



JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY

March 15, 2018

Room 643 of the Legislative Office Building

The Joint Legislative Oversight Committee on Justice and Public Safety met on Thursday, March 15, 2018 at 1:00 PM. The meeting was held in Room 643. Members present were: Representatives Boles, Ted Davis, Randleman, Burr, Faircloth, Floyd, Graham, Jackson, McNeill, Rogers, Stevens, Turner, Barringer, Boswell, Hurley, Jordan, Speciale, Steinburg, Pierce, and Zachary. Seven senators were in attendance.

Representative Ted Davis Jr. presided.

Representative Davis called the meeting to order, welcomed all in attendance, and introduced the House Sergeant at Arms Terry McCraw, Jim Moran, and Bill Bass And the Senate Sergeant at Arms Terry Edmondson and Frances Patterson.

Opening Remarks

Representative Davis asked for comments from Senator Shirley Randleman. Senator Randleman spoke about the subcommittee established in November to look at the Alcoholic Beverage Control Commission. The commission was not ready to report at the meeting, but members and the public would be notified when that report is posted on the committee's website. Members were also advised to review the report before the April meeting because the chairs wanted to include the report in the full committee report to be voted on.

Rep. Davis asked Rep. Boles for comments. Rep. Boles had no comments.

The minutes from the February 15, 2018 Committee meeting were approved as written on a motion from Representative Rena Turner.

NIC Report Presentation

Representative Davis introduced Larry Reid, president from the Correctional Consulting Services LLC to speak about the National Institute of Correction's Security Operation Assesment Report.

Mr. Reid thanked the members of the committee and explained his understanding of the importance of the work that the committee does for the safety of communities and the State of



North Carolina. Mr. Reid also thanked Secretary Erik Hooks and his staff for the opportunity to visit facilities in order to get a picture of the situation relating to prisons in North Carolina. Mr. Reid explained the beginning and mission of the National Institute of Corrections (NIC): To establish procedures evaluating practices and policies in prisons, thus determining, communicating, and emphasizing best practices. The NIC is also charged with reporting deficiencies in prisons. Mr. Reid outlined his and his team's experience and history working with and in prisons.

The first topic that Mr. Reid covered was security. He noted that the redundancy in security practices is important because when a major incident occurs, multiple procedures had to have failed. Mr. Reid spoke about the critical role that regular audits of procedures play in ensuring that policies are upheld. With that in mind, Mr. Reid's team found that the underlying policies at the prisons they visited were antiquated and in need of update. The team also looked at the staff, who were remorseful and concerned since recent events. However, during the visit, the team observed tenacity that "I hope you are proud of."

Mr. Reid spoke about how the report outlines policies and procedures. His first point was about standing operating procedures. These are procedures that inform a given facility about the department's policies as a whole. Then the facility develops its own policies to reach that standard. These facility-level policies are "post orders," which give staff guidance about how to support the department policy. Mr. Reid's report found that the standard operating procedures were not in line with department policies and that policies were outdated. The report also found that different facilities interpreted and implemented policies differently. Mr. Reid highlighted tool and key control, regular security and emergency response audits, staffing and training, and Correctional Enterprises relationships as areas that facilities need to improve on. He noted that staff training is good, but continuous staff training is needed. Mr. Reid also observed that some staff were required to come to work with little to no training. Correctional Enterprises staff were also not required to have any training, which troubled Mr. Reid because those staff sometimes supervise inmates. He said that non-security staff should attend training before coming on staff.

Mr. Reid moved on to his four "P's" at a given facility. The first were policies and procedures, which he spoke about before. The next was a physical plan. The importance of this is how the plan is constructed, what is emphasized, and what the deficiencies are. During the audit of both the Pasquotank and Nash facilities, Mr. Reid's team found that visibility and line-of-sight were not up to standard best practices.

Mr. Reid noted the importance of a security program. This program would serve to identify needs of policy changes at a given institution. This program should be comprehensive and detailed. In this process, an electronic system and maintenance are critical. During the visits, neither Nash nor Pasquotank had security systems up to standards. Mr. Reid also offered advice that leadership is critical in corrections. He and his team did not see supervisors actually supervising.



Overall, the report outlines that policies were outdated, standard operating procedures were not coherent, physical plans needed additional support, and correctional staff did not have a good working relationship with Correctional Enterprises, calling the relationship “strained.” The report also observed that one officer was doing the work of three, but that the expectation for proficiency and excellence did not change. This allowed complacency to encroach, leading to shortcuts.

The report did note some good news, however. Mr. Reid offered that after the visits, security auditing training occurred, and staff are intent on not allowing another incident to occur. Management at the facilities was looking to implement a system of regularly auditing practices to ensure that the best ones are being followed. The team was impressed at the tenacity that staff in the prisons showed in order to prevent another incident. Mr. Reid mentioned that best practices are always evolving and staff should always be looking for ways to improve.

Representative Davis asked Mr. Reid for the most important recommendations from the report.

Mr. Reid gave the following list:

1. Policies: make sure policies are in line with the department’s and leadership’s. Including staff to develop the best policies is critical because they know what works and what does not.
2. Staff development: Training and modeling are important to ensure that staff are the best they can be.
3. Building relationships: Shift to shift, captain to officer, inmate to officer, Correctional Enterprises to others can facilitate a better work environment.
4. Security auditing: Emergency response should be up to standards, and staff should be experts and trained. Plan for the worst pray for the best. Routine training should be facilitated on how to respond to different emergencies.
5. Correctional Enterprises relationship: staff training and tool control should be more closely watched. High-risk inmates were working with and issuing tools, which is not standard.
6. Maintenance and equipment: The type of equipment, from radios to security cameras, was not up to standards to view areas needed.
7. Key control: It is critical to make sure that different kinds of keys (emergency and restricted) are issued to the right people. Correctional Enterprises staff had keys they shouldn’t have (specifically for trained correctional officers).
8. Staffing: There was a large shortage. An analysis needs to look at what the current situation is and should happen yearly to find trends and impacts to prison operations. Shortcuts happen when those trends are found. Correctional Enterprises did not require a ratio, so the same amount of inmates would show up even if a staffer was off.
9. Personal alarm equipment: This equipment makes it easier for officers in emergencies to notify for an emergency response. Whistles are “old school” but work. Phones that are not on the receiver are usable, but staff have not been trained to use them.



Mr. Reid closed by noting that both Pasquotank and Nash facilities had high-quality staff. He and his team observed that the staff were hungry, tolerant, and professional, but that they simply need help from their leaders.

Questions

Representative Steinburg: Finds the report interesting and there are things to be corrected. In the report, there is no comment about leadership in the department of corrections in light of the events since last April. There are issues regarding the ranks in the department. His correspondence with staff across the state push back on the statements from the report. He finds that troubling. He will release information on some supervisors who are “sadists,” treating their staff poorly. The report does not look at the very top as an important element. If those on the front lines don’t trust upper management, it will be hard to get anything moving. What did you do in assessing relationships between those at the top and on the front lines?

Mr. Reid: We were asked to do an operational assessment. Not asked to evaluate upper management. We stayed within the scope of what was required of us. Corrections changes, and so does leadership. My sense is that the administration is on board to make things happen.

Representative Steinburg: You’ve been doing this for a while, and obviously you have vast experience. When you talked about the evolving management, administrations change, and it’s like a turnstile with new people coming in at the very top, and not always but often. In your experience, how important is it for the folks at the very top to go out and visit institutions from the start? Do you think that’s important for people to see and feel as though they can approach and talk with them? Is it more important that they want to feel like they can be heard? Should those people get out there right away? In our case there are 55 institutions. Is that a good way to get people on board?

Mr. Reid: Yes I would say that.

Representative Steinburg: I agree with your answer and that was not done with our Secretary.

Representative Graham: Are there national standards for corrections?

Mr. Reid: there is a national standard body, the National Corrections Association, but the standards are not required. Nobody has to do business the same way. The NCA certifies based upon standards, but it is not a requirement to adhere to those standards

Representative Graham: What I hear is that they need more support. Based on two facilities, there are 160 recommendations. If staff is working hard and doing the best they can, 160 recommendations is a lot. Where do we go from here for those who are putting their lives at risk?



Mr. Reid: Strategic planning is a critical component. For me it would be a strategic plan outlining the plan and how to accomplish that plan with input from all staff. Incrementally. Low-hanging fruit and inexpensive fixes would be a good start.

Representative Stevens: I have three areas to ask about. First, the fact that CE was making furniture w/ tools. Is that appropriate for high-risk inmates?

Mr. Reid: No. There are states who do that with experts, but does not endorse that.

Representative Stevens: Should we review everything every year or 2 or a massive look less frequently?

Mr. Reid: There was a massive effort initially, but every policy has an expiration date. You don't look at every aspect at one time.

Representative Stevens: Do you know where the supervisors were when the incidents occurred and when you were at the facilities?

Mr. Reid: The supervisors were at the facilities doing paperwork. There is so much paperwork that has become overwhelming. If vacancies were filled, paperwork would not be as big of an issue as it is now. If support staff were there, work would be spread more evenly.

Representative Stevens: Are the reports needed for state, national, or CYA requirements for lawsuits?

Mr. Reid: There are national best practices which are not unnecessary. They are done throughout the nation.

Representative McNeill: When we talk about support, people want to point at the Legislature. What most people want to talk about are small things like yard lights, fencing too close to inmate areas, bad communication equipment, not being allowed to work on gang problems. I think they aren't getting support from their supervisors. If we can rewrite our policies, what states have solved their staffing problems, how did they do it?

Mr. Reid: I don't know if any state would say that they are doing it right. There are lots of states struggling with staff retention. One issue may be how prisons are portrayed, so people would not say that it is a profession they would choose. Bad information is over reported and good information is underreported. I don't know of any prison that feels like a staffing issue has been rectified. Incremental strategic steps to identify what staff are needed has been done. Maintenance is critical to maintain equipment, and often there are not enough maintenance people.

Representative McNeill: Pasquotank was 25% understaffed when the incident happened. How long was that the case, or was it chronic?



Mr. Reid: We did not look at that.

Senator Van Duyn: If I ran an organization with 25% vacancy, I'd look at the compensation package. The report seemed to lack the employees' perspective. Simple things like uniform changes and more complex things like incident reporting systems seemed to be unfair to staff and lenient to prisoners. Will we be able to address these issues?

Mr. Reid: I hope so, and believe so in talks with the leadership. Our goal was to look at the security operations for their efficacy and any contributing factors. We believe we have done that. The scope will expand for the state of North Carolina now. Now you have hard security things identified. The low hanging fruit, uniforms, etc. Now it is up to the department to change those things. If there are other needs, the NIC will continue to support the reconstruction

Senator Van Duyn: Did the conversation of staff come up at all?

Mr. Reid: No

Senator Randleman: I know you looked at internal controls leading to the incident. In your review of the 2010 court case regarding Correctional Enterprises, would you say that we have the latitude to change the policy that closed custody inmates would not be eligible to work for CE?

Mr. Reid: I would surely hope that the apartment has that ability.

Senator Randleman (to chair): Could staff look at the case?

Representative Davis: Yes. Staff could you take a look into that?

Representative Turner: Please define staff.

Mr. Reid: Everyone who works in the prison environment.

Representative Turner: is there a system to help take less time on paperwork?

Mr. Reid: There is automation that the state could take a look at to be less costly and take less space. To me, it is supervision.

Representative Boswell: Did you actually see if officers have the equipment (batons, pepper spray, etc.) that they needed to make sure they were safe?

Mr. Reid: Not all but most.

Representative Boswell: is there something we can do to make sure everyone has everything immediately?



Mr. Reid: My understanding is that the department is moving towards that.

Representative Boswell: Is there federal money available?

Mr. Reid: I do not know.

Representative Boswell: Can we find out?

Representative Davis: That would be something to be taken up with the department.

Senator Randleman: We have had a significant list submitted to us for the budgeting process to accommodate funds for devices. Hopefully have something in the short session.

Senator Wells: Am I correct that the first priority is to establish best practices?

Mr. Reid: Yes.

Senator Wells: How complicated is it to get good policies in place?

Mr. Reid: I know that the department is looking nationwide at best policies.

Senator Wells: What is a reasonable time expectation for those policies?

Mr. Reid: That is hard to say, but 30-60 days would seem sufficient.

Senator Wells: 30-60?

Mr. Reid: I don't know how many policies the department has, but I know if the strategic plan is done they can know when it will be done.

Senator Wells: If I were in charge, we would get that done in 30 days.

Representative Speciale: I am concerned when we talk about personnel shortages. When we look at the numbers, what is the percentage of correctional officers who aren't on the floor?

Mr. Reid: I believe those numbers are representative of correctional staff.

Representative Speciale: That contradicts what you said about "all staff."

Mr. Reid: The question that I heard was all staff. Sorry for misunderstanding. Our focus was on correctional officer cadre.

Representative Speciale: We're talking about 25% vacancy on the floor. Not including leave.



Mr. Reid: Vacancies are positions that are not filled. It does not include leave.

Representative Speciale: When I look at a facility, what is the percentage we are short for the day-to-day people?

Mr. Reid: One way to look at that is overtime. Do we have enough staff to operate? It will require further inquiry. I would look at overtime accrual. Our charge was security operations.

Representative Pierce: I have 6 facilities in my district. I like to visit the facilities and staff. Sometimes announced sometimes unannounced. Some of the facilities are in disrepair. At some point, we need to visit facilities as a committee and allow staff to be honest.

Representative Faircloth: Even if inmates are in prison, they are still a human beings. In most cases, a prisoner's complaint was that prisoners don't respect guards because guards don't respect them. Does that philosophy play a part in prison management?

Mr. Reid: That relationship is very important in managing prison populations. We are the parents, so how we react is how inmates react. I saw good relationships between staff and inmates. Sometimes, maybe the relationship was too comfortable. There is a middle ground to be found. The job of a prison is to reintegrate inmates into the community. The healthier the environment, the more productive the prison will become.

Representative Faircloth: There are inmates who have made up their mind not to behave and others who are not lost and behave. Some inmates were given wrong explanations about their expectations for length of time served by staff.

Mr. Reid: This is important. I agree that people need to know their expectations. There is late information during in processing. Discipline also impacts length of time. Case managers have inmates' files and should notify them about changes. There should also be a reentry plan. Every time something happens, that plan changes.

Representative Floyd: Most facilities are far away from urban centers, leading to staffing issues. Do you agree with that?

Mr. Reid: I agree with that. This is not only a NC problem.

Representative Floyd: If you started a new facility today, would you change that practice?

Mr. Reid: I would have high-risk people closer to populous areas. This is because there are more resources and response capabilities. I am not sure how quick the response was at Pasquotank.

Representative Floyd: Some officers have been concerned about fence location and lack of cameras. Sometimes people drop off packages at night to be picked up by an inmate later.



Mr. Reid: That is a concern. There are some facilities that were not facilities originally. They are close to the highway and used for housing the inmate population.

Representative Floyd: How many people can supervise a facility without a radio?

Mr. Reid: That supervisor gave up a radio to a supervisee. There should be a surplus of radios to make sure everyone has one, and if one breaks it can be replaced.

Representative Floyd: An officer giving up a radio puts himself at risk. The state of repair and maintenance at a facility also makes officers unsafe

Mr. Reid: That is correct.

Representative Floyd: Every camera that I have seen is pointed downward. If shelves are high, it's hard for the camera to see everything. If you are 25% short, you can't help from having overtime. We have 160 recommendations – have you seen any changes towards those recommendations?

Mr. Reid: The department has released a document about their steps towards those changes. It wasn't an instantaneous exchange of information. This report was sent in January.

Representative Floyd: So you have seen corrections?

Representative Davis: Secretary Hooks and Ken Lassiter will come forward later with that information.

Mr. Reid: Stacking boxes near cameras in a store room is not something we support.

Representative Floyd: 95% of those who go to prison will return to the population. We have been trying to help individuals not return to prison. This has helped a lot. We have to do more to give a pathway to employment.

Representative Boles: I know there is a difference between policies and standards. In the facilities you went to, was there a policy of what percent the facility can operate at a deficiency of employees? Were the facilities adhering to that policy?

Mr. Reid: There's no policy for that. There is a staffing analysis that details the post, the need for that post, how many inmates that post can supervise, and the relief factor. NC can come to a number of staff required. The analysis can determine: Number of staff required based on class of inmate. The higher the class, the more staff are needed. Physical plant design is also important. What kind of facility is it? State of the art gives a good line of sight. An older one has more blind spots. Who are we putting in which prisons?

Representative Boles: Were the facilities within compliance?



Mr. Reid: Nash was. It had shortages but 11 or 12 new hires with 15 vacancies. Pasquotank was not up to standards to fully operate.

Representative Boles: That is just the two facilities?

Mr. Reid: Correct.

Representative Hurley: Did you actually observe Correctional Enterprises inmates working or is that shut down until a decision can be made?

Mr. Reid: It was shut down at Pasquotank, but they were working at Nash.

Representative Hurley: Do you know if anyone was taken off at Nash after the incident?

Mr. Reid: I do not.

Representative Hurley: I am hearing that many prisoners in for nonviolent infractions are not allowed to do anything now.

Representative Steinburg: Would it be reasonable to assume that the problems at these two facilities exist at others?

Mr. Reid: We should plan for the worst and pray for the best. The department is developing a security audit program that will facilitate the development to get all facilities up to speed. That will hopefully indicate emerging issues across the state.

Representative Steinburg: Did you hear from staff about a number of situations with people near retirement who are being sent from min-sec to a max-sec prison for being uncooperative with management?

Mr. Reid: We did not. We heard mostly that staff was energized and motivated. Also remorseful and sorrowful. Nobody wanted another incident to happen.

Representative Steinburg: I believe that I understand: When we look at shortages, that number is deceptive because it includes anyone not separated from the prison yet, even if they are taking sick or workman's compensation. These people are still considered staff even when they are not there. Did you know that?

Mr. Reid: Typically those numbers represent allocated positions. When someone is out on sick, that is a funded position. They aren't physically there but still employed.

Representative Steinburg: So those numbers being reported are not accurate and likely higher. I don't think the committee has heard from the families of those who recently died on the front lines. They have felt intimidated out of coming forward. Other officers have felt intimidated out



of coming forward. I believe that studying any problem within the prison system will not be complete until we hear from the rank-and-file to know exactly what is going on.

Representative Stevens: Following up on Senator Randleman's question about the lawsuit, can we change the nature of the prison so that hardcore prisoners cannot be a part of Correctional Enterprises. I just want staff to look into that.

Senator Randleman: Representative Floyd, the digital camera is on the list submitted by the department. Representative Pierce spoke about visiting prisons. I go to prisons to volunteer. Every prison has a Community Resource Council so that those who do not work at the prison can still have an idea of what goes on there. We set up the comment page, and staff is checking the comments we have received online. Referring to John Poteat.

Mr. Poteat: There were 2 comments received since last week, and I am checking with ISD.

Representative Graham: Did the 2 facilities have the same standard operating procedures?

Mr. Reid: In title yes, but in practice no.

Representative Graham: You talked about morale and vacancies. During your process, did you have any discussions about incentives to keep people in important positions?

Mr. Reid: No we didn't.

Representative Graham: Do you have a thought about that?

Mr. Reid: Officers should feel valued. There are systems trying to increase money and creating specialized training for risk. We also see promotions working.

Representative Graham: When you started, you were not trying to observe job performance, correct?

Mr. Reid: Correct.

Representative Graham: Simply standard operating procedures?

Mr. Reid: Correct.

Representative Graham: We as a body have known that there are vacancies. It is incumbent upon us to support those putting their lives on the line through incentives and salaries or whatever means necessary. The report does not address some of those things it should.



Representative McNeill: Having done staffing analysis and relief factor, when Pasquotank was staffed, did they use relief factor? Can staff look at staffing analysis and determine if 25% is accurate or not?

Representative Floyd: Thank you to the committee for taking steps towards addressing a culture. The secretary can't change culture overnight. The report gave good advice, but it won't happen overnight. It is a step towards the secretary changing the culture.

Secretary's Presentation

Representative Davis thanked Mr. Reid for his work on the report. Rep. Davis then asked for Secretary Erik hooks and Kenneth Lassiter to come forward for their presentations.

Representative Davis thanked Secretary Hooks and Mr. Lassiter for coming. He gave both the opportunity to respond to Mr. Reid's presentation.

Secretary Hooks thanked the committee for welcoming him to make a presentation. He promised that he would never make excuses for what has happened in the past. He emphasized his commitment to finding solutions for the department. Secretary Hooks mentioned the fact that he offered action items at the January meeting of the committee. He noted that the department would never be able to ease the pain of the families of those who lost their loved ones. Secretary Hooks also informed the committee that he and multiple members of his staff have visited multiple prison facilities. He highlighted that the department has targeted \$8 million to go toward equipment and infrastructure.

Secretary Hooks invited Director of Prisons Kenneth Lassiter to the podium.

Director Lassiter informed the committee that the department had 55 prisons 1 transition facilities statewide. At the time of the meeting, there were 2100 staff on duty. In all, there were more than 36000 felons in prison, and Director Lassiter wanted the committee to know who staff are working with. Director Lassiter informed the committee that the department used existing funds to purchase batons, as was recommended in the report. He also informed the committee that the department was increasing training and recruiting positions both for military and nonmilitary personnel. Referring to the backlog of staff needing training, the numbers went from 700 on the backlog to 50. These 50 could not be scheduled for training yet. Director Lassiter noted that every prison has its own culture and that the department had started working with community colleges for supervisory, field, and officer trainings. He also noted that the NC Sheriff's Association would begin assisting with rounds. The committee was informed that all 17 Correctional Enterprises operations have been evaluated. If their policies conflicted with facility policy, that has been resolved regarding keys and tools division-wide. The department also established a Security Evaluation division to make unannounced security audits. The department also has started coordinating with emergency management in the event of another incident. An online application will be able to notify emergency services about an incident, much like that used in schools. The NIC will give guidance on the inmate classification system



for custody, which is 8 years old. On June 1, no close custody inmate will be allowed to use tools. The resistance t-shirts ordered this year have shipped and are starting distribution soon. The department started the implementation of \$1.5 million for camera updates. After consultation, hiring processes will be changed soon. In addition, more training will be given to 300 officers. A reform board was established, and March 20 will be the first meeting. A strategic plan group was created. Five committees of people from all aspects of the prison environment have already begun working. Regarding the recent attacks in prisons, Director Lassiter noted that Pasquotank was operating at 25% vacancy including the release factor. The population at Pasquotank was also reduced by 20% before the attacks.

Questions

Representative McNeill: What happens for those just hired as a correctional officer?

Mr. Lassiter: If you are hired today, you will be in an orientation, then in a classroom for four-week stints. They will be trained for up to two years until you are evaluated and approved to be a field correctional officer. This is new for the agency.

Representative McNeill: If they go through orientation, it seems if you put them into school without any exposure to inmates, that is a big investment.

Mr. Lassiter: It is a calculated risk that we are getting people into training much quicker. We are being proactive in the screening process to onboard the right people.

Representative McNeill: I hope you would keep up statistically the people who say that corrections aren't for them.

Representative Steinburg: Are there any written or unwritten protocols to discourage folks from rank and file from talking to the press or their legislator about things that the public needs to see? There are a lot of people who want to talk about these things.

Secretary Hooks: I have been in some meetings where people have indicated what you said is the case. I have made it abundantly clear in public: Absolutely not. Many others have been talking to people, and I fully encourage these people to engage with their legislators. Employees are not fully empowered to talk on behalf of the agency, but that doesn't mean they can't speak with their legislator. Absolutely not.

Representative Steinburg: Would you have any problem if the committee brought employees of the system to answer questions directly about things they have seen or witnessed?

Secretary Hooks: That is outside of my purview, and I defer to the chairman.

Representative Steinburg: Ideologically do you think that is a good idea?



Secretary Hooks: That decision is in the hands of the chair, and if he sees that as appropriate, then I support that.

Representative Davis: Mr. Lassiter will you please respond?

Director Lassiter: The answer is no. The prison's website says that.

Representative Steinburg: Whether you have been on video or not, there are people who feel they cannot speak openly.

Representative Floyd: Director Lassiter has agreed to come to Fayetteville on April 23 and speak with employees there. He will hear a mouthful there. That takes a lot.

Representative Burr: Talking about the tragedies in the last year, there was another prison in the state, you can search Lanesboro. They are very understaffed, and it is causing a ripple effect. Staff are being pulled from Albemarle to another prison. People are retiring, and you can see the effects of that. What steps are being taken to clean that up?

Secretary Hooks: Excellent analysis. This has been going on for many years, and I saw that in my experience with the SBI. These have been tough choices, and this is something that Mr. Lassiter has been involved with.

Director Lassiter: We have heard the concerns from Albemarle's staff. Any assault in our prison is not acceptable. We are looking at a lot of strategic things to do with that facility.

Representative Burr: It seems to be the population, is everything being evaluated to lower the rate of violence at the prison like removing gang leaders?

Director Lassiter: Good analysis, and that is one of the first strategic things we do. We place them in restricted housing. I think with the new plan, it will make a good impact.

Secretary Hooks: I have been engaged with the FBI and US Attorney's office and look forward to staying involved with them.

Representative Turner: Would you say that the problem with communication and communication devices is improving? And have new staff been hired to bring down that 25% number?

Director Lassiter: I want to get you the right numbers, but their population is still reduced at Pasquotank. Regarding radios and equipment, we have partnered with the state highway patrol on some initiatives to look at how to best get signals through the building.

Representative Turner: You talked about the person helping you with hiring at the Department of Revenue. Are they just working with the mechanics or are they helping with recruiting?



Director Lassiter: I would say that they are streamlining. There have been too many people historically, so they are taking out steps.

Representative Turner: How often does the inter-disciplinary committee meet?

Director Lassiter: They were just established, and Tracy will be able to help.

Tracy Little: We have developed the strategic plan framework, and the committees are scheduled to begin meeting the week of March 19.

Representative Turner: Do you know if there have been staff members moved to areas for the purpose of looking better for visits or inspections?

Director Lassiter: Superintendents only manage the facilities, so no. We want to truly reflect what is happening day in and day out.

Secretary Hooks: In addition to streamlining hiring, we had a recruitment event with the National Guard at the beginning of this month. That is launching us into a much larger recruitment event at the fairgrounds in April. These are noble professions, and we are trying to get the best of the best.

Representative Speciale: Thank you to Director Lassiter. I brought some issues to the superintendent from a prison that I visited, and they are being addressed, so thank you for that.

Secretary Hooks: That lends in to what we have spoken about the culture. We have great people who have gotten used to some things and don't speak up about what can be improved. If there is an issue, you need to push that information up, and we will address those in any way.

Representative McNeill: I believe within your custody levels, an officer is paid more through custody levels. If someone is moved for 29 days to closed-custody, do they not get closed-custody salary?

Director Lassiter: That is absolutely a morale issue, and it's only used when a nearby facility is understaffed. Three years ago this body approved Correctional Officers I, II, and III. There was no mechanism to have a push code, and we are asking for assistance with that from HR. It is almost complete.

Representative Davis asked for further questions, and there were none. He thanked Secretary Hooks and Director Lassiter for their presentations.

The next item was the presentation about the 2018 Report on Indigency Standards. Representative Davis invited Brad Fowler to the podium to present.



Indigency Standards Presentation

Mr. Fowler explained the presentation in Attachment 1.

Indigency Standards Questions

Representative McNeill: Outside of the indigency standards, what is the threshold for someone to be eligible for an attorney?

Mr. Fowler: Their liberty has to be at stake.

Criminal Cost Waivers Presentation

Mr. Fowler explained the presentation in Attachment 2.

There were no questions about the Criminal Cost Waivers Presentation.

Model Fee Schedule Presentation

Thomas Maher explained the presentation in Attachment 3

There being no further business, the meeting adjourned at.

Model Fee Schedule Questions

Senator Barringer: Regarding Slide 14, does the opt out from hourly fees apply to appeals?

Mr. Maher: The fee schedule applies to District Court. If a parent is appealing from district court, the lawyer would not be paid under the fee schedule.

Senator Barringer: How am I compensated in an appeal if I have just lost a case in District Court?

Mr. Maher: The appeal would be to the Court of Appeals, and you would not carry the case forward. There is a roster of attorneys, and there is also a roster of appellate defenders. I believe the rate for appeals is the same.

Senator Barringer: I have heard that those cases have been brought on appeal just because there is an hourly rate. That just isn't appropriate. Do you have any data about how many of these cases lost at District Court are brought to appeal? Do you have the success rate?

Mr. Maher: I'm sure we can get that to you.



Senator Barringer: Is there not concern about an incentive for inefficiencies? Is there data about that? These cases need to be solved as quickly as possible.

Mr. Maher: I understand that multiple attorneys have to be in court, and when they are paid a flat fee, they are less inclined to do it. If we were paying a more substantial rate, there would be more incentive, but at \$55 an hour there is not much incentive.

Senator Barringer: I certainly hope so but you also mentioned that generally speaking there is a group of inexperienced attorney, and \$55 was better than \$0. I am very concerned with drawing out the child protective proceedings. Perhaps we could do a flat fee based on a better hourly rate. We cannot have incentives to draw things out. I have heard anecdotally that there are people taking advantage of this process.

Mr. Maher: I should point out that we do non-hourly pay through contracts. The attorneys are generally happy with that without there being any incentive to draw it out longer than necessary.

Senator Barringer: I welcome the opportunity to look at those approaches.

Representative Hurley: Regarding Slide 9. It has the *inaudible* twice. Is that per hour or per case?

Mr. Maher: It is not per hour. These are for dispositions. That is one that we have gotten a fair number of complaints, so we are interested in seeing how it works.

There being no further business, the meeting adjourned at 4:50 PM.

Presiding

, Committee Clerk