

12 NCAC 10B .0305 BACKGROUND INVESTIGATION

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

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

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

- (1) biographical information;
- (2) family;
- (3) education;
- (4) employment;
- (5) criminal history including:
 - (A) a statewide search of the Administrative Office of the Courts (AOC) computerized system;
 - (B) a search of the national criminal record database accessible through the Division of Criminal Information (DCI) network;
 - (C) where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information (DCI) using the Out-of-State Computer Name Query (IQ) shall be accepted if the state will respond to an Out-of-State Computer Name Query. If not, then either a records check response from both the municipality, city, or town, where the applicant resided and the county-wide Sheriff's Office or Police Department obtained by mail, facsimile, or electronic mail, or a records check from the county-wide or state-wide record holding agency shall be acceptable;
- (6) military service history. If the applicant had prior military service, the background investigation shall include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check for any arrests or charges from the military shall also be required;
- (7) credit history;
- (8) fingerprint criminal history records check results pursuant to Rule .0303 of this Section;
- (9) driving history including a search of:
 - (A) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license in North Carolina; and
 - (B) an out-of-state- motor vehicles check obtained through the Division of Criminal Information (DCI) or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license;
- (10) prior applications to law enforcement agencies;
- (11) civil court history;
- (12) applicant interview;
- (13) interviews with the applicant's references; and
- (14) a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3).

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

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

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

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

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

(i) The applicant's notarized Personal History Statement (F-3) shall be completed within 120 days of employment. If the form is completed more than 120 days prior to the applicant's date of employment, the Personal History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes no more than 120 days prior to employment or a new Personal History Statement (F-3) shall be completed.

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