



## **JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY**

**February 15, 2018  
Room 643 of the Legislative Office Building**

The Joint Legislative Oversight Committee on Justice and Public Safety met on Thursday, February 15, 2018 at 1:00 PM. The meeting was held in Room 643 of the Legislative Office Building. Members present were: Representatives Boles, Davis, Burr, Faircloth, Floyd, Graham, Jackson, McNeill, Rogers, Turner, Boswell, Hurley, Jordan, Richardson, Speciale, Zachary, and Pierce. There were five Senators present. Senator Shirley Randleman presided.

Senator Randleman called the meeting to order and introduced the Senate Sergeant at Arms, Larry Hancock and Linda Matthews, and the House Sergeant at Arms Bill Bass, Terry McGraw, and Jim Moran.

### **Opening Remarks**

Senator Randleman asked for a motion to approve the previous meetings minutes, it was made by Representative Turner and the motion carried. Senator Randleman recognized her Co-Chairs for comment. Representative Davis announced that Larry Reid the lead consultant for the NIC report on prison safety has been scheduled for a presentation at the March meeting. Staff has also invited Secretary Hooks to be present as well.

Senator Randleman announced that Chief Justice Lake was not able to make it to the meeting today due to health issues and his presentation was removed from the agenda.

### **State Highway Patrol Rapid Response Team Update**

Senator Randleman recognized Col. Glenn McNeil, Commander NC Highway Patrol, for remarks before the presentation. Col. McNeil thanked the committee and gave a brief overview of the Highway Patrol's duties and introduced his staff that would be handling the presentations.

Senator Randleman recognized Lt. Colonel Vic Ward for the Rapid Response Team presentation (attached). Lt. Colonel Ward's presentation covered the mission, training, staffing, equipment, and coordination of the team. He explained the scenarios where the team may be deployed and discussed examples of recent deployments.



Representative Floyd asked if the presentations today would cover facilities. Senator Randleman replied that they would not but recognized Representative Floyd for a comment. He requested that Highway Patrol Facilities be considered for the agenda at a later date because many of them are very outdated.

Representative Graham was recognized and asked about the personnel shortage mentioned in the presentation. Lt. Colonel Ward replied that the shortage was due to an increased attrition rate. Representative Graham asked how recruitment efforts were going and asked if pay was an issue. Lt. Colonel Ward replied that pay was an issue and also mentioned that the training standards were more difficult than other agencies. Representative Graham referenced the recent school shooting in Florida and asked about the Patrol's ability to respond in a similar situation. Lt. Colonel Ward replied that all troopers are equipped with ballistics helmets and jackets and are ready, willing, and able to respond to active shooter situations. Last year, troopers performed over 6500 school safety checks to help familiarize themselves with local schools in case they are deployed there. Representative Graham asked about feedback from the school safety checks and if school staff and personnel were knowledgeable about how they react in these situations. Lt. Colonel Ward replied that the relationship between troopers and school staff is positive and schools do have plans.

Representative Faircloth was recognized and asked if the Patrol kept records reasons given for staff leaving. Lt. Colonel Ward replied that they do keep records. He added that at this point they treat each person leaving as a specific case. They will follow up with phone calls and ask them to stay. Pay is a frequently cited issue. Representative Faircloth commented that troopers leaving for other law enforcement agencies is understandable but leaving law enforcement entirely is a relatively new phenomenon, and he would like to see the data on that.

Representative McNeill was recognized and asked about personnel standards for the Rapid Response Team. Lt. Colonel Ward replied that there were rigorous standards for making the team and he can provide the committee with documentation for the exact qualifications. Representative McNeill asked about some of the recent missions for the unit. Lt. Colonel Ward replied that the unit was recently deployed at the governor's inauguration, the statue protest in Chapel Hill, and an active shooter situation in Robeson County. Representative McNeill asked about the regular training and Lt. Colonel Ward replied that the team trains twice per month.

Representative Floyd was recognized and asked if the training provided by the Highway Patrol was being used as a training ground for other law enforcement agencies. Lt. Colonel Ward replied with an example he heard from a local law enforcement officer. He was told that your worst trooper is my best officer. He explained that it is a problem and it was a home run for another agency to get a trooper.

Senator Randleman asked if the Rapid Response Team would escort hazardous materials trucks. Lt. Colonel Ward replied that they had done that and have been mixed in with the HAZMAT Team. Senator Randleman asked where the HAZMAT team was. Lt. Colonel Ward replied that they were also stationed in Raleigh.



## **SHP Residency Policy Update**

Senator Randleman recognized Lt. Colonel Alan Melvin for a presentation on the Highway Patrol's residency policy. Lt. Colonel Melvin continued with the presentation and explained that for the past 15 years the patrol has used a mileage based policy. Troopers were required to reside within 20 miles of the line for their assigned county/district and maintain a 45 minute response time. Their policy did not address the fact that some positions required statewide duty.

In the fall of 2016 the State Auditor's Office initiated an audit. After working with the auditors the Patrol updated the policy to a response time based policy in March 2017. Exceptions to the policy are given to three working groups with statewide duties and responsibilities; Senior Command Staff, the Internal Affairs Unit, and Troop "I" Commissioned Officers.

Representative Turner asked if there was consideration in compensation for troopers that must live in high cost of living areas. Lt. Colonel Melvin replied that the Patrol does not have a cost of living adjustment.

Representative McNeill asked if there was a residency requirement for Highway Patrol Pilots. Lt. Colonel Melvin replied that there were hangers in Raleigh and Salisbury so the trooper would need to maintain a 45 minute response time to their assigned hanger. Representative McNeill asked if a trooper living outside that area would need to maintain a second residence. Lt. Colonel Melvin replied that they would and added that the statewide officers also maintain secondary residences near their primary duty station. Representative McNeill asked if there is compensation for the second residence. Lt. Colonel Melvin replied that there was not.

Senator Randleman asked if the Department of Public Safety had an opportunity to respond to the auditor's report. Lt. Colonel Melvin replied that they did respond and that is the last two pages of the report. Senator Randleman asked for the number of position exceptions that the policy applies to. Lt. Colonel replied that there were 14 members and 8 of them currently utilized the exception.

Representative Faircloth asked for an explanation of the Troop I commissioned officers. Lt. Colonel Melvin explained that was the Captain and the Two Lieutenants. Representative Faircloth asked about a trooper's options when he is asked to transfer. Lt. Colonel Melvin replied that normally transfers are requested. Their options are to be within 45 minutes of the county line. Representative Faircloth asked if a trooper was asked to transfer do they have an option to say no. Lt. Colonel Melvin replied that 95% or more of transfers are because of request and the rest are likely due to a disciplinary action.

Senator Randleman asked about transfers related to promotions. Lt. Colonel Melvin replied that they would allow for lateral transfers first, then they would fill through promotion if necessary.



Representative Jackson asked about the process for promotions picking their new assignment. Lt. Colonel Melvin explained that there was a ranking order based on their scores. He explained that there was full transparency in the positions that are available and troopers let it be known through their chain of command where they would like to transfer.

### **SHP Asset Forfeiture Usage Update**

Senator Randleman recognized Major Todd Woodard for the presentation on the Asset Forfeiture Program. Major Woodard explained the program and the permissible uses for the funds. The presentation covered the office furniture purchase that was requested to be explained by the committee.

Senator Randleman asked about law enforcement travel and per diem as a permissible use. Major Woodard explained that it would be used for travel for training, mostly out of state.

Representative Hurley asked if the Federal Government had halted this program in the past. Major Woodard replied that he did not know if they had stopped it fully.

Representative Turner asked about the seizure of real property under the program. Major Woodard replied that a house could be seized in something like a drug bust.

Representative Floyd was recognized and mentioned his earlier comment regarding facilities. He referenced the furniture purchases and commented that the older offices are not up to par with the quality of the Highway Patrol. Senator Randleman added that some of the offices are rented so that can affect the quality of the facilities.

Representative Boles asked if the data provided on the presentation represented all of the purchases last year. Major Woodard replied that it did not. Representative Boles asked for the account balances. Major Woodard replied that the account balance in 2017 was \$417,731.91 and the current balance is \$698,523.78.

Representative McNeill was recognized to answer Representative Hurley's earlier question. He explained that the program was not completely stopped. For a period, the DEA was coming in and adopting cases initiated by the Highway Patrol and those seized assets were going to the Federal Government instead. Now, if the Highway Patrol initiates the case the DEA cannot take over the case later.

Senator Davis was recognized and asked for an accounting of the last 5 years of seized assets, and asked how the assets are liquidated. Major Woodard replied that he could provide both of those to the committee later. Senator Randleman asked John Poteat to follow up on getting that information.

### **Juvenile Justice: Raise the Age Update**



Senator Randleman recognized William Lassiter, Deputy Secretary for Juvenile Justice. Mr. Lassiter gave a presentation (attached) on implementing the Juvenile Justice Reinvestment Act passed last year. The presentation included target dates, an overview of the planning meetings and forums, an explanation of the phase-in, and the formation of the Juvenile Justice Advisory Committee.

Senator Davis was recognized and praised Mr. Lassiter for the best presentation he has heard in his seven years here.

Representative Graham was recognized and asked about why the Department expects additional referrals for mental health treatment. Mr. Lassiter explained that every individual that enters juvenile justice receives a mental health screening, and that is not done on the adult side. Representative Graham commented that he is confident that we will see a new wave of disorders under the DSM4 axis being diagnosed and asked if the Department was ready. Mr. Lassiter replied that he thinks there is work to be done. He recognized this population has not been well addressed in the past, and noted that the types of services provided after the individual turns 18 are different.

Senator Bryant was recognized and referenced the young shooter in Florida. She asked if we have the services in place to identify troubled youth from both a mental health perspective and a social perspective, and if there is a tie in with Social Services. Mr. Lassiter replied that the Juvenile Justice system has gotten much better at addressing this population. He added that when he first started in Juvenile Justice the recidivism rates were in the 80s and today that has dropped to below 40%. They are using evidence based practices to identify these kids and they are working with the center for safer schools at the Department of Public Instruction. Mr. Lassiter discussed the problem of suspending students and making sure they are suspended to something instead of just sending them home to a bad situation. Senator Bryant asked how close we were to having that something and added that schools often do not want to deal with angry parents of suspended students. Mr. Lassiter replied that the Department is going to make a small fiscal request this year for the School Justice Partnership. Senator Bryant asked about the programing mention in the presentation for 18-20 year olds. Mr. Lassiter replied that the minimum age is now 17, but the upper age was also increased to 21 for certain crimes.

Representative Faircloth was recognized and asked where bullying that does not rise to the level of physical assault fits into the system. Mr. Lassiter replied that there should be zero tolerance for bullying and that means setting high expectations for kids, but not necessarily kicking a bully out of school. He explained that bullying is about a power imbalance and addressing it requires changing that. He added that getting suspended is not necessarily a good consequence for bullying behavior. The other side is attempting the change the benefits of being a bully and changing the culture of the school so that bullies do not get respect.

Senator Randleman thanked Mr. Lassiter and applauded the Department for their work on implementation so far. She also mentioned that there may still be some recodification done with H and I felonies to accompany this legislation.



## Adjournment

There being no further business, the meeting adjourned at 3:04pm.

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Senator Shirley B. Randleman  
Presiding

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Jeb Kelly, Committee Clerk