

1 12 NCAC 09C .0104 is adopted as follows:

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3 12 NCAC 09C .0104 [DEPARTMENT] AGENCY HEAD RESPONSIBILITIES: CRITICAL INCIDENT  
4 REPORTING

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6 (a) For all law enforcement agencies in the State that employ personnel certified by the North Criminal Justice  
7 Education and Training Standards Commission, the [Department] Agency head shall submit the Critical Incident  
8 Report, (F-27), to the Criminal Justice Standards Division no later than [the following January 15<sup>th</sup> of each year listing  
9 all incidents] 30 days after making the determination that an incident involving any use of force by a law enforcement  
10 officer [or justice officer] that [results] resulted in death or serious bodily injury to a [person] person has occurred.

11 The [Annual] Critical Incident Report (F-27) shall contain the following:

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

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

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

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

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

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

32 (e) The Division shall give notice to any law enforcement officer who is reported to the Division as having been  
33 involved in a critical incident. The notice will contain language:

- 34 (1) notifying the officer that, if the officer disputes being involved in a critical incident, the officer has a  
35 right within 30 days after receipt of the notice to request a hearing in superior court for a determination of  
36 whether the officer's involvement was properly placed in the database

1 (2) that the officer shall notify the Division when a request for a superior court review has been filed and  
2 provide a copy of the filing to the Division

3 (3) that if the Division has not received notification from the officer that a request for a superior court review  
4 has been filed within 30 days of his/her receipt of the Division's notice, the officer's name will be placed in  
5 the database.

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7 *History Note: Authority G.S. 17C-15; 17E-15;*  
8 *Eff. July 1, 2024*

1 **12 NCAC 09G .0202 is repealed as follows:**

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3 **~~12 NCAC 09G .0202~~ — **CITIZENSHIP****

4 ~~Every person employed as a correctional or probation/parole officer by the North Carolina Department of Public~~  
5 ~~Safety, Division of Adult Correction and Juvenile Justice shall provide the agency with documentation verifying that~~  
6 ~~he or she is a citizen of the United States.~~

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8 *History Note: Authority G.S. 17C-6; 17C-10;*  
9 *Temporary Adoption Eff. January 1, 2001;*  
10 *Eff. August 1, 2002;*  
11 *Amended Eff. January 1, 2015; August 1, 2004;*  
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
13 *2019.*  
14 *Repealed Eff. July 1, 2024*

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1 **12 NCAC 09G .0208 is amended as follows:**

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3 **12 NCAC 09G .0208 MINIMUM STANDARDS FOR CORRECTIONAL OFFICERS**

4 (a) The requirements of this Rule shall apply to all applicants for certification and shall also apply at all times during  
5 which the correctional officer is certified by the Commission.

6 (b) Every correctional officer employed by the North Carolina Department of Adult Correction shall:

7 (1) be a citizen of the United States; ~~States, or have a U.S. Permanent Resident Card (Green Card) and~~  
8 have resided in the United States for at least ~~five (5)~~ three (3) years;

9 (2) be at least ~~20~~ 18 years of age;

10 (3) be a high school graduate, or the equivalent as defined in 12 NCAC 09G .0204;

11 (4) have been fingerprinted by the employing agency in the manner provided in 12 NCAC 09G .0207;

12 (5) have had a medical examination as required by 12 NCAC 09G .0205;

13 (6) have produced a negative result on a drug screen as described in 12 NCAC 09G .0211;

14 (7) have been administered a psychological screening examination in accordance with G.S. 17C-10(c).  
15 The psychological screening examination shall be valid for a period of one year from the date on  
16 which it was administered;

17 (8) have a background investigation conducted by the Department of Adult Correction, including a  
18 personal interview as described in 12 NCAC 09G .0210;

19 (9) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 09G .0302;

20 (10) for personnel who are authorized to carry a firearm in the execution of their duties, satisfactorily  
21 Complete the Department of Adult Correction's departmental firearms training program as  
22 prescribed in 12 NCAC 09G .0411. Such firearms training compliance must have occurred within  
23 one year of the date of employment and by using the department approved service handgun(s);

24 (11) be of good moral character, including possessing the characteristics of honesty, maturity, discipline,  
25 attention to detail, and respect for the rights of others, as more fully discussed and interpreted in: In  
26 re Willis 288 N.C. 1.215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); State v. Harris, 216  
27 N.C. 746, 6 S.E. 2d 854 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in re Applicants  
28 for License, 143 N.C.1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924);  
29 State v. Benbow, 309 N.C. 538, 308 S.E. 2d 47 (1983); and later court decisions; and

30 (12) make the following notifications:

31 (A) within 30 days of the qualifying event, notify the Criminal Justice Standards Division  
32 (Division) and the appointing agency head in writing of all criminal offenses for which the  
33 officer is charged or arrested. This shall include traffic offenses identified in the  
34 Department of Adult Correction section of the Class B Misdemeanor Manual and offenses  
35 of driving under the influence (DUI) or driving while impaired (DWI);

36 (B) within 30 days of the qualifying event, notify the Division and the appointing agency head  
37 in writing of all criminal offenses for which the officer pleads no contest, pleads guilty, or

1 of which the officer is found guilty. This shall include traffic offenses identified in the  
2 Class B Misdemeanor Manual (correctional officers section) and offense of driving under  
3 the influence (DUI) or driving while impaired (DWI);

4 (C) within 30 days of service, officers shall notify the Standards Division of all Domestic  
5 Violence Protective Orders (G.S. 50B) and Civil No Contact Orders (G.S. 50C) that are  
6 issued by a judicial official against the officer;

7 (D) within 30 days of the date the case was disposed of in court, the agency head, provided he  
8 or she has knowledge of the officer's arrests or criminal charges and final dispositions, shall  
9 also notify the Standards Division of arrests or criminal charges and final disposition;

10 (E) within 30 days of the issuance of all Domestic Violence Protective Orders (G.S. 50B) and  
11 Civil No Contact Orders (G.S. 50C), the agency head, provided he or she has knowledge  
12 of the order, shall also notify the Standard Division of these orders; and

13 (f) The required notifications in this Rule shall be in writing and shall specify the nature of the  
14 offense or order, the court in which the case as handled, the date of the arrest, criminal  
15 charge, or service of the order, and the final disposition. The notification shall include a  
16 certified copy of the order or court documentation and final disposition from the Clerk of  
17 Court in the county of adjudication. The requirements of this Item shall be applicable at all  
18 times during which the officer is employed and certified by the Commission and shall also  
19 apply to all applicants for certification. Receipt by the Standards Division of a single  
20 notification, for the officer or the agency head, shall be sufficient notice for compliance  
21 with this Item.

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23 *History Note: Authority G.S. 17C-6; 17C-10;*  
24 *Eff. May 1, 2023.*  
25 *Amended Eff. July 1, 2024*  
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