

1 **12 NCAC 10B. 0305 is proposed for amendment as follows:**
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3 **12 NCAC 10B .0305 BACKGROUND INVESTIGATION**

4 (a) Prior to employment, an agency shall complete a background investigation on all applicants for certification.
5 The investigation shall determine whether the applicant is of good moral character pursuant to Rule .0301(12) of this
6 Section. This examination includes completion of the Commission's Personal History Statement Form (F-3) and
7 Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history record check
8 required by each.

9 (b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3)
10 to provide a basis for the investigation. The agency shall certify that the results of the background investigation are
11 consistent with the information provided by the applicant on the Personal History Statement Form (F-3). The agency
12 shall then give the applicant the opportunity to update the Personal History Statement Form (F-3) prior to
13 submission to the Division.

14 (c) The agency shall utilize an investigator with experience or training in conducting background investigations.
15 The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-
16 8) which shall include information concerning the following:

- 17 (1) biographical information;
- 18 (2) family;
- 19 (3) education;
- 20 (4) employment;
- 21 (5) criminal history including:
 - 22 (A) a statewide search of the Administrative Office of the Courts (AOC) computerized
23 system;
 - 24 (B) a search of the national criminal record database accessible through the Division of
25 Criminal Information (DCI) network;
 - 26 (C) where the applicant resided in a state other than North Carolina, a records check through
27 the Division of Criminal Information (DCI) using the Out-of-State Computer Name
28 Query (IQ) shall be accepted if the state will respond to an Out-of-State Computer Name
29 Query. If not, then either a records check response from both the municipality, city, or
30 town, where the applicant resided and the county-wide Sheriff's Office or Police
31 Department obtained by mail, facsimile, or electronic mail, or a records check from the
32 county-wide or state-wide record holding agency shall be acceptable;
- 33 (6) military service history. If the applicant had prior military service, the background investigation
34 shall include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows
35 the characterization of discharge for each discharge that occurred and military discipline received,
36 if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then
37 a military records check for any arrests or charges from the military shall also be required;
- 38 (7) credit history;

- 1 (8) fingerprint criminal history records check results pursuant to Rule .0303 of this Section;
- 2 (9) driving history including a search of:
 - 3 (A) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a
 - 4 driver's license in North Carolina; and
 - 5 (B) an out-of-state- motor vehicles check obtained through the Division of Criminal
 - 6 Information (DCI) or obtained through another state's division of motor vehicles agency
 - 7 for any state in which the applicant held a license;
- 8 (10) prior applications to law enforcement agencies;
- 9 (11) civil court history;
- 10 (12) applicant interview;
- 11 (13) interviews with the applicant's references; and
- 12 (14) a summary of the investigator's findings and conclusions regarding the applicant's moral character
- 13 known to the agency or listed on the applicant's Personal History Statement (F-3).

14 (d) If a criminal record is found, criminal records shall be obtained from the Clerk of Court, a law enforcement
15 agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the
16 jurisdiction.

17 (e) Records checks shall be performed on each name by which the applicant for certification has been known since
18 obtaining the age of ~~majority~~ 18 years of age. If the applicant has had an official name change that occurred after
19 the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be
20 obtained by the employing agency.

21 (f) The Mandated Background Investigation Form (F-8) shall be completed within 120 days of employment. If the
22 investigator signs the form more than 120 days prior to the applicant's date of employment, then the investigator will
23 certify with a notarized statement on their agency letterhead that all information on the form has been updated or a
24 new F-8 shall be completed.

25 (g) The employing agency shall include a form or letter signed and notarized by the applicant that authorizes the
26 Division staff to obtain documents and records pertaining to the applicant for certification that may be required in
27 order to determine whether certification may be granted and authorizes entities maintaining such records to release
28 them to the Division. A sample release authorization form is available on the Division's website at no cost:
29 <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

30 (h) The employing agency shall provide to the Division staff the results of a completed and processed form AOC-
31 CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-
32 145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available
33 on the Commission's website at no cost: [https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-
34 publications/](https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/).

35 (i) The applicant's notarized Personal History Statement (F-3) shall be completed within 120 days of employment.
36 If the form is completed more than 120 days prior to the applicant's date of employment, the Personal History

1 Statement (F-3) shall be updated by the applicant, who shall initial and date all changes no more than 120 days prior
2 to employment or a new Personal History Statement (F-3) shall be completed.

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4 *History Note: Authority G.S. 17E-7;*

5 *Eff. January 1, 1989;*

6 *Amended Eff. January 1, 2010; January 1, 2009; January 1, 2007; August 1, 2002; January 1,*
7 *1994; January 1, 1993; January 1, 1992; January 1, 1990;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
9 *2018;*

10 *Amended Eff. November 1, 2026; February 1, 2025; April 1, 2023; January 1, 2023; June 1, 2021.*

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