

**SUMMARY MINUTES FOR THE
POLICE COMMUNITY RELATIONS COMMITTEE**

April 14, 2015
Greenville, NC

Chairperson Diane Kulik called the Police Community Relations Committee meeting to order at 7:00 p.m. at The Church of Jesus Christ of Latter Day Saints, 307 Martinsborough Road, Greenville, NC 27858.

Chairperson Diane Kulik asked for a motion for approval of the April 14, 2015 agenda.

Motion: Mr. Richard Crisp
Second: Mr. Tim Webster

The agenda was unanimously approved by the committee.

APPROVAL OF THE MINUTES:

Chairperson Diane Kulik asked for a motion for approval of the March 12, 2015 minutes.

Motion: Mr. Tim Webster
Second: Mr. Richard Crisp

The minutes were unanimously approved by the committee.

INTRODUCTION OF COMMITTEE MEMBERS:

Chairperson Diane Kulik asked each member to introduce themselves and let everyone know which district they represented.

MISSION OF COMMITTEE AND PURPOSE OF MEETING:

Chairperson Diane Kulik read the purpose of the meeting:

- To serve as a liaison between the community and the police;
- To serve as an advocate for programs, ideas, and methods to improve relations between the community and the police;
- To disseminate information to the community and the City with regard to the state of relations between the community and the Greenville Police Department;
- To assist and promote the community education efforts concerning safety awareness and community and individual awareness.

COMMITTEE MEMBERS PRESENT:

Lennard Naipaul; District 2	Richard Crisp; District 4
Tim Webster, District 5	Diane Kulik; Chairperson, At-Large
Jermaine McNair, Mayoral	

COMMITTEE MEMBERS ABSENT:

Shawan Sutton; District 1	
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CITY STAFF MEMBERS PRESENT:

Assistant City Attorney, Bill Little; Sgt. Dale Mills, Platoon C; Sylvia Horne, Administration Services Support Specialist; Devinder Culver, Focused Deterrence Unit; Interim Chief of Police Ted Sauls; Lt. Nichols Lucas, East Zone Commander; Sgt. Phil Rollinson, Shift D.

COUNCIL MEMBERS PRESENT:

Council Member Richard Croskery, District #5

OTHERS:

Judge Gwen Hilburn, Family Court

Several students, parents, citizens, court officials, police officers, attorneys, boy scouts, church members and others.

NEW BUSINESS – “Journey through the Criminal Justice System, Accusation to Conviction”

Chairperson Diane Kulik thanked everyone for coming out to the meeting and briefly went over a few rules to the citizens before the speaker gave his presentation.

She reviewed the following items:

1. Asking the citizens to hold all their questions until the speaker finishes speaking
2. Allow 15 minutes for questions from the citizens
3. Allow a citizen to ask “one question” so that others will have a chance to ask their question and if time permits then you can go back to them and allow them to ask another question.

Chairperson Diane Kulik introduced the four guest speakers to the citizens.

How do judges come up with the sentences they hand out in court? Why do prosecutors make plea deals?

District Court Judge Brian DeSoto, Superior Court Judge Marvin Blount and Pitt County District Attorney Kimberly Robb spoke at the meeting to explain how the court system works.

Judge Brian DeSoto- Accusation of crime and setting of bonds.

Judge DeSoto, one of five district court judges in Pitt County, explained the ways someone could be called to court to face charges. He thanked the PCRC members for hosting the event and inviting him to speak and also the citizens attending.

He opened up to the citizens by stating that he “could not” discuss any open or pending case(s), because Judges could be disciplined for talking about pending cases.

Judge DeSoto described what a district court judge does on a daily basis. He stated that the work was 50% on the civil side and 50% on the criminal side. On the civil court side one of the main areas is “domestic” such as: child support and custody, alimony, and domestic violence. Also there is involuntarily commitment (when citizen(s) have mental defects) and it is alleged that they are dangerous to themselves or others. The

judges have a hearing at the hospital. The judge makes a determination about whether the person is going to stay and how long the person will stay. Judge DeSoto stated they deal with juvenile matters. Delinquent starts with age 6. A child can be brought in to juvenile court from age six to fifteen. Then there is abuse, neglect and dependency, unfortunately when you have a situation where parent or caretaker is alleged to be abusing or neglecting their child. Other cases handled are: tenant landlord dispute, contract, and collections on accounts disputes.

Judge DeSoto stated that on the criminal side a judge deals with: traffic and driving while impaired.

Judge DeSoto handed out a packet (several forms stapled together). The form he reviewed with the citizens was titled: MISDEMEANOR PUNISHMENT CHART

District court judges handle misdemeanor cases, and each type of misdemeanor is classified into a category, with the most serious being a Class A-1 and the least serious being a Class 3.

Class A-1 misdemeanors include the charges of assault on a female, misdemeanor child abuse and violation of a domestic violence protection order.

A Class 3 misdemeanor would include simple possession of marijuana and driving with a revoked license that was not revoked for driving while impaired.

If a person is found guilty or pleads guilty to a misdemeanor, the judge uses a chart to determine the punishment based on whether the person has a history of convictions and the seriousness of the crime, Judge DeSoto said.

“This is what we live by, except for DWI cases,” Judge DeSoto said holding up the chart.

Members of the audience were given copies of sentencing charts used in both district and superior court, where felonies are heard.

In district court, if someone is guilty of assault on a female but has no convictions, the judge could sentence that person from one to 60 days in jail. However, if the person has five or more convictions, the judge could sentence that person up to 150 days.

A judge also could give an intermediate sentence, which could combine jail time with a community punishment, or give the person a community punishment such as performing community service for a certain number of hours.

If a person with no record is convicted of a Class C misdemeanor, the judge can only levy a fine.

Judge DeSoto handed out another packet (several forms stapled together). He went over four scenarios and the form that would apply with each scenario.

1. Warrant for Arrest – use for home break-in.
2. Magistrate’s Order – use for example: a Wal-mart larceny, loss prevention sees a citizen taking items from the surveillance camera. The form is also used for probable cause- a person believes a certain person committed the crime- swear out certain facts. The law enforcement officer arrests the person; takes the person in front of the Magistrate; swears out and gets the Magistrate order.

3. Misdemeanor Criminal Summons – example: eating at Olive Garden and someone cell phone rings next to you and words are exchanged and all of a sudden the person hits you in the face. Private citizen(s) can initiate charges by approaching a Magistrate with the person’s name and information. If the Magistrate finds probable cause they can initiate a misdemeanor criminal summons.
4. Citations – example: Stopped for traffic offense or an expired registration and the citizens are issued a citation. Citations are sufficient without having a magistrate signature. Citations are issued when it is unnecessary to make an arrest.

Judge DeSoto discussed the bond process. He briefly went over the forms: **Conditions of Release and Release Order Form** (page 4). **Modification of Bond Order** – The Magistrate sets the bond with exception that generally speaking is crimes of domestic violence and murder. Usually in those situations it is a District Court Judge hearing. Every other charge a magistrate is going to set the initial bond (page 5). Judge DeSoto stated there is a specific type bond for domestic violence. The form is called **Conditions of Release for Person Charged with a Crime of Domestic Violence** (page 6). And (page 7 and 8) listed the General Statute 15A – 34 deals with all the bonds policy and procedures. On page 9 and 10 listed (DWI) Driving While Impaired for all 100 counties. On page 10 listed Pitt County June 2013- June 2014. There was 883 filed DWI cases and 1,362 DWI was disposed. Pitt Co. was listed in the top five of resolving case to the number of charges.

District Attorney Kimberly Robb – “Offenses Committed/Felony Punishment Chart”

District Attorney Kimberly Robb talked about how her office prosecutes cases. She said she has 13 assistant district attorneys, adding that Pitt County is the third most underfunded district in the state. The way the offices are set up is: they have district court, which are mostly the misdemeanor cases, assaults on a female, driving while impaired, and speeding tickets, communicating a threat, and harassing phone calls. Then there is the superior court. The cases that get to superior court, District Attorney Kimberly Robb stated that she would like to say they are all felonies, but that is not true because a citizen can appeal their misdemeanor case up to superior court or the citizen can have a jury trial just like all the felonies cases. District Attorney Kimberly Robb stated that for the most part superior court is Class I felonies through Class A felonies.

District Attorney Kimberly Robb explained the different types of felonies, with first-degree murder being a Class A felony. The lowest level of felony is a Class I, which includes crimes against nature and drug possession.

Class A	1 st degree murder
Class B1	1 st degree rape, sexual offense , 2 nd murder
Class B2	Serious injury caused by child abuse or certain statutory sex offenses
Class C	Assault with deadly weapon w/intent to kill, embezzlements of more than 100,000.00, kidnapping, 2 nd degree rape
Class D	Armed robbery, burglary, arson, voluntarily manslaughter
Class E	Assault w/o the intent to kill, discharging a weapon into an occupied property, sell or delivery of control substances in certain areas (schools)
Class F	Assault inflicting serious bodily injuries, indecent liberty with children,

	involuntary manslaughter
Class G	Common law robbery- w/o a weapon
Class H	Breaking and entering, larceny, possession of stolen goods
Class I	Crime against nature, possession of control substance (small amount)

District Attorney Kimberly Robb stated she is always busy, but she is so glad to have a wonderful relationship with the local law enforcement agencies. She stated that if everyone works together on the front end the back end is much, much better. She is always answering questions to the media, law enforcement, and the victims.

District Attorney Kimberly Robb discussed a case she's been working on involving a young man who was shot five times at point-blank range. He was in critical condition but survived, she said.

An arrest was made, and as she prepared to bring the case to trial, she was having trouble getting in touch with the victim to talk about the case. She finally was able to meet with him, but the victim did not want to cooperate, she said.

"Do I think this guy wants the other guy to get off?" District Attorney Kimberly Robb asked. "No. I think he is very, very afraid, extremely afraid."

A witness also was reluctant to cooperate, she said.

That is one example of why she might enter into plea agreement on a serious case, District Attorney Kimberly Robb said. If she took the case to trial, and the victim and witness were reluctant to testify, a jury likely would find the shooter not guilty.

"Is it better to get this guy on one more felony or to dismiss this case?" District Attorney Kimberly Robb asked.

By entering into a plea agreement, the defendant has one more felony conviction on his record, she said.

Superior Court Judge Marvin Blount – "Trial and Sentencing Phase"

Superior Court Judge Marvin Blount introduced himself and gave a little background of his history of appointment of becoming a Judge. He stated that in superior court there is a lot more focus on criminal and civil; 80% of his job involves criminal matters. The civil cases are decreasing in numbers and the criminal cases are increasing.

Superior Court Judge Marvin Blount gave an overview of how a case gets to superior court. It first starts with someone being charged with a crime, they have a bond issued, they may or may not be in jail and may have some pre-trial release, the case will come up on the superior court calendar, there is an administration session once a month where hundreds and hundreds of cases that are dealt with. There is one week in a month that superior court and the district attorney's office just deals with administrative aspect. There is no jury trial and on some of those days the court will have five hundred cases on the calendar. Superior Court Judge Marvin Blount stated there is a court room at the jail, which is interesting and good because when you go to a smaller county they have to transport inmates from where ever they are and bring them to the court house, plus deal with security issues. The administrative process is what starts the ball rolling in superior court. If a case is not plead, (many cases plea) some citizens will elect to choose through their attorney to take a guilty plea or pled guilty to an offense and it is

disposed of. If not then the case is set on a trial calendar. The district attorney recommends or requests the trial calendar and the superior court judge sets the calendar, then pretrial matters are dealt with by the administration sessions right before the trial. Then there is a trial and the jury is picked and selected by the attorneys. The judge then calls the balls and strikes and make sure both sides have a fair trial. Then depending on the outcome of the matter, then that's when the superior court judge will enter a sentence or punishment.

Superior Court Judge Marvin Blount stated that he addresses each case individually. That is the only way he believes is fair. He listens to the facts of every case. He listens to each side of every case. The system works best when he has a trial. When there is a jury trial, he gets to listen to what the state position is and what the defendant position is and all the evidence in the case. Superior Court Judge Marvin Blount stated that he felt it was more difficult for a judge when a citizen takes a plea in a case because you don't have those benefits of hearing the evidence in the case.

Superior Court Judge Marvin Blount showed the audience the sentencing chart for felonies, which also uses a grid system based on the person's criminal history and the seriousness of the crime.

"It's a formula, and we have to follow these guidelines," he said. "The length of the sentence is set by law."

A judge, however, can sentence a person in a mitigated or lower range, in the presumptive or normal range, or in the aggravated or higher range, based on information received about the defendant after his guilt has been established.

Mitigating factors include that the person served in the military, has a strong support system in the community or had a good work history. Aggravating factors might include that the crime was especially heinous or cruel, or that the person was in a leadership role in a gang, or that a law enforcement officer or firefighter was seriously injured.

Superior Court Judge Marvin Blount gave an example of a person breaking into cars: He stated that if a person breaks into twenty cars and get charged with twenty crimes and the state feels like they can only prove six or seven of the crimes. The attorney agrees to allow the person to agree to seven of the offenses of breaking and entering. The judge is limited on the active sentence even if the Judge felt like it was someone that needed an active sentence. He couldn't give the person an active sentence, but what happens often is a judge has discretion to run sentences consecutively. So if the person pled guilty to seven cases; a judge can run seven cases back to back. It's called box car. Superior Court Judge Marvin Blount stated that every sentence that he has imposed has been from the Punishment Chart and grid based on what the level of offense is and the record of the defendant.

Public Expression and Questions

There were several question and concerns made by the citizens. (All recorded on tape)

Chairperson Diane Kulik asked for a motion to adjourn the meeting.

Motion: Mr. Tim Webster
Second: Mr. Richard Crisp

The next planning meeting is on May 12, 2015. Meeting place is to be announced.

ADJOURN – 8:47 p.m.

Respectfully submitted,

Sylvia Horne
Administration Bureau Secretary
Greenville Police Department
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