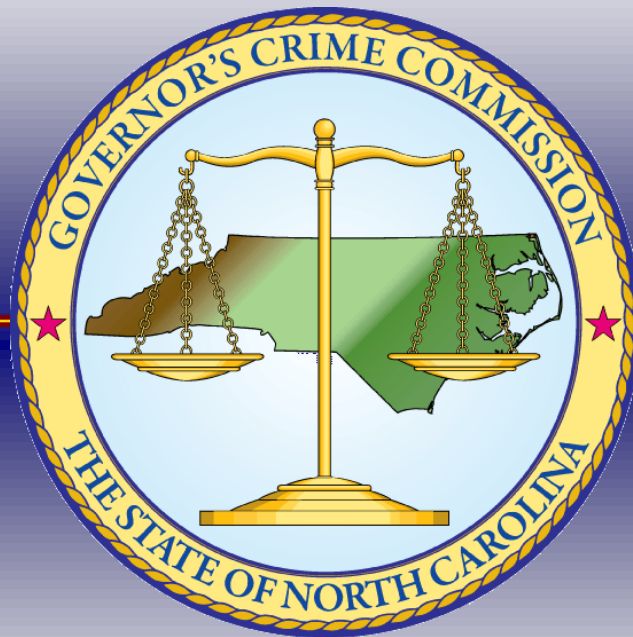


# GOVERNOR'S CRIME COMMISSION



## 2011 LEGISLATIVE AND POLICY AGENDA



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**THE GOVERNOR'S CRIME COMMISSION**

**MISSION**

*To improve the quality of life of the citizens of North Carolina, enhance public safety and reduce and prevent crime by improving the criminal justice system.*



## **GOVERNOR'S CRIME COMMISSION**

### **2011 Legislative and Policy Agenda**

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Since its establishment, the Governor's Crime Commission has worked to improve the safety of North Carolina's citizens and the quality of the criminal justice system. The commission has assisted in developing products and programs to provide key services and equipment to aid in this effort. While some of the endeavors have been as simple as providing essential equipment to agencies, many are highly innovative and have been replicated across the state and the country.

Over the years, by working with the N.C. Legislature, criminal justice system professionals, human service professionals, non-profit agencies, faith-based organizations, various departments of state government and universities and colleges, the Governor's Crime Commission has provided information, resources and funding to enable participants to take on key issues, including:

- Gang violence prevention and intervention
- Juvenile justice and delinquency prevention
- Domestic violence and sexual assault
- Homeland security
- Criminal justice information system technology enhancements
- Child abuse and neglect
- Drug enforcement and interdiction
- Disproportionate minority contact in the juvenile justice system
- Reentry and pre-trial services

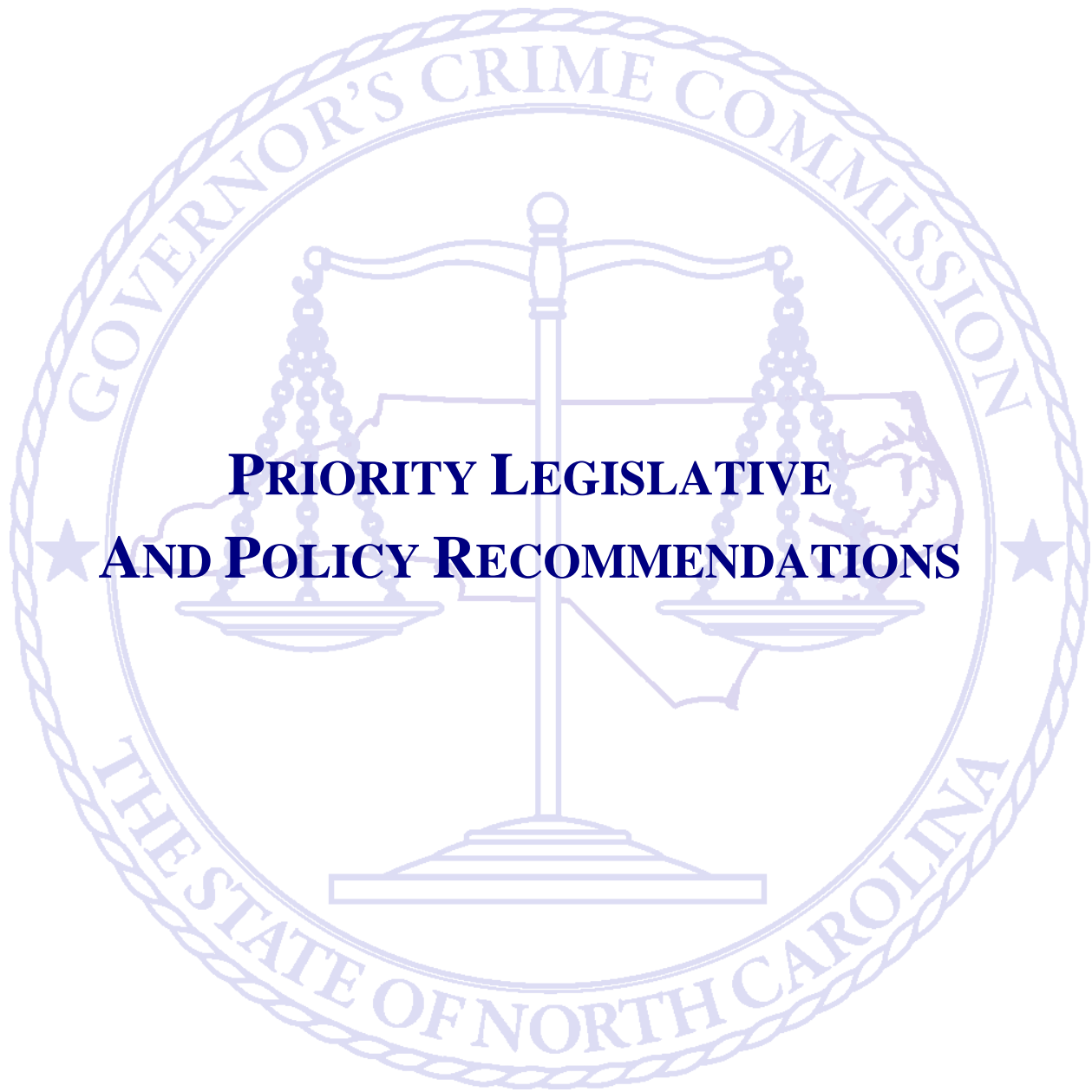
Members and staff of the commission have provided continuous leadership in the development of programs to address critical issues in the criminal justice arena across the state. The goal of the commission is to continue to provide innovative guidance to address new concerns as they arise.

The 2011 Legislative and Policy Agenda lists the recommendations that have been developed by the Governor's Crime Commission over the past two years. All recommendations listed in this document require action including the development of new legislation and policies, modifications to existing policies, increased collaboration between state agencies and strategic partners or enhanced funding. While some of the recommendations involve specific action by the General Assembly, others require action from state agencies, collaborating agencies and the participation of the commission itself.

## **Overview of the Governor's Crime Commission's 2011 Legislative and Policy Agenda**

### **Priority Legislative and Policy Recommendations**

- **Appropriate** funding and enact legislation to support for suspended youth and alternative learning programs and the development of risk assessment programs for at-risk youth
- **Implement** policy to support the formal collaboration between state agencies and involve key stakeholders in the reform of detention programs and the development of alternatives to detention programs.
- **Revise** General Statue 7B-1903(b)(8), (7), (3) and (4) to address holding times for alleged undisciplined juveniles in secure custody.
- **Appropriate** funds to develop and implement educational programs to protect children from online predators.
- **Amend** General Statue 14-226(a) to impose sentencing sanctions for intimidating or interfering with a witness.
- **Support** full development and funding of the statewide expansion of the Criminal Justice Law Enforcement Automated Data Service (CJLEADS) project.
- **Determine** a permanent location to house the N.C. Statewide Automated Victim Assistance and Notification (NC SAVAN) program.
- **Increase** access to and mandate electronic monitoring for all individuals at risk for violating Domestic Violence Protective Orders in all jurisdictions in North Carolina.
- **Increase** state appropriations for Victims' Compensation Services to ensure that North Carolina continues to receive the 60 percent matching federal funding to keep pace with victims' claims.



**PRIORITY LEGISLATIVE  
AND POLICY RECOMMENDATIONS**



## **Develop & Fund Online Safety Program for Children**

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Cyber-crime once involved only acts like hacking, financial fraud, or intellectual property theft. Crimes of this nature have evolved as citizens have become more technology-savvy and gained easier access to computers. Hidden behind fictitious screen names, pedophiles and other sexual predators use the web to exchange names and addresses of other pedophiles and of potential victims. They gather online and swap child pornography with amazing speed and in amounts beyond comprehension.

A 2010 cyber-crime study by the Governor's Crime Commission's Criminal Justice Analysis Center indicates that the three most frequently investigated computer crimes by an average reporting agency in North Carolina are fraud related (79.3%), criminal threatening (including cyber-bullying, 8.5%), and online enticement of minors/child pornography (4.9%). Roughly 40 percent conduct cyber-crime prevention/awareness activities and just over 30 percent partner with other public/private agencies to combat cyber-crime. <http://www.ncgccd.org/pdfs/pubs/cybercrime.pdf>

Though children in today's world have access to many means to communicate online, they have little to no real guidance on how to do so in a safe manner. Agencies identify various methods of priority outreach but there is currently no criminal justice federal or state funding stream designated to address this issue adequately.

### **Proposed Solution: Appropriate funds to develop and implement educational programs to protect children from online predators** *(from HB 1986-2009 Session)*

The Governor's Crime Commission requests an appropriation of funds to develop and offer grants to local schools to establish and fund this badly needed curriculum for delivering electronic and online safety training.

The Governor's Crime Commission proposes the following amendment:

#### **SECTION 1.**

There is appropriated from the General Fund to the Governor's Crime Commission the sum of one hundred seventy-five thousand dollars (\$175,000) to fund grants to schools and school districts for age-appropriate education of students and parents through ~~the~~ an online predator curriculum to be developed by the Drug Abuse Resistance Education (DARE) program, or a similar curriculum approved by the Governor's Crime Commission that incorporates all of the following elements:

- (1) Responsible online communication and safe interaction with others online.
- (2) Relating online behavior to real world consequences.
- (3) Understanding of the threats posed by child predators and appropriate ways to recognize and respond to strangers online.
- (4) Awareness and prevention of risks such as malicious software, spam and identity theft.

## **Witness Intimidation**

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Whether the case involves gangs, domestic violence or child abuse, witness intimidation is a direct repudiation of our system of laws and of the courage of the women, men and children who are called to testify. North Carolina needs tough consequences to ensure that violence and threats do not rule the day in our communities and courts.

The successful investigation and prosecution of crimes, particularly the more serious and complex, requires that witnesses trust their criminal justice system. They must be confident that they may safely come forward to assist law enforcement and prosecutors and that they will receive support and protection from intimidation.

Witness intimidation has become increasingly prevalent and problematic in North Carolina. Witnesses often live in the community from which a gang member or other criminal defendant has come - in some cases they may be from a rival gang. Police sometimes are forced to arrest witnesses to guarantee they can be located and taken to court. Relatives are often forced to face each other from opposite sides of the bar. And jurors face a very real fear of retribution from those they have been asked to judge.

The Governor's Crime Commission recommends amending G.S.14-226, the witness intimidation statute to provide a deterrent by increasing the criminal penalty for intimidating a witness to one class below the greater of the crime(s) involved. Increased sentences for witness intimidation would serve to discourage actions that might interfere with witness or victim participation. Freedom to participate in court processes without fear of harm is key to the public's overall trust in the criminal justice system.

**Proposed Solution: Amend G.S.14-226(a) as follows:**

**§ 14-226.**

**Intimidating or interfering with witnesses.**

(a) If any person shall by threats, menaces or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a witness in any of the courts of this State, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such witness from attendance upon such court, he shall be guilty of a ~~Class H felony.~~ felony one class below the greater of the crime(s) charged.

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**Criminal Justice Law Enforcement Automated Data Services (CJLEADS)**

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Free-standing criminal justice data systems have been used in the past across North Carolina. Federal Justice Assistance Grant funding now requires data system projects be compatible with existing statewide data information systems.

North Carolina's criminal justice community has historically been confronted with a maze of free-standing and mostly incompatible systems for maintaining offender records and communicating with one another.

Born partly from concern over the confidential, law enforcement-sensitive nature of the information, contained in these systems, the need for Criminal Justice Law Enforcement Automated Data Services was never more clearly demonstrated than with the 2008 slaying of Eve Carson, a senior student at the University of North Carolina at Chapel Hill. There was no central information system for law enforcement officials to access and no efficient way of knowing when offenders on probation were charged with additional crimes.

CJLEADS' most singular advantage is its ability to bring together in one place criminal justice data from multiple systems across North Carolina's 100 counties and hundreds of other local criminal justice agencies and jurisdictions.

Authorities may for the first time get a clearer picture of an offender allowing the offender to be brought to justice and greatly enhancing the safety of North Carolina's citizenry and that of law enforcement professionals.

**Proposed Solution: Support full development and funding of statewide expansion of CJLEADS.**

The Governor's Crime Commission supports full development and statewide expansion of the Criminal Justice Law Enforcement Automated Data Service project.

The committee believes CJLEADS brings a new age of state-of-the-art records management system to our shared criminal justice mission and urges continued commitment of sufficient funding.

**Study Unlawful Prescription Drug Abuse**

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Abuse of prescription drugs has become increasingly prevalent among teens and young adults. Over the past year abuse of prescription pain killers now ranks second—only behind marijuana—as the Nation's most prevalent illegal drug problem.<sup>1</sup>

When taken as directed for legitimate medical purposes, prescription medications can be safe and effective. However, the increasing rates of prescription drug abuse are a growing concern for the health and safety of today's teens. Often easily accessible in home medicine cabinets, thousands of Americans face the devastating effects of prescription drug abuse every day...

<http://www.cdc.gov/Features/SubstanceAbuse>

The number of deaths associated with these "legal" drugs has increased dramatically and addiction can happen to anyone, anywhere - regardless of socio-economic status. In fact, in many, if not most North Carolina counties the numbers of unintentional deaths due to prescription drug overdose significantly exceed the number of homicides due to criminal activity.

**Proposed Solution: Establish Legislative Task Force On Prescription Drug Abuse**

The Governor's Crime Commission encourages the General Assembly to examine and address the problem of prescription drug abuse by establishing a legislative study committee or through the Statistical Analysis Center of the Governor's Crime Commission; either of whom should examine the impact of the unlawful use of prescription-based controlled substances and make recommendations to reduce their abuse.

**Suspended and Expelled Youth**

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When North Carolina's children are suspended and expelled from school, they are deprived of the caring attention of teachers and other positive role models. Without the supervision and structure of the educational setting, troubled youth are left loose on the streets, spelling disastrous consequences for citizens, businesses, the community and ultimately, the children themselves.

**History:**

Based on data reported by all public schools in North Carolina, the number of out-of-school short-term suspensions (1 to 10 days) given to students decreased 4.7%: from a 2007-08 total of 308,010 to 293,453 in 2008-09. During this time, the number of long-term suspensions (11 or more days) decreased 31.3% from 5,225 to 3,592.

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<sup>1</sup> Office of National Drug Control Policy

Approximately one of every ten North Carolina students receives at least one out-of-school short-term suspension each year. When looking at high school students only, this ratio rises to one of every six students. Many students receive only one suspension each year, though a number of students received multiple short-term suspensions.<sup>2</sup>

**Rationale:**

Suspensions have a clear negative impact on North Carolina’s students. Those young people who are suspended from school are at an increased risk for poor academic performance, being less connected to the school setting, and for dropping out of school and becoming involved in the juvenile justice, criminal justice, and mental health systems. Encouraging school connectedness that focuses on children who are at risk of being suspended or expelled would undoubtedly improve the outcomes for these children.

*School attachment and academic success-* positive school engagement and a feeling of being connected to schools and teachers are both directly related to reduced negative outcomes for students. When a student is suspended and told not to return to school for a certain period of time, this connectivity is diminished and may be lost, putting the student at greater risk of future negative behavior.

*Involvement of parents and other adults-* research has shown that the involvement of positive and caring adults has a tremendous effect on the lives of youth. One of the “Five Basics” promoted by the Communities In Schools initiative is a one-on-one relationship with a caring adult. Improved academic performance and the absence of negative behaviors resulting in school suspension are true indicators of increased positive adult support.

*Availability of Alternative Learning Programs (ALP’s) for suspended and expelled youth-*each school district in North Carolina is legislatively mandated to have an ALP. ALP’s are designed for the primary purpose of providing a sound education to those young people who have been suspended or expelled from school and are at risk of entering the juvenile justice system or are attempting to transition back into the traditional school. Issues surrounding meaningful access to ALP’s remain. Alternative Learning Programs in a particular district may lack adequate staff to address the behavioral needs of the youth entering the programs and the programs themselves may be at capacity or may not serve all age and grade levels.

**Recommendation:**

**It is recommended that there be:**

- Funding and legislative policy that increases support for suspended youth, to include further support of ALP’s, mentoring, and risk assessments for youth who face multiple obstacles;
- Funding in support of alternative settings (such as ALP’s and Structured Day programs) to ensure that youth continue to receive educational services outside of the traditional setting;
- Funding to provide incentives to principals to keep youth actively learning in a supervised education environment;
- Policies to guide school districts in engaging with communities relative to suspension/expulsion policy development and decision-making;
- Policies to guide school districts on the use of community resources for the betterment of youth and families.

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<sup>2</sup> North Carolina Department of Public Instruction, 2008-2009 Consolidated Data Reports.

## **Detention Reform**

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Juvenile detention is very much necessary in any system of justice, though the gravity of its costs merit it being an option of last resort. Detention reform is being implemented in a number of pioneering states that are justly concerned about the unintended consequences of detention and that are striving to maximize cost savings. North Carolina stands to benefit from the reform of practices and policies in this area.

### **History:**

Data show that most states in the nation have developed an overreliance on detention as a means to manage troubled youth. The lack of community-based alternatives and non-custody options has resulted in the overuse of secure detention for juveniles. There are many jurisdictions that lack objective criteria and screening tools with which to accurately identify those young people who truly pose serious risks to society. Young people who have been detained in secure custody often have difficulties transitioning back into their communities and are more likely to recidivate. These youth are also more likely to be charged and sent to a more punitive environment after entering detention. Because of the over use of juvenile detention centers, often for first time or non-violent offenders, detention centers have become overcrowded and unsafe.

In addition to the loss of human capital, the high rate of detention center use has translated into overwhelming expense. In FY 2009, the N.C. Department of Juvenile Justice and Delinquency Prevention determined that the average detention bed costs more than \$70,000 per child.

### **Rationale**

Those areas of the country that have participated in deliberate detention reform efforts have seen substantial decreases in juvenile arrest rates and have also experienced cost savings. This shift in spending involves movement away from expensive detention centers and towards community-based supervision programs and services. States that have seen success in detention reform have been successful in enacting legislation and institutionalizing policy changes specific to detention admission criteria. Changes that are made to the juvenile code that focus on case processing and length of detention stay and on the revision of the state risk assessment tool will undoubtedly positively affect the state of detention and the lives of youth.

### **Recommendation:**

**It is recommended that there be:**

- Policy to support a formal structure for collaboration across agencies and the involvement of key stakeholders in planning detention reform efforts;
- Policy which encourages the use of accurate, comprehensive data with which to gauge issues relative to the current use of detention and with which to assess the potential impact of detention reform;
- Support for efforts that bring new or enhanced alternatives to detention that are both community-based and close to the homes of the affected youth and families;
- Support for needed systems improvements that will expedite case processing;
- Funding support for development and implementation of empirically-based, well-normed risk assessment tools that facilitate effective decision-making by judges, court staff and law enforcement officers who decide whether a youth shall be detained.

## **Accused status offenders held in juvenile detention centers beyond the Juvenile Justice and Delinquency Prevention Act time limit of 24 hours**

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North Carolina is out of compliance with three core protections of the federal JJDP Act. As a result, the State is losing out on precious juvenile justice funds, monies which would otherwise be available to communities, governmental organizations, and nonprofit groups responding to juvenile delinquency and related concerns. Subtle revisions to the Juvenile Code will put North Carolina on the path to come back in compliance with the federal Act.

### **History:**

Many of North Carolina's Juvenile Justice and Delinquency Prevention (JJDP) Act compliance violations occur due to accused status offenders being held in a juvenile detention center for more than 24 hours. In complying with the federal JJDP Act, an accused status offender can be held for up to 24 hours prior to an initial court appearance and for an additional 24 hours, excluding weekends and legal holidays, in a secure juvenile detention facility (Note: A *status offender* is a juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult). Under federal definition, charges such as underage possession of alcohol, truancy, curfew violation, and runaway are considered status offenses and JJDP Act holding time limitations of 24 hours apply to those accused of such offenses.

Currently, N.C.G.S. § 7B-1903(b) allows for an alleged undisciplined juvenile to be held for up to 72 hours.

### **Rationale**

As a result of the conflict between federal law and North Carolina statutes, the state is currently under a 60 percent reduction in juvenile justice formula grant funding, funds that would otherwise be allocated to provide services for court-involved youth and prevent juvenile crime. Policy changes to support the JJDP Act time limit will not only help to restore the funding that has been lost, but will also ensure the well-being of North Carolina's troubled youth, promoting a process that facilitates appropriate placement in a timely manner.

### **Recommendation:**

It is further recommended that there be:

- Revisions made to the wording of the secure custody criteria statute, as General Statute 7B-1903(b)(8) currently provides that undisciplined juveniles who fail to appear may be held for up to 24 hours, excluding Saturdays, Sundays, and State holidays, or where circumstances require, for a period not to exceed 72 hours;
- Revisions made to General Statute 7B-1903(b)(7) to state that those alleged undisciplined juveniles not requiring medical or psychiatric evaluations may be held for up to 24 hours, excluding Saturday, Sundays, and State holidays. In addition, alleged undisciplined juveniles in need of medical or psychiatric evaluations should be held no longer than 72 hours;
- Funding to support alternative methods and locations for achieving responsive, timely medical and psychiatric/psychological evaluations, in order that detention not be used as a holding place for youth awaiting such evaluations;
- Revisions made to General Statute 7B-1903(b)(3) and (4) to specify that if the only delinquent charge is for underage possession/purchase/consumption of alcohol, the juvenile must not be held beyond 24 hours in a juvenile detention facility.

## **NC SAVAN Program**

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North Carolina's SAVAN (Statewide Automated Victim Assistance and Notification) Program provides vital information to victims of crime and is a key tool for law enforcement officers.

Giving NC SAVAN a permanent home with dedicated support will affirm the value of the program and will be a great aid to the thousands of victims and officers who have come to rely upon this tool.

### **History and Context**

NC SAVAN provides offender custody status information and notification, court proceedings information and notification, and an offender watch service for law enforcement officers. Multiple state and local agencies and citizens rely on this single point of shared services to stay informed of the custody status of offenders who are housed in a jail or prison or who are on probation or parole. Consumers of NC SAVAN's services include: victims of crime, law enforcement officers, the CJ Leads program and personnel from social services and mental health agencies.

### **Rationale**

NC SAVAN provides automated services in a cost effective and efficient manner which benefits both victims and the state. This program is the only state system to provide a single point of shared services for consumers anywhere to learn about the status of an offender from the point of arrest and incarceration on through disposition, release and community supervision. North Carolina and 42 other states participate in this service, making offender custody information and automated notification services available to consumers regardless of where they live. Furthermore, NC SAVAN is the only state system to provide 24-hour operator support and assistance to consumers in more than 100 languages and is the only state system that houses all jail offender custody information and offender booking images. All sheriffs rely on NC SAVAN to deliver mandated victim notifications to registered victims. In a similar manner, NC SAVAN is the only state system to provide state and national offender watches to law enforcement. The CJ Leads program relies on NC SAVAN to provide jail detainee custody information and jail booking images.

Total expenditures (including annual operating cost and vendor-supported services – does NOT include programmatic or personnel expenses) = \$1,017,782.00.

(Total expenditure breakdown: Administrative Office of the Courts = \$293,721, Department of Correction = \$50,187.00, Local Agency Jails = \$490,949.00 and JusticeXchange = \$79,948.00)

### **Recommendation**

It is recommended that:

- The Governor's Office make a final determination where NC SAVAN should be housed.

## **Electronic Monitoring**

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The use of Electronic Monitoring technologies with non-incarcerated offenders promotes accountability, saves money, and deters crime when deployed in an intelligent manner. Relative to 50B respondents at risk for violation of a Domestic Violence Protective Order, all North Carolina jurisdictions should have access to Electronic Monitoring tools and the training necessary to ensure their proper use.

## History and Context

50B respondents pose a serious threat to their victims and their communities. According to the NC Coalition Against Domestic Violence, many DV homicide victims had been granted protective orders. The nature of an offender can be indicated by the existence of significant criminal history; prior violation of a court order; demeanor towards victims, court officials, or law enforcement officers; level of assault and/or by other outward displays of intimidation. Such an offender may warrant the use of a layered approach that involves the use of the courts in conjunction with enforcement rendered by experienced officers who have full access to technology with which to conduct monitoring efforts.

One of the first steps a victim can take to involve the criminal justice system is to petition the courts for relief from violence through a protective order (DVPO). This order can be an effective safety tool when properly issued and consistently enforced: however, many victims have concerns that the obtaining of a protective order, warranted as it may be, could serve as a catalyst for further violence.

The effectiveness of DVPO's can vary within each district depending on what resources are available for enforcement. Further violence in some districts may be the product of disparate judicial policies and limited options in the sanctioning of domestic violence offenders.

Once an offender has been served, victims rely on courts to respond to protective order violations with immediate and consistent sanctions (such as intensified monitoring) as a preemptive method of addressing the real potential for further violence. Most victims understand that their safety comes not from the paper order itself, but rather through proactive and consistent enforcement strategies that are deployed in support of the order. Safety planning and the involvement of experienced law enforcement officers are both key to the effective use of technology in support of victim safety and offender accountability.

## Rationale

Offenders are held accountable for their adherence to the order through clear and consistent application of sanctions for violating behavior. In addition to addressing victim safety, holding offenders accountable to the terms of a protective order may also have a changing effect on battering behavior for those offenders who are amenable to change.

Technology can afford law enforcement officers the ability to more intensely monitor respondents. In cases of extreme violence, GPS can not only provide real time locations of respondents, but also provide the evidence necessary for success in court when violations have occurred.

## Recommendation

It is recommended that:

- Respondents at risk for violation of DVPO's be consistently ordered to GPS (Global Positioning Systems) monitoring at the discretion of the court. Through a collaborative approach with the Administrative Office of the Courts and the Governor's Crime Commission, the CVS Committee recommends that these options be utilized to alleviate the unequal application of safety protocols, thus leading to increased accountability for respondents and greater safety for victims.

## Victims' Compensation Program

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The appropriation to Victims' Compensation Services (VCS) of the Department of Crime Control and Public Safety was recently cut and a key position was eliminated. Increasing the state appropriation and fully staffing VCS will make it possible to process the significant number of victims' claims in a timely

manner and will also increase the amount of federal funds coming to North Carolina under the Victims of Crime Act (VOCA).

### **History and Context**

The Victims' Compensation Services (VCS) Division provides for the monetary restitution of citizens who suffer medical expenses and lost wages from being a victim of crime. VCS has seen an increase in the number of claims submitted from victims of crime. With the increased cost of medical care and the numbers of victims that do not have medical insurance, VCS awards have increased dramatically. In FY 00/01, the average cost of a claim was \$3,000. In FY 08/09, the average cost of a claim was more than \$6,400.

Under Victims of Crime Act (VOCA), each state compensation program receives an annual grant equal to \*60 percent of what the program spends in state money annually. When the state appropriation is reduced, the federal match is also reduced. The legislature cut VCS \$700,000 (non-recurring) this year and the result of that cut reduced the federal match by \$420,000. Therefore, the total reduction for VCS for FY10/11 is \$1,120,000.

### **Rationale**

North Carolina receives an additional 60% of the total state appropriation in federal match dollars. Increased state appropriations equal increased federal funding for North Carolina's VCS program. VCS will experience a backlog if state funding and ultimately federal funding, is not increased.

Victims and families are already devastated by the crime. VCS not having sufficient funding to pay victim claims will: delay payment from VCS to victims and providers, cause the victim to be put into collection by providers, ruin victims' credit, delay victims in receiving work loss that is needed to pay for prescriptions as well as living expenses, dramatically increase time needed to process a claim (from the time the claim is received and the victim and providers receive payment), increase calls from victims and provider for claims status. In order not to maintain a backlog, the state appropriation will have to be increased annually as a recurring appropriation which will result in the federal appropriation increasing annually.

In order for this program to be successful, in addition to funding, it is also necessary to have personnel who can process claims in a timely manner. A "claims examiner" reviews all claims eligible for an award. Each position reviews approximately 1,750 claims each year. This position is critical to the success of paying victims and providers to ensure victims are not put into collection. Since the VCS program started, there have always been two examiners but one of those positions was cut this year. This position needs to be reinstated. Without two Claims Processor positions assigned to this responsibility, it is impossible to process the claims (3,500 claims were processed in 2008-09) and make payments in a timely manner.

### **Recommendation**

It is recommended that the:

- Legislature increase the state appropriation for Victims Compensation Services. These funds must increase and be recurring to ensure that North Carolina continues to receive the 60% matching federal funding in an effort to keep pace with the demand to process victims' claims. To determine amount needed, there needs to be a thorough review of the numbers of claims filed and amounts paid over the last five years (at minimum).
- VCS Claims Processor position be reinstated in order that victims' payments be processed without undue delay.

The following table shows legislative recommendations proposed by the Governor’s Crime Commission for each session of the General Assembly between 2001 and 2009 and the current status of those recommendations. Recommendations are sorted by committee and year.

***Criminal Justice Improvement***

2001	
<b>Item</b>	<b><i>Establish a lifetime Sex Offender Registry for violent sexual predators</i></b>
<b>Rationale</b>	North Carolina’s sex offender registry law complies with the 1994 Jacob Wetterling Act which required each state to establish a sexual offender registry; however, North Carolina is not compliant with the Pam Lychner Sex Offender and Tracking and Identification Act, enacted by Congress in 1997. In order to comply with the federal mandate, the General Assembly must amend the law to establish an expert panel to determine whether or not a person convicted of a sexual offense is a violent sexual predator and must also mandate lifetime registration for those individuals the court determines to be violent sexual predators.
<b>Status</b>	In 1998 and 2001, North Carolina’s Sex Offender Registration Programs was rewritten to comply with the standards set forth in the Wetterling, Megan and Pam Lyncher Laws. The Sex Offender and Public Protection Registry has continually been reworked by the General Assembly. The North Carolina Sex Offender and Public Protection Registration Programs are codified in Article 27A of Chapter 14 of the North Carolina General Statutes. (N.C.G.S. §§ 14-208.5 - 208.45)
<b>Item</b>	<b><i>Establish mandatory fingerprinting for serious misdemeanants</i></b>
<b>Rationale</b>	Under current North Carolina law, all persons who are arrested for the commission of a felony or arrested and sentenced to a detention facility may be fingerprinted and those fingerprints must be submitted to the State Bureau of Investigation. NC law does not mandate the fingerprinting of misdemeanants who require a first appearance in magistrate court and does not require those fingerprints to be submitted to the SBI. The Criminal Justice Information Network Study Committee recommended that individuals arrested for serious misdemeanors be fingerprinted. This would significantly improve the accuracy, completeness and quality of North Carolina’s criminal history records.
<b>Status</b>	Fingerprinting is not mandatory for serious misdemeanants. It is only mandated in the event the offender is arrested or committed to a detention facility, or convicted of a felony. See ‘Note’ following this table for the text of <i>North Carolina General Statute § 15A-502: Photographs and fingerprints</i> .
2003	
<b>Item</b>	<b><i>Require mandatory fingerprinting for all misdemeanants, develop a statewide criminal justice index and integrate all criminal justice databases</i></b>
<b>Rationale</b>	Under current North Carolina law, all persons who are arrested for a felony must be fingerprinted at the local booking facility. This law does not mandate the fingerprinting of misdemeanants, but allows the local jurisdiction to set its own policy. This practice can leave significant gaps in individual criminal histories when criminal justice officials are trying to determine the accuracy and completeness of an offender’s criminal record. This is consistent with the recommendations of the Criminal Justice Information Network Study Committee and would significantly improve the accuracy, completeness and quality of North Carolina’s criminal history records. North Carolina does not have an integrated automated statewide identification index that links all records of a subject’s involvement with the criminal justice system. While several state agencies have the ability to perform automated name searches, users must first determine which systems have the information and then query each one separately. Integrating the information would link information and allow users to obtain information from all agencies from a single query.

<b>Status</b>	Fingerprinting is not mandatory for misdemeanants. It is only mandated in the event the offender is arrested or committed to a detention facility, or convicted of a felony. See 'Note' following this table for the text of <i>North Carolina General Statute § 15A-502: Photographs and fingerprints</i> .
<b>Item</b>	<b><i>Require ballistic fingerprinting of all confiscated handguns and fund mobile ballistic fingerprint labs</i></b>
<b>Rationale</b>	An innovative approach to solving crimes involving handguns is to test handguns for ballistic fingerprints and to develop an interactive database of those fingerprints. Due to financial and logistic constraints, testing each handgun would be almost impossible. A more efficient alternative is to require ballistic fingerprinting of all handguns confiscated by law enforcement officials. These fingerprints could be cross referenced with pending cases involving handguns, which would greatly aid in solving pending cases.
<b>Status</b>	A new tool being used by the Firearm Examiners in the Section is the Integrated Ballistics Identification System. IBIS is a computer based system for analyzing and correlating specially produced bullet and cartridge case specimen photographs that have been entered in databases. The purpose of IBIS is to link evidence bullets and cartridges cases recovered at crime scenes where no firearm has been found or submitted to firearms received in other cases or to evidence in other cases. The firearm examiner still bears the responsibility of making the final determination on identifications but IBIS provides the possibility of linking firearms to evidence or evidence to evidence in a way that was not ever possible. (Not specified if the testing is required.) Source: <a href="http://www.ncsbi.gov/offices/offices_crimelab_firearmtoolmark.jsp">http://www.ncsbi.gov/offices/offices_crimelab_firearmtoolmark.jsp</a>
<b>Item</b>	<b><i>Relocate the Criminal Justice Information Network Board to the Department of Crime Control and Public Safety</i></b>
<b>Rationale</b>	The CJIN Board is comprised of state and local agencies working together to develop interoperable information technology projects for the benefit of all citizens of North Carolina. While the board was originally placed in the Department of Justice, its role since that time has changed. Since the Department of Crime Control and Public Safety has the responsibility of preparing and implementing all of the state's anti-terrorism plans and programs, it is important that CJIN be a part of this organization to provide support in interoperable police communications.
<b>Status</b>	CJIN is now located within the Department of Crime Control and Public Safety.
<b>Item</b>	<b><i>Address long-term needs of projected growth in the state's prison population</i></b>
<b>Rationale</b>	To completely address the projected growth in prison populations and expand the capacity of the corrections system to handle this growth, the 2001 General Assembly should immediately enact a two-pronged approach: build new prisons and adjust the state's structured sentencing grid. While the first approach has been initiated, we also recommend that the General Assembly adopt many of the sentencing alternatives presented by the N.C. Sentencing Commission. These alternatives will make the grid fairer and more consistent while also reducing the number of prison beds needed in future years.
<b>Status</b>	No adjustments have been made to the structured sentencing grid. While prison capacity has been increased with additions at several facilities, it is projected that the prison population will increase beyond the system's current capacity within 10 years. No additional data available.
<b>Item</b>	<b><i>Establish a continuing revenue source for start-up and recurring costs incurred in the development and maintenance of CJIN and related projects, including costs of Mobile Data Terminal operating fees not currently paid by local law enforcement</i></b>
<b>Rationale</b>	Since September 11, 2001, it has become increasingly clear that one of the greatest problems facing law enforcement is that of communications – the willingness and the ability to communicate effectively and in real time. North Carolina has done much to address this issue, but the state's approach to building its CJIN has been piecemeal at best. Despite five years of funding from a variety of federal, state and local sources, the existing system is taxed beyond its capacity and is at risk of becoming obsolete due to the time required to implement any given component.

<b>Status</b>	Funding still needs to be addressed. While many users are switching to air cards, the system still supports more than 12,000 users across the state. Infrastructure and systems still need to be updated.
<b>Item</b>	<b><i>To provide funding to fully staff and equip the SBI forensic laboratory and to adequately process violent crime evidence more efficiently to reduce system delays</i></b>
<b>Rationale</b>	Evidentiary DNA is critical to the resolution of violent crime cases and cannot responsibly be outsourced to fee-based laboratories. Therefore, all evidentiary DNA must be processed by the SBI. Due to the volume of DNA received by the SBI for processing, it has become necessary for SBI analysts to prioritize evidentiary DNA from violent crimes on a priority basis. This current DNA backlog is creating system delays that the SBI cannot address in a timely manner due to lack of staff and equipment. This delay impacts law enforcement, prosecutors, the court system and the victims.
<b>Status</b>	Seven positions have been added in the lab; however, the lab is still not fully staffed. Equipment was purchased through a GCC grant in 2003. Funding for the lab is still dependent upon grants. Currently they are heavily subsidized by year to year funding from National Institute of Justice.
<b>Item</b>	<b><i>Complete statewide warrant repository</i></b>
<b>Rationale</b>	The Administrative Office of the Courts is developing a statewide warrant repository system which will enable magistrates, court counselors and court clerks to process and issue arrest warrants and other orders in real-time and computerized manner. This will also serve as a repository that can be accessed by law enforcement personnel to determine if a person on the side of the road or in their custody has any outstanding warrants on them. The system will benefit court officials and law enforcement officials; however, it will require extensive financial resources to keep the system maintained. It is recommended that the funding for this system be provided by the General Assembly in order to reduce the financial burden that system upkeep would impose on local units of government.
<b>Status</b>	The N.C. Administrative Office of the Courts launched its statewide arrest warrant repository called NCAWARE (North Carolina Warrant Repository). The system is a web-based application that started in June 2008 as a pilot program in Johnston County. Currently, the programming is 85 percent, conversion is 70 percent, interfaces are 66 percent, and testing is 58 percent complete. Statewide implementation is expected by 2010.
<b>2005</b>	
<b>Item</b>	<b><i>Fund Voice Interoperability Plan for Emergency Responders (VIPER) with a blend of ready or allocable funds and appropriate debt financing</i></b>
<b>Rationale</b>	The Voice Interoperability Plan for Emergency Responders, VIPER, is a dramatic step in improved criminal justice services. It allows communication between our first responders throughout the state. VIPER will improve daily operations, and most importantly, greatly enhance our ability to prepare for, respond to, and recover from natural and man made disasters.
<b>Status</b>	VIPER has received some limited funding from Homeland Security. Funding is approximately \$86 million short. No additional data available at this time.
<b>Item</b>	<b><i>Complete the SAFIS project plan and fund the SAFIS replacement</i></b>
<b>Rationale</b>	The Statewide Automated Fingerprint Identification System (SAFIS) is a backbone of our criminal justice record keeping system. It is continually relied upon to process fingerprints and related data statewide. SAFIS equipment must be replaced as scheduled. Action now is required to maintain and ensure system continuity.

<b>Status</b>	SAFIS has been fully funded by a direct appropriation from the legislature. The new SAFIS system went live in March 2008 and is 95% complete. It is expected to be 100% complete in July 2008.
<b>2007</b>	
<b>Item</b>	<b>AOC technology needs</b>
<b>Rationale</b>	The Administrative Office of the Courts has many technology projects that have a statewide impact and provide valuable services to all three levels of government from federal, to state, to local. Some of these projects include the Computerized Criminal Court Information System, the Electronic Citation Project, and the Statewide Magistrate and Warrant Repository Systems.
<b>Status</b>	In 2006 AOC received significant funding from the N.C. Legislature to improve several areas of the court system through the use of technology. The Discovery Automation Project, ePayment of Citations, the Criminal Court Information Systems, and Civil eFiling projects were set in motion, and we are making great progress as a result of this new funding. Other major accomplishments for 2006 include the highly successful implementation of eCitation in all 100 clerk of court offices statewide, further enhancements to the CaseWise/JWise program, and AOC's national recognition for the implementation of a Court Performance Management System. AOC also successfully implemented the Judicial Branch Intranet, which provides access to all Judicial Branch employees with the goal of improving electronic collaboration and communication throughout the court system. Source: <a href="http://www.nccourts.org/Courts/CRS/Technology/Documents/annual_report_2006.pdf">http://www.nccourts.org/Courts/CRS/Technology/Documents/annual_report_2006.pdf</a>
<b>Item</b>	<b>Reinstate funding resources for community corrections programs</b>
<b>Rationale</b>	This coming year the Department of Correction will add 1,000 more prison beds in 2007 in new construction to boost the state prison population to nearly 38,000. Some 27,000 inmates will also be released into the general population at the same time. They will enter the community with little or no marketable job skills, limited education, suspect living arrangements, dysfunctional family and personal relationships and a wide variety of substance abuse and mental health issues that remain unresolved.
<b>Status</b>	House and Senate have passed a bill to restore funding to previous level and to provide funding on a recurring basis. (If approved, the Division of Community Corrections will be funded on a recurring basis and will not have to go through the process of applying for funding every two years.)
<b>Item</b>	<b>Endorsement of Street Gang Prevention Act (SB 733)</b>
<b>Rationale</b>	In 2005, Rep. Mickey Michaux introduced an anti-gang bill in the North Carolina House to legally define what constitutes a gang and to strengthen the ability of prosecutors to emulate the model used by federal authorities in enforcing conspiracy laws under the Racketeer Influenced and Corrupt Organizations statute. An identical bill (Senate Bill 733) currently rests in the Senate Judiciary II Committee. It is sponsored by senators Graham, Berger, Bingham, Cowell, Dalton, Dannelly, Dorsett, Holloman, Hoyle, Kinnaird, Lucas, Malone, Rand, Swindell and Weinstein.
<b>Status</b>	The Street Gang Prevention Act becomes effective Dec.1, 2008, <b>IF</b> the funds are appropriated to implement it prior to that date. Source: <a href="http://www.ncleg.net/sessions/2007/bills/house/html/h274v5.html">http://www.ncleg.net/sessions/2007/bills/house/html/h274v5.html</a> (The last three lines reference the appropriations.)
<b>2009</b>	
<b>Item</b>	<b>Double the Appropriation to Community Correction Alternative to Incarceration Programs</b>

<b>Rationale</b>	<p>North Carolina is facing a major issue in the immediate future and must develop community-based options in developing alternatives to incarceration strategies.</p> <p>First, we should revisit structured sentencing in an effort to broaden the parameters that dictate fewer active prison terms and expand non-incarceration alternatives including:</p> <ul style="list-style-type: none"> <li>• Electronic Monitoring</li> <li>• Substance Abuse Treatment</li> <li>• Drug, Family and Mental Health Courts</li> <li>• Community Service</li> <li>• Mental Health Treatment</li> <li>• Reentry Programs and Transitional Services</li> <li>• Intermediate Community Sanctions and Intensive Probation</li> <li>• Reinstitution of some version of post-release supervision and/or parole.</li> </ul> <p>The majority of the programs within this area would need to be redesigned to successfully implement these main activities:</p> <ul style="list-style-type: none"> <li>• Create new standards, strategies and norms to combat antisocial behavior</li> <li>• Identify high-risk factors to help communities prepare for the return home of ex-offenders</li> <li>• Develop specialized programs and skilled vocational training to address high-risk factors</li> <li>• Identify and enlist support from all sectors of the community to address major issues in dealing with recidivism</li> <li>• Provide services and assistance that directly impact families and children of ex-offenders</li> <li>• Reduce the level of violent repeat crime and its overall impact on the community</li> </ul> <p>The focus of successful science-based programs must include community participation, family concerns and the post release environment. Problems exist due to many factors, including:</p> <ul style="list-style-type: none"> <li>• Dysfunctional and separated families</li> <li>• Increased conditions of poverty and illness</li> <li>• Lack of marketable vocational skills</li> <li>• Lack of post aftercare treatment for substance abuse and mental health</li> <li>• Lack of adequate alternate childcare services.</li> </ul> <p>All these contribute to the problem of rising levels of crime and higher recidivism rates among a greater number of returning ex-offenders back into the general population.</p>
<b>Status</b>	No action has been taken on this issue due to current budget restrictions.
<b>Item</b>	<b><i>Include as a permanent, recurring line item funding of the GangNET and Justice XChange expansion proposal</i></b>
<b>Rationale</b>	<p>This would allow criminal justice agencies with different databases to share information. It would also support testing of data and would provide tools to ensure that the exchanged information is reliable and accurate. The Justice XChange inclusion in this plan would place North Carolina into the future phase of justice automation - allowing diverse agencies to share information in a secure, reliable fashion that supports public safety and homeland security. Without the opening of these links many of the sites will lack the ability to share their data across the regions and provide a central statewide database. System support at these sites is provided on a locally funded part-time basis, in addition to regular job duties performed by staff. The Governor's Crime Commission believes that committed resources will expedite agency participation and in turn dramatically increase documented intelligence that can be shared among multiple jurisdictions and agencies simultaneously.</p>
<b>Status</b>	No action has been taken on this issue due to current budget restrictions.
<b>Item</b>	<b><i>Amend GS Session Law 2004-129 to exclude law enforcement and public safety agencies from the authority of the Information Technology Services with respect to SB 991</i></b>

<p><b>Rationale</b></p>	<p>Public safety and law enforcement agencies recognize the value of interoperable systems and integrated criminal justice databases. Historically, best practices have been achieved by other states when the management and support of these databases, applications and infrastructure are led by law enforcement and public safety agencies. Federal Bureau of Investigation's Criminal Justice Information System requirements, security policies, personnel security requirements, state and federal regulations and time sensitive matters are among some of the challenges that arise when managing and supporting sensitive data. It is imperative that the housing of this information be managed and supported by a law enforcement agency, a public safety agency, or a contractor that meets CJIS compliance.</p> <p>The CJIN should be given all authority and responsibility for guiding and maintaining all law enforcement and public safety data information and communication systems. The CJIN should remain separate and apart from the oversight of the rest of state government IT systems, by virtue of the type of information that is stored within those systems and that is transmitted between law enforcement and public safety agencies, as well as the inclusion of a separate branch of government in the judicial department.</p> <p>The fact that the AOC has not been under the purview of Information Technology System, but the other state justice agencies have, has resulted in a disjointed and fragmented effort to achieve systems integration. The insufficient financial support and authority given to the CJIN has exacerbated this situation. Individual public safety and law enforcement agencies have focused on obtaining approval of their own unique needs for IT development and acquisition and to some extent ignored interface applications with other justice systems.</p> <p>The CJIN should therefore be elevated to parallel status with ITS with respect to the criminal justice information system, and should have sole governing responsibility over public safety and law enforcement agencies' IT systems.</p> <p>An Integrated Justice Information System center should be comprised of public safety and law enforcement support professionals who manage and develop their respective databases. Work will center on technology and business infrastructure needs to promote data sharing at the local and state level. Policy and procedures recommendations shall be forwarded to the CJIN for approval.</p>
<p><b>Status</b></p>	<p>GS Session Law 204-109 has yet to be amended. Now CJLEADS seems to be leading the effort.</p>
<p><b>Item</b></p>	<p><b><i>Create legislation that provides for a statutorily protected status for Crime Stoppers programs</i></b></p>
<p><b>Rationale</b></p>	<p>North Carolina's Crime Stoppers programs are increasingly finding it necessary to appeal to the bench for relief from defense attorneys who seek to use North Carolina's discovery laws. Actual Crime Stoppers tips are received via various avenues of communication that include but are not limited to land-lines, cellular phones and person-to-person through School Resource Officers. As such, the tips and tip sheets are open to the threat of subpoena in an effort to identify and discredit the caller.</p> <p>Each of the 93 individual programs must currently appeal to the chief judge in each judicial district for protective orders to maintain the integrity of the anonymity pledge under which these programs have so successfully and beneficially operated in the past. Without the guarantee of anonymity the Crime Stoppers program could not survive.</p> <p>While most judges are accommodating, the sword over their heads is always there. The N.C. Crime Stoppers Association is seeking enactment of language as has been enacted by both the states of Florida and Virginia providing a statutorily protected status for their local Crime Stoppers programs <u>regardless of the means by which a tip is received.</u></p>
<p><b>Status</b></p>	<p>No bill for statutory protected status for Crime Stoppers has been introduced by the General Assembly.</p>

<b>Item</b>	<b>Support the Crisis Intervention Team (CIT) initiative administered by the Department of Health and Human Services</b>
<b>Rationale</b>	<p>To provide the best services to consumers and the public-at-large, law enforcement must have the ability to assess a situation quickly and accurately and the capacity to implement an effective response. One of the most critical challenges to law enforcement beyond recognizing that a detainee has a mental health issue is what to do with that individual once that observation has been made. The CIT initiative offers a promising solution to address common problems arising when a consumer with a mental health issue is detained. CIT officers receive more intensive training than their non-CIT counterparts and therefore are best equipped to assess situations involving consumers with mental health issues.</p> <p>Additionally, there is a common protocol that addresses the response to those consumers. This response protocol has at its core, identifying services for the mental health and well-being of the consumer. Often this provides relief to an already over-burdened criminal justice system as these consumers may be diverted from the court system.</p> <p>The oldest and most established CIT program in the state is in Wake County. It has the advantage of having a crisis unit that can provide a very quick drop-off capacity for law enforcement. Excellent CIT training programs also exist in many other areas of the state.</p>
<b>Status</b>	Funded a feasibility study with UNC-Charlotte and awaiting final report and evaluation. Helped fund a statewide CIT Conference.
<b>Item</b>	<b>Enact legislation to make assault on a law enforcement officer a felony offense</b>
	At the September 2008 meeting of the Governor's Crime Commission, the Criminal Justice Improvement Committee voted to support legislation making the act of assaulting a law enforcement officer (a deliberate assault, a deliberate striking, or to further an escape) a felony rather than a misdemeanor. In concordance with that meeting, the members of the Governor's Crime Commission hereby approve and support House Bill 134, dated Feb. 12, 2009, to raise the criminal offense of simple assault on an officer or employee of the state or a political subdivision of the state from a Class A1 misdemeanor to a Class I felony.
	House Bill 134 was introduced by Rep. Tucker during the 2009 session. Passed first reading and referred to Judicial Committee III. Senate Bill 1036 was introduced by Sen. Brock. Passed on first reading and referred to Judicial Committee I.

**Notes**

**1. North Carolina General Statute § 15A-502. Photographs and fingerprints.**

- (a) A person charged with the commission of a felony or a misdemeanor may be photographed and his fingerprints may be taken for law-enforcement records only when he has been:
  - (1) Arrested or committed to a detention facility, or
  - (2) Committed to imprisonment upon conviction of a crime, or
  - (3) Convicted of a felony.
- (a1) It shall be the duty of the arresting law-enforcement agency to cause a person charged with the commission of a felony to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation.
- (a2) If the person cannot be identified by a valid form of identification, it shall be the duty of the arresting law-enforcement agency to cause a person charged with the commission of:
  - (1) Any offense involving impaired driving, as defined in G.S. 20-4.01(24a), or
  - (2) Driving while license revoked if the revocation is for an Impaired Driving License Revocation as defined in G.S. 20-28.2

to be fingerprinted and photographed.

- (b) This section does not authorize the taking of photographs or fingerprints when the offense charged is a Class 2 or 3 misdemeanor under Chapter 20 of the General Statutes, "Motor Vehicles." Notwithstanding the prohibition in this subsection, a photograph may be taken of a person who operates a motor vehicle on a street or highway if:
  - (1) The person is cited by a law enforcement officer for a motor vehicle moving violation, and
  - (2) The person does not produce a valid drivers license upon the request of a law enforcement officer, and
  - (3) The law enforcement officer has a reasonable suspicion concerning the true identity of the person.

As used in this subsection, the phrase "motor vehicle moving violation" does not include the offenses listed in the third paragraph of G.S. 20-16(c) for which no points are assessed, nor does it include equipment violations specified in Part 9 of Article 3 of Chapter 20 of the General Statutes.

- (b1) Any photograph authorized by subsection (b) of this section and taken by a law enforcement officer or agency:
  - (1) Shall only be taken of the operator of the motor vehicle, and only from the neck up.
  - (2) Shall be taken at either the location where the citation is issued, or at the jail if an arrest is made.
  - (3) Shall be retained by the law enforcement officer or agency until the final disposition of the case.
  - (4) Shall not be used for any purpose other than to confirm the identity of the alleged offender.
  - (5) Shall be destroyed by the law enforcement officer or agency upon a final disposition of the charge.
- (c) This section does not authorize the taking of photographs or fingerprints of a juvenile alleged to be delinquent except under Article 21 of Chapter 7B of the General Statutes.
- (d) This section does not prevent the taking of photographs, moving pictures, video or sound recordings, fingerprints, or the like to show a condition of intoxication or for other evidentiary use.
- (e) Fingerprints or photographs taken pursuant to subsection (a), (a1), or (a2) of this section may be forwarded to the State Bureau of Investigation, the Federal Bureau of Investigation, or other law-enforcement agencies. (1973, c. 1286, s. 1; 1977, c. 711, s. 22; 1979, c. 850; 1981, c. 862, s. 3; 1993, c. 539, s. 298; 1994, Ex. Sess., c. 24, s. 14(c); 1996, 2nd Ex. Sess., c. 18, s. 23.2(b); 1998-202, s. 13(f); 2007-370, s. 1; 2007-534, s. 1.)

## **Juvenile Justice**

<b>2001</b>	
	None
<b>2003</b>	
<b>Item</b>	<b>Establish a broad-based commission, appointed by the Governor, to investigate, study and make a comprehensive recommendation to alleviate and prevent the issues surrounding suspended or expelled secondary school students</b>
<b>Rationale</b>	Suspended and expelled students need attention from not only the juvenile justice system but also may require social services, mental health, educational and substance abuse support and assistance. The issue impacts numerous agencies thus the commission needs to be holistic in scope and membership.
<b>Status</b>	DPI has a suspended and expelled student advisory group.
<b>Item</b>	<b>Support efforts to reduce Disproportionate Minority Contact, Require Juvenile Crime Prevention Councils to consider this issue when making local funding decisions</b>
<b>Rationale</b>	The majority of teens housed in secure confinement are minorities. Research documents disparities in the handling of minority youth at each stage of the juvenile justice system and at each of its major contact and decision points.
<b>Status</b>	GCC has DMC coordinator on staff, all GCC grants special conditioned to address DMC, 4 county (Forsyth, Guilford, New Hanover and Union) 4 year model being tested.
<b>2005</b>	
<b>Item</b>	<b>Fully fund DJJDP JCPC operation and programming</b>
<b>Rationale</b>	Juvenile Justice Reform Act called for full funding at an amount of \$40 million.
<b>Status</b>	Only ½ of this amount received from 1998-2004. Funding also declined from earlier, 2001, levels.
<b>Item</b>	<b>Seek alternative sources of funding for at-risk youth</b>
<b>Rationale</b>	Widening services to needs gap, Alternative Learning Programs and Juvenile Crime Prevention Councils underfunded, long-term benefits of educating and treating at-risk students exceed adult incarceration costs, state did not fully fund JCPCs at level recommended in Juvenile Justice Reform Act
<b>Status</b>	JCPCs underfunded, Federal Office of Juvenile Justice and Delinquency Prevention funds significantly reduced from prior years. GCC received General Assembly funds for gang prevention and intervention grants (\$6.3 million). The GCC has allocated more than \$13.3 million in federal funds to assist 32 ALPs.
<b>2007</b>	
<b>Item</b>	<b>Increase funding for child abuse and neglect prevention initiatives</b>
<b>Rationale</b>	In North Carolina, more than 107,000 children were reported as abused and neglected. Of these children, 30,016 were confirmed as victims. In 2005, 37 children died from child abuse.
<b>Status</b>	No clear increase in prevention funding – funding comes from a multitude of sources, public and private.

<b>Item</b>	<b>Increase funding for the child medical examination program</b>
<b>Rationale</b>	Victims of child maltreatment far outnumber the availability of medical and psycho-social diagnosis and treatment funding; and these numbers have outstripped funds for many years. While most documented cases of child maltreatment involve the Department of Social Services, only those children eligible for referral from DSS can receive services through the Child Medical Examination Program— leaving others (e.g. ,“non-caretaker abuse”) and victims of juvenile sex offending without such resources.
<b>Status</b>	CMEP received a GCC grant of \$175,982 for a 2006-2008 project: Regional Training Centers for Child Maltreatment. No new developments - intervention and treatment efforts continue to be funded under an array of sources.
<b>Item</b>	<b>Expedite the appeals process for child abuse and neglect cases</b>
<b>Rationale</b>	Large numbers of North Carolina's families are involved in child welfare cases, and there has been a dramatic increase in the appeals of court proceedings in abuse and neglect cases. In 1999-2000, there were fewer than 10 appeals. That number has since increased to more than 121 and it is anticipated that the number of cases will continue to rise.
<b>Status</b>	This has been accomplished, albeit with an action of the Supreme Court (and not a statute, <i>per se</i> ) – Rule 3A (providing expedited procedures in certain juvenile cases) of the North Carolina Rules of Appellate Procedure was adopted on April 27, 2006, effective on May 1 <sup>st</sup> of that year.
<b>2009</b>	
<b>Item</b>	<b>Appropriate funding to support alternative learning programs and structured day programs statewide for suspended and expelled youth</b>
<b>Rationale</b>	Suspensions are a clear negative outcome for North Carolina's students. Those young people who are suspended from school are at an increased risk of poor academic performance, being less connected to the school setting, dropping out of school and becoming involved in the juvenile justice/criminal justice/ mental health systems. Encouraging school connectedness and focusing on those at risk of being suspended or expelled would undoubtedly improve the outcomes for these children.
<b>Status</b>	This item has not been fully implemented: though At-Risk/Alternative Schools allotments are available to support students in alternative learning programs, additional resources are needed. This item was renewed in substantially similar form in the 2011 Legislative Agenda of the Governor's Crime Commission.
<b>Item</b>	<b>Appropriate funding to support cross-training of social service and court service personnel on issues related to youth who have been designated as a dependent child and also committed a delinquent offense and appropriate funding to develop and enhanced data collection system to track dual-jurisdiction youth</b>
<b>Rationale</b>	Data supports the rationale that having more coordinated, jointed and collaborative efforts and responses between the juvenile justice and child welfare systems would result in a more efficient use of resources as well as provide better outcomes for the youth involved in both systems. The shared responsibility of both systems through the development of a comprehensive tracking system and increased access to services would enable both the courts and social service systems to work together in a way that would benefit dual jurisdiction youth.
<b>Status</b>	This item remains un-implemented: no such appropriation has been made to date due to current budget constraints.

<b><i>Item</i></b>	<b>Appropriate funding for the development of a formal structure for collaboration across agencies to develop enhanced alternatives to juvenile detention and enact legislation that addresses needed improvements to the detention reform system</b>
<b><i>Rationale</i></b>	Those areas of the country who have participated in deliberate detention reform efforts have seen substantial decreases in juvenile arrest rates and experienced cost savings through the shift in spending away from expensive detention centers towards community-based supervision programs and services. States that have seen success in detention reform have been successful in enacting legislation and institutionalizing policy changes specific to detention admission criteria. Changes that are made to the juvenile code focusing on case processing and length of detention stay as well as revising the state risk assessment tool will undoubtedly positively affect the state of detention and the lives of youth.
<b><i>Status</i></b>	This item remains un-implemented: no such appropriation has been made to date and no such legislation has been enacted to date. This item was renewed in substantially similar form in the 2011 Legislative Agenda of the Governor's Crime Commission.

### **Crime Victims Services**

<b>2001</b>	
<b>Item</b>	<b>Fund the Domestic Violence Commission in the Legislative continuation budget and move the Domestic Violence Commission to the Department of Crime Control and Public Safety</b>
<b>Rationale</b>	The Legislature by General Statute 143B-394.15 established the Domestic Violence Commission to be located within the Department of Administration. Since its establishment in 1999, the Commission has improved the state's responses to domestic violence victims. Ongoing funding is essential to support the agency's vital efforts. In addition, the work of the Domestic Violence Commission is closely linked to the objectives and operations of the Governor's Crime Commission. The work of each agency often enhances the work of the other. It is believed that coordination of future activities would be more effective and cost efficient if the Domestic Violence Commission was part of the Department of Crime Control and Public Safety.
<b>Status</b>	As of July 2008, the Domestic Violence Commission remains under the Department of Administration and has not been a part of any legislative continuation budget appropriations. However, the Council for Women/Domestic Violence Commission has received non-recurring appropriations in recent budgets to help support staff positions.
<b>2003</b>	
<b>Item</b>	<b>Develop state laws that mirror federal domestic violence firearm laws and create penalties for violating those laws</b>
<b>Rationale</b>	Federal law presently bars a subject of a protective order from possessing a firearm, however state law does not. The proposed legislation enhances family safety by keeping firearms out of the hands of those who, by virtue of the court order, have already been determined by a judge to be a threat. Legislation would also help North Carolina comply with federal mandates concerning domestic violence firearm laws.
<b>Status</b>	In 2003, the General Assembly revised §14-269.8 to read as follows: (a) <i>In accordance with §50B-3.1, it is unlawful for any person to own, possess, purchase, or receive or attempt to own, possess, purchase, or receive a firearm, as defined in §14-409.39(2), machine gun, ammunition, or permits to purchase or carry concealed firearms if ordered by the court for so long as that protective order or any successive protective order entered against that person pursuant to Chapter 50B of the General Statutes is in effect.</i> (b) <i>Any person violating the provisions of this section shall be guilty of a Class H felony.</i>
<b>2005/2007</b>	
<b>Item</b>	<b>Support the Division of Victim's Compensation expansion budget request/Legislate offender fee revenues/Increase appropriations for Victim Compensation Program and Rape Victim Assistance</b>
<b>Rationale</b>	Forty states have offender-based fee program while only 10 states, including North Carolina, do not have such systems. The Federal Victims of Crime Act matches every state dollar with \$0.60 no matter the source of that dollar. North Carolina was foregoing its share of federal matched monies by not generating additional funds for the Crime Victims' Compensation Fund. Funds must increase and be recurring to keep pace with the demand to process victims' claims, to address the backlog of victims' claims currently waiting payment, and to meet future demands of this program.
<b>Status</b>	The following are appropriations (includes both recurring and non-recurring) from recent budgets for the Victims' Compensation Fund rounded up to the nearest tenth of a million: 2002-03 -- \$4.1 million 2003-04 -- \$3.7 million 2004-05 -- \$6.2 million

(Status continues on next page.)

	<p>2005-06 -- \$4.5 million                  2006-07 -- \$5.5 million                  2007-08 -- \$6.1 million                  2008-09 -- \$4.9 million</p> <p>In fiscal years 2006-07 and 2007-08, a large portion of appropriations were non-recurring (\$1 million and \$1.6 million respectively). As you can see, funds have not increased to keep pace with the demand of victims' claims and have not properly addressed the backlog of victims awaiting payment.</p> <p>There has not been any legislation established that creates an offender based revenue stream for the Victims' Compensation Fund.</p> <p>Rape Victims Assistance appropriations remained at \$258,422 for FY 02-03 through FY 07-08, however appropriations greatly increased to just under \$1.08 million in the FY 08-09 budget.</p>
<b>Item</b>	<b>Appropriate state funds for NC SAVAN</b>
<b>Rationale</b>	NC SAVAN costs should be included in the Department of Crime Control and Public Safety's budget through the General Assembly's appropriation of continuation funds since no other agency seems able or willing to absorb any portion of the cost of this valuable service.
<b>Status</b>	As of July 1, 2008, NC SAVAN has not been included in the Department's budget, nor has any other agency included it in their budget from legislative appropriations. NC SAVAN is still fully funded by the Governor's Crime Commission through federal Victims of Crime Act funds. Recent Victim Information and Notification Everyday offender photo and sex offender notification enhancements were funded by the federal Bureau of Justice Assistance.
<b>Item</b>	<b>Victims representation on the Governor's Crime Commission</b>
<b>Rationale</b>	While the commission boasts one of the most impressive displays of statewide professionals, it did not have a position that was specifically reserved for individuals with experience and expertise in the areas of domestic violence and sexual violence. A recommendation to amend NC G.S. 143B-478 by adding one or two professionals with expertise in the areas of domestic and sexual violence to the Governor's Crime Commission.
<b>Status</b>	§143B-478(a)(1)(c) was revised in 2007. It now states the following: <i>There is hereby created the Governor's Crime Commission of the Department of Crime Control and Public Safety. The Commission shall consist of 38 voting members and six nonvoting members. The composition of the Commission shall be as follows: (1) The voting members shall be:...(c) A defense attorney, three sheriffs (one of whom shall be from a "high crime area"), three police executives (one of whom shall be from a "high crime area"), eight citizens (two with knowledge of juvenile delinquency and the public school system, two of whom shall be under the age of 21 at the time of their appointment, <b>one advocate for victims of all crimes, one representative from a domestic violence or sexual assault program</b>, one representative of a "private juvenile delinquency program," and one in the discretion of the Governor), three county commissioners or county officials, and three mayors or municipal officials...</i>
<b>Item</b>	<b>Increase in state funding for offender mental health substance abuse treatment services</b>
<b>Rationale</b>	A large number of inmates suffering from mental issues are creating a crisis for correctional administrators. In addition, each year these released ex-offenders cause issues when being returned to the community. The N.C. Department of Correction is developing the capacity to engage in a long-term strategy to deal with these issues. It was recommended that GCC present a resolution expressing strong support for state funding of offender substance abuse treatment and to bring parity in the level of services provided.
<b>Status</b>	No resolution drafted as of July 2008.

<b>Item</b>	<b>Support ongoing training on the requirements of the 1990 Crime Victims' Rights Act and create a legislative study committee on Crime Victim's Bill of Rights Act</b>
<b>Rationale</b>	The NC Victim's Right Amendment, adopted in 1999 by the General Assembly, has not been adequately implemented in the state due largely to resource issues faced by agencies charged with its implementation.
<b>Status</b>	Since the passage of the North Carolina Crime Victims' Right Act, the state has failed to provide any funding for the implementation of the provisions of the act as well as training those professionals charged with its implementation. The Governor's Crime Commission funded a training that was conducted by the N.C. Victim Assistance Network in which 360 people participated at a cost of approximately \$52,000. This training has not been provided regularly throughout the state, although it should be ongoing in order to keep up with employee attrition. In addition, law enforcement has not received any funding to help meet their obligations under the act. A study committee regarding compliance and requirements of the act has not been formed to date.
<b>Item</b>	<b>Ensure compliance with the Violence Against Women Act by 2008</b>
<b>Rationale</b>	In 2007, North Carolina was not in compliance with one of the certification requirements of the Violence Against Women Act. Failure to gain complete compliance by 2008 will result in the forfeiture of approximately \$3.5 million federal each year to support improvements in the way that the criminal justice system can respond to violent crimes against women.
<b>Status</b>	Under the Violence Against Women Reauthorization Act of 2005, states shall not require a victim of sexual assault to take a polygraph. To remain in compliance with the Violence Against Women Act, North Carolina amended §15A-831.1 to prohibit criminal justice agencies from requiring polygraph examinations of sexual assault victims as a precondition to the agency conducting an investigation into the matter. This law went into effect Dec.1, 2007.
<b>2009</b>	
<b>Item</b>	<b>Increase the state appropriation for Child Advocacy Centers and make them part of the recurring budget</b>
<b>Rationale</b>	<u>A Reference Guide for Domestic Violence Service Agencies to North Carolina's Early Intervention System for 0 to 5 Year Olds</u> produced by The Center for Child and Family Health stated that domestic violence programs and shelters are in a unique position to identify these children early on, educate and support their parents regarding risk and protective factors, and refer them to services that are designed to help them overcome the short and long term effects of trauma. In 2007, 5,500 children and adolescents spent time in a domestic violence shelter in North Carolina. Approximately one third of those children were under the age of five years. The earlier these children are identified and provided with appropriate assistance the better their chances are for the future.
<b>Status</b>	Recurring funding to the 22 accredited Children's Advocacy Centers statewide, in the amount of \$375,000, was removed from state appropriations. The reduction was offset by a non-recurring allocation of Social Services Block Grant recipients for services provided by the Children's Advocacy Centers during FY 2010-11.
<b>Item</b>	<b>Appropriate funding to develop training for Local management Entities on trauma and abuse of domestic and sexual violence victims</b>
<b>Rationale</b>	Since the decentralization of mental health services, pockets of the state are organizing to provide services to specific populations with specific mental health needs. Some programs are working with those who have cognitive issues, some work with individuals displaying behavioral issues and others work specifically with substance abuse issues. Decentralization has not only added to the difficulty of locating services but it has also decentralized partnerships that could be working together to confront complex mental health issues, such as those associated with domestic violence. A

(Rationale continues on next page.)

	<p>continuous theme throughout discussion has been the lack of mental health experts who have proficiency in the dynamics of domestic violence and the impact of family violence on victims.</p>
<b>Status</b>	<p>No funding has been appropriated to develop training for Local Management Entities on trauma and abuse of domestic and sexual violence victims.</p> <p>Per the Department of Health and Human Services, there are a variety of efforts underway to train providers and LMEs on best practice interventions with trauma disorders, and trauma informed care. The North Carolina Practice Improvement Collaborative has provided training, presentations and promoted best practice treatments for trauma, such as Seeking Safety and Trauma Focused Cognitive Behavioral Therapy.</p> <p>In addition, in 2009 DHHS applied for and received a Substance Abuse and Mental Health Services Administration jail diversion and trauma recovery grant – priority to veterans. Grant provides funds to develop a model system of services for persons, particularly veterans, with trauma disorders who are involved in the criminal justice system. The pilot site for this model program is in Mecklenburg. It's website is: <a href="http://www.ncoperationrecovery.org/">http://www.ncoperationrecovery.org/</a>.</p> <p>DHHS is also pursuing other grant opportunities to develop training for LMEs on trauma and its effects, including a recent SAMHSA GAINS (Gathering information, Assessing what works, Interpreting/integrating the facts, Networking, Stimulating change) center pilot test application for training in "How being trauma informed improves criminal justice system responses to women and men with mental illness."</p>
<b>Item</b>	<p><b>Amend GS 50B-9 so that it designates the Domestic Violence Commission as the agency that shall administer the Domestic Violence Center Fund and transfer the commission from the Department of Administration to the Department of Crime Control and Public Safety</b></p>
<b>Rationale</b>	<p>Since 2000, the Governor's Crime Commission has simplified their grant application process by creating an application that can be entered and submitted online. This prevents the need to hand deliver or mail copies of the application thus reducing the workload on domestic violence and sexual assault service providers. All of our required reporting forms are available online as well, making submission of all reports much simpler and less time consuming.</p> <p>Virtually every domestic violence and/or sexual assault provider received funding from the Governor's Crime Commission, the N.C. Council for Women/DV Commission and the N.C. Department of Health and Human Services Family Violence Prevention program. The overwhelming majority of funding to these agencies comes from GCC and CFW/DV. All three agencies have different applications, application periods, and also have reporting requirements with different due dates. So much information about the number of victims served, the types of services provided, and the history of the agencies that are providing these services exists but most of it is never compiled in any useable format because it is maintained by different agencies with no shared database.</p> <p>Ideally, an application could be designed that would allow programs to apply regardless of which funding they were applying for. This would have to be an automated application to allow all agencies to view the application remotely. Ideally, all funding would be housed under one agency to better manage the distribution of funds and the administration of those funds.</p>
<b>Status</b>	<p>The Domestic Violence Commission remains under the Department of Administration. Per Thomas Caves, he does not believe the issue is being discussed either at the Governor's Office or at the State Legislature. While it is uncertain what might come up this session, he does not think this issue will be a priority for either the Executive Branch or the Legislature.</p>
<b>Item</b>	<p><b>Increase access to quality mental health services in rural counties</b></p>

<p><b>Rationale</b></p>	<p>In some communities, battered women who need mental health/substance abuse services are identified by the victim service provider, assessed by the regional Local Management Entity and referred to a treatment provider. According to the N.C. Coalition Against Domestic Violence, this is not the case for most rural programs. NCCADV together with domestic violence and sexual assault programs in rural counties, report that traditional mental health systems cater to serious and persistent mental health issues. In some parts of our state, there is a lack of mental health/substance abuse resources. In those areas, women experiencing common mental health/substance abuse issues following abuse must often wait up to four weeks to see a provider. Immediate medical attention is accessed through the emergency room.</p> <p>Often times, before these battered women see a treatment provider, they are out of medication and not coping well with their mental health/substance abuse issues. For domestic violence service providers, shelter staff and shelter residents are left at risk or seeking other resources wherever available. According to NCCADV, service providers report that most DV victims experience bipolar disorder, post-traumatic stress disorder, depression and/or substance abuse problems. These disorders commonly go untreated due to the amount of time it takes to see a therapeutic provider, the lack of resources to transport victims to the provider, or the lack of mental health/substance abuse providers available who are trained in domestic violence. Transporting victims to the provider in a rural community can be very difficult because of the distances and environmental challenges.</p> <p>Currently, gaps in the timely delivery of services are created when a local provider is not available or is unwilling to provide services, LMEs can request a waiver from the secretary of DHHS to deliver mental health/substance abuse services themselves. When this happens, DHHS rarely denies the request but LMEs are not required or necessarily encouraged to request permission to provide the services when a local provider is not available.</p> <p>For many LMEs, there is a stigma associated with asking for permission as it is often viewed as admitting failure as an LME. Many LMEs believe that it is their responsibility to secure local providers and if one does not exist then it may imply that they have not fulfilled their obligation. Unfortunately, it often becomes very difficult, even with active, aggressive recruitment to entice providers to develop the necessary higher end, crisis prevention services that may not be financially lucrative.</p> <p>Additionally, there is a problem with the availability of licensed psychiatric in-patient services and/or beds in many rural areas. From 2001-2007, North Carolina has witnessed a decrease of 337 in-patient beds. North Carolina operates under the Certificate of Need law. This law requires that certain health care services, including almost all services that hospitals operate, have to go through a process whereby they prove that a new service is necessary before they can deliver that services.</p>
<p><b>Status</b></p>	<p>A Mental Health work group has been developed within the DV/SA subcommittee to address challenges and options for increased access to quality mental health services. Work is on-going.</p>
<p><b>Item</b></p>	<p><b>Appoint a legislative study committee to identify methods of improving the impact that batterer intervention programs have on offender accountability</b></p>
<p><b>Rationale</b></p>	<p>Service providers express that due to a lack of domestic violence awareness among court officials, batterer intervention/abuser treatment is underutilized. Given the dynamics of domestic violence, court officials in a position to impose sentencing, may best be served by using batterer intervention/abuser treatment program expertise to make sentencing recommendations.</p> <p>Additionally, service providers indicate that substance abuse is viewed as causal to the violence when it actually only aggravates already existing violent behavior (battering). Experts state that treatment protocols require two separate approaches in such cases. Historically, perpetrators of abuse often manipulate their treatment professionals as well as many others. This has supported the necessity for batterer intervention/abuser treatment experts to coordinate referrals with mental health/substance abuse and the courts. It is imperative that sentencing involve a collaborative effort for the accountability of perpetrators and the survival of victims.</p>

<b>Status</b>	There is no update to report on this item.
<b>Item</b>	<b>Appropriate funding for the N.C. Statewide Automated Victim Assistance and Notification (NC SAVAN) system</b>
<b>Rationale</b>	<p>Since 1997, the Governor's Crime Commission has been using Victims of Crime Act funding to support the N.C. Statewide Automated Victim Assistance and Notification System. This system is crucial to victims and families of victims who want some sense of security about the status and location of their offender who is incarcerated in any of North Carolina's jails or prisons.</p> <p>Although this program is a perfect fit for the type of service to crime victims the Governor's Crime Commission wants to support, it has resulted in more than 8 million dollars in funding to support the statewide initiative. The funding has become an obligation or responsibility solely of the Governor's Crime Commission. This responsibility falls on the Crime Commission despite the fact that many criminal justice system agencies use NC SAVAN to help them comply with mandates of the Victims' Rights Constitutional Amendment of 1999.</p>
<b>Status</b>	<p>No funding has been appropriated. Remains a legislative recommendation.</p> <p>NC SAVAN has not been included in the Department's budget, nor has any other agency included it in their budget from legislative appropriations. The NC SAVAN program is fully funded by the Governor's Crime Commission through federal Victims of Crime Act and Bureau of Justice Assistance funds.</p>
<b>Item</b>	<b>Create a study committee to review provisions of the Crime Victims' Rights Act</b>
<b>Rationale</b>	<p>The N.C. Victim's Rights Amendment, adopted in 1999 by the General Assembly, has not been adequately implemented in the state due largely to resource issues faced by agencies charged with its implementation. A recommendation to 1) Fund ongoing training for criminal justice system professionals, victim service professionals and citizens of our state on the requirements of the 1999 Crime Victims' Rights Act and 2) Work with the General Assembly to create a study committee that would provide regular reports on the level of compliance and the capacity/ability to comply, is proposed by the committee.</p>
<b>Status</b>	<p>Training has not been funded regarding the requirements of the 1999 Crime Victims' Rights Act. The General Assembly has not created a study committee; however, an internal Crime Victims Right Study Group/Ad Hoc committee (appointed by Chair Thomas) has been created. Study group is led by Keith Sutton. This group will be conducting an in-depth comprehensive review of the Crime Victims' Rights Act and making recommendations to GCC.</p>

