

SECTION .0200 - ENFORCEMENT RULES

12 NCAC 10B .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 these Rules, the Commission may take action to correct the violation and to ensure that similar violations do not occur.

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

(c) The Probable Cause Committee may convene prior to each regular meeting of the Commission to consider these investigative reports and make a determination as to whether or not probable cause exists that the Commission's rules have been violated; or may delegate authority to the Director for further action.

(d) The Probable Cause Committee may:

- (1) direct the Division to conduct a further investigation of the alleged violation;
- (2) request the Attorney General to authorize an investigation of the violation by the State Bureau of Investigation;
- (3) direct the Division to conduct an administrative hearing in the matter; or
- (4) determine the appropriate sanctions against the violator pursuant to the Commission's Rules.

*History Note: Authority G.S. 17E-4; 17E-7;
Eff. January 1, 1992;
Amended Eff. January 1, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*