

SUBCHAPTER 09E - IN-SERVICE TRAINING PROGRAMS

SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM

12 NCAC 09E .0101 PURPOSE

In order to ensure a minimum level of proficiency in specific topical areas for law enforcement officers serving the governmental agencies within the state, the Commission establishes the law enforcement officers' annual in-service training program.

History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

12 NCAC 09E .0102 REQUIRED ANNUAL IN-SERVICE TRAINING TOPICS

History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2005;
Temporary Amendment Eff. January 1, 2005;
Amended Eff. February 1, 2011; January 1, 2010; April 1, 2009; April 1, 2008; February 1, 2007;
January 1, 2006;
Repealed Eff. February 1, 2013.

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

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

- (1) shall review departmental policies regarding the use of force during the agency's annual in-service training program; and
- (2) shall report to the Criminal Justice Standards Division once each calendar year a roster of all law enforcement officers who fail to successfully complete the annual in-service training and firearms qualification, pursuant to 12 NCAC 09E .0106, and shall certify that all law enforcement officers in the agency not listed did successfully complete the training. This roster shall reflect the annual in-service training and firearms qualification status of all law enforcement officers employed by the agency as of December 31 of each calendar year and shall be received by the Criminal Justice Standards Division no later than the following January 15th. Officers having completed Basic Law Enforcement Training and passed the comprehensive state final examination in this same calendar year must complete the annual in-service training for the year if they were sworn in between January 1st and June 30th of that year. Officers sworn in between July 1st and December 31st must complete the annual in-service training by June 30th of the following year, and
- (3) shall maintain in each officer's file documentation that the officer has completed the annual in-service training requirement; and
- (4) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(a) and (b), prohibit access to such weapon(s) until such time as the officer obtains qualification; and
- (5) shall, where the officer fails to successfully qualify with any of the weapons specified in Rule 09E .0106(d), prohibit the possession of such weapon(s) while on duty or when acting in the discharge of that agency's official duties, and shall deny the officer authorization to carry such weapon(s) concealed when off-duty, except when the officer is on his own premises; and
- (6) shall, where an officer has access to any specialized or tactical weapon(s) not specifically covered in Rule .0106(a) and (b) of this Section, prohibit the officer's use of the weapon(s) while engaged in the officer's official capacity unless the agency head determines the officer is competent to use the weapon in a lawful and prudent manner based upon the officer's experience, training, education, and disciplinary record.

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

12 NCAC 09E .0104 INSTRUCTORS: ANNUAL IN-SERVICE TRAINING

The following requirements and responsibilities are hereby established for instructors who conduct the law enforcement officers' annual in-service training program:

- (1) The instructor shall hold Instructor Certification issued by the Commission as outlined in 12 NCAC 09B .0302, 09B .0304, and 09B .0306, except for instructors:
 - (A) delivering CPR certifications that include cognitive and skills testing;
 - (B) delivering use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion; or
 - (C) delivering Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors.

In addition, each instructor certified by the Commission to teach in a Commission-accredited basic training, Speed Measuring Instrument Operator or Instructor training, Instructor or Specialized Instructor training, or Commission-recognized in-service training course shall remain competent in his or her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by completing all instructor updates issued by the Commission.

- (2) Instructors who teach a required in-service training topic, other than a topic taught pursuant to Paragraph (1) of this Rule, or a Firearms Training and Qualification course pursuant to Rule .0105(a)(1) of this Section, shall achieve a passing grade on a topic specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training topic online shall also complete the in-service training for the topic he or she will be teaching. Instructors who teach an in-service training topic in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented by the Department Head or In-Service Training Coordinator once completed.
- (3) Instructors who, no more than 60 days prior to the upcoming calendar year, complete mandated in-service topics in their entirety pursuant to 12 NCAC 09E .0105 as presented by the North Carolina Justice Academy as part of the Instructor Training Update program shall have satisfied the requirements of 12 NCAC 09E .0105 for the upcoming calendar year.
- (4) The instructor shall deliver the training consistent with the specifications established in Rules 09E .0105 and .0106.
- (5) The instructor shall report the successful or unsuccessful completion of training for each officer to the Department Head.
- (6) When the officer fails to qualify with a weapon, the instructor shall inform the officer that the officer did not qualify and the instructor shall deliver a Commission form F-9A (Firearms Qualification and Record) to the officer that shall be signed by the officer. This form shall instruct the officer not to use the weapon and shall require the officer to notify the Department Head or designated representative within 24 hours of the failure to qualify. The instructor shall personally deliver this form or send the form by certified mail to the Department head or designated representative within 72 hours of the failure to qualify.

All Commission forms are available for download on the Criminal Justice Standards Division website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

*History Note: Authority G.S. 17C-6; 17C-10;
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Amended Eff. July 1, 2016; May 1, 2014; February 1, 2013; April 1, 2008; January 1, 2006;
January 1, 2005;*

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Amended Eff. July 1, 2020.

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

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. January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016; January 1, 2016;
January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1, 2010; April 1,
2009; April 1, 2008; February 1, 2007; January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
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Repealed Eff. November 1, 2024.

12 NCAC 09E .0106 ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS

- (a) All certified law enforcement officers shall qualify for both day and night use with their individual and department-approved service handguns at least once each calendar year. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. In addition to the requirements specified in Rule .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training Law Enforcement Officers" course requirements for firearms qualification.
- (b) If an officer's duty handgun is replaced the officer shall qualify both day and night with the new handgun within 15 days of issuance.
- (c) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively for both day and night use at least once each calendar year.
- (d) The qualifications required by Paragraphs (a) through (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition, including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition for all weapons.
- (e) All certified law enforcement officers who are authorized to carry off-duty handguns shall qualify with each such handgun consistent with the specifications outlined in Rules .0105(1) and .0106(a) and (h) of this Section.
- (f) To satisfy the training requirements for all in-service firearms qualifications, an officer shall attain at least 70 percent accuracy with each weapon.
- (g) The qualifications required by Paragraphs (a) and (c) of this Rule shall be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for which qualification is required shall be deemed as having failed and Rule .0103(4) and (5) of this Section shall apply.
- (h) The In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms qualification. Copies of this publication may be inspected at the office of the agency:

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

and may be viewed and downloaded at no cost from the Academy's website at the following address:
<http://www.jus.state.nc.us/NCJA>

History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2019; April 1, 2018; January 1, 2006; January 1, 2005; November 1,
1998; March 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.

12 NCAC 09E .0107 FAILURE TO QUALIFY: ANNUAL IN-SERVICE FIREARMS TRAINING

(a) Where an officer is employed with an agency that establishes a higher standard for annual in-service firearms training than those specified in this Subchapter and the officer has failed to meet the requirements of the employing agency as of December 31 of each calendar year, such officer shall meet the requirements of this Rule for continued certification. Prior to transfer to another agency, the officer shall meet the requirements of this Rule.

(b) Upon notification to the Division via Form F-9B 'Report of Non-Compliance of Mandatory In-Service Training' that an officer has failed to meet the requirements for in-service firearms training and qualification as specified in 12 NCAC 09E .0106(a) of this Subchapter, the law enforcement officer's certification shall be suspended. Form F-9B is located on the Commission's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2>.

(c) The Division shall rescind the suspension indicated in Paragraph (b) of this Rule upon receipt from an agency representative of Form F-9C 'Return to Duty Request', indicating the suspended officer has completed the in-service firearms training and qualification pursuant to 12 NCAC 09E .0106(a) and (b). Form F-9C is located on the Commission's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/#91-112-wpfd-in-service-p2>.

(d) The suspended officer shall be granted limited enrollment in a presentation of the "Basic Law Enforcement Training" course to complete the training pursuant to 12 NCAC 09B .0205(b)(5)(B). Such enrollment and successful completion must occur within the calendar year of the suspension of law enforcement officer certification.

(e) Failure to enroll and successfully complete the training pursuant to 12 NCAC 09B .0205(b)(5)(B) within the calendar year of the suspension of certification shall subject the officer to training evaluation as specified in 12 NCAC 09B .0403.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff: January 1, 2005; August 1, 2000; March 1, 1992; March 1, 1990;
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12 NCAC 09E .0108 FAILURE TO COMPLETE ANNUAL IN-SERVICE TRAINING

(a) Failure to successfully complete the annual in-service training topics as specified in 12 NCAC 09E .0102 within the calendar year shall result in suspension of the law enforcement officer's certification.

(b) Upon notification that a law enforcement officer who has been continuously employed with an agency during the 12 month calendar year has failed to meet the requirements for in-service training as specified in 12 NCAC 09E .0102, the officer's certification shall be suspended by the Standards Division Director.

(c) No officer suspended under Paragraph (b) of this Rule shall work as a certified law enforcement officer until:

(1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has complied with the requirements for reinstatement of certification as specified in this subsection; and

(2) the department head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law enforcement certification to the suspended officer.

(d) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the same calendar year, the officer shall have completed all of the in-service training topics as specified in 12 NCAC 09E .0102 by the end of that same calendar year. Upon notification that such officer has failed to meet all the requirements for in-service training as specified in 12 NCAC 09E .0102, the law enforcement officer's certification shall be suspended.

(e) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall have completed all of the in-service training topics as specified in 12 NCAC 09E .0102 by the end of the subsequent calendar year. Upon notification that such officer has failed to meet all the requirements for in-service training as specified in 12 NCAC 09E .0102, the law enforcement officer's certification shall be suspended.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 2005;
Amended Eff. April 1, 2006;*

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

12 NCAC 09E .0109 IN-SERVICE TRAINING COORDINATOR REQUIREMENTS

(a) Any persons designated by an agency head to act as, or who perform the duties of, an In-Service Training Coordinator in the delivery or presentation of a Commission-mandated or Commission-recognized in-service training course shall have on file confirmation from the Commission acknowledging designation as In-Service Training Coordinator prior to acting in an official capacity as an In-Service Training Coordinator.

(b) To be eligible to serve as an In-Service Training Coordinator, an applicant shall:

- (1) 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;
- (2) be certified by the Commission as a General Instructor; and
- (3) have completed the "Coordinating In-Service Training" course presented by the North Carolina Justice Academy for the purpose of familiarization with trainee and instructor evaluation.

(c) The agency head shall submit to the Criminal Justice Standards Division a Form F-18 Commission In-Service Training Coordinator Request form containing the names and other requested information for the persons selected to act as In-Service Training Coordinators for the agency. The Form F-18 is located on the agency's website: [http://ncdoj.gov/getdoc/feb459d2-6db1-45be-94c8-a2e5305b350b/F-18\(ITC\)-6-11.aspx](http://ncdoj.gov/getdoc/feb459d2-6db1-45be-94c8-a2e5305b350b/F-18(ITC)-6-11.aspx). The agency head shall ensure that the persons selected meet the requirements set forth in Paragraphs (a) and (b) of this Rule.

*History Note: Authority G.S. 17C-6;
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Amended Eff. February 1, 2016;
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12 NCAC 09E .0110 IN-SERVICE TRAINING COORDINATOR RESPONSIBILITIES

In planning, developing, coordinating, and delivering each Commission-mandated in-service training course, the In-Service Training Coordinator shall:

- (1) administer the delivery of 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) ensure that each instructor utilizes a current Commission-approved lesson plan;
- (4) monitor, or designate a certified instructor to monitor, the presentations of instructors during course deliveries and prepare written evaluations on their performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure the instructor is using the Instructional System Design model, and that the delivery is objective based, documented by and consistent with a Commission recognized lesson plan. For each topic area, the in-service training coordinator's evaluation shall be based upon the course delivery observations, the instructor's use of a Commission recognized lesson plan, and the results of the student evaluation of the instructor. For probationary instructors, these evaluations shall be prepared on Commission forms and forwarded to the Commission. Based on this evaluation, the In-Service Training Coordinator shall have the responsibility for recommending approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on Commission forms in accordance with Commission standards as set out in this Chapter. These evaluations shall be kept on file by the agency 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 In-Service Training Coordinator shall forward a copy of the evaluation to the Commission. Any designated certified instructor who is evaluating the instructional presentation of another instructor shall, at a minimum, hold certification in the same instructional topic area as that for which the instructor is being evaluated.
- (5) maintain records of all in-service training received by the agency's officers which include:
 - (a) course title;
 - (b) delivery hours of course;
 - (c) course delivery dates;

- (d) names and addresses of instructors utilized for each topic;
- (e) a roster of enrolled trainees documenting class attendance; and
- (f) test scores from in-service training.

History Note: Authority G.S. 17C-6;
Eff. January 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.