

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

AGENCY: N.C. Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0307

**DEADLINE FOR RECEIPT: April 5, 2024**

***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: Consider adding cross references to other agency rules and/or adding the form number in addition to the title. For example, in Paragraph (1)((A), "the officer's Personal History Statement (F-3), pursuant to 12 NCAC 09C .0201."*

*Generally, to the Rule: In several parts the rule requires "documentation." If the Commission is seeking particular documents, consider stating them plainly. For example, in Paragraph (a)(1)(F), "a copy of all certificates or diplomas."*

*Page 1, Lines 4-6: This could be much more concisely stated. Consider re-writing it.*

*Page 1, Line 6: "in five days" from what or when?*

*Page 1, Line 18: Written by whom?*

*Line 19: Which form? By what rule was the form approved by the Commission? If the Commission is going to require the use of a form, the substantive requirements of the form must be adopted.*

*Page 1, Line 26: What firearms qualification? Cite a rule.*

*Page 1, Line 28:-30: It appears to me that G.S. 15A-151 is the only statute which needs to be cited.*

*Page 2, Line 1: Which form? By what rule was the form approved by the Commission? If the Commission is going to require the use of a form, the substantive requirements of the form must be adopted.*

*Line 8: What firearms qualification? Cite a rule.*

William W. Peaslee  
Commission Counsel

Date submitted to agency: March 14, 2024

*Page 2, Lines 10-12: It appears to me that G.S. 15A-151 is the only statute which needs to be cited.*

*Page 2, Line 13: Maintained by whom?*

*Page 2, Line 16: Add G.S. 15A -151*

1 **12 NCAC 09C .0307 is amended as published in 38:12 NCR 815-816**

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3 **12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION**

4 (a) Each criminal justice agency shall place information with respect to employment, education, retention, and training  
5 of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2)  
6 of this Rule. The files shall be available for examination in five days by representatives of the Commission for  
7 verifying compliance with these Rules.

8 (1) Criminal Justice Officer with probationary certification:

- 9 (A) the officer's Personal History Statement;  
10 (B) the officer's Medical History Statement and Medical Examination Report;  
11 (C) documentation of the officer's drug screening results;  
12 (D) the Commission's Mandated Background Investigation Form as completed by the agency's  
13 investigator;  
14 (E) a written summary of the officer's Qualifications Appraisal Interview;  
15 (F) documentation of the officer's degrees obtained;  
16 (G) documentation of all criminal justice training completed by the officer;  
17 (H) the results of the officer's fingerprint record check;  
18 (I) a written summary of the officer's psychological examination results;  
19 (J) for the law enforcement officer, documentation on a commission-approved form as set  
20 forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum  
21 in-service training as required;  
22 (K) certified copy of proof of age, citizenship, and educational requirements required in 12  
23 NCAC 09B .0101;  
24 (L) copy of Report of Appointment/Application for Certification Form F-5A;  
25 (M) oath of office;  
26 (N) copy of firearms qualification; ~~and~~  
27 (O) once separated, a copy of the Affidavit of ~~Separation~~. Separation; and  
28 (P) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for  
29 Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or  
30 15A-146.

31 (2) Criminal Justice Officer with general certification:

- 32 (A) the officer's Medical History Statement and Medical Examination Report;  
33 (B) documentation of the officer's drug screening results;  
34 (C) documentation of the officer's degrees obtained;  
35 (D) documentation of all criminal justice training completed by the officer;  
36 (E) the results of the officer's fingerprint record check;

- 1 (F) for the law enforcement officer, documentation on a commission-approved form as set
- 2 forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum
- 3 in-service training as required;
- 4 (G) certified copy of proof of age, citizenship, and educational requirements required in 12
- 5 NCAC 09B .0101;
- 6 (H) a copy of the Report of Appointment/Application for Certification Form F-5A;
- 7 (I) oath of office;
- 8 (J) copy of firearms qualification; and
- 9 (K) ~~once separated, a copy of the Affidavit of Separation.~~ Separation; and
- 10 (L) a copy of the electronic response for the AOC-CR-280, Law Enforcement Application for
- 11 Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or
- 12 15A-146.

13 (b) These records shall be maintained in compliance with the North Carolina Department of Natural and Cultural  
 14 Retention and Disposition Schedule established pursuant to G.S. 121 and G.S. 132.

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 16 *History Note:* Authority G.S. 17C-2; 17C-6;  
 17 Eff. January 1, 1981;  
 18 Amended Eff. August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986;  
 19 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,  
 20 2019;  
 21 Amended Eff. ~~August 1, 2019.~~ May 1, 2024  
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