PROPOSED RULE AMENDMENTS

Public Hearing:

May 22, 2019 – 10:00 am

Full Commission Vote:

May 24, 2019- 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: Certification of Instructor, Terms and Conditions of Specialized Instructor Certification, Certification of Diversion Investigators and Supervisors, Terms and Conditions of Diversion Investigators and Supervisors Certification, Certification of Qualified Assistant, Terms and Conditions of Qualified Assistant Certification, Terms and Conditions of Specialized Instructors Certification, Certification of Qualified Assistant, Terms and Conditions of Qualified Assistant Certification, Minimum Training Specifications: Annual In-Service Training

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 09B .0301 Certification of Instructors
12 NCAC 09B .0305 Terms and Conditions of Specialized Instructor Certification
12 NCAC 09B .0314 Certification of Diversion Investigators and Supervisors
12 NCAC 09B .0315 Terms and Conditions of Diversion Investigators and Supervisors Certification
12 NCAC 09B .0504 Certification of Qualified Assistant
12 NCAC 09B .0505 Terms and Conditions of Qualified Assistant Certification
12 NCAC 09G .0311 Terms and Conditions of Specialized Instructors Certification
12 NCAC 09G .0417 Certification of Qualified Assistant
12 NCAC 09G .0418 Terms and Conditions of Qualified Assistant Certification

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

Amendment: On February 15, 2019 the Criminal Justice Education and Training Standards Commission proposed amendments to the aforementioned rules in order to:

- Fix typographical errors.
- Provide provision prohibiting "intimate relationships" between instructor and students.
- To define the responsibilities and terms and conditions for Qualified Assistants.
- To allow Specialized Instructors to receive teaching credit for teaching Concealed Carry Handgun Training or the Retired Officer Firearms Training program.

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

*Rules begin on the following page

12 NCAC 09B .0301 is amended proposed for amendment as follows:

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

(a) A person participating in a Commission-certified criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and 0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this Section and as stated on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur, including:

(1) issuing an oral warning and request for compliance;

(2) issuing a written warning and request for compliance;

(3) issuing an official written reprimand;

(4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual; and

(5) revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification ~~if~~ when the Commission finds that the person:

(1) has failed to meet and maintain any of the requirements for qualification;

(2) has failed to remain knowledgeable in the person's areas of expertise;

(3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the *"Instructor Training Manual"* as found in 12 NCAC 09B .0209;

(4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course Management Guide" as found in 12 NCAC 09B .0205;

(5) has demonstrated unprofessional personal conduct in the delivery of *Commission-mandated* training. For the purposes of this Subparagraph, unprofessional personal conduct means an act that is: job-related conduct that constitutes a violation of State or federal law; conviction or

commission of a criminal offense, as set out in 12 NCAC 09A .0204; the willful violation of Rules of this Chapter; conduct that is detrimental to instruction in the Commission's mandated courses; the abuse of a client or student whom the instructor is teaching or supervising or falsification of an instructor application or in other employment documentation; or an amorous, dating or sexual relationship ("intimate relationship"), even when apparently consensual, between a student enrolled in the Basic Law Enforcement Training program and any instructor, School Director or Qualified Assistant involved in the delivery of that program in which the student is enrolled. An exception to the rule is an intimate existing relationship (engaged or married) between a student and an instructor, School Director or Qualified Assistant that precedes the individual's status as student and he or she subsequently enrolls in a Basic Law Enforcement Training program. The instructor, School Director or Qualified Assist shall immediately notify their respective managing personnel in writing of the existing intimate relationship.

(6) has demonstrated instructional incompetence;

(7) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;

(8) has failed to meet or maintain 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); ~~*in re*~~ State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); ~~in~~ In re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); ~~in~~ In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); ~~in~~ 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, and as required to effectively discharge the duties of a criminal justice instructor;

(9) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;

(10) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program by deceit, fraud, or misrepresentation;

(11) has committed or been convicted of an offense which could result in the denial, suspension, or revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or

(12) has knowingly made a material misrepresentation of any information required for certification or accreditation.

(f) When a person certified as a law enforcement officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission *(Fire Commission), or* Office of Emergency Medical ~~Services~~ Services, and the North Carolina Company/Campus Police Program; or a similar North Carolina, out of state or federal approving, certifying or licensing agency; has been denied certification or had his or her certification suspended or revoked ~~his or her law enforcement officer or fire and rescue certification suspended or revoked~~ by their respective ~~Commission,~~

Commission or agency, that person shall report the suspension or revocation to the Criminal Justice Standards within ~~*30 days*~~. 5 days. He or she shall also have his or her General Instructor Certification (if applicable) similarly and automatically suspended or revoked for the same time period as his or her respective Commission certification.

(1) This suspension or revocation of the General Instructor certification shall also include suspension or revocation to any Commission recognized Specialized or additional instructor certification, as outlined in 12 NCAC 09B .0304.

(2) If the term of suspension or revocation exceeds the expiration date of the instructor's initial certification expiration date, he or she shall forfeit their certifications as a General Instructor and Specialized Instructor and shall be required to obtain certification pursuant to the requirements of 12 NCAC 09B .0302 before any instruction may be delivered in any Commission-approved or mandated training, including the completion of a subsequent General Instructor's training course in its entirety.

(3) If the term of suspension or revocation does not exceed the expiration date of the instructor's initial certification expiration date, the instructor shall be reinstated as a General Instructor only upon reinstatement of his or her law enforcement officer certification by the Commission. The terms of renewal for the existing General Instructor and Specialized Instructor certifications shall remain subject to all renewal requirements pursuant to 12 NCAC 09B .0303(c) by the next immediate expiration date.

History Note: *Authority G.S. 17C-6;*
Eff. January 1, 1981;
Amended Eff. August 1, 2019; December 1, 2018; October 1, 2017; October 1, 2009; August 1, 2004; April 1, 1999; July 1, 1991; January 1, 1985.

12 NCAC 09B .0305 is proposed for amendment as follows:

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

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

(b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and Specialized Instructor Certification are issued on the same date, the instructor is required to instruct, within 36 months after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

(c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification, the specialized instructor may satisfy the teaching requirement for the General Probationary Certification by teaching the specialized subject for which certification has been issued.

(d) The term of certification as a specialized instructor shall not exceed 36 months. An 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 that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. 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 completed all 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

(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 (Form F-12A) that the instructor taught at least 12 hours in each of the

topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H .0101, 12 NCAC 10B .0601, .1302, or .2005;

(B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx;

(C) proof that the applicant has met the requirement set forth in Rule .0303(c) of this Section;

(D) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal; and

(E) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.

(e) Certification as a Specialized Instructor in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) of this Section 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 shall be maintained.

(f) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall 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 not replace the primary instructor.

History Note: *Authority G.S. 17C-6;*
Eff. January 1, 1981;

Amended Eff. August 1, 2019; January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; 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 09B .0314 is proposed for adoption as follows:

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

(a) The diversion training courses for investigators and supervisors shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement Diversion Investigator or Supervisor. The diversion training course for investigators shall be for a period of 24 hours and 4 hours online training for the diversion investigator supervisor. To be certified as a diversion investigator or supervisor he or she shall complete the diversion training courses and achieve a passing score of 70 percent on the comprehensive written examination.

(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the diversion training courses. Such a trainee shall not be certified as a diversion investigator until the Basic Law Enforcement Training course, pursuant to Rule 09B .0205 of this Chapter, has been completed with passing scores and probationary or general law enforcement certification has been granted. Sheriffs and 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 09B .0205 and Rule 09B .0206 of this Chapter and without being currently certified in a probationary status or hold Justice Officer certification. The Diversion Training Courses required for certification shall include but not limited to the topic areas and minimum number of hours as outlined in the Diversion Training Courses.

(c) Those Special Agents with the North Carolina State Bureau of Investigation previously deemed diversion investigators as of July 1, 2019 shall be automatically granted certification under this rule for a period of three years.

(d) The "Diversion Training Courses" as authored by the North Carolina State Bureau of Investigation, and published by the North Carolina Justice Academy is to be applied as basic curriculum for the diversion training course for investigators and 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 may be 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; G.S. 17E-4, 90-113.74E
Eff. August 1, 2019.

12 NCAC 09B .0315 is proposed for adoption as follows:

12 NCAC 09B .0315 TERMS AND CONDITIONS OF DIVERSION INVESTIGATORS AND SUPERVISORS CERTIFICATION

(a) The term of certification as a diversion investigator and supervisor is indefinite, provided the investigator and supervisor complete during each calendar year a diversion course one-hour refresher training provided by the North Carolina Justice Academy. The Standards Division shall post on its website on January 1 of the current year the list of diversion investigators and supervisors who have met this requirement during the previous calendar year.

(b) If the diversion investigator and or supervisor fail to meet the diversion training course refresher training specified in Paragraph (a) of this Rule, the certification period for the investigator and or supervisor shall cease, and the investigator and or supervisor shall be required to complete the diversion training course in its entirety.

History Note: Authority G.S. 17C-6; G.S. 17E-4, 90-113.74E
Eff. August 1, 2019.

12 NCAC 09B .0504 is proposed for adoption as follows:

12 NCAC 09B .0504 CERTIFICATION OF QUALIFIED ASSISTANT

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

(1) be selected by the School Director;

(2) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;

(3) be certified as a General Instructor, pursuant to rule 12 NCAC 09B .0302, if certified as a Qualified Assistant for a Criminal Justice Instructor Training Course;

(4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Orientation Course as offered by the North Carolina Justice Academy;

(5) have completed an orientation course conducted by Standards Division staff; and

(6) participate in the annual training conducted by Commission staff.

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

(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application form. The Qualified Assistant Application Form is located on the agency's website at no cost http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx The Qualified Assistant Application Form includes the following information:

(A) accredited school name and contact information;

(B) applicants name and contact information;

(C) applicants instructor certification number; and

(D) School Director name and signature.

(d) The School Director shall ensure that the persons selected meet(s) the requirement set forth in Paragraphs (a) and (b) of this Rule.

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

History Note: Authority G.S. 17C-6;
Eff. August 1, 2019;

12 NCAC 09B .0505 is proposed for adoption as follows:

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

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule 12 NCAC 09B. 0504 (a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person has failed to meet or continually maintain any of the requirements for qualification or through performance fails to comply with program rules and procedures of the Commission or otherwise demonstrates incompetence.

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

(d) The Commission shall deny, suspend or revoke the certification of a Qualified Assistant when they have found the person has engaged in any conduct outlined in 12 NCAC 09B .0301(e) and (f).

History Note: *Authority G.S. 17C-6;*
Eff. August 1, 2019

12 NCAC 09G .0311 is proposed for amendment as follows:

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 expire three years from the date of issuance. The applicant shall apply for certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.

(b) Where certifications for both General Probationary Instructor and Specialized Instructor are issued on the same date, the instructor shall be required to instruct within 36 months after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

(c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification the specialized instructor may satisfy the teaching requirement for the General Probationary Certification by teaching the specialized subject for which certification has been issued.

(d) The term of certification as a specialized instructor shall not exceed 36 months. An application for renewal shall contain, in addition to the requirements listed in 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 that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, or 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 completed all 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

(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 taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. Such teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course,

pursuant to Rule .0310 of this Section, or Commission-recognized in-service training course;

(B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, or Commission-recognized in-service training course, during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx.

(C) has met the requirement set forth in Rule .0309(c) of this Section.

(e) The use of guest participants in a delivery of a Commission-mandated training course pursuant to this Section shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall 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 not replace the primary instructor.

History Note: *Authority G.S. 17C-6;*
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. August 1, 2019, January 1, 2017; May 1, 2014; June 1, 2012; January 1, 2006.

12 NCAC 09G .0417 is proposed for adoption as follows:

12 NCAC 09G .0417 CERTIFICATION OF QUALIFIED ASSISTANT

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

(1) be selected by the School Director;

(2) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;

(3) be certified as a General Instructor, pursuant to 12 NCAC 09G .0308, if certified as a Qualified Assistant for an Instructor Training Course;

(4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy;

(5) have completed an orientation course conducted by Standards Division staff; and

(6) participate in the annual training conducted by Commission staff.

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

(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F-10(QA). The Qualified Assistant Application Form F-10(QA) is located on the agency's website at no cost http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx The Qualified Assistant Application Form includes the following information:

(A) accredited school name and contact information;

(B) applicants name and contact information;

(C) applicants instructor certification number; and

(D) school director name and signature.

(d) The School Director shall ensure that the persons selected meet(s) the requirement set forth in Paragraphs (a) and (b) of this Rule.

(e) When directed by the School Director, the Qualified Assistant will assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09G .0408.

History Note: Authority G.S. 17C-6;
Eff. August 1, 2019;

12 NCAC 09G .0418 is proposed for adoption as follows:

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

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule 12 NCAC 09G. 0417 (a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person has failed to meet or continually maintain any of the requirements for qualification or through performance fails to comply with program rules and procedures of the Commission or otherwise demonstrates incompetence.

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

(d) The Commission shall deny, suspend or revoke the certification of a Qualified Assistant when they have found the person has engaged in any conduct outlined in 12 NCAC 09G .0307.

History Note: *Authority G.S. 17C-6;*
Eff. August 1, 2019