

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 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-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 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 Rule .0204(b)(1) of this Subchapter, and who have remained separated or suspended for over one year shall:
 - (a) complete a Commission-accredited Basic Law Enforcement Training Course as set forth in 12 NCAC 09B .0205 in its entirety;
 - (b) pass the state comprehensive examination as set forth in 12 NCAC 09B .0406; and
 - (c) complete a 12 month certification probationary period which begins on the date he or she takes the Oath of Office.
- (3) Unless a waiver has been granted pursuant to 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 one year of the date of his or her Oath of Office complete:
 - (a) a 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 as set forth in 12 NCAC 09B .0406.
- (4) Applicants who previously held certification with the Commission or the North Carolina Criminal Justice Education and Training Standards Commission out-of-state transferees; and federal transferees who meet the requirements set forth in Items (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) 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 pass the state comprehensive examination as set forth in 12 NCAC 09B .0406; or
 - (b) Complete the following entry criteria:
 - (i) Pass the Basic Law Enforcement Training state comprehensive examination as set forth in 12 NCAC 09B .0406 delivered at the end of an ongoing Basic Law Enforcement Training Course. 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.
 - (iii) Each applicant shall demonstrate proficiency in the following skills related activities : First Responder; Law Enforcement Driver Training; Officer Health and Wellness; and Compliance and Control Tactics. . Successful completion of the skills related activities as set out in this Rule shall be documented by the certified instructor and submitted to the Division.
 - (iv) All criteria referenced in this Rule shall be successfully completed within the one-year certification probationary period as set forth in Rule .0504 of this Section.
- (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 or 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, or suspended by either Commission; and
 - (d) have held general powers of arrest.
- (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. 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 as a sworn law enforcement officer from the appropriate peace officer's standards and training entity in the transferee's respective 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.
- (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, 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.

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