

12 NCAC 09G .0504 SUSPENSION: REVOCATION: OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke the certification of a correctional officer or probation/parole officer when the Commission finds that the officer has committed or been convicted of a felony offense.

(b) The Commission shall deny the certification of a correctional officer when the Commission finds the officer has been convicted of a felony.

(c) The Commission shall deny the certification of a probation/parole officer when the Commission finds the officer has committed or been convicted of a felony offense.

(d) The Commission may, based on the evidence for each case, suspend, revoke, or deny the certification of a corrections officer, as defined in 12 NCAC 09G .0102(4) when the Commission finds that the applicant for certification or the certified officer:

- (1) has not enrolled in and completed with passing scores the required basic training course in its entirety in time periods prescribed in 12 NCAC 09G .0400 applicable to a specified position or job title;
- (2) fails to meet or maintain one or more of the employment standards required by 12 NCAC 09G .0200 for the category of the officer's certification or fails to meet or maintain one or more of the training standards required by 12 NCAC 09G .0400 for the category of the officer's certification;
- (3) for correctional officers as defined in 12 NCAC 09G .0102(3), have been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) within a three year period prior to the date of application for employment or have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification, whichever is later;
- (4) for correctional officers as defined in 12 NCAC 09G .0102(3), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) after certification;
- (5) for probation/parole officers as defined in 12 NCAC 09G .0102(12), have committed or been convicted of a Class B misdemeanor as defined in 12 NCAC 09G .0102(12)(b) for a three year period prior to the date of application for employment or after certification have completed any corrections supervision imposed by the courts for such crimes within three years of issuance of certification;
- (6) has been discharged by the North Carolina Department of Adult Correction for:
 - (A) commission or conviction of a motor vehicle offense requiring the revocation of the officer's drivers license; or
 - (B) lack of good moral character as defined in 12 NCAC 09G .0206;
- (7) has been discharged by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice because the officer lacks the mental or physical capabilities to fulfill the responsibilities of a corrections officer;
- (8) has knowingly made a material misrepresentation of any information required for certification or accreditation;
- (9) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, obtained or attempted to obtain credit, training, or certification from the Commission;
- (10) has knowingly and willfully, by any means of false pretense, deception, fraud, misrepresentation, or cheating whatsoever, aided another person in obtaining or attempting to obtain credit, training, or certification from the Commission;
- (11) has failed to notify the Standards Division of all criminal charges or convictions as required by 12 NCAC 09G .0208 or .0209;
- (12) has been removed from office by decree of the Superior Court in accord with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230;
- (13) has refused to submit to an applicant drug screen as required by 12 NCAC 09G .0206; or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the Department of Public Safety, Division of Adult Correction and Juvenile Justice;
- (14) has produced a positive result on a drug screen reported to the Commission as specified in 12 NCAC 09G .0206, where the positive result cannot be explained to the Commission's satisfaction. For the purposes of this Rule, "to the Commission's satisfaction" shall be determined on a case-by-case basis, and the use of a prescribed drug shall be satisfactory; or

- (15) has been denied certification or had such certification suspended or revoked by a previous action of the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Company Police Program, the North Carolina Campus Police Program, the North Carolina Sheriffs' Education and Training Standards Commission, or a similar North Carolina, out of state, or federal approving, certifying, or licensing agency whose function is the same or similar to the agencies if the certification was denied, suspended, or revoked based on grounds that would constitute a violation of this Subchapter.
- (e) Following suspension, revocation, or denial of the person's certification, the person shall not remain employed or appointed as a corrections officer and the person shall not exercise any authority of a corrections officer during a period for which the person's certification is suspended, revoked, or denied.

History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. May 1, 2023; December 1, 2018; January 1, 2015; April 1, 2009; December 1, 2004; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. May 1, 2023; August 1, 2021.