

LAW ENFORCEMENT TRAINING STUDY - BACKGROUND MEMORANDUM

Senate Concurrent Resolution No. 4014 (attached as an appendix) directs a study of the methods for funding and providing law enforcement training in this state.

STATE LAW ENFORCEMENT SYSTEM

The chief components of the state law enforcement system in North Dakota include the Highway Patrol, various divisions within the office of the Attorney General, game wardens, and park rangers. These agencies or officers are discussed in this memorandum.

Highway Patrol

Founded in 1935, the North Dakota Highway Patrol enforces state law relating to the protection and use of the highways in the state and the operation of motor and other vehicles on North Dakota highways. In addition, under North Dakota Century Code (NDCC) Section 39-03-09, the Highway Patrol is required to exercise general police powers over all violations of law committed on state property; to provide security and protection for the Governor, the Governor's immediate family, and other officers next in order of succession to the office of Governor as deemed adequate and appropriate; and to provide security and protection for both houses of the Legislative Assembly while in session as deemed adequate and appropriate. The Governor appoints the Highway Patrol superintendent under Section 39-03-02. In addition to serving as administrative head of the Highway Patrol, the superintendent has been responsible, since 1981, for the operation, maintenance, and administration of the Law Enforcement Training Center. (NDCC Section 39-03-13.1)

Law Enforcement Training Center

The Law Enforcement Training Center in Bismarck was established following a 1969 appropriation of \$169,000, funded by a one-time 50-cent charge on driver's licenses. The director of the training center is appointed by the Highway Patrol superintendent. The peace officer training conducted at the center is required to meet the criterion and curriculum standards of the state Peace Officer Standards and Training Board.

The Law Enforcement Training Center, which was built in 1971, conducts training for all law enforcement agencies in the state. The center provides basic and advanced training for all law enforcement officers at no charge to them or their agencies for tuition, room, or board. The original center consisted of two classrooms, dormitory rooms (40 beds), and a dining hall. In August 1997 the Ralph Wood addition opened. This project added a multipurpose room, four dormitory rooms, two classrooms, and an administrative office to the center.

In 2002 the center reported that three basic training classes graduated as well as a Highway Patrol recruit class. Sixty-eight peace officers earned their Peace Officer Standards and Training Board licensure

certification through attendance at the center. A total of 1,011 law enforcement personnel received training in the 57 sessions at the center in 2002. The center also reported that the center is frequently used by other groups and state agencies for training, meetings, and events.

Bureau of Criminal Investigation

The Bureau of Criminal Investigation was established in 1965 "as a bureau of the state government, under the Attorney General." (NDCC Section 12-60-01) Among the statutory duties of the Bureau of Criminal Investigation are the assisting of federal, state, and local law enforcement entities in the establishment and maintenance of a complete system of criminal investigation, serving as the state central repository for the collection, maintenance, and dissemination of criminal history record information; aiding in establishing a system for apprehension of criminals and detection of crime; and on request, assisting and cooperating in investigation, apprehension, arrest, detention, and conviction of alleged felons, as well as other duties. (NDCC Section 12-60-07) The Attorney General acts as superintendent of the bureau and has "absolute control and management of the bureau." (NDCC Section 12-60-05) The Attorney General appoints the chief of the bureau.

Criminal Justice Training and Statistics Division

The Criminal Justice Training and Statistics Division has as its state purpose "to certify and conduct the training of peace officers, local correctional officers, and sheriffs, to conduct training for state's attorneys and defense attorneys, and to gather, analyze, and disseminate information regarding the state's criminal justice system." (NDCC Section 12-62-01) The Attorney General appoints the director and personnel of the division and also has rulemaking authority with respect to the division's activities. (NDCC Section 12-62-01)

The 1981 Legislative Assembly created the Peace Officer Standards and Training Board. The board, in accordance with NDCC Section 12-62-03, is administratively part of the Attorney General's office by virtue of being part of the Criminal Justice Training and Statistics Division. The board is composed of a group of individuals appointed by the Attorney General based on nominations received from the North Dakota Chiefs of Police Association, North Dakota Peace Officers Association, North Dakota Sheriffs and Deputies Association, North Dakota League of Cities, and North Dakota Association of Counties. The board is responsible for developing and implementing standards for all peace officers in the state.

Drug Enforcement Unit

The Drug Enforcement Unit, under the Attorney General, has as its duty the enforcement of the Uniform Controlled Substances Act and other laws dealing with controlled substances. The Attorney General designates the director of the Drug Enforcement Unit under NDCC Section 54-12-15.

Game and Fish Department

North Dakota Century Code Title 20.1 provides the general structure of North Dakota game and fish law. The state Game and Fish Department director has primary responsibility for enforcing these laws (NDCC Section 20.1-02-04(4)), with this responsibility also being delegated to game wardens. (NDCC Section 20.1-02-07) As the chief law enforcement officer, the Attorney General is also assigned responsibility in this area. (NDCC Section 20.1-01-04) That duty is also assigned to state's attorneys, sheriffs, and other peace officers.

Park Rangers

North Dakota Century Code Chapter 55-08 establishes the Parks and Recreation Department to plan and coordinate government programs encouraging the full development and preservation of existing and future parks, outdoor recreation areas, and nature preserves. The Governor appoints the director of the department under Section 55-08-01.2. The director is authorized to appoint departmental employees to have peace officer status on property administered by the department. (NDCC Section 55-08-04) In addition, under Section 55-08-15, the Attorney General, state's attorneys, sheriffs, and other peace officers are also responsible for enforcement of Chapter 55-08.

PREVIOUS STUDIES

1985-86 Interim

During the 1985-86 interim the Legislative Council's interim Law Enforcement Committee, pursuant to House Concurrent Resolution No. 3063, studied the structure of the state law enforcement system in North Dakota, particularly the coordination of training and standards of law enforcement personnel. The committee concentrated its attention on the issue of certification of peace officers and on the operation of the Law Enforcement Training Center. The committee recommended a bill to provide an appropriation of \$480,000 from the general fund for the expansion of the Law Enforcement Training Center. The bill also provided for a temporary motor vehicle operator's license fee of \$1 imposed on new licenses issued or renewed during the four years beginning July 1, 1987. The bill failed to pass the House of Representatives.

1993-94 Interim

During the 1993-94 interim the Legislative Council's interim Budget Committee on Government Finance, pursuant to Senate Concurrent Resolution No. 4075, studied the methods for funding state, county, and city

law enforcement, correction, and emergency medical technician training facilities and programs and the feasibility and desirability of establishing centralized training for law enforcement, correctional, emergency medical assistance personnel, and other emergency service providers. The committee considered the possibility of consolidating the Highway Patrol and the Bureau of Criminal Investigation training programs. It was thought that consolidating the training programs would improve communications, delivery of services, and reduce duplication of efforts and services. The committee reviewed information on expanding the existing Law Enforcement Training Center in order to provide additional classrooms, dormitories, office space, and a multipurpose room to accommodate the increased training needs for peace officers throughout the state. The committee recommended that the Legislative Council support and recommend the continued operation of the combined training facilities and programs of the Bureau of Criminal Investigation and Highway Patrol. Based on the Attorney General's opinion stating that statutory changes were not necessary to combine the training programs, the committee supported the Bureau of Criminal Investigation and the Highway Patrol in their proposal to voluntarily merge the training programs. The committee recommended the Highway Patrol capital budget request include \$1.4 million for an addition to the Law Enforcement Training Center. The committee also recommended a bill to establish a \$2 surcharge on motor vehicle registrations for one year. The bill appropriated the \$1.4 million to be generated from the \$2 surcharge to the Highway Patrol for the purpose of a building addition for law enforcement training. The committee recommended the bill as the most economical way of establishing increased law enforcement training opportunities for peace officers throughout the state. The bill, 1995 House Bill No. 1029, failed to pass the House; however, the \$2 motor vehicle registration surcharge provision was added to 1995 House Bill No. 1013, the Highway Patrol's appropriations bill. House Bill No. 1013 also appropriated the funds collected as a result of the \$2 surcharge to the Highway Patrol for the purpose of constructing and furnishing a building addition to the Law Enforcement Training Center.

Law Enforcement Training Funding - 2003 Legislative Session

The 2003-05 executive budget removed the funding for the Bureau of Criminal Investigation's two law enforcement training positions. In 2003 Senate Bill No. 2003, the Attorney General's appropriations bill, the Senate restored funding for one of the two positions. The House further amended the bill to restore the second position; however, in the amendment adopted by the House, approximately 50 percent of the funding for the second position was to be provided from an increase in peace officer license fees and the remaining 50 percent from the general fund. The amendment required the Peace Officer Standards and Training Board to collect an additional \$55 fee on each application or

license and remit the funds collected to the Attorney General for deposit in the Attorney General operating fund for providing funding for peace officer training programs. The fee was estimated to generate \$70,015 for the 2003-05 biennium. The conference committee recommended and the Legislative Assembly ultimately approved an amendment to Senate Bill No. 2003 that removed the provision to increase peace officer license fees and restored the second position with funding from the general fund. The total amount appropriated for the two positions was \$275,572.

SUGGESTED STUDY APPROACH

The committee, in its study of the methods for funding and providing law enforcement training in this state, may wish to approach this study as follows:

- Receive information and testimony regarding present training programs, requirements, and facilities.
- Receive information and testimony from the Attorney General, the Peace Officer Standards and Training Board, the Highway Patrol, and the law enforcement associations regarding the law enforcement training needs of the state.
- Receive information and testimony regarding possible funding methods and cost-effective ways of providing law enforcement training.
- Consider touring the Law Enforcement Training Center and other training facilities.
- Develop recommendations and prepare legislation necessary to implement the recommendations.

ATTACH:1