

**SUBCHAPTER 09C - ADMINISTRATION OF CRIMINAL JUSTICE EDUCATION AND TRAINING  
STANDARDS**

**SECTION .0100 - RESPONSIBILITIES OF CRIMINAL JUSTICE STANDARDS DIVISION**

**12 NCAC 09C .0101 ADMINISTRATION OF PROGRAMS**

(a) The Standards Division shall administer and enforce all programs of the Commission regarding certification and implementation of standards.

(b) The administrative duties of the Standards Division include:

- (1) preparing and distributing a compilation of the rules in this Chapter, to persons, agencies, and institutions subject thereto;
- (2) creating and distributing forms to aid application for certification and reporting of programs conducted under the rules in this Chapter;
- (3) developing and administering comprehensive examinations to provide a basis for the decision to certify criminal justice officers;
- (4) monitoring and evaluating the activities of persons, agencies, and institutions subject to the rules in this Chapter;
- (5) providing technical assistance to agencies and institutions regarding their substantive and procedural responsibilities under the rules in this Chapter;
- (6) investigating and reporting to the Probable Cause Committee violations of and deviations from the rules in this Chapter by any person, agency, or institution;
- (7) maintaining records of application, qualification, and program reports filed with the Commission under the rules in this Chapter;
- (8) collecting information relevant to the programs of the Commission from persons, agencies, and institutions subject to the rules in this Chapter;
- (9) compiling and maintaining the official records of Commission meetings and acts;
- (10) transmitting notice of Commission actions to all persons, agencies, and institutions affecting by Commission action;
- (11) initiating judicial proceedings at the direction of the Commission to enjoin an offending or non-complying criminal justice agency from violation of the rules in this Chapter; and
- (12) divulging to authorized requestors information in the personnel and program files of the Commission.

*History Note:* Authority G.S. 17C-9;  
Eff. January 1, 1981;  
Amended Eff. March 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09C .0102 DEVELOPMENT OF PROGRAMS**

The Standards Division shall assist the commission in developing and evaluating programs for the improvement of the criminal justice system by:

- (1) Compiling data, performing research, and developing reports concerning the needs of criminal justice agencies;
- (2) Presenting to the Commission recommendations for the development of new programs and the revision of existing programs;
- (3) Disseminating information about Commission programs to concerned agencies and persons; and
- (4) Collecting comments about Commission programs contributed by agencies and the public.

*History Note:* Authority G.S. 17C-9;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09C .0103 DIVULGING PERSONNEL INFORMATION**

- (a) The head of a criminal justice agency may request in writing and with the appropriate authorization for release, information in the Standards Division files regarding the suitability or qualifications of a criminal justice officer for employment or retention.
- (b) The Director of the Standards Division shall evaluate the request to determine what, if any, information the Standards Division files contain that is necessary to the retention or employment of the officer or applicant.
- (c) The Director shall divulge the information in the Standards Division files in accordance with State personnel laws. The information shall be provided to the head of the criminal justice agency in writing by personal delivery or personally addressed first class mail.
- (d) The Standards Division shall maintain a copy of the letter divulging such information in the personnel file of the subject officer or applicant.

*History Note:* Authority G.S. 17C-9;  
Eff. January 1, 1981;  
Amended Eff. October 1, 2018;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## **SECTION .0200 - FORMS**

### **12 NCAC 09C .0201 PERSONAL HISTORY STATEMENT**

The Personal History Statement, is a questionnaire to be completed by an applicant for employment as a criminal justice officer. The questions seek information regarding the applicant's work, residential, military, and arrest history; financial condition; and references.

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **12 NCAC 09C .0202 MEDICAL HISTORY STATEMENT**

The Medical History Statement is a questionnaire to be completed by an applicant. The form seeks to facilitate the applicant's medical examination by listing information pertinent to the applicant's present and past physical condition, injuries, diseases, or operations.

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **12 NCAC 09C .0203 MEDICAL EXAMINATION REPORT**

The Medical examination Report, is a form provided to the examining physician to record the results of the applicant's medical examination.

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

### **12 NCAC 09C .0204 QUALIFICATIONS APPRAISAL INTERVIEW**

The Qualifications Appraisal Interview, is a form providing the agency's interviewers with a method of recording evaluations of the applicant. Inquiries relate to appearance, manner and bearing, ability to present ideas, social adaptability, alertness, and judgment.

*History Note:* Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;

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

#### **12 NCAC 09C .0205 REPORT OF APPOINTMENT**

The Report of Appointment is used for reporting the appointment of criminal justice officers and indicating the applicant's progress toward completing the requirements for certification.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Temporary Amendment Eff. January 1, 2001;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0206 REQUEST FOR GENERAL CERTIFICATION**

*History Note: Authority G.S. 17C-6; 150B-11;  
Eff. January 1, 1981;  
Repealed Eff. July 1, 1982.*

#### **12 NCAC 09C .0207 APPLICATION FOR AWARD OF PROFESSIONAL CERTIFICATE**

The Application For Award of Law Enforcement Certificate, requests information regarding the education, training, and experience qualifying the applicant for various levels of certification under the Law Enforcement Officers' Professional Certificate Program. The Application For Award of Criminal Justice Certificate, requests information regarding the education, training, and experience qualifying the State Youth Services officer/applicant for various levels of certification under the Criminal Justice Officers' Professional Certificate Program.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 15, 1981;  
Temporary Amendment Eff. January 1, 2001;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0208 REPORT OF SEPARATION**

- (a) The Affidavit of Separation and Report of Separation shall be used for reporting the date of and reason for the separation of a criminal justice officer from the employing agency. The date of separation shall be the date the criminal justice officer resigned or the date the employing agency terminated the employee.
- (b) An agency separating a person from employment or appointment as a criminal justice officer shall, not later than 10 days after separation, forward to the Commission a completed Affidavit of Separation and Report of Separation.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Temporary Amendment Eff. January 1, 2001;  
Amended Eff. October 1, 2018; August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0209 REQUEST FOR SCHOOL ACCREDITATION**

The Request for School Accreditation, provides the means for an agency or institution to become certified to conduct criminal justice training and to affiliate with the Criminal Justice Education and Training System. It seeks information on the physical, financial, and staff support provided to the criminal justice school by the agency or institution.

*History Note: Authority G.S. 17C-6; 150B-11;*

*Eff. January 1, 1981;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09C .0210      REQUEST FOR TRAINING COURSE ACCREDITATION**

*History Note:      Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Repealed Eff. October 1, 2017.*

## **12 NCAC 09C .0211      PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

The Pre-delivery Report of Training Course Presentation is a form on which the School Director notifies the Commission of its intent to present the Basic Law Enforcement Training course. Information requested includes:

- (1) The number of training hours;
- (2) The training delivery period;
- (3) Location;
- (4) Anticipated number of trainees;
- (5) The requested date and location for the administration of the state comprehensive exam; and
- (6) Topical course schedule including proposed instructional assignments.

*History Note:      Authority G.S. 17C-6; 150B-11;*  
*Eff. January 1, 1981;*  
*Amended Eff. January 1, 2015; August 1, 2000;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09C .0212      POST-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

The Post-Delivery Report of Training Course Presentation, is a form on which the School Director notifies the Commission of the completion of the "Basic Law Enforcement Training " course, together with the achievement and performance level attained by each enrolled trainee. The information requested includes a roster of all trainees enrolled and their employing agencies, a listing of each instructor used in delivering the training with topics presented, and the trainees' scores on each written, oral or motor-skill examination administered by the school. The Student Course Completion form, a part of the Post-Delivery Training Course Report, shall include student name; date of birth; Social Security Number; enrollment status; accredited school identification number; course identification number; student scores in each of the topical areas; and score on the State Comprehensive Examination.

*History Note:      Authority G.S. 17C-6; 150B-21.2;*  
*Eff. January 1, 1981;*  
*Amended Eff. August 1, 2000;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09C .0213      STUDENT COURSE COMPLETION RECORD**

The Student Course Completion Record, is a form used to report the satisfactory completion of training in courses other than the "Basic Law Enforcement Training" course. The Report of Training Course Completion shall include student information, name, date of birth, and Social Security Number; employment information to include department or agency, division where applicable, position name or title, and date of appointment; course information to include course title, location held, course start and end dates, class hours, and total contact hours of instruction. The form must be signed and dated by the School Director along with the name of the accredited institution.

*History Note:      Authority G.S. 17C-6; 150B-21.2;*  
*Eff. January 1, 1981;*  
*Amended Eff. August 1, 2000;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0214      REQUEST FOR INSTRUCTIONAL CERTIFICATION**

The Request for Instructional Certification, is used by persons seeking certification as general instructors or as artisan/practitioner lecturers. It seeks information regarding personal and professional background as well as documentation of the specific criteria for certification.

*History Note:*      Authority G.S. 17C-6; 150B-11;  
                            Eff. January 1, 1981;  
                            Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
                            2019.

#### **12 NCAC 09C .0215      PROFESSIONAL LECTURER CERTIFICATION**

The Application for Professional Lecturer Certification is used by persons seeking certification as a lecturer in an accredited criminal justice course. It requests information regarding the applicant's credentials and the topic areas of expected instruction.

*History Note:*      Authority G.S. 17C-6;  
                            Eff. January 1, 1981;  
                            Amended Eff. January 1, 1995;  
                            Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
                            2019.

#### **12 NCAC 09C .0216      RECOMMENDATION FOR GENERAL INSTRUCTOR CERTIFICATION**

(a) The recommendation for General Instructor certification pursuant to Rule 12 NCAC 09B .0303 shall be completed by a School Director or In-Service Training Coordinator after an instructor has finished the required probationary year.

(b) In the form, the official shall recommend that the instructor receive General Instructor certification and certify that the official has observed and evaluated the instructor. The F-12 form used for this recommendation is located on the agency's website: <http://www.ncdoj.gov/getdoc/f2ea275c-187d-4d7e-825d-98a8662f7443/F-12.aspx>.

*History Note:*      Authority G.S. 17C-6; 150B-11;  
                            January 1, 1981;  
                            Amended Eff. July 1, 2017;  
                            Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
                            2019.

#### **12 NCAC 09C .0217      APPLICATION FOR LAW ENFORCEMENT EMPLOYMENT 12 NCAC 09C .0218      FORM ORDER BLANK**

*History Note:*      Authority G.S. 17C-6; 150B-11;  
                            Eff. January 1, 1981;  
                            Repealed Eff. August 1, 2014.

#### **12 NCAC 09C .0219      FD-258 - FINGERPRINT CARD**

FD-258 is the Federal Bureau of Investigation's form used by the Commission for the collection of fingerprint impressions of applicants for employment as criminal justice officers.

*History Note:*      Authority G.S. 17C-6; 150B-11;  
                            Eff. January 1, 1981;  
                            Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
                            2019.

#### **12 NCAC 09C .0220      ACQUISITION OF FORMS**

*History Note:*      Authority G.S. 17C-6; 150B-11;  
                            Eff. January 1, 1981;

*Repealed Eff. July 1, 2014.*

## **SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS**

### **12 NCAC 09C .0301 CERTIFICATION OF CRIMINAL JUSTICE PERSONNEL**

Every person employed or appointed by the State or any political subdivision thereof as a criminal justice officer shall be certified as prescribed by these Rules prior to being administered the oath of office or commencing active service. The Commission shall certify an officer as either a probationary officer or general officer based on the officer's qualifications and experience.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09C .0302 PROBATIONARY PERIOD**

Every criminal justice officer below the level of department head and including officers who transfer laterally into an agency shall satisfactorily complete a probationary period with that agency of not less than 12 months.

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09C .0303 PROBATIONARY CERTIFICATION**

(a) Before a prospective criminal justice officer may be administered the oath of office, exercise the power of arrest, or commence active service as an officer, the employing agency shall have in its possession the person's Probationary Certification.

(b) The Commission shall certify as a probationary officer a person meeting the minimum standards for criminal justice employment, as specified in Rule .0101 of this Subchapter when the person's employing agency submits a Report of Appointment to the Standards Division. The Report of Appointment Form is located on the agency's website: [http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-\(DJJDP\)--6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)--6-11.aspx). The process for issuing probationary certification is as follows:

- (1) The Standards Division shall issue the person's Probationary Certification to the employing agency.
- (2) If an oath is required, the official administering an oath of office to the person shall be presented the person's Probationary Certification prior to the swearing. The administering official shall sign and date the oath on the Probationary Certification. The employing agency shall return a copy of the signed Probationary Certification to the Standards Division within 10 days of the administration of the officer's oath.
- (3) If no oath is required, the officer's department head shall endorse the Probationary Certification and enter the date on which the officer's service commenced, returning a copy of the certification to the Standards Division within 10 days of the commencement of the officer's service.

(c) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the Standards Division unless sooner terminated by his or her agency for cause.

(d) Before a prospective law enforcement officer may be issued a Probationary Certification, the prospective officer shall have completed the required basic training course stipulated in 12 NCAC 09B .0205(b).

(e) An applicant for certification who holds a valid Probationary Certification issued by the North Carolina Sheriffs' Education and Training Standards Commission shall be certified as a probationary law enforcement officer as specified under Paragraphs (b), (c) and (d) of this Rule.

(f) Where the local governing authority declares the existence of a public emergency pursuant to G.S. 166A-19.22, the department head of the criminal justice agency of the jurisdiction may swear persons as law enforcement officers without first obtaining Probationary Certification for those officers. The employing agency shall obtain Probationary Certification for such emergency officers not more than 20 days after the administration of their oath of office.

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

*Eff. January 1, 1981;*  
*Amended Eff. August 1, 2015; November 1, 1993; March 1, 1992; July 1, 1989; October 1, 1985;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019.*

#### **12 NCAC 09C .0304 GENERAL CERTIFICATION**

(a) The Commission shall grant an officer general certification if evidence is received by the Standards Division that an officer has successfully completed the training requirements of 12 NCAC 09B .0400 within the officer's probationary period and that the officer has met all other requirements for general certification. General certification shall not be granted if the officer's department head submits a written request to the Director of the Standards Division to withhold general certification from the officer.

(b) The Commission shall honor a valid general certification issued to a deputy sheriff by the North Carolina Sheriffs' Education and Training Standards Commission for the purpose of lateral transfer, as provided for in 12 NCAC 09C .0306, to a law enforcement agency under the jurisdiction of G.S. 17C if evidence is received by the Standards Division that the officer has successfully completed the training requirements as mandated by the Sheriffs' Commission within the officer's probationary period and the officer has successfully completed the training requirements of 12 NCAC 09B .0205 in addition to complying with all other commission requirements for general certification.

(c) For local confinement personnel in service prior to June 1, 1986, the Commission shall grant General Certification to all local confinement personnel officially appointed and in local confinement facility service or county confinement facility service with any political subdivision of the state on May 31, 1986. Such personnel shall be exempt from the provisions of Rules .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before August 31, 1986 and all General Certification granted after that date shall be as prescribed in Subchapter 09C, Section .0300.

(d) For local confinement personnel of juvenile detention homes, either state or local, in service prior to January 1, 1990, the Commission shall grant General Certification to all local confinement personnel officially appointed and in juvenile detention homes with any political subdivision of the state on December 31, 1989. Such personnel shall be exempt from the provisions of Rules .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before March 31, 1990 and all General Certifications granted after that date shall be as prescribed in Subchapter 09C, Section .0300.

(e) General certification is continuous from the date of issuance, so long as:

- (1) The certified officer remains continuously employed or appointed as a criminal justice officer in good standing with an agency and the certification has not been terminated for cause; or
- (2) The certified officer, having separated in good standing from a criminal justice agency, is re-appointed or re-employed as a criminal justice officer within one year, and the certification has not been terminated for cause; and
- (3) The certified officer meets the in-service training requirements as prescribed in 12 NCAC 09E during each full calendar year of certification.

*History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*  
*Eff. January 1, 1981;*  
*Amended Eff. August 1, 1998; March 1, 1990; July 1, 1989; June 1, 1986; April 1, 1985;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019.*

#### **12 NCAC 09C .0305 REPORT OF SEPARATION**

*History Note: Authority G.S. 17C-6;*  
*Eff. January 1, 1981;*  
*Repealed Eff. October 1, 2018.*

#### **12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS**

(a) A law enforcement officer with general certification from either the Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law

enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service. Prior to employing the officer, the employing agency shall:

- (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division;
  - (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. No certification shall be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized;
  - (3) advise the officer that he will be serving under a probationary appointment with the agency for one year; and
  - (4) notify the Commission by submitting a Report of Appointment that the officer is being employed and stating the date on which employment will commence.
- (b) Prior to transfer of certification, the law enforcement officer shall:
- (1) complete a Medical History Statement Form within one year prior to the transfer to the employing agency;
  - (2) submit to examination by a surgeon, physician, physician assistant, or nurse practitioner licensed to practice medicine in North Carolina in the same manner prescribed for non-certified new applicants in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
  - (3) submit results of the physical examination to the employing agency for placement in the officer's permanent personnel file;
  - (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09B .0101(5); and
  - (5) either:
    - (A) submit a copy of the Commission's annual in-service training report form to the employing agency for placement in the officer's permanent personnel file when the duty and off duty weapons remain the same as those previously used to qualify. Such in-service training compliance shall have occurred within the 12 month period preceding transfer; or
    - (B) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.
- (c) Officers previously certified who were not previously required to meet the educational or basic training requirements shall not be required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.
- (d) For currently certified full time officers with no break in service, upon written request from the department head of the hiring agency, the Division shall waive for a period of no more than 60-days from the receipt of the Report of Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this Rule. The Report of Appointment Form is located on the agency's website: [http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-\(DJJDP\)--6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)--6-11.aspx).

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. April 1, 2018; October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1, 1989; July 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION**

(a) Each criminal justice agency shall place information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule. The files shall be available for examination in five days by representatives of the Commission for verifying compliance with these Rules.

- (1) Criminal Justice Officer with probationary certification:
  - (A) the officer's Personal History Statement;
  - (B) the officer's Medical History Statement and Medical Examination Report;
  - (C) documentation of the officer's drug screening results;

- (D) the Commission's Mandated Background Investigation Form as completed by the agency's investigator;
  - (E) a written summary of the officer's Qualifications Appraisal Interview;
  - (F) documentation of the officer's degrees obtained;
  - (G) documentation of all criminal justice training completed by the officer;
  - (H) the results of the officer's fingerprint record check;
  - (I) a written summary of the officer's psychological examination results;
  - (J) for the law enforcement officer, documentation on a commission-approved form as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
  - (K) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
  - (L) copy of Report of Appointment/Application for Certification Form F-5A;
  - (M) oath of office;
  - (N) copy of firearms qualification; and
  - (O) once separated, a copy of the Affidavit of Separation.
- (2) Criminal Justice Officer with general certification:
- (A) the officer's Medical History Statement and Medical Examination Report;
  - (B) documentation of the officer's drug screening results;
  - (C) documentation of the officer's degrees obtained;
  - (D) documentation of all criminal justice training completed by the officer;
  - (E) the results of the officer's fingerprint record check;
  - (F) for the law enforcement officer, documentation on a commission-approved form as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;
  - (G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
  - (H) a copy of the Report of Appointment/Application for Certification Form F-5A;
  - (I) oath of office;
  - (J) copy of firearms qualification; and
  - (K) once separated, a copy of the Affidavit of Separation.

(b) These records shall be maintained in compliance with the North Carolina Department of Natural and Cultural Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

*History Note: Authority G.S. 17C-2; 17C-6;  
Eff. January 1, 1981;  
Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. August 1, 2019.*

**12 NCAC 09C .0308 SPEED MEASUREMENT INSTRUMENT (SMI) OPERATORS CERTIFICATION PROGRAM**

(a) Every person employed or appointed by the state or any political subdivision thereof as a law enforcement officer who uses a Speed Measuring Instrument for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the speed measuring instrument.

(b) Standards Division staff shall issue certification in one of the following categories:

- (1) radar operator speed measurement instrument (SMI) certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0210, .0212, .0213, .0218, .0220, .0221, .0242, .0243, .0244, or .0245;
- (2) time-distance speed measurement instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0211, .0213, .0214, .0219, .0221, .0222, .0244, or .0245;
- (3) lidar speed measurement instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0237, .0238, .0239, .0240, .0242, .0243, .0244, or .0245.

(c) Certification in one or more categories reflects operational proficiency in the designated type(s) of approved equipment for which the trainee has been examined and tested. Such certification is for a three year period from the date of issue and re-certifications is for a three year period from the date of issue, unless sooner terminated by the Commission. The applicant shall meet the following requirements for operator certification or re-certification within 90 days of course completion and upon the presentation of documentary evidence showing that the applicant:

- (1) has successfully completed the training program as required in 12 NCAC 09B .0210, .0211, .0212, .0213, .0214, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, .0240, .0242, .0243, .0244, or .0245; and
- (2) has successfully completed a Commission-certified basic law enforcement training course as required in 12 NCAC 09B .0400 and is currently certified in a probationary status or holds general law enforcement certification; or
- (3) if the applicant is a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E has met and is in compliance with the employment and training standards as established and made effective for such position by the North Carolina Sheriffs' Education and Training Standards Commission.

(d) Certified operators shall be notified by the Commission not less than 90 days prior to expiration of certification. All applicants for re-certification shall successfully complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. If re-certification is not obtained within the 12 month period, successful completion of the appropriate operator training programs as required by 12 NCAC 09B .0409(a) shall be required to obtain operator certification. This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt of the Post-Delivery Report of Training Course Presentation.

(e) Operator re-certification shall be issued only to officers with current law enforcement certification.

(f) All certifications issued pursuant to this Rule and the standards in effect between November 1, 1981 and July 1, 1982 shall continue with full force and effect; however, said certifications are subject to the provisions of 12 NCAC 09C .0308(d) and (e).

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Temporary Amendment Eff. February 24, 1984, for a period of 120 days to expire on June 22, 1984;  
Amended Eff. November 1, 2007; February 1, 2006; May 1, 2004; April 1, 1999; November 1, 1993; March 1, 1992; February 1, 1991; December 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Emergency Amendment Eff. May 5, 2020;  
Emergency Amendment Expired Eff. July 31, 2020.*

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

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

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

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

- (1) complete a Medical History Statement Form within one year prior to the transfer to the employing agency;

- (2) submit to examination by a physician licensed to practice medicine in North Carolina in the same manner prescribed for non-certified new applicants in 12 NCAC 09B .0104 within one year prior to the transfer to the employing agency;
- (3) submit results of the physical examination to the employing agency for placement in the individual's permanent personnel file; and
- (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09B .0101(5).

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

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

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

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

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

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

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

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

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

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

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

### **12 NCAC 09C .0311 RECERTIFICATION FOLLOWING SEPARATION**

(a) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with a minimum of one year of service who have been separated from the North Carolina Department of Public Safety for less than three years may have their certification reinstated following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and .0117, but are exempt from the job appropriate basic training course as described in 12 NCAC 09B .0235 and .0236.

(b) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers with less than one year of service who have been separated from the North Carolina Department of Public Safety for less than two years may have their certification reinstated following a reverification of employment standards as outlined in 12 NCAC 09B .0116 and .0117, and shall complete the job appropriate basic training course as described in 12 NCAC 09B .0235 and .0236.

(c) Previously certified juvenile court counselors, Chief Court Counselors, and juvenile justice officers who have been separated from the North Carolina Department of Public Safety for more than three years, upon their return shall complete the verification of employment standards as outlined in 12 NCAC 09B .0116 and .0117 and shall complete the job appropriate basic training course described in 12 NCAC 09B .0235 and .0236.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
Eff. May 1, 2023.

## **SECTION .0400 - ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS AND TRAINING COURSES**

### **12 NCAC 09C .0401 ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS**

(a) Any school requesting accreditation, pursuant to the Commission's authority to certify criminal justice training schools in G.S. 17C-6, as meeting the requirements contained in 12 NCAC 09B .0200 must submit a completed Form F-10(SA) Request for School Accreditation. The Form F-10(SA) is available on the agency's website: [http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). Upon receipt of a completed Request for School Accreditation application:

- (1) The Standards Division staff reviews the application and conducts a site visit to tour facilities, confirm information on the application, and determine if and where deficiencies exist;
- (2) The Standards Division Staff contacts the applying institution or agency concerning deficiencies and provides assistance on correcting problem areas;
- (3) The Standards Division staff recommends to the Education and Training Committee when the accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
- (4) The Education and Training Committee recommends to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation for the applicant institution or agency.

(b) Accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200, Minimum Standards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.

(c) The identity of those schools accredited under this Rule are published and distributed by the Standards Division, via the agency's website: <http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-d95a36807bb9> and the schedule of criminal justice training courses planned for delivery during the succeeding year.

(d) A school may request reaccreditation from the Commission by submitting a completed Form F-10(SA) Request for School Accreditation form, located on the agency's website: [http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). The Form F-10(SA) shall contain information on changes in facilities, equipment, and staffing. Upon receipt of a completed application:

- (1) The Standards Division staff reviews the request for reaccreditation, conducts a site visit to tour facilities, confirms information on the application, determines if and where deficiencies exist, and attaches copies of the reports of site visits to the application;
- (2) The Standards Division staff submits the application and staff reports to the Education and Training Committee for review; and
- (3) The Education and Training Committee recommends to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation of the applicant institution or agency.

(e) In instances where certified schools have been found to be in compliance with 12 NCAC 09B .0200 through favorable site visit reports, Standards Division staff shall reaccredit on behalf of the Commission. Such action shall be reported to the Education and Training Committee at its next scheduled meeting.

(f) In instances where the Education and Training Committee determines the school seeking accreditation or reaccreditation is not in compliance with 12 NCAC 09B .0200, the school application and staff reports shall be reviewed by the Probable Cause Committee, as specified in 12 NCAC 09A .0201.

(g) The Commission may suspend or revoke a school's accreditation when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation.

(h) The Accreditation of a school whose accreditation is scheduled to expire in calendar year 2015 and who has submitted a request for recertification shall be extended for a maximum of two years under the following conditions:

- (1) accreditation has not expired;
- (2) the school has submitted a request for reaccreditation along with the required documentation by December 31, 2015.
- (3) the Standards Division staff was unable to complete the recertification process by December 31, 2014; and
- (4) the school is not denied reaccreditation prior to the expiration of the current accreditation. Accreditation or accreditation extension according to this Paragraph expires when reaccreditation is denied or revoked or the Standards Division staff is able to complete the reaccreditation process and it is determined that the school is in compliance with the Rules for Reaccreditation. If the school reaccreditation is denied or revoked, the school shall not deliver Commission accredited criminal justice courses until such reaccreditation has been granted or reinstated by the Commission.

*History Note: Authority G.S. 17C-6; 17C-11;  
Eff. January 1, 1981;  
Amended Eff. August 1, 2004, January 1, 1996;  
Temporary Amendment Eff. January 1, 2007;  
Temporary Amendment Expired October 13, 2007;  
Amended Eff. February 1, 2016; April 1, 2008;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09C .0402 ACCREDITATION OF TRAINING COURSES**

(a) An accredited criminal justice school shall apply for accreditation for each of its courses by submitting a completed Request for Training Course Accreditation.

(b) One of two types of accreditation may be sought by the school, depending upon the nature of the course for which accreditation is sought.

- (1) Temporary accreditation shall apply to courses being offered by an accredited school on a one-time or infrequent basis and will remain effective for the duration of the specified course offering, not in excess of one year.
- (2) Continuing accreditation shall apply to courses offered on a regular or continuous basis by an accredited school and will remain effective until surrendered, revoked, or the school's accreditation expires or is suspended or revoked.

(c) The Commission may suspend or revoke the accreditation of a course when it finds that the school has failed to meet or to continuously maintain any requirement, standard, or procedure for course accreditation.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0403      REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION**

(a) Each presentation of the "Basic Law Enforcement Training" course shall be reported to the Commission as follows:

- (1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form F-10A(LE) Pre-delivery Report of Training Course Presentation; and
- (2) Not more than 10 days after completing delivery of the accredited course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form F-10B(LE) Post-delivery Report of Training Course Presentation.

Forms F-10A(LE) and F-10B(LE) are located on the agency's website at: <http://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>.

Note: Special arrangements shall be made between the Standards Division and the school director for the reporting of law enforcement achievement in a Public Safety Officer course.

(b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the achievement of trainees by submitting a Report of Training Course Completion (Form F-11). This form is located on the agency's website: [http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form\\_10-2-14.pdf.aspx](http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx).

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. January 1, 1981;  
Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09C .0404      PILOT COURSE PRESENTATION/PARTICIPATION**

(a) Consistent with the curriculum development policy of the Commission, the Education and Training Committee shall recommend to the commission the delivery system and the developer of course curricula. Designation of the developer of course curricula by the Commission shall be deemed as approval of the developer to conduct pilot courses.

(b) Individuals who successfully complete a pilot course offering shall not be required by other rules of this Chapter to complete additional training for that specific certification program. Such pilot training courses shall be recognized for purposes of certification or recertification.

*History Note: Authority G.S. 17C-6;  
Eff. February 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**SECTION .0500 - MINIMUM STANDARDS FOR ACCREDITATION OF ASSOCIATE OF APPLIED SCIENCE DEGREE PROGRAMS INCORPORATING BASIC LAW ENFORCEMENT**

**TRAINING**

- 12 NCAC 09C .0501      PURPOSE AND REQUIREMENTS OF ACCREDITATION**
- 12 NCAC 09C .0502      DELIVERY OF PROGRAMS**
- 12 NCAC 09C .0503      STUDENTS**
- 12 NCAC 09C .0504      INSTRUCTORS**

**12 NCAC 09C .0505 POST-DELIVERY TRAINING COURSE REPORT**

*History Note: Authority G.S. 17C-6;  
Eff. August 15, 1981;  
Amended Eff. April 1, 1984;  
Repealed Eff. July 1, 1989.*

**SECTION .0600 - EQUIPMENT AND PROCEDURES**

**12 NCAC 09C .0601 APPROVED SPEED-MEASURING INSTRUMENTS**

The following procedures shall be adhered to for approval of speed-measuring instruments:

- (1) Prior to the inclusion as an approved speed-measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. 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  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost from the National Highway Traffic Safety Administration at the following address:

National Highway Traffic Safety Administration  
400 Seventh Street, SW  
Washington, DC 20590

The manufacturer shall provide evidence that the instrument meets or exceeds the applicable standards published by the National Highway Traffic Safety Administration, United States Department of Transportation.

- (2) All speed-measuring instruments shall be evaluated by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Crime Control and Public Safety. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Speed Measurement Instrument Program Administrator.
- (3) A current list of all approved speed-measuring instruments shall be included in Appendix "A" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy.
- (4) The "Speed-Measurement Instrument Operator Training Course Manuals" as published by the North Carolina Justice Academy shall be applied as the basic curriculum for the speed-measuring instrument operator training courses for speed-measuring instrument operators as administered by the North Carolina Criminal Justice Education and Training Standards Commission. Copies of these publications 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  
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  
Salemberg, North Carolina 28385

*History Note:* Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Amended Eff. November 1, 2007; May 1, 2004; November 1, 1998; August 1, 1998; August 1, 1995; January 1, 1995; November 1, 1993; February 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09C .0602      TESTING: ACCURACY**  
**12 NCAC 09C .0603      TESTING: RADIO MICROWAVE (RADAR)**  
**12 NCAC 09C .0604      TESTING: TIME-DISTANCE**  
**12 NCAC 09C .0605      OPERATING PROCEDURES**  
**12 NCAC 09C .0606      CONCURRENT RESPONSIBILITY AND APPROVAL**

*History Note:* Authority G.S. 8-50.2; 17C-6;  
Eff. November 1, 1981;  
12 NCAC 9C .0602 and .0606 Readopted Eff. July 1, 1982;  
12 NCAC 9C .0603, .0604, .0605 Readopted w/change Eff. July 1, 1982;  
Amended Eff. January 1, 1995; November 1, 1993; February 1, 1991; July 1, 1989;  
December 1, 1987;  
January 1, 1983;  
Repealed Eff. August 1, 1998.

**12 NCAC 09C .0607      SPEED-MEASURING INSTRUMENT ACCURACY TEST**

The purpose of this Rule is to establish the minimum requirements and test methods for determining the accuracy of speed-measuring instruments used by law enforcement agencies to measure the speed of vehicles for enforcement of speed laws and regulations. All requirements and tests shall conform with G.S. 8-50.2 and G.S. 17C-6.

- (1) Accuracy test standard:
  - (a) Annual tests of all speed-measuring instruments shall be in conformance with G.S. 8-50.2(c). The results of these tests shall be recorded on forms provided by the Commission.
  - (b) Daily tests of all speed-measuring instruments shall be in conformance with G.S. 8-50.2(b)(4) and G.S. 17C-6(13).
- (2) Accuracy requirements and test methods:
  - (a) Annual:

The annual tests for accuracy requirements for each specific Radar, Time-Distance, and Lidar speed-measuring instrument, as outlined in Appendix "B" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. 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  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at a cost of seven dollars and twelve cents (\$7.12) from the Academy at the following address:  
North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

- (b) Daily:

The daily tests for accuracy requirements for each specific Radar, Time-Distance, and Lidar speed-measuring instrument, as outlined in Appendix "C" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later

amendments and editions of the incorporated material as provided by G.S. 150B-21.6.  
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  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at a cost of seven dollars and twelve cents (\$7.12) from the Academy at the following address:

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

*History Note:* Authority G.S. 8-50.2; 17C-6;  
Eff. August 1, 1998;  
Amended Eff. May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

## **12 NCAC 09C .0608 SPEED-MEASURING INSTRUMENT OPERATING PROCEDURES**

The purpose of this Rule is to establish the requirements for operating speed-measuring instruments used by law enforcement officers to measure the speed of vehicles for enforcement of speed laws and regulations. All operating procedures shall conform with G.S. 8-50.2. The operating procedures for each specific Radar, Time-Distance, and Lidar speed-measuring instrument, as outlined in Appendix "C" of the Supplement for Speed Measurement Instrument Training Courses published by the North Carolina Justice Academy, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. 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  
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. 8-50.2; 17C-6;  
Eff. August 1, 1998;  
Amended Eff. November 1, 2007; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.