



State Highway Patrol Leadership Advisory Group

Initial
Recommendations

September 1, 2010

State Highway Patrol Leadership Advisory Group Report

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On July 23, 2010, Governor Bev Perdue appointed the State Highway Patrol Leadership Advisory Group with a directive to review and counsel upon the following areas under consideration for changes within the State Highway Patrol:

1. The selection process for a new commander
2. The Patrol's structure and policies
3. Whether any legislative recommendations for the next session are necessary to enact further reform.
4. How to rebuild the focus on integrity, honor and the proud heritage of the Patrol.

The Leadership Advisory Group conducted a series of meetings from July through August 2010. These meetings were held at the Governor's Crime Commission offices, via conference call and in the State Archives and History Building. All four meetings were open to the public and media.

While we understand the need and urgency for the Governor to select the next commander of the NCSHP, the Advisory Group needs additional time to make informed recommendations regarding the Governor's charge:

3. Whether any legislative recommendations for the next session are necessary to enact further reform; and
4. How to rebuild the focus on integrity, honor and the proud heritage of the Patrol.

These are issues of significant complexity and the Group needs additional information regarding disciplinary complaints and actions in order to determine whether past acts of personal misconduct are the result of individual choices /decisions or something systemic in the function of the Patrol. The following recommendations are forwarded to the Governor now because of the urgency of filling the critical leadership position and implementing positive structural and policy changes immediately.

I. The selection process for a new commander

The selection process dictates adherence to the following steps:

1. The Leadership Advisory Group recommends current members at the rank of lieutenant, captain, major and lieutenant colonel submit a declaration to either participate or not participate in the Patrol Commander Selection process. Preferential consideration should be given to candidates who have served as a Troop Commander. In order to serve as a Troop Commander, a member must have attained the rank of Captain to be considered.
2. Input as to the qualifications of the Commander's position should be sought from the Patrol's internal advisory groups of Troopers, Non-Commissioned Officers and Civilians.

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3. Members declaring participation in the selection process must clearly articulate their background qualifications to demonstrate they meet the minimum requirements set forth in the Job Description (to wit) Knowledge/Skills/Abilities and Training/Education. This information can be provided in the form of a resume [Appendix A - "Highway Patrol Commander" Job Description].
4. Any unsolicited external contact or recommendation made on behalf of a candidate for the colonel's position shall be documented as part of the process.
5. A thorough background investigation of each candidate will be conducted by a law enforcement agency external to the Department of Crime Control and Public Safety or an outside firm. This would be inclusive of a review of the candidate's personnel record while employed with the Patrol for questions of moral integrity and adherence to Patrol policy.
6. Remaining candidates are interviewed by both the Secretary and Chief Deputy Secretary of the Department of Crime Control and Public Safety.
7. The Secretary will recommend a list of one or more finalists to the Governor for final selection and appointment.
8. Any finalist should exemplify the ethical and moral character and reputation that represents the integrity and honor that citizens expect of the State Highway Patrol. There should be the expectation and commitment of any finalist that there will be "zero tolerance" for sexual misconduct, alcohol abuse, failure to conform to laws and untruthfulness.

In the development of the selection process, the Leadership Advisory Group studied selection criteria of other state law enforcement agencies throughout the nation and within North Carolina. Preferred qualifications would include attendance at one or more advanced management level training courses as an additional skill set for the Commander's job description. Emphasis is placed on well-rounded candidates with significant exposure to outside training.

Examples of executive, external training include:

1. Administrative Officers Management Program (offered through N.C. State University)
2. Southern Police Institute (offered through University of Louisville)
3. FBI National Academy (offered in partnership with University of Virginia)

The Leadership Advisory Group concurred that Governor Perdue should select the next commander based on the aforementioned process under the current General Statute 20-185. While revision to the current statutory regulation could be considered by the General Assembly during the 2011 session, until such time as an amendment to G.S. 20-185 may be enacted, the Governor is prohibited by law from appointing a Commander who does not meet the current statutory requirements. Given the imminent retirement of the current Commander on September 1, a major concern of the Leadership Advisory Group is that the State Highway Patrol would be



in an “indefinite limbo” in leadership and critical decision-making pending potential legislative action possibly for a period up to 18 months, if not longer.

To this end, the Leadership Advisory Group recommends a structured and objective selection process based on the current statutory law under Chapter 20, Article 4, *State Highway Patrol*. This allows Governor Perdue to proceed forthwith selecting the next Patrol Commander.

II. Redeployment of sworn personnel within State Highway Patrol Headquarters

The Patrol command staff has indentified 18 headquarters positions to redeploy to the field in the form of first-line supervisors. Span of control data for the organization indicates 15 districts across the state require one additional first-line supervisor in order to achieve a minimum of an 8:1 span of control ratio. This proposed deployment is consistent with the Kroll Report under the Span of Control findings. Kroll indicated the following within the Report’s Supervision and Supervisory Training findings:

“Span of control issues are a major cause of concern for the NCSHP. Because North Carolina is such a large and geographically dispersed state, it is difficult for first- line supervisors to spend a lot of time directly or indirectly supervising the Troopers within their command. Kroll found that, in some areas of the State, the span of control for a Sergeant exceeds the 6-to-8 recommended industry standard.”

The positions within Patrol Headquarters identified for redeployment include: one major, two captains, three lieutenants, four first sergeants, five sergeants and three troopers. The positions of major, captain, lieutenant, and first sergeant would require reclassification through the Office of State Personnel and the Office of State Budget Management.

The Leadership Advisory Group recognizes the process of redeploying occupied positions will be implemented in phases and accomplished through attrition. The redeployment of sworn personnel from Patrol headquarters to the field should occur within a time frame of 18 to 24 months.

The Leadership Advisory Group recommends a mechanism to measure the success of the redeployment of personnel and monitor the effectiveness of the reduced span of control through performance management tools.

III. Internal State Highway Patrol policy changes

The Patrol uses policies and procedures as a guideline for members to conduct themselves in a professional manner both on and off duty. The Leadership Advisory Group reviewed 10 policy/form changes. Those policy changes are attached to this report under Appendix B.

In addition to the policy changes, the Leadership Advisory Group recommends the Patrol implement a process by which citizens can contact the agency for both complaints and compliments. This may be accomplished through the existing Web site with e-mail links for each topic.

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IV. Ethics and leadership training

The Patrol received three proposals from reputable institutions outside of state government for specific training in ethics and leadership. The Leadership Advisory Group recommends the Patrol move forward expeditiously with selecting either the Gen. Hugh Shelton Leadership Center or the FBI Law Enforcement Executive Development Association to develop ethics and leadership training programs for the Patrol.

Organizational Input

The Leadership Advisory Group recommends aforementioned items **II** and **III** be submitted to the following internal groups of the Patrol for expedited review and submission to the Secretary of Crime Control and Public Safety:

- Trooper's Advisory Board
- Non-Commissioned Officer's Advisory Board
- Civilian Advisory Board

Conclusion

The Leadership Advisory Group appreciates the opportunity Governor Perdue has provided us to review the selection process for a new commander, the proposed redeployment of sworn personnel to the field, whether legislative changes are needed for further reform, and proposed policy changes. The recommendations in this report are offered at this time because of the urgency of filling the critical leadership position and implementing positive structural and policy changes immediately.

These recommendations should not be considered fully dispositive of all issues included in the charge given this group. Given the complexities of these issues, members of the group respectfully request the opportunity to further review needed legislative reforms, to include the consideration of external candidates. The panel also requests the opportunity to gather and review more information on the issue of misconduct in the Patrol before making a final recommendation whether additional measures are needed to reestablish the integrity, honor and proud heritage of the State Highway Patrol.

We hereby submit our recommendations on this the 1st day of September 2010:

Julius Chambers, Peter Gilchrist, Norma Houston, Burley Mitchell, Chris Swecker, Ralph Walker

APPENDICES:

Appendix A: Job Description – Highway Patrol Commander

Appendix B: Policy/Form Proposals



APPENDIX A

HIGHWAY PATROL COMMANDER (COLONEL)

NC 05989

CLASS CONCEPT:

This is administrative work in directing the State Highway Patrol. Employee is responsible for the effective organization and administration of all Highway Patrol activities throughout the state. Work requires close familiarity with all phases of the highway safety program and involves responsibility for the enforcement of state motor vehicle laws, the protection of persons and property, and the maintenance of public order. All Highway Patrol personnel are subject to orders and directives of this employee either directly or through subordinate supervisory personnel. Work is performed with considerable independence within the framework of policies established by the Secretary of Crime Control and Public Safety and controlling legislation. Supervision is received from the Secretary of Crime Control and Public Safety with whom the employee confers on unusual problems and who reviews work through observation of results and evaluation of reports submitted.

EXAMPLES OF DUTIES PERFORMED:

Regulates the assignments of officers, non-commissioned officers, and troopers of the Highway Patrol throughout the state. Observes and evaluates the work of Highway Patrol personnel and recommends training, discipline, or other measures as needed, through consultation with the Secretary of Crime Control and Public Safety establishes and controls organization and policies of the Highway Patrol. Advises the Secretary of Crime Control and Public Safety with respect to laws and regulations affecting traffic safety. Maintains continuous consultation with other units of the Department of Crime Control and Public Safety with respect to such matters, as training needs, records, equipment and the like. Interprets laws, rules, regulations, and policies to subordinates and to the general public. Represents the department in important public and official contacts, such as appearing at meetings, appearing before legislative committees and groups, dealing with law enforcement officials from other states and within the State of North Carolina. Performs related work as required.

KNOWLEDGES, SKILLS, AND ABILITIES:

Thorough knowledge of the provisions of the North Carolina Motor Vehicle Act.

Thorough knowledge of established policies, procedures, rules, and regulations pertaining to the Highway Patrol.

Considerable knowledge of North Carolina and other state motor vehicle registration and title laws.

Ability to interpret and explain laws, rules, and departmental regulations.

Ability to enforce provisions of laws with tact, firmness and impartiality.

Ability to present information effectively in oral and written form.

Ability to establish and maintain effective working relationships with administrative personnel, subordinate employees, and the general public.



MINIMUM TRAINING AND EXPERIENCE REQUIREMENTS:

Graduation from high school or high school equivalency certificate. Successful completion of North Carolina State Highway Patrol Basic School, supplemented by extensive management and leadership training for law enforcement professionals, with advance knowledge of modern law enforcement principles, procedures, techniques and methods of administration including considerable knowledge and/or experience in public agency management, criminal justice systems, application/interpretation of state and federal laws. Must hold the rank of Highway Patrol Lieutenant or higher rank

NECESSARY SPECIAL QUALIFICATIONS:

Possession of a valid North Carolina driver's license and certification as a Law Enforcement Officer under General Statute 17-C.

DISCLAIMER:

This is a generalized representation of positions in this class and is not intended to identify essential functions per ADA. Examples of work are primarily essential functions of the majority of positions in this class but may not be applicable to all positions.



APPENDIX B

POLICY/FORMS PROPOSALS

Assignments, Transfers, Retirements, Resignations, and Residence Requirements

- A member's residence must be established to ensure members can respond in timely manner on a 24-hour basis to calls for service.
- Members shall reside in the State of North Carolina and shall reside in the county of their assigned duty station.
- Cadets will be assigned a duty station other than the county in which the cadet resided at the time of his/her employment and at the discretion of the Commander's Office and in accordance to the Trooper Allocation Report.
- Requests for transfers to a duty station located in the county in which the member resided at the time of his/her initial employment will not be accepted if the request is made within a period of five years of the date the member was sworn in unless, in the discretion of the Commander's Office, extenuating circumstances permit an exception to this rule.
- Members shall submit transfer requests (HP-205) to their District Supervisor or the appropriate supervisor in their chain-of-command on a quarterly basis (during the months of January, April, July, and October). The HP-205s must be received on or before the 20th of the month or on the first workday after the 20th.
- Members shall within 180 days of initial assignment or transfer, establish within their area of responsibility (county of assignment) subject to the approval of the immediate supervisor.
- Two 90-day extensions may be granted by the Section Director/Troop Commander.
- Any request for exception to this policy shall be submitted through the chain-of-command to the Patrol Commander's Office.
- If a member applies for a promotional vacancy and his/her application is granted, then the member will remain in that position for 2 years from the date of promotion unless changed at the discretion of the Patrol Commander.



Secondary Employment

- All secondary employment shall occur on the member's day off, holiday, or vacation time, or after the members has assigned shift has been worked.
- All secondary employment *shall be ended in sufficient time* to allow 8 hours between secondary employment and on-duty time.



Promotion Procedures

Under the authority of the Director of Administrative Services, the Industrial Psychologist shall publish a rank ordered list of the top eighty (80) Troopers, the top fifty (50) Sergeants, and the top thirty (30) First Sergeants based upon the overall promotional scores. **The promotional eligibility lists shall be valid for two (2) years** according to the following protocol:

- The Director of Administrative Services under the Commander's authority will notify eligible candidates of a promotional vacancy.
- Candidates wishing to apply for an announced vacancy must submit their name to be considered, fully understanding that if his/her application is granted, then they must remain in that position for 2 years from the date of promotion unless changed at the discretion of the Patrol Commander.
- Candidates may apply for only one vacancy per announcement.
- If more than one candidate applies for the announced vacancy, the vacancy will be awarded to the highest ranked candidate for promotion.
- In the event that no candidates apply for an announced vacancy, the Commander may select the highest ranked candidate for promotion.
- Candidates who are offered a promotion and submits a written memorandum through the chain-of-command to the Commander declining the promotion will be placed at the bottom of the promotional list.



Citation and Arrest Enforcement Regulations
(Assignment of Citations)

- All e-citation used shall be transmitted by the issuing member by the end of that member's assigned shift.



Use of Patrol Video Recording Devices and Still Photography Cameras

- A member shall not contact any vendor for technical support. All correspondence and requests for service shall be routed through the chain-of-command, to include the troop Radio Engineer, to the Technical Services Unit (TSU).
- Members operating Patrol Vehicles equipped with recording devices shall have the recording devices and body microphones up and ready for operation at all times.
- Supervisor Protocol District Supervisors shall review recorded traffic stops on VHS tapes/DVDs to ensure that policies and procedures are followed.



Patrol Vehicle Assignment and Maintenance; Use of Patrol Vehicles

- Each member shall park their issued Patrol Vehicle at their established residence as defined in Directive E.9.
- Members shall notify the Communications Center using Signal 30 when an individual of the opposite sex must be placed within the Patrol vehicle for the purpose of crash investigations, stranded motorists, witnesses, persons accused, or persons with an approved HP-3.



Wireless Telephones by State Highway Patrol Members

- All personal wireless telephones cannot be carried without prior approval by the member's supervisor.
- A member must complete form HP-30A (Request to Carry Personal Wireless Telephone) and adhere to the following guidelines:
- A member shall not use a personal wireless telephone to conduct secondary employment business while on duty.
- The member shall have the approved wireless telephone number entered into the comments Section of the CAD.
- A member may be allowed to carry a "pay-as-you-go" wireless telephone.
- Upon request, members shall furnish a copy of their bill to their First Sergeant or Section Director/Troop Commander for review for the requested time period. The billing records provided shall display all incoming and outgoing calls made or received by the phone for the requested time period. Information such as cell numbers and names maybe redacted if such information is not needed as part of the request for information.