

## **12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS**

(a) A law enforcement officer with general certification from either the Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service. Prior to employing an officer who has been separated from his previous agency for more than 30 days, the employing agency shall:

- (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division;
- (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. No certification shall be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized; and
- (3) notify the Commission by submitting a Report of Appointment that the officer is being employed and stating the date on which employment will commence;
- (4) obtain a signed and notarized Release Authorization Form from the transferring officer. The employing agency shall obtain the full personnel file from the previous agency(ies) worked during the previous 24 months and include this content in the background file, minus any medically protected or sensitive material; and
- (5) complete a background investigation on all applicants for employment as set forth in 12 NCAC 09B .0102.

(b) For officers who have been separated from their previous agency for more than 30 days, prior to transfer of certification law enforcement officers with more than a 30 day gap in employment by an agency shall:

- (1) comply with the requirements of 12 NCAC 09B .0104
- (2) submit results of the physical examination to the employing agency for placement in the officer's permanent personnel file;
- (3) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 09C .0310; and
- (4) either:
  - (A) submit a copy of the Firearms Qualification Record Instructions Form F-9A to the employing agency for placement in the officer's permanent personnel file when the duty and off duty weapons remain the same as those previously used to qualify. The Form F-9A shall contain the date(s) and instructors signature indicating the law enforcement officer's successful completion of the mandatory firearms classroom training, and the firearms range qualification scores for the duty and off-duty weapons assigned to the law enforcement officer. Such in-service training compliance shall have occurred within the 12 month period preceding transfer; or
  - (B) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.

(c) Prior to employing an officer who has been separated from his previous agency for 30 days or less, the employing agency shall:

- (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs' Standards Division;
- (2) review the Form F-5B, Affidavit of Separation from the previous employed agency;
- (3) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as prescribed for non-certified new applicants. This fingerprint check will be waived once all officers are enrolled in the Federal Bureau of Investigation's Next Generation Identification System and Criminal Justice Record of Arrest and Prosecution Background (RapBack) Service. No certification shall be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension of certification is authorized;
- (4) notify the Commission by submitting a Name/Status Change, Form F-19, that the officer is being employed and stating the date on which the employment will commence. The Name/Status Change, Form f-19, shall contain the officers name, date of birth and Social Security Number on file, and any changes to that information, the agency's name, officer's current status and status

- changed to, the effective date of change, whether the officer is undercover or not, and the signature and printed name of the submitting agency head or authorized representative, and
- (5) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 09E .0105 and .0106.
- (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.
- (e) For currently certified full time officers with no break in service, upon written request from the department head of the hiring agency, the Division shall waive for a period of no more than 60 days from the receipt of the Report of Appointment by the Standards Division the requirements of Subparagraphs of (b)(1), (b)(2), (b)(3), and (b)(4) of this Rule.

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