

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Education and Training Standards November 2025 RFC

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Monday, November 17, 2025 12:06 PM

To: Pendergraft, Robin <rpendergraft@ncdoj.gov>

Cc: STRICKLAND, JENNIFER J <jstrickland@ncdoj.gov>; Jones, Sirena C <scjones@ncdoj.gov>; MITCHELL, WILLIAM <wmitchell@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] Sheriffs' Education and Training Standards November 2025 RFC

Thanks,

I anticipate recommending approval of these rules at Thursday's meeting. I'll let you know if anything comes up before then.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] RE: Sheriffs' Education and Training Standards November 2025 RFC

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Friday, November 14, 2025 4:38 PM

To: Pendergraft, Robin <rpendergraft@ncdoj.gov>; Jones, Sirena C <scjones@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Courts, Ian <lcourts@NCDOJ.GOV>

Subject: Re: [External] RE: Sheriffs' Education and Training Standards November 2025 RFC

Robin,

Thanks for getting these back to me. Your responses generally look good. However, the changes you made post publication (i.e. In response to my questions) need to be highlighted. See the examples here:

<https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>

Please update the formatting and return to me by the end of the day Monday.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>

Sent: Friday, November 14, 2025 2:25 PM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Jones, Sirena C <scjones@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Courts, Ian <lcourts@NCDOJ.GOV>

Subject: [External] RE: Sheriffs' Education and Training Standards November 2025 RFC

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Seth

Please see the attached response to your comments regarding the Sheriffs' Commission rules for the November 2025 RRC meeting. We have made all changes as suggested and tried to address those areas where you had questions. I am also including the rules which we modified. I left the changes in red type so that you could easily find them.

Please let me know if you have any questions.

Thanks

Robin



Robin P. Pendergraft

Projects Manager

Sheriffs' Standards Division

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Please note messages to or from this address may be public records.

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;, and”
 - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:
<https://www.oah.nc.gov/rule-format-examples>

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0403

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

Are the "contents or substantive requirements" of the forms in lines 6 and 7 prescribed by rule or statute, as required by G.S. 150B-2(8a)d.? If so, where? **Yes. See Rules 10B .0301 and .0401 regarding requirements.**

On line 29, I think you mean "authorized". **Yes. Have made the change.**

On p. 2 line 4, I'm not sure what "or a convicted of a felony" means in this context. **We have added the word "is" after "or" and before "a convicted" to address this.**

Also, we have made an additional correction on p. 2 line 1 to add an "s" to the word "believes."

Also, we have discovered a typographical error at the top of page 2 and will delete the extra " to injury."

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

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0412

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

On line 15, you require use of "the database", but don't explain what that is until paragraph (d). This is potentially confusing. Either switch the order of the paragraphs so paragraph d comes first, or add something like "in the database described in paragraph (d)" on line 15. Agree. Have added the description to line 15.

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

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1002

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

The list on lines 7 through 20 doesn't work with an "and" on line 18. As I read it, 1 and 3 are mutually exclusive, and item 2 is required for both. This needs to be reworked. One option would be to move item 2 into the main text of (a). I.e. on lines 5 and 6 "a sheriff or deputy sheriff shall first meet the following preliminary qualifications: and maintain the requirements of certification pursuant to Rule .0301 and Section .0500 of this subchapter; and." with an or at the end of item 1, item 2 deleted, and item 3 changed to item 2. We have rewritten (a) to include that definition for a deputy sheriff.

On p2., line 4 what determines if the experience is "acceptable for consideration"? To address this concern, we have deleted the words "for consideration." To be acceptable, the experience must meet the requirements set out in the rule.

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

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1006

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

*Are the "contents or substantive requirements" of the forms in lines 6 and 24 prescribed by rule or statute, as required by G.S. 150B-2(8a)d.? If so, where? **Yes. See Rule 10B .1002 regarding eligibility.***

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

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1205

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

Can you confirm that this rule is intended for repeal? Yes. We have added back in the strike through lines to indicate such.

Note, for all your repeals, it is not necessary to include the text of the rule in the submission to RRC. See <https://www.oah.nc.gov/documents/nc-general-statute-7a/permanent-repeal-publication-ncac/download?attachment>

It is clear in the other repeals from strikethroughs that you did intend a repeal, but I wanted to double check this one. It is not necessary to resubmit the rules you intend for repeal.

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

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1206

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

Are the "contents or substantive requirements" of the forms in lines 6 and 17 prescribed by rule or statute, as required by G.S. 150B-2(8a)d.? If so, where? Yes. See Rule 10B .1202 regarding eligibility.

On line 11, you have an incomplete statutory citation, "17E-2". Have made the corrections.

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

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1406

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

Are the "contents or substantive requirements" of the forms in lines 6 and 12 prescribed by rule or statute, as required by G.S. 150B-2(8a)d.? If so, where? Yes. See Rule 10B .1402 regarding eligibility.

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

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

AGENCY: Sheriff's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1606

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

Are the "contents or substantive requirements" of the forms in lines 6 and 17 prescribed by rule or statute, as required by G.S. 150B-2(8a)d.? If so, where? Yes. See Rule 10B .1602 regarding eligibility.

On line 11, you have an incomplete statutory citation, "17E-2". Have made the corrections.

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

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

AGENCY: Sherrif's Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1901

DEADLINE FOR RECEIPT: Friday, November 14, 2025

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:

On lines 16 through 19, it is not clear to me what documentation would be required by item (a)(4), since it is proving a negative. Are there specific background checks this is intended to require? If so, they need to be specified somewhere. The language is pulled directly from G.S. 93B-15.1 and the requirements are specified in Rule 10B .0305.

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

12 NCAC 10B .0403 is proposed for amendment as published in 40:04 NCR 433 as follows:

12 NCAC 10B .0403 PROBATIONARY CERTIFICATION REQUIREMENT

(a) For certification as a deputy sheriff, ~~the applicant must successfully complete Basic Law Enforcement Training as described in 12 NCAC 10B .0502 and 12 NCAC 09B .0205, and~~ sheriff or detention officer, a Report of Appointment (Form F-4) ~~must~~ shall be submitted to the Division. For certification as a telecommunicator, a Report of Appointment (Form F-4T) shall be submitted to the Division.

~~(b) For certification as a detention officer, a Report of Appointment (Form F-4) must [shall] be submitted to the Division.~~

~~(c) For certification as a telecommunication officer, a Report of Appointment (Form F-4T) must [shall] be submitted to the Division.~~

~~(d)~~(b) Report of Appointment forms ~~must~~ shall be submitted to the Division by the employing agency no later than 10 days after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been appointed.

~~(e)~~(c) The Division shall forward the justice officer's certification to the ~~appointing~~ employing agency.

(f)(d) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary certification, the applicant shall meet the following requirements:

(1) If the applicant for probationary certification is authorized by the sheriff to carry a firearm pursuant to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing agency shall submit evidence of satisfactory completion of the employing agency's in-service firearms training and ~~requalification~~ qualification program pursuant to ~~12 NCAC 10B .2000 and .2100, Section .2100 of this Subchapter;~~ or

(2) If the applicant for probationary certification is not authorized by the sheriff to carry a firearm pursuant to the provisions of ~~12 NCAC 10B .2104, Rule .2104 of this Subchapter,~~ the employing agency shall notify the Division, in writing, that the applicant is not authorized by the sheriff to carry a firearm.

(e) After documentation has been submitted to the Division pursuant to Paragraph (a) of this rule, a deputy sheriff who has not completed Basic Law Enforcement Training is only authorized to exercise the powers of a deputy sheriff when such action is:

(1) While accompanied by and under the direct supervision of the sheriff or designee; or

(2) While accompanied by and under the direct supervision of another deputy sheriff or law enforcement officer who has successfully completed Basic Law Enforcement Training; or

(3) Necessary to:

(i) Defend themselves or another from what the deputy sheriff believes to be imminent use of deadly force; or

(ii) Prevent serious bodily harm to themselves or another; or

(iii) Prevent the escape from custody a person the deputy sheriff believes is attempting to escape by means of a deadly weapon, or who by this conduct or any other means indicates an imminent threat of death or serious physical injury ~~to injury~~ to others unless apprehended without delay; or ~~is-a~~ convicted of a felony; or

(4) Taken when the deputy sheriff has probable cause to believe in their presence:

(i) a felony; or

(ii) a breach of the peace; or

(iii) a crime involving physical injury to another person; or

(iv) a crime involving theft or destruction of property is being committed.

History Note: Authority G.S. 17E-4; 17E-7;

Eff. January 1, 1989;

Amended Eff. February 1, 1998, January 1, 1996; January 1, 1994; January 1, 1991;

Temporary Amendment Eff. March 1, 1998;

Amended Eff. August 1, 1998;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;

Amended Eff. December 1, 2025

1 12 NCAC 10B .0412 is proposed for adoption as published in 40:03 NCR 277 as follows:

2
3 **12 NCAC 10B .0412 DEPARTMENT HEAD RESPONSIBILITIES: CRITICAL INCIDENT**
4 **REPORTING**

5 (a) For all law enforcement agencies in the State that employ personnel certified by the North Criminal Sheriffs'
6 Education and Training Standards Commission, the Department Head shall submit the Critical Incident Report, Form
7 F-27, to the Sheriff's Standards Division no later than 30 days after making the determination that an incident
8 involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has
9 occurred. The Critical Incident Report (F-27) shall contain the following:

10 (1) date and time of incident;

11 (2) location of incident;

12 (3) officer involved; and

13 (4) whether the incident involved serious bodily injury or death

14 (5) notice that the officer has 30 days after receipt to request a hearing in superior court for a determination
15 of whether the officer's involvement was properly placed in the database **described in paragraph (d)**, and that
16 if a copy of that filing is not provided to the Division within the 30 days, the officer's name will be placed in
17 the database.

18 (b) Information contained in the submitted Critical Incident Report, (F-27), that is confidential under state or federal
19 law shall remain confidential.

20 (d) The Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all
21 critical incident data in North Carolina that is reported to the Division.

22
23
24 History Note: Authority G.S. 17E-15;

25 Adoption Eff. December 1, 2025
26

12 NCAC 10B .1002 is proposed for amendment as published in 40:03 NCR 277-278 as follows:
as follows:

12 NCAC 10B .1002 ~~GENERAL PROVISIONS~~ ELIGIBILITY FOR PROFESSIONAL CERTIFICATES

(a) In order to be eligible for one or more of the professional ~~awards, certificates,~~ a sheriff or deputy sheriff ~~who is a~~
~~full-time sworn law enforcement officer of a North Carolina sheriff's office~~ shall first meet the following preliminary
qualifications:

(1) be an elected or appointed sheriff or be a deputy sheriff who holds valid ~~General~~ general or
~~Grandfather Certification. grandfather certification as defined in G.S. 17E-7(a).~~ A deputy sheriff
serving under a probationary certification is not eligible for consideration. Any justice officer
subject to suspension or revocation ~~proceedings~~ proceedings, ~~or~~ under investigation for possible
decertification ~~action~~ action, ~~by the Commission or the North Carolina Criminal Justice Education~~
~~and Training Standards Commission~~ under a period of active revocation of their certification, or
under probation or suspended sanction, by the Commission or the North Carolina Criminal Justice
Education and Training Standards Commission, is not eligible for professional ~~awards~~ certificates
for the pendency of the ~~proceeding; proceedings or period of probation, suspension, or revocation;~~
and

(2) ~~be familiar with and subscribe to the Law Enforcement Code of Ethics as promulgated by the~~
~~International Association of Chiefs of Police; and~~ meet and maintain the requirements of
certification pursuant to Rule .0301 and Section .0500 of this Subchapter; and .

~~(3) — if the applicant is a deputy sheriff, the applicant shall be a full time sworn law enforcement officer~~
~~of a North Carolina Sheriff's Office, as certified in writing by the sheriff; sheriff's office. or be a~~
~~full-time law enforcement officer of an agency who must be sworn by the sheriff in order to perform~~
~~his duties as certified in writing by the Sheriff.~~

(b) Employees of a North Carolina Sheriff's Office who have previously held general or grandfather law enforcement
officer certification but are presently, by virtue of promotion or transfer, serving in non-sworn positions not subject to
certification are eligible to participate in the Professional Certificate Program. Eligibility for this exception requires
continuous employment with the sheriff's office from the date of promotion or transfer from a sworn, certified position
to the date of application for a professional certificate.

(c) Only training or experience gained in an officer's area of expertise as described in Paragraph (d) of this
Rule is eligible for application to this program.

(d) Certificates shall be awarded based upon a formula that combines formal education, law enforcement training,
and ~~actual~~ experience as in a sworn law enforcement officer. position as defined in Rule .0103(19) of this Subchapter.
These professional certificates ~~are appropriate~~ shall be for sworn sheriffs and full-time deputy sheriffs. Points are
computed in the following manner:

(1) each semester hour of college credit shall equal one education point and each quarter hour shall
equal two-thirds of an education point. No correspondence or vocational courses shall be credited

towards education points unless an accredited institution, as set out in ~~12 NCAC 10B .1004(b)~~, Rule .1004(b) of this Section, credits the ~~course(s)~~ courses towards a degree;

(2) ~~twenty 20 classroom~~ hours of ~~commission approved~~ law enforcement training shall equal one training point; and

(3) experience as a sworn law enforcement officer as defined in Rule .0103(19) of this Subchapter is acceptable ~~for consideration~~.

(e) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Intermediate Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points, and years of law enforcement experience:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>
<u>Years of Law Enforcement Experience</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>4</u>	<u>2</u>
<u>Minimum Law Enforcement Training Points</u>	<u>20</u>	<u>35</u>	<u>50</u>	<u>24</u>	<u>23</u>
<u>Minimum Total Education and Training Points</u>	<u>39</u>	<u>69</u>	<u>99</u>	<u>24</u>	<u>23</u>

(f) In addition to the qualifications set forth in Paragraphs (a), (b), (c), and (d) of this Rule, applicants for the Advanced Law Enforcement Certificate shall have acquired the following combination of educational points or degrees, law enforcement training points, and years of law enforcement experience:

<u>Educational Degrees</u>	<u>None</u>	<u>None</u>	<u>Associate</u>	<u>Bachelor</u>	<u>Doctoral, Professional or Master</u>
<u>Years of Law Enforcement Experience</u>	<u>12</u>	<u>9</u>	<u>9</u>	<u>6</u>	<u>4</u>
<u>Minimum Law Enforcement Training Points</u>	<u>35</u>	<u>50</u>	<u>33</u>	<u>27</u>	<u>23</u>
<u>Minimum Total Education and Training Points</u>	<u>69</u>	<u>99</u>	<u>33</u>	<u>27</u>	<u>23</u>

(g) Educational points or degrees 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, a national or regional accrediting body, or the state university of the state in which the

1 institution is located. No credit shall be given for any correspondence or vocational courses unless credited towards a
2 degree by an accredited institution.

3 (h) No more than 160 hours of training obtained by completing an accredited basic law enforcement training program
4 required to serve in a sworn law enforcement position as defined in Rule .0103(19) of this Subchapter shall be credited
5 toward training points.

6
7 *History Note: Authority G.S. 17E-4;*

8 *Eff. January 1, 1989;*

9 *Amended Eff. January 1, 2013; January 1, 2006; August 1, 2000; August 1, 1998; February 1, 1998;*

10 *January 1, 1992; January 1, 1991; January 1, 1990;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
12 *2018;*

13 *Amended Eff. December 1, 2025.*
14
15

12 NCAC 10B .1205 is proposed for repeal as published in 40:03 NCR 281 as follows:

12 NCAC 10B .1205 ADVANCED DETENTION OFFICER PROFESSIONAL CERTIFICATE

~~(a) In addition to the qualifications set forth in Rule .1202 of this Section, applicants for the Advanced Detention Officer Professional Certificate shall possess or be eligible to possess the Intermediate Detention Officer Professional Certificate and shall have acquired the following combination of educational points or degrees, detention officer or corrections training points points, and years of detention officer experience:~~

Educational Degrees	None	None	Associate	Bachelor	Doctoral, Professional or Master
Years of Detention Officer Experience	12	9	9	6	4
Minimum Detention Officer Training Points	12	16	27	26	26
Minimum Total Education and Training Points	23	33	27	26	26

~~(b) Educational points and degrees 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, a national or regional accrediting body, or the state university of the state in which the institution is located. No credit shall be given for any correspondence, on line correspondence or vocational courses unless credited towards a degree by an accredited institution.~~

~~(c) No more than 80 hours of training obtained by completing the commission mandated accredited detention certification course officer certification course as set out in Rule .0601 of this Subchapter shall be credited toward training points.~~

History Note: Authority G.S. 17E-4(b)(1); 17E-4(b)(12);

Eff. January 1, 1990;

*Amended Eff. February 1, 2014; January 1, 2013; August 1, 2002; August 1, 1998; January 1, 1996;
January 1, 1994; January 1, 1992;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018.*

Repeal Eff. December 1, 2025.

1 12 NCAC 10B .1206 is proposed for amendment as published in 40:03 NCR 282 as follows:

2
3 **12 NCAC 10B .1206 HOW TO APPLY**

4 (a) All applicants for an award of the ~~detention officer Basic, Intermediate intermediate~~ or Advanced Certificates
5 advanced professional certificates shall complete an ~~"Application: Professional Certificate/Service Award", (F-6). the~~
6 "Application for Professional Certificate/Service Award," Form F-6.

7 (b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the
8 accredited institution.

9 (c) Documentation of training shall be provided by copies of training records signed by the agency's training officer
10 or department head, or by providing certificates of completion. No out-of-state training shall be accepted, ~~unless,~~
11 unless the officer is employed in North Carolina as a justice officer as defined in G.S. 17E-2 during the time of training.

12 (d) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's
13 certification records, however, certified letters of verification of employment from present or former employers may
14 be requested of ~~an applicant.~~ applicant if confirmation of dates of service is required. No out-of-state length of service
15 shall be applicable to this certificate program.

16 (e) The ~~applicant shall submit the "Application: Professional Certificate/Service Award", (F-6) "Application for~~
17 Professional Certificate/Service Award," Form F-6, shall be signed by ~~to his sheriff the department head who shall~~
18 attach his recommendation and forward the application to the Commission, and forwarded to the Division. Certificates
19 ~~will shall~~ be issued to the ~~sheriff~~ department head for award to the applicant.

20
21 *History Note: Authority G.S. 17E-4;*

22 *Eff. January 1, 1990;*

23 *Amended Eff. August 1, 1998; January 1, 1991;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
25 *2018.*

26 *Amended Eff. December 1, 2025.*
27

1 12 NCAC 10B .1606 is proposed for amendment as published in 40:03 NCR 285 as follows:

2
3 **12 NCAC 10B .1606 HOW TO APPLY**

4 (a) All applicants for an award of the ~~telecommunicator~~ basic, intermediate or advanced professional certificates shall
5 complete ~~an "Application: Professional Certificate/Service Award", (F-6).~~ the "Application for Professional
6 Certificate/Service Award," Form F-6.

7 (b) Documentation of education shall be provided by copies of transcripts, diplomas, or certified letters from the
8 accredited institution.

9 (c) Documentation of training shall be provided by copies of training records signed by the agency's training officer
10 or department head, or by providing certificates of completion. No out-of-state training shall be accepted, unless the
11 officer is employed in North Carolina as a justice officer as defined in G.S.17E-2 during the of training.

12 (d) Documentation of the applicant's length of service in North Carolina shall be based upon the Division's
13 certification records, however, certified letters of verification of employment from present or former employers may
14 be requested of ~~the applicant.~~ an applicant if confirmation of dates of service is required. No out-of-state length of
15 service shall be applicable to this certificate program.

16 (e) The ~~applicant shall submit the "Application: Professional Certificate/Service Award", (F-6)~~ "Application for
17 Professional Certificate/Service Award," Form F-6, shall be signed by the department head to the agency head who
18 ~~shall attach his recommendation and forward the application and forwarded~~ to the Division. Certificates shall be issued
19 to the agency department head for award to the applicant.

20
21 *History Note: Authority G.S. 17E-4;*

22 *Eff. April 1, 2001;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
24 *2018.*

25 *Amended Eff. December 1, 2025.*
26

Burgos, Alexander N

From: Ascher, Seth M
Sent: Thursday, November 6, 2025 2:13 PM
To: Pendergraft, Robin; Jones, Sirena C
Cc: Burgos, Alexander N
Subject: Sheriff's Education and Training Standards November 2025 RFC
Attachments: Sherrif's Education and Training November RFC.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Sheriffs' Education and Training Standards Commission for the November 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, November 20, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on November 14, 2025.

Please let me know if you have any questions of concerns.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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