

North Dakota Highway Patrol Colonel Brandon Solberg January 9, 2023



STATUTORY AUTHORITY NDCC CHAPTER 39-03

- Enforcement of laws pertaining to title 39 and title 24
- Traffic crash investigation approximately 80% of serious crashes
- To enforce chapter motor carrier rules adopted under NDCC 39-21
- To provide security and protection for the governor, the governor's immediate family, and others next in order of succession
- To provide security and protection for both houses of the legislative session while in session and the ND Supreme Court
- To exercise general police powers over any law when committed in our presence or when requested by another law enforcement agency

CORE FUNCTION

Proactive law enforcement services

Proactive versus reactive

N.D. STATE HIGHWAY PATROL VITAL FACTOR IN REDUCING ANNUAL SACRIFICE OF HUMAN LIVES

Continuous Presence of Uniformed and Motorized Traffic Officers On Public Streets and Highways Serves to Remind Drivers That Laws of This State Cannot Be Disregarded



Hope Pioneer – June 16, 1938

Meet current and future law enforcement demands

Traffic safety to public safety

Ensure the safety of citizens and visitors

North Dakota can become the safest state in the nation



HIGHWAY PATROL MISSION

Mission

To make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure

Vision

Public safety through quality service

We Serve

All North Dakota citizensAll motorists traveling through ND

AGENCY OVERVIEW

- Two major components
 - Field operations
 - Administration
- 193 authorized employees
 - o 159 sworn
 - o 34 civilian
- Motor vehicle permit office
- Law Enforcement Training Academy (LETA)



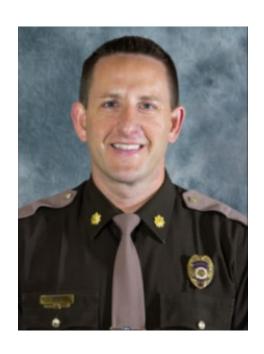
AGENCY ADMINISTRATION



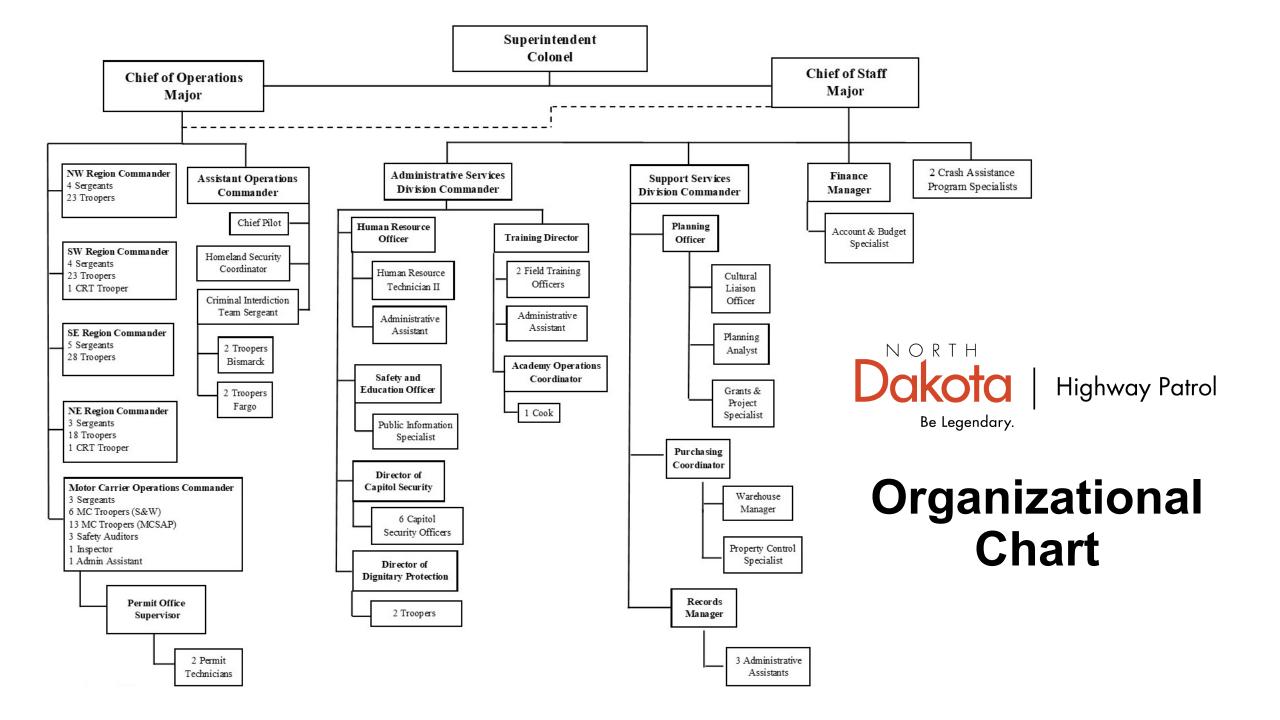
Colonel Brandon Solberg
Superintendent

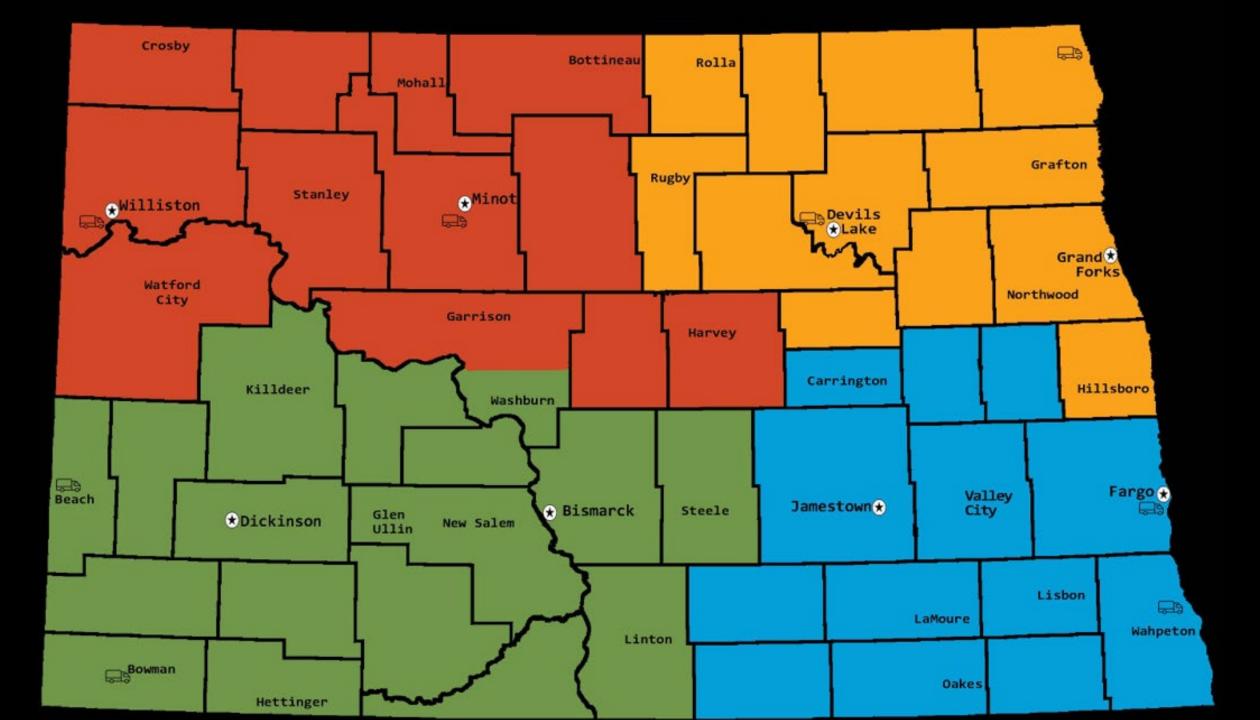


Major Aaron Hummel
Chief of Staff



Major Tom Iverson Chief of Operations





HIGHWAY PATROL VALUES



- Professionalism
- Integrity
- Loyalty
- Accountability
- Respect
- Commitment

AGENCY OVERVIEW

- Accomplishments
- Challenges
- Opportunities

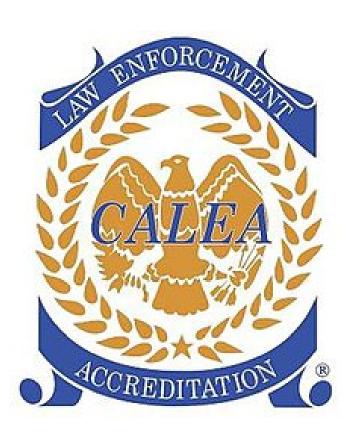




- Signed law enforcement mutual aid agreements with MHA and Spirit Lake Nations to clear up jurisdictional complexities
- Implemented an unmanned aerial vehicle program with UAVs available statewide for crash investigation and search & rescue operations



The NDHP, DOT, DES, and Parks & Rec received the Roaming Bison Award for a combined response to the historic spring storm in April of 2022



- Received 11th accreditation award from the Commission on Accreditation for Law Enforcement Agencies – accredited since 1989
- Started a two-member crash assistance program with team members stationed in Fargo and Bismarck
- Hosted four opioid roundtables in Bismarck,
 Minot, Grand Forks and Fargo with 94 public and private partners in attendance

The NDHP responded to 1,112 calls for service and investigated 343 crashes during three different inclement weather events in November and December of 2022. These long-duration winter storms resulted in several road closures across the state.





10 lbs. of meth destined for Fargo.

- Started a five-member criminal interdiction team with troopers stationed in Fargo and Bismarck
- Conducted the first American Governors' Border Strike Force detail in partnership with the State & Local Intelligence Center and the Bureau of Criminal Investigation which resulted in the seizure of 51.6 pounds of illicit drugs in a short oneweek period

- Actively working toward a more inclusive and diverse workforce and culture
 - Signed 30x30 initiative
 - Hosted first Midwest Women in Law Enforcement conference
 - Submitted SB 2054 to update the term "patrolman" to "trooper"



CRITICAL ISSUES





- Keeping North Dakota safe and secure
 - Criminal interdiction efforts
- Work toward zero deaths on the state's highways
 - Enforcement and education
- Becoming/remaining an employer of choice
 - Attract and retain professional, motivated, and diverse workforce
- Provide high quality law enforcement training
 - Relevant and timely
- Technology advances
 - Strong backbone to constantly changing environment

CRIMINAL INTERDICTION EFFORTS

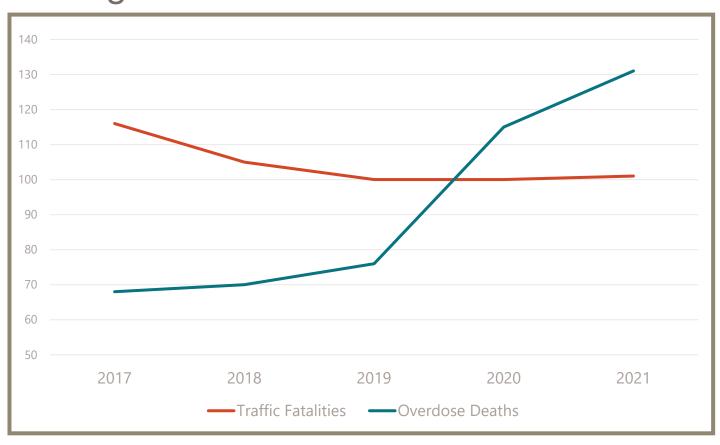
- In 2021, troopers seized a total of 96 grams or 48,000 potentially lethal doses of fentanyl from our roadways
- In 2022, that number increased tenfold to 1,021 grams or 510,500 potentially lethal doses of fentanyl
- 365 canine deployments and 3,458 drug charges in the past two years



Two pistols, \$20,000, six lbs. of meth and 9,000 fentanyl pills destined for Fargo.

OVERDOSE DEATHS

- Overdose deaths are exceeding traffic fatalities nationwide
- North Dakota stats:
 - 2019: 76 (vs 100)
 - 2020: 115 (vs 100)
 - 2021: 131 (vs 101)
- Supply and demand
- TCOs, cartels, gangs
- Whole community
- All citizens



- 39 supervisors
- 29 specialized troopers
 - Chief Pilot (1)
 - Criminal Interdiction Team (4)
 - Cultural Liaison Officer (1)
 - Crash Reconstructionist (2)
 - Protective Services (2)
 - MCSAP (13)
 - Size & Weight (6)
- 91 traffic enforcement troopers



Area of Responsibility

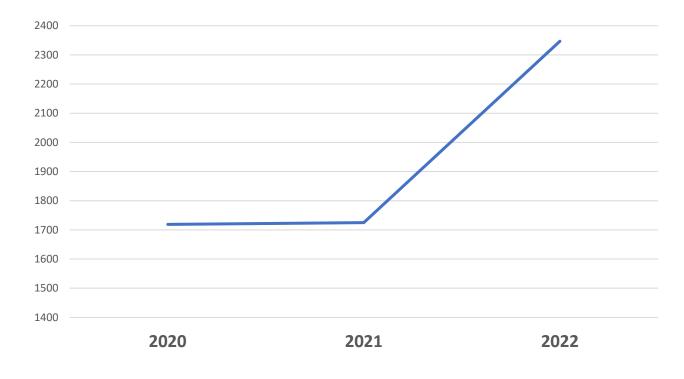
- 70,762 square miles
- 106,103 miles of roadways
- 7,415 miles of state/federal highways
- 571 miles of interstate
 - 35% of annual vehicle miles traveled

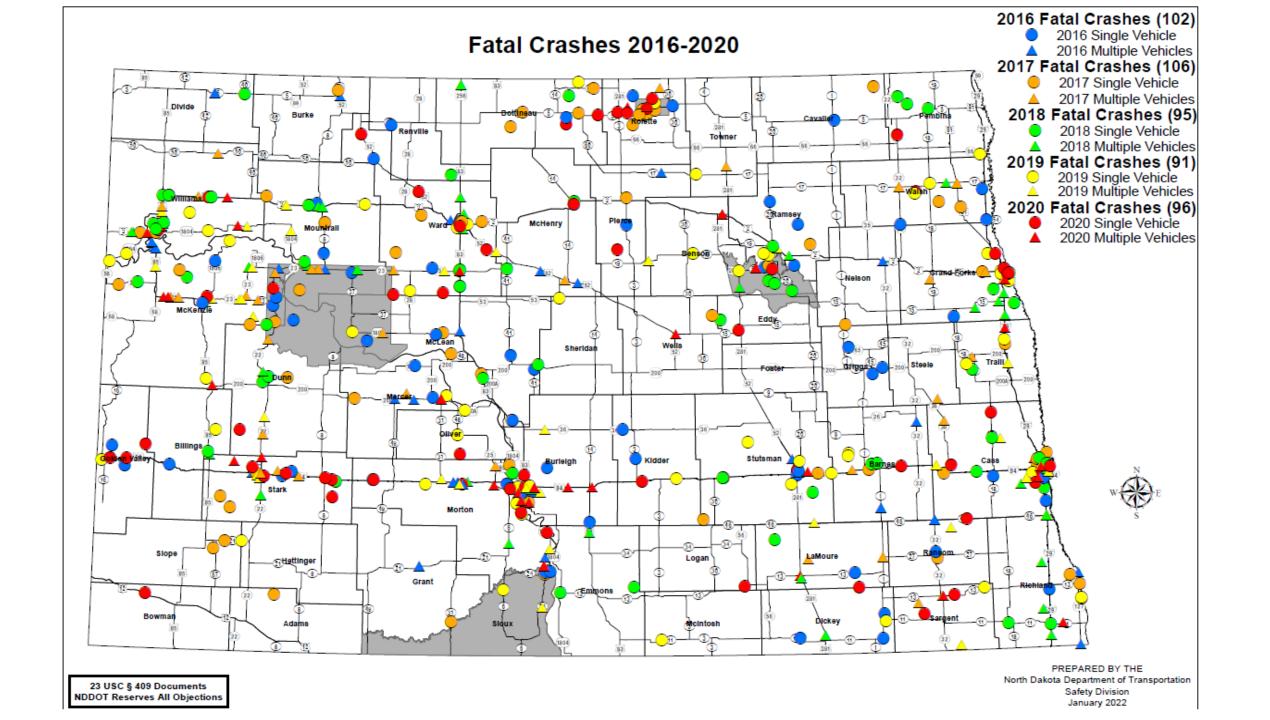
Source: ND Transportation Handbook 2021

The NDHP covers approximately 80% of all serious injury and fatality crashes and approximately 20% of all other crashes.

NDHP-Investigated	2020	2021	2022
Fatal	77	77	89
Injury	458	463	521
Property Damage	951	964	1407
Other/Nonreportable	233	221	330
Total	1719	1725	2347







Agency Workload	2021	2022	
Road Patrol Hours	116,294	96,505	
Traffic Stops	71,575	63,133	
Traffic Citations	67,663	56,286	
Warnings	42,215	43,027	
Crashes Investigated	1,725	2,347	3
Criminal Arrests	5,929	5,512	
Safety Talks	295	361	2
Motor Carrier Permits Issued	149,009	148,194	
Assist Other Government Agency	3,149	3,161	
Calls for Service	14,941	13,108	
Total CAD Incidents	98,075	95,979	
DUI Arrests	1,062	1,016	
Drug-Related Arrests	1,758	1,700	
Weapon Offenses	64	66	3
Motorist Assists/Abandoned Vehicles	7,714	12,367	6
Crash Investigation On-Scene Hours	3,763	4,309	1
Crash Investigation Follow-up Hours	2,386	2,862	2
Crash Reconstruction Hours	2,502	3,000	2
Overloads	1,080	942	

36% increase

22% increase

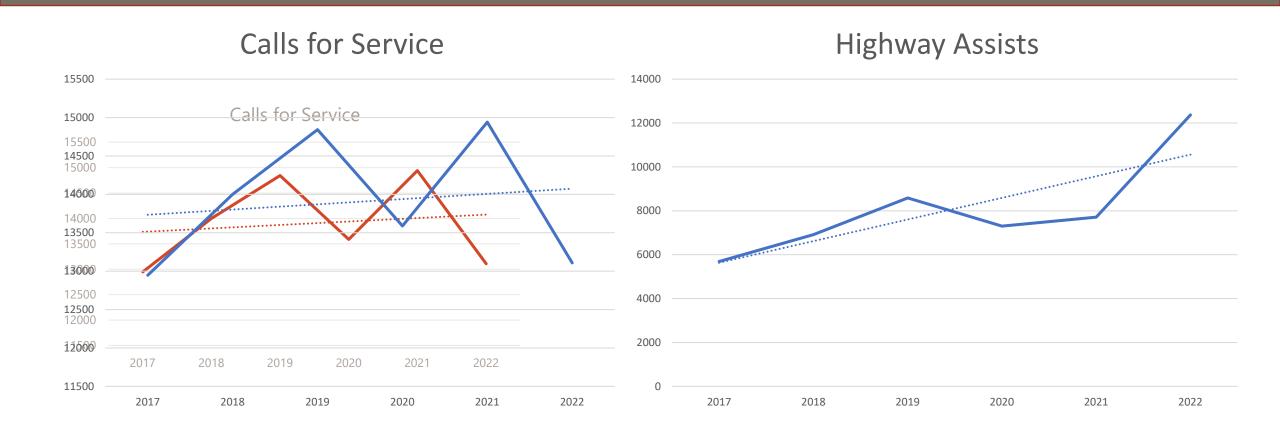
34.5% increase since 2020

60% increase

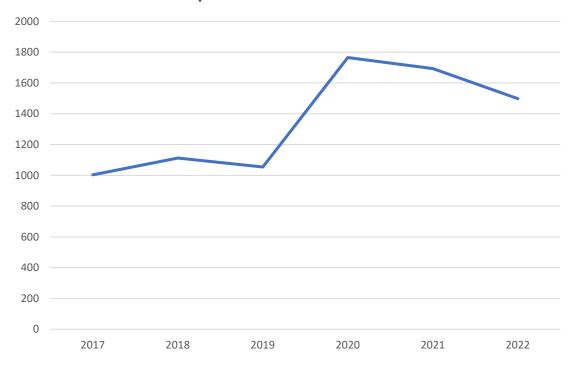
14.5% increase

20% increase

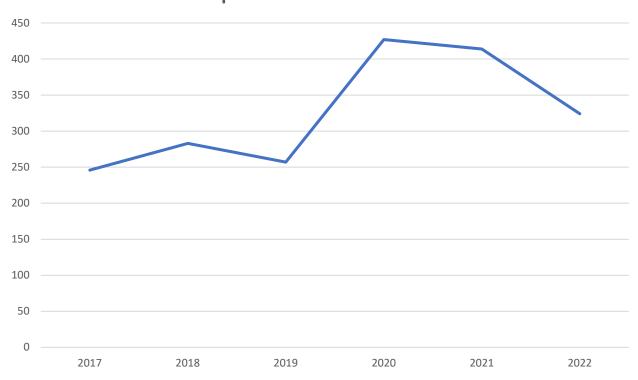
20% increase

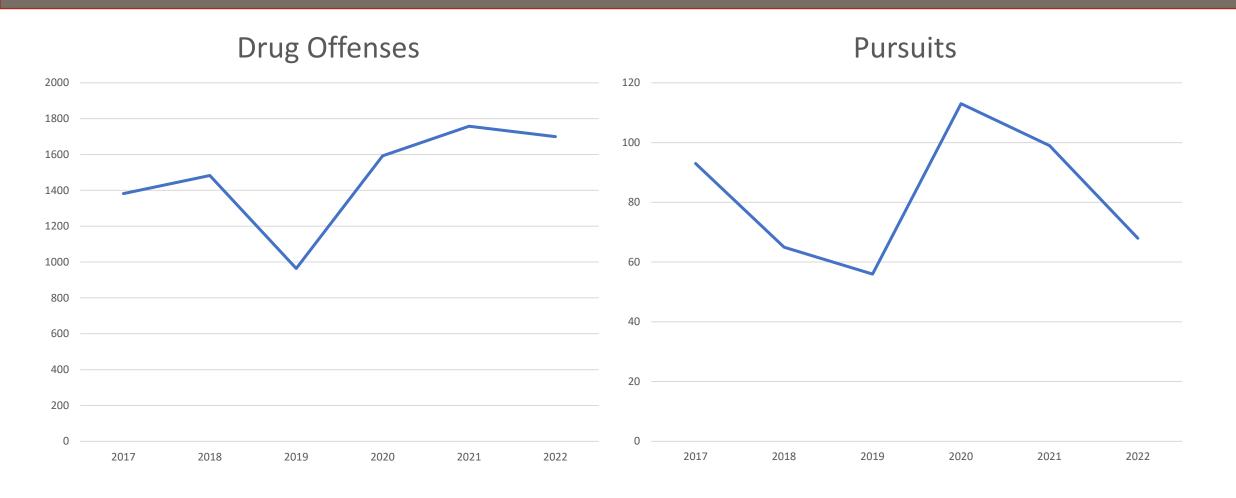






Speeds 100+ MPH





AUDIT FINDINGS - TWO-YEAR PERIOD ENDING JUNE 30, 2020

Finding 2020-01: Terminated Employees Could Bypass Capitol Security

Terminated Employee = employee who ended employment for any reason to include voluntary resignation, retirement, involuntary termination, or for employment in another state agency.

Recommendation

- Perform monitoring procedures by routinely reconciling terminated employees to access within systems that control building security and disable access for terminated employees; or,
- Coordinate with human resource agencies to automate, if possible, building access for employees
 according to employment status.

Corrective Action

- Update the human resource process and communicate to agencies that use key access on the capitol complex. ServiceNow is the required method for agencies to notify the NDHP within 10 days (or sooner) of termination of employment.
- The NDHP will utilize OMB employment status records to reconcile requests as a failsafe measure.
- NDIT has a request for Security Expert software in their budget to enhance the current software package
 used for the electronic card access system.

AUDIT FINDINGS

Finding 2020-02: Contractors Could Bypass Capitol Security

Recommendation

- Consistently limit or automate expiration of building access for one year or less for non-employees and require agencies to renew access requests annually.
- Provide guidance to agencies to limit contractor access to contract needs for routine access with a maximum of the contracted period of services.
- Implement a required field on the Access Card Authorization Request form to be used to identify when contractor access is to be revoked.

Corrective Action

- Requests for contractor access through ServiceNow require an expiration date and state contract number to be added when requesting key access. Agencies are required to collect the card at the expiration date or end of the contract work period and notify the highway patrol to deactivate access.
- Contractor cards expire after one year unless the contract period is shorter in duration.
- NDIT has a request for Security Expert software in their budget to enhance the current software package
 used for the electronic card access system.

2021-23 HARD BODY ARMOR PROJECT

- \$265,000 Motor Carrier
 Electronic Permit Transaction Fund
- This project is 100% complete
- Replaced expired hard body armor



2021-23 IN-CAR/BODY CAMERA PROJECT

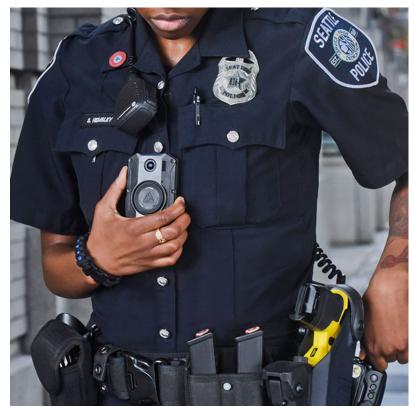


Photo courtesy Axon.com

- Total project cost \$1,458,000
- \$1,158,000 Motor Carrier Electronic Permit Transaction Fund
- NHTSA grant funds \$300,000
- Project is 95% complete
 - Installs 100% complete
 - Additional download needs in rural areas
 - Minor equipment adjustments

2021-23 CVIEW PROJECT STATUS

- Commercial Vehicle Information Exchange Window
- \$275,000 Federal and Permit Funding
 - Top level design document complete (Phase 1)
 - Currently in procurement process to select the CVIEW software package
 - Becoming CVIEW compliant will bring FMCSA technology grant opportunities to North Dakota

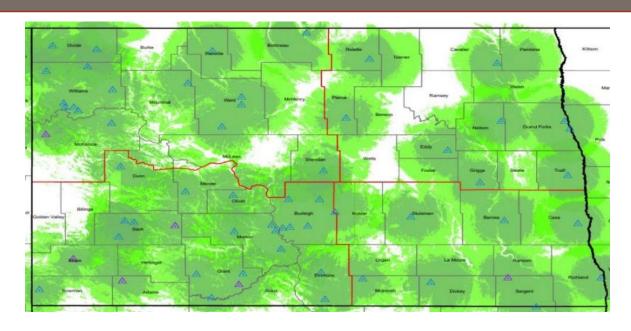
LAW ENFORCEMENT TRAINING ACADEMY MODERNIZATION PROJECT

- \$3,000,000 Federal Funds State Fiscal Recovery Fund
- Design work has been completed
- Project has been bid
- Contractor has been selected
- Remodel work to begin early 2023





STATEWIDE INTEROPERABLE RADIO NETWORK



- \$2,612,000 Federal Funds State Fiscal Recovery Fund
- Mobile and portable radios have been purchased
- Initial test installs to begin in early adopter areas of Bismarck,
 Grand Forks and Williston early in 2023

BUDGET OVERVIEW

2021-23 Budget Appropriation

General Funds: \$36,327,762

Special Funds: \$12,494,025

Federal Funds: \$17,989,627

■ Total Budget: \$66,811,414

Legislative Base (less one-time): \$62,113,411

2023-25 Executive Budget Limit

- Added NDIT increases
- Added cost to continue salaries
- Added unfunded NDPERS contribution for 2023-25 increases
- Transferred \$8.1M in CRF funding back to general/special funds



BUDGET OVERVIEW

Funding Source	2021-23 Appropriation	2023-25 Budget Request	2023-25 Executive Budget
General Funds	\$36,327,762	\$53,924,128	\$54,191,734
Special Funds	\$12,494,025	12,687,538	13,438,559
Federal Funds	\$17,989,627	9,210,092	9,270,174
Total	\$66,811,414	\$75,821,758	\$76,900,467

AGENCY COLLECTIONS

Fund	2021-23 Collections (Est.)*	2023-25 Collections (Est.)*
Permit Fund (276)	\$2,544,000	\$2,544,000
Highway Fund (200)	\$22,588,000	\$22,588,000
ID Card Fund (141)	\$2,000	\$2,000
HTDF Fuel Tax (400)	\$155,000	\$155,000
Misc. Gen Rev. (001)	\$30,000	\$30,000
Total	\$25,319,000	\$25,319,000

^{*}Estimates based on biennium to date collections as of November 30, 2022:

- Collections from fund 276 e-permit fees \$1,802,326 and Hwy Fund 200 overload fees \$15,999,653
- ID card processing fund 471 fees \$1,510

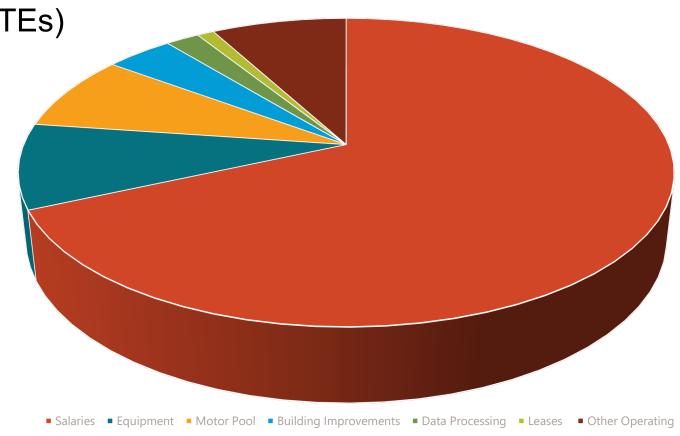
ND Constitution – Article IX, Section 2: Fines for traffic violations are collected by the courts and used "for the benefit of the common schools of the state."

2021-23 BUDGET BREAKDOWN

69% salaries and benefits (FTEs)

- 9% equipment
- 8% motor pool
- 4% building improvements
- 2% data processing
- 1% leases
- 8% other operating

Over 3/4 is personnel and vehicle costs.



OPTIONAL REQUESTS – STATE FUNDS

- 1. 2021-23 PERS employer contribution increases \$129,622
 - Two unfunded 0.5% increases on January 1 of 2022 and 2023
- 2. State fleet mileage increases \$2,042,000
- 3. Lease rate increases \$123,000
- 4. UAV expansion \$165,000
- 5. Narcotic handheld tester \$60,000
- 6. Additional warehouse space \$123,000
- 7. Fargo office garage addition \$722,000



OPTIONAL REQUESTS - STATE FUNDS



Inflationary Increases

- Uniforms \$58,000
- **Ammunition \$46,000**
- Equipment \$370,000
- Travel \$46,000
- Recruitment \$50,000

OPTIONAL REQUESTS - STATE FUNDS

Sworn Officers Included in Executive Recommendation

- Backfill five criminal interdiction team members \$1,685,416
- Add five criminal interdiction team members for the NW/NE \$1,420,420
- Add two officers to enhance security and protection duties \$568,170

Not Included

- Two training officers
- One state property criminal investigator
- Two size and weight enforcement officers
- One strategic planning officer

- One recruiter
- Two safety and education officers
- One crash reconstructionist

OPTIONAL REQUESTS - STATE FUNDS

Information Technology Projects

- Learning management software \$105,000
- Academy management software \$122,000
- Field training officer software \$15,200
- Video/digital photo storage \$118,000
- RMS/daily activity maintenance \$25,000
- RMS program updates \$80,000
- Daily activity software \$10,000
- States attorney portal interface \$55,000
- Dashboard research/analytics \$15,000



OPTIONAL REQUESTS - FEDERAL FUNDS

Included in Executive Recommendation

- Statewide DRE coordinator (100% NHTSA) \$284,082
- MCSAP troopers, 2 of 4 approved \$674,358
- Crash reconstruction equipment \$35,000
- UAVs for CMV inspections \$100,000
- Scale signage and lighting \$150,000
- UGPTI CMV crash analysis \$92,000
- Aries and Aspen bridge \$50,000

Not Included

CMV Automated License Plate Readers - \$160,000

MCSAP Funded

95% Federal 5% State



FEDERAL FUNDING SOURCES

Motor Carrier Safety Assistance Program (MCSAP) Funding

■ The Bipartisan Infrastructure Law (BIL), signed into law on November 15, 2021, brought significant Federal Motor Carrier Association (FMCSA) funding to the states.

North Dakota	Original FFY 2022 Funding @ 85/15% Match	New/Revised FFY 2022 Funding @ 95/5% Match	Difference
Federal Share	\$2,609,479	\$3,857,878	\$1,248,399
State Share	\$460,135	\$203,046	(\$257,089)
Annual (FFY)	\$3,069,614	\$4,060,924	\$991,310
Two-Year Total	\$6,139,228	\$8,121,848	\$1,982,620

FEDERAL FUNDING SOURCES

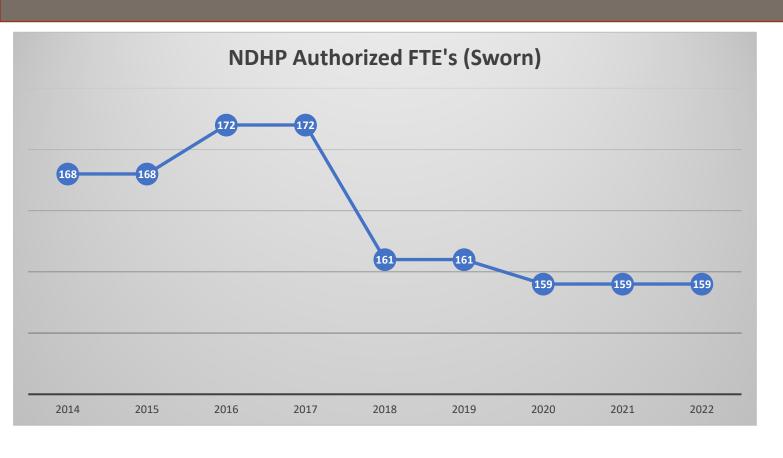
ND Department of Transportation/ National Highway Traffic Safety Administration (NHTSA) Funding

- Impaired driving, distracted driving, and occupant protection overtime programs
- Radar and in-car camera funding
- Potential for regular salary funding for impaired driving funding for troopers dedicated to impaired driving enforcement

North Dakota Department of Corrections / Victims of Crimes Act (VOCA) Funding

Partial funding for Crash Assistance Program Specialists - \$97,201 for FFY 2023

AUTHORIZED SWORN OFFICERS



- 2017 11 officers removed
- 2019 2 officers removed
- 2022 159 authorized

Sworn officers decreased from 172 in 2017 to 159 in 2022 (7.6% decrease). Population grew from 754,942 in 2017 to 779,261 in 2022 (3.2% increase).

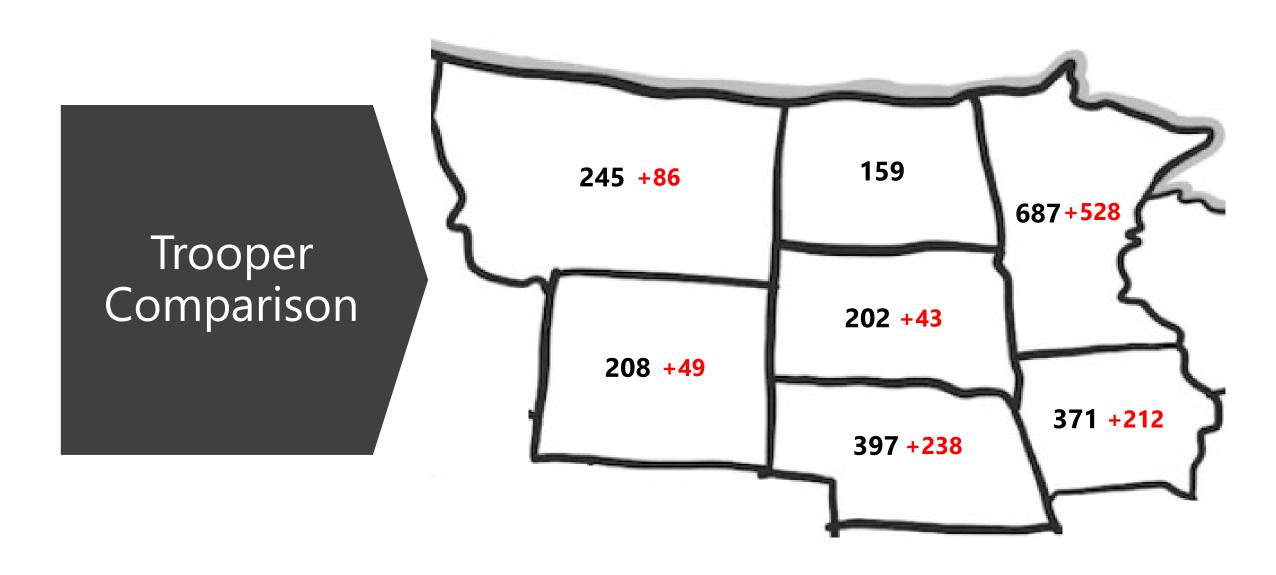
RESOURCE ANALYSIS & DEPLOYMENT STUDY

- Resource analysis & deployment study completed December 2022
- Analyzed data from July 1, 2020, through June 30, 2022
- Results indicated a need for 14 additional sworn officers to cover all obligated time (the existing workload) and unobligated time
 - Desired unobligated time: 30 minutes of every hour
 - Recommended sworn officers: 173 (+14)

Specialized vs. Enforcement

- Using data such as vehicle miles traveled in comparison to other states in our region, the results indicated a need for 28 additional sworn officers
 - States included: South Dakota, Montana, Wyoming
 - Recommended sworn officers: 187 (+28)

Executive Budget Sworn Officer Size: 174 (+15)



The Fargo Police Department's sworn strength is 188 (+29).

APPROPRIATION CONSIDERATIONS

Highway Tax Distribution Fund Transfer

• \$9,346,781 (approximately 14% of appropriation)

Motor Carrier Electronic Permit Fund Transfer

- \$1,724,244 (staffing separate from software maintenance)
- Estimated ending balance on June 30, 2023: \$7.6 million
- 148,649 permits in 2019; 149,009 in 2020; 148,194 in 2021

Monthly Unvouchered Expense

• \$200/month/officer (same level since 2009 legislative session)

APPROPRIATION CONSIDERATIONS

Executive Base Budget Limit Adjustments

- NDIT rate increases \$173,840
- Cost to continue salaries \$358,926
- 2023-25 PERS employer contributions \$260,520
 - Two 0.5% employer increases on January 1 of 2024 and 2025
- \$8,100,000 to replace coronavirus relief funding during the 2021-23 biennium for sworn officer salaries
 - \$6,966,000 in general funds
 - \$1,134,000 in special funds

APPROPRIATION CONSIDERATIONS

Requested Budget Submission Corrections

- One-time equipment costs for 10 of the sworn officer positions included in the executive budget were inadvertently omitted
 - \$53,000/officer = **\$530,000 total** (\$369,198 general; \$100,700 federal; \$60,102 special funds)
- Two of the criminal interdiction team members are supervisors
 - Inadvertently entered at trooper salary level
 - Additional biennial sergeant salary = \$58,915 each or \$117,830 total (\$101,334 general; \$16,496 special funds)
- Unvouchered expenses were inadvertently left out
 - \$200/month/officer is the current rate
 - 13 new non-supervisory positions = \$62,400 total (\$53,412 general; \$8,988 special funds)

Total Requested Correction \$710,230

BILLS IMPACTING AGENCY

- HB 1060 Permit Purchasing Options
- HB 1061 Stop Sign Right-of-Way, Obstructed Windshield
- SB 2053 Patrolman to Trooper, Accident to Crash
- SB 2054 Dignitary Protection and Door Access Responsibilities
- SB 2120 Non-Interstate Overweight Vehicle Fees
- HB 1039 PERS Main Plan Adjustments



BILLS IMPACTING AGENCY

SB 2015



Equity Adjustment

- \$1.16 million
- Emergency clause

Annual Performance Increases

- 6% year one
- 4% year two
- Fully Funded Health Insurance

COMPENSATION AND BENEFITS

2021-23 Biennium	Request	Appropriation
Equity Pay	\$1,532,000	\$1,532,000
On-Call Pay	\$912,000	\$560,500
Location-Based Pay	\$172,800	\$0
Total	\$2,616,800	\$2,092,500

Last Session's Goals

- Restore competitive pay
- 1/4 time for on-call pay
- Revive location-based pay

Outcomes

- Remained in 7th place
- 1/5 time* for on-call pay (24-hr)
- No location-based pay

*On-call expenses will increase with salaries

COMPENSATION AND BENEFITS

- The Williams County Sheriff's Office recently increased top pay for corporal by 22%
- A recent North Dakota Association of Counties study found that of ND law enforcement officers leaving their agency:
 - 48% went to another local ND law enforcement agency
 - 17% left ND
 - Only 3% went to the NDHP



WORKFORCE ISSUES

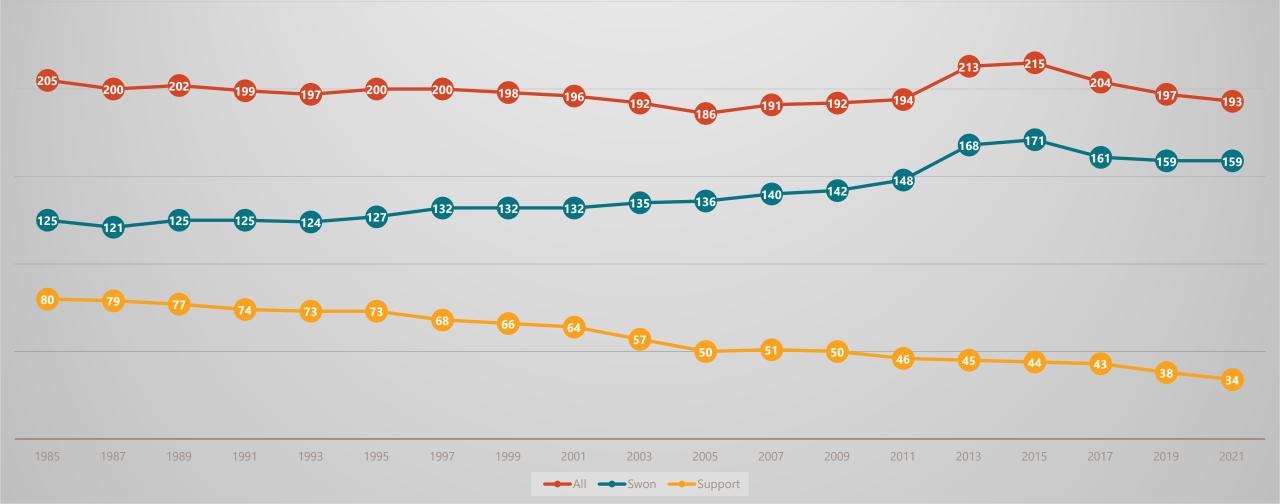
- 7th place in top pay among law enforcement agencies in ND
 - Used to be one of the most competitive
- High education and training requirements
 - Bachelor's degree or 60 semester hours/two years experience
 - 4-5 month hiring cycle
 - 6-month training academy
 - 2 months of field training
- Statewide post locations with limited initial offerings
 - Promotions often require a transfer/relocation

WORKFORCE ISSUES

- Negative portrayals and attitudes toward law enforcement across the nation
- Unpredictable and dangerous profession
 - Various physical and mental health factors such as violent altercations, vehicle pursuits, hypervigilance, cumulative stress, vicarious trauma, poor sleep cycles, extreme weather, etc.
- FTEs reduced by 10% from 215 to 193 (205 in 1985)
 - North Dakota's population has increased by 15% since 1985
 - Vehicle miles traveled have increased by 67% since 1985

HISTORICAL STAFFING



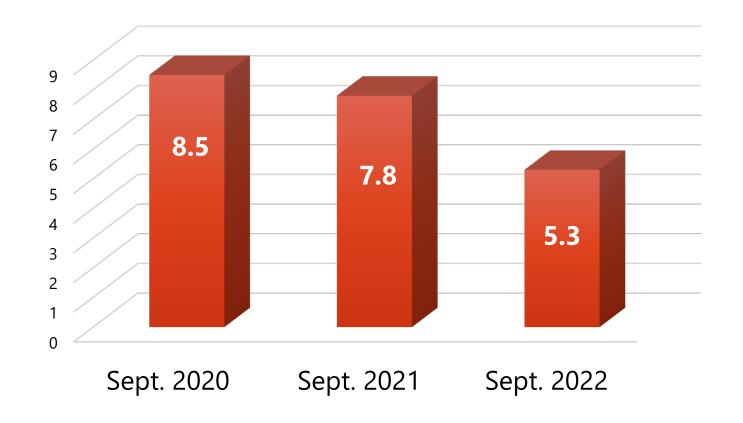


WORKFORCE ISSUES

- Troopers stationed in 30 of 53 counties (43% without)
- Troopers provide specialized services to local agencies
 - Advanced crash investigation
 - Commercial motor vehicle enforcement
 - Supplemental emergency assistance and backup
- 91 core traffic enforcement troopers covering 70,700 sq. miles
 - Historical vacancy rate of 5-6 troopers/month (rarely ever fully-staffed)

WORKFORCE ISSUES

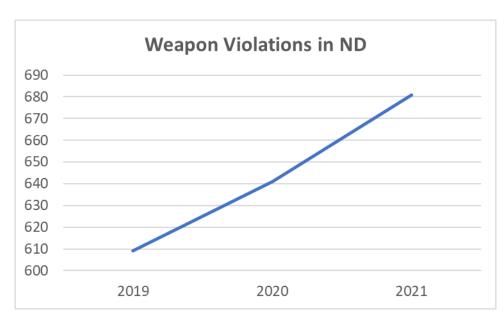
NDHP qualified applicants per open position



DANGEROUS & UNPREDICTABLE PROFESSION

Officer-Involved Shootings in North Dakota

- September 7, 2021: Interstate 94 west of Mandan (NDHP)
- February 7, 2022: Rural residence in Grand Forks County (Grand Forks SO)
- April 21, 2022: Mott-Regent Public School in Mott (Hettinger SO)
- July 8, 2022: Residential garage in Fargo (Fargo PD)
- July 19, 2022: Interstate 94 in Fargo (NDHP)
- August 1, 2022: Residence in Mapleton (Fargo PD Swat)
- December 9, 2022: Traffic stop in Williston (Williston PD)



DANGEROUS & UNPREDICTABLE PROFESSION



- Multi-vehicle crash on November 9, 2022
- Ice covered roadways near
 Jamestown
- Trooper Breitbach's vehicle struck
- Seven additional crashes involving 18 vehicles
- No serious injuries or deaths

HIGHWAY PATROL PERS FUND

Annual 0.5% employee and employer increases

- Started January 1, 2022
- Ending January 1, 2025 (4% total)
- Reduced the impact of 1.5% and 2% salary increases



- 16% below "actuarially required rate" for contributions (vs 19%)
- Funded ratio from around 70% currently to around 40% by 2062
- Plan would eventually become insolvent
- Options to explore



HIGHWAY PATROL PERS MISPERCEPTIONS

Do most troopers retire at age 50?

- Early retirement would result in a 6% reduction per year in benefits prior to age 55 (e.g., 30% less at age 50 absent the rule of 80)
- The mandatory retirement age is 60

Can troopers retire early with full benefits?

- Troopers are vested after 10 years of service (versus 3 years for Main/Public Safety plans)
- Retirement benefits are calculated using the multiplier which is 3.6% for the first 25 years and then 1.75% thereafter

Do troopers get social security benefits?

- Troopers do not pay into social security there are no employee/employer contributions
- Troopers do not earn social security service credits

PERS PLAN COMPARISON

PERS Plans - As of January 2025	Main	Public Safety	Highway Patrol			
Employee PERS Contribution*	3	1.5	11.3			
Employee Social Security Contribution	6.2	6.2	0			
Total Employee Contribution	9.2	7.7	11.3			
Employer PERS Contribution	12.26	11.93	25.7			
Employer Social Security Contribution	6.2	6.2	0			
Medicare	1.45	1.45	1.45			
Health Insurance Credit	0	1.14	1.14			
Total Employer Contribution	19.91	20.72	28.29			
Total Combined Contribution	29.11	28.42	39.59			
Vesting	3 years - age 65	3 years	10 years			
Early Retirement Age	60	50	50			
Normal Retirement Age	Rule of 90 - age 65	Rule of 85 - age 55	Rule of 80 - age 55			
Benefit Formula	1.75%	1.75%	3.6% for 25 years then 1.75%			
Early Retirement Reduction	8%/year	6%/year	6%/year			
*Factoring 4% of employee portion covered by the state.						



House Bill 1011

January 9, 2023



