

Burgos, Alexander N

Subject: FW: [External] RE: 12 NCAC 10B

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Tuesday, June 17, 2025 9:32 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 12 NCAC 10B

Some people who received this message don't often get email from rpendergraft@ncdoj.gov. [Learn why this is important](#)

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Thank you.
Robin

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, June 17, 2025 9:29 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Subject: FW: [External] RE: 12 NCAC 10B

Good morning,

It is my intention to recommend approval of the attached rules as revised at the June RRC meeting.

As always if you have any questions or concerns please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] RE: 12 NCAC 10B
Attachments: 06.2025 - SHETS Request for Technical Changes.docx; 12 NCAC 10B .0406.docx; 12 NCAC 10B .0411.docx; 12 NCAC 10B .0505 (002).docx

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Monday, June 16, 2025 9:35 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; STRICKLAND, JENNIFER J <jstrickland@ncdoj.gov>; Jones, Sirena C <scjones@ncdoj.gov>
Subject: [External] RE: 12 NCAC 10B

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please find attached the response from the NC Sheriffs' Education and Training Standards Division as requested. We have made all the necessary technical changes and noted as such on the OAH Request.

Please let me know if you have any questions.

Robin



Robin P. Pendergraft
Interim Director
Sheriffs' Standards Division
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

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

RULE CITATION: 12 NCAC 10B .0406

DEADLINE FOR RECEIPT: June 16, 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:

Lines 8, 16, and 24: Consider whether stating eligibility rather than "may" would be better. For example:

The general certification pursuant to Rule .0404 of this Section, or grandfather certification as defined in G.S. 17E-7(a), of a detention officer or a telecommunicator is eligible for lateral transfer to an agency and be certified, provided that the employing agency has complied with Paragraphs (b) and (c) of this Rule.

Yes, changed.

Line 17: Would not "was" be better "has been?"

Yes, changed

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: June 2, 2025

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

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

RULE CITATION: 12 NCAC 10B .0411

DEADLINE FOR RECEIPT: June 16, 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:

Page 1, Line 12: For future reference, it would be better practice when creating another form to add the form to 12 NCAC 10B .2201.

So noted and will do so moving forward

Page 1, Line 20: "Submitted."

Updated

Page 2, Line 8: The "list of tasks" is not specified. If the Commission is setting forth requirements for an employing agency it must do so by rule, not by adding them to a form.

Updated (b) and (c)

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: June 2, 2025

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

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

RULE CITATION: 12 NCAC 10B .0505

DEADLINE FOR RECEIPT: June 16, 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:

Generally, to the Rule: The first sentence of this rule states that it shall be used to evaluate whether an applicant is eligible for a waiver of "the Commission-certified law enforcement training course" in 12 NCAC 10B .0504. However, Paragraph (4) sets forth two options to obtain eligibility; one of which is completion of the BLET plus probation. Is this not the same training for which the applicant seeks a waiver?

The first two paragraphs of this rule refer to those persons who separated during their probationary period.

Paragraph 4 refer to individuals who have had more than one year break in service. This rule allows them to have up to one year to complete BLET. Currently, new applicants have to complete BLET before being certified. (4) allows those applicants who have previously been certified to have up to one year to complete BLET.

The other option is to complete the BLET and pass the examination set forth in 12 NCAC 09B .0406 plus meet the qualifications of Subparagraphs (ii)-(iv). Again, is the BLET not the training course for which a waiver is sought?

Yes, it is the same course because this rule is for person whose certification has previously expired.

Page 1, Lines 7 and 16, Page 2, Lines 1 20: For future consideration, consider defining "Basic Law Enforcement Training Course" in the definition rule as any course meeting the standards of 12 NCAC 09B .0205 and accredited pursuant to rule _____ of the Subsection.

Noted and will do

William W. Peaslee
Commission Counsel

Date submitted to agency: June 2, 2025

Page 1, Line 35: Add “any” before “training and experience” or define the “training” and “experience” qualifiers.

“Any” added

Page 2, Line 13: Define “North Carolina applicants.” Is it any applicant without regard to prior employment or status who is from North Carolina?

Updated

Page 3, Line 1: Authorized by whom?

Added authorized by the employing sheriff

Page 3, Line 5: What criteria or standard will be applied to determine the instructor’s satisfaction?

Deleted

Page 3, Lines 12-16: The list cannot be formatted in this way. Please see 26 NCAC 02C .0206.

Page 4, Line 2: “Peace officer’s standards and training” should not be capitalized.

Updated and removed capital letters

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

12 NCAC 10B .0406 is proposed for amendment as follows:

12 NCAC 10B .0406 ~~LATERAL TRANSFER/REINSTATEMENTS~~ LATERAL TRANSFERS AND REINSTATEMENTS

(a) The ~~General~~ general certification, pursuant to Rule .0404 of this Section, or ~~Grandfather Certification~~ grandfather certification, as defined in G.S. 17E-7(a), of ~~an officer~~ a detention officer, as defined in Rule .0103(6) of this Subchapter, or a telecommunicator, as defined in Rule .0103(20) of this Subchapter, ~~meeting the requirements of 12 NCAC 10B .0103(16) may be~~ is eligible for lateral transfer ~~laterally transfer transferred~~ to an agency and be certified upon compliance with this Rule, without having to repeat the requirements set out in 12 NCAC 10B .0303. Paragraphs (b) and (c) of this Rule.

(b) The employing agency shall verify the applicant's certification status with the Division prior to submission of the application for certification ~~as a justice officer~~, as a lateral transfer.

(c) In order for ~~an~~ a detention officer or telecommunicator to be certified pursuant to Paragraph (a) of this Rule, the employing agency shall submit to the Division, along with the Report of Appointment (F-4 or F-4T), the documents required in ~~12 NCAC 10B .0408~~. Rule .0408 of this Section.

(d) ~~An~~ A justice officer whose certification ~~has been~~ was suspended pursuant to ~~12 NCAC 10B .0204(b)(1) Rule .0204(b)(1) of this Subchapter may have~~ is eligible to have the ~~that~~ certification reinstated provided that:

- (1) the period of suspension ~~has been~~ was six months or less; and
- (2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in ~~12 NCAC 10B .0305~~. Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a); and
- (3) the officer has successfully completed the basic training requirements as prescribed in ~~12 NCAC 10B .0500 or .0600 or .1300~~. Sections .0500, .0600, or .1300 of this Subchapter.

(e) ~~An~~ A justice officer for whom a Report of Separation (Form F-5) has been submitted to the Division, and who is re-appointed in the same agency, ~~may be reinstated~~ is eligible for reinstatement provided that:

- (1) the period of separation has been six-months or less; and
- (2) the employing agency submits to the Division, along with a Report of Appointment, the documents required in ~~12 NCAC 10B .0305~~. Rule .0408 of this Subchapter except Subparagraphs (1), (2), (3), (4), and (5) of Paragraph (a).

~~(f) Requirements of Paragraph (e) of this Rule are waived for officers whose certifications are reinstated pursuant to Paragraphs (d) and (e) of this Rule.~~

~~(g) All information maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws governing confidentiality.~~

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

Eff. January 1, 1989;

Amended Eff. January 1, 1994; January 1, 1993; January 1, 1992; July 1, 1990;

1 *Temporary Amendment Eff. March 1, 1998;*
2 *Amended Eff. January 1, 2009; January 1, 2005; August 1, 2002; August 1, 1998;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
4 *2018;*
5 *Amended Eff. May 1, 2025; December 1, 2023.*
6
7

12 NCAC 10B .0411 is proposed for adoption as follows:

12 NCAC 10B .0411 IN-STATE LATERAL TRANSFER OF A DEPUTY SHERIFF

(a) A North Carolina law enforcement officer is eligible to transfer their certification from one law enforcement agency to another law enforcement agency and be certified as a deputy sheriff if the officer:

- (1) has completed basic law enforcement training and holds general or probationary certification from the Commission or the Criminal Justice Education and Training Standards Commission; and
- (2) has not had more than a 12-month consecutive break in service immediately preceding the current application.

(b) Prior to certification being transferred per this rule, the sheriff's office considering the applicant for employment as a deputy sheriff shall complete the following tasks and submit a Lateral Report of Appointment, Form F-4A, to the Division reporting that the employing agency has completed these tasks and provided the requested documents:

- (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in Rule .0303 of this Subchapter, reviewed the results of the criminal history record check provided as a result, and provided a copy of the results to the Division;
- (2) completed the AOC-CR-280 Law Enforcement Application for Verification of Expunction form and provided the results to the Division;
- (3) submitted to the Division a certified copy of the applicant's oath of office;
- (4) obtained a signed and notarized Authorization for Release of Information from the applicant, pursuant to Rule .0305 of this Subchapter, forwarded the Authorization for Release of Information to the Division, and reviewed the following documents of the applicant maintained by or on behalf of any North Carolina law enforcement agency where the applicant was employed for any part of the five year period preceding the current application:
 - (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S. 160A-168, and G.S. 126-24;
 - (B) Report of Separation, Form F-5, if the applicant has separated;
 - (C) Background Investigation, Form F-8; and
 - (D) any internal investigations.
- (5) verified that the applicant:
 - (A) has not had more than a 12-month consecutive break in service immediately preceding the current application;
 - (B) has completed all mandatory in-service training for the preceding calendar year;
 - (C) has not been charged with or been convicted of criminal offenses that would prohibit certification pursuant to the Rule of this Subchapter;

1 (D) has not been the subject of any internal investigation within the last 18 months that contains
2 allegations of a potential violation of the Rules of this Subchapter; and

3 (E) has qualified with the assigned duty weapon which has been recorded on the Firearm
4 Qualification Record, Form F-9A, and satisfactorily completed the sheriff's office's in-
5 service firearms training program, as prescribed in Rules .2103 and .2104 of this
6 Subchapter. The Firearm Qualification Record shall be submitted to the Division with the
7 Lateral Report of Appointment.

8 (c) Form F-4A, Lateral Report of Appointment, is completed by the employing agency in which the agency verifies
9 that is has completed the items required in (b) of this rule.

10
11
12 *History Note: Authority G.S. 17E-4; 17E-7*

13 *Eff. May 1, 2025.*
14

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

12 NCAC 10B .0505 EVALUATION FOR TRAINING WAIVER

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

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

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

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

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

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

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

~~(a) Civil Process 24 hours~~

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

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

~~UNIT TOTAL 34 hours~~

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

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

- (a) ~~a commission-certified~~ Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety regardless of previous military training and experience; and
- (b) ~~pass the State Comprehensive Examination;~~ state comprehensive examination as set forth in 12 NCAC 09B .0406.
- (5) ~~Persons transferring to a sheriff's office from another law enforcement agency who have previously completed a commission-certified Basic Law Enforcement Training Course beginning on or after January 1, 1996 through July 1, 1997, and who did not complete the Commission's Driver Training curriculum, and who have been separated from a sworn law enforcement position for no more than one year or who have had no break in service shall complete the following topic of a Commission-certified Basic Law Enforcement Training Course within 12 months of the date of appointment as defined in 12 NCAC 10B .0103(1): Law Enforcement Driver Training 40 hours.~~
- (6)(4) ~~North Carolina applicants~~ Applicants who previously held certification with the Commission or the North Carolina Criminal Justice Education and Training Standards Commission; qualified out-of-state transferees; and ~~qualified~~ federal transferees who meet the requirements set forth in Items (7), (8) and (9) (5), (6), and (7) of this Rule shall be allowed to select one of the following two options for gaining North Carolina certification as a deputy sheriff:
- (a) ~~Undertake and successfully complete~~ Complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety during a one year certification probationary period and ~~successfully pass the State Comprehensive Examination;~~ state comprehensive examination as set forth in 12 NCAC 09B .0406; or
- (b) ~~Pass~~ Complete the following entry criteria:
- (i) ~~Challenge~~ Pass the Basic Law Enforcement Training ~~Comprehensive State Examination~~ state comprehensive examination as set forth in 12 NCAC 09B .0406 ~~to be delivered at the end of an ongoing Basic Law Enforcement Training Course~~ Course. and successfully pass each unit examination of the comprehensive examination with a minimum score of 70%. Any applicant failing to pass more than two unit examinations shall complete the Basic Law Enforcement Training Course in its entirety. Any applicant failing one or two unit examinations shall enroll in each topic area which comprises that unit taught in a subsequent BLET course and submit to the unit examination at the end of the course and pass that unit examination; If the applicant fails to pass the examination, he or she may attempt to pass the examination one additional time. If the applicant fails to pass the examination on the second attempt, the applicant shall be required to complete the Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety and pass the state comprehensive examination as set forth in 12 NCAC 09B .0406 during their one year certification probationary period;

- (ii) Each applicant who is authorized by the employing sheriff to carry a firearm shall prior to appointment complete with passing scores the Commission's In-service Firearms Training and Qualification Program as prescribed in Rule .2104 of this Subchapter.
- ~~(ii)~~(iii) Each applicant shall demonstrate proficiency in the following skills related activities activities. to the satisfaction of an instructor certified by the North Carolina Criminal Justice Education and Training Standards Commission in the corresponding topical area. Successful completion of the skills related activities as set out in this rule Rule shall be documented by the certified instructor on the corresponding Commission approved form found in the "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy and provided by the Division. instructor and submitted to the Division.
- (A) I First Responder;
- (B) Firearms;
- (C) II Law Enforcement Driver Training;
- (D) III Physical Fitness; Officer Health and Wellness; and
- (E) IV Subject Control Arrest Techniques. Compliance and Control Tactics.
- (iii) Any applicant failing to pass a unit examination after remediation as referenced in this Rule shall be required to complete Basic Law Enforcement Training in its entirety; and
- (iv) All criteria referenced in this Rule must shall be successfully completed within the one-year certification probationary period. period as set forth in Rule .0504 of this Section.
- ~~(7)~~(5) North Carolina applicants referenced in Item (4) of this Rule shall:
- (a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application;
- (b) have had a break in service exceeding one year;
- (c) have previously received General general or Grandfather grandfather, in accordance with G.S. 17C-10(a) or G.S. 17E-7(a), certification as a sworn law enforcement officer by either the Commission or the North Carolina Criminal Justice Education and Training Standards Commission, and such certification has not been denied, revoked revoked, or suspended by either Commission; and
- (d) have held general powers of arrest.
- ~~(8)~~(6) Out-of-state transferees referenced in Item (4) of this Rule shall:
- (a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application; application. An applicant's attendance at his or her basic law

enforcement training course shall not count towards the two years full-time sworn law enforcement experience;

(b) have held certification ~~in good standing~~ as a sworn law enforcement officer from the appropriate ~~Peace Officer's Standards and Training~~ 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.

Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, June 2, 2025 5:13 PM
To: Pendergraft, Robin
Cc: Burgos, Alexander N
Subject: 12 NCAC 10B
Attachments: 06.2025 - SHETS Request for Technical Changes.docx

Good afternoon,

Attached please find the request for changes for the SHETS Commission's rules for consideration at the June 2025 RRC meeting.

As always if you have any questions please feel free to contact me.\

Bill
William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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Bill.Peaslee@oah.nc.gov

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