

12 NCAC 09C .0104 AGENCY HEAD RESPONSIBILITIES: CRITICAL INCIDENT REPORTING

(a) For all criminal justice agencies in the State that employ personnel certified by the North Criminal Justice Education and Training Standards Commission, the agency head shall submit the Critical Incident Report, (F-27), to the Criminal Justice Standards Division no later than 30 days after making the determination that an incident involving any use of force by a law enforcement officer that resulted in death or serious bodily injury to a person has occurred. The Critical Incident Report (F-27) shall contain the following:

- (1) date of incident;
- (2) location of incident;
- (3) name of officer who utilized force; and
- (4) whether the incident involved serious bodily injury or death.

(b) In addition to the reporting in Paragraph (a) of this Rule, the agency head for any criminal justice agency in the State that employs personnel certified by the North Criminal Justice Education and Training Standards Commission, shall submit the Annual Critical Incident Report, (F-27A), to the Criminal Justice Standards Division no later than the following January 15th of each year, listing all incidents involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person. The Annual Critical Incident Report (F-27A) shall contain the following:

- (1) the total number of incidents involving the use of force resulting in death or serious bodily injury;
- (2) date of incidents;
- (3) location of incidents; and
- (4) whether the incidents had previously been reported on the Critical Incident Report (F-27).
- (5) for incidents not previously reported, an accompanying F-27 must be submitted along with the F-27A.

(c) The Critical Incident Form (F-27) shall provide the following notice to officers:

- (1) information is being collected for a database as directed by G.S.17C-15;
- (2) information collected will remain confidential in compliance with State and federal law;
- (3) law enforcement officers reported to the Division have a right, prior to being placed in the database, to request a hearing in superior court for a determination of whether the officer's involvement should be properly placed in the database;

(d) The Critical Incident Form (F-27) will provide check boxes and a location to sign for officers to indicate they understand their rights and are either waiving their rights and agreeing to have the information entered into the database or they plan to dispute the entry of their information in the database. If the officer indicates they plan to request a hearing in superior court, the Division will not place the officer's involvement in the database until the superior court makes a determination or until 30 days following the date of the officer's signature has elapsed and the Division has not received proof of submission for filing to request a hearing in superior court. Any forms already entered into the database will be removed if a subsequent review by the superior court determines that the officer's involvement was not properly placed in the database.

*History Note: Authority G.S. 17-6; 17C-15;
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