

12 NCAC 09C .0104 is adopted 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 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) The Division shall give 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 properly placed in the database

*History Note: Authority G.S. 17C-15; G.S. 17-6
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