

12 NCAC 09E .0108 FAILURE TO COMPLETE ANNUAL IN-SERVICE TRAINING

(a) Law enforcement officers certified by the North Carolina Criminal Justice Education and Training Standards Commission shall complete a minimum of 24 in-service training credits each year as published by the Commission.

(b) When the Commission specifies topics that total less than 24 credits for a specific year, the remaining training credits shall be in topics identified by their respective agency heads. In selecting the remaining training credits, the agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission, pursuant to 12 NCAC 09B .0301. Alternatively, in selecting the remaining training credits, the agency head may choose any topic: (1) delivered pursuant to Rule .0104(1) of this Section; or (2) National Certification Programs (NCP) administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during that specific year. These topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission. With the exception of those law enforcement officers who were hired on or after July 1st, pursuant to 12 NCAC 09E .0103(2), failure to successfully complete the annual in-service training within the calendar year shall result in suspension of the law enforcement officer's certification.

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

- (1) A written test comprised of at least five questions per credit shall be developed by the North Carolina Justice Academy or the approved curriculum developer having received NJP approval for each in-service topic requiring testing. The Firearms and Qualifications in-service course and topics delivered pursuant to Rule .0104 of this Section shall be exempt from this written test requirement;
- (2) A student shall pass each test by achieving at least 70 percent correct answers; and
- (3) 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.

(d) Upon notification that a law enforcement officer who has been continuously employed with an agency during the 12 month calendar year has failed to meet the requirements for in-service training, as specified in 12 NCAC 09E .0103(2), the officer's certification shall be suspended by the Standards Division Director.

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

- (1) the department head or designated representative forwards to the Commission documentary evidence verifying that the officer has complied with the requirements for reinstatement of certification as specified in this subsection; and
- (2) the agency head or designated representative and the officer receive from the Commission documentation that the Commission has terminated the suspension and reissued law enforcement certification to the suspended officer.

(f) If an officer has separated from an agency with less than a 12-month break in law enforcement service and is later reemployed as a law enforcement officer during the same calendar year, the officer shall complete the annual in-service training, as outlined in Paragraphs (a) and (b) of this Rule, by the end of that same calendar year. Upon notification by the agency head that such officer has failed to meet all the requirements for in-service training, the law enforcement officer's certification shall be suspended, pursuant to 12 NCAC 09A .0206(a)(2).

(g) If an officer has separated from an agency with less than a 12 month break in law enforcement service and is later reemployed as a law enforcement officer during the subsequent calendar year, the officer shall complete the annual in-service training, as outlined in Paragraphs (a) and (b) of this Rule by the end of the subsequent calendar year. Upon notification by the agency head that such officer has failed to meet all the requirements for in-service training, the law enforcement officer's certification shall be suspended, pursuant to 12 NCAC 09A .0206(a)(2).

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

Eff. January 1, 2005;

Amended Eff. April 1, 2006;

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

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