

**SUBCHAPTER 09G - STANDARDS FOR CORRECTIONS EMPLOYMENT, TRAINING, AND  
CERTIFICATION**

**SECTION .0100 - SCOPE, APPLICABILITY, AND DEFINITIONS**

**12 NCAC 09G .0101 SCOPE AND APPLICABILITY OF SUBCHAPTER**

This Subchapter governs the implementation of minimum standards for employment, training, and certification of two classes of corrections officers: correctional officers and probation/parole officers, as well as the standards for corrections schools and the state corrections certificate program. Definitions and procedures contained within 12 NCAC 09A through 09F do not apply to these classes of corrections officers, unless referenced. Only rules included in Subchapter 09G apply to these employees of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.

*History Note: Authority G.S. 17C-1; 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; November 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
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**12 NCAC 09G .0102 DEFINITIONS**

The following definitions apply throughout this Subchapter only:

- (1) "Agency" means those state and local agencies identified in G.S. 17C-2(2).
- (2) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission identified in G.S. 17C.
- (3) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified offense.
- (4) "Convicted" or "Conviction" means, the entry of:
  - (a) a plea of guilty;
  - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established adjudicating body, tribunal, or official, either civilian or military; or
  - (c) a plea of no contest, nolo contendere, or the equivalent.
- (5) "Correctional Officer" means an employee of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, responsible for the custody of inmates or offenders.
- (6) "Corrections Officer" means either or both of the two classes of officers employed by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice: correctional officer or probation/parole officer.
- (7) "Criminal Justice System" means the whole of the State and local criminal justice agencies including the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (8) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (9) "Educational Points" means points earned toward the State Correction Officers' Professional Certificate Program for studies completed, with passing scores achieved, for semester hour or quarter hour credit awarded from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (10) "High School" means a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.
- (11) "In-Service Training Coordinator" means a person designated by a Criminal Justice Agency head to administer the agency's In-Service Training program.

- (12) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
- (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (12)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions or duly enacted ordinances of an authorized governmental entity, with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, or criminal statute of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.
  - (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Department of Adult Correction section of the Class B Misdemeanor Manual as published by the North Carolina Department of Justice, incorporated herein by reference, and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website: <http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:
    - (i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;
    - (ii) driving while license permanently revoked or permanently suspended;
    - (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
    - (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.
- (13) "Pilot Courses" means those courses approved by the Education and Training Committee, consistent with 12 NCAC 09G .0404, which are used to develop new training course curricula.
- (14) "Probation/Parole Officer" means an employee of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, whose duties include supervising, evaluating, or otherwise instructing offenders placed on probation, parole, post release supervision, or assigned

to any other community-based program operated by the Division of Adult Correction and Juvenile Justice.

- (15) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.
- (16) "School" means an institution, college, university, academy, or agency that offers penal or corrections training for correctional officers or probation/parole officers. "School" includes the corrections training course curricula, instructors, and facilities.
- (17) "School Director" means the person designated by the Secretary of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice to administer the School.
- (18) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (19) "State Corrections Training Points" means points earned toward the State Corrections Officers' Professional Certificate Program by completion of Commission-approved corrections training courses. Twenty classroom hours of Commission-approved corrections training equals one State Corrections training point.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. December 1, 2018; January 1, 2017; January 1, 2015; April 1, 2009; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. May 1, 2023.

## **12 NCAC 09G .0103 RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES**

- (a) Petitions for Rule-Making shall be submitted to the Commission and shall contain:
  - (1) petitioner's name, address and telephone number;
  - (2) a draft of the proposed rule or rule change for adoptions or amendments; and
  - (3) the reason for its proposal.
- (b) Petitioners may also submit the following in the petition:
  - (1) the effect of the proposal on existing rules or decisions;
  - (2) data supporting the proposal;
  - (3) practices likely to be affected by the proposal; and
  - (4) a list or description of persons likely to be affected by the proposed rule.
- (c) Administrative hearings in contested cases conducted by the Commission or an Administrative Law Judge (as authorized in G.S. 150B-40) shall be governed by:
  - (1) procedures set out in G.S. 150B, Article 3;
  - (2) the Rules of Civil Procedure as contained in G.S. 1A-1;
  - (3) the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.
- (d) The rules establishing procedures for contested cases incorporated by the Office of Administrative Hearings as contained in 26 NCAC 03 are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which this agency has authority to adopt rules under G.S. 150B-38(h).
- (e) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding Administrative Law Judge in 26 NCAC 03.
- (f) An applicant for certification or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.

*History Note:* Authority G.S. 17C-6; 17C-11(b); 150B-20; 150B-38(h); 150B-40;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2019;

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**SECTION .0200 - MINIMUM STANDARDS FOR CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE**

**12 NCAC 09G .0201 EMPLOYMENT PROCESS: DOCUMENTATION: AND RECORDS RETENTION**

(a) The North Carolina Department of Correction is a state agency and is subject to G.S. 126. The employment process shall be consistent with the rules established by the State Personnel Commission as authorized by G.S. 126-4(6) and 126-4(7)(a).

(b) The North Carolina Department of Correction shall document the employment process and that the minimum standards for employment have been satisfied through forms as approved by the State Personnel Commission.

(c) The North Carolina Department of Correction shall maintain and release those employment records in accordance with G.S. 126-24.

*History Note: Authority G.S. 126-4; 126-24;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0202 CITIZENSHIP**

Every person employed as a correctional or probation/parole officer by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall provide the agency with documentation verifying that he or she is a citizen of the United States.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0203 AGE**

(a) Every person employed as a correctional officer or probation/parole officer by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall be at least 20 years of age.

(b) Candidates shall document age through documents issued by any county, state, or federal government agency.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0204 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

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

- (b) High school diplomas earned through home school programs must be accompanied by a true and accurate or certified transcript and the program must meet the requirements of Part 3 of Article 39 of Chapter 115C of the North Carolina General Statutes, or a comparable out-of-state statute.
- (c) Diplomas earned from high school or equivalent institutions outside of the United States must be translated into English and be accompanied by an authentic transcript. The Criminal Justice Standards Division (Division) staff shall evaluate the transcripts to ensure they are scholastically comparable to United States curriculum requirements.
- (d) The Division's staff shall evaluate high school diplomas earned through on-line or correspondence courses to ensure such diplomas must meet state and local requirements for the jurisdiction from which the diploma was issued.
- (e) Documentary evidence of having earned a High School Equivalency (HSE) diploma shall be satisfied by a certified copy of a high school equivalency credential or an adult high school diploma, both of which must be recognized by the U.S. Department of Education, or educational agency that is authorized in the state to issue High School Equivalency (HSE) diplomas.
- (f) Documentary evidence of the attainment of satisfactory scores on any military high school equivalency examination is acceptable as evidence of high school graduation if verified by a true copy of the veteran's DD-214 Certificate of Release from Active Duty.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. April 1, 2018; February 1, 2016; November 1, 2015; January 1, 2015; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. May 1, 2023.*

## **12 NCAC 09G .0205 MEDICAL EXAMINATION**

- (a) Each applicant for certification or enrollment in a basic correctional officer or probation/parole officer training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a surgeon, physician, physician assistant, or nurse practitioner who is licensed to practice in North Carolina or authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S. Code 1094, to help determine his or her fitness to carry out the physical requirements of the position of correctional officer or probation/parole officer.
- (b) Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:
- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and
  - (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form attached to the Medical Examination Report Form (F-2). The Instructions to Agency and Examiner for Completion of Medical Examination Report (F-2A) Form shall notify the examining surgeon, physician, physician's assistant, or nurse practitioner that the "Medical Screening Guidelines for the Certification of Criminal Justice Officers in North Carolina" as published by the North Carolina Department of Justice is available at no cost at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>.
- (c) The examining surgeon, physician, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.
- (d) The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date of the examination was conducted and shall be completed prior to:
- (1) the applicant's beginning the basic correctional officer or basic probation/parole officer training course, and
  - (2) an agency's submission of application for certification to the Commission.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; April 1, 2009; August 1, 2004;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Temporary Amendment Eff. February 15, 2022;*  
*Amended Eff. May 1, 2023; October 1, 2022; August 23, 2022.*

## **12 NCAC 09G .0206 MORAL CHARACTER**

*History Note: Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Amended Eff. October 1, 2017; April 1, 2017; January 1, 2015; June 1, 2012; April 1, 2009;*  
*August 1, 2004;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;*  
*Amended Eff. August 1, 2021;*  
*Repealed Eff. May 1, 2023.*

## **12 NCAC 09G .0207 FINGERPRINT CRIMINAL HISTORY RECORD CHECK**

- (a) Each applicant for certification shall submit electronic fingerprints in the Statewide Automated Fingerprint Identification System (SAFIS).
- (b) The employing agency shall forward the applicant's fingerprints to the North Carolina State Bureau of Investigation for a criminal history record check utilizing fingerprints against state and federal files.
- (c) The employing agency will receive a report of the results of the criminal history check utilizing fingerprints against state and federal files. The employing agency shall retain the results of the criminal history record check utilizing fingerprints in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule, General Records Schedule: Local Government Agencies, established pursuant to G.S. Chapter 121 and G.S. Chapter 132. The employing agency shall include the results of the fingerprint criminal history record check with the applications submitted to the Commission.
- (d) An applicant for certification as a correctional officer or probation/parole officer may not be employed or placed in a position requiring certification by the Commission prior to the date on which the employing agency and Standards Division receive the report of the results of the criminal history record check utilizing fingerprints.

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

## **12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS**

- (a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during which the correctional officer is certified by the Commission.
- (b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:
  - (1) be a citizen of the United States;
  - (2) be at least 20 years of age;
  - (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;
  - (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
  - (5) have had a medical examination as required by 12 NCAC 09G .0205;
  - (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
  - (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
  - (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;
  - (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;
  - (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s);

- (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: *In re Willis* 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E. 2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *in re Applicants for License*, 143 N.C.1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- (12) make the following notifications:
- (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division (Division) and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (B) within 30 days of the qualifying event, notify the Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Class B Misdemeanor Manual (correctional officers section) and offense of driving under the influence (DUI) or driving while impaired (DWI);
  - (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
  - (D) within 30 days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
  - (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standard Division of these orders; and
  - (f) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case as handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

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

#### **12 NCAC 09G .0209 MINIMUM STANDARDS FOR PROBATION/PAROLE OFFICERS**

- (a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all items during which the probation/parole officer is certified by the Commission.
- (b) Every probation/parole officer employed by the North Carolina Department of Adult Correction shall:
- (1) be a citizen of the United States
  - (2) be at least 20 years of age
  - (3) have attained a bachelor's degree as described in 12 NCAC 09G .0204;
  - (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;
  - (5) have had a medical examination as required by 12 NCAC 09G .0205;
  - (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;
  - (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c). The psychological screening examination shall be valid for a period of one year from the date on which it was administered;
  - (8) have a background investigation conducted by the Department of Adult Correction, including a personal interview as described in 12 NCAC 09G .0210;

- (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G . 0302;
- (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily Complete the Department of Adult Correction's departmental firearms training program as prescribed in 12 NCAC 09G .0412. Such firearms training compliance must have occurred within one year of the date of employment and by using the department approved service handgun(s); and,
- (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline, attention to detail, and respect for the rights of others as more fully discussed and interpreted in: In re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and
- (12) make the following notifications:
  - (A) within 30 days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer is charged or arrested. This shall include traffic offenses identified in the Class B Misdemeanor Manual and offenses of driving under the influence (DUI) or driving while impaired (DWI);
  - (B) within 30 days of the qualifying event, notify the Standards Division and the appointing agency head in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or of which the officer is found guilty. This shall include traffic offenses identified in the Department of Adult Correction section of the Class B Misdemeanor Manual and offense of driving under the influence (DUI) or driving while impaired (DWI);
  - (C) within 30 days of service, officers shall notify the Standards Division of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are issued by a judicial official against the officer;
  - (D) within 30 days of the date the case was disposed of in court, the agency head, provided he or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall also notify the Standards Division of arrests or criminal charges and final disposition;
  - (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge of the order, shall also notify the Standard Division of these orders; and
  - (F) The required notifications in this Rule shall be in writing and shall specify the nature of the offense or order, the court in which the case as handled, the date of the arrest, criminal charge, or service of the order, and the final disposition. The notification shall include a certified copy of the order or court documentation and final disposition from the Clerk of Court in the county of adjudication. The requirements of this Item shall be applicable at all times during which the officer is employed and certified by the Commission and shall also apply to all applicants for certification. Receipt by the Standards Division of a single notification, for the officer or the agency head, shall be sufficient notice for compliance with this Item.

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

## **12 NCAC 09G .0210 BACKGROUND INVESTIGATION**

(a) Prior to employing an applicant, the North Carolina Department of Adult Correction shall complete a background investigation on that applicant for certification. The investigation shall examine the applicant's character traits and habits relevant to performance as a correctional officer or probation/parole officer and shall determine whether the applicant is of good moral character.

(b) The background investigation will consist of the following:

- (1) verification of age;
- (2) verification of education;

- (3) criminal history check of local, state, and national files; and
  - (4) personal interview.
- (c) The employing agency shall include a signed and notarized Release Authorization Form that authorizes the Criminal Justice Standards Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted.

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

## **12 NCAC 09G .0211 AGENCY REPORTING OF DRUG SCREENING RESULTS**

- (a) Every correctional or probation/parole officer shall have produced 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 the agency needs a firmly established chain of custody procedure;
  - (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) The agency shall report in writing to the Criminal Justice Standards Division all refusals and all positive results of required drug screening obtained from applicants. If the positive result was explained by the applicant 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) The 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. May 1, 2023.

**SECTION .0300 - CERTIFICATION OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICERS, AND INSTRUCTORS**

**12 NCAC 09G .0301 CERTIFICATION OF CORRECTIONAL OFFICERS AND PROBATION/PAROLE OFFICERS**

Every person employed as a correctional officer or probation/parole officer shall be certified as prescribed by the Rules of this Section. The Commission shall certify an officer as either a probationary officer or general officer based on the officer's qualifications and experience, as specified in Rule .0303 and Rule .0304 of this Subchapter.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0302 CRIMINAL HISTORY RECORD**

(a) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer applicant, in North Carolina shall not have been convicted by a local, state, federal or military court of:

- (1) a felony;
- (2) a crime or unlawful act constituting a Class B misdemeanor as defined in 12 NCAC 09G .0102(10), if the conviction took place within three years prior to issuance of certification or if the person was under any corrections supervision imposed by the court as a result of the conviction within three years prior to the issuance of certification; or
- (3) for personnel who are authorized to carry a firearm in the execution of their duties, an offense that, pursuant to 18 USC 922(g) would prohibit the possession of a firearm or ammunition;

(b) Consistent with and subject to the requirements of 12 NCAC 09G .0504, every correctional officer probation/parole officer applicant, and probation/parole officer employed or certified in North Carolina shall not have committed or been convicted by a local, state, federal or military court of:

- (1) a felony;
- (2) a crime or unlawful act constituting a Class B misdemeanor as defined in 12 NCAC 09G .0102(10), if the conviction took place within three years prior to issuance of certification or if the person was under any corrections supervision imposed by the court as a result of the conviction within three years prior to the issuance of certification; or
- (3) an offense that, pursuant to 18 USC 922(g) would prohibit the possession of a firearm or ammunition.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. May 1, 2023; October 1, 2020.*

**12 NCAC 09G .0303 PROBATIONARY CERTIFICATION**

(a) A prospective employee may commence active service as a correctional officer or probation/parole officer at the time of employment.

(b) Within 90 days of appointment to a position for which the Commission requires certification, the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall submit a completed Report of Appointment/Application for Certification to the Standards Division. The Report of Appointment/Application for Certification includes information regarding the appointee's personal identification, education, military service record, and any criminal convictions.

(c) The Commission shall certify as a probationary officer a person meeting the standards for certification when the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice submits a completed Report of Appointment/Application for Certification to the Standards Division.

- (d) The Standards Division shall issue the officer's Probationary Certification to the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (e) The officer's Probationary Certification shall remain valid for one year from the date the certification is issued by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.
- (f) Documentation of Probationary Certification shall be maintained with the officer's personnel records with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice and the Commission.

*History Note:* Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

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

- (a) The Commission shall grant an officer General Certification when evidence is received by the Standards Division that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, within the officer's probationary period and the officer has met all requirements for General Certification as specified in Rules .0202, .0203, .0204, .0205, and .0303 of this Subchapter.
- (b) General Certification is continuous from the date of issuance, so long as the certified officer remains employed as a correctional officer or probation/parole officer in good standing with the North Carolina Department of Adult Correction, and the certification has not been suspended or revoked pursuant to Rule .0503 of this Subchapter.
- (c) Certified officers who, through promotional opportunities, move into non-certified positions within the Department, may have their certification reinstated without re-completion of the basic training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413, and are exempted from reverification of employment standards of 12 NCAC 09G .0202, .0205, .0208 (except 12 NCAC 09G .0208(4)), and .0209 (except 12 NCAC 09G .0209(4)) when returning to a position requiring certification if they have maintained employment within the Department.
- (d) Documentation of General Certification shall be maintained with the officer's personnel records with the North Carolina Department of Adult Correction and the Commission.
- (e) Upon transfer of a certified officer from one type of corrections officer position to another, the North Carolina Department of Adult Correction shall submit a Notice of Transfer to the Standards Division.
  - (1) Upon receipt of the Notice of Transfer, the Standards Division shall cancel the officer's current General Certification and upon receipt of documentary evidence that the officer has met the requisite standards for the specified type of corrections officer certification, the Commission shall issue Probationary Certification reflecting the officer's new corrections position.
  - (2) The Commission shall grant an officer General Certification as the new type of corrections officer when evidence is received by the Standards Division that an officer has completed the training requirements of 12 NCAC 09G .0410, .0411, .0412, or .0413 within the officer's probationary period and the officer has met all other requirements for General Certification.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. May 1, 2023.

#### **12 NCAC 09G .0305 RECERTIFICATION FOLLOWING SEPARATION**

- (a) Previously certified corrections officers, with a minimum of one year of service who have been separated from the North Carolina Department of Adult Correction for less than three years, may have their certification reinstated following a reverification of employment standards in 12 NCAC 09G .0202, .0203, .0208 (excluding 12 NCAC 09G .0208(4) and .0209 (excluding 12 NCAC 09G .0209(4)), but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0411.

(b) Previously certified corrections officers with less than one year of service who have been separated from the North Carolina Department of Adult Correction for less than two years, may have their certification reinstated following a reverification of employment standards 12 NCAC 09G .0202, .0203, and .0208 (excluding 12 NCAC 09G .0208(5)) and .0209 (excluding 12 NCAC 09G .0209(5)), and shall complete the job appropriate basic training course described in 12 NCAC 09G .0411.

(c) Previously certified corrections officers who have been separated from the North Carolina Department of Adult Correction for more than three years, upon their return shall complete the verification of employment standards and shall complete the job appropriate basic training course described in 12 NCAC 09G .0411.

*History Note:* Authority G.S. 17C-2; 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. May 1, 2023.

### **12 NCAC 09G .0306 RETENTION OF RECORDS OF CERTIFICATION**

(a) The North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall place in the officer's certification file the official notification from the Commission of either Probationary or General Certification for each correctional officer, probation/parole officer employed or appointed by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice. The certification file shall also contain:

- (1) the officer's Report of Appointment/Application for Certification, including the Department of Public Safety Personnel Action Form;
- (2) the officer's Medical History Statement and Medical Examination Report;
- (3) documentation of the officer's drug screening results;
- (4) documentation of the officer's educational achievements;
- (5) documentation of all corrections training completed by the officer;
- (6) documentation of the officer's psychological examination results;
- (7) documentation and verification of the officer's age;
- (8) documentation and verification of the officer's citizenship;
- (9) documentation of any prior criminal record; and
- (10) miscellaneous documents including letters, investigative reports, and subsequent charges and convictions;
- (11) oath of office; and
- (12) if separated, a copy of the Report of Separation or Department of Public Safety Action Form.

(b) All files and documents relating to an officer's certification shall be available for examination and utilization at any reasonable time by representatives of the Commission for the purpose of verifying compliance with the Rules in this Subchapter. These records shall be maintained in compliance with the North Carolina Department of Natural and Cultural Resources Records Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

*History Note:* Authority G.S. 17C-2; 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; August 1, 2004;  
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 09G .0307 CERTIFICATION OF INSTRUCTORS**

(a) A person participating in a Commission-accredited corrections 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 .0308, .0310, and .0311 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 specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and completing any instructor 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; or
- (5) revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification 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 currently knowledgeable in the person's areas of expertise by failing to attend trainings as required by the rules in this Chapter;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Basic Instructor Training Manual" as found in Rule .0414 of this Subchapter;
- (4) has failed to follow specific guidelines outlined in the basic corrections officers' training manual set out in Rules .0411 through .0416 of this Subchapter;
- (5) has demonstrated unprofessional personal conduct in the delivery of Commission approved or mandated training. For the purposes of this Subparagraph "unprofessional personal conduct" is identified as:
  - (A) job-related conduct that constitutes a violation of state or federal law;
  - (B) conviction or commission of a criminal offense as set out in Rule .0504 of this Subchapter;
  - (C) the willful violation of rules of this Chapter;
  - (D) conduct that is detrimental to instruction in the Commission's mandated courses. For purposes of this Chapter, conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment;
  - (E) the physical or verbal abuse of a client or student who the instructor is teaching or supervising; or
  - (F) falsification of an instructor application or other employment documentation;
- (6) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial, financial, dating, or sexual even if consensual; and fails to take immediate and appropriate corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified Assistant to notify his or her managing personnel in writing of the relationship and requires the instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with whom the relationship exists and
  - (A) the written notice to managing personnel shall include:
    - (i) school/agency name;
    - (ii) name of course;
    - (iii) name of the instructor, School Director, or Qualified Assistant;
    - (iv) name of student;
    - (v) name of managing personnel; and
    - (vi) nature of the relationship;
  - (B) the written notice from the school/agency managing personnel to the Standards Division shall be submitted within 10 days of receipt of notice from the instructor, School Director, or Qualified Assistant and shall include:
    - (i) school/agency name;

- (ii) name of course;
  - (iii) name of the instructor, School Director, or Qualified Assistant;
  - (iv) name of student;
  - (v) name of managing personnel;
  - (vi) nature of the relationship; and
  - (vii) explanation of action taken to ensure the named instructor, School Director, or Qualified Assistant is not in violation of this Rule;
- (7) has demonstrated instructional incompetence;
  - (8) has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
  - (9) 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); State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to discharge the duties of a criminal justice instructor;
  - (10) has committed or been convicted of an offense that could result in the denial, suspension, or revocation of an officers certification pursuant to Rules .0204 or .0504 of this Subchapter;
  - (11) has knowingly made a material misrepresentation of any information required for certification or accreditation.

(f) When a person certified as an 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), Office of Emergency Medical 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 by their respective Commission or agency the officer shall report the suspension or revocation to the Criminal Justice Standards Division within five days. The General Instructor certification shall be (if applicable) suspended or revoked for the same time period as their respective Commission in accordance with the following:

- (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 Rule .0310 of this Section;
- (2) if the term of suspension or revocation exceeds the expiration date of the instructor's initial certification expiration date, they shall forfeit their certifications as a General Instructor and Specialized Instructor and shall be required to obtain certification pursuant to the requirements of Rule .0304 of this Section 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; and
- (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 Rule .0309(c) of this Section by the next expiration date.

*History Note: Authority G.S. 17C-6; 17C-10;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. October 1, 2020; August 1, 2019.*

## **12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION**

(a) General Instructor Certifications issued after December 31, 1984, shall be limited to those topics that are not expressly incorporated under the Specialized Instructor Certification category, specified in Rule .0310 of this Section. Individuals certified under the general instructor category are not authorized to teach any of the subjects

specified in Rule .0310 of this Subchapter, entitled "Specialized Instructor Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process by meeting the following requirements:

- (1) Present documentary evidence showing that the applicant:
  - (A) is a high school, college, or university graduate or has received a high school equivalency credential as recognized by the issuing state; and
  - (B) has acquired four years of practical experience as a Criminal Justice Officer, Corrections Officer, Probation/Parole Officer an administrator or specialist in a field related to the criminal justice system, or an employee of a Criminal Justice Agency.
- (2) Present evidence showing successful completion of a Commission-accredited instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
- (3) Achieve a passing score on the comprehensive written examination administered by the Commission, as specified in 12 NCAC 09B .0413(d), within 60 days of completion of the Commission-accredited instructor training program.

(b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the state comprehensive written examination administered by the Commission for the Commission-accredited instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.

(c) Persons having completed a Commission-accredited instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, and not having made application within 60 days of completion of the course shall complete a subsequent Commission-accredited instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, in its entirety.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2017; February 1, 2016; November 1, 2015; January 1, 2015; January 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09G .0309 TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements pursuant to Rule .0308 of this Section for certification as a general instructor shall, be in a probationary status, for a period not to exceed 12 months, until satisfying the requirements of Paragraph (b) of this Rule.

(b) The probationary instructor shall be eligible for General Instructor status if the instructor, submits to the Commission the following forms which are found on the agency website <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>:

- (1) a Form F-12A, signed by a certified School Director of In-Service Training Coordinator, indicating a favorable recommendation; and
- (2) a Form F-16, Commission Instructor Evaluation Form, indicating the Instructor taught a minimum of eight hours of Commission-accredited basic training, Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B .0601, 10B. 1302, or 10B .2005, during the probationary period. The Instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission.

(c) Probationary Instructors may request an extension of up to one year to teach the 8-hour minimum requirement. The Director may grant the requested extension upon showing of just cause based upon the circumstances that created the need for an extension. For purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the instructor from fulfilling the teaching requirement.

(d) The term of certification as a general instructor is indefinite, provided the instructor completes during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice Academy.

The Standards Division shall post on its website on January 1 of the current year the list of instructors who have met this requirement during the previous calendar year.

(e) If the instructor fails to complete the instructor refresher training specified in Paragraph (d) of this Rule, he or she shall deliver eight hours of evaluated instruction in a Commission-accredited basic or Commission-recognized training course and complete the instructor refresher training specified in Paragraph (d) of this Rule within 60 days.

(f) If an instructor fails to meet the requirements of Paragraph (d) or (e) of this Rule, the certification period for the instructor shall cease, and the instructor shall be required to complete the requirements of Rule .0308 of this Section in order to obtain probationary instructor status.

(g) "Commission-recognized in-service training" shall mean training meeting the following requirements:

- (1) training is taught by an instructor certified by the Commission;
- (2) training utilizes a lesson plan in the Instructional Systems Design format; and
- (3) completion of training shall be demonstrated by a passing score on a written test as follows:
  - (A) a written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. Written courses that are more than four credits in length are required to have a written test comprising of a minimum of 20 questions. The Firearms Training and Qualifications in-service course is exempt from this written test requirement;
  - (B) a student shall pass each test by achieving 70 percent correct answers; and
  - (C) a student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2017; June 1, 2012; August 1, 2006; January 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. July 1, 2020.*

## **12 NCAC 09G .0310 SPECIALIZED INSTRUCTOR CERTIFICATION**

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

- (1) Firearms (DOC);
- (2) Controls, Restraints, and Defensive Techniques (DOC).

(b) To qualify for Specialized Instructor Certification, an applicant must meet the following requirements:

- (1) hold General Instructor Certification, either probationary status or full general instructor status, as specified in 12 NCAC 09G .0309;
- (2) successfully complete the pertinent Commission-approved specialized instructor training course; and
- (3) obtain the recommendation of a Commission-certified School Director.

(c) To qualify for and maintain any Specialized Instructor Certification, an applicant must possess a valid CPR Certification that included cognitive and skills testing, through an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care.

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2006; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION (EFFECTIVE UNTIL DECEMBER 31, 2019)**

(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, 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. January 1, 2017; May 1, 2014; June 1, 2012; January 1, 2006;*

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

**12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION (EFFECTIVE JANUARY 1, 2020)**

(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 three years 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 three years. 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 stating 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 .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. January 1, 2017; May 1, 2014; June 1, 2012; January 1, 2006;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019;*  
*Amended Eff. January 1, 2020.*

#### **12 NCAC 09G .0312 INSTRUCTOR CERTIFICATION RENEWAL**

(a) Individuals who hold Specialized Instructor Certification may, for just cause, be granted an extension of the three-year period to teach the 12 hour minimum requirement, pursuant to Rule .0311(c) of this Section. The Director of the Standards Division may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

(b) The Director of the Standards Division may, for just cause, grant an extension of the 90-day period in which an instructor's renewal application must be submitted as specified in 12 NCAC 09G .0311(c). Such extension, however, shall not exceed 12 months and shall not extend the instructor's certification period beyond its specified expiration period.

*History Note: Authority G.S. 17C-6;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Amended Eff. January 1, 2017; August 1, 2006; January 1, 2006;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019.*

#### **12 NCAC 09G .0313 CORRECTIONS INSTRUCTOR TRAINING**

(a) To successfully complete Corrections Instructor Training, the trainee shall:

- (1) complete all of the required course work pursuant to 12 NCAC 09B .0209. All trainee presentations shall have met the criteria and conditions specified in the course orientation of the "Instructor Training Manual", as published by the North Carolina Justice Academy; and
- (2) attain the passing score on each performance area as specified in the course abstract of Instructor Training Manual for the final written lesson plan and final 70-minute presentation.

(b) If a trainee fails to meet the minimum criteria on the final lesson plan or the final 70-minute presentation, he or she shall be authorized one opportunity to correct either of these deficiencies by the end of the course.

*History Note: Authority G.S. 17C-6;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. January 1, 2018; August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019;*  
*Amended Eff. January 1, 2021.*

#### **12 NCAC 09G .0314 COMPREHENSIVE WRITTEN EXAM - INSTRUCTOR TRAINING**

(a) A representative of the Standards Division shall administer a comprehensive written examination to each trainee who has completed the first 12 units of the Criminal Justice Instructor Training Course as described in the "Instructor Training" manual.

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

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

(d) A trainee who has participated in a scheduled delivery of an accredited training course and has demonstrated satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has failed to achieve the minimum passing score of 75 percent on the comprehensive written examination, may request the Director of the Standards Division to authorize a re-examination of the trainee.

- (1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request form and shall be received by the Standards Division within 30 days of the

examination. The Re-Examination Request form is located on the Agency's website: <http://www.ncdoj.gov/getdoc/b38b7eee-e311-4ec3-8f9c-bd8fd58f6281/SMI-6-Reexam-6-11.aspx>.

- (2) The trainee's request for re-examination shall include the favorable recommendation of the School Director who administered the course.
  - (3) A trainee shall have, within 60 days of the original examination, only one opportunity for re-examination and shall achieve a passing score on the subsequent examination.
  - (4) The trainee shall be assigned in writing by the Standards Division staff a place, time, and date for re-examination.
  - (5) Should the trainee not achieve a minimum score of 75 percent on the re-examination, the trainee shall not be given course completion and shall enroll and complete a subsequent offering of the instructor course before further examination may be permitted.
- (e) A trainee who fails to score at least 65 percent on the comprehensive written examination shall not be eligible for re-examination, and shall complete a subsequent offering of the instructor training course before further examination is permitted.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09G .0315 COMPREHENSIVE WRITTEN EXAM - SPECIALIZED INSTRUCTOR TRAINING**

- (a) At the conclusion of a school's offering of the "Specialized Firearms Instructor Training" and "Specialized Controls, Restraints and Defensive Techniques Instructor Training" course in its entirety, the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of the required course work. A trainee shall not be administered the comprehensive written examination until such time as all of the pertinent course work is completed.
- (b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the topic areas contained in the accredited course curriculum.
- (c) The Commission's representative shall submit to the School Director within five days of the administration of the examination a report of the results of the test for each trainee examined.
- (d) A trainee shall successfully complete the comprehensive written examination if he/she achieves a minimum of 75 percent correct answers.
- (e) A trainee who fails to achieve the minimum score of 75 percent on the Commission's comprehensive written examination shall not be given successful course completion and shall enroll and successfully complete a subsequent offering of the specialized instructor training course in its entirety before further examination may be permitted.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09G .0316 PROFESSIONAL LECTURER CERTIFICATION**

- (a) The Commission may issue Professional Lecturer Certification to a person in a profession, who, by virtue of academic degrees and professional expertise, has developed special knowledge in one or more of the following areas:
  - (1) Law;
  - (2) Psychology;
  - (3) Medicine.
- (b) To be eligible for such certification, an applicant shall:
  - (1) be a graduate of a regionally accredited law school, medical school, or other school accredited for conferring degrees in law, psychology or medicine;

- (2) obtain the endorsement of a Commission-certified School Director who shall:
  - (A) recommend the applicant for certification as a professional lecturer;
  - (B) describe the applicant's expected participation, topical areas, duties, and responsibilities in a delivery of Commission-accredited training course conducted by the school; and
  - (C) describe the attributes showing the applicant to be a beneficial contributor to the delivery or presentation in a Commission-accredited training program.

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

## **SECTION .0400 – MINIMUM STANDARDS FOR TRAINING OF CORRECTIONAL OFFICERS, PROBATION/PAROLE OFFICER, AND PROBATION/PAROLE OFFICERS-SURVEILLANCE**

### **12 NCAC 09G .0401 ADMINISTRATION OF BASIC CORRECTIONS TRAINING SCHOOLS**

- (a) The Secretary of the North Carolina Department of Correction shall have primary responsibility for implementation of the rules in this Section. The executive officer or officers of the institution or agency shall secure School Certification pursuant to 12 NCAC 09G .0402 prior to offering any corrections training course.
- (b) The Secretary shall designate one compensated staff member for each Commission-certified program for which the North Carolina Department of Correction has been granted certification. Such staff member shall be formally certified by the Commission under Rule .0405 of this Subchapter to be the corrections School Director. The School Director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and generally managing each sponsored certified corrections training course. If the certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified training course, an additional Qualified Assistant must be designated to assist the School Director in the administration of the course. This person must be selected by the School Director and must attend a course orientation conducted by Standards Division staff and attend the annual School Directors' Conference.

*History Note: Authority 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Temporary Adoption Expired December 20, 2001;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09G .0402 ACCREDITATION OF CORRECTIONS SCHOOLS**

- (a) The Commission shall establish a standing subcommittee of the Education and Training Committee for the purposes of evaluating Request for School Accreditation applications and making recommendations to the Education and Training Committee on the granting of accreditation to institutions and agencies. The Accreditation Committee shall be comprised of two members appointed by the School Directors' Advisory Committee and two members who shall be commission members to include the North Carolina Community Colleges System's representative to the Commission. The Chairman of the Commission shall appoint the Chairman of the Accreditation Committee.
- (b) Any school meeting the minimum requirements contained in 12 NCAC 09G .0400 must submit a properly completed Request for School Accreditation application. Upon receipt of a properly completed Request for School Accreditation application:
  - (1) the Standards Division staff shall review the application for any omissions and clarifications and conduct a site visit to tour facilities, confirm information on the application, and determine if and where deficiencies exist;
  - (2) the applying institution or agency shall be contacted concerning deficiencies and assistance shall be given on correcting problem areas;
  - (3) the application and staff reports are submitted to the Accreditation Committee for review;

- (4) a recommendation shall be submitted to the Education and Training Committee on the approval or denial of the application; and
  - (5) the Education and Training Committee shall recommend to the full Commission at its next regularly scheduled meeting the approval or denial of accreditation for the applicant institution or agency.
- (c) Accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked for just cause.
- (d) The identity of those schools accredited under this Rule shall be published and distributed annually by the Standards Division together with the name and business address of the School Director and the schedule of corrections training courses planned for delivery during the succeeding year.
- (e) A school may apply for reaccreditation to the Commission by submitting a properly completed Request for School Accreditation application. The application for reaccreditation shall contain information on changes in facilities, equipment, and staffing. Upon receipt of a properly completed application:
- (1) the Standards Division staff shall review the application for any omissions and clarification;
  - (2) copies of the site visits conducted during the last period of certification shall be attached to the application;
  - (3) the application and staff reports shall be submitted to the Accreditation Committee for review;
  - (4) a recommendation shall be submitted to the Education and Training Committee on the approval or denial of the application; and
  - (5) the Education and Training Committee shall recommend to the full Commission at its next regularly scheduled meeting the approval or denial of reaccreditation of the applicant institution or agency.
- (f) In instances where accredited schools have been found to be in compliance with 12 NCAC 09G .0400 through favorable site visit reports, Standards Division staff shall be authorized to reaccredit on behalf of the Commission. Such action shall be reported to the Commission through the Accreditation Committee and the Education and Training Committee at its next scheduled meeting.
- (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.

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

**12 NCAC 09G .0403 ACCREDITATION OF TRAINING COURSES**

- (a) An accredited corrections school shall apply for accreditation for each of its courses by submitting a completed Request for Training Course Accreditation Form.
- (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 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 by an accredited school and will remain effective until surrendered, revoked, or the school's accreditation expires, or is suspended, or is 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;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

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

(a) The Education and Training Committee shall recommend to the Commission the most efficient and effective delivery system and developer of course curricula for the implementation of newly developed training courses based upon the size of the target population, the nature and complexity of the training problem, and the availability of resources. 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 Subchapter 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;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

## **12 NCAC 09G .0405 CERTIFICATION OF SCHOOL DIRECTORS**

(a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a Commission-certified corrections training course shall be and continuously remain certified by the Commission as a School Director.

(b) To qualify for initial certification as a corrections School Director, an applicant shall:

- (1) Attend and successfully complete a Commission-certified instructor training course or an equivalent instructor training program as determined by the Commission (if certified after January 1, 2006);
- (2) present documentary evidence showing that the applicant:
  - (A) is a high school graduate or has received a high school equivalency credential as recognized by the issuing state and has acquired five years of practical experience as a criminal justice officer, corrections officer, or as an administrator or specialist in a field directly related to the corrections system. At least one year of the required five years experience must have been while actively participating in corrections training as a Commission-certified instructor;
  - (B) has been awarded an associate degree and has acquired four years of practical experience as a criminal justice officer, corrections officer, or as an administrator or specialist in a field directly related to the corrections system. At least one year of the required four years experience must have been while directly participating in corrections training as a Commission-certified instructor; or
  - (C) has been awarded a baccalaureate degree from a regionally accredited institution of higher learning;
- (3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and
- (4) submit a completed Form F-10(SD), Request for School Director Certification to the Commission for the issuance of such certification. This request shall be executed by the executive officer of the Office of Staff Development and Training of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice. The Form F-10(SD) is located on the agency's website: [http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10\(SD\)-6-11.aspx](http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10(SD)-6-11.aspx).

(c) To qualify for certification as a School Director in the presentation of the "Criminal Justice Instructor Training Course" an applicant shall:

- (1) document that he or she has been awarded a baccalaureate degree from a regionally accredited institution of higher learning;
- (2) present evidence showing successful completion of a Commission-certified instructor training course or an equivalent instructor training program as determined by the Commission;
- (3) be currently certified as a criminal justice instructor by the Commission; and
- (4) document successful participation in a special program presented by the Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation.

*History Note:* Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Temporary Adoption Expired December 20, 2001;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Amended Eff. February 1, 2016; January 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09G .0406 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION**

- (a) The term of certification as a School Director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application the certification may subsequently be renewed by the Commission for two-year periods. The application for renewal shall contain documentation meeting the requirements of 12 NCAC 09G .0405(b)(2) and (b)(3).
- (b) To retain certification as a School Director, the School Director shall perform the duties and responsibilities of a School Director as specifically required in 12 NCAC 09G .0408.

*History Note:* Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Temporary Adoption Expired December 20, 2001;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09G .0407 SUSPENSION: REVOCATION: DENIAL/SCHOOL DIRECTOR CERTIFICATION**

- (a) The Commission may deny, suspend, or revoke certification of a School Director when the Commission finds that the person has failed to meet or maintain any of the requirements for qualification or through performance fails to comply with the rules of this Chapter.
- (b) Prior to the Commission's action denying, suspending, or revoking a School Director'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.
- (c) The Commission shall deny, suspend or revoke the certification of a School Director 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;  
Temporary Adoption Eff. January 1, 2001;  
Temporary Adoption Expired December 20, 2001;  
Temporary Adoption Eff. April 15, 2003;  
Eff. April 1, 2004;  
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 09G .0408 RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

In planning, developing, coordinating, and delivering each Commission-approved corrections training course, the School Director shall:

- (1) formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) schedule course presentation for delivery such that each training course required for certification shall be presented on a regular basis; and
- (3) select and schedule instructors who are certified by the Commission.

*History Note:* Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;

*Eff. August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0409      ADMISSION OF TRAINEES AND COURSE ENROLLMENT**

The school may not enroll any trainee later than the second day of delivery of an accredited training course unless the trainee's enrollment is pursuant to prescribed supplementary or remedial training required under 12 NCAC 09G .0410 of this Section.

*History Note:      Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0410      WAIVER OF COMPLETION OF TRAINING**

- (a) The Commission may waive an officer's completion of the Commission-accredited training course upon receiving documentary evidence from the North Carolina Department of Correction that the officer has satisfactorily completed equivalent training. All such officers, however, shall serve a one year period of probationary certification as defined in 12 NCAC 09G .0303.
- (b) Training received in states with laws governing or regulating corrections officer training shall, if subject to such review, have been approved or certified by the appropriate agency of the state in which the training was received.
- (c) The Commission shall prescribe as a condition of certification supplementary or remedial training deemed necessary to equate previous training with current standards.
- (d) The Commission shall require satisfactory performance on a written examination as proof of equivalent training.

*History Note:      Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0411      BASIC TRAINING FOR CORRECTIONAL OFFICERS**

(a) The basic training course for correctional officers shall consist of at least 160 hours of instruction, as approved by the Commission, designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a correctional officer. The instructional components of this course must be listed in the "Basic Correctional Officer Training Manual," and shall include firearms training; controls, restraints, and defensive techniques; legal issues for correctional supervision; emergency procedures; Division of Prisons operational processes such as classification, search and seizure, health services, and contemporary correctional theory.

(b) The "Basic Correctional Officer Training Manual" as published by the North Carolina Department of Correction is to be applied as the basic curriculum for delivery of correctional officer basic training courses. Copies of this publication may be inspected at the office of the agency:

The Office of Staff Development and Training  
North Carolina Department of Correction  
2211 Schieffelin Road  
Apex, North Carolina 27502  
With mailing address:  
MSC 4213  
Raleigh, North Carolina 27699-4213  
and may be obtained at cost from the Department of Correction.

*History Note:      Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2002;*  
*Amended Eff. August 1, 2004;*

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

#### **12 NCAC 09G .0412 BASIC TRAINING FOR PROBATION/PAROLE OFFICERS**

(a) The basic training course for probation/parole officers shall consist of at least 216 hours of instruction, as approved by the Commission, designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a probation/parole officer. The instructional components of this course shall be listed in the "Basic Probation/Parole Officer Training Manual," and shall include firearms training; administrative matters, review and testing; controls, restraints, and defensive techniques; court processes; case processing and management; arrest procedures; basic life support; employee wellness; professional ethics; personal and professional conduct; and contemporary correctional theory.

(b) The "Basic Probation/Parole Officer Training Manual" as published by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall be applied as the curriculum for probation/parole officer basic training courses specified in Paragraph (a) of this Rule. Copies of this publication may be inspected at the office of the agency:

The Office of Staff Development and Training  
North Carolina Department of Public Safety  
Division of Adult Correction and Juvenile Justice  
2211 Schieffelin Road  
Apex, North Carolina 27502  
With mailing address:  
MSC 4213  
Raleigh, North Carolina 27699-4213

and may be obtained at the cost of printing and postage from the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2015; February 1, 2006; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

#### **12 NCAC 09G .0413 BASIC TRAINING FOR PROBATION/PAROLE OFFICERS-INTERMEDIATE**

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. August 1, 2004;  
Repealed Eff. January 1, 2015.*

#### **12 NCAC 09G .0414 INSTRUCTOR TRAINING**

(a) The Instructor Training course required for General Instructor certification shall consist of at least the minimum number of hours of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

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

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

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

and may be purchased at the cost of printing and postage from the North Carolina Justice Academy at the following address:

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

*History Note: Authority G.S. 17C-6;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. April 1, 2022; July 1, 2021; January 1, 2021.*

#### **12 NCAC 09G .0415 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING – FIREARMS**

(a) The instructor training course requirement for Corrections Specialized Instructor Training – Firearms certification shall consist of at least 80 hours of instruction presented during a period of not more than two consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(b) Each Corrections Specialized Instructor Training – Firearms course shall be designed to provide the trainee with the skills and knowledge to perform the function of a corrections firearms instructor in the "Basic Training – Correctional Officer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for correctional officers and probation/parole officers.

(c) Each Corrections Specialized Firearms Instructor Training course shall include the following topical areas:

- (1) Course Overview;
- (2) Legal Considerations for Firearm Instructors;
- (3) Department of Public Safety, Division of Adult Correction Firearms Training Courses;
- (4) Firearms Safety;
- (5) Range Operations;
- (6) Medical Emergencies on the Range;
- (7) Handgun – Operation, Use and Maintenance:
  - (A) Handgun Training – Classroom and Range;
  - (B) Handgun Low/Limited Light Fire; and
  - (C) Handgun Care and Maintenance;
- (8) Advanced Handgun Training – Classroom and Range;
- (9) Shotgun Operation, Use and Maintenance:
  - (A) Shotgun Training – Classroom and Range;

- (B) Shotgun Low/Limited Light Fire – Range; and
  - (C) Shotgun Care and Maintenance;
  - (10) Special Techniques, Training Aids, and Methods:
  - (11) Situational Use of Firearms:
    - (A) The Shooting Decision;
    - (B) Situational Use of Firearms;
    - (C) Situational Exercises – Day; and
    - (D) Situational Exercises – Low/Limited Light; and
  - (12) Administrative Matters, Testing, and Evaluation.
- (d) The Commission certified school that is certified to offer the "Corrections Specialized Instructor Training - Firearms" course is the Office of Staff Development and Training of the North Carolina Department of Public Safety.

*History Note: Authority G.S. 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
 Amended Eff. April 1, 2022.*

**12 NCAC 09G .0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS, RESTRAINTS, AND DEFENSIVE TECHNIQUES**

- (a) The instructor training course requirement for corrections specialized controls, restraints, and defensive techniques (CRDT) instructor certification shall consist of at least 80 hours of instruction presented during a period of not more than two consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:
- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
  - (2) The risk of harm to students that may be caused by continuation of the course;
  - (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
  - (4) The specific need for the waiver; and
  - (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

- (b) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a corrections controls, restraints, and defensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for correctional officers and probation/parole officers.
- (c) Each corrections specialized controls, restraints, and defensive techniques instructor training course shall include the following topical areas:
- (1) Introduction to Controls, Restraints, and Defensive Techniques;
  - (2) Physical Fitness/Warm-up and Stretching;
  - (3) Response to Injury;
  - (4) Basic Controls and Techniques;
  - (5) Advanced Controls and Techniques;
  - (6) Restraint Applications; and
  - (7) CRDT Program Student Evaluations and Testing.
- (d) The Commission-certified school that is certified to offer the "Corrections Specialized Instructor Training/Controls, Restraints, and Defensive Techniques" course is the Office of Staff Development and Training of the North Carolina Department of Public Safety.

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

*Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2014; November 1, 2005; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
2019;  
Amended Eff. April 1, 2022.*

## **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 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 .0308 of this Subchapter, 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 designated by a School Director as a Qualified Assistant 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>. Applicants shall provide the following information on the Qualified Assistant Application Form:

- (1) accredited school name and contact information;
- (2) applicant's name and contact information;
- (3) applicant's instructor certification number; and
- (4) School Director name and signature.

(d) The School Director shall ensure that the person selected meets the requirements set forth in Paragraphs (a) and (b) of this Rule.

(e) When directed by the School Director, the Qualified Assistant shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in Rule .0408 of this Section.

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 2020.*

## **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 .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 failed to meet or maintain any of the requirements for qualification or failed to comply with the rules of this Chapter.

(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 it have found the person has engaged in any conduct outlined in Rule .0307 of this Subchapter.

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

*Eff. January 1, 2020.*

## **SECTION .0500 - ENFORCEMENT OF RULES**

### **12 NCAC 09G .0501 INVESTIGATION OF VIOLATION OF RULES**

(a) If any corrections agency, school, authorized representative acting on behalf of either, or individual is reported to be or suspected of being in violation of any of the rules in this Subchapter, the Commission may take action to correct the violation and to ensure that similar violations do not occur.

(b) Before taking action against an agency, school, or individual for a violation, the Standards Division shall investigate the alleged violation and present a report of its findings to the Probable Cause Committee of the Commission.

(c) The Probable Cause Committee shall convene prior to the next regular meeting of the Commission, shall consider the report of the Standards Division, and shall make a determination as to whether or not probable cause exists that the Commission's rules have been violated.

(d) The Probable Cause Committee may:

- (1) direct the Standards Division to conduct a further investigation of the alleged violation;
- (2) request the Attorney General to authorize an investigation by the State Bureau of Investigation of the alleged violation;
- (3) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to 12 NCAC 09G .0103; or
- (4) determine the appropriate sanctions against the violator pursuant to the Commission's rules.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
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 09G .0502 SANCTIONS FOR VIOLATIONS BY AGENCIES OR SCHOOLS**

If the Commission finds that a violation has been committed by an agency or school, the Commission may:

- (1) issue an oral warning and request for compliance;
- (2) issue a written warning and request for compliance;
- (3) issue an official written reprimand;
- (4) suspend and refuse to grant accreditation to any school or program or course of instruction until proper corrective measures have been taken to bring the agency or school into compliance with these Rules and verification of such compliance has been made by the Commission; or
- (5) suspend and refuse to grant accreditation to any school or program or course of instruction for a specific period of time not to exceed five years.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

### **12 NCAC 09G .0503 SANCTIONS FOR VIOLATIONS BY INDIVIDUALS**

When any person certified by the Commission is found to have knowingly and willfully violated any provision or requirement of these Rules, the Commission may take action to correct the violation and to ensure that the violation does not reoccur, 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; or
- (5) revoking or denying the individual's certification.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

**12 NCAC 09G .0504 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION**

- (a) The Commission shall revoke the certification of a correctional officer or probation/parole officer when the Commission finds that the officer has committed or been convicted of a felony offense.
- (b) The Commission shall deny the certification of a correctional officer when the Commission finds the officer has been convicted of a felony.
- (c) The Commission shall deny the certification of a probation/parole officer when the Commission finds the officer has committed or been convicted of a felony offense.
- (d) The Commission may, based on the evidence for each case, suspend, revoke, or deny the certification of a corrections officer, as defined in 12 NCAC 09G .0102(4) when the Commission finds that the applicant for certification or the certified officer:
- (1) has not enrolled in and completed with passing scores the required basic training course in its entirety in time periods prescribed in 12 NCAC 09G .0400 applicable to a specified position or job title;
  - (2) fails to meet or maintain one or more of the employment standards required by 12 NCAC 09G .0200 for the category of the officer's certification or fails to meet or maintain one or more of the training standards required by 12 NCAC 09G .0400 for the category of the officer's certification;
  - (3) for correctional officers as defined in 12 NCAC 09G .0102(3), have been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) within a three year period prior to the date of application for employment or have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification, whichever is later;
  - (4) for correctional officers as defined in 12 NCAC 09G .0102(3), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) after certification;
  - (5) for probation/parole officers as defined in 12 NCAC 09G .0102(12), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) for a three year period prior to the date of application for employment or after certification have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
  - (6) has been discharged by the North Carolina Department of Adult Correction for:
    - (A) commission or conviction of a motor vehicle offense requiring the revocation of the officer's drivers license; or
    - (B) lack of good moral character as defined in 12 NCAC 09G .0206;
  - (7) has been discharged by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice because the officer lacks the mental or physical capabilities to fulfill the responsibilities of a corrections officer;
  - (8) has knowingly made a material misrepresentation of any information required for certification or accreditation;
  - (9) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, obtained or attempted to obtain credit, training, or certification from the Commission;
  - (10) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;
  - (11) has failed to notify the Standards Division of all criminal charges or convictions as required by 12 NCAC 09G .0208 or .0209;
  - (12) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
  - (13) has refused to submit to an applicant drug screen as required by 12 NCAC 09G .0206; or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug

Screening Implementation Guide as required by the Department of Public Safety, Division of Adult Correction and Juvenile Justice;

- (14) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09G .0206, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory; or
- (15) has been denied certification or had such certification suspended or revoked by a previous action of the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, the North Carolina Sheriffs' Education and Training Standards Commission, or a similar North Carolina, out of state, or federal approving, certifying, or licensing agency whose function is the same or similar to the agencies if the certification was denied, suspended, or revoked based on grounds that would constitute a violation of this Subchapter.

(e) Following suspension, revocation, or denial of the person's certification, the person shall not remain employed or appointed as a corrections officer and the person shall not exercise any authority of a corrections officer during a period for which the person's certification is suspended, revoked, or denied.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. May 1, 2023; December 1, 2018; January 1, 2015; April 1, 2009; December 1, 2004; August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. May 1, 2023; August 1, 2021.*

#### **12 NCAC 09G .0505 PERIOD OF SUSPENSION: REVOCATION: OR DENIAL**

(a) When the Commission revokes or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of the sanction shall be permanent where the cause of the sanction is the commission or conviction of a felony offense, and shall be 10 years where the cause of sanction is:

- (1) the second suspension of an officer's certification for any of the causes requiring a three-year period of suspension; or
- (2) revocation or denial of certification by the North Carolina Sheriffs' Education and Training Standards Commission based on grounds that would constitute a violation of this Subchapter.

(b) When the Commission suspends or denies the certification of a corrections officer pursuant to 12 NCAC 09G .0504 of this Section, the period of sanction shall be not less than three years; however, the Commission may reduce or suspend the period of sanction or substitute a period of probation in lieu of suspension of certification, or impose a combination of reduction, suspension, or probation as determined on a case-by-case basis following a consent order or an administrative hearing, where the cause of sanction is:

- (1) conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), for a three year period prior to the date of application, or completion of any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
- (2) commission or conviction of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b), after certification;
- (3) discharge by the North Carolina Department of Adult Correction pursuant to 12 NCAC 09G .0504(b)(4) and (b)(5) of this Section;
- (4) refusal to submit to the applicant drug screen required by the Rules in this Subchapter;
- (5) production of a positive result on a drug screen reported to the Commission under 12 NCAC 09G .0205, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory;
- (6) the applicant has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (7) the applicant has knowingly and willfully obtained, attempted to obtain, aided another person to obtain, or aided another person attempt to obtain credit, training or certification by any means of false pretense, deception, defraudation, misrepresentation or cheating;

- (8) failure to make either of the notifications as required by 12 NCAC 09G .0208 or .0209;
- (9) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230; or
- (10) certification revoked or denied by the North Carolina Sheriffs' Education and Training Standards Commission, if such certification was revoked or denied based on grounds that would constitute a violation of Section 09G of these Rules.

(c) When the Commission suspends or denies the certification of a corrections officer, the period of sanction shall be for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy relevant basic training requirements;
- (2) failure to meet or maintain the minimum standards for certification; or
- (3) discharge from the North Carolina Department of Adult Correction for impairment of physical or mental capabilities.

*History Note: Authority G.S. 17C-6; 17C-10;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. December 1, 2018; December 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. May 1, 2023.*

## **12 NCAC 09G .0506 SUMMARY SUSPENSIONS**

(a) The Commission, by and through the Probable Cause Committee, may summarily suspend the certification of a corrections officer or instructor before the commencement of proceedings for suspension or revocation of the certification when, in the opinion of the Probable Cause Committee, the public health, safety, or welfare requires this emergency action of summary suspension. The Commission has determined that the following condition specifically affects the public health, safety, or welfare and therefore it, by and through the Probable Cause Committee, may utilize summary suspension: when the corrections officer has committed or been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification.

(b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee may meet upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.

(c) A summary suspension shall be effective on the date specified in the order of summary suspension or on service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings.

(d) Upon verbal notification by the Director that the certification of an officer or instructor is being summarily suspended by written order, the North Carolina Department of Correction shall take such steps as are necessary to ensure that the officer or instructor does not perform duties requiring certification by the Commission.

(e) The Commission, by and through the Director, upon determining that a Commission-certified instructor has conducted Commission-approved training course in a way that was not in accordance with the requirements of this Chapter or has conducted a Commission-approved training course while being in violation of the instructor's minimum standards as outlined in 12 NCAC 09G .0307 shall do the following until such time as the training course or his or her instructor certification has been brought into compliance:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the noncompliance is remedied; and
- (2) the Director shall send a report of all summary suspensions for formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(f) The Commission, by and through the Director, upon determining a Commission-certified instructor has been alleged to have violated a certification rule as outlined in this Chapter shall do the following:

- (1) summarily suspend the individual's Instructor's certification, prohibiting him or her from delivering Commission approved training until the matter is resolved; and
- (2) the Director shall send a report of all summary suspensions for formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(g) The Commission, by and through the Director, upon a Finding of Probable Cause by the Probable Cause Committee that an instructor has violated a certification rule outlined in this Chapter shall summarily suspend the individual's instructor certification. A summary suspension shall be effective on the date specified in the order of

summary suspension or upon service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain effective during the proceedings.

*History Note: Authority G.S. 17C-6; 17C-10; 150B-3;  
Temporary Adoption Eff. January 1, 2001;  
Eff. August 1, 2002;  
Amended Eff. January 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. August 1, 2021.*

## **SECTION .0600 - PROFESSIONAL CERTIFICATE PROGRAM**

### **12 NCAC 09G .0601 PURPOSE**

In order to recognize the level of competence of corrections officers serving within the State, to foster increased interest in college education and professional corrections training programs, and to attract highly qualified individuals into a corrections career, the Criminal Justice Education and Training Standards Commission establishes the State Corrections Officers' Professional Certificate Program. This program is a method by which dedicated officers may receive statewide and nationwide recognition for education, professional training, and on-the-job experience.

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

### **12 NCAC 09G .0602 GENERAL PROVISIONS**

(a) In order to be eligible for one or more of the professional awards, an officer shall first meet the following preliminary qualifications:

- (1) The officer shall hold a general correctional officer certification. A person serving under a probationary certification is not eligible for consideration. An officer subject to suspension or revocation proceedings or under investigation for possible decertification action by the Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, or the North Carolina Sheriffs' Education and Training Standards Commission shall not be eligible for professional awards for the pendency of the proceeding.
- (2) The officer shall hold general certification with the Commission in one of the following categories:
  - (A) correctional officer; or
  - (B) probation/parole officer.
- (3) The officer shall be a permanent, full-time, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice.
- (4) Permanent, paid employees of the Department of Public Safety, Division of Adult Correction and Juvenile Justice who have completed a Commission-certified corrections officer basic training program and have previously held general certification as specified in 12 NCAC 09G .0602(a)(1) and 12 NCAC 09G .0602(a)(2), but are presently, by virtue of promotion or transfer, serving in positions not subject to certification are eligible to participate in the professional certificate program. Eligibility for this exception requires employment with the Department of Public Safety, Division of Adult Correction and Juvenile Justice from the date of promotion or transfer from a certified position to the date of application for a professional certificate.

(b) Awards are based upon a formula that combines formal education, corrections training, and actual experience as a corrections officer. Points are computed in the following manner:

- (1) each semester hour of college credit shall equal one point and each quarter hour shall equal two-thirds of a point;
- (2) 20 classroom hours of Commission-approved corrections training shall equal one point; and

- (3) only experience as a permanent, paid employee of the Department of Public Safety, Division of Adult Correction and Juvenile Justice or the equivalent experience as determined by the Commission shall be acceptable of consideration.

Point requirements for each award are described in 12 NCAC 09G .0604 and .0605.

(c) Certificates shall be awarded in an officer's area of expertise only. The State Corrections Certificate is appropriate for permanent, paid corrections employees employed by the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

*History Note:* Authority G.S. 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Amended Eff. January 1, 2015; June 1, 2012; August 1, 2004;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

**12 NCAC 09G .0603 BASIC STATE CORRECTIONS CERTIFICATE**

*History Note:* Authority G.S. 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Repealed Eff. October 1, 2018.

**12 NCAC 09G .0604 INTERMEDIATE STATE CORRECTIONS CERTIFICATE**

(a) In addition to the qualifications set forth in 12 NCAC 09G .0602(a) of this Section, an applicant for the Intermediate State Corrections Certificate shall possess or be eligible to possess the Basic State Corrections Certificate and shall have acquired the following combination of educational points or degrees, corrections training points and years of corrections experience:

|   |    |    |    |       |       |
|---|----|----|----|-------|-------|
| Educational Degrees                         |    |    |    | AA/AS | AB/BS |
| Years of Corrections Experience             | 8  | 6  | 4  | 4     | 2     |
| Minimum Corrections Training Points         |    |    |    | 15    | 10    |
| Minimum Total Education and Training Points | 30 | 60 | 90 | 15    | 10    |

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college, or university accredited as such by the Department of Education of the state in which the institution is located, the appropriate regional accrediting body, or the state university of the state in which the institution is located.

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

**12 NCAC 09G .0605 ADVANCED STATE CORRECTIONS CERTIFICATE**

(a) In addition to the qualifications set forth in 12 NCAC 09G .0602(a) of this Section, an applicant for the Advanced State Corrections Certificate shall possess or be eligible to possess the Intermediate State Corrections Certificate and shall have acquired the following combinations of educational points or degrees, corrections training points and years of corrections experience:

|                      |       |       |            |
|----------------------|-------|-------|------------|
| Educational Degrees  | AA/AS | AB/BS | GRAD./PRO. |
| Years of Corrections |       |       |            |

|   |    |    |    |    |    |
|---|----|----|----|----|----|
| Experience                                  | 12 | 9  | 9  | 6  | 4  |
| Minimum Corrections Training Points         | -  | -  | 25 | 15 | 10 |
| Minimum Total Education and Training Points | 60 | 90 | 25 | 15 | 10 |

(b) Educational points claimed shall have been earned at a technical institute, technical college, community college, junior college, college, or university accredited as such by the Department of Education of the state in which the institution is located, the regional national accrediting body, or the state university of the state in which the institution is located.

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

**12 NCAC 09G .0606 METHOD OF APPLICATION**

- (a) All applicants for an award of the basic, intermediate, or advanced certificates in the professional certificate program shall complete an "Application for Award of State Corrections Certificate."
- (b) Documentation of education and training shall be provided by certified copies of transcripts, diplomas, Report of Training Course Completion, agency training records, or other verifying documents attached to the application.
- (c) The applicant shall submit the "Application for Award of State Corrections Certificate" to his department head who shall attach his recommendation and forward the application to the Commission. Certificates will be issued to the Department head for award to the applicant.
- (d) Certificates and awards remain the property of the Commission, and the Commission shall have the power to cancel or recall any certificate or award.

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

**SECTION .0700 - FORMS**

**12 NCAC 09G .0701 REPORT: APPLICATION: AND CERTIFICATION FORMS**

(a) The following are Commission approved forms to be used by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice in making reports, applications, or requests for certification to the Commission:

- (1) The Medical History Statement. The Medical History Statement is a questionnaire to be completed by an applicant. The form includes information pertinent to the applicant's present and past physical condition, injuries, diseases, or operations.
- (2) The 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. The Medical Examination Report is form that includes the following information regarding the applicant:
  - (A) contact information;
  - (B) date of birth; and
  - (C) medical information.
- (3) The Request for School Accreditation Form. The Request for School Accreditation Form provides the means for an agency or institution to become certified to conduct corrections 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 school by the agency or institution.
- (4) The Request for Training Course Accreditation Form. The Request for Training Course Accreditation Form is used to obtain accreditation for a school's particular offering of a

corrections training course. It requests information regarding the administration of the course, the particular facilities to be used, and the proposed curriculum of the course.

- (5) The Report of Appointment/Application for Certification. The Report of Appointment/Application for Certification is used for reporting the appointment of correctional officers and probation/parole officers, and indicating the applicant's progress toward completing the requirements for certification. The Report of Appointment/Application for Certification form includes the following information:
  - (A) type of certification;
  - (B) applicant contact information;
  - (C) criminal history;
  - (D) military history;
  - (E) applicant appointment date and position title; and
  - (F) medical information.
- (6) Notice of Transfer. The Notice of Transfer form is used to notify the Standards Division of an officer's change in the type of corrections officer certification. The Notice of Transfer form includes the following information:
  - (A) applicant information;
  - (B) transfer information;
  - (C) employment date and title; and
  - (D) education completed.
- (7) Report of Separation. The North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, when separating a person from employment as a correctional officer or probation/parole officer shall forward to the Commission a completed Report of Separation or Department of Public Safety Personnel Action Form within 30 days of separation. The Report of Separation form includes the following information:
  - (A) type of certification;
  - (B) applicant contact information;
  - (C) criminal history; and
  - (D) applicant appointment date and position title.
- (8) The Request for Instructional Certification Form. The Request for Instructional Certification Form is used by persons seeking certification as general instructors. It seeks information regarding personal and professional background as well as documentation of the specific criteria for certification. The Request for Instructional Certification form includes:
  - (A) applicant contact information;
  - (B) certification type;
  - (C) employment date and title;
  - (D) education completed;
  - (E) practical experience; and
  - (F) recommendation
- (9) The Recommendation for General Instructor Certification Form. The Recommendation for General Instructor Certification Form is completed by a School Director or agency head after an instructor has finished the required probationary period. In the form the official recommends that the instructor receive General Instructor Certification and certifies that the official has observed and evaluated the instructor to be a teaching professional. The Recommendation for General Instructional Certification form includes:
  - (A) applicant contact information;
  - (B) certification type;
  - (C) employment date and title;
  - (D) education completed;
  - (E) practical experience; and
  - (F) recommendation
- (10) The Application for Award of State Corrections Certificate. The Application For Award of State Corrections Certificate requests information regarding the education, training, and experience qualifying the applicant for various levels of certification under the State Corrections Officers' Professional Certificate Program. The Application for Award of State Corrections Certificate form includes:

- (A) applicant contact information;
- (B) certificate type;
- (C) employment date and title;
- (D) education completed;
- (E) practical experience; and
- (F) recommendation

(b) All forms contained in this Rule may be accessed on the agency's website at <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>

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