been responsible for administering certification exams, and will continue to do so. No additional cost will be realized by state agencies or personnel.

Local Government Impact: Minimal. Removing testing hours from each curriculum could require students to travel short distances (typically under 100 miles) to a testing site for a test of four hours or less in duration. No overnight travel costs would be incurred.

Substantial Economic Impact: No
Small Business Impact: No

See proposed rule text changes in the Appendix beginning on the next page.

APPENDIX
Proposed Rule Text Changes

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING

(a) The basic training course for law enforcement officers consists of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of ~~620~~ 616 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

(1)	LEGAL UNIT		
	(A)	Motor Vehicle Laws	20 Hours
	(B)	Preparing for Court and Testifying in Court	12 Hours
	(C)	Elements of Criminal Law	24 Hours
	(D)	Juvenile Laws and Procedures	10 Hours
	(E)	Arrest, Search and Seizure/Constitutional Law	28 Hours
	(F)	ABC Laws and Procedures	4 Hours
	UNIT TOTAL		98 Hours
(2)	PATROL DUTIES UNIT		
	(A)	Techniques of Traffic Law Enforcement	24 Hours
	(B)	Explosives and Hazardous Materials Emergencies	12 Hours
	(C)	Traffic Crash Investigation	20 Hours
	(D)	In-Custody Transportation	8 Hours
	(E)	Crowd Management	12 Hours
	(F)	Patrol Techniques	26 Hours
	(G)	Law Enforcement Communication and Information Systems	8 Hours
	(H)	Anti-Terrorism	4 Hours
	(I)	Rapid Deployment	8 Hours
	UNIT TOTAL		122 Hours
(3)	LAW ENFORCEMENT COMMUNICATION UNIT		
	(A)	Dealing with Victims and the Public	10 Hours
	(B)	Domestic Violence Response	12 Hours
	(C)	Ethics for Professional Law Enforcement	4 Hours
	(D)	Individuals with Mental Illness and Mental Retardation	8 Hours
	(E)	Crime Prevention Techniques	6 Hours
	(F)	Communication Skills for Law Enforcement Officers	8 Hours
	UNIT TOTAL		48 Hours
(4)	INVESTIGATION UNIT		
	(A)	Fingerprinting and Photographing Arrestee	6 Hours
	(B)	Field Note-taking and Report Writing	12 Hours
	(C)	Criminal Investigation	34 Hours
	(D)	Interviews: Field and In-Custody	16 Hours
	(E)	Controlled Substances	12 Hours
	(F)	Human Trafficking	2 Hours
	UNIT TOTAL		82 Hours
(5)	PRACTICAL APPLICATION UNIT		
	(A)	First Responder	32 Hours
	(B)	Firearms	48 Hours
	(C)	Law Enforcement Driver Training	40 Hours
	(D)	Physical Fitness (classroom instruction)	8 Hours
	(E)	Fitness Assessment and Testing	12 Hours
	(F)	Physical Exercise 1 hour daily, 3 days a week	34 Hours
	(G)	Subject Control Arrest Techniques	40 Hours
	UNIT TOTAL		214 Hours
(6)	SHERIFF-SPECIFIC UNIT		
	(A)	Civil Process	24 Hours
	(B)	Sheriffs' Responsibilities: Detention Duties	4 Hours

	(C) Sheriffs' Responsibilities: Court Duties	6 Hours
	UNIT TOTAL	34 Hours
(7)	COURSE ORIENTATION	2 Hours
(8)	TESTING	~~20~~ 16 Hours
	TOTAL COURSE HOURS	~~620~~ 616 Hours

(c) The "Basic Law Enforcement Training Manual" ~~as~~ published by the North Carolina Justice Academy shall be used as the ~~basic~~ curriculum for this ~~basic~~ training course for law enforcement officers as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
~~114 West Edenton Street~~
~~Old Education Building~~ 1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

(d) The "Basic Law Enforcement Training Course Management Guide" ~~as~~ published by the North Carolina Justice Academy shall be used by school directors in planning, implementing and delivering basic training courses~~. Each school director shall be issued a copy of the guide at the time of certification at no cost to the certified school. The public may obtain copies~~ Copies of this guide may be obtained from the Justice Academy.

History Note: *Authority G.S. 17C-6; 17C-10;*
Eff. January 1, 1981;
Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;
Amended Eff. July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989.

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The instructor training course required for general instructor certification shall consist of a minimum of ~~77~~ 74 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice instructor.

(c) Each instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

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

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

Criminal Justice Standards Division
North Carolina Department of Justice
~~114 West Edenton Street~~
~~Old Education Building~~ 1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

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

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

History Note: *Authority G.S. 17C-6;*
Eff. January 1, 1981;
Amended Eff. December 1, 2009; August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1, 1985.

12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING

(a) The instructor training course for specialized firearms instructor certification shall consist of a minimum of ~~83~~ 81 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized firearms instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' In-Service Firearms Training and Qualification Program".

(c) Each applicant for specialized firearms instructor training shall:

(1) have completed the criminal justice general instructor training course; and

(2) present a written endorsement by either

(A) a certified school director indicating the student will be utilized to instruct firearms in the Basic Law Enforcement Training Course; or

(B) a department head, certified school director, or in-service training coordinator, indicating the student will be utilized to instruct firearms in a ~~"Law Enforcement Officers' In-Service Firearms Training and Qualification Program."~~ law enforcement officer in-service firearms training program.

(d) Each specialized firearms instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation/Pretest	8 Hours
(2)	Range Operations	38 Hours
(3)	Civil Liability	4 Hours
(4)	Night Firing	2 Hours
(5)	Combat Shooting	8 Hours
(6)	Mental Conditioning	1 Hours
(7)	Shotgun Operation and Firing	4 Hours
(8)	Service Handgun - Operation and Use	5 Hours
(9)	Rifle - Operation and Maintenance	4 Hours
(10)	Service Handgun - Maintenance and Cleaning	2 Hours
(11)	Range Medical Emergencies	2 Hours
(12)	In-Service Firearms Requirements	2 Hours
(13)	BLET Lesson Plan ~~Review/Post Test~~ Review	~~3 Hours~~ 1 Hour

(e) The "Specialized Firearms Instructor Training Manual" ~~as~~ published by the North Carolina Justice Academy shall be used as the ~~basic~~ curriculum for delivery of specialized firearms instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at no cost to the student from the Academy at the following address:

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

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

History Note: *Authority G.S. 17C-6;*
Eff. May 1, 1986;
Amended Eff. February 1, 2013; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.

12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING

(a) The instructor training course required for specialized driver instructor certification shall consist of a minimum of ~~35~~ 33 hours of instruction presented during a continuous period of not more than one week.

(b) Each specialized driver instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice driver instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

(c) Each applicant for specialized driver instructor training shall:

(1) have completed the criminal justice general instructor training course;

(2) present a written endorsement by either

(A) a certified school director indicating the student will be utilized to instruct driving in Basic Law Enforcement Training Courses; or

(B) a department head, certified school director, or in-service training coordinator, indicating the student will be utilized to instruct driver training in the "Law Enforcement Officer's Annual In-Service Training Program";

(3) possess a valid operator driver's license; and

(4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years.

(d) Each specialized driver instructor training course shall include the following identified topic areas and instructional hours for each area:

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

(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized driver instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at no cost to the student from the Academy at the following address:

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

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

History Note: *Authority G.S. 17C-6;*
Eff. May 1, 1986;
Amended Eff. February 1, 2013; August 1, 2006; February 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.

12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING

(a) The instructor training course required for specialized subject control arrest techniques instructor certification shall consist of a minimum of ~~80~~ 78 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized subject control arrest techniques instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice subject control arrest techniques instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

(c) Each applicant for specialized subject control arrest techniques instructor training shall:

(1) have completed the criminal justice general instructor training course;

(2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course; and

(3) present a written endorsement by either

(A) a certified school director indicating the student will be utilized to instruct subject control arrest techniques in Basic Law Enforcement Training Courses; or

(B) a department head, certified school director, or in-service training coordinator indicating the student will be utilized to instruct Subject Control Arrest Techniques for the "Law Enforcement Officers' In-Service Training Program."

(d) Each specialized subject control arrest techniques instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	1 Hour
(2)	Skills Pre-Test	1 Hour
(3)	Student Instructional Practicum	3 Hours
(4)	Practical Skills Evaluation	3 Hours
(5)	Response to Injury	4 Hours
(6)	Combat Conditioning	12 Hours
(7)	Safety Guidelines/Rules	2 Hours
(8)	Practical Skills Enhancement	4 Hours
(9)	Subject Control/Arrest Techniques Practical Skills and Instructional Methods	44 Hours
(10)	Fundamentals of Professional Liability For Law Enforcement Trainers	4 Hours
~~(11)~~	~~State Comprehensive Examination/Course Closing~~	~~2 Hours~~
	TOTAL	~~80~~ 78 Hours

(e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized subject control arrest techniques instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at no cost to the student from the Academy at the following address:

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

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

History Note: *Authority G.S. 17C-6;*
Eff. February 1, 1987;
Amended Eff. February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989.

12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING

(a) The instructor training course required for specialized physical fitness instructor certification shall consist of a minimum of ~~60~~ 58 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized physical fitness instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice physical fitness instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

(c) Each applicant for specialized physical fitness training shall:

(1) qualify through one of the following three options:

(A) have completed the criminal justice general instructor training course; or

(B) hold a current and valid North Carolina Teacher's Certificate and hold ~~a minimum of~~ a baccalaureate degree in physical education and be teaching in physical education topics;

(C) be presently instructing physical education topics in a community college, college or university and ~~hold a minimum of~~ possess a baccalaureate degree in physical education; and

(2) present a written endorsement by either

(A) a school director indicating the student will be utilized to instruct physical fitness in Basic Law Enforcement Training Courses; or

(B) a certified school director, or in-service training coordinator indicating the student will be utilized to instruct physical fitness for the "Law Enforcement Officers' In-Service Training Program";

(3) present a letter from a physician stating fitness to participate in the course.

(d) Each specialized physical fitness instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

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

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be used as the basic curriculum for delivery of specialized physical fitness instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at no cost to the student from the Academy at the following address:

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

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

History Note: *Authority G.S. 17C-6;*
Eff. July 1, 1989;
Amended Eff. February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.

Title:	**Terms and Conditions of School Director Certification**
Agency:	Department of Justice, Criminal Justice Standards Division
Contact:	Trevor Allen (919) 779-8211
Impact Summary:	State Government: No (minimal) Local Government: No (minimal) Substantial Impact: No Small Business: No

12 NCAC 09B .0502: TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION
This rule list the terms and conditions of certification as a School Director

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

Amendment: This rule amendment increases the certification period for school directors from two (2) to three (3) years. It also changes the requirement for certified school directors from attending an annual conference to 'participating in annual training'. Such training is planned to be delivered via optional 'electronic' format.

State Impact: Lengthening the certification period will result in the Criminal Justice Standards staff processing applications for certification less frequently; thus lessening amount of work hours spent processing applications. This reduction in work hours would also be realized by individual school directors. Expenses associated with travel, per diem, etc. would also be reduced by removing the requirement for attending annual conferences. The Division does not expect that these time and cost savings to be significant.

Local Government Impact: Individual school directors would realize reduced expenditures associated with the less frequent certification process, but also in not being required to attend annual conferences. Costs for travel, per diem, etc. would not be required. The Division does not expect that these time and cost savings to be significant.

Substantial Economic Impact: No
Small Business Impact: No

See proposed rule text beginning on next page.

12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

(a) The term of certification as a school director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application the certification may subsequently be renewed by the Commission for ~~two~~-three year periods. The application for renewal shall contain documentation meeting the requirements of Rule .0501(b)(2) and (3) of this Section.

(b) To retain certification as a school director, the school director shall:

(1) ~~Attend an annual school directors conference~~ Participate in annual training conducted by commission staff;

(2) Maintain and comply with the current version of the "Basic Law Enforcement Training Course Management Guide";

(3) Maintain and ensure compliance with the current version of the "Basic Law Enforcement Training Instructor Notebook" assigned to each certified school; and

(4) Perform the duties and responsibilities of a school director as specifically required in Rule .0202 of this Subchapter.

History Note: *Authority G.S. 17C-6;*
Eff. January 1, 1985;
Amended Eff. April 1, 2009.