

## **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).

- (1) Persons who separated from a sworn law enforcement position during their probationary period after having completed a commission-certified Basic Law Enforcement Training Course and who have been separated from a sworn law enforcement position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), but need not 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), and who have remained separated or suspended for over one year shall:
  - (a) complete a commission-certified Basic Law Enforcement Training Course in its entirety;
  - (b) pass the State Comprehensive Examination; and
  - (c) complete a 12 month probationary period as prescribed in 12 NCAC 10B .0503(a).
- (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 hoursUNIT 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) Unless a waiver has been granted pursuant to 12 NCAC 10B .1901, persons who have 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), complete:
  - (a) a commission-certified Basic Law Enforcement Training Course in its entirety regardless of previous military training and experience; and
  - (b) pass the State Comprehensive Examination.
- (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) North Carolina applicants; qualified out-of-state transferees; and qualified federal transferees who meet the requirements set forth in Items (7), (8) and (9) 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 Basic Law Enforcement Training in its entirety during a one year probationary period and successfully pass the State Comprehensive Examination; or
  - (b) Pass the following entry criteria:
    - (i) Challenge the Basic Law Enforcement Training Comprehensive State Examination to be delivered at the end of an ongoing Basic Law Enforcement Training 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;
- (ii) Each applicant shall demonstrate proficiency in the following skills related 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 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.
    - (A) First Responder;
    - (B) Firearms;
    - (C) Law Enforcement Driver Training;
    - (D) Physical Fitness; and
    - (E) Subject Control Arrest Techniques.
  - (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 be successfully completed within the one-year probationary period.
- (7) North Carolina applicants 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 or Grandfather 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 or suspended by either Commission; and
  - (d) have held general powers of arrest.
- (8) Out-of-state transferees shall:
- (a) have a minimum of two years full-time sworn law enforcement experience that occurred prior to their application;
  - (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;
  - (c) have had general powers of arrest; and
  - (d) submit documentation verifying their qualified status.
- (9) Federal Transferees 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;
  - (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;

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