

**NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING
STANDARDS COMMISSION**



12 NCAC 10B .0505 Evaluation for Training Waiver

Public Hearing

February 11, 2025 @ 9:00am
1700 Tryon Park Drive
Raleigh, NC 27610

Reason for rule change:

The lateral transfer option in 12 NCAC 10B .0411 and changes to the NC Basic Law Enforcement Training Course required to amendments to this rule.

Instructions for Oral and Written Comments

The public comment period begins on January 15, 2025 and ends at 5:00 p.m. on March 17, 2025. Public comments shall be in writing and shall be directed to:

Richard Squires
North Carolina Department of Justice
Sheriffs' Education and Training Standards Division
Post Office Box 629
Raleigh, NC 27602-0629

"Public Comment" is defined by NCGS 150B-21.3A(a)(5) as a written objection to all or part of a rule. Additionally, pursuant to NCGS 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in NCGS 150B-21.9(a).

*****If approved, this change would become effective May 1, 2025*****

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

****Statutory Authority for Proposed Rules Changes by the Sheriffs' Commission is found in NCGS 17E****

1 12 NCAC 10B .0505 is proposed for amendment as follows:

2
3 **12 NCAC 10B .0505 EVALUATION FOR TRAINING WAIVER**

4 This Rule shall be used by Division staff in evaluating an applicant's training and experience to determine eligibility
5 for a waiver of training as set forth in ~~12 NCAC 10B .0504(a)~~; Rule .0504(a) of this Section.

6 (1) Persons who separated from a sworn law enforcement position during their probationary period after
7 having completed a ~~commission-certified~~ Commission-accredited Basic Law Enforcement Training
8 Course as set forth in 12 NCAC 09B .0205 and who have been separated from a sworn law
9 enforcement position for one year or less shall serve the remainder of the initial certification
10 probationary period in accordance with G.S. 17E-7(b), but ~~need~~ shall not be required to complete
11 an additional training program.

12 (2) Persons who separated from a sworn law enforcement position during their probationary period
13 without having completed Basic Law Enforcement Training, or whose certification was suspended
14 pursuant to ~~12 NCAC 10B .0204(b)(1)~~; Rule .0204(b)(1) of this Subchapter, and who have remained
15 separated or suspended for over one year shall:

16 (a) complete a ~~commission-certified~~ Commission-accredited Basic Law Enforcement
17 Training Course as set forth in 12 NCAC 09B .0205 in its entirety;

18 (b) pass the ~~State Comprehensive Examination~~; state comprehensive examination as set forth
19 in 12 NCAC 09B .0406; and

20 (c) complete a 12 month certification probationary period ~~as prescribed in 12 NCAC 10B~~
21 ~~.0503(a)~~; period which begins on the date he or she takes the Oath of Office.

22 (3) ~~Persons transferring to a Sheriff's Office from another law enforcement agency who held~~
23 ~~certification and who have previously completed a commission-certified Basic Law Enforcement~~
24 ~~Training Course beginning on or after October 1, 1984, and who have been separated from a sworn~~
25 ~~law enforcement position for no more than one year or who have had no break in service shall~~
26 ~~complete the following topics of a commission-certified Basic Law Enforcement Training Course:~~

27 (a) Civil Process 24 hours

28 (b) Sheriffs' Responsibilities: Detention Duties 4 hours

29 (c) Sheriffs' Responsibilities: Court Duties 6 hours

30 UNIT TOTAL 34 hours

31 ~~Following completion of the required training topics, the applicant shall pass that portion of the~~
32 ~~State Comprehensive Examination which deals with those subjects within 12 months of the date of~~
33 ~~appointment as defined in 12 NCAC 10B .0103(1).~~

34 (4)(3) Unless a waiver has been granted pursuant to ~~12 NCAC 10B .1901~~; Rule .1901 of this Subchapter,
35 persons who have training and experience as a military law enforcement officer and are appointed
36 as a deputy sheriff in North Carolina shall, within ~~the 12 month probationary period set forth in 12~~
37 ~~NCAC 10B .0503(a)~~; one year of the date of his or her Oath of Office complete:

- 1 (a) ~~a commission-certified~~ Commission-accredited Basic Law Enforcement Training Course
2 as set forth in 12 NCAC 09B .0205 in its entirety regardless of previous military training
3 and experience; and
4 (b) ~~pass the State Comprehensive Examination.~~ state comprehensive examination as set forth
5 in 12 NCAC 09B .0406.

6 (5) ~~Persons transferring to a sheriff's office from another law enforcement agency who have previously~~
7 ~~completed a commission-certified Basic Law Enforcement Training Course beginning on or after~~
8 ~~January 1, 1996 through July 1, 1997, and who did not complete the Commission's Driver Training~~
9 ~~curriculum, and who have been separated from a sworn law enforcement position for no more than~~
10 ~~one year or who have had no break in service shall complete the following topic of a Commission-~~
11 ~~certified Basic Law Enforcement Training Course within 12 months of the date of appointment as~~
12 ~~defined in 12 NCAC 10B .0103(1): Law Enforcement Driver Training 40 hours.~~

13 (6)(4) North Carolina applicants; ~~qualified~~ out-of-state transferees; and ~~qualified~~ federal transferees who
14 meet the requirements set forth in Items ~~(7), (8) and (9)~~ (5), (6), and (7) of this Rule shall be allowed
15 to select one of the following two options for gaining North Carolina certification as a deputy sheriff:

- 16 (a) ~~Undertake and successfully complete~~ Complete the Basic Law Enforcement Training
17 Course as set forth in 12 NCAC 09B .0205 in its entirety during a one year certification
18 probationary period and successfully pass the State Comprehensive Examination; state
19 comprehensive examination as set forth in 12 NCAC 09B .0406; or
20 (b) Pass Complete the following entry criteria:

- 21 (i) Challenge Pass the Basic Law Enforcement Training ~~Comprehensive State~~
22 ~~Examination~~ state comprehensive examination as set forth in 12 NCAC 09B .0406
23 to be delivered at the end of an ongoing Basic Law Enforcement Training Course
24 Course. and successfully pass each unit examination of the comprehensive
25 examination with a minimum score of 70%. Any applicant failing to pass more
26 than two unit examinations shall complete the Basic Law Enforcement Training
27 Course in its entirety. Any applicant failing one or two unit examinations shall
28 enroll in each topic area which comprises that unit taught in a subsequent BLET
29 course and submit to the unit examination at the end of the course and pass that
30 unit examination; If the applicant fails to pass the examination, he or she may
31 attempt to pass the examination one additional time. If the applicant fails to pass
32 the examination on the second attempt, the applicant shall be required to complete
33 the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205
34 in its entirety and pass the state comprehensive examination as set forth in 12
35 NCAC 09B .0406 during their one year certification probationary period;

1 (ii) Each applicant who is authorized to carry a firearm shall prior to appointment
2 complete with passing scores the Commission's In-service Firearms Training and
3 Qualification Program as prescribed in Rule .2104 of this Subchapter.

4 ~~(ii)~~(iii) Each applicant shall demonstrate proficiency in the following skills related
5 activities to the satisfaction of an instructor certified by the North Carolina
6 Criminal Justice Education and Training Standards Commission in the
7 corresponding topical area. Successful completion of the skills related activities
8 as set out in this ~~rule~~ Rule shall be documented by the certified ~~instructor on the~~
9 ~~corresponding Commission approved form found in the "Basic Law Enforcement~~
10 ~~Training Manual" published by the North Carolina Justice Academy and provided~~
11 ~~by the Division.~~ instructor and submitted to the Division.

12 (A) First Responder;

13 (B) Firearms;

14 ~~(C)~~(B) Law Enforcement Driver Training;

15 ~~(D)~~(C) Physical Fitness; Officer Health and Wellness; and

16 ~~(E)~~(D) Subject Control Arrest Techniques. Compliance and Control Tactics.

17 (iii) ~~Any applicant failing to pass a unit examination after remediation as referenced~~
18 ~~in this Rule shall be required to complete Basic Law Enforcement Training in its~~
19 ~~entirety; and~~

20 (iv) All criteria referenced in this Rule ~~must~~ shall be successfully completed within
21 the one-year certification probationary period. ~~period as set forth in Rule .0504 of~~
22 this Section.

23 ~~(7)~~(5) North Carolina applicants referenced in Item (4) of this Rule shall:

24 (a) have a minimum of two years full-time sworn law enforcement experience that occurred
25 prior to their application;

26 (b) have had a break in service exceeding one year;

27 (c) have previously received ~~General~~ general or ~~Grandfather~~ grandfather, in accordance with
28 G.S. 17C-10(a) or G.S. 17E-7(a), certification as a sworn law enforcement officer by either
29 the Commission or the North Carolina Criminal Justice Education and Training Standards
30 Commission, and such certification has not been denied, ~~revoked~~ revoked, or suspended
31 by either Commission; and

32 (d) have held general powers of arrest.

33 ~~(8)~~(6) Out-of-state transferees referenced in Item (4) of this Rule shall:

34 (a) have a minimum of two years full-time sworn law enforcement experience that occurred
35 prior to their ~~application;~~ application. An applicant's attendance at his or her basic law
36 enforcement training course shall not count towards the two years full-time sworn law
37 enforcement experience;

- (b) have held certification ~~in good standing~~ as a sworn law enforcement officer from the appropriate Peace Officer's Standards and Training entity in the transferee's respective ~~state; state and such certification has not been denied, revoked, or suspended;~~
- (c) have had general powers of arrest; and
- (d) submit documentation verifying their qualified status.

(9)(7) Federal Transferees referenced in Item (4) of this Rule shall:

- (a) have a minimum of two years full-time sworn law enforcement experience;
- (b) have held certification or commissioning as a sworn law enforcement officer from the appropriate federal entity authorized to issue such sworn law enforcement officers certification or ~~commission; commission, and such certification or commission has not~~ been denied, revoked, or suspended.
- (c) have held general powers of arrest; and
- (d) submit documentation verifying their qualified status.

(10) ~~Persons transferring to a sheriff's office from another law enforcement agency who held certification, who have previously been granted a training waiver by the North Carolina Criminal Justice Commission and who have been separated from a sworn law enforcement position for no more than one year or who had no break in service shall not be required to complete the Basic Law Enforcement Training course, but shall have the waiver honored by this Commission.~~

(11) ~~Persons previously holding Grandfather law enforcement certification in accordance with G.S. 17C-10(a) or G.S. 17E-7(a) who have been separated from a sworn law enforcement position for less than one year or have had no break in service shall not be required to complete a commission-certified Basic Law Enforcement Training Course.~~

History Note: Authority G.S. 17E-4; 17E-7;
Eff. January 1, 1989;
Amended Eff. January 1, 2005; August 1, 2002; August 1, 2000; August 1, 1998; February 1, 1998;
January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018;
Amended Eff. May 1, 2025; January 1, 2019.