GOVERNOR'S CRIME COMMISSION

2009 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

2009 Legislative and Policy Agenda

Over the past eight years, significant progress has been made to increase the safety of North Carolina's citizens. During this period, the Governor's Crime Commission has helped develop projects that offer exciting advancements and innovations with respect to issues related to crime and justice.

Working in partnership with the NC Legislature, criminal justice system professionals, human service professionals, non-profit agencies, Departments of State government and Universities, the Governor's Crime Commission has provided information and resources to enhance stakeholders' capacity to effectively respond to key issues like:

- 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
- Reentry and pre-trial services

While the Governor's Crime Commission has provided ongoing leadership in the development of programs across our state that address timely issues like these, we continue to be challenged to strive to accomplish more.

This legislative and policy agenda identifies recommendations developed by the Governor's Crime Commission over the past two years. The recommendations included in this document require further action. These actions may include the development of new legislation, the adoption of new policies or procedures, modification of existing policies, greater collaboration among state agencies and other key partners, or the need to increase funding.

Although many of these recommendations require action by the General Assembly, others require action by state agencies and other partners including the Governor's Crime Commission itself.

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

Priority Legislative and Policy Recommendations

- **Appropriate** funding to support alternative learning and structured day programs statewide for suspended and expelled youth
- **Double** the current appropriation to Community Correction alternative programs to increase current alternatives to incarceration and study possible revision of structured sentencing grid to allow for more effective sentencing and sanctioning of adult offenders
- **Increase** the state appropriation for Child Advocacy Centers and make them part of the recurring budget
- **Appropriate** funding to support cross-training of social service and court service personnel on issues related to youth who have been designated as a dependant child and also committed a delinquent offense, and appropriate funding for the development of enhanced data collection systems that track such "dual jurisdiction" youth
- **Include** as a permanent, recurring line item, funding of the GangNet and Justice Xchange expansion proposal
- **Appropriate** funding to develop training for Local Management Entities on trauma and abuse of domestic and sexual violence victims
- **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
- **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
- **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 Commission from the Department of Administration to the Department of Crime Control & Public Safety

- **Create** legislation that provides for a statutorily protected status for Crime Stoppers programs
- **Support** the Crisis Intervention Team (CIT) initiative administered by the Department of Health and Human Services
- **Increase** access to quality mental health services in rural counties
- **Appoint** a legislative study committee to identify methods of improving the impact that batterer intervention programs have on offender accountability
- **Appropriate** funding for the Statewide Automated Victim Assistance and Notification (SAVAN) system
- **Create** a Study Committee to review provisions of the Crime Victims' Rights Act

PRIORITY LEGISLATIVE AND POLICY RECOMMENDATIONS

Suspended and Expelled Youth

An average of one in ten North Carolina students receives an out of school, short-term suspension each year. During the 2006-07 school year, the number of short-term suspensions totaled 308,010.[1] This is an increase from the 301,693 students short-term suspended during the 2005-06 school year. The average time out of school for a single suspension is between 3-5 days; therefore, between 924,030 and 1,540,050 instructional days were lost during the 2006-07 school year, due to short-term suspensions.

In 2006-07, African American, American Indian, ninth graders, and special education students were among the groups that received a disproportionate number of short-term out-of-school suspensions.

Similar patterns are seen with long-term suspensions (11 or more days) as well. During 2006-07, North Carolina's LEA's reported a total of 4,682 long term suspensions resulting in more than 50,000 days of lost instructional time.

Rationale:

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.

School attachment and academic success- positive school engagement and students feeling connected to their schools and teachers are 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 lost and/or greatly decreased, 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 in the lives of children has a tremendous effect on the lives of youth. One of the '5 Basics' promoted by Communities in Schools is a one on one relationship with a caring adult. Improved academic performance and negative behavior resulting in school suspensions is a true indicator 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. Although ALP's are designed with the primary purpose of providing a sound education to those young people who have been suspended or expelled from school, are at risk of entering the juvenile justice system or are attempting to transition back into the traditional school, there are still some concerns about ALP's. Alternative Learning Programs in some districts do not have adequate staff to address the

[1] *Annual Study of Suspensions and Expulsions: 2006-2007*; Public Schools of North Carolina State Board of Education/Department of Public Instruction, Report to the Joint Legislative Oversight Committee, Annual Study of Suspensions and Expulsions, 2006-2007.

behavioral problems of the youth entering the programs. Additionally, some ALP programs operate at capacity and/or may not serve all age/grade levels.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

- Provide additional funding for suspended youth including increased support of ALP's, mentoring, and risk assessments for youth with multiple risk factors
- Mandate the utilization of alternative settings (such as ALPs and Structured Day programs) to ensure youth continue to receive educational services
- Expand focus and responsibilities of the Dropout Prevention and High School Graduation Study Group to include suspension and expulsion issue
- Provide incentives to principals to keep youth in a learning environment
- Encourage schools to engage with their respective communities in the development of suspension and expulsion policy and decision making; utilizing the resources that these community organizations can provide for the youth and families of their school

Alternatives to Incarceration

We must adopt and institutionalize a more cost effective way of sentencing and sanctioning adult offenders in North Carolina. Empirical data and cost benefit analyses support the implementation of more alternative sanctions in lieu of additional prison construction that will reduce prison and criminal justice costs, lower crime rates and improve community safety.

Alternative sanctions will help alleviate the rising costs of prison construction ***(over $615 million spent in the past ten years and a projected additional $ 1.0 billion over the next ten years)***, the lack of sufficient funding for the Division of Community Corrections, and the ineffective utilization of the statewide Community Corrections Partnership Programs.

DOC projects the release of approximately 25,000 inmates by the end of this fiscal year. Without post-release supervision, a lack of adequate ReEntry program resources, and post release substance-abuse treatment, studies suggest a much sharper increase will occur in recidivism rates among these ex-offenders within the first 90 days of release. This would suggest that a comprehensive review of our determinate or structured sentencing philosophy is in order. Additionally, consideration should be given to providing more discretion to judges for alternative sentencing and more post-release supervision authority to correctional officials.

Rationale:

North Carolina is facing a major issue in the immediate future and must develop community-based options in developing alternatives to incarceration strategies.

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:

- Electronic Monitoring

- Substance Abuse Treatment
- Drug, Family, and Mental Health Courts
- Community Service
- Mental Health Treatment
- ReEntry Programs and Transitional Services
- Intermediate Community Sanctions and Intensive Probation
- Reinstitution of some version of post-release supervision and/or parole.

The majority of the programs within this area would need to be redesigned to successfully implement these main activities:

- Create new standards, strategies, and norms to combat antisocial behavior
- Identify high-risk factors to help communities prepare for the return home of ex-offenders
- Develop specialized programs and skilled vocational training to address high-risk factors
- Identify and enlist support from all sectors of the community to address major issues in dealing with recidivism
- Provide services and assistance that directly impact families and children of ex-offenders
- Reduce the level of violent repeat crime and its overall impact on the community

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:

- Dysfunctional and separated families
- Increased conditions of poverty and illness
- Lack of marketable vocational skills
- Lack of post aftercare treatment for substance abuse and mental health
- Lack of adequate alternate childcare services.

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.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

- Double the current amount of funding to Community Correction alternative programs while curtailing the building of additional prison beds by 33 percent. Additional funding should be targeted toward those intermediate and alternative sanctions that have the greatest cost benefit, relative to expenditures and crime reduction.
- Conduct committee hearings in an effort to propose future legislation to realign the structured sentencing guidelines, the sentencing grid, re-examine all mandatory sentences for nonviolent crimes, and to allow judges the option to impose community sanctions in

conjunction with or in lieu of active prison sentences. Finally, we recommend reinstituting post-release supervision of offenders by way of split sentencing and/or parole.

Serving Children Exposed to Family Violence – Child Advocacy Centers

Programs that provide shelter to families fleeing domestic violence have typically not been designed or funded specifically to respond to the needs of children.[2]

According to A Reference Guide for Domestic Violence Service Agencies to North Carolina's Early Intervention System for 0 to 5 Year Olds produced by The Center for Child and Family Health, there has been a significant amount of research conducted over the past decade documenting the negative effects of domestic violence on children. While not every child will experience problems, there are many reasons why exposure to domestic violence can put children at risk for a host of short and long term problems. For very young children, they are particularly vulnerable because they are reliant on their parents for survival and healthy development, and domestic violence can compromise both parents' ability to respond to their needs (Murphy et al., 2008)[3]

The greatest potential for ameliorating or undoing the negative effects of trauma, including exposure to domestic violence, exists at these early ages, making early identification and intervention critical (Murphy et al., 2008).

Rationale:

The above referenced study 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 (Murphy et al., 2008).

Recommendations:

The Governor's Crime Commission recommends that the General Assembly:

- Increase the state appropriation for accredited Child Advocacy Centers and make them part of the recurring budget

The Governor's Crime Commission recommends that the North Carolina Coalition Against Domestic Violence, on behalf of local domestic violence programs:

- Partner with regional LME programs, in collaboration with the Governor's Crime Commission and the Council for Women/DV Commission to develop a working MOU to

[2] Identifying and Responding to The Needs of Children in Domestic Violence Shelters: Final Report, June 1,2008
[3] A Reference Guide for Domestic Violence Service Agencies to North Carolina's Early Intervention System for 0 to 5 year olds, October, 2008 produced by the Center for Child and Family Health, Durham, NC with support from the Duke Endowment and Z. Smith Reynolds Foundation

address the mental health needs of domestic violence victims in shelter. This MOU should support evidence-based practices when providing services to children.

- Partner with local LMEs and Child Advocacy Centers and Duke Endowment to develop/identify standardized screening tools (including training) to assess a child's mental health and developmental functioning. Some of these instruments are specifically designed for people that are not professionally trained in diagnosis of developmental delays or mental health concerns.
- The Governor's Crime Commission shall continue to give priority to projects that address the establishment of accredited Child Advocacy Centers (CAC) as well as support existing CAC's. CAC's go through a national accreditation process which requires that CAC therapists:
- Use evidence based-practices when providing services to children, or
- Demonstrate sufficient training hours in treating children with trauma issues

Dual Jurisdiction – Cross Training for Social and Court Services Personnel

Dual jurisdiction specifically refers to a minor who has been designated as a dependent child and has committed a delinquent offense and therefore becomes the responsibility of both systems. Many North Carolina youth find themselves involved in both delinquency and dependent cases (dual jurisdiction). These two systems are separate, and as a result, many youth fall into the cracks between the two. There is a clear absence of coordinated responses for these youth who cross into both systems and research has shown that youth in the dependency system are at a much higher risk of juvenile delinquency. Many youth in the delinquency system were victims of child abuse and neglect.

It is not uncommon for youth in both systems to miss out on needed services as a result of their cases and information becoming tangled between delinquency and dependency. The two opposing missions (rehabilitation vs. public safety) along with the fragmented systems results in dual jurisdiction youth not receiving services that may be of great benefit. This often results in youth becoming more deeply involved in the juvenile and criminal justice systems.

Rationale:

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.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

- Appropriate funding to support cross-training of social service and court services personnel on issues related to minors designated as dependant youth who have committed a delinquent offense
- Appropriate funding to support the development of enhanced data collection systems that would track dual jurisdiction youth in order to improve accountability and access to services

GangNet and Justice XChange Expansion

Centralization of gang intelligence is needed in order to identify definitive correlations between gang members and criminal activity that are often missed and not adequately substantiated in case files. The lack of supporting documentation makes the arrest and successful prosecution of gang-related cases difficult to impossible, and perpetuates a continuing enterprise. Currently, intelligence is gathered either independently at each agency or at one of two NC GangNet regional nodes, with limited information sharing.

The Department of Crime Control and Public Safety would like to expand the level of information shared throughout the entire state linking not only police departments and sheriffs' offices, but also all probation offices, the Department of Corrections penal facilities, the State Bureau of Investigation's Fusion Center, the state's Homeland Security Intelligence Network and the N.C. Justice Xchange which facilitates criminal justice integration by allowing the exchange of information throughout the criminal justice community. Law enforcement, prosecution, public defender, probation, court and correctional agencies can share information between dissimilar technology systems.

Rationale:

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.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

Includes, as a permanent, recurring line item in the FY 2009-10 state budget, the GangNet and Justice Xchange expansion proposal. This would result in an annual cost of $1.8 million and would cover personnel costs, operating costs, maintenance costs, the current rate of inflation, and licensing fees.

Trauma and Abuse Training for Local Management Entities

Various mental health initiatives are being developed within DHHS, DSS, Public Health, OJJDP and the Criminal Justice System. Many have become highly specialized and isolated from one another. Representatives within the agencies mentioned above would benefit from continued training on how domestic violence impacts the populations they serve and how those same populations become criminal justice system involved. This warrants further exploration.

Rationale:

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 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.

Recommendations:

The Governor's Crime Commission recommends that the General Assembly:

- Appropriate funding to Local Management Entity (LME's) and local Area Health Education Centers (AHECs) to train existing mental health and substance abuse providers in trauma violence using evidence based practices.
- The training should be designed as a "Train the Trainer" program. The training would be made available to all contracted providers through LME's. The training would enhance therapists' awareness and understanding of any trauma experienced by victims of violence.

The Governor's Crime Commission recommends that the Governor:

- Create a policy/research center on criminal justice/mental health to explore:
  - The services needed by common consumers
  - The location and availability of current services
  - Existing models of collaboration
  - The effective delivery of services to victims with complex issues such as family violence and criminal justice involvement.
  - The need for a study commission to identify key stakeholders in mental health/substance abuse, criminal justice agencies, victim service agencies and universities who can support this initiative.

Criminal Justice Information Network Issues: Amend Session Law 2004-129

In 2004, the General Assembly directed OSBM in conjunction with others to develop a plan to consolidate the information technology infrastructure, staffing, and expenditures in executive branch departments where a statewide approach would be more economical (Session Law 2004-129). The ACT consolidates all of the state's disparate databases (excluding the Administrative Office of the Courts) (AOC) under the authority of the NC State Information Technology Services (ITS).

To better serve citizens of North Carolina and to meet the demands of our state's law enforcement and public safety agencies, existing disparate state and local criminal justice databases should be interoperable and integrated. The development and adoption of standards for entering, storing integrating and transmitting criminal justice information should fall under the authority of the Criminal Justice Information Network Governance Board (CJIN). CJIN was established for this very purpose. It is recommended that public safety and law enforcement agencies be excluded from the authority of the ITS re: Senate Bill 991.

Further, it is recommended that an Integrated Justice Information System (IJIS) Center be created and fall under the purview of the CJIN. Like the proposed NC Business Intelligence Competency Center (NCBICC), the focus of the IJIS Center will be to frame and promote the exchange of ideas, policies, procedures among law enforcement and public safety professionals. The criminal justice community recognizes the value of data integration and promotes data sharing as expressed by the BEACON data integration project. However, the approach of sharing and housing criminal justice data takes on different practices, policies and regulations dictated by state and federal guidelines. The purpose of the IJIS center, under the direction of CJIN, is to develop a strategy that identifies the technology and the business infrastructure needed to promote data sharing at the local and state level, when appropriate, among key stakeholders. Further, the IJIS center will work collaboratively with the NCBICC to achieve public data integration and criminal justice data integration, each being separate.

Rationale:

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 lead by law enforcement and public safety agencies. FBI CJIS 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. .,

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.

The fact that the AOC has not been under the purview of ITS, 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.

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.

An IJIS center should comprise 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.

Recommendations:

The Governor's Crime Commission recommends that the General Assembly:

- Amend GS Session Law 2004-129 to exclude law enforcement and public safety from the authority of the ITS re: Senate Bill 991
- Appropriate funding to support the integration initiatives of CJIN
- Direct (through legislative means) CJIN on matters related to law enforcement and public safety.
- Establish an IJIS center that would fall under the purview of CJIN
- Appoint a cross section of public safety and law enforcement professionals to the CJIN Board.

Detention Reform

Data shows that most states in the nation have developed an over-reliance detention as means of managing troubled youth. The lack of community based alternatives and non-custody options have resulted in the overuse of secure detention for juveniles. There are many jurisdictions that lack objective criteria and screening tools that accurately identify those young people who really 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, such a high detention center use has cost developed into an overwhelming expense. The average detention 'bed' costs more than $70,000 per child.

Rationale:

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.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

- Appropriate funding to support the development of a formal structure for collaboration across agencies and among key stakeholders when planning detention reform initiatives
- Support efforts that create accurate, comprehensive data to gauge the issues with the current use of detention and assess the potential impact of detention reform
- Support efforts for new or enhanced alternatives to detention that are community-based and close to the homes of the affected youth and families
- Support systems improvements that will expedite case processing

Amend Legislation Relating to Domestic Violence and Sexual Assault Program Funding

Amend NCGS 50B-9 to Assign Domestic Violence Funds to DV Commission

Amend NCGS 143B-394.10 to Assign Domestic Violence Funds to the DV Commission

Amend NCGS 143B-480.20 to Assign Sexual Assault Funds to DV Commission

Domestic violence and sexual assault service providers currently receive funding from two primary sources. The Governor's Crime Commission administers approximately $7 million each year using federal Victims of Crime Act and Violence Against Women Act funding. The Council for Women/DV Commission administers state appropriated funding that is also approximately $7 million each year.

Service providers across the state must submit different applications to both administering agencies. They must also submit different reporting forms and adhere to different state/federal guidelines in order to receive funding. In an effort to improve the administration of state and federal funding to these programs and to reduce the submission of duplicate reporting data, programs need one primary agency to contact or report to regarding the majority of their funding.

Rationale:

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.

Virtually every domestic violence and/or sexual assault provider received funding from the Governor's Crime Commission (GCC), the NC Council for Women/DV Commission (CFW/DV) and the NC Department of Health and Human Services (DHHS) 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.

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.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

- Modify existing legislation that designates the Department of Administration, Council for Women as the agency that shall administer the Domestic Violence Center funds to reflect that the Domestic Violence Commission shall administer the DV Center funds.
- Modify existing legislation that designates the Department of Administration, Council for Women as the agency that shall administer the Marriage License Fees to reflect that the Domestic Violence Commission shall administer the Marriage License Fees
- Modify existing legislation that designates the Department of Administration, Council for Women as the agency that shall administer the Sexual Assault and Rape Crisis Center funds to reflect that the Domestic Violence Commission shall administer the SA Center funds.
- Transfer the DV Commission from the Department of Administration to the Department of Crime Control and Public Safety
- Fund the Domestic Violence Commission as part of the legislative continuation budget

Confidentiality Law for Crime Stopper Informants

As used in this section, a "Crime Stoppers," "crime solvers," "crime line," or other similarly named organization is defined as a private, nonprofit North Carolina corporation governed by a civilian volunteer board of directors that is operated on a local or statewide level that (i) **offers anonymity to persons providing information** to the organization, (ii) accepts and expends donations for cash rewards to persons who report to the organization information about alleged criminal activity and that the organization forwards to the appropriate law-enforcement agency, and (iii) is established as a cooperative alliance between the news media, the community, and law-enforcement officials.

Evidence of a communication or any information contained therein between a person submitting a report of an alleged criminal act to a "Crime Stoppers" organization and the person who accepted the report on behalf of the organization is **not admissible in a court** proceeding **[regardless of the means by which a communication is received].** Law-enforcement agencies

receiving information concerning alleged criminal activity from a "Crime Stoppers" organization **shall maintain confidentiality** pursuant to subsection C . . .

> **Disclosure of criminal records; limitations.**
>
> **C.** The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.
>
> **From Code of Virginia: § 15.2-1713.1. ; Code of Virginia: § 2.2-3706.**
>
> Smith v. State, C-97-0069 (Alabama Crim. App. 12/22/2000)
>
> May v. State, 710 So.2d 1362 (Alabama Crim. App. 1997)
>
> Taylor v. State, 977 P. 2d 123 (Alaska App. 1999)
>
> State v. Natson, 661 So. 2d 926
>
> State v. Cager, 97-1877 (Louisiana App. 4 Cir 3/24/99); 732 So. 2d 97
>
> People v. Stanaway, 446 Michigan 643 (1994), 521 N.W. 2d 557
>
> State v. Brown, 5 Nebraska App. 889 (1997), 567 N.W. 2d 307
>
> State v. Knutson, Unpublished Decision (Ct App. 2001, Court of Appeals of Wisconsin, No. 00-2838-CR)
>
> Castillo v. Johnson, 141 F.3d 218 (5th Cir. 1998)

Rationale:

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.

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.

While most judges are accommodating, the sword over their heads is always there. The North Carolina 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 regardless of the means by which a tip is received.

Recommendation:

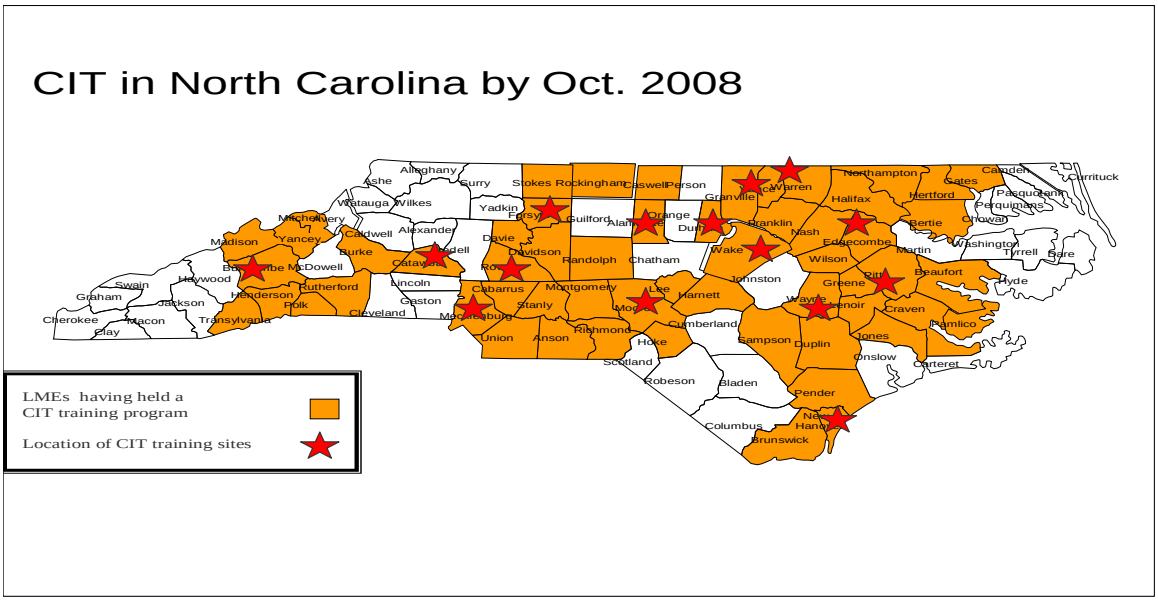
The Governor's Crime Commission recommends that the General Assembly:

- Create legislation (similar to that enacted by Florida and Virginia) to provide a statutorily protected status for local Crime Stoppers' programs that offer protection to citizens who provide anonymous tips on unsolved cases.

Crisis Intervention Team (CIT) Training for Law Enforcement Officers

The NC Justice Academy currently provides minimal mental health training to officers through the standard basic law enforcement training (BLET). The Academy offers additional eight-hour mental health training as an elective. The Mental Health Association also trains law enforcement officers on how to help people with mental illness. This training is done at the discretion of the law enforcement agency and as a result is very random.

The most intensive training (typically 40 hours) is available to law enforcement through the CIT programs in North Carolina. The map below illustrates where CIT training programs exist in North Carolina or will exist by October 2008.



Rationale:

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.

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.

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.

Recommendations:

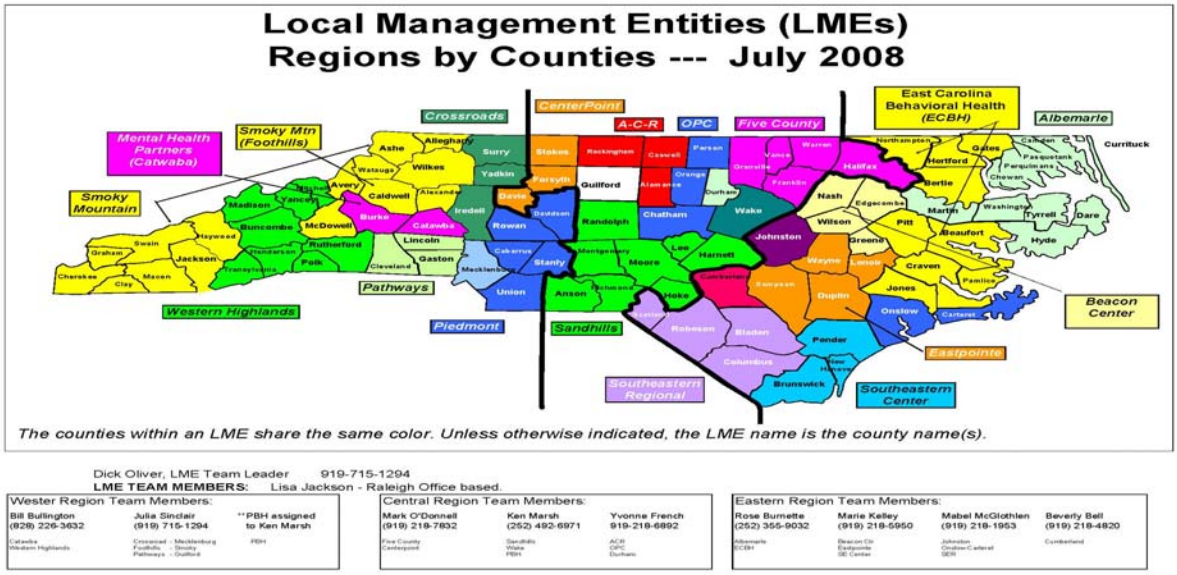
The Governor's Crime Commission recommends that the General Assembly:

- Support the CIT initiative administered by the Department of Health and Human Services through state appropriated and local funding
- Support a statewide CIT conference
- Support regional continuing education training of CIT certified officers through use of federal funding and/or state and local appropriated funding
- Support data collection to document the impact of the CIT approach on consumers

Increase Access to Quality Mental Health Services in Rural Counties

According to some service providers, the major issues in rural counties regarding access to services include:

1. Lack of prompt crisis oriented services: Victims who display symptoms commonly associated with violence and abuse do not receive treatment in the preferred amount of time. Services are not provided promptly because …
2. Services are not accessible: Transportation to receive services and follow-up treatment is extremely limited or does not exist in most rural counties
3. Scope of mental health/substance abuse experts, locality, and providers themselves are constantly changing, resulting in the lack of continuity of care for victims.



Rationale:

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

(LME) and referred to a treatment provider. According to the North Carolina Coalition Against Domestic Violence (NCCADV), 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.

Oftentimes, 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.

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.

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 there 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.

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. NC 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.

Recommendations:

The Governor's Crime Commission recommends that the General Assembly:

- Appropriate funding to develop training for LMEs on trauma and abuse related to domestic and sexual assault to increase institutional capacity and counter continual turnover rate of mental health providers.
- Strongly encourage LMEs to request a waiver to provide services when a local provider is not available or is unwilling to provide services

- Provide continuation funding to DHHS to pay for the care of uninsured customers
- Require hospitals to operate licensed psychiatric in-patient beds

The Governor's Crime Commission recommends that the North Carolina Coalition Against Domestic Violence, on behalf of local domestic violence programs:

- Partner with regional LMEs to develop a working MOU to address the mental health needs of domestic violence victims in shelter. The MOU should identify all available mental health/substance abuse resources (including transportation)

Expand the Role of Batterer Intervention/Abuser Treatment Programs

Court sanctioned Batterer Intervention/Abuser Treatment Programs currently utilize the most promising method of holding batterers accountable. To render effective court judgments, the role of batterer intervention/abuser treatment programs should be expanded to include the ability to make sentencing recommendations.

To further promote effective court judgments, training is needed for court officials on the relationship between substance abuse and domestic violence; two distinct clinical issues that require separate treatment.

Rationale:

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 utilizing batterer intervention/abuser treatment program expertise to make sentencing recommendations.

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.

Recommendations:

The Governor's Crime Commission recommends that the Governor:

- Appoint a legislative study committee to:
  - Research evidence-based batterer intervention and accountability treatment models
  - Identify a statewide standard for batterer accountability
  - Identify how research results can be used effectively in the adjudication process

Partner with the Administrative Office of the Courts to modify the court judgment form so that it supports sentencing recommendations by batterer intervention/abuser treatment experts to be considered by the court.

Appropriate Continuation Funds for the Statewide Automated Victim Assistance and Notification System (SAVAN)

Issue:

SAVAN (The Statewide Automated Victim Assistance and Notification system) costs should be included in the Department of Crime Control and Public Safety's budget through the General Assembly's appropriation of continuation funds.

Rationale:

Since 1997, the Governor's Crime Commission has been using VOCA funding to support our Statewide Automated Victim Assistance and Notification System (SAVAN). 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.

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 over 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 SAVAN to help them comply with mandates of the Victims' Rights Constitutional Amendment of 1999.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

Appropriate funding for SAVAN and include funding for SAVAN in the Department of Crime Control & Public Safety's recurring budget through the General Assembly's appropriation of continuation funds.

Crime Victims' Rights Act Implementation and Enforcement

Issue:

The NC 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.

Background:

A. Since the passage of NC's Crime Victims' Rights Act (the Act) which went into effect July 1, 1999, 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 has funded one training summit

conducted by the NC Victim Assistance Network (NCVAN) in which 360 people participated at a cost of approximately $52,000. Failure to train professionals adequately will result in a lack of proper implementation. In addition, the citizens of this state generally are unaware of the rights afforded them with the passage of this act; and in order for this act to have an impact on the public, they must be educated about these new rights. Professionals who need training include, district attorneys, assistant district attorneys, victim/witness coordinators, legal assistants, all law enforcement agencies including Capital Police and university police, judges, clerks of court, magistrates, Department of Correction victim assistants, and victim service providers. This training should be ongoing in order to keep up with employee attrition and increases in the state's population.

B. Law enforcement to date has not received any funds to meet their obligations under the Act and only 30 or so victim assistants are currently employed in the approximately 600 law enforcement agencies. Those 30 victim assistants are often funded with "soft monies" which may not be re-granted and are difficult to obtain. District Attorney's had received some funds for additional victim witness assistants; yet, through the budget crisis, many positions have been cut. The Department of Correction also has mandates under the Act and while some funding was provided to meet those mandates, again, these funds are inadequate. For example, staff in Wake County may have as many as 500 cases on their desks and be paid a salary of only $20,000. Additionally, many of the district staff positions cannot be filled due to low salaries, and those open positions were first frozen and then cut in the budget crisis.

C. The Act did not ensure that victims' rights would be enforceable as recommended by GCC in its "1997 Annual Report". The following is again proposed by the Victims' Services Committee from its 1997, 2003, 2004, 2005, and 2006 recommendations. Ensure victims' rights are enforceable:

The enabling legislation of the Crime Victims' Rights Act should ensure that victims' rights are enforceable rights by providing the necessary resources to ensure compliance in each district. Once the victims are targeted and the services are delegated, victims are still not guaranteed protection of their rights. What recourse do victims have for the violation of their rights? Monetary liability suits for violating agencies are already excluded, but the wording of the North Carolina amendment allows the legislature to devise some remedies for violations, such as a state management office. Such an office would exist to oversee compliance with the mandatory service provisions of the Act.

An appropriate place for compliance seems to be the Attorney General's office, yet funds are not available for the research and implementation and maintenance of a compliance section.

In 1997, the NC Victim Assistance Network researched funding sources for implementing the Act. Suggestions were made that included raising court costs a mere five to ten dollars. This increase would allow for millions of dollars to be dedicated to these programs.

Recommendation:

The Governor's Crime Commission recommends that the General Assembly:

Create a Study Committee to review provisions of the Crime Victims' Rights Act to:

a. Determine whether or not criminal justice system professionals are complying with the mandates of the Act

b. Conduct a cost analysis to determine how much funding support and/or staffing or other resources are needed to meet mandatory requirements of the Act

c. Provide regular reports to the General Assembly on the level of compliance and the capacity/ability for agencies to comply

The Governor's Crime Commission should:

Support and make available, 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.

Enact Legislation to Make Assault on a Law Enforcement Officer a Felony Offense

Background:

In recent years there has been a drastic increase in the number of assaults on law enforcement officers. Over the past 24 months, assaults on local law enforcement officers and Department of Public Instruction officers have doubled. The rate of assaults on jail detention officers has tripled since 2005. Officers responding to domestic violence calls frequently find themselves in volatile situations and school resource officers are often attacked when searching or restraining students. Offenders, when arrested on suspicion of drug or weapons violations, will strike an officer and run in an attempt to evade arrest. In the process, these offenders dispose of any drugs or firearms in their possession. As a result, when later captured, they can only be charged with assault on an officer — a misdemeanor offense — rather than the original charge of illegal possession of a firearm or drugs.

Recommendation:

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 February 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.

Criminal Justice Improvement

2001	
Item	***Establish a lifetime Sex Offender Registry for violent sexual predators***
Rationale	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, NC 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.
Status	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)
Item	***Establish mandatory fingerprinting for serious misdemeanants***
Rationale	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 (SBI). 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 (CJIN) 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.
Status	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 *North Carolina General Statute § 15A-502: Photographs and fingerprints*.
2003	
Item	***Require mandatory fingerprinting for all misdemeanants, develop a statewide criminal justice index and integrate all criminal justice databases***
Rationale	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 (CJIN) 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.
Status	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 *North Carolina General Statute § 15A-502: Photographs and fingerprints*.

Item	***Require ballistic fingerprinting of all confiscated handguns and fund mobile ballistic fingerprint labs***
Rationale	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.
Status	A new tool being used by the Firearm Examiners in the Section is the Integrated Ballistics Identification System (IBIS). 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: http://www.ncsbi.gov/offices/offices_crimelab_firearmtoolmark.jsp
Item	***Relocate the Criminal Justice Information Network (CJIN) Board to the Department of Crime Control and Public Safety***
Rationale	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 NC. While the board was originally placed in the Department of Justice, its role since that time has changed. Since CC&PS 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.
Status	CJIN is now located within the Department of Crime Control and Public Safety.
Item	***Address long-term needs of projected growth in the state's prison population***
Rationale	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 NC Sentencing Commission. These alternatives will make the grid fairer and more consistent while also reducing the number of prison beds needed in future years.
Status	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.
Item	***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 MDT operating fees not currently paid by local law enforcement***
Rationale	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.
Status	Funding still needs to be addressed. While many users are switching to air cards, the system still supports over 12,000 users across the state. Infrastructure and systems still need to be updated.

Item	***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***
Rationale	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.
Status	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 NIJ.
Item	***Complete statewide warrant repository***
Rationale	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 is 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.
Status	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.
2005	
Item	***Fund Voice Interoperability Plan for Emergency Responders (VIPER) with a blend of ready or allocable funds and appropriate debt financing***
Rationale	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.
Status	VIPER has received some limited funding from Homeland Security. Funding is approximately $86 million short. No additional data available at this time.
Item	***Complete the SAFIS project plan and fund the SAFIS replacement***
Rationale	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.
Status	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.

2007	
Item	***AOC technology needs***
Rationale	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.
Status	In 2006 AOC received significant funding from the NC Legislature to improve several areas of the court system through the use of technology. The Discovery Automation Project (DAP), ePayment of Citations, the Criminal Court Information Systems (CCIS), 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: http://www.nccourts.org/Courts/CRS/Technology/Documents/annual_report_2006.pdf
Item	***Reinstate funding resources for community corrections programs***
Rationale	This coming year the Department of Corrections 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.
Status	House and Senate have passed a bill to restore funding to previous level and to provide funding on a recurring basis. (If approved, DCC will be funded on a recurring basis and will not have to go through the process of applying for funding every two years.)
Item	***Endorsement of Street Gang Prevention Act (SB 733)***
Rationale	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 RICO 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.
Status	The Street Gang Prevention Act becomes effective December 1, 2008, **IF** the funds are appropriated to implement it prior to that date. Source: http://www.ncleg.net/sessions/2007/bills/house/html/h274v5.html (The last three lines reference the appropriations.)

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

2001	
	None
2003	
Item	**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**
Rationale	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.
Status	DPI has a suspended and expelled student advisory group.
Item	**Support efforts to reduce Disproportionate Minority Contact, Require JCPCs to consider this issue when making local funding decisions**
Rationale	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.
Status	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.
2005	
Item	**Fully fund DJJDP JCPC operation and programming**
Rationale	Juvenile Justice Reform Act called for full funding at an amount of $40 million.
Status	Only ½ of this amount received from 1998-2004. Funding also declined from earlier, 2001, levels.
Item	**Seek alternative sources of funding for at-risk youth**
Rationale	Widening services to needs gap, ALPs and JCPCs 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
Status	JCPCs under funded, Federal OJJDP funds significantly reduced from prior years. GCC received General Assembly funds for gang prevention and intervention grants ($6.3 million). The GCC has allocated over $ 13.3 million in federal funds to assist 32 ALPs .
2007	
Item	**Increase funding for child abuse and neglect prevention initiatives**
Rationale	In North Carolina, over 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.
Status	No clear increase in prevention funding – funding comes from a multitude of sources, public and private.

Item	**Increase funding for the child medical examination program**
Rationale	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 DSS, only those children eligible for referral from DSS can receive services through the CMEP (Child Medical Examination Program)– leaving others (e.g. ,"non-caretaker abuse") and victims of juvenile sex offending without such resources.
Status	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**.**
Item	**Expedite the appeals process for child abuse and neglect cases**
Rationale	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.
Status	This has been accomplished, albeit with an action of the Supreme Court (and not a statute, *per se*) – 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 1st of that year.

Crime Victims Services

2001	
Item	**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**
Rationale	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.
Status	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.
2003	
Item	**Develop state laws that mirror federal domestic violence firearm laws and create penalties for violating those laws**
Rationale	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.
Status	In 2003, the General Assembly revised §14-269.8 to read as follows: *(a) 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.* *(b) Any person violating the provisions of this section shall be guilty of a Class H felony.*
2005/2007	
Item	**Support the Division of Victim's Compensation expansion budget request/Legislate offender fee revenues/Increase appropriations for Victim Compensation Program and Rape Victim Assistance**
Rationale	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.
Status	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

(Status is continued on next page)

	2004-05 -- $6.2 million 2005-06 -- $4.5 million 2006-07 -- $5.5 million 2007-08 -- $6.1 million 2008-09 -- $4.9 million 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. There has not been any legislation established that creates an offender based revenue stream for the Victims' Compensation Fund. 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.
Item	**Appropriate state funds for SAVAN**
Rationale	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.
Status	As of July 1, 2008, SAVAN has not been included in the Department's budget, nor has any other agency included it in their budget from legislative appropriations. SAVAN is still fully funded by the Governor's Crime Commission through federal Victims of Crime Act (VOCA) funds. Recent VINE offender photo and sex offender notification enhancements were funded by the federal Bureau of Justice Assistance (BJA).
Item	**Victims representation on the Governor's Crime Commission**
Rationale	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.
Status	§143B-478(a)(1)(c) was revised in 2007. It now states the following: *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**, one advocate for victims of all crimes**, **one representative from a domestic violence or sexual assault program**, 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...*
Item	**Increase in state funding for offender mental health substance abuse treatment services**
Rationale	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 North Carolina 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.
Status	No resolution drafted as of July 2008.

Item	**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**
Rationale	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.
Status	Since the passage of NC's 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 NC Victim Assistance Network (NCVAN) 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.
Item	**Ensure compliance with the Violence Against Women Act by 2008**
Rationale	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.
Status	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 December 1, 2007.