

**12 NCAC 02I .0202      MINIMUM STANDARDS FOR COMPANY POLICE OFFICERS**

(a) Every company police officer must meet the following requirements to obtain and maintain a company police commission:

- (1) be a citizen of the United States;
- (2) be a high school graduate (means graduation from a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located), 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 company police commission on June 30, 1972; or
  - (B) an applicant certified as a law enforcement officer by the Criminal Justice Education and Training Standards Commission on March 14, 1973.In either case, the exception is not 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 the rules in this Subchapter to be administered by a representative of the North Carolina Department of Justice. The Company Police Administrator shall advise 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 is allowed. Upon an applicant's failure to successfully complete the second test, the applicant must successfully complete certified Basic Law Enforcement Training coursework prior to re-testing, pursuant to 12 NCAC 09C .0402;
- (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 09 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 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 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;
  - (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 nationally certified for federal workplace drug testing programs by the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace 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 Part (C) of this Subparagraph; and
  - (G) every agency head shall arrange for a licensed physician to review drug tests reported by the laboratory;

- (8) notify the Company Police Administrator in writing of all criminal offenses for which the officer is arrested for or charged with, pleads no contest, pleads guilty, or is found guilty of, as well as all Domestic Violence Orders (50B) which are issued by a judicial official. This includes all criminal offenses except minor traffic infraction offenses and specifically includes any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purposes of this Subparagraph as an offense where the maximum punishment allowable is 60 days or less. The notifications required for an arrest or charge must specify the nature of the offense and date of arrest or charge. Further notifications required must specify the nature of the offense, the court in which the case was handled and the date of the conviction or adjudication. All notifications must be received by the Company Police Administrator within five days of the date of the arrest or charge and case disposition. Applicants and officers required to notify the Company Police Administrator under this Subparagraph shall also make the same notification to their Department Head within five days of the date the case was disposed of in court. However, the notification to the Company 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 Subparagraph are required while the application is pending as well as, subsequent to a commission being issued;
- (9) be of good moral character within the meaning of: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771 appeal dismissed 423 U.S. 076 (1975; *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E.2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983); and their progeny;
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 02I .0212(a) or (b), such that the applicant would be ineligible for commissioning as a Company Police officer; and
- (11) submit to a background investigation as specified in 12 NCAC 02I .0205.
- (b) The requirements of this Rule shall apply to all applications for commission and shall also be applicable at all times during which the officer holds commission with the company police program.

*History Note:* Authority G.S. 74E-4;  
Eff. February 1, 1976;  
Amended Eff. September 9, 1976;  
Readopted Eff. January 5, 1978;  
Amended Eff. November 1, 1984; September 1, 1981;  
Temporary Amendment Eff. March 23, 1990 for a Period of 180 Days to Expire on September 20, 1990;  
Amended Eff. January 1, 2008; August 2, 1993; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.