

ISSUE: DUE PROCESS FOR LAW ENFORCEMENT OFFICERS

BACKGROUND:

Law enforcement officers currently work under a system where their jobs are scrutinized like no other profession. Professional officers welcome this scrutiny and work diligently to raise the standard of the profession. Many times, however, they are subjected to unfair processes in the way they are disciplined. No professional law enforcement officer wants officers in the profession who discredit the job they do. They do want to be treated fairly in how they are disciplined.

Most municipal and county law enforcement officers in North Carolina are not afforded any type of independent hearing or review process to contest false allegations or adverse employment action. However, state officers in North Carolina enjoy a basic minimum right to due process to be able to contest false allegations and adverse employment action through the Office of Administrative Hearings and State Personnel Commission.

The NC PBA has attempted to create a fair and impartial system in regard to due process that would apply universally for all officers throughout the state. In 2007, HB 980 was passed out of a judiciary committee by a 7-6 vote. The NC Sheriff's Association and the North Carolina Police Chiefs Association, along with the League of Municipalities, lobbied against the bill. The bill was calendared several times, but was pulled from a final floor vote and missed the crossover deadline. A bill of this nature can't be introduced again until 2009.

QUESTION: 3

If elected/re-elected, would you publicly sponsor or vote for and/or recommend that the General Assembly support due process for law enforcement officers in any forthcoming legislative sessions?