



**JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE  
AND PUBLIC SAFETY  
October 9, 2014**

**Room 643 of the Legislative Office Building**

The Joint Legislative Oversight Committee on Justice and Public Safety was called to order by Chairman Buck Newton at 1:13 p.m. Members present at the meeting were Representatives Boles, Hurley, Burr, Daughtry, Dobson, Faircloth, C. Graham, G. Graham, McNeill, Mobley, Speciale, Stevens, Turner; Senators Bingham, Lee and Randleman.

Chairman Newton recognized and thanked the sergeant-at-arms: Bill Bass, Carl Morello, Joe Crook, Giles Jeffries and Canton Lewis. He then mentioned that Commissioner David Guice announced the 20<sup>th</sup> National Symposium on Juvenile Service in Greensboro, North Carolina on October 19<sup>th</sup> through the 23<sup>rd</sup>, at the Sheraton Four Seasons Hotel and acknowledged that a letter would be forwarded after the meeting about the Symposium.

**SBI Transfer Update**

Chairman Newton introduced Kristine Leggett from the NCGA Fiscal Research Division to give a report on the SBI transfer from the Justice Departs to DPS. Ms. Leggett gave a brief overview of the contents of exhibit A, which is attached. She indicated that this transfer would consolidate major State law enforcement divisions under one agency. She then identified the dates that the SBI are required to report to the oversight and appropriations committee. Chairman Newton introduced B.W. Collier, director of the State Bureau of Investigation, to comment that the transition is going very well. Included was the letter of Director Collier's appointment on August 11<sup>th</sup>, 2014 by Governor Pat McCrory. He then thanked the people that have helped with the transition. Mr. Collier introduced the SBI and ALE command staff and asked them to stand individually. He introduced Van Shaw, SBI Deputy Director, Mark Senter, ALE Head Deputy Director, Rodney Beckon, ALE Assistant Director of Field Operations, Renee Robinson, SBI Assistant Director of Special Operations, Ken Pike, ALE Assistant Director of Professional Standards and Personal Development, and Mark Brewington, SBI Assistant Director of Administration Services. He then continued to talk about how the transfer was going in different parts of North Carolina.

Chairman Newton was prompted by Senator Bingham to recognize the new Senate member. Chairman Newton introduced Senator Lee to the Senate and welcomed him to the committee.

**Representative Faircloth** asked Director Collier to speak about the issue of creating a situation where a member from the SBI command staff went in to a county or city and conducted an investigation without the corroboration of the local officials. **Director Collier** responded that it is very important to have good communication with the sheriffs and chiefs. He reminded everyone that it is critical to have a good relationship with the local officers. **Representative Faircloth** said that he could see the possibility of the involvement of investigations in a county that the ALE might get involved and SBI doesn't know because of broad authority. **Director Collier** responded that the key is communication because they are considered to be in partnership. He talked about how they have used the transition to work on the communication between the departments.

**Chairman Newton** asked Director Collier about a situation where the ALE was federalized and wants to know about how this relates to federal operations. **Director Collier** explained that they were working with the US Attorney's Office and were ordered to not say anything during the case. **Chairman Newton** asked Director Collier if that is a routine situation as it relates to the federal government. **Director Collier** explained that he doesn't believe it is routine but the situation was handled this way because of the severity. **Chairman Newton** asked Director Collier to explain what he means by the vision that the SBI be an intelligence driven agency. **Director Collier** responded that he wants to use the information and data given about crime threats in North Carolina to see where their efforts need to be focused.

**Senator Bingham** referred to the list of crimes on page 7 of exhibit A and asked if commonly the SBI is involved with lynching. **Director Collier** explained that lynching is on the lists from the past, but there has not been a case in the last 27 years.

There being no further questions, Chairman Newton thanked Director Collier for his comments.

### **Samarkand Training Facility Update**

Chairman Newton introduced John Poteat from the NCGA Fiscal Research Division to give a report on the Samarkand Training Facility Update. Mr. Poteat gave a brief overview of the content of exhibit B, which is attached. He gave a quick background about the project overview and the intent of this project. Mr. Poteat also spoke about the type of training that would take place there and the funding that will help support this project.

Chairman Newton then introduced Joe Prater from the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. Mr. Prater spoke about how the demands of North Carolina need a facility that will prepare officers to be hired more quickly and be fully trained. Mr. Prater then introduced members of his team and asked them to stand individually. He introduced Richard Jordan, Academy Director, Charles Walston, Director of the Office of Staff Development and Training, Tim Moose, Deputy Commissioner, Andy Brandon, Legislative Liaison, and Bill Stovall. Mr. Prater then talked about the spelling of the camp and meeting with the county manager of Moore County. He then began his presentation on exhibit C, which is

attached. Mr. Prater spoke on the dates that go along with the project and asked Bill Stovall to finish up this presentation. Chairman Newton introduced Bill Stovall who began speaking from the document that Mr. Prater presented from. Mr. Stovall spoke on the projects that are currently scheduled: reroofing, asbestos removal, plan approval from stat construction office, and construction.

After the presentation by Mr. Stovall, Chairman Newton opened the floor for questions and comments.

**Senator Randleman** asked what the bed count is at Salemburg and Edneyville. **Charles Walston**, Director of the Office of Staff Development and Training, explained that when they use DOJ's training facilities they are considered quests. Salemburg allows 24 beds and Edneyville allows 18 beds at any given time. He explains that there are limitations on the dates they can go and not enough beds.

**Representative Stevens** asked if there is money savings by using those training facilities. **Charles Walston** answered that they are charged for meal rates only. He explained that there is no cost for housing or the use of the classrooms but they are required to book the facilities they will need nine months in advance. Mr. Walston said that it is very tough to know what they will need that far ahead. **Representative Stevens** then asked if we will have the capacity at the new facility to train others and have a money making facility or is it just for our people. **Joe Prater** answered that they believe that it will be full by their district for the most part. **Representative Stevens** asked what the anticipated cost is to complete phase two of this project. **Joe Prater** answered that they have an estimated cost to go from 89 beds to 300 beds at 28 million dollars and an estimated operating cost of 3.5 million dollars per year.

**Representative Hurley** asked how many acres are at Samarkand. **Joe Prater** answered that there are 438 acres of land. **Representative Hurley** asked if there are plans for an indoor firing range or just outdoors. **Joe Prater** responded that they have outdoor ranges planned at this time. **Representative Hurley** asked if local police and sheriffs will have access to these shooting ranges. **Joe Prater** answered that they have discussed the possibility of sharing these facilities.

**Representative Graham** asked who exactly does the training. **Joe Prater** answered that this training is done by in house training. **Representative Graham** asked if that means that the trainers are state employees. **Joe Prater** answered that they are state employees.

**Representative Faircloth** asked which personnel have to be certified in the Division of Adult Correction and Juvenile. **Charles Walston** answered that all of the position are certified under their standards and refers to the document from his presentation; exhibit C.

**Representative Hurley** asked what happened to the artifacts that were in the museum. **Joe Prater** answered that they have them on display at the administration building.

**Representative Boles** asked if they have estimated operational costs for phase one. **Joe Prater** answered that they have estimated the annual costs of phase one to be 2.4 million dollars. **Representative Boles** asked what the number of staff will be. **Joe Prater** answered that in full operation there will be 27 positions in phase one. **Representative Boles** asked if there is going to be cost sharing between other agencies. **Joe Prater** answered that they look forward to having some outside usage to help with that. **Representative Boles** asked for someone to talk about the day to day maintenance. **Bill Stovall** answered that there are additional maintenance positions that are open.

**Representative Burr** asked if they were waiting to hear back about the approval for the renovation of the existing structures. **Joe Prater** answered that is correct. **Representative Burr** asked when they are expecting an answer about the plans. **Joe Prater** answered that they are expecting the comments back any day. **Representative Burr** asked what the 28 million dollars is covering. **Joe Prater** answered that in addition to the housing facilities there will be a kitchen and dining hall, academic space, firing ranges and campus build up.

**Representative Boles** asked how many projects the Department of Public Safety had with State Construction right now. **Joe Prater** answered that they have a little over 300 active projects on their books. **Representative Boles** asked if there is going to be a need for more money. **Joe Prater** answered that they feel that they have done a good job budgeting for the project.

**Representative Burr** asked how many staff are being trained per year. **Charles Walston** answered that they trained between 2,200 and 2,300 last year. **Representative Burr** asked what the wait time is for the certification. **Charles Walston** answered that there has been about a 5 month wait time between the time the employee was hired to the time the employee was certified. Mr. Walston explained that with the Samarkand Training Facility they believe they can lower that number to the first 60 to 90 days the employee is hired. **Representative Burr** asked if it is helpful to go through the Office of State Construction. **Charles Walston** answered that he thought it was very helpful to have the review.

**Representative Boles** stated that he was fully supporting this project and hoped to get it up and going as soon as possible.

**Senator Randleman** asked how students would go to Edneyville and Salemburg for a length of time. **Charles Walston** answered that they have regional training facilities throughout the state that helped, but are well outside of a commuting distance.

**Representative Faircloth** stated that this would help to get everyone trained who is employed.

There being no further questions, Chairman Newton thanked everyone for their presentation.

**AOC Reclassification of Family Court Positions**

Chairman Newton introduced William Childs from the NCGA Fiscal Research Division as he came forward to give a report. Mr. Childs did a quick overview of the contents of attached exhibit D. Mr. Childs spoke about the different types of cases that are involved in family court and the number of districts that had family court in the State of North Carolina.

After the presentation by Mr. Childs, Chairman Newton introduced Judge John Smith, Director of Administrative Office of the Courts, who spoke about the cuts that the family courts have received. He spoke about the program surviving and the salary range of the administrative staff for family courts. Judge Smith referred to the memo, located on the website, which explains the vacancies in the family court positions.

Chairman Newton opened the floor for questions and comments.

**Senator Randleman** asked how the new salary compares to the deputy clerk salary. **Judge John Smith** answered that an entry level deputy clerk's salary is \$32,610.

**Representative McNeill** stated that it is not a good idea to go back to a system where 51% of the cases are still pending after a year. He applauded Judge Smith for his efforts on saving family court.

**Representative Stevens** asked why we need separate personnel to run this court when there are judicial assistants. **Judge John Smith** answered that there are not enough judicial assistants to handle cases properly compared to the way they are handled in districts with family courts. **Representative Stevens** stated that she doesn't understand what the judicial assistants are doing in the districts that have family court systems. **Judge Smith** replied that in districts that have family courts, they use judicial assistants in other places such as in criminal.

**Representative McNeill** asked Judge Smith to elaborate on the way that the family court system works. **Judge Smith** spoke about the one judge to one family strategy that happens in family court and explained that the districts that don't have family court do not get this benefit.

**Representative Hurley** stated that it is very important that everyone realize what the family court does and helps out with before the vote.

**Representative Burr** asked where the money saved will go. **Judge Smith** answered that there is a group of districts and counties that are interested in having family courts, but doesn't see that happening. Judge Smith stated that the savings will help out the budget under the current cuts that have happened. **Representative Burr** asked if counties want family court because it is helpful or because of the additional staffing. **Judge John Smith** answered that he does not think it is for additional staffing because it is very labor intensive.

**Senator Randleman** stated that for this point in time these decisions are very tough due to the given budget.

**Representative Turner** asked how the districts with family court salaries will compare within the system. **Judge John Smith** answered that there will be a difference in salary for the family court case coordinators and the new judicial assistants for the family court system. **Representative Turner** asked if these employees are placed in counties based off of case numbers. **Judge John Smith** answered that is true.

There being no further questions or comments, Chairman Newton turned over the discussion to AOC Hiring Freeze.

### **AOC Hiring Freeze**

Judge John Smith stated that this is not considered a hiring freeze. He spoke about a 30 day delay instead of calling it a freeze.

**Senator Randleman** asked if judges are traveling to their assigned areas or staying in their elected districts. **Judge John Smith** answered that the constitution requires rotation and that has not been suspended. **Senator Randleman** asked if it is a possibility for that to be taken out to save money. **Judge Smith** answered that they could look at the numbers but technically they cannot suspend rotation.

There being no further questions or comments, Chairman Newton asked Mildred Spearman to come forward for her presentation.

### **AOC Report on Transmittal of Information of the National Instant Criminal Background Check System (NICS)**

Ms. Mildred Spearman gave a brief overview of the contents of the document, titled exhibit E. She spoke about the national system that checks available records relevant to an individual's eligibility to possess firearms in accordance with federal law. Ms. Spearman also spoke on how the North Carolina Administrative Office of the Courts has been working with the SBI and NICS.

**Senator Randleman** stated that they will be looking at this during the long session.

**Representative Stevens** asked if a warrant is considered public record once it is filled. **Mildred Spearman** deferred the question. **Senator Randleman** answered that until the warrant is served it is not available for public information. **Representative Stevens** asked if dishonorable discharges are put in to the register of deeds. **Mildred Spearman** answered that the federal agencies are responsible for that information.

**Senator Bingham** asked to explain the dishonorable discharge in North Carolina compared to other states. **Mildred Spearman** answered that NICS is a federal database. She explained that this means that North Carolina's disqualifying conditions are almost exactly like the federal disqualifying conditions with some slight changes.

**Chairman Newton** asked for an example of a non-finger printed drug offense. **Mildred Spearman** answered to defer the answer to Wyatt Pettingill in the audience. **Wyatt Pettingill** from the SBI came forward to answer the question. He answered that drug charges that are not felony charges are not required to be provided to us. **Chairman Newton** asked if there are misdemeanor charges that are disqualifying events. **Mr. Pettingill** answered that there are misdemeanor charges that are disqualifying.

There being no further questions or comments, Chairman Newton recognized Representative Boles to speak about the information concerning Samarkand Training Facility. He also stated that there has been an issue where a retired law enforcement officer is no longer able to receive the Order of the Long Leaf Pine. Representative Boles would like to get a straight answer about what is correct in this situation.

Chairman Newton recognized Representative Hurley, who announced that on October 15<sup>th</sup> the new crime lab director will be holding a program in Asheboro.

Chairman Newton adjourned the meeting at 4:00 p.m.

Respectfully submitted,

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Carol Wilson, Committee Clerk

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Sen. Buck Newton, Committee Chair