



## NORTH CAROLINA STATE LODGE FRATERNAL ORDER OF POLICE

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Randy L. Hagler  
State President

Lynn S. Wilson  
State Secretary

December 7, 2020

Representative Kristen Baker  
300 N. Salisbury Street, 306A3  
Raleigh, NC 27603-5925

Representative John Szoka  
16 W. Jones Street, Rm. 2207  
Raleigh, NC 27601-1096

Representative Howard Hunter, III  
16 W. Jones Street, Rm. 2121  
Raleigh, NC 27601-1096

Dear Representative Baker, Representative Szoka and Representative Hunter:

I am writing on behalf of the 6,500 active and retired law enforcement officers who are members of the North Carolina State Lodge, Fraternal Order of Police, as well as the thousands of other dedicated active law enforcement officers in our State who are not members.

The FOP has closely followed the presentations and discussions during the meetings of the House Select Committee on Community Relations, Law Enforcement and Justice and deeply appreciate Speaker Moore's prompt response to the concerns raised by recent national events and public protests over actual and perceived police misconduct. I particularly want to thank the three of you, as Co-chairs, and all the members of the Select Committee for your leadership in seeking to address the broad range of issues which have brought us to this critical juncture.

The Executive Board of the FOP and I have reviewed and debated the draft Recommendations released on November 18<sup>th</sup>. While we have some generalized concerns, we are overall in agreement with the Recommendations as proposed and are supportive of them, and will be supportive of the majority of recommendations made by the North Carolina Sheriffs' Association in its "Report on Law Enforcement Professionalism" released on October 21, 2020. Our concerns with the Select Committee's draft Recommendations and the Sheriffs' Association's recommendations are the same.

First and foremost is the issue of allowing a "Giglio letter" or order to be used as a grounds for suspension or revocation of a law enforcement officer's certification.

The issue of the increased issuance of *Giglio* letters by district attorneys nationwide over the past few years has become a strong concern for working officers. We have even discussed seeking legislation here in North Carolina to create some guidelines for the issuance. Currently there are no controls whatsoever.

On nothing more than a misunderstanding, or a very plausible reason for a misstatement of fact, an officer can be subjected to a letter or order stating that the officer is guilty of dishonesty and thereby barred from testifying in a criminal case in that particular judicial or prosecutorial district. For working officers, it is a career ender. The problem with the *Giglio* practices currently utilized is that in most instances the officer does not receive any type of hearing. (It should be noted that some elected district attorneys do have a review panel type system.)

If alleged *Giglio* violations are reported to an officer's respective Commission, and the Commission is allowed to take action against the officer's certification, the only hearing is after the fact and on the issue of disqualifying the officer from serving. This is much akin to investigating the underlying crime after the person alleged to have committed the crime has been hung.

On behalf of law enforcement in our State, we ask that if you proceed with the Select Committee's Recommendation (draft Recommendation 2), and the similar, but more detailed recommendation from the Sheriffs' Association, procedures be established by statute that will afford an officer an investigation into the factual basis of the alleged dishonesty and a hearing by an independent judicial official prior to issuance of a *Giglio* letter or order.

Our next concern relates to draft Recommendation 11, "Mandate the Duty to Intervene and the Duty to Report Misconduct." We are concerned the Sheriffs and chiefs of police will intervene and discipline officers anytime they feel the officer "should have" seen more than he or she reported regardless of the merit of the incident. This could -- like our *Giglio* concern above -- result in officers being disciplined or terminated with no hearing.

We are also concerned with many of the items in 14. We realize this is a laundry list of ideas, but a number of them are plainly and simply bad ideas. Eliminating SROs, ending partnerships between law enforcement and ICE, creating third-party review boards with subpoena power such as citizen review boards are just a few. There are some really good ideas on this list, but a large number of them will make an officer's job even harder and leave them in some dangerous area. Please proceed with due caution in considering the items on this list.

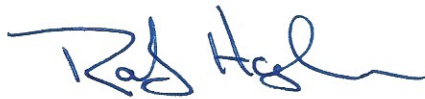
Our other concerns with the draft Recommendations are more generalized. Over the past two decades law enforcement officers have been expected to be knowledgeable in a broader array of issues and be trained in skills beyond those of traditional enforcement of the law, but with no commensurate increase in pay or benefits. The effect on recruitment is evident as both State and local law enforcement agencies struggle to recruit, hire and retain suitable, committed officers. Both the Select Committee and the Sheriffs' Association's recommendations substantially increase the initial hiring and training requirements, and add additional occupational burdens to an already challenging, high-stress job. For over 20 years the FOP has sought a 25 year retirement, with no

reduction, for law enforcement officers without success.

We do not doubt that the vast majority of these recommendations will be a positive benefit for our citizens and officers alike, but ask in return that the General Assembly recognize the additional duties that will be given an officer by providing the means for that officer to enthusiastically fulfill those obligations.

We respectfully request that the House leadership support a true 25 year retirement for both State and local law enforcement officers in North Carolina.

With highest regards

A handwritten signature in blue ink that reads "Randy Hagler". The signature is fluid and cursive, with the first name "Randy" and last name "Hagler" clearly distinguishable.

Randy Hagler, President  
State Lodge, Fraternal Order of Police

cc: Tim Moore, Speaker of the House  
FOP Executive Committee Members  
Jeff Gray, FOP Legislative Agent