

1 12 NCAC 10B .0305 IS AMENDED **WITH CHANGES** AS PUBLISHED IN VOLUME 35, ISSUE 15, PAGES
2 1644 – 1645 OF THE NORTH CAROLINA PUBLIC REGISTER AS FOLLOWS:
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5 **12 NCAC 10B .0305 BACKGROUND INVESTIGATION**

6 (a) Prior to the background investigation conducted by the employing agency to determine the applicant's suitability
7 **for employment and certification, to perform essential job functions,** the applicant shall complete the Commission's
8 Personal History Statement (F-3) to provide **information regarding his or her former names, education, address(es),**
9 **family, financial, employment, and military history, as well as any prior criminal or civil charges, actions, or**
10 **behavior. The information provided on this form shall serve as** a basis for the investigation. The **Commission-**
11 **mandated** Personal History Statement (F-3) submitted to the Division shall be completed no more than 120 days
12 prior to the applicant's date of appointment. **The Personal History Statement (F-3) is available on the Commission's**
13 **website at <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.**

14 (b) If the Personal History Statement (F-3) was completed more than 120 days prior to the applicant's date of
15 appointment, the Personal History Statement (F-3) shall be updated by the applicant who shall initial and date all
16 changes or a new Personal History Statement (F-3) must be completed.

17 (c) The employing agency shall ensure the **proper dates, signatures, and notarizations properly notarized and dated**
18 **signatures** are affixed to the Personal History Statement **(F-3); and (F-3). It** shall also certify that the results of the
19 background investigation are consistent with the information provided by the applicant on the Personal History
20 Statement **(F-3); and (F-3);** if not, **the employing agency shall** provide the applicant the opportunity to update the F-
21 3 prior to submission to the Division.

22 (d) The employing agency, prior to employment, shall examine the applicant's character traits and habits **relevant to**
23 **displayed in his or her his/her** performance as a justice officer and shall determine whether the applicant is of good
24 moral character as defined in Rule .0301(a)(8). The investigator shall summarize the results of the investigation on
25 the Commission-mandated Background Investigation Form (F-8) which shall be signed and dated by the
26 investigator. **The Background Investigation Form (F-8) is available on the Commission's website.**

27 (e) The Background Investigation Form (F-8) shall include records checks from:

- 28 (1) a **state-wide Statewide** search of the Administrative Office of the Courts (AOC) computerized
29 system;
- 30 (2) the national criminal record database accessible through the Division of Criminal Information
31 (DCI) network;
- 32 (3) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's
33 license issued in North Carolina; and
- 34 (4) out-of-state motor vehicles check obtained through the Division of Criminal Information or
35 obtained through the any other state's Division of Motor Vehicles if the applicant held a license in
36 that **State(s) state(s)** within the 10 year period prior to the date of appointment.

(f) The ~~Background Investigation~~ background investigation must also include records checks from jurisdictions ~~in which~~ where the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:

(1) Where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks ~~are~~ shall be acceptable;

(2) Where the applicant resided in another country, an Interpol records check ~~is~~ shall be acceptable provided the country is a member of Interpol; or if the applicant was in the United States military, a military records check ~~is~~ shall be acceptable; or if neither, efforts shall be made and documented to attempt to obtain a records check from the country and submitted if available; and

(3) Where the applicant resided in a ~~State~~ state other than North Carolina, a records check through the Division of Criminal Information using the Out-of-State Computer Name Query (IQ) ~~IQ inquiry~~ is shall be acceptable provided the ~~State~~ state will respond to that type of ~~inquiry; or if inquiry. If~~ not, then either a records check response from both the municipality, ~~city~~ city, or town where the applicant resided and the county-wide Sheriff's Office or Police Department obtained through traditional ~~correspondence;~~ correspondence, or a records check from the appropriate county-wide or state-wide record holding agency ~~is~~ shall be acceptable.

(g) If the applicant had prior military service, the Background Investigation must also include a copy of the applicant's DD214 ~~which that~~ shows the characterization of discharge for each discharge ~~which that~~ occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check ~~is also~~ shall also be required.

(h) All records checks shall be performed on each name by which the applicant for certification has ever been known since the age of 12. If the applicant has had an official name change ~~which that~~ occurred after the applicant had reached the age of 12 years of age, then ~~documentation of that name change is required; the name change shall~~ be documented.

(i) The employing agency shall forward to the Division certified copies of any criminal charge(s) and disposition(s) known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall explain ~~to the satisfaction of Division staff that any~~ charges or other violations ~~which that~~ may result from the records checks required in Paragraph (e) of this Section ~~that~~ do not pertain to the applicant for certification. This documentation shall be included with all other documentation required in 12 NCAC 10B .0408.

(j) The employing agency shall include a signed and notarized Release Authorization Form ~~which that~~ authorizes the Division staff to obtain documents and records pertaining to the applicant for certification ~~which that~~ may be required in order to determine whether certification may be granted.

(k) The employing agency shall provide the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A [OR] or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website.

1 *History Note:* *Authority G.S. 17E-7;*
2 *Eff. January 1, 1989;*
3 *Amended Eff. January 1, 2010; January 1, 2009; January 1, 2007; August 1, 2002; January 1,*
4 *1994; January 1, 1993; January 1, 1992; January 1, 1990;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
6 *2018;*
7 *Amended Eff. June 1, 2021.*
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