

Good afternoon, Chairman Johnson and Chairman Warren and committee:

My name is Kristi Jones. Thank you and the committee for your patience in scheduling this meeting. Thank you also for your interest in making the North Carolina State Bureau of Investigation the best it can be, and all that North Carolina expects it to be.

First and foremost, I want to take this opportunity to thank the men and women of the SBI – both sworn and non-sworn. The SBI has a long, admirable history as the State's premier law enforcement agency. They lead our war against drugs, they work alongside our sheriffs, our chiefs, our district attorneys to assist in the most complex cases, they investigate officer-involved shootings, they perform background checks, they investigate public officials, they support local law enforcement agencies when there is a death in the line of duty and more. Ultimately, they are critical to the trust we need in our criminal justice system.

SBI agents often work undercover in the most dangerous circumstances and for that reason, they don't often get the same recognition we afford to law enforcement officers in uniform. Many people don't know who these agents are.

For most of my 25-year state government career, I have worked with the SBI. I know many retired and current agents, I have known and worked with many SBI Directors and Assistant Directors. I have great respect for the agency and the agents. These are our unsung heroes. So please all join me in thanking the SBI for all they do for North Carolina.

I met Director Schurmeier when I first took this position in early 2017. We agreed to work together so that we could provide mutual support for the mission of the SBI.

Professionally, we have and do work collaboratively. We talk regularly about the agency's mission. He shares updates about programs the SBI was continuing or creating.

He asked that I support his request for assistance from the Department of Public Safety when the SBI didn't have necessary funding for projects. He asked that I support his request to have his budget items included in the Governor's budget. Similarly, I asked for his input. For example, his thoughts on what he was seeing when there was an increase in violence against law enforcement officers. I would ask for his advice on officer-involved shootings and if there were any recommendations he would suggest for ways to support law enforcement. We agreed to always share information and work collaboratively for public safety.

This collaboration assisted both the SBI and the state. It also informed the Office of the Governor about the agency's needs and mission. The Governor is the leader of the Executive Branch and as such, we work administratively with other executive branch agencies. All agencies and departments are required to follow state personnel laws – and our job is to make sure state government serves North Carolinians while adhering to the law and the highest professional standards. Personnel laws require agencies to take allegations of workplace violations seriously. We expect agencies to uphold state personnel laws and implement the best human resources practices. In my role, I assist them administratively but also warn management when agencies are at risk.

For background, as early as 2018, there were personnel concerns at the SBI during its supervision of the Alcohol Law Enforcement Division. At that time, ALE was a division within the SBI. These concerns were made public and the General Assembly responded to the concerns with the passage of House Bill 99 which moved the ALE from under the SBI leadership directly to the Department of Public Safety.

When whistleblowers brought additional concerns about the SBI to the attention of the Governor's Office, we were obligated to take them seriously. And that is what we did.

We shared these concerns and allegations with Director Schurmeier. We discussed personnel laws and best practices--for example, promotional opportunities, access to training and continuing education, job postings, and other important HR

functions. As more information came in, we continued to update him on what we learned. During these conversations, we discussed personnel laws, we discussed the impact of these allegations on the organization and the potential damage to its prestigious reputation and the possibility of financial exposure to state taxpayers. We discussed the importance for all agencies to follow personnel laws, and how the stakes are even higher for the Bureau. The Bureau is the entity that investigates others for not following the laws. The Bureau is the entity that other law enforcement agencies call on to assist or review the most difficult and most sensitive cases. The reputation of the Bureau as a fair, impartial agency with integrity is fundamental. In other words, the law enforcer cannot appear to be the law breaker.

Based on the concerns that we had heard, we also urged the Director to implement an outside review of SBI human resources practices. As an independent agency, the SBI lacks some administrative oversight found in most government agencies which makes it even more important that its leaders are engaging in best practices, particularly given some of the concerns raised by the Director in his testimony.

In these conversations about the concerns we had heard, and how the SBI leadership might react to them, I was clear that any decision was his, but that he needed to know the ramifications for the SBI. He replied that he wanted to do what was best for the Bureau. On some occasions, he would take time to reflect and decide not to move forward with his initial recommendation.

Today, I come at this Committee's request to follow up on his questions from his testimony. While he mentioned our conversations during his testimony, he also invoked personnel rules for his inability to respond to some of your questions. I too will have to respect those personnel rules and may not be able to answer all of your questions. My office requested that Director Schurmeier provide a limited waiver that would allow us to more fully discuss our conversations with him in this hearing but he declined.

I can tell you that concerns were raised that warranted further review, but I am unable to share more details, such as who raised them or what the substance of the concerns were. However, as to the ultimate question of whether the director has or had the ability to make personnel decisions, his testimony clearly answered that question. The director does.

In his testimony, Director Schurmeier himself outlined changes he made to his leadership team. Throughout his testimony, he talked about the programs he created - BETA, Center for the Study of Use of Force and others. He created these programs, and he did reassignments and reorganizations to support those programs. He talked about decisions he made regarding his General Counsel. He mentioned several times that he decided not to hire for some positions. In his testimony he noted several times the promotions he alone made. Once for example, he said, "In 2018, I promoted a white male and a white female to AD, Assistant Director. And then in 2020, I promoted a black female to Assistant Director. In 2021, a white male and a black male to Assistant Director." Those were his words. His own testimony reiterated his ability to make personnel decisions.

Yes, there remain concerns that should be reviewed. I hope regardless of what you do with the SBI, or where it is housed administratively, that you, too, insist that personnel laws be followed. That you help maintain the Bureau's reputation as a fair, neutral, impartial law enforcement agency that is paramount to our criminal justice system.

Thank you for allowing me to share this information with you, Mr. Chairman.

Today I have with me Eric Fletcher, the Governor's General Counsel and Blake Thomas, General Counsel, Office of State Human Resources.