



JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

**December 14, 2017
Room 643 of the Legislative Office Building**

The Joint Legislative Oversight Committee on Justice and Public Safety met on Thursday, December 14, 2017 at 1:00 PM. The meeting was held in Room 643 of the Legislative Office Building. Members present were: Representatives Boles, Davis, Burr, Faircloth, Graham, Jackson, McNeill, Rogers, Stevens, Hurley, Jordan, Speciale, Steinburg, and Zachary. There were six Senators present. Senator Shirley Randleman presided.

Senator Randleman called the meeting to order and introduced the Senate Sergeant at Arms, Hal Roach and Linda Matthews, and the House Sergeant at Arms Warren Hawkins, Malachi McCullough, and Jim Moran.

Opening Remarks

Senator Randleman recognized that Representative Bob Steinburg has been added as an advisory member. Representative Floyd moved to adopt the previous meetings minutes and the motion carried.

Adult Correction Nursing Study

Senator Randleman Recognized Joe Prater, Deputy Secretary Administration Division of Adult Correction and Juvenile Justice. Mr. Prater thanked the committee for the opportunity to discuss the department's efforts to reduce nursing vacancies and the plans to attract and retain nurses. Mr. Prater explained that nurses are the backbone of their health care operations. Mr. Prater continued with a presentation on Nurse Staffing at North Carolina State Prisons.

Representative Graham was recognized for a series of questions. Representative Graham commented that he has been on the committee for seven years and nurse staffing was an issue when he first joined. He thanked Mr. Prater for addressing this issue. Representative Graham asked Mr. Prater for more specific reasons why vacancies still remained. Mr. Prater replied that it is generally recognized that hiring ability is inhibited by the positions being in remote locations, and it is a correctional environment. Mr. Prater added that the state is growing and the competition and demand is growing as well. Representative Graham asked if any thought had been given to incentivizing LPNs who are in the system to pursue an RN degree. Mr. Prater replied that he would add that to their list of possible incentives. Representative Graham asked if



the department uses certified nursing assistants. Mr. Prater confirmed that they do. Representative Graham commented that they could be included in an incentive plan as well. Representative Graham asked about the average stay for a nurse. Senator Randleman noted that the committee staff would get that figure. Representative Graham asked if the department conducts exit interviews. Mr. Prater confirmed that they did and commented that the exit interviews will tell you that it is not all about pay, that work environment is very important as well.

Representative Hurley was recognized and asked about how the community colleges could help with nurse staffing. Mr. Prater's staff in the audience indicated that community colleges are used as a resource and Mr. Prater replied that he would provide more information later.

Representative McNeil was recognized and asked if the state was responsible for malpractice claims against nurses and how much that averaged per year. Mr. Prater replied that he did not have the figure but he would be happy to provide it later. Representative McNeil commented that most jails contract their nursing services so that the contractor was responsible for the liability. He noted that it may not work on a state wide basis, but asked Mr. Prater if the department had considered using private contractors for certain situations. Mr. Prater replied that it is not uncommon to carve out certain locations or situations where contractors can be used, but the department has not done a full analysis on a more extensive use of contractors.

Representative Jackson was recognized and asked for an explanation of the time-off guidelines mentioned in the presentation. Mr. Prater referred the question to his staff and Senator Randleman recognized Sarah Royster, Critical Needs Analyst, to answer. Mrs. Royster explained that under the flexible weekend plan the employee commits to forty eight weekends per year that they will be available. With the employment agreement they are recognizing that if they must be off they are limited to the four weekends per year that they may use sick time or vacation time. If an employee exceeds the limit they are not eligible to re-enroll in the program.

Senator Bryant was recognized and asked Mr. Prater about the student loan forgiveness mentioned in the presentation. Mr. Prater replied that the department does not currently have a loan forgiveness program but they intend to explore that option. Senator Bryant asked about the shift schedules for nurses. Mr. Prater replied that there are currently eight and twelve hour shifts and which schedule is used depends on the needs of the facility.

Representative Steinburg was recognized and asked about how long this shortage has occurred and how the vacancy numbers compare to six or seven years ago. Mr. Prater replied that for the last few years the vacancy rate has been consistently 20-30%. Representative Steinburg commented that the wages seemed competitive so it makes one wonder why there are not more applicants in areas of high unemployment. Mr. Steinburg asked if there had been an increase in the vacancy numbers since the murders in the Eastern North Carolina facilities. Mr. Prater called on his staff in the audience and Senator Randleman recognized Anita Myers, Director of Nursing, to answer. Mrs. Myers replied that in the two facilities where the assaults occurred they have seen a dramatic impact. Several nurses have left, some are still off on leave, and they are



having difficulty recruiting new nurses. Representative Steinburg commented about the safety of nurses being an issue and noted that there was a shortage in correctional officers as well. He commended the department for their efforts in the presentation but added that they were not addressing the root of the problem. Representative Steinburg referenced the exit interviews and that work environment and leadership were major issues. He commented that the nursing shortage is part of a larger problem with leadership in the Department of Corrections.

Representative Faircloth was recognized and noted the increase in the number of males in nursing. He asked if the department was seeing an increase in male nursing applicants. Mr. Prater replied that they were not. Representative Faircloth mentioned the large number of veterans in the state, many of them with medical training, and asked if that could be a resource. Mr. Prater agreed that persons leaving the military could certainly be a good source for personnel. Representative Faircloth commented that it would not be fair to say that the Department of Corrections has an incurable cancer and we need to recognize the progress made and that there is no harder employment in the state than working in a correctional institution.

Senator Wells was recognized and commented that we offer an attractive package to state employees when you look at total compensation, but to maximize that benefit people must stay with the system for thirty years. Senator Wells added that this approach worked with prior generations but is not as effective with millennials who avoid commitment and value flexibility. Senator Wells referenced the possibility of a more portable retirement system. Mr. Prater agreed with the comments and added that the department did need to think outside the box regarding their compensation.

Senator Bryant was recognized and asked if a correctional officer was always present when a nurse is with an inmate. Mr. Prater replied that the nurses work very closely with correctional officers to make sure the appropriate security is in place and that is being followed. Mr. Prater called on Terri Catlett to provide more details. Mrs. Catlett explained that all facilities have a health services unit and a correctional officer is assigned to that area. Additionally any time a nurse has to go to a restricted housing unit an officer will escort the nurse door to door. Senator Bryant asked Mrs. Catlett if she believed that security was adequate both to provide the security that is needed and to meet the concerns of staff they are recruiting. Mrs. Catlett replied that having the officer present at all times in the out-patient facility is adequate. She added that for in-patient facilities the ratio of officers to nurses is much higher. Senator Bryant asked if there were exceptions for HIPAA requirements. Mrs. Catlett replied that medical information is on a need to know basis, so there are certain situations where officers need to know about medical conditions.

Representative Floyd was recognized and asked about the pay periods for nurses and what could be done to attract nurses to rural areas. Mr. Prater replied that the department recognizes the need to focus on these locations and mentioned the possibility of a sign-on bonus.



Senator Randleman asked Mr. Prater for the turnover rate in nursing positions. Mr. Prater replied that he would get that figure. Senator Randleman also asked for the amount of lapsed salaries that has been generated by the ongoing vacancies.

Private Protective Services

Senator Randleman Recognized Brian Jones, Executive Director Private Protective Services Board for a presentation on Private Protective Services. Mr. Jones explained that there are two boards under Private Protective Services, the Private Protective Services Board and the Alarm Systems Licensing Board. He continued with his presentation on Private Protective Services.

Representative McNeill was recognized and mentioned that the House this year had passed H566 which included some changes requested by the Private Protective Services Board. He asked about the importance of those changes to the board. Mr. Jones asked for the board's attorney, Mr. Grey, to be recognized to answer the question. Mr. Grey gave an overview of the changes in the bill. Senator Randleman asked if the board members were involved in the legislation that passed the House. Mr. Grey replied that they were. Senator Randleman asked about the changes made to the bill as it progressed, she asked if all the changes were requested by the board or if some came from DPS. Mr. Grey replied that the board did receive request for changes from other entities but they were all vetted by the board but he could not recall any request coming from DPS.

Senator Randleman asked if the board was required to have an MOU with the Department of Public Safety. Mr. Grey replied that they did not have to, but it was requested after the move to DPS. Under the Department of Justice there was no MOU; when the board was transferred, Secretary Perry and his legal staff requested an MOU. One has been drafted and has been presented to the board and is pending.

Sen. Wells was recognized and asked if the board could provide a few years' worth of financials so the committee could see how money flows between the department and the licensing boards. Mr. Jones replied that DPS provides all of the financial management and support. Currently the fee structure is split 75% - 25% between the Private Protective Services Board and the Alarm Licensing Board.

Representative Faircloth was recognized and asked about voice stress analyzers and how they were banned in other states. Mr. Jones said he could answer but his information would be based on his previous work as a criminal investigator in Florida. He replied that he is aware of some of the scrutiny regarding that technology but did not know how it affects North Carolina. Representative Faircloth requested addition information and Mr. Jones replied that he could provide some.

Senator Randleman asked about the transition to an electronic system within the department and asked if the board had been involved in that. Mr. Jones replied that the board has been involved with the testing and development of the software.



Alarm Systems Licensing

Senator Randleman recognized Mr. Jones to continue with his presentation on the Alarm Systems Licensing Board. There were no additional questions regarding the Alarm Systems Board.

State Search and Rescue

Senator Randleman recognized Buddy Martinette, Wilmington Fire Chief, for a presentation on State Search and Rescue. Mr. Martinette explained that he was here today representing almost 1500 rescue personnel in the state and he wished to give the committee an overview on the State Rescue Team program including deployment methods, history, and challenges they are facing. Mr. Martinette continued with his presentation comparing the responses to Hurricane Floyd in 1999, Hurricane Francis and Ivan in 2004, and Hurricane Matthew in 2016.

Senator Randleman asked about funding from the Hurricane Matthew Relief Fund. Mr. Martinette deferred to Brian Barnes, Emergency Management. Mr. Barnes replied that they were not successful in obtaining that funding. There were no further questions.

Adjournment

Senator Randleman noted that the next meeting would be Thursday, January 18th at 1:00pm.

There being no further business, the meeting adjourned at 3:14pm.

Senator Shirley B. Randleman
Presiding

Jeb Kelly, Committee Clerk