

## SUBCHAPTER 02J – CAMPUS POLICE

### SECTION .0100 - GENERAL PROVISIONS

#### 12 NCAC 02J .0101 LOCATION

The administrative office for the commissioning of campus police officers and the certification of campus police agencies is located in the office of the Criminal Justice Standards Division. Correspondence shall be directed to:

Campus Police Administrator  
Campus Police Program  
9001 Mail Service Center  
Raleigh, North Carolina 27699-9001  
Telephone: (919) 716-6470

*History Note: Authority G.S. 74G-4;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### 12 NCAC 02J .0102 PURPOSES

The purposes of the Attorney General's Office in granting campus police commissions are:

- (1) to allow those private institutions of higher education described in G.S. 74G-2 to apply for certification as a campus police agency;
- (2) to allow those private institutions of higher education described in G.S. 74G-2 to employ individuals commissioned as campus police officers pursuant to G.S. 74G-6; and
- (3) to ensure the integrity, proficiency, and competence of campus police officers and to establish, in addition to the requirements set out in G.S. 74G-8, minimum standards for obtaining and maintaining both campus police officer commissions and campus police agency certifications.

*History Note: Authority G.S. 74G-2; 74G-6;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### 12 NCAC 02J .0103 ADMINISTRATIVE STAFF

The administrative staff responsible for campus police commissions and campus police agency certifications consists of assigned personnel from the Criminal Justice Standards Division. The duties of this staff are to carry out the policies of the law and regulations herein and to actively police the individuals already commissioned as campus police officers to assure compliance with the law in all respects.

*History Note: Authority G.S. 74G-4;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### 12 NCAC 02J .0104 DEFINITIONS

In addition to any definitions set forth in G.S. 74G, the following definitions will apply throughout this Chapter, unless the context clearly defines otherwise:

- (1) "Agency Records" means those records specified pursuant to this Subchapter and that documentation required to be maintained and compiled under the requirements of G.S. 74G.
- (2) "Badge" means a shield bearing the title of "Campus Police" and the name of the certified campus police agency and the officer's issued identification card provided by the Attorney General which identifies the individual as a campus police officer.
- (3) "Calendar Year" shall be defined solely for the purpose of in-service training as a period beginning January 1 and ending on December 31.
- (4) "Certification" means:

- (a) campus police officers - the authority granted by the North Carolina Criminal Justice Education and Training Standards Commission to those individuals who meet the minimum requirements as a sworn law enforcement officer pursuant to Title 12, Chapter 9B of the North Carolina Administrative Code.
  - (b) campus police agency - the authority granted by the Attorney General to those Campus Police agencies who meet the minimum requirements established for such agencies pursuant to this Chapter.
- (5) "Commission" as it pertains to criminal offenses, means a finding by an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
  - (6) "Commissioned Campus Police Officer" means those individuals authorized by the Campus Police Administrator to exercise all law enforcement powers within the constraints provided in G.S. 74G and classified as a campus police officer pursuant to G.S. 74G-6(b).
  - (7) "Campus Police Administrator" means the individual who serves as the head of the administrative staff to whom the Attorney General designated the authority to act upon any campus police agency commission or campus police agency certification pursuant to the provisions of G.S. 74G and the rules promulgated thereunder. Said administrator is responsible for the individual officer's or agency's compliance with the Campus Police Act.
  - (8) "Campus Police Agency" means any police agency certified as a campus police agency on a public or private campus or institution of higher learning, as defined by G.S. 74G-2(b).
  - (9) "Conviction or convicted" means and includes, for the purposes of this Chapter, the entry of:
    - (a) a plea of guilty;
    - (b) a verdict or finding of guilty by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
    - (c) a plea of no contest, nolo contendere, or the equivalent.
  - (10) "Department Head" means the chief administrator of any campus police agency. The Department Head is to include the Campus Police Chief or a designee formally appointed in writing as the Department Head, and who shall hold and maintain a commission as a campus police officer.
  - (11) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.
  - (12) "High School" means a school accredited as a high school by:
    - (a) the Department or Board of Education of the state in which the high school is located; or
    - (b) the recognized regional accrediting body; or
    - (c) the state university of the state in which the high school is located.
  - (13) "In-Service Training" means any and all training as prescribed in 12 NCAC 2J .0201 which must be satisfactorily completed by campus police officers, in accordance with the standards established therein, during each full calendar year of commissioning as a campus police officer.
  - (14) "Insurance Carrier" means any entity, corporation, campus or professional association as defined in G.S. 58 and who is authorized by the North Carolina Commissioner of Insurance to do business in North Carolina as an insurance carrier or underwriter.
  - (15) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Criminal Justice Education and Training Standards Commission.
    - (a) "Class A Misdemeanor" is defined in 12 NCAC 9A .0103(22)(a).
    - (b) "Class B Misdemeanor" is defined in 12 NCAC 9A .0103(22)(b).
  - (16) "On Duty" means that period of time which the commissioned campus police officer is being compensated for his or her services by the officer's employer and ending once the officer's compensation for his duties terminates.

*History Note: Authority G.S. 74G-4;  
 Eff. April 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

## **SECTION .0200 - COMMISSIONING**

### **12 NCAC 02J .0201      MINIMUM STANDARDS FOR CAMPUS POLICE OFFICERS**

Every campus police officer must meet the following requirements to obtain and maintain a campus police commission:

- (1) be a citizen of the United States;
- (2) be a high school graduate or have passed the General Educational Development Test indicating high school equivalency. A specific exception to this educational requirement is granted to:
  - (a) an applicant who was the holder of a valid campus police commission on June 30, 1972; or
  - (b) an applicant properly certified as a law enforcement officer by the Criminal Justice Education and Training Standards Commission on March 14, 1973.

In either case, the exception will not be applicable if the applicant has had more than a 12 month break in service;

- (3) have attained a score of not less than 80 percent on a written examination of basic knowledge of laws of arrest, search, and investigation, and of these Rules to be administered by a representative of the North Carolina Department of Justice;

Note: All examination questions will be based on the book Arrest, Search, and Investigation as published by and available from the Institute of Government, the University of North Carolina at Chapel Hill, Chapel Hill, North Carolina 27514, and these Rules.

Applicants will be advised in writing of test dates and sites at least five days prior to the examination. In the event an applicant fails to successfully complete the examination, only one re-test will be allowed. Upon an applicant's failure to successfully complete the second test, the applicant must successfully complete accredited Basic Law Enforcement Training coursework prior to re-testing;

- (4) meet the minimum standards for criminal justice officers established by the North Carolina Criminal Justice Education and Training Standards Commission, appearing in Title 12, Chapter 9 of the North Carolina Administrative Code; which Standards are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced material;
- (5) applicants who do not hold general certification as a law enforcement officer issued by the Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission, must submit to and successfully complete a polygraph examination administered by the State Bureau of Investigation;
- (6) be at least 20 years of age;
- (7) have produced a negative result on a drug screen administered according to the following specifications:
  - (a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive test result using a gas chromatography mass spectrometry (GC/MS) or other reliable initial and confirmatory tests as may, from time to time, be authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
  - (b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
  - (c) the drugs whose use shall be tested for shall include at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites;
  - (d) the test threshold values established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced material. Copies of this publication may be inspected at the office of the agency:

Campus Police Program  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Raleigh, North Carolina 27602

and may be obtained at no charge from the office of the agency:

Campus Police Program  
North Carolina Department of Justice  
Post Office Box 310  
Raleigh, North Carolina 27602

- (e) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment;
  - (f) the laboratory conducting the test must be certified for federal workplace drug testing programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples, except that individual agencies may specify other drugs to be tested for in addition to those drugs set out in Item (7)(c) of this Rule; and
  - (g) every agency head shall be responsible for making adequate arrangements for the services of a Medical Review officer (MRO) for the purpose of review of drug tests reported by the laboratory and such officer shall be a licensed physician;
- (8) notify the Campus Police Administrator in writing of all criminal offenses for which the officer is arrested, pleads no contest, pleads guilty, or is found guilty of. This shall include all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purposes of this Item, as an offense where the maximum punishment allowable is 60 days or less. The notifications required must specify the nature of the offense, the court in which the case was handled and the date of the conviction if applicable. The notifications must be received by the Campus Police Administrator within 30 days of the date of the case disposition. Applicants and officers required to notify the Campus Police Administrator under this Item shall also make the same notification to their Department Head within 20 days of the date the case was disposed of in court. However, the notification to the Campus Police Administrator does not excuse the officer from making an independent notification otherwise required by either the Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission. The notifications required by this section shall be required while the application is pending as well as subsequent to a commission being issued;
- (9) be of good moral character as referred to in G.S. 17C-10(c); and
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 2J .0209(b), such that the applicant would be ineligible for commissioning as a Campus Police officer.

*History Note:* Authority G.S. 74G-4;  
 Eff. April 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

**12 NCAC 02J .0202 APPLICATION FOR CAMPUS POLICE AGENCY**

Each campus police agency shall complete and submit to the Campus Police Administrator the following items and documentation:

- (1) an application form;
- (2) articles of incorporation or other agency originating documentation, which specifies the agency's law enforcement functions;
- (3) names and addresses for all corporate officers and directors;
- (4) a copy of the campus police agency's insurance policy, or if self insured, the certificate of self insurance (applicable to non-public entities only);
- (5) a criminal history record check on each corporate officer and director of the corporation through the clerk of superior court in each county where the individual resided or maintained a residence over a five year period prior to such application. However, this Rule does not require the agency to submit a criminal history record check on currently commissioned campus police officers;
- (6) the appropriate fees as required by 12 NCAC 2J .0205;
- (7) a listing of the names and addresses of all institutions for which the campus police agency has contracted with to provide services.

*History Note:* Authority G.S. 74G-4;  
 Eff. April 1, 2006;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

**12 NCAC 02J .0203 APPLICATION FOR CAMPUS POLICE OFFICER**

The application for a campus police officer must contain:

- (1) a written request from the Department Head of the campus, or agency requesting that a campus police commission be issued to the applicant. An oral request will not satisfy this requirement; and
- (2) if the applicant holds general certification issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission, the application must contain the following:
  - (a) Medical History Statement (Form F-1);
  - (b) Medical Examination Report (Form F-2);
  - (c) Two complete fingerprint cards;
  - (d) One digital photograph of applicant, not more than three months old, in JPEG format to be emailed to the Campus Police Administrator for picture I.D;
  - (e) Proof of a negative drug screen as specified in 12 NCAC 2J .0201(7);
  - (f) Proof of successful completion of all in-service training requirements specified by the North Carolina Criminal Justice Education and Training Standards Commission, which standards are hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced material. Copies of these standards may be inspected at the office of the agency:

Campus Police Program  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Raleigh, North Carolina 27602

and may be obtained at no charge from the office of the agency:

Campus Police Program  
North Carolina Department of Justice  
Post Office Box 310  
Raleigh, North Carolina 27602
- (g) Authorization for release of records (CP-1);
- (h) Drug Screen Consent Form (CP-2);
- (i) Appropriate fees as specified in 12 NCAC 2J .0205;
- (j) An appropriate background investigation as specified in 12 NCAC 2J .0204 (Form F-8); and
- (k) Personal History Statement (Form F-3) not more than three months old;
- (3) if the applicant does not hold general certification, the application must contain the following:
  - (a) Medical History Statement (Form F-1);
  - (b) Medical Examination Report (Form F-2);
  - (c) Personal History Statement not more than three months old, (Form F-3);
  - (d) Report of Qualification Appraisal Interview (Form F-4);
  - (e) Proof of High School graduation or GED;
  - (f) Two complete fingerprint cards;
  - (g) One digital photograph of applicant, not more than three months old, in JPEG format to be emailed to the Campus Police Administrator for picture I.D;
  - (h) Proof of satisfactory completion of a Criminal Justice Education and Training Standards Commission accredited basic law enforcement training course;
  - (i) Proof of a negative drug screen;
  - (j) Authorization for Release of Records (CP-1);
  - (k) Drug Screen Consent Form (CP-2);
  - (l) Appropriate fees as specified in 12 NCAC 2J .0205; and
  - (m) Background investigation as specified in 12 NCAC 2J .0204 (Form F-8); or
- (4) if the applicant is commissioned as a company police officer or a campus police officer under Chapter 74E all documentation not specifically listed in this rule, but contained in the commissioned officer's file, shall be transferred to a new file for the officer under Chapter 74G.

*History Note: Authority G.S. 74G-4;  
Eff. April 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**12 NCAC 02J .0204 BACKGROUND INVESTIGATION**

(a) Any campus police agency contemplating the commissioning of an applicant as a campus police officer shall, prior to employment, complete a background investigation on such applicant. The investigation shall examine the applicant's character traits and habits relevant to performance as a campus police officer and shall determine whether the applicant is of good moral character as referred to in G.S. 17C-10(c). The campus police agency shall submit the investigation to the Campus Police Administrator utilizing the Commission provided Form F-8 (Summary of Background Investigation).

(b) Prior to the investigation, the applicant shall complete a Personal History Statement (Form F-3) to provide a basis for the investigation.

(c) The Department Head shall conduct the applicant's background investigation. The Department Head shall document the results of the investigation and shall include in the report of investigation:

- (1) biographical data;
- (2) family data;
- (3) scholastic data;
- (4) employment data;
- (5) interviews with the applicant's references; and
- (6) a summary of the Department Head's findings and conclusions regarding the applicant's moral character as referred to in G.S. 17C-10(c).

(d) The agency may use the method of documenting the results of the background investigation it deems most appropriate to its needs. However, the campus police program's "Summary of Background Investigation" form shall be used as a guide for minimum information collected and recorded by the investigator.

(e) In the event that an individual applying for commission as a campus police officer is the Department Head, he shall not conduct his own background investigation. The investigation must be performed by a city or county agency in the county where the campus police agency has jurisdiction, or contract with a private investigator.

*History Note: Authority G.S. 74G-4;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**12 NCAC 02J .0205 FEE**

(a) Upon notification that an application for a campus police agency certification or a campus police officer commission has been approved, the applicant shall forward a certified check or money order made out to the North Carolina Department of Justice to the:

Campus Police Administrator  
Campus Police Program  
9001 Mail Service Center  
Raleigh, North Carolina 27699-9001  
Telephone: (919) 716-6470

(b) The following fees shall be due and payable prior to the issuance of campus police agency certification or a campus police officer commission.

- (1) Application for certification as a campus police agency - \$250.00.
- (2) Annual renewal of certification as a campus police agency - \$200.00.
- (3) Application for reinstatement of certification as a campus police agency - \$1,000.00.
- (4) Application for commission as a campus police officer - \$100.00.
- (5) Annual renewal of commission as a campus police officer - \$50.00.
- (6) Application for reinstatement of commission as a campus police officer - \$150.00.

(c) Currently commissioned campus police officers will be required to submit the Application for Commission as a campus police officer fee as set forth in Subparagraph (b)(4) of this Rule.

*History Note: Authority G.S. 74G-12;  
Eff. April 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### **12 NCAC 02J .0206 OATH**

Every campus police officer so appointed shall, before entering upon the duties of his office, take and subscribe to the oath for law enforcement officers, provided for in G.S. 11-11 before an officer authorized by G.S. 11-7.1 to administer oaths, and shall forward a copy of the executed oath within 10 days of the day on which the oath is subscribed to the Campus Police Administrator.

*History Note: Authority G.S. 11-11; 74G-6;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### **12 NCAC 02J .0207 LIABILITY INSURANCE**

(a) Any applicant for a non-public campus police agency certification must file with the Campus Police Administrator, either a copy of the liability insurance policy or a certificate of self insurance, at the following address:

Campus Police Administrator  
Campus Police Program  
9001 Mail Service Center  
Raleigh, North Carolina 27699-9001  
Telephone: (919) 716-6470

(b) The campus police agency shall deliver any notice of cancellation by an insurance carrier by certified mail, return receipt requested, to the following address:

Campus Police Administrator  
Campus Police Program  
9001 Mail Service Center  
Raleigh, North Carolina 27699-9001  
Telephone: (919) 716-6470

*History Note: Authority G.S. 74G-3; 74G-4;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### **12 NCAC 02J .0208 SUSPENSION, REVOCATION OR DENIAL OF AGENCY CERTIFICATION**

(a) A campus police agency certification may be suspended, revoked or denied upon a finding that the agency has:

- (1) failed to pay any required fees;
- (2) failed to produce or maintain a copy of a liability insurance policy or a certificate of self insurance;
- (3) failed to provide all of the required documentation pursuant to 12 NCAC 2J .0202;
- (4) failed to allow for the reasonable inspection of the Campus Police agency records pursuant to G.S. 74G-4(3);
- (5) failed to ensure compliance by the agency's campus police officers with all in-service training requirements as specified by 12 NCAC 9E .0100;
- (6) failed to submit the required in-service training compliance reports as required by 12 NCAC 9E .0100;
- (7) failed to submit all reports, notification or other information required or requested by the Campus Police Administrator according to Chapter 74G or these Rules;
- (8) knowingly made a material misrepresentation of any information required for certification or commissioning from the Campus Police Administrator or the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission;
- (9) knowingly and willfully by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training, certification or commissioning from the Campus Police Administrator of the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission;

- (10) aided another in obtaining or attempting to obtain credit, training, or certification from the Campus Police Administrator, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission by means of deceit, fraud or misrepresentation or cheating; or
  - (11) failed to ensure that any employee not commissioned as a campus police officer is not violating a prohibition set forth in 12 NCAC 2J .0302.
- (b) An agency whose certification has been suspended, revoked, or denied may appeal the action in accordance with the provisions of G.S. 150B.

*History Note: Authority G.S. 74G-4;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### **12 NCAC 02J .0209      SUSPENSION, REVOCATION, OR DENIAL OF OFFICER COMMISSION**

- (a) A campus police commission shall be revoked or denied upon a finding that the officer has committed or been convicted of:
- (1) any felony (unless pardoned by the President of the United States or a state Governor); or
  - (2) any crime for which the authorized punishment could have been imprisonment for more than two years.
- (b) The Attorney General, or his designee, may revoke, suspend, or deny the commission of a campus police officer when the Campus Police Administrator finds that the applicant for commission or the commissioned campus police officer has committed or been convicted of:
- (1) a crime or unlawful act as defined in 12 NCAC 9A .0103(22)(b) as a Class B misdemeanor and which occurred after the date of initial certification;
  - (2) a crime or unlawful act as defined in 12 NCAC 9A .0103(22)(b) as a Class B misdemeanor within a five-year period prior to the date of application for certification;
  - (3) four or more crimes or unlawful acts as defined in 12 NCAC 9A .0103(22)(b) as Class B misdemeanors regardless of the date of commission or conviction;
  - (4) four or more crimes or unlawful acts as defined in 12 NCAC 9A .0103(22)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification; or
  - (5) four or more crimes or unlawful acts as defined in 12 NCAC 9A .0103(22)(a) as a Class A misdemeanor except the applicant may be certified if the last conviction or commission occurred more than two years prior to the date of the application for certification.
- (c) In addition, a campus police commission shall be revoked or denied upon a finding that the officer:
- (1) lacks good moral character as referred to in G.S. 17C-10(c);
  - (2) fails to meet any of the required minimum standards as specified in 12 NCAC 2J .0203;
  - (3) has been terminated from employment with the campus police agency for which the officer is commissioned or is no longer employed with such campus police agency;
  - (4) has committed any act prohibited by 12 NCAC 2J .0302; or
  - (5) termination, suspension, or revocation of the certification of the campus police agency with which the officer is commissioned.
- (d) An officer whose certification has been suspended, revoked, or denied may appeal the action in accordance with the provisions of G.S. 150B.

*History Note: Authority G.S. 74G-4;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### **12 NCAC 02J .0210      PERIOD OF SUSPENSION, REVOCATION OR DENIAL**

- (a) When the Attorney General, or his designee, suspends or denies the commission of a campus police officer, the period of sanction shall not be less than three years. However, the Attorney General, or his designee, may either reduce or suspend the period of sanction, or substitute a period of probation in lieu of suspension of a commission following an administrative hearing, where the cause of sanction is:



- (1) commission or conviction of a crime other than those listed in Paragraph (a) of Rule 12 NCAC 2J .0208;
  - (2) refusal to submit to the applicant or lateral transferee drug screen required by 12 NCAC 2J .0201(7);
  - (3) production of a positive result on a drug screen reported to the Campus Police Administrator where the positive result cannot be explained to the Campus Police Administrator's satisfaction;
  - (4) material misrepresentation of any information required for campus police commissioning;
  - (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person attempting to obtain credit, training or commissioning as a campus police officer by any means of false pretense, deception, defraudation, misrepresentation or cheating; or
  - (6) failure to make either of the notifications as required by 12 NCAC 2J .0201(8).
- (b) When the Attorney General, or his designee, suspends or denies the commission of a campus police officer, the period of sanction shall be continued so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
- (1) failure to meet or satisfy all basic training requirements;
  - (2) failure to meet or maintain the minimum standards of employment specified in 12 NCAC 2J .0201(4);
  - (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
  - (4) failure to meet the in-service training requirements as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission.

*History Note: Authority G.S. 74G-4;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

#### **12 NCAC 02J .0211 SUMMARY SUSPENSIONS**

- (a) The Campus Police Administrator, through designation by the Attorney General, may summarily suspend the commission of the campus police officer before the commencement of proceedings for suspension or revocation of the certification when, in the opinion of the Campus Police Administrator, the public health, safety, or welfare requires this emergency action of summary suspension. The Campus Police Administrator has determined that the following conditions specifically affect the public health, safety, or welfare, and therefore, the Campus Police Administrator may utilize summary suspension when:
- (1) the person has committed or been convicted of a violation of the criminal code which would require a permanent revocation or denial of certification; or
  - (2) the commissioned campus police officer fails to satisfactorily complete the minimum in-service training requirements as prescribed in Title 12, Chapter 9 of the North Carolina Administrative Code.
- (b) A summary suspension shall be effective on the date specified in the order of the summary suspension or upon the service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain in effect during the proceedings.
- (c) Upon verbal notification by the Campus Police Administrator that the campus police commission of any officer is being summarily suspended by written order, the Department Head of the campus police agency shall take such steps as are necessary to ensure that the officer does not perform duties requiring a campus police commission through the Attorney General.

*History Note: Authority G.S. 74G-4; 74G-10;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

### **SECTION .0300 - CONDUCT OF COMMISSIONED POLICEMEN**

#### **12 NCAC 02J .0301 TENURE**

A campus police officer commission or campus police agency certification shall remain in effect until:

- (1) The Attorney General directs termination;
- (2) The campus police officer ceases to be employed by a campus police agency;
- (3) The required liability insurance is terminated or suspended by the agency's insurance carrier;

- (4) The need for a commission no longer exists;
- (5) Evidence is presented that the person has committed an act which would have originally caused denial of the application or an act prohibited by Rule .0304 of this Section; or
- (6) The Criminal Justice Education and Training Standards Commission suspends or revokes an officer's certification for cause.

*History Note: Authority G.S. 74G-4; 74G-6; 74G-10;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

## **12 NCAC 02J .0302 PROHIBITED ACTS**

In addition to the prohibited acts set forth elsewhere in these Rules and in Chapter 74G, the following acts are prohibited and may result in civil or criminal action or both:

- (1) use of excessive force while in the performance of their official duties;
- (2) carrying a concealed weapon except:
  - (a) when on his own business property or at home;
  - (b) in conformity with G.S. 74G-6;
- (3) activating or operating a red light in or on any vehicle in this State unless such vehicle is exempted from the provisions of G.S. 20-130.1(b);
- (4) activating or operating a blue light in or on any vehicle in this State except:
  - (a) when operating a motor vehicle used primarily by campus police in the performance of their official duties;
  - (b) when in property jurisdiction limitations specifically described under G.S. 74G-6;
  - (c) when in continuous or immediate pursuit of a person for an offense committed upon real property owned by or in the possession or control of their employer or real property or in the possession and control of a person who has contracted with the employer to provide on-site police security personnel services for the property;
  - (d) during the transportation of an arrestee, which the campus police agency has taken into custody;
- (5) activating or operating a siren when operating any motor vehicle used primarily by any campus police agency in the performance of their official duties when outside of the property jurisdiction limitations specifically described under G.S. 74G-6 unless in immediate and continuous pursuit;
- (6) representing in any manner at any time that the campus police officer is a federal, state, county, or municipal law enforcement officer, unless the campus police officer is dually certified as one of the classifications listed in this Rule;
- (7) impeding traffic, stopping motorists or pedestrians, or in any manner imposing or attempting to impose the campus police officer's will upon another person as police authority unless:
  - (a) the campus police officer is on the property specifically described under G.S. 74G-6; or
  - (b) when in immediate and continuous pursuit of any person for an offense which occurred within the property jurisdiction limitations specifically described under G.S. 74G-6;
- (8) using or attempting to use authority granted under a campus police commission pursuant to this Subchapter outside the political boundaries of North Carolina; or
- (9) violating Rule .0304 of this Section.

*History Note: Authority G.S. 74G-4; 74G-6;  
Eff. April 1, 2006;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

## **12 NCAC 02J .0303 TRANSFERS**

No individual commissioned as a campus police officer can transfer his campus police commission from one employing campus police agency to another.

*History Note: Authority G.S. 74G-4; 74G-6;*

*Eff. April 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

**12 NCAC 02J .0304 BADGES, UNIFORMS, VEHICLES AND OFFICER IDENTIFICATION**

All campus police agencies shall comply with the provisions of this rule for badges, vehicles, uniforms, as follows:

- (1) Badges:
  - (a) All campus police officers shall, when on duty, wear a badge bearing the name of the certified campus police agency and the general title of Campus Police.
  - (b) The badge is to be carried at all times by the campus police officer. The badge shall always be worn in plain view, except in situations where the officer's weapon is concealed under the provisions set forth in Rule .0302 of this Section.
  - (c) No identification card shall be issued to or possessed by any campus police officer except in the form of identification issued to the officer by the Attorney General.
- (2) Uniforms:
  - (a) All campus police officers shall, when on duty, wear the uniform of the campus police agency unless directed to wear other attire by the Department Head.
  - (b) When wearing civilian attire, the campus police officer shall comply with 12 NCAC 2I .0304(a).
  - (c) Those campus police agencies which employ both campus police commissioned and non-commissioned security personnel shall provide the commissioned campus police officers with a uniform of a different color that would distinguish the campus police officer from other employees of the agency.
  - (d) The uniform of the campus police officer shall bear shoulder patches that contain:
    - (i) the term "Campus Police,"; and
    - (ii) the name of the campus police agency.
- (3) Vehicles:
  - (a) Each marked vehicle used by a campus police agency subject to this Rule shall prominently display the agency name and the agency classification of " Campus Police".
  - (b) The Department Head shall ensure that employees who have not been commissioned as campus police officers do not operate any marked vehicle used by the campus police agency.
  - (c) The Department Head shall ensure that employees who are not commissioned as a campus police officer do not operate any campus police vehicle with a blue light contained therein.
  - (d) The Department Head shall ensure that any marked campus police agency vehicle is not operated outside of those property jurisdiction limitations set forth in G.S. 74G-6, unless such operation is performed by an on-duty officer in the performance of his official duties and authorized by the Department Head.

*History Note: Authority G.S. 74G-7;*

*Eff. April 1, 2006;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*