

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B. 0408

DEADLINE FOR RECEIPT: July 29, 2024

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Page 1, Line 11: There does not appear to be a rule which sets forth the substantive requirements of Form 2A.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel
Date submitted to agency: July 15, 2024

1 12 NCAC 10B .0408 is proposed for amendment as published in 38:20 NCR 1314-1316 as follows:

2
3 **12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION**

4 (a) Prior to issuing certification of each justice officer, for the purpose of verifying compliance with these Rules, the
5 employing agency shall submit to the Division, along with the Report of Appointment (F-4), the following documents:

- 6 (1) documentation consisting of diplomas, school transcripts, or certificates from the educational
7 institution attended by the applicant confirming the applicant's compliance with the educational
8 requirement pursuant to Rule .0302(a) of this Subchapter;
- 9 (2) certified copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- 10 (3) the applicant's Medical History Statement (F-1);
- 11 (4) the applicant's Medical Examination Report (F-2 and F-2A);
- 12 (5) the applicant's ~~unredacted Psychological Screening Examination as required by G.S. 17E 7;~~
13 Psychological Screening Examination form (F-2C);
- 14 (6) the applicant's notarized Personal History Statement (F-3);
- 15 (7) the Commission-mandated Background Investigation Form (F-8) with all accompanying
16 documentation set out in Rule .0305 of this Subchapter;
- 17 (8) documentation of negative results on a drug screen pursuant to Rule .0301(6) of this Subchapter;
18 and
- 19 (9) documentation of the applicant's compliance with the probationary certification requirements
20 pursuant to Rule .0403(b) of this Section, if the applicant is a deputy sheriff or a detention officer
21 and is authorized by the agency to carry a firearm.

22 (b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraph (a)(9) of this Rule
23 for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided that:

- 24 (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention
25 officer, or telecommunicator, with the employing agency requesting dual certification; and
- 26 (2) the officer has continuously been employed as a justice officer with the agency.

27 (c) Where the Division has previously received a complete Background Investigation Form (F-8) with all
28 accompanying documentation set out in Rule .0305 of this Subchapter in connection with another application for
29 certification to this Commission, the Background Investigation need only be updated from the date of the last
30 background investigation on file in the Division with documentation of compliance with Subparagraphs (f)(1), (2),
31 and (3) of this Rule, and a certified criminal record check from each jurisdiction in which the person has resided in
32 and for each name the applicant has used since the initial Background Investigation (Form F-8) was completed. The
33 criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other
34 governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check
35 shall be certified by the entity providing the record with either a raised seal or other visible verification that the
36 document is an authentic copy. In addition:

- 1 (1) if the applicant has been issued an out-of-state driver's license by a state other than North Carolina
2 since obtaining certification, then compliance with Subparagraph (f)(4) of this Rule, is required; and
3 (2) if the applicant has resided in a state other than North Carolina since obtaining certification, a
4 certified criminal record check from each jurisdiction shall be provided, if available. The criminal
5 record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or
6 other governmental entity that maintains or has access to criminal records for the jurisdiction. The
7 criminal record check shall be certified by the entity providing the record with either a raised seal
8 or other visible verification that the document is an authentic copy.

9 (d) If the Personal History Statement (F-3) required in Subparagraph (a)(6) of this Rule was completed more than 120
10 days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the
11 applicant, who shall initial and date all changes, or a new Personal History Statement (F-3) shall be completed.

12 (e) If the Mandated Background Investigation Form (F-8) required in Subparagraph (a)(7) of this Rule was completed
13 more than 120 days prior to the applicant's date of appointment, the Mandated Background Investigation Form (F-8)
14 shall be updated by the background investigator who shall initial and date all changes or a new Mandated Background
15 Investigation Form (F-8), must be completed.

16 (f) The Background Investigation Form (F-8) shall have the following records checks attached to it when submitted:

- 17 (1) a Statewide search of the Administrative Office of the Courts (AOC) computerized system;
18 (2) the national criminal record database accessible through the Division of Criminal Information (DCI)
19 network;
20 (3) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license
21 issued in North Carolina;
22 (4) an out-of-state motor vehicles check obtained through the Division of Criminal Information or
23 obtained through another state's division of motor vehicles agency for any state in which the
24 applicant held a license within the 10 year period prior to the date of appointment; and
25 (5) the applicant's Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of
26 this Subchapter.

27 (g) The Background Investigation shall include records checks from jurisdictions where the applicant resided within
28 the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:

- 29 (1) where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks shall
30 be acceptable;
31 (2) where the applicant resided in another country:
32 (A) an Interpol records check shall be acceptable provided the country is a member of Interpol;
33 (B) if the applicant was in the United States military, a military records check shall be
34 acceptable; or
35 (C) if neither an Interpol or United States military record check are available, subject to the
36 limits of United States and North Carolina law, the employing agency shall make a good
37 faith effort to obtain a records check from the national law enforcement authority, judicial

1 authority, or other governmental entity charged with maintaining criminal records for the
2 country where the applicant resided and submit the record check if available. If the
3 employing agency cannot obtain the records check it shall submit documentation consisting
4 of the correspondence with the foreign governmental entity and a written report from the
5 assigned background investigator explaining the employing agency's efforts to obtain the
6 record and why the record could not be obtained. The following steps are required to show
7 a good faith effort to obtain the record check:

- 8 (i) contacting and requesting the record from the foreign governmental entity or
9 entities the employing agency believes are likely to possess the records by mail,
10 telegram, telephone, facsimile or electronic mail;
- 11 (ii) if referred to another foreign governmental entity, contacting and requesting the
12 record from that foreign governmental entity; and
- 13 (iii) if requested, providing and submitting any formal requests, forms, or
14 documentation required by the foreign governmental entity before it will provide
15 the record check;

- 16 (3) where the applicant resided in a state other than North Carolina, a records check through the Division
17 of Criminal Information using the Out-of-State Computer Name Query (IQ) shall be acceptable
18 provided the state will respond to an Out-of-State Computer Name Query. If not, then either a
19 records check response from both the municipality, city, or town where the applicant resided and
20 the county-wide Sheriff's Office or Police Department obtained by mail, telegram, facsimile, or
21 electronic mail, or a records check from the county-wide or state-wide record holding agency shall
22 be acceptable.

23 (h) If the applicant had prior military service, the Background Investigation shall also include a copy of the applicant's
24 DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that
25 occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other
26 than Honorable, then a military records check shall also be required.

27 (i) All records checks shall be performed on each name by which the applicant for certification has ever been known
28 since the age of 12. If the applicant has had an official name change that occurred after the applicant had reached the
29 age of 12 years of age, then a copy of the legal document effecting the name change with either a raised seal or other
30 visible verification that the document is an authentic copy from the governmental entity that issued the document or
31 is charged with maintaining the record of the document shall be submitted by the employing agency.

32 (j) The employing agency shall forward to the Division certified copies of any criminal charges and dispositions
33 known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall identify
34 any charges or other violations on the records checks required in Paragraph (f) of this Rule that are for individuals
35 other than the applicant for certification and explain why the employing agency believes another individual is
36 responsible for the charge or violation.

37

1 *History Note: Authority G.S. 17E-4; 17E-7;*
2 *Eff. January 1, 1989;*
3 *Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991;*
4 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;*
5 *Temporary Amendment Eff. March 1, 1998;*
6 *Amended Eff. August 1, 2002; August 1, 1998;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
8 *2018;*
9 *Amended Eff. September 1, 2024; February 1, 2024; December 1, 2023; April 1, 2023; February 1,*
10 *2023; January 1, 2023.*

11
12

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .2201

DEADLINE FOR RECEIPT: July 29, 2024

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Intentionally left blank.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: July 15, 2024

1 12 NCAC 10B .2201 is proposed for amendment as published in 38:20 NCR 1317-1318 as follows:
2

3 **SECTION .2200 – FORMS**
4

5 **12 NCAC 10B .2201 CERTIFICATION FORMS**

6 (a) The following are Commission approved forms to be used by agencies in making reports, applications, or requests
7 for certification of justice officers:

- 8 (1) Form F-1, Medical History Statement, is completed by an applicant and consists of the applicant's
9 medical information including medication, allergies, and immunizations, present and past physical
10 conditions, injuries, diseases, or operations.
- 11 (2) Form F-2, Medical Examination Report, is a form provided to the examining physician to record
12 the results of the applicant's medical examination. The form consists of information about the
13 applicant's vision, hearing, cardiovascular and circulatory health, urinalysis, TB skin test, other
14 medical conditions relevant to the applicant's physical fitness to perform the duties of a justice
15 officer, biographical information about the applicant, and the medical professional's
16 recommendation and concerns as to an applicant's physical fitness to perform the duties of a justice
17 officer.
- 18 (3) Form F-2C, Psychological Screening Examination, is a form completed by the psychologist
19 completing the examination. The form consists of the name of the psychologist completing the
20 examination, the psychologist's license number, date of the examination, the psychologist's
21 recommendation of suitability, and information disclosed by the applicant involving any reported
22 criminal offenses, drug use, involuntary commitments, or employment terminations due to
23 misconduct or rule violations.
- 24 ~~(3)~~(4) Form F-3, the Personal History Statement, is completed by the applicant and consists of information
25 regarding the applicant's work, residential, military, and criminal history; financial condition; and
26 references.
- 27 ~~(4)~~ Form F-8, ~~the Mandated Background Investigation Form, is completed by an agency's background~~
28 ~~investigator and consists of the applicant's biographical data, family data, scholastic data,~~
29 ~~employment data, criminal history, interviews and references, and a summary of the background~~
30 ~~investigator's findings.~~
- 31 (5) Form F-4 and F-4T, Report of Appointment, is completed by the reporting agency for the
32 appointment of justice officers and shall contain a checklist indicating the applicant's progress
33 toward completing the requirements for certification; the applicant's appointment date, position title,
34 and status; the applicant's contact information; and prior certification history. The F-4 form is
35 utilized for appointments as a deputy sheriff or detention officer. The form F-4T is utilized for
36 appointments as a telecommunicator.

- 1 (6) Form F-6 and F-6R, Professional Certificate/Service Award, consists of information regarding the
2 education, training, and experience qualifying the applicant for various levels of professional
3 recognition under the Sheriffs' Education and Training Standards Commission's Professional
4 Certificate Program. The F-6 form is utilized for full-time justice officers and the F-6R form is
5 utilized for reserve justice officers.
- 6 (7) Form F-7 and F-7T, Request for Certification, is completed by institutions and agencies requesting
7 certification to deliver Detention Officer and Telecommunicator Courses. The form consists of
8 information regarding the institution name, institution or agency head, school director, and facilities.
9 Form F-7 is used when requesting certification to deliver Detention Officer courses and Form F-7T
10 is used when requesting certification to deliver Telecommunicator courses.
- 11 (8) Form F-7A and F-7A-T, Pre-Delivery Report of Training Course Presentation, is completed by the
12 institution or agency delivering Detention Officer and Telecommunicator Training Courses and
13 consists of information on the course delivery location, school director, class schedule, anticipated
14 date of the State Comprehensive Exam, and any planned instructional hours exceeding the minimum
15 requirements. Form F-7A is utilized for Detention Officer courses and Form F-7A-T is utilized for
16 Telecommunicator courses.
- 17 (9) Form F-7B and F-7B-T, Post-Delivery Report of Training Course Presentation, is completed by the
18 institution or agency delivering Detention Officer and Telecommunicator Training Courses and
19 consists of information on any substitutions of instructors as originally reported on the Pre-Delivery
20 Report, any trainees who were not recommended for the state exam due to withdrawal or
21 deficiencies, and the students who participated in and completed the course. Form F-7B is utilized
22 for Detention Officer courses and Form F-7B-T is utilized for Telecommunicator courses.
- 23 (10) Form F-8, the Mandated Background Investigation Form, is completed by an agency's background
24 investigator and consists of the applicant's biographical data, family data, scholastic data,
25 employment data, criminal history, interviews and references, and a summary of the background
26 investigator's findings.
- 27 ~~(10)~~(11) Form F-9 and F-9T, Change in Status, is completed by the employing agency and consists of any
28 change in status for justice officers including full-time or part-time status, active or inactive status,
29 changes to identifying information, and changes to firearms status. Form F-9 is utilized for any
30 change in status for justice officers appointed as a deputy sheriff or detention officer. Form F-9T is
31 utilized for any change in status for a justice officer appointed as a telecommunicator.
- 32 ~~(11)~~(12) Form F-9A, Firearms Qualification Record, is completed by the employing agency to record the
33 annual In-Service Firearms Training and Qualifications for justice officers who are authorized by
34 the Sheriff to carry a shotgun, rifle, automatic weapon, or handgun. The form consists of training
35 and qualification scores completed by the officer.

1 ~~(12)~~(13) Form F-16, Criminal Justice Instructor Evaluation, is completed by the Certified School Director
2 and In-Service Coordinator of the school and consists of a rating of instructional ability, student
3 participation, and presentation of the lesson plan by the Instructor.

4 ~~(13)~~(14) Form F-20, School Resource Officer Certification, is completed by an employing agency requesting
5 certification of a justice officer as a School Resource Officer. The form consists of the officer's
6 name, date of birth, name of agency and address, date awarded general certification, completion
7 date of School Resource Officer training, and date assigned as a School Resource Officer.

8 ~~(14)~~(15) Form I-2 and I-2-T, Request for Instructor Certification, is completed by an applicant for
9 certification as an Instructor to deliver Detention Officer and Telecommunicator courses. The form
10 consists of information about the applicant's experience and qualifications. Form I-2 is utilized by
11 an applicant for certification as an Instructor to deliver Detention Officer courses and Form I-2-T is
12 utilized by an applicant for certification as an Instructor to deliver Telecommunicator courses.

13 (b) All forms contained in this Rule may be accessed on the agency's website at [http://ncdoj.gov/law-enforcement-](http://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/)
14 [training/sheriffs/all-commission-forms-publications/](http://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/).

15
16 *History Note:* *Authority G.S. 17E-4; 17E-7;*
17 *Eff. April 1, 2023;*
18 *Amended Eff. September 1, 2024; November 1, 2023.*
19