

12 NCAC 09C .0104 is adopted, with changes, as published in 39:02 NCR 66-67 as follows

12 NCAC 09C .0104 AGENCY HEAD RESPONSIBILITIES: CRITICAL INCIDENT REPORTING

(a) For all criminal justice agencies in the State that employ personnel certified by the North Criminal Justice Education and Training Standards Commission, the Agency head shall submit the Critical Incident Report, (F-27), to the Criminal Justice Standards Division no later than 30 days after making the determination that an incident involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has occurred. The Critical Incident Report (F-27) shall contain the following:

- (1) date of incident
- (2) location of incident
- (3) person(s) involved and their participation
- (4) whether the incident involved serious bodily injury or death

(b) In addition to the reporting in paragraph (a) of this rule, the Agency head for any law enforcement criminal justice agency in the State that employs personnel certified by the North Criminal Justice Education and Training Standards Commission, shall submit the Annual Critical Incident Report, (F-27A), to the Criminal Justice Standards Division no later than the following January 15th of each year, listing all incidents involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person. The Annual Critical Incident Report (F-27A) shall contain the following:

- (1) the total number of incidents involving the use of force resulting in death or serious bodily injury
- (2) date of incident
- (3) location of incident
- (4) whether the incident had previously been reported on the Critical Incident Report (F-27)

~~[(c) Information contained in the submitted Critical Incident Report, (F-27) and the Annual Critical Incident Report, (F-27A), that is confidential under State or federal law shall remain confidential.]~~

~~[(d) The Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data in North Carolina that is reported to the Division.]~~

~~[(e)]~~ (c) Within thirty days of receipt of an F-27, the ~~[The]~~ Division shall give written notice to any law enforcement officer who is reported to the Division as having been involved in a critical incident. The notice will contain language notifying the officer that, if the officer disputes being involved in a critical incident, the officer has a right to request a hearing in superior court for a determination of whether the officer's involvement ~~[was]~~ should be properly placed in the database. The notice will inform the officer that the Division will not place the officer's involvement in the database if it receives notice from the officer within thirty days of receipt of notice that the officer has requested a hearing in superior court. If the officer requests a hearing in superior court, the Division will not place the officer's involvement in the database until a determination is made by superior court that the officer's involvement would be properly placed in the database. If, subsequent to the placement of an officer's involvement in the database, a superior

1 court determines that the officer's involvement is not properly placed, the Division will remove the officer's
2 involvement from the database.

3
4 *History Note: Authority G.S. 17C-15; G.S. 17-6*
5 *Eff. January 1, 2025*