

12 NCAC 09C .0306 LATERAL TRANSFER OF IN-STATE LAW ENFORCEMENT OFFICERS

(a) A North Carolina law enforcement officer is eligible to transfer from one state or local law enforcement agency to another and be certified by the Commission if the officer:

- (1) has completed basic law enforcement training and holds a general certification or probationary certification from the Commission or the Sheriffs' Education and Training Standards Commission; and
- (2) has not had more than a 12-month consecutive break in service immediately preceding the current application.

(b) Prior to certification being transferred per this Rule, a state or local law enforcement agency considering the applicant for employment as a law enforcement officer shall submit an Application for Lateral Certification, Form F-5D, to the Division reporting that the employing agency has done the following:

- (1) obtained and forwarded the applicant's fingerprints to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0102(a) and (b), reviewed the results of the criminal history record check provided as a result, and provided a copy of the results to the Division;
- (2) completed the AOC-CR280 expungement form and provided the results to the Division;
- (3) obtained a signed and notarized Authorization for Release of Information Form from the applicant, and reviewed the following documents of the applicant maintained by or on behalf of any North Carolina law enforcement agency where the applicant was employed for any part of the five-year period preceding the current application:
 - (A) the personnel file including confidential information as defined by G.S. 153A-98, G.S. 160A-168 and G.S. 126-24;
 - (B) Form F-5B, Affidavit of Separation, if the applicant has separated;
 - (C) Form F-8, Background Investigation; and
 - (D) any internal investigations.
- (4) Confirmed that the applicant:
 - (A) has not had more than a 12-month consecutive break in service immediately preceding the current application;
 - (B) has completed all mandatory in-service training for the preceding calendar year;
 - (C) has no criminal convictions, outstanding criminal charges or an offense that would disqualify them from certification, pursuant to 12 NCAC 09B .0111, as verified through a comprehensive criminal background check;
 - (D) has not been the subject of any internal investigation, disciplinary proceeding or pre-disciplinary proceeding, within the last 18 months that contains allegations that could prevent the law enforcement officer's certification; and
 - (E) has qualified pursuant to 09E .0106 of this Subchapter, with the assigned duty weapon which has been recorded on the Firearms Qualification Record, Form F-9A pursuant to 09E .0104 of this Subchapter.

(c) The Application for Lateral Certification, Form F-5D, shall contain the following:

- (1) officer's name, date of birth, Acadis ID number;
- (2) former agency, current agency, and hire date with current agency;
- (3) current certification held;
- (4) dates the criminal history records check and psychological screening were conducted;
- (5) date the officer's personnel record was reviewed; and
- (6) the name and signature of the current employing agency's head or authorized representative

(d) Officers previously certified who were not previously required to meet the educational or basic training requirements shall not be required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.

History Note: Authority G.S. 17C-6; 17C-10;

Eff. January 1, 1981;

Amended Eff. April 1, 2018; October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1, 1989; July 1, 1982;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

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