

## **2015 Legislative Changes to the Department of Public Safety's Law Enforcement Division and Samarkand Training Academy**

Section 16A.7 of S.L. 2015-241, Appropriations Act of 2015 (page 2), made several changes to various statutes to clarify the administration and organization of the Department of Public Safety (DPS):

Subsection (a) makes it clear that the Director of the SBI is solely responsible for all management functions of the SBI.

Subsection (c) allows the SBI to appoint liaison personnel to lobby the legislature.

Subsection (d) makes it clear that the ISAAC is under the sole control of the Director of the SBI.

Subsection (e) moves the State Capitol Police under the State Highway Patrol (SHP).

Subsection (h) makes the commander of the Highway Patrol a direct report to the Secretary of DPS.

Subsection (b), (f), (i), and (j) make various technical and conforming changes to the statutes to eliminate references to the Division of Law Enforcement and the Commissioner of Law Enforcement.

As a result of these changes, the position of Commissioner of Law Enforcement was eliminated in the Committee Report for a budget savings of \$153,791.

Section 16A.4 of S.L. 2015.241 (page 4) moved the Samarcand Training Academy from the Division of Adult Correction and Juvenile Justice to the Office of the Secretary within DPS and gave the Secretary direct oversight of the Director of the Academy. This section also directs that the budget for the Academy be kept separate from the budgets of other divisions.

Section 16A.3 of S.L. 2015-241 (page 5) allows the Secretary to reclassify or eliminate existing positions in the Division of Administration. Position changes under this section must be reported to the JPS Appropriations Committee chair within 30 days.



## CLARIFY ADMINISTRATION AND ORGANIZATION OF THE LAW ENFORCEMENT FUNCTIONS OF THE DEPARTMENT OF PUBLIC SAFETY

**SECTION 16A.7.(a)** G.S. 143B-915 reads as rewritten:

### **"§ 143B-915. Bureau of Investigation created; powers and duties.**

In order to secure a more effective administration of the criminal laws of the State, to prevent crime, and to procure the speedy apprehension of criminals, there is established the State Bureau of Investigation, which shall be administratively located in ~~the Division of Law Enforcement of~~ the Department of Public ~~Safety, but it~~ Safety. The Bureau shall be an independent agency under the direction and supervision of the ~~Director of the Bureau. The Director shall be the chief executive officer of the Bureau. Director, who shall serve as chief executive officer of the Bureau and shall be solely responsible for all management functions.~~ Notwithstanding any provisions to the contrary, the Director shall have such authority as is necessary to direct and oversee the Bureau, and may delegate any duties and responsibilities necessary to ensure the proper management of the Bureau. The Department of Public Safety shall provide administrative support to the Bureau. The State Bureau of Investigation shall have charge of and administer the agencies and activities herein set up for the identification of criminals, for their apprehension, and investigation and preparation of evidence to be used in criminal courts; and the said Bureau shall have charge of investigation of criminal matters herein especially mentioned, and of such other crimes and criminal procedure as the Governor may direct.

In the personnel of the Bureau shall be included a sufficient number of persons of training and skill in the investigation of crime and in the preparation of evidence as to be of service to local enforcement officers, under the direction of the Governor, in criminal matters of major importance."

**SECTION 16A.7.(b)** The title of Part 4 of Article 13 of Chapter 143B of the General Statutes reads as rewritten:

"Part 4. ~~Division of~~ Law Enforcement."

**SECTION 16A.7.(c)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

### **"§ 143B-916. SBI liaison.**

The State Bureau of Investigation may designate liaison personnel to lobby for legislative action in accordance with Article 5 of Chapter 120C of the General Statutes."

**SECTION 16A.7.(d)** Subpart C of Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

### **"§ 143B-929. Operation and management of Information Sharing and Analysis Center.**

The State Bureau of Investigation shall operate and manage the Information Sharing and Analysis Center, and its operation and management shall be under the sole direction and control of the Director of the State Bureau of Investigation."

**SECTION 16A.7.(e)** The State Capitol Police Section shall be relocated as a section under the State Highway Patrol.

**SECTION 16A.7.(f)** G.S. 143B-911(a) reads as rewritten:

"(a) Section Established. – There is hereby established, ~~within the Law Enforcement Division~~within the State Highway Patrol of the Department of Public Safety, the State Capitol Police Section, which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations."

**SECTION 16A.7.(g)** G.S. 143B-602 reads as rewritten:

### **"§ 143B-602. Powers and duties of the Secretary of Public Safety.**

The Secretary of Public Safety shall have the powers and duties as are conferred on the Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution and laws of this State. These powers and duties include the following:

- ...
- (8) Other powers and duties. – The Secretary has the following additional powers and duties:
- ...

- f. Appointing, with the Governor's approval, a special police officer to serve as Chief of the State Capitol Police Section of the ~~Division of Law Enforcement~~State Highway Patrol.

...."

**SECTION 16A.7.(h)** G.S. 20-196.3 reads as rewritten:

**"§ 20-196.3. Who may hold supervisory positions over sworn members of the Patrol.**

Notwithstanding any other provision of the General Statutes, only the following individuals may hold a supervisory position over sworn members of the Patrol:

- (1) The Governor.
- (2) The Secretary of Public ~~Safety or the Commissioner of the Law Enforcement Division~~Safety.
- (3) A uniformed member of the North Carolina State Highway Patrol who has met all requirements for employment within the Patrol, including completion of the basic Patrol school."

**SECTION 16A.7.(i)** G.S. 20-184 reads as rewritten:

**"§ 20-184. Patrol under supervision of Department of Public Safety.**

The Secretary of Public Safety, under the direction of the Governor, shall have supervision, direction and control of the State Highway Patrol. The Secretary shall establish in the Department of Public Safety a State Highway Patrol ~~Section~~Division, prescribe regulations governing the ~~Section~~Division, and assign to the ~~Section~~Division such duties as the Secretary may deem proper."

**SECTION 16A.7.(j)** The following statutes are amended by deleting the language "State Highway Patrol Section" wherever it appears and substituting "State Highway Patrol": G.S. 20-183.10, 20-185, 20-195, 20-196, and 105-259.

## **SAMARCAND TRAINING ACADEMY**

**SECTION 16A.4.** The former juvenile detention facility known as Samarkand Manor, located in Moore County, is redesignated a law enforcement and corrections training facility and assigned to the Office of the Secretary of the Department of Public Safety. The facility shall be renamed Samarcand Training Academy and shall be administered by a Director. The operating budget for Samarcand Training Academy shall be funded by the Department of Public Safety but shall be independent of the operating budget of any Division within the Department and shall be managed and administered by the Director of the Academy with oversight by the Office of the Secretary of the Department of Public Safety.

## **LIMITED AUTHORITY TO ELIMINATE AND RECLASSIFY CERTAIN POSITIONS**

**SECTION 16A.3.** Notwithstanding any other provision of law, subject to the approval of the Director of the Budget, the Secretary of the Department of Public Safety may reclassify or eliminate existing positions in the Division of Administration that are not specifically addressed in this act as needed for the efficient operation of the Department. No position shall be reclassified pursuant to this section solely for the purpose of providing a person in that position with a salary increase. The Secretary of the Department of Public Safety shall report any position reclassification undertaken pursuant to this section to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety and the Fiscal Research Division within 30 days of the reclassification. The report shall include the position number, original title, original fund code, original budgeted salary, new title, new fund code, and new budgeted salary for each reclassified position.