

SECTION .0200 - ENFORCEMENT OF RULES

12 NCAC 09A .0201 INVESTIGATION OF VIOLATION OF RULES

(a) If any criminal justice agency, school, authorized representative acting on behalf of either, or individual is reported to be or suspected of being in violation of any of the rules in this Chapter, the Commission may take action in accordance with Rules .0202 through .0206 of this Section if necessary to correct the violation and to ensure that similar violations do not occur in the future.

(b) Before taking action against an agency, school, or individual for a violation, the Standards Division shall investigate the alleged violation and present a report of its findings to the Probable Cause Committee of the Commission.

(c) The Probable Cause Committee shall convene prior to the next regular meeting of the Commission, shall consider the report of the Standards Division, and shall make a determination as to whether or not probable cause exists that the Commission's rules have been violated.

(d) If it is determined by the Probable Cause Committee that probable cause exists, it may:

- (1) direct the Standards Division to conduct a further investigation of the alleged violation;
- (2) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to Rule .0207 of this Subchapter; or
- (3) determine the appropriate sanctions against the violator pursuant to the Commission's rules.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. March 1, 2004; November 1, 1993; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. January 1, 2021.*