

**1997**

**JOINT  
APPROPRIATIONS -  
JUSTICE & PUBLIC  
SAFETY  
COMMITTEE**

**MINUTES**

**HOUSE APPROPRIATIONS  
SUBCOMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY  
1997 SESSION  
JOINT MEETINGS WITH SENATE**

**HOUSE APPROPRIATIONS SUBCOMMITTEE**

**ON**

**JUSTICE AND PUBLIC SAFETY**

**1997**

**CHAIRMEN**

REPRESENTATIVE LARRY JUSTUS  
REPRESENTATIVE GREGG THOMPSON  
REPRESENTATIVE JOE KISER

**STAFF**

JIM MILLS, FISCAL RESEARCH  
CHARLES PERUSSE, FISCAL RESEARCH  
ELISA WOLPER, FISCAL RESEARCH  
ANDY WILLIS, FISCAL RESEARCH

BETH BARNES, BILL DRAFTING  
SEAN DAIL, BILL DRAFTING

**CLERKS**

CAROLYN JUSTUS  
EDNA SYKES  
MARILYN HOLDER

HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE AND PUBLIC SAFETY

Rep. Larry Justus  
Chairman



Rep. Gregg Thompson  
Chairman



Rep. Joe Kiser  
Chairman



Rep. Paul McCrary  
Ranking Minority



Rep. Edwin Hardy



Rep. Ted Kinney



Rep. David Redwine



Rep. Wayne Sexton



Rep. Ronald Smith





**SENATE APPROPRIATIONS SUBCOMMITTEE**

**ON**

**JUSTICE AND PUBLIC SAFETY**

**1997**

**CHAIRMAN**

**SENATOR WIB GULLEY**

**STAFF**

**JIM MILLS, FISCAL RESEARCH  
CHARLES PERUSEE, FISCAL RESEARCH  
ELISA WOLPER, FISCAL RESEARCH  
ANDY WILLIS, FISCAL RESEARCH**

**BETH BARNES, BILL DRAFTING  
SEAN DAIL, BILL DRAFTING**

**CLERK**

**CAROL RESAR**

SENATE APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE AND PUBLIC SAFETY  
MEMBERSHIP

Sen. Wib Gulley, Chair  
Room 418  
715-3036

Sen. Frank Ballance  
Vice-Chair  
Room 523  
715-3032

Sen. Don East  
Ranking Minority  
Room 521  
733-5655

Sen. John Blust  
Room 1117  
733-7850

Sen. Tony Rand  
Room 300-C  
733-9892

Sen. Allen Wellons  
Room 1026  
733-5850

Carol Resar, Clerk 715-3036

Jim Mills, Fiscal Research 733-4910  
Charles Perusse, Fiscal Research 733-4910  
Elisa Wolper, Fiscal Research 733-4910  
Andy Willis, Fiscal Research 733-4910

Beth Barnes, Bill Drafting 733-6660  
Sean Dail, Bill Drafting 733-6660

HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE AND PUBLIC SAFETY  
MEMBERSHIP

Rep. Larry Justus, Chair  
Room 2204  
733-5956

Rep. Ted Kinney  
Room 527A  
733-5867

Rep. Gregory Thompson, Chair  
Room 1002  
733-5828

Rep. David Redwine  
Room 1204  
733-4948\

Rep. Joe Kiser, Chair  
Room 1313  
733-5803

Rep. Wayne Sexton  
Room 506  
733-5974

Rep. Paul McCrary  
Ranking Minority  
Room 610  
733-5780

Rep. Ronald Smith  
Room 1221  
733-5827

Rep. Edwin Hardy  
Room 417A  
715-3019

Carolyn Justus, Clerk 733-5956  
Edna Sykes, Clerk 733-5828  
Marilyn Holder, Clerk 733-5803

Jim Mills, Fiscal Research 733-4910  
Charles Perusse, Fiscal Research 733-4910  
Elisa Wolper, Fiscal Research 733-4910  
Andy Willis, Fiscal Research 733-4910

Beth Barnes, Bill Drafting 733-6660  
Sean Dail, Bill Drafting 733-6660

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**  
Thursday, February 13, 1997 - 8:30 a.m.  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co: Chairmen: Senator Wib Gulley      Representative Larry Justus  
                                                         Representative Joe Kiser  
                                                         Representative Gregg Thompson

**II. PRESENTATIONS**

- Introductory Comments by the Co-Chairmen
- Introduction of Members
- Introduction of Fiscal Research and Bill Drafting Staff
- Introduction of Departmental Representatives
- Overview of Traditional Budget Document

Buddy Humphrey  
Office of State Budget and Management

- Overview of Performance/Program Budget Document

John Dorman  
Chuck Craven  
Office of State Planning

- Begin Overviews of Justice and Public Safety Agencies  
Fiscal Research Staff

**III. COMMITTEE DISCUSSION**

**IV. ADJOURNMENT**

MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
FEBRUARY 13, 1997

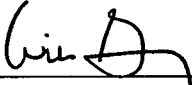
The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Thursday, February 13, 1997 in Room 612 of the Legislative Office Building. Fifteen members were present. Senator Wib Gulley, Chairman, presided.

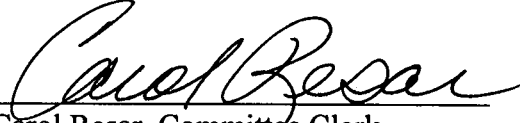
Senator Gulley opened the meeting with a few remarks and then asked the House co-chairs, Representatives Kiser, Justus and Thompson, to make opening remarks. Next, Senator Gulley asked the Subcommittee members and staff to introduce themselves.

Next, Mr. Buddy Humphrey with the Office of State Budget and Management gave the Subcommittee an overview of the traditional budget document. He explained several terms used throughout the budget and answered questions by the Subcommittee.

Jim Mills, Fiscal Analyst, next reviewed the handout from the February 6, 1997, meeting on the Justice and Public Safety Agencies (see attached).

The meeting was adjourned at 9:50 am.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

# JUSTICE & PUBLIC SAFETY AGENCIES

## *OVERVIEW OF FY 1996-97 BUDGET*

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
FEBRUARY 11, 1997

## JUSTICE AND PUBLIC SAFETY

### DEPARTMENTS/ASSIGNMENTS

### ANALYSTS

#### Crime Control and Public Safety

Andy Willis

Division of Alcohol Law Enforcement

Division of Butner Public Safety

Division of Civil Air Patrol

Division of Crime Prevention

Division of Emergency Management

Division of Governor's Crime Commission

Division of Highway Patrol

Division of National Guard

Division of Victim and Justice Services

Elisa Wolper

#### Department of Justice

Legal Services

Elisa Wolper

Law Enforcement Services (SBI/DCI)

Andy Willis

State Bureau of Investigation

Training and Standards

#### Department of Correction

Jim Mills

Correction Management

Division of Prisons

Division of Substance Abuse

Inmate Grievance Resolution Board

Division of Adult Probation and Parole

Elisa Wolper

Parole Commission

Criminal Justice Partnership Act

#### Judicial System

Charles Perusse

Administrative Office of the Courts

Supreme Court

Court of Appeals

Superior and District Courts

Juvenile Services

Offices of Clerks of Superior Court

Office - District Attorneys

Public Defender Services

Appellate Defender Services

Custody Mediation Program

Dispute Settlement Centers

Indigent Persons Attorney Fee Fund

Arbitration Program

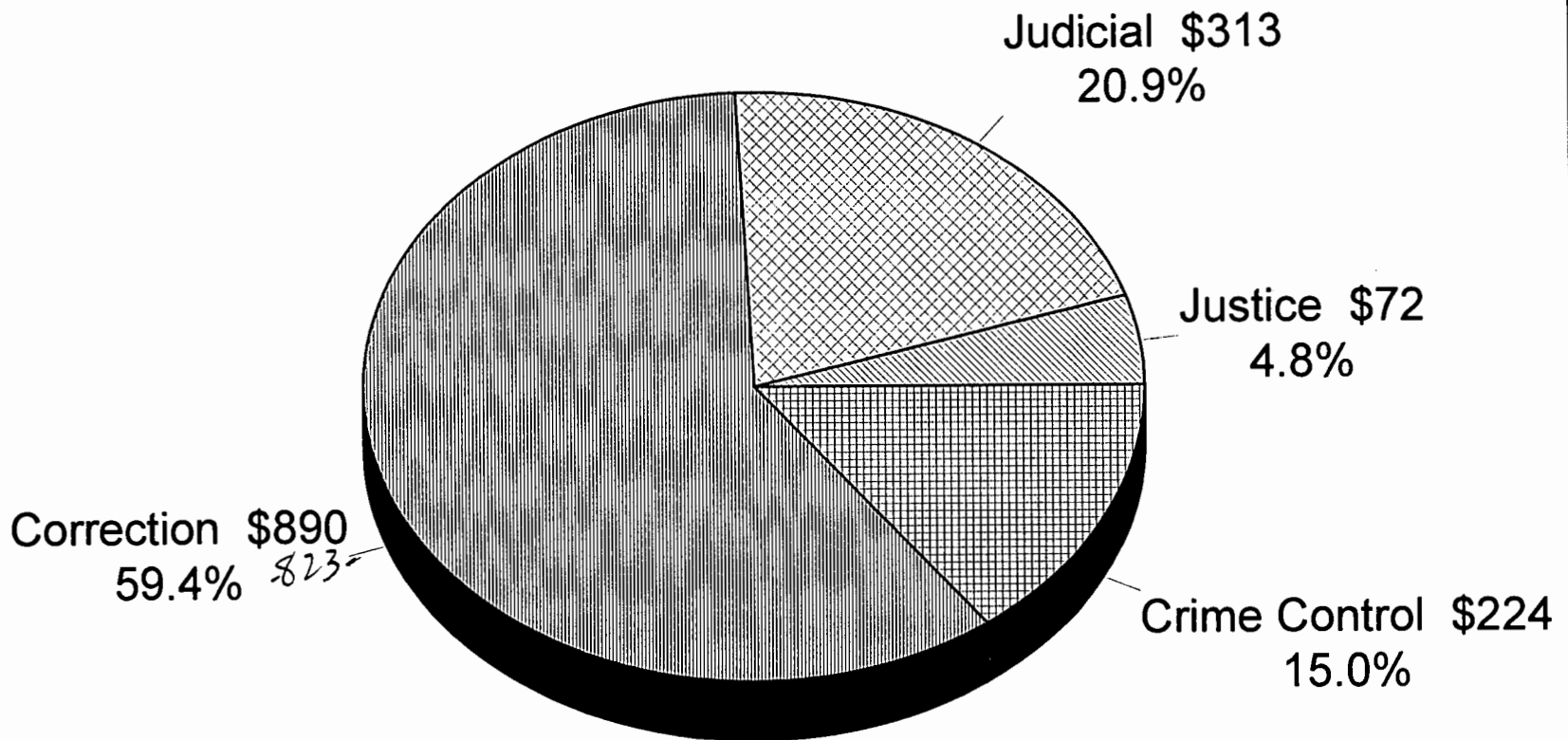
Judicial Standards Commission

Community Penalties

Elisa Wolper

# JUSTICE & PUBLIC SAFETY AGENCIES

*FY 1996-97 Certified Budget By Department (\$ in millions)*



\*Total Justice & Public Safety Certified Budget for FY 1996-97 is \$1.5 billion



**TOTAL STATE OPERATING EXPENDITURES  
FOR JUSTICE AND PUBLIC SAFETY AGENCIES <sup>1</sup>  
(\$ In Millions)**

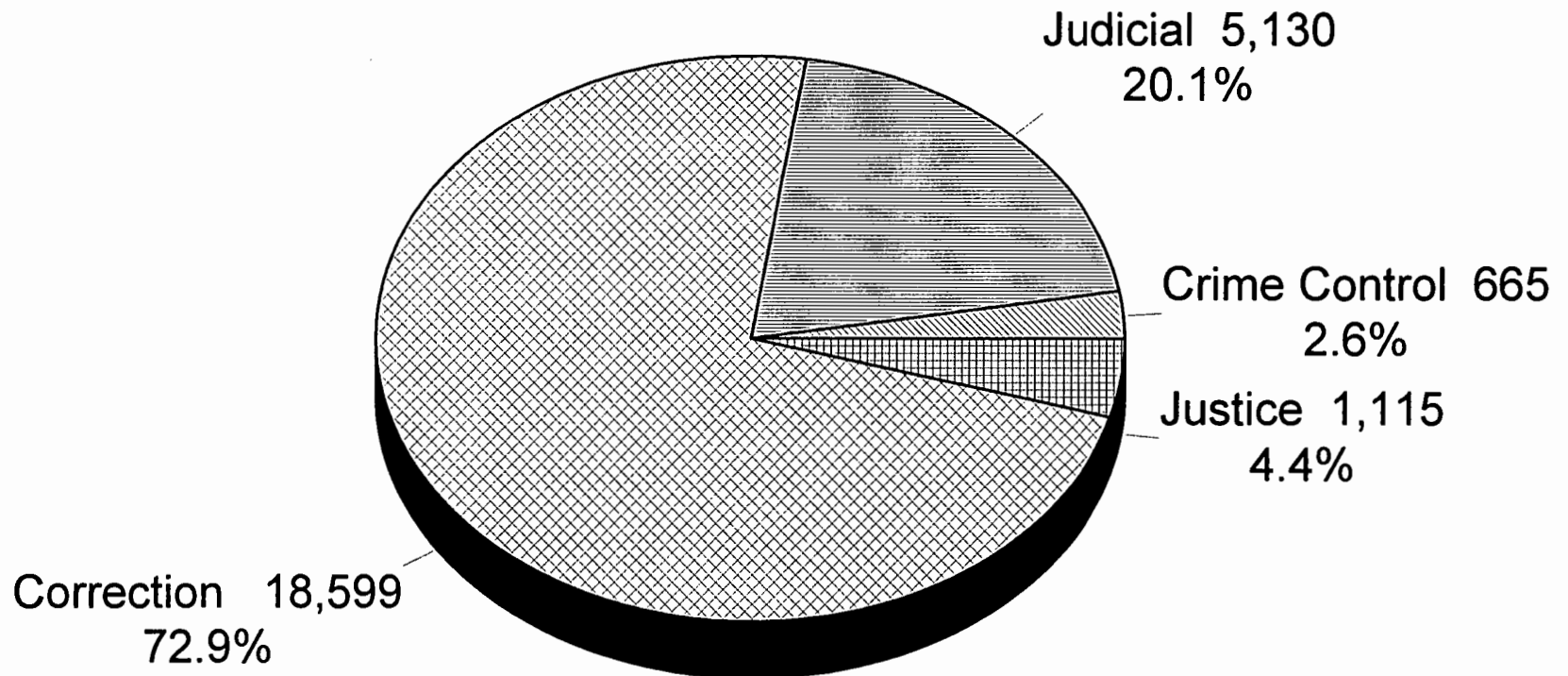
|               | <u>1984-85</u> | <u>1989-90</u> | <u>1994-95</u>   | <u>1995-96</u>   | <u>Certified</u> <sup>2</sup><br><u>1996-97</u> | <u>% Growth</u><br><u>Since</u><br><u>FY 1985</u> |
|---------------|----------------|----------------|------------------|------------------|-------------------------------------------------|---------------------------------------------------|
| DOC           | \$215.4        | 352.6          | 668.3            | 767.7            | 889.5                                           | 313%                                              |
| Judicial      | 121.6          | 185.4          | 278.2            | 291.7            | 312.9                                           | 157%                                              |
| Justice       | 35.6           | 53.5           | 75.5             | 73.1             | 71.5                                            | 101%                                              |
| Crime Control | 29.1           | 91.0           | 63.6             | 71.5             | 224.0 <sup>3</sup>                              | 670%                                              |
| <b>Total</b>  | <b>\$401.7</b> | <b>\$682.5</b> | <b>\$1,085.6</b> | <b>\$1,204.0</b> | <b>\$1,497.9</b>                                | <b>273%</b>                                       |

Notes:

1. Includes General Fund, Federal Funds, and Other Receipts.
2. Certified Budget as of 12/15/96.
3. Includes approximately \$125 million in Federal Funds for Hurricanes Bertha & Fran.

# Justice & Public Safety Agencies

*FY 1996-97 Certified Positions By Department*



\*Total Justice and Public Safety Certified Positions for FY 1996-97 is 25,509

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 2/13/97

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

|                 |                             |
|-----------------|-----------------------------|
| Mike Barber     | CC+PS                       |
| Joe Stewart     | CAPS.                       |
| 1. [Signature]  | Doc                         |
| [Signature]     | Doc                         |
| [Signature]     | Summit House                |
| Mary Carmelia   | Mecklenburg County          |
| Art Williams    | Governor Hunt's office      |
| David Ferrell   | NC Law Enforcement Officers |
| Eddie Caldwell  | NC Sheriffs Assoc           |
| Catherine Smith | VAN                         |
|                 |                             |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 2/13/97

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

|                    |                |
|--------------------|----------------|
| Charles K. Craven  | State Planning |
| Budgy Humphrey     | OSBM           |
| John Doman         | DSPL           |
| P. Farrell         | AO             |
| DA Cameron         | AO             |
| Ch. Martin         | ✓              |
| Laura Donnelly     | AOC            |
| Denise A. Seccombe | DOG            |
| Jane P. Gray       | DOJ            |
| Peg Doran          | NCCDA          |
| Leo Ruben          | COPE           |

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**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Tuesday, February 18, 1997 - 8:30 a.m.  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley      Representative Larry Justus, Presiding  
Representative Joe Kiser  
Representative Gregg Thompson

**II. PRESENTATIONS**

- Overview of Performance/Program Budget Document

John Dorman, Deputy Director  
Chuck Craven, State Planner, Justice and Public Safety  
Office of State Planning

- Overview of Structured Sentencing Act – Background and Impact

Rob Lubitz, Executive Director  
Sentencing and Policy Advisory Commission

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

# **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY**

February 18, 1997  
Room 612

HOUSE MEMBERS PRESENT: [10] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Kinney, Redwine, Sexton, Smith, and Crawford

Senate Members Present: [6]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, February 18, 1997 in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 8:35 AM and introduced House Pages Alicia Konneker and David Wood and John Aman, House Sergeant at Arms and Archie McMillian, Senate Sergeant at Arms..

- Overview of Performance/Program Budget Document

Representative Justus introduced John Dorman, Deputy Director, Office of State Planning. Mr. Dorman proceeded with the presentation of Attachment 1 –Origin and Recent Developments of Performance/Program Budgeting. Mr. Dorman explained that the Performance/Program Budgeting resulted from the 1990 budget shortfall and the development of a government performance audit committee. The purpose of the performance audit was to prevent overlaps and duplication in state government to hold management accountable.

Senator Gulley asked that staff provide information on what has been done on a program basis in the Justice & Public Safety area by Performance Auditing and if there is savings based on the resulting planning.

Representative Redwine asked that staff report if the Justice and Public Safety agencies are meeting the program objectives. Representative Sexton asked if pilot programs are covered in performance audits since some pilot programs have been ongoing for six years with no outcome. Jim Mills, Fiscal Research, said pilot programs are not covered in performance audits but will be covered in committee.

Representative Justus recognized Chuck Craven, State Planner, Justice and Public Safety, Office of State Planning. Mr. Craven distributed Attachments 2, 3, and 4 which provided examples of performance audit documents.

Representative Justus recognized Senator Ballance's birthday.

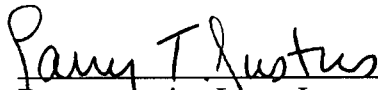
Rob Lubitz, Executive Director, Sentencing and Policy Advisory Commission, was recognized by Representative Justus for his presentation.

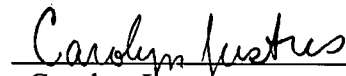
- Overview of Structured Sentencing Act - Background and Impact

Mr. Lubitz distributed Attachment 5 - Structured Sentencing in North Carolina. Senator Blust requested that the grid on prior convictions be provided to committee members. Mr. Lubitz will provide this information. Representative Justus commented that there are eighteen Sentencing Commission bills introduced. These bills will tighten up sentencing. Representative Smith stated that the Sentencing Commission has an obligation to inform the public of the work of the commission. Representative Redwine and Representative Justus both expressed gratitude to Mr. Lubitz for his work on the Sentencing Commission.

Representative Thompson requested that the ABC news tape on the NC Sentencing Commission be the first item on tomorrow's agenda. Senator Gulley agreed.

Representative Justus adjourned the meeting at 9:52 AM.

  
Representative Larry Justus  
Chairman

  
Carolyn Justus  
Committee Clerk

# Origin and Recent Developments of Performance/Program Budgeting

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Over the years, the public sector has experimented with a variety of ways to measure the efficiency and effectiveness of its programs. Only recently, however, have most states and the federal government recognized the value of incorporating planning and evaluation (through outcome and performance measures) into their accountability systems. North Carolina is at the forefront of this movement and has linked planning and program evaluation to the budgeting process.

In 1991, an intensive effort to study North Carolina's state government was conducted by a legislative Governmental Performance Audit Committee (GPAC). The study revealed that:

- the state's planning, budgeting and program evaluation functions operated independently and were not linked to provide ample managerial information
- the state lacked an effective long-range or strategic planning process
- the traditional line-item budget did not provide policy makers with the intent, content and results of programs needed for decision-making
- the state lacked a comprehensive, orderly approach to program evaluation

Based on these findings, GPAC recommended that state government develop:

- a strategic planning process that included a statewide plan transcending departmental boundaries
- a performance-based budget
- a process to ensure regular comprehensive program evaluation

The 1994 and 1995 General Assembly passed legislation (G.S. 143-10.3-10.6) mandated strategic planning, departmental operations planning, and performance/program budgeting for all state government agencies. A planning process that integrates performance/program budgeting and individual department operations planning has now been institutionalized in *all* state agencies. The Office of State Planning and the Office of State Budget and Management have consolidated the two sets of budget document formats delivered to the 1995 General Assembly and thus modified the content for better presentation. The performance/program budget representing all program areas of state government will be delivered to the 1997 General Assembly.



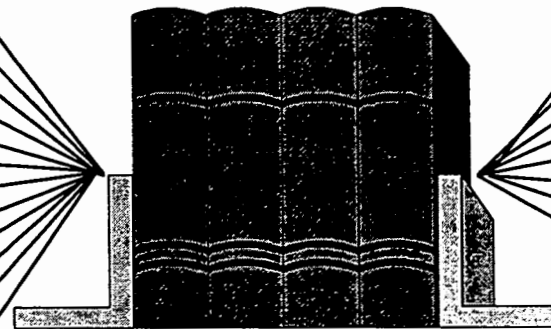
Perspective  
of  
Performance/Program Budgeting

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Another Way of Looking at  
Government Activities

*Departments*

Administration  
Agriculture  
Auditor  
Commerce  
Community Colleges  
Controller  
Correction  
CCPS  
EHNR  
General Assembly  
Govenor  
Human Resources  
Justice  
Labor  
Lt. Governor  
Public Instruction  
Revenue  
Secretary of State  
Transportation  
UNC System



*Program Areas*

Health  
Human Services  
Corrections  
Justice & Public Safety  
Environment  
Econ. Develop. & Comm.  
Education  
Transportation  
Cultural Resources  
General Government

**1997-98 Recommended Continuation Budget Summary**  
**by Program Area**  
(in \$ millions)

| Program Areas                               | Health          | Human Services  | Corrections     | Justice & Public Safety | Environ.      | Econ. Devl & Com. | Education       | Transport.      | Cultural Resources | General Govern. | Total            |
|---------------------------------------------|-----------------|-----------------|-----------------|-------------------------|---------------|-------------------|-----------------|-----------------|--------------------|-----------------|------------------|
| <b>Departments</b>                          |                 |                 |                 |                         |               |                   |                 |                 |                    |                 |                  |
| Administration                              | 0.23            | 23.18           | -               | -                       | 0.94          | 1.15              | -               | -               | -                  | 90.37           | 115.87           |
| Office of Administrative Hearings           | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 2.34            | 2.34             |
| Agriculture                                 | 9.29            | 2.66            | -               | -                       | 4.71          | 59.11             | -               | -               | -                  | -               | 75.77            |
| Board of Elections                          | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 1.04            | 1.04             |
| Commerce                                    | 0.29            | 178.92          | -               | -                       | -             | 174.04            | -               | 0.03            | -                  | 2.20            | 355.48           |
| Community Colleges                          | -               | 6.19            | -               | -                       | -             | 13.75             | 537.48          | -               | -                  | -               | 557.42           |
| Correction                                  | -               | -               | 917.33          | -                       | -             | -                 | -               | -               | -                  | -               | 917.33           |
| Crime Control and Public Safety             | -               | -               | -               | 191.41                  | -             | -                 | -               | -               | -                  | -               | 191.41           |
| Cultural Resources                          | -               | -               | -               | -                       | -             | -                 | -               | -               | 58.04              | -               | 58.04            |
| Environment, Health, and Natural Resources  | 362.89          | -               | 0.60            | -                       | 218.71        | 7.10              | -               | -               | -                  | 1.09            | 590.39           |
| General Assembly                            | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 31.12           | 31.12            |
| Human Resources                             | 5,316.86        | 1,696.11        | 52.72           | -                       | -             | -                 | 34.28           | -               | -                  | -               | 7,099.97         |
| Insurance                                   | 10.18           | -               | -               | -                       | -             | 38.94             | -               | -               | -                  | -               | 49.12            |
| Judicial                                    | -               | -               | -               | 347.82                  | -             | -                 | -               | -               | -                  | -               | 347.82           |
| Justice                                     | -               | -               | -               | 72.54                   | -             | -                 | -               | -               | -                  | -               | 72.54            |
| Labor                                       | 18.42           | 4.18            | -               | -                       | -             | 1.94              | -               | -               | -                  | -               | 24.54            |
| Governor's Office                           | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 5.40            | 5.40             |
| Office of State Budget and Management       | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 3.74            | 3.74             |
| Office of State Planning                    | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 4.25            | 4.25             |
| Housing Finance Authority                   | -               | 45.20           | -               | -                       | -             | -                 | -               | -               | -                  | -               | 45.20            |
| Office of the Lieutenant Governor           | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 0.59            | 0.59             |
| Public Instruction                          | -               | -               | -               | -                       | -             | -                 | 4,705.88        | -               | -                  | -               | 4,705.88         |
| Revenue                                     | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 70.08           | 70.08            |
| Secretary of State                          | -               | -               | -               | -                       | -             | 4.80              | -               | -               | -                  | 0.44            | 5.24             |
| State Auditor                               | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 10.57           | 10.57            |
| State Controller                            | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 141.08          | 141.08           |
| State Treasurer                             | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 29.26           | 29.26            |
| State Major Health Plan                     | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 17.27           | 17.27            |
| Rules Review Commission                     | -               | -               | -               | -                       | -             | -                 | -               | -               | -                  | 0.28            | 0.28             |
| Transportation                              | -               | -               | -               | -                       | 2.63          | -                 | -               | 2,413.59        | -                  | -               | 2,416.22         |
| University of North Carolina                | 412.75          | -               | -               | -                       | -             | -                 | 1,820.30        | -               | -                  | -               | 2,233.05         |
| Wildlife Resources Commission               | -               | -               | -               | -                       | 48.09         | -                 | -               | 2.29            | -                  | -               | 50.38            |
| Special Boards and Commissions              | -               | -               | -               | -                       | -             | 2.35              | -               | -               | -                  | -               | 2.35             |
| Compensation Increase                       | 16.65           | 3.25            | 22.18           | 12.01                   | 1.88          | 2.65              | 228.79          | -               | 0.89               | 14.41           | 302.71           |
| Debt Service / Federal Debt                 | 0.77            | -               | 23.61           | 0.12                    | 42.98         | -                 | 78.35           | -               | -                  | 0.43            | 146.26           |
| Other Reserves                              | -               | -               | -               | 0.40                    | -             | -                 | -               | -               | -                  | 14.06           | 14.46            |
| <b>Total Requirements</b>                   | <b>6,148.33</b> | <b>1,959.69</b> | <b>1,016.44</b> | <b>624.30</b>           | <b>319.94</b> | <b>305.83</b>     | <b>7,405.08</b> | <b>2,415.91</b> | <b>58.93</b>       | <b>440.02</b>   | <b>20,694.47</b> |
| Receipts/Cash Balances                      | 4,111.43        | 1,499.43        | 103.29          | 218.17                  | 159.49        | 181.89            | 1,071.98        | 540.05          | 6.42               | 209.80          | 8,101.95         |
| General Fund Appropriation                  | 2,036.90        | 460.26          | 913.15          | 406.13                  | 160.45        | 123.94            | 6,333.10        | 0.00            | 52.51              | 230.22          | 10,716.66        |
| Highway Fund Appropriation                  | 0.00            | 0.00            | 0.00            | 0.00                    | 0.00          | 0.00              | 0.00            | 1,875.86        | 0.00               | 0.00            | 1,875.86         |
| Number of Positions                         | 20,089.69       | 5,582.36        | 20,355.05       | 8,670.88                | 3,406.51      | 2,452.85          | 28,197.46       | 14,334.60       | 718.63             | 3,350.05        | 107,158.08       |
| Community College / Public School Employees | 0.00            | 0.00            | 0.00            | 0.00                    | 0.00          | 0.00              | 135,172.77      | 0.00            | 0.00               | 0.00            | 135,172.77       |

NOTE: The totals in this table represent total requirements in departments' budgets and are not adjusted for inter- and intra-department transfers.

**1997-98 Recommended Continuation Budget Summary**  
**for**  
**Justice and Public Safety Subcommittee**  
(in \$ millions)

| Program Areas                   | Health | Human Services | Corrections   | Justice & Public Safety | Environ. | Econ. Devl & Com. | Education | Transport. | Cultural Resources | General Govern. | Total           |
|---------------------------------|--------|----------------|---------------|-------------------------|----------|-------------------|-----------|------------|--------------------|-----------------|-----------------|
| <b>Departments</b>              |        |                |               |                         |          |                   |           |            |                    |                 |                 |
| Correction                      | -      | -              | 917.33        | -                       | -        | -                 | -         | -          | -                  | -               | 917.33          |
| Crime Control and Public Safety | -      | -              | -             | 191.41                  | -        | -                 | -         | -          | -                  | -               | 191.41          |
| Judicial                        | -      | -              | -             | 347.82                  | -        | -                 | -         | -          | -                  | -               | 347.82          |
| Justice                         | -      | -              | -             | 72.54                   | -        | -                 | -         | -          | -                  | -               | 72.54           |
| <b>Total Requirements</b>       | -      | -              | <b>917.33</b> | <b>611.77</b>           | -        | -                 | -         | -          | -                  | -               | <b>1,529.10</b> |
| Receipts/Cash Balances          | -      | -              | 98.42         | 218.17                  | -        | -                 | -         | -          | -                  | -               | 316.59          |
| General Fund Appropriation      | -      | -              | 818.91        | 393.60                  | -        | -                 | -         | -          | -                  | -               | 1,212.51        |
| Highway Fund Appropriation      | -      | -              | 0.00          | 0.00                    | -        | -                 | -         | -          | -                  | -               | 0.00            |
| Number of Positions             | -      | -              | 19,098.20     | 8,670.88                | -        | -                 | -         | -          | -                  | -               | 27,769.08       |

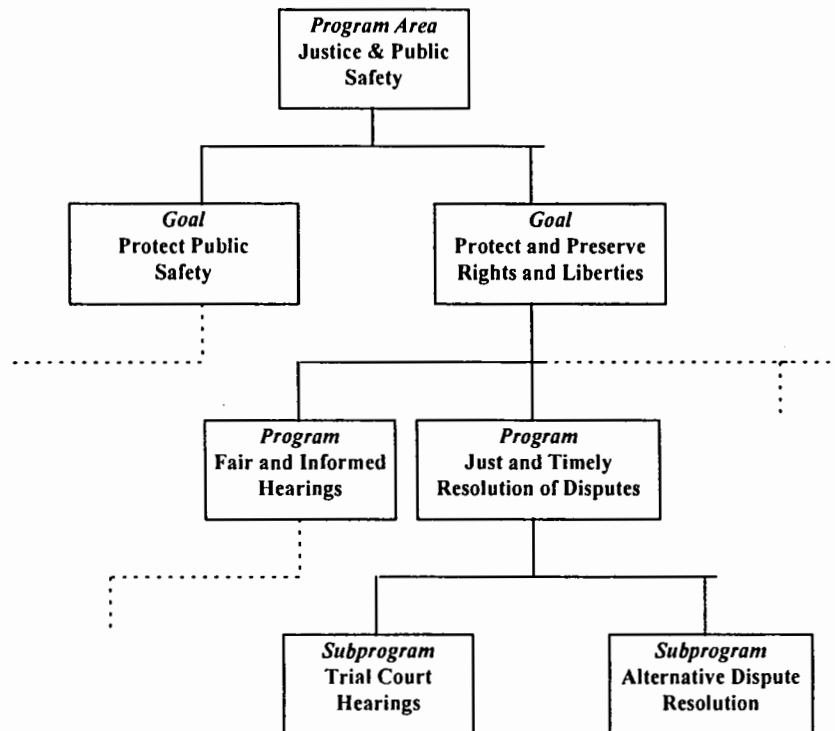
# Steps to Performance/Program Budgeting

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1. **Identify program areas**, representing the major service commitments of state government. The North Carolina Constitution and the General Statutes provided the basis for identifying program areas. There are ten (10) areas:
  - Corrections
  - Cultural resources
  - Commerce and Economic Development
  - Education
  - Environment
  - General Government
  - Health
  - Human Services
  - Justice and Public Safety
  - Transportation
2. **Delineate each program area into hierarchical outline of programs, subprograms and elements** to provide greater insight into legislative intent and state policies. The North Carolina Constitution and the General Statutes provided the basis for developing the outlines.
3. **Classify all state government services/activities and supporting budget funds to a program, subprogram, or element**. Develop a program classification accounting code to delineate each program, subprogram, and element. Assign all state government funds with a program classification code. Requirements, receipts, expenditures, objectives, and outcomes will be tracked by program classification codes.
4. **Conduct strategic/performance planning**. Department operations planning is conducted in concert with program planning (by Program Area). Department operation planning is the foundation used to do program planning. Strategic/performance planning is an eight step process incorporating the following tasks:
  - a) **Convene departments serving similar client needs or expected outcomes** to improve collaboration and help avoid gaps and overlap in services. Identify target populations and expected outcomes.
  - b) **Identify emerging trends and factors** and the effects these trends and factors have on workload, program operations and expected outcomes.
  - c) **Identify objectives and outcome measures**. Departments set their own objectives and outcome measures, then collaborate with other departments serving similar client needs or expected outcomes for the purpose of coordination.
  - d) **Identify strategies, activities, and innovations** for achieving objectives and improving services. Strategies show the different types of activities used to accomplish objectives. Innovations represent new ideas (within current funding levels) for making services more effective or efficient.

# Classification Structure of Performance/Program Budgeting

The Performance Budget provides information in an orderly presentation progressing from the general concept to a specific focus.



\* **“Program”** refers to a *group* of *activities* sharing a common purpose. Also, these activities are not limited to any one state organization.; they may involve several agencies working together toward the achievement of a single outcome.

Here is an example of how levels in a program area may be divided:

|                      |                                                  |
|----------------------|--------------------------------------------------|
| <b>Program Area:</b> | <b>Justice and Public Safety</b>                 |
| <b>Goal:</b>         | <b>Protect and Preserve Rights and Liberties</b> |
| <b>Program:</b>      | <b>Just and Timely Resolution of Disputes</b>    |
| <b>Subprogram:</b>   | <b>Alternative Dispute Resolution</b>            |

Note that some programs have *no* further division into subprograms, while others have subprograms that are further divided into *elements*. The specific breakdowns of the programs depend upon the purposes expressed in the associated General Statutes and regulations.

The intention is to make program categories broad enough to encompass activities that:

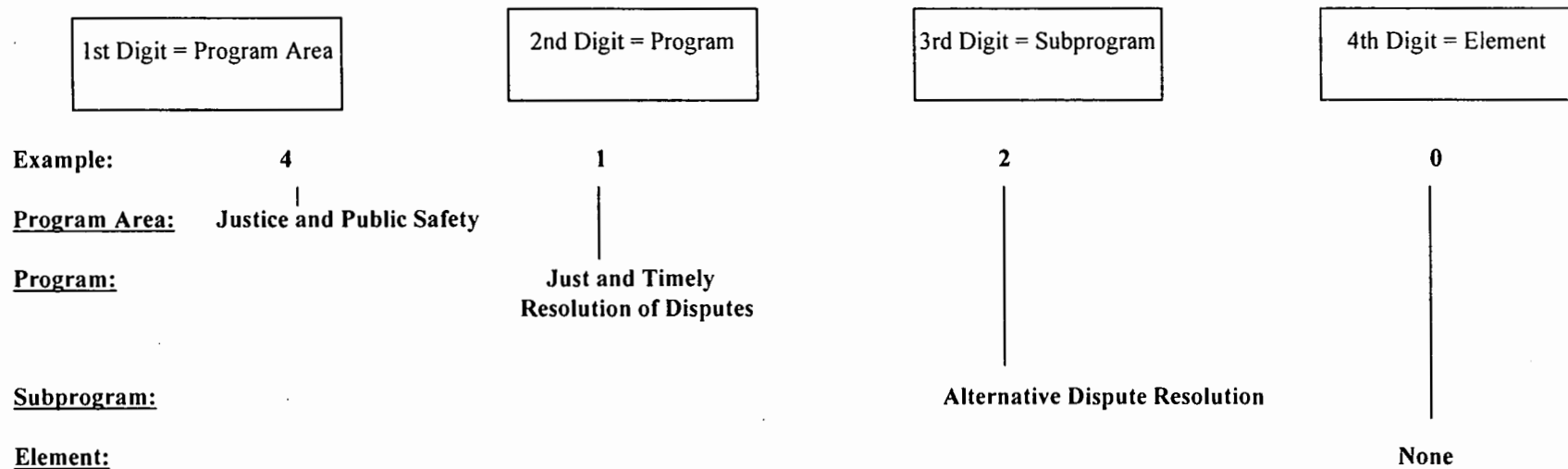
- share a common purpose,
- have common or similar customers or clients,
- have common or similar outcome measures, and
- can be analyzed by similar methods.

## PERFORMANCE BUDGET ACCOUNTING

As of the 1997-99 biennium, each budget fund will be linked to a program number and there will be no split funds. This change accommodates a new accounting system in the Office of the State Controller. The change will not affect the former budget and accounting for Performance Budget Accounting, which uses a four-digit program number to correspond to the hierarchy in the program classification outline. The **first digit** identifies the **Program Area**; the **second digit** identifies the **Program**; the **third digit** identifies the **Subprogram** (if applicable); and the **fourth digit** identifies the **Element** (if applicable).

The program number will not replace the operating fund number used in the traditional budget, but the program number will be used in addition to the operating fund number to accommodate Performance Budget implementation. The program number will be incorporated into all phases of budget and accounting to reflect the reporting and budgetary control that will be used when Performance Budgeting is implemented.

### PROGRAM NUMBER



# JUSTICE AND PUBLIC SAFETY PROGRAM AREA

## Table of Contents

|                                                             | <u>P/PB Code</u> | <u>Page</u> |
|-------------------------------------------------------------|------------------|-------------|
| Program Area Budget Summary.....                            | 4000             | 4-1         |
| Program Area Summary.....                                   | 4000             | 4-3         |
| <br><u>Goal: Protect and preserve rights and liberties</u>  |                  |             |
| Program: Just and timely resolution of disputes.....        | 4100             | 4-7         |
| Subprogram: Trial court hearings .....                      | 4110             | 4-9         |
| Subprogram: Alternative dispute resolution .....            | 4120             | 4-19        |
| Subprogram: Fair and timely appeals .....                   | 4130             | 4-27        |
| <br>Program: Fair and informed hearings.....                | <br>4200         | <br>4-33    |
| Subprogram: District attorneys .....                        | 4210             | 4-35        |
| Subprogram: Services for victims .....                      | 4220             | 4-45        |
| Subprogram: Indigent defense .....                          | 4230             | 4-51        |
| Subprogram: Services for juveniles .....                    | 4240             | 4-61        |
| Subprogram: Services for state agencies .....               | 4250             | 4-71        |
| Subprogram: Sentencing and Policy Advisory Commission ..... | 4260             | 4-77        |
| Subprogram: Community penalties .....                       | 4270             | 4-83        |
| <br><u>Goal: Protect public safety</u>                      |                  |             |
| Program: Protect society against crime .....                | 4300             | 4-91        |
| Subprogram: Prevent crime .....                             | 4310             | 4-93        |
| Subprogram: Investigate crime .....                         | 4320             | 4-103       |
| <br>Program: Protect society against danger.....            | <br>4400         | <br>4-113   |
| <br>Support services and administration.....                | <br>4998         | <br>4-121   |
| <br>Reserves, transfers and other accounting funds.....     | <br>4999         | <br>4-123   |

# CORRECTIONS PROGRAM AREA

## Table of Contents

|                                                                 | <u>P/PB Code</u> | <u>Page</u> |
|-----------------------------------------------------------------|------------------|-------------|
| Program Area Budget Summary .....                               | 3000             | 3-1         |
| Program Area Summary .....                                      | 3000             | 3-3         |
| <br><u>Goal: Control adult offenders</u>                        |                  |             |
| Program: Confine adult offenders.....                           | 3100             | 3-7         |
| Program: Supervise adult offenders.....                         | 3200             | 3-13        |
| <br><u>Goal: Rehabilitate adult offenders</u>                   |                  |             |
| Program: Educate and train adult offenders .....                | 3300             | 3-25        |
| Program: Substance abuse treatment for adult offenders .....    | 3400             | 3-35        |
| <br><u>Goal: Control and reform juvenile offenders</u>          |                  |             |
| Program: Training school services .....                         | 3500             | 3-45        |
| Program: Detention center services.....                         | 3600             | 3-53        |
| <br><u>Auxiliary services and administration .....</u>          | <br>3998         | <br>3-63    |
| <br><u>Reserves, transfers and other accounting funds .....</u> | <br>3999         | <br>3-65    |



**Corrections Program Area**  
**Continuation Budget Summary by Department**  
(in millions)

| 1997-98                                         |               |              |             |               |
|-------------------------------------------------|---------------|--------------|-------------|---------------|
| Program Area: Corrections                       | DOC           | DHR          | DEHNR       | Total         |
| <b>Control adult offenders</b>                  | <b>709.16</b> | <b>0.00</b>  | <b>0.00</b> | <b>709.16</b> |
| • Confine adult offenders                       | 609.10        | -            | -           | 609.10        |
| • Supervise adult offenders                     | 100.06        | -            | -           | 100.06        |
| <b>Rehabilitate adult offenders</b>             | <b>125.92</b> | <b>0.00</b>  | <b>0.60</b> | <b>126.52</b> |
| • Educate and train adult offenders             | 106.72        | -            | 0.60        | 107.32        |
| • Substance abuse treatment for adult offenders | 19.20         | -            | -           | 19.20         |
| <b>Control and reform juvenile offenders</b>    | <b>0.00</b>   | <b>51.25</b> | <b>0.00</b> | <b>51.25</b>  |
| • Training school services                      | -             | 40.58        | -           | 40.58         |
| • Detention center services                     | -             | 10.67        | -           | 10.67         |

|                                                |               |              |             |               |
|------------------------------------------------|---------------|--------------|-------------|---------------|
| Support services and administration            | 31.89         | 1.44         | -           | 33.33         |
| Reserves, transfers and other accounting funds | 50.35         | 0.03         | -           | 50.38         |
| <b>Total Requirements</b>                      | <b>917.33</b> | <b>52.72</b> | <b>0.60</b> | <b>970.65</b> |
| Receipts/Cash Balances                         | 98.42         | 4.87         | 0.00        | 103.29        |
| General Fund Appropriation                     | 818.91        | 47.85        | 0.60        | 867.36        |
| Highway Fund Appropriation                     | 0.00          | 0.00         | 0.00        | 0.00          |
| Number of Positions                            | 19,098.20     | 1,247.85     | 9.00        | 20,355.05     |

| 1998-99       |              |             |               |
|---------------|--------------|-------------|---------------|
| DOC           | DHR          | DEHNR       | Total         |
| <b>711.99</b> | <b>0.00</b>  | <b>0.00</b> | <b>711.99</b> |
| 612.41        | -            | -           | 612.41        |
| 99.58         | -            | -           | 99.58         |
| <b>125.69</b> | <b>0.00</b>  | <b>0.62</b> | <b>126.31</b> |
| 106.48        | -            | 0.62        | 107.10        |
| 19.21         | -            | -           | 19.21         |
| <b>0.00</b>   | <b>52.76</b> | <b>0.00</b> | <b>52.76</b>  |
| -             | 40.58        | -           | 40.58         |
| -             | 12.18        | -           | 12.18         |

|               |              |             |                 |
|---------------|--------------|-------------|-----------------|
| 32.31         | 1.44         | -           | 33.75           |
| 94.81         | 0.03         | -           | 94.84           |
| <b>964.80</b> | <b>54.24</b> | <b>0.62</b> | <b>1,019.66</b> |
| 97.23         | 5.78         | 0.01        | 103.02          |
| 867.57        | 48.46        | 0.61        | 946.64          |
| 0.00          | 0.00         | 0.00        | 0.00            |
| 19,689.20     | 1,247.85     | 9.00        | 20,946.05       |

**Justice and Public Safety Program Area**  
**Continuation Budget Summary by Department**  
(in millions)

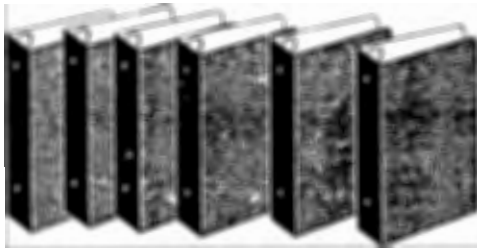
| 1997-98                                          |               |               |              |               |
|--------------------------------------------------|---------------|---------------|--------------|---------------|
| Program Area: Justice and Public Safety          | AOC           | CCPS          | DOJ          | Total         |
| <b>Protect and preserve rights and liberties</b> | <b>321.18</b> | <b>9.64</b>   | <b>24.2</b>  | <b>355.02</b> |
| • Just and timely resolution of disputes         | 162.69        | -             | -            | 162.69        |
| • Trial court hearings                           | 152.75        | -             | -            | 152.75        |
| • Alternative dispute resolution                 | 2.32          | -             | -            | 2.32          |
| • Fair and timely appeals                        | 7.62          | -             | -            | 7.62          |
| • Fair and informed hearings                     | 158.49        | 9.64          | 24.2         | 158.49        |
| • District attorneys                             | 39.54         | -             | -            | 39.54         |
| • Services for victims                           | -             | 9.64          | -            | 9.64          |
| • Indigent defense                               | 89.15         | -             | -            | 89.15         |
| • Services for juveniles                         | 24.68         | -             | -            | 24.68         |
| • Services for state agencies                    | -             | -             | 24.2         | 24.2          |
| • Sentencing and Policy Advisory Commission      | 0.40          | -             | -            | 0.40          |
| • Community penalties                            | 4.72          | -             | -            | 4.72          |
| <b>Protect Public Safety</b>                     | <b>0.00</b>   | <b>177.65</b> | <b>44.23</b> | <b>221.88</b> |
| • Protect society against crime                  | -             | 155.79        | 44.23        | 200.02        |
| • Prevent crime                                  | -             | 146.68        | -            | 146.68        |
| • Investigate crime                              | -             | 9.11          | 44.23        | 53.34         |
| • Protect society against imminent danger        | -             | 21.86         | -            | 21.86         |
| Support services and administration              | 17.92         | 2.67          | 3.96         | 24.55         |
| Reserves, transfers and other accounting funds   | 8.71          | 1.45          | 0.15         | 10.31         |
| <b>Total Requirements</b>                        | <b>347.82</b> | <b>191.41</b> | <b>72.54</b> | <b>611.77</b> |
| Receipts/Cash Balances                           | 46.33         | 158.62        | 13.22        | 218.17        |
| General Fund Appropriation                       | 301.49        | 32.79         | 59.32        | 393.60        |
| Highway Fund Appropriation                       | 0.00          | 0.00          | 0.00         | 0.00          |
| Number of Positions                              | 5,123.63      | 2,425.00      | 1,122.25     | 8,670.88      |

| 1998-99       |               |              |               |
|---------------|---------------|--------------|---------------|
| AOC           | CCPS          | DOJ          | Total         |
| <b>326.7</b>  | <b>9.64</b>   | <b>24.23</b> | <b>360.57</b> |
| 162.57        | -             | -            | 162.57        |
| 152.57        | -             | -            | 152.57        |
| 2.32          | -             | -            | 2.32          |
| 7.68          | -             | -            | 7.68          |
| 164.13        | 9.64          | 24.23        | 198.00        |
| 39.71         | -             | -            | 39.71         |
| -             | 9.64          | -            | 9.64          |
| 94.59         | -             | -            | 94.59         |
| 24.71         | -             | -            | 24.71         |
| -             | -             | 24.23        | 24.23         |
| 0.40          | -             | -            | 0.40          |
| 4.72          | -             | -            | 4.72          |
| <b>0.00</b>   | <b>178.34</b> | <b>44.55</b> | <b>222.89</b> |
| -             | 156.51        | 44.55        | 201.06        |
| -             | 147.40        | -            | 147.4         |
| -             | 9.11          | 44.55        | 53.66         |
| -             | 21.83         | -            | 21.83         |
| 17.94         | 2.68          | 3.96         | 24.58         |
| 11.18         | 1.59          | 1.90         | 14.67         |
| <b>355.82</b> | <b>192.25</b> | <b>74.65</b> | <b>622.72</b> |
| 49.01         | 159.48        | 13.26        | 221.75        |
| 306.81        | 32.77         | 61.39        | 400.97        |
| 0.00          | 0.00          | 0.00         | 0.00          |
| 5,123.63      | 2,425.00      | 1,122.25     | 8,670.88      |

# Documents of Performance/Program Budgeting

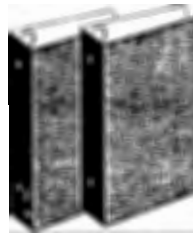
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Three sets of documents support the 1997-99 State Performance Budget



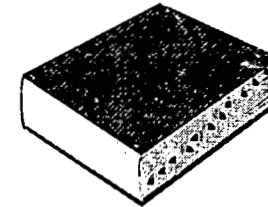
**6 budget volumes**  
**Organizationally**  
**Structured**

+



**2 budget volumes**  
**Programmatically**  
**Structured**

+



**1 planning volume**  
**organizationally**  
**Structured**

# Key Documents of Performance/Program Budgeting

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Three key documents are associated with Performance/Program Budgeting:

**1. Performance/Program Budget, by department (Volumes 1-6)**

This document is considered the traditional line-item budget. There are six (6) volumes, which include all of the budget funds used to support state government services. The six volumes correspond to six (6) legislative committees set up to examine the Governor's recommended budget. The funds in each volume are grouped by department, and include line-by-line objects of expenditure, providing the basis for fiscal control. All of the funds are also cross referenced to the programs they support. There are approximately 1,350 budget funds.

**2. Performance/Program Budget, by program (Volumes 7a and 7b)**

This document groups budget information by program area and provides policy-related information on the purpose and intent of funds. There are ten (10) program areas, each representing a broad sector of public services--education, economic development and commerce, corrections, etc. Within each program area, funds are classified by program, subprogram or element, each addressing a type of policy issue, such as "Communicable disease" or "Access to health care." Fiscal information is presented by "categories of expenditure" rather than by specific "objects of expenditure." If funds were actually appropriated by categories rather than by objects, departmental managers would have greater flexibility in administering their funds. In the program presentation, funds from different departments are sometimes classified together if they address a similar policy issue.

**3. Departments Operations Plan**

This document provides department operations plans for each of the principle department in state government. Plans included in this volume describe specifically how (through strategies and activities) each department's program objectives are being addressed by the department. In addition, each plan shows what new innovations are planned over the next six years to improve the performance of department or program activities. Both the departmental and program budget documents are cross-referenced to the department plan.

## Cross-references

Certain reference points are used to link the *Performance/Program budget documents* with each other and with the *department operations plan*. Reference points include: program objectives, outcome measures (values only shown in budget documents), supporting funds, and P/PB codes.

## 4120 Alternative dispute resolution

### Purpose

The purpose of this subprogram is to provide alternative forums to the traditional adversarial court process as a means of promoting more economical, less complex and more satisfactory resolutions of certain civil and criminal matters.

### Expected outcomes

The expected outcome of this subprogram is that certain civil and criminal cases will be diverted from the formal court process through fair, economical, timely and less complex forms of dispute resolution.

### Background and trends

North Carolina has been a national leader in the study and implementation of mechanisms that may be used outside of the formal court process to provide more satisfactory, economical and efficient ways of resolving certain disputes. The premise underlying such alternatives is that traditional court procedures may not always be the best or most desirable approach for any number of reasons, including the adversarial nature of the traditional process, the time required to dispose of cases and the expense involved.

The Custody and Visitation Mediation Program provides for mediation of contested custody and visitation issues, with the goals of reducing acrimony between the parties and developing an agreement that is in the child's best interests. When a petition for an order of custody or visitation of a child (or modification of such an order) is contested in one of seventeen mediation districts\*, the matter is set, pursuant to G.S. 50-13.1(b), for mediation of the contested issues before the petition is heard in court. The district court may use court staff or may contract with practicing mediators to provide this service.

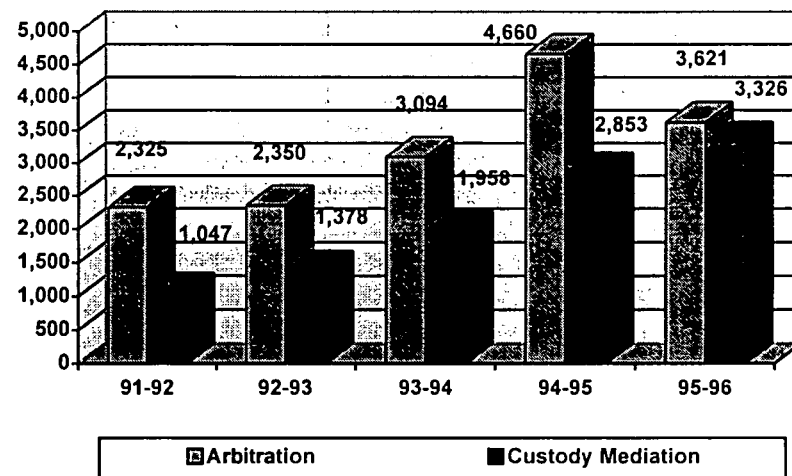
The Arbitration Program is designed to provide a more economical, efficient, and satisfactory procedure to resolve certain civil actions. Pursuant to G.S. 7A-37.1, all civil actions in which claims do not exceed \$15,000 are subject to court-ordered arbitration in accordance with rules promulgated by the Supreme Court of North Carolina. This nonbinding arbitration program is implemented in a judicial district at the joint discretion of the Director of the Administrative Office of the Courts and the Senior Resident Superior Court Judge or the Chief District Judge in that district. Arbitration is currently a regular feature in 25 superior court districts.

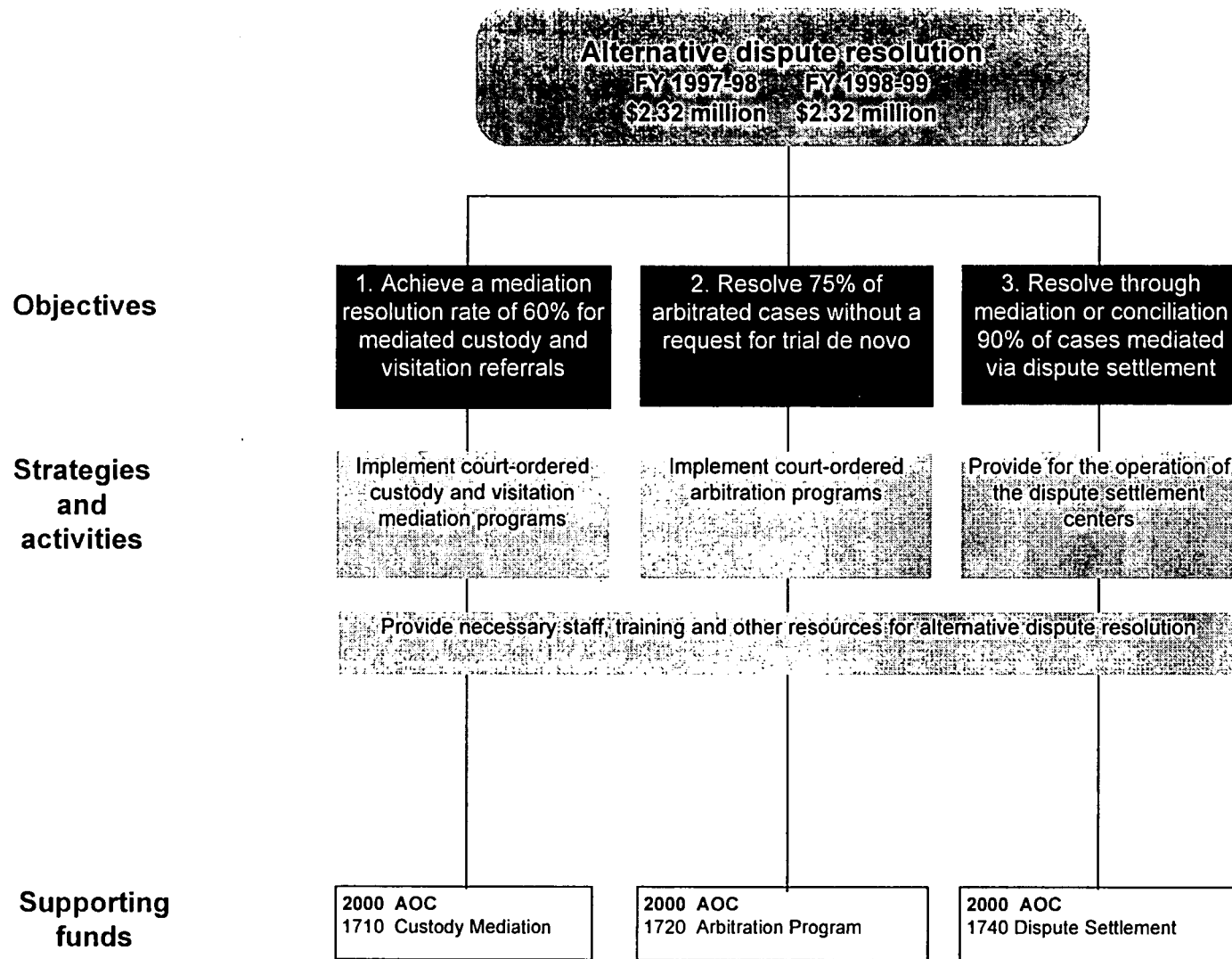
(\* This program has been implemented in 17 of the 39 district court districts)

Dispute Settlement Centers seek to resolve disputes between citizens through mediation by achieving an agreement that is mutually satisfactory to all parties involved. This process is intended to divert both criminal and civil cases that have been referred or assigned to mediation from the formal trial process.

The Judicial Department will continue to assess the desirability of alternative dispute resolution programs for other types of cases.

Cases Assigned to Arbitration and Custody Mediation





## 4120 Alternative dispute resolution

### Objective 1: Achieve a mediation resolution rate of 60% for custody and visitation cases.

| Measure                                                                                                                   | Actual  |         |         |         |         | Estimated | Expected | Expected |
|---------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                                                                                           | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                                                                                  |         |         |         |         |         |           |          |          |
| Percent of mediated custody and visitation cases that result in a parenting agreement or other resolution after mediation | 51.7%   | 57.1%   | 55.8%   | 58.1%   | 55.8%   | 57.8%     | 59.8%    | 60.0%    |
| <b>Performance Measures:</b>                                                                                              |         |         |         |         |         |           |          |          |
| Number of custody cases ordered to mediation                                                                              | 1,047   | 1,378   | 1,958   | 2,853   | 3,326   | 5,288     | 5,553    | 5,831    |
| Number of custody cases closed                                                                                            | 999     | 1,405   | 1,923   | 2,756   | 3,114   | 4,951     | 5,199    | 5,459    |
| Number of mediations pending                                                                                              | 238     | 189     | 224     | 340     | 602     | 957       | 1,005    | 1,056    |
| Number of cases closed without mediation                                                                                  | 386     | 533     | 598     | 1,152   | 1,133   | 1,801     | 1,891    | 1,986    |
| Number of mediated cases closed without parenting agreement                                                               | 296     | 374     | 585     | 676     | 876     | 1,392     | 1,462    | 1,536    |

#### Current Situation:

**Note:** Projected values of outcome measure data may differ slightly from revised estimates now available from AOC.

#### Funds:

2000 AOC  
1710 Custody Mediation

## 4120 Alternative dispute resolution

### Objective 2: Resolve 75% of arbitrated cases without a request for trial de novo.

| Measure                                                   | Actual  |         |         |         |         | Estimated | Expected | Expected |
|-----------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                           | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                  |         |         |         |         |         |           |          |          |
| Percentage of arbitrated cases having no de novo requests | 81.89%  | 83.78%  | 84.78%  | 79.31%  | 77.77%  | 78.43%    | 78.42%   | 78.42%   |
| <b>Performance Measures:</b>                              |         |         |         |         |         |           |          |          |
| Number of cases noticed for arbitration                   | 2,325   | 2,350   | 3,094   | 4,660   | 3,621   | 6,407     | 6,728    | 7,065    |
| Number of cases arbitrated                                | 1,610   | 1,524   | 1,785   | 3,035   | 2,483   | 4,607     | 4,838    | 5,080    |
| Number of cases in which a trial de novo was filed        | 421     | 381     | 471     | 964     | 805     | 1,382     | 1,452    | 1,525    |

#### Current Situation:

**Note:** *Provided values of outcome measure data are consistent with those noted in Volume 4 of the budget document. However, they may differ slightly from revised data now available from AOC.*

#### Funds:

2000 AOC  
1720 Arbitration Program



## 4120 Alternative dispute resolution

### Objective 3: Resolve through mediation or conciliation 90% of cases mediated by dispute settlement centers.

| Measure                                                                                           | Actual  |         |         |         |         | Estimated | Expected | Expected |
|---------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                                                                   | 1991-92 | 1992-93 | 1993-94 | CY 1995 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                                                          |         |         |         |         |         |           |          |          |
| Percentage of dispute settlement center cases that are resolved through mediation or conciliation | 92.5%   | 91.1%   | 89.7%   | 88.1%   | 88.1%   | 87.5%     | 87.5%    | 87.5%    |
| <b>Performance Measures:</b>                                                                      |         |         |         |         |         |           |          |          |
| Number of cases referred to mediation or conciliation                                             | 16,035  | 15,242  | 15,556  | 15,218  | 16,740  | 19,783    | 21,761   | 23,937   |
| Number of cases resolved via mediation or conciliation                                            | 6,861   | 6,640   | 5,964   | 7,754   | 8,529   | 10,008    | 11,009   | 12,110   |
| Number of cases mediated or conciliated                                                           | 7,414   | 7,290   | 6,648   | 8,802   | 9,682   | 11,443    | 12,587   | 13,846   |
| Number of mediations or conciliations not held due to withdrawals                                 | n/a     | n/a     | 4,408   | 1,644   | 1,808   | 2,137     | 2,351    | 2,586    |

#### Current Situation:

#### Funds:

2000 AOC  
1740 Dispute Settlement

## 4120 Alternative dispute resolution

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### 1996-97 Authorized Expenditures

|                                      | Number of<br><u>Positions</u> | Total<br><u>Requirements</u> | Total<br><u>Receipts</u> | Total<br><u>Appropriation</u> | Percent of Total<br><u>Requirements</u> |
|--------------------------------------|-------------------------------|------------------------------|--------------------------|-------------------------------|-----------------------------------------|
| Funds reviewed by                    |                               |                              |                          |                               |                                         |
| Justice and Public Safety            |                               |                              |                          |                               |                                         |
| <u>Appropriations Subcommittee:</u>  |                               |                              |                          |                               |                                         |
| 2000 JUDICIAL                        |                               |                              |                          |                               |                                         |
| 1710 CUSTODY MEDIATION               | 14.38                         | 733,389.00                   | 0.00                     | 733,389.00                    | 29.07                                   |
| 1715 MEDIATED SETTLEMENT CONF        | 1.25                          | 82,063.00                    | 53,352.00                | 28,711.00                     | 3.25                                    |
| 1720 ARBITRATION PROGRAM             | 11.00                         | 770,899.00                   | 0.00                     | 770,899.00                    | 30.55                                   |
| <u>1740 DISPUTE SETTLEMENT CENTE</u> | <u>0.00</u>                   | <u>936,660.00</u>            | <u>0.00</u>              | <u>936,660.00</u>             | <u>37.12</u>                            |
| TOTAL FOR 4120 FUNDS                 | 26.63                         | \$ 2,523,011.00              | \$ 53,352.00             | \$ 2,469,659.00               | 100.00                                  |

## 4120 Alternative

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|                          | 1996-97<br>AUTHORIZED | ***** 1997-98 *****<br>INCREASE/DECREASE | TOTAL RECOMMENDED | ***** 1998-99 *****<br>INCREASE/DECREASE | TOTAL RECOMMENDED |
|--------------------------|-----------------------|------------------------------------------|-------------------|------------------------------------------|-------------------|
| REQUIREMENTS             | 2,523,011             | -199,067                                 | 2,323,944         | -199,067                                 | 2,323,944         |
| INTER/INTRA TRANSFERS IN | 0                     | 0                                        | 0                 | 0                                        | 0                 |
| OTHER ESTIMATED RECEIPTS | 53,352                | 0                                        | 53,352            | 0                                        | 53,352            |
| NET APPROPRIATION        | 2,469,659             | -199,067                                 | 2,270,592         | -199,067                                 | 2,270,592         |
| NUMBER OF POSITIONS      | 26.63                 | .00                                      | 26.63             | .00                                      | 26.63             |

PURPOSE DETAIL:

| Description                              | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|------------------------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                          |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| 1620 NUMBER OF POSITIONS<br>REQUIREMENTS | 2.00              | 2.00                  | 2.00-                      | .00                  | 2.00-                      | .00                  |
| 53 1100 EPA SALARIES                     | 26,478            | 44,464                | 44,464-                    | 0                    | 44,464-                    | 0                    |
| 53 1400 SUPPLEMENT TO REG. WA            | 506               | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 1500 EMPLOYEE BENEFIT COST            | 7,297             | 10,101                | 10,101-                    | 0                    | 10,101-                    | 0                    |
| 53 1600 OTHER PERSONAL SERVIC            | 3,750             | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 2000 PURCHASED CONTRACTUAL            | 6                 | 3,164                 | 3,164-                     | 0                    | 3,164-                     | 0                    |
| 53 3000 SUPPLIES                         | 0                 | 956                   | 956-                       | 0                    | 956-                       | 0                    |
| 53 4000 PROPERTY, PLANT & EQU            | 2,299             | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 5000 OTHER EXPENSES & ADJU            | 0                 | 992                   | 992-                       | 0                    | 992-                       | 0                    |
| TOTAL REQUIREMENTS                       | 40,336            | 59,677                | 59,677-                    | 0                    | 59,677-                    | 0                    |
| ESTIMATED RECEIPTS                       |                   |                       |                            |                      |                            |                      |
| TOTAL RECEIPTS                           | 0                 | 0                     | 0                          | 0                    | 0                          | 0                    |
| NET APPROPRIATION                        | 40,336            | 59,677                | 59,677-                    | 0                    | 59,677-                    | 0                    |

**1710 Custody Mediation****P/PB 4120 Alternative Dispute Resolution**

PURPOSE: Whenever a petition for an order of custody or visitation of a child (or modification of such an order) is contested in a jurisdiction where this program is implemented, the matter is set, pursuant to G.S. 50-13.1(b), for mediation of the contested issues before the petition is heard in court. The purpose of the mediation is to reduce any acrimony that exists between the parties and to develop an agreement that is in the child's best interests. Issues other than custody and visitation may not be discussed. The district court may contract with practicing mediators to provide these services, or mediate with court-staff mediators.

Currently, custody mediation programs operate in some 17 districts: 3A (Pitt Co.), 3B (Carteret, Craven, and Pamlico Co.'s), 4th (Duplin, Jones, Onslow, and Sampson Co.'s), 10th (Wake Co.'s), 11th (Harnett, Johnston, and Lee Co.'s), 12th (Cumberland Co.), 15A (Alamance Co.), 15B (Chatham and Orange Co.'s), 17A (Rockingham Co.), 19A (Cabarrus Co.'s), 19B (Montgomery and Randolph Co.'s), 19C (Rowan Co.), 21 (Forsyth Co.), 25 (Burke, Caldwell, and Catawba Co.'s), 26th (Mecklenburg Co.), 27A (Gaston Co.), and 28 (Buncombe Co.). Expansion into additional jurisdictions (G.S. 7A-494) will occur as funds are made available by the General Assembly.

2-18-97  
A++-3

PROGRAM INFORMATION:

This is one of 4 funds that contribute to program number 4120, Alternative Dispute Resolution. The total 1996-97 certified budget for P/PB 4120 is \$2,513,328 of which this fund is \$723,706, or 28.79% of the total. A programmatic presentation which groups all funds that contribute to specific program levels throughout state government according to similar outcomes, objectives, and outcome measures may be found in Volume 7.

Following is a complete list of departmental accounting funds which contribute to P/PB 4120.

|          |                               |        |          |                               |        |
|----------|-------------------------------|--------|----------|-------------------------------|--------|
| JUDICIAL | 1710 CUSTODY MEDIATION        | 28.79% | JUDICIAL | 1720 ARBITRATION PROGRAM      | 30.67% |
| JUDICIAL | 1715 MEDIATED SETTLEMENT CONF | 3.27%  | JUDICIAL | 1740 DISPUTE SETTLEMENT CENTE | 37.27% |

Objectives:

- Achieve a mediation resolution rate of 60% for custody and visitation cases.

Outcome Measures:

|                                                                                                                                   | 1993-94<br>Actual | 1994-95<br>Actual | 1995-96<br>Actual | 1996-97<br>Estimated | 1997-98<br>Expected | 1998-99<br>Expected |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------|-------------------|----------------------|---------------------|---------------------|
| - Percentage of all mediated custody & visitation cases that result in a parenting agreement or other resolution after mediation. | 55.8%             | 58.1%             | 55.8%             | 57.8%                | 59.8%               | 60.0%               |

Other Performance Measures:

|                                                                                                                                                          |       |       |       |       |       |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|
| - Number of custody cases ordered to mediation.                                                                                                          | 1,958 | 2,853 | 3,326 | 5,288 | 5,553 | 5,831 |
| - Number of custody cases closed.                                                                                                                        | 1,923 | 2,756 | 3,114 | 4,951 | 5,199 | 5,459 |
| - Number of closed cases where mediation occurred and a parenting agreement was reached or the case settled through consent agreement or reconciliation. | 740   | 948   | 1,105 | 1,757 | 1,845 | 1,938 |
| - Number of closed cases where mediation occurred and no parenting agreement was reached.                                                                | 585   | 676   | 876   | 1,392 | 1,462 | 1,536 |
| - Number of closed cases where mediation did not occur.                                                                                                  | 598   | 1,152 | 1,133 | 1,801 | 1,891 | 1,986 |
| - Number of mediations still pending.                                                                                                                    | 224   | 340   | 602   | 957   | 1,005 | 1,056 |

PURPOSE DETAIL:

| Description                           | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|---------------------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                       |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| 1710 NUMBER OF POSITIONS REQUIREMENTS | 14.38             | 14.38                 | .00                        | 14.38                | .00                        | 14.38                |
| -----                                 |                   |                       |                            |                      |                            |                      |
| 53 1100 EPA SALARIES                  | 311,776           | 442,401               | 0                          | 442,401              | 0                          | 442,401              |
| 53 1300 TEMPORARY SALARIES            | 2,138             | 0                     | 0                          | 0                    | 0                          | "                    |
| 53 1400 SUPPLEMENT TO REG. WA         | 3,791             | 368                   | 3,055                      | 3,423                | 3,055                      | 3,423                |
| 53 1500 EMPLOYEE BENEFIT COST         | 62,724            | 95,546                | 6,807                      | 102,353              | 6,807                      | 102,353              |

| Description                   | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|-------------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                               |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| 53 2000 PURCHASED CONTRACTUAL | 159,537           | 112,308               | 38,794                     | 151,102              | 38,794                     | 151,102              |
| 53 3000 SUPPLIES              | 406               | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 4000 PROPERTY, PLANT & EQU | 4,676             | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 5000 OTHER EXPENSES & ADJU | 289               | 289                   | 0                          | 289                  | 0                          | 289                  |
| 53 6699 RES-CUSTODY MEDIATION | 0                 | 82,477                | 0                          | 82,477               | 0                          | 82,477               |
| 53 8920 DEFERRED OBLIGATIONS  | 15,126            | 0                     | 0                          | 0                    | 0                          | 0                    |
| TOTAL REQUIREMENTS            | 560,463           | 733,389               | 48,656                     | 782,045              | 48,656                     | 782,045              |
| ESTIMATED RECEIPTS            |                   |                       |                            |                      |                            |                      |
| 43 8000 INTRA GOVERNMENTAL TR | 260               | 0                     | 0                          | 0                    | 0                          | 0                    |
| TOTAL RECEIPTS                | 260               | 0                     | 0                          | 0                    | 0                          | 0                    |
| NET APPROPRIATION             | 560,203           | 733,389               | 48,656                     | 782,045              | 48,656                     | 782,045              |

**1715 Mediated Settlement Conference****P/PB 4120 Alternative Dispute Resolution**PROGRAM INFORMATION:

This is one of 4 funds that contribute to program number 4120, Alternative Dispute Resolution. The total 1996-97 certified budget for P/PB 4120 is \$2,513,328 of which this fund is \$82,063, or 3.27% of the total. A programmatic presentation which groups all funds that contribute to specific program levels throughout state government according to similar outcomes, objectives, and outcome measures may be found in Volume 7.

Following is a complete list of departmental accounting funds which contribute to P/PB 4120.

|          |                               |        |          |                               |        |
|----------|-------------------------------|--------|----------|-------------------------------|--------|
| JUDICIAL | 1710 CUSTODY MEDIATION        | 28.79% | JUDICIAL | 1720 ARBITRATION PROGRAM      | 30.67% |
| JUDICIAL | 1715 MEDIATED SETTLEMENT CONF | 3.27%  | JUDICIAL | 1740 DISPUTE SETTLEMENT CENTE | 37.27% |

PURPOSE DETAIL:

| Description                              | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|------------------------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                          |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| 1715 NUMBER OF POSITIONS<br>REQUIREMENTS | 1.50              | 1.25                  | .00                        | 1.25                 | .00                        | 1.25                 |
| 53 1100 EPA SALARIES                     | 17,512            | 44,082                | 0                          | 44,082               | 0                          | 44,082               |
| 53 1500 EMPLOYEE BENEFIT COST            | 3,487             | 8,965                 | 66-                        | 8,899                | 66-                        | 8,899                |
| 53 2000 PURCHASED CONTRACTUAL            | 2,866             | 27,387                | 1,092-                     | 26,295               | 1,092-                     | 26,295               |
| 53 4000 PROPERTY, PLANT & EQU            | 16,386            | 1,629                 | 1,000-                     | 629                  | 1,000-                     | 629                  |
| 53 8920 DEFERRED OBLIGATIONS             | 334               | 0                     | 0                          | 0                    | 0                          | 0                    |
| TOTAL REQUIREMENTS                       | 40,585            | 82,063                | 2,158-                     | 79,905               | 2,158-                     | 79,905               |
| ESTIMATED RECEIPTS                       |                   |                       |                            |                      |                            |                      |
| 43 5000 FEES, LICENSES & FINE            | 0                 | 53,352                | 0                          | 53,352               | 0                          | 53,352               |
| TOTAL RECEIPTS                           | 0                 | 53,352                | 0                          | 53,352               | 0                          | 53,352               |
| NET APPROPRIATION                        | 40,585            | 28,711                | 2,158-                     | 26,553               | 2,158-                     | 26,553               |

**1720 Arbitration Program****P/PB 4120 Alternative Dispute Resolution**

PURPOSE: Pursuant to G.S. 7A-37.1, all civil actions in which claims do not exceed \$15,000 are subject to court-ordered arbitration in accordance with rules promulgated by the Supreme Court of North Carolina. Court-ordered, nonbinding arbitration is designed to be a more economical, efficient, and satisfactory procedure to resolve certain civil actions. The decision to implement this program in a judicial district is made jointly by the Director of the Administrative Office of the Courts, and the Senior Resident Superior Court Judge or the Chief District Judge in the judicial district.

Currently, arbitration is a regular feature in civil case processing in twenty-five (25) superior court districts: 1, 3A, 3B, 5, 8A, 8B, 10, 14, 15A, 15B, 16B, 18, 19B, 19C, 20A, 20B, 24, 25A, 25B, 26, 27A, 27B, 29, 30A and 30B. Expansion into additional jurisdictions will occur as funds are made available by the General Assembly.

PROGRAM INFORMATION:

This is one of 4 funds that contribute to program number 4120, Alternative Dispute Resolution. The total 1996-97 certified budget for P/PB 4120 is \$2,513,328 of which this fund is \$770,899, or 30.67% of the total. A programmatic presentation which groups all funds that contribute to specific program levels throughout state government according to similar outcomes, objectives, and outcome measures may be found in Volume 7. Following is a complete list of departmental accounting funds which contribute to P/PB 4120.

|          |                               |        |          |                               |        |
|----------|-------------------------------|--------|----------|-------------------------------|--------|
| JUDICIAL | 1710 CUSTODY MEDIATION        | 28.79% | JUDICIAL | 1720 ARBITRATION PROGRAM      | 30.67% |
| JUDICIAL | 1715 MEDIATED SETTLEMENT CONF | 3.27%  | JUDICIAL | 1740 DISPUTE SETTLEMENT CENTE | 37.27% |

Objectives:

- Resolve 75% of arbitrated cases without a request for trial de novo.

Outcome Measures:

|                                                              | 1993-94<br>Actual | 1994-95<br>Actual | 1995-96<br>Actual | 1996-97<br>Estimated | 1997-98<br>Expected | 1998-99<br>Expected |
|--------------------------------------------------------------|-------------------|-------------------|-------------------|----------------------|---------------------|---------------------|
| - Percentage of arbitrated cases having no de novo requests. | 84.78%            | 79.31%            | 77.77%            | 78.43%               | 78.42%              | 78.42%              |

Other Performance Measures:

|                                                       |       |       |       |       |       |       |
|-------------------------------------------------------|-------|-------|-------|-------|-------|-------|
| - Number of cases noticed for arbitration.            | 3,094 | 4,660 | 3,621 | 6,407 | 6,728 | 7,065 |
| - Number of cases arbitrated.                         | 1,785 | 3,035 | 2,483 | 4,607 | 4,838 | 5,080 |
| - Number of cases in which a trial de novo was filed. | 471   | 964   | 805   | 1,382 | 1,452 | 1,525 |

PURPOSE DETAIL:

| Description                           | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|---------------------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                       |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| 1720 NUMBER OF POSITIONS REQUIREMENTS | 11.00             | 11.00                 | .00                        | 11.00                | .00                        | 11.00                |
| 53 1100 EPA SALARIES                  | 177,927           | 249,507               | 0                          | 249,507              | 0                          | 249,507              |
| 53 1400 SUPPLEMENT TO REG. WA         | 1,285             | 1,131                 | 493                        | 1,624                | 493                        | 1,624                |
| 53 1500 EMPLOYEE BENEFIT COST         | 41,089            | 61,666                | 1,369-                     | 60,297               | 1,369-                     | 60,297               |
| 53 2000 PURCHASED CONTRACTUAL         | 192,533           | 455,338               | 244,689-                   | 210,649              | 244,689-                   | 210,649              |
| 53 3000 SUPPLIES                      | 407               | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 4000 PROPERTY, PLANT & EQU         | 20,172            | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 5000 OTHER EXPENSES & ADJU         | 20                | 3,257                 | 0                          | 3,257                | 0                          | 3,257                |
| 53 8920 DEFERRED OBLIGATIONS          | 8,477             | 0                     | 0                          | 0                    | 0                          | 0                    |
| TOTAL REQUIREMENTS                    | 441,910           | 770,899               | 245,565-                   | 525,334              | 245,565-                   | 525,334              |
| ESTIMATED RECEIPTS                    |                   |                       |                            |                      |                            |                      |
| TOTAL RECEIPTS                        | 0                 | 0                     | 0                          | 0                    | 0                          | 0                    |
| NET APPROPRIATION                     | 441,910           | 770,899               | 245,565-                   | 525,334              | 245,565-                   | 525,334              |

# 3300 Educate and train adult offenders

## Educate and train adult offenders

FY 1997-98

FY 1998-99

\$107.32 million

\$107.10 million

### Objectives

1. Increase percentage of targeted inmates completing academic programs

2. Increase percentage of targeted inmates completing vocational programs

3. Increase percentage of prison population participating in work programs

4. Increase rate of responsible behavior demonstrated by prisoners

5. Decrease rate of irresponsible behavior demonstrated by prisoners

### Strategies and activities

Increase managerial focus upon academic needs and related programs

Expand the use of the community college resources available to the Division of Prisons

Expand community labor programs to additional prison units

### Supporting funds

4500 DOC  
1310 Custody and Security  
1340 Education Services

4500 DOC  
1310 Custody and Security  
1340 Education Services

4500 DOC  
1310 Custody and Security  
1350 Corrective Services  
7100 Enterprise Services  
4300 DEHNR  
1235 Young Offenders

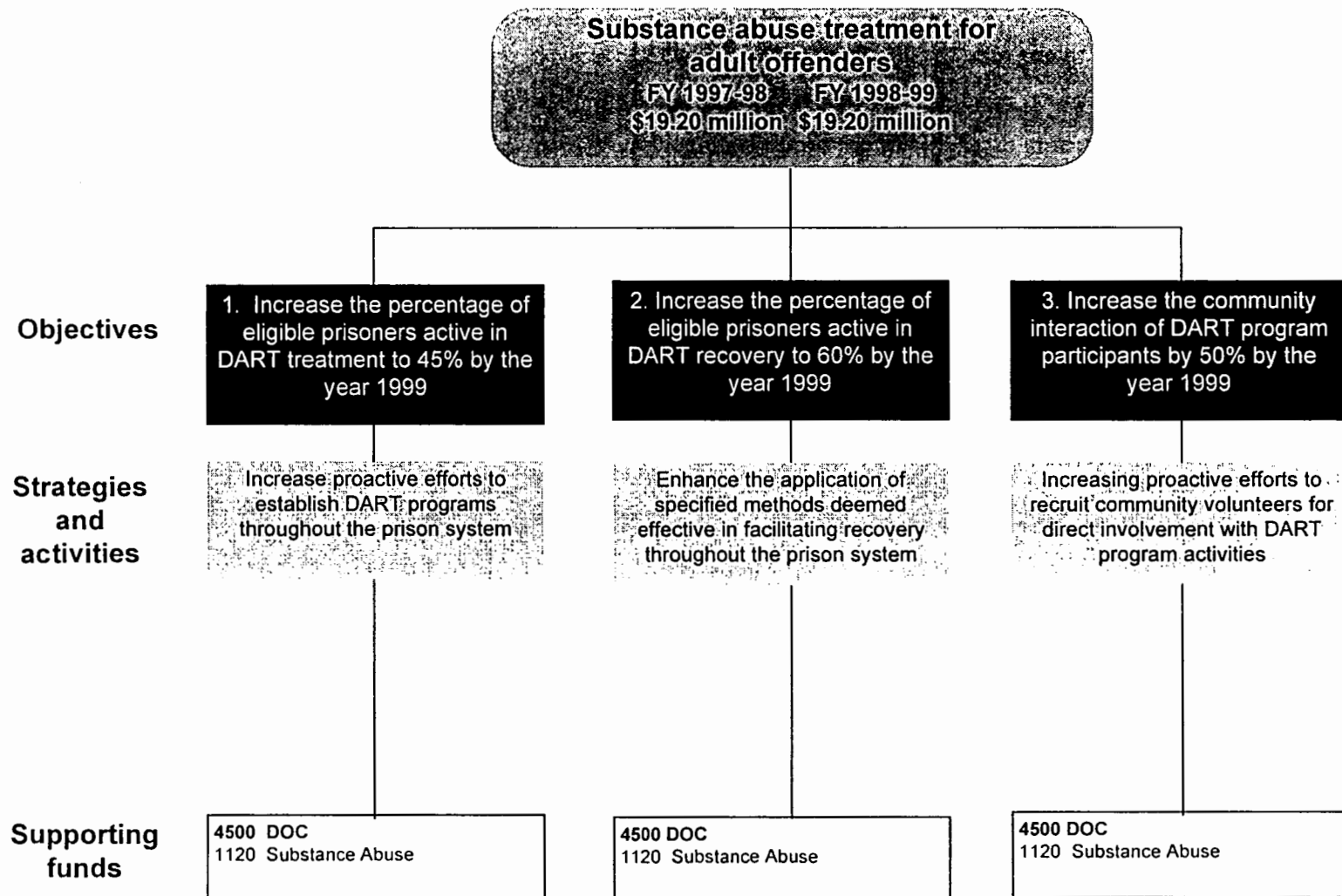
4500 DOC  
1310 Custody and Security  
1340 Education Services  
1350 Corrective Services  
7100 Enterprise Services  
4300 DEHNR  
1235 Young Offenders

4500 DOC  
1310 Custody and Security  
1350 Corrective Services

Att. 4  
2-18-97



## 3400 Substance abuse treatment for adult offenders



**NORTH CAROLINA SENTENCING AND POLICY  
ADVISORY COMMISSION**

**STRUCTURED SENTENCING IN NORTH  
CAROLINA**

**PRESENTED TO THE:**

**JOINT APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE AND PUBLIC SAFETY**

*FEBRUARY 18, 1997*

077.5  
2-18-97

# LEGISLATIVE DIRECTIVES

- ✓ CLASSIFY OFFENSES BASED ON SEVERITY
- ✓ RECOMMEND SENTENCING STRUCTURES
- ✓ DEVELOP CORRECTIONAL POPULATION  
SIMULATION MODEL
- ✓ RECOMMEND COMPREHENSIVE COMMUNITY  
CORRECTIONS STRATEGY
- ✓ MAKE ADDITIONAL POLICY RECOMMENDATIONS

## GOALS OF STRUCTURED SENTENCING

---

- PROVIDE UNDERLYING RATIONALE FOR SENTENCES
- ENHANCE CONSISTENCY IN SENTENCING
- ENHANCE CERTAINTY IN SENTENCING
- ESTABLISH TRUTH IN SENTENCING
- SET RESOURCE PRIORITIES
- BALANCE SENTENCING POLICIES WITH RESOURCES

# CORE COMPONENTS OF STRUCTURED SENTENCING

---

OFFENSE  
CLASS

PRIOR RECORD  
LEVEL

SENTENCE DISPOSITION

*ACTIVE PUNISHMENT*  
*INTERMEDIATE PUNISHMENT*  
*COMMUNITY PUNISHMENT*

SENTENCE LENGTH

*PRESUMPTIVE/AGGRAVATED/MITIGATED RANGE*  
*MINIMUM AND MAXIMUM LENGTH*

**FELONY PUNISHMENT CHART**  
(Numbers shown are in months)

**PRIOR RECORD LEVEL**

OFFENSE CLASS

|    | I<br>0 Pts                   | II<br>1-4 Pts | III<br>5-8 Pts | IV<br>9-14 Pts | V<br>15-18 Pts | VI<br>19+ Pts |
|----|------------------------------|---------------|----------------|----------------|----------------|---------------|
| A  | Death or Life Without Parole |               |                |                |                |               |
| B1 |                              |               |                |                |                |               |
| B2 |                              |               |                |                |                |               |
| C  |                              |               |                |                |                |               |
| D  |                              |               |                |                |                |               |
| E  |                              |               |                |                |                |               |
| F  |                              |               |                |                |                |               |
| G  |                              |               |                |                |                |               |
| H  |                              |               |                |                |                |               |
| I  |                              |               |                |                |                |               |

Note: A - Active Punishment I - Intermediate Punishment C - Community Punishment

# SENTENCE DISPOSITIONS FOR FELONIES

## ACTIVE PUNISHMENT "A"

Incarceration in state prison

## INTERMEDIATE PUNISHMENT "I"

Supervised probation which must also include at least one of the following conditions:

- *Boot Camp*
- *Short confinement in jail (as part of a split sentence)*
- *Residential Treatment Center*
- *Day Reporting Center*
- *Electronic Monitoring*
- *Intensive Supervision*

This disposition may include any other authorized condition of probation

## COMMUNITY PUNISHMENTS "C"

Supervised or unsupervised probation which may include any authorized condition of probation except those defined as intermediate punishments

Note - Fines and/or Restitution may be added to any of the above dispositions

**FELONY PUNISHMENT CHART**  
(Numbers shown are in months)

**PRIOR RECORD LEVEL**

OFFENSE CLASS

|    | I<br>0 Pts                   | II<br>1-4 Pts | III<br>5-8 Pts | IV<br>9-14 Pts | V<br>15-18 Pts | VI<br>19+ Pts |
|----|------------------------------|---------------|----------------|----------------|----------------|---------------|
| A  | Death or Life Without Parole |               |                |                |                |               |
| B1 | A                            | A             | A              | A              | A              | A             |
| B2 | A                            | A             | A              | A              | A              | A             |
| C  | A                            | A             | A              | A              | A              | A             |
| D  | A                            | A             | A              | A              | A              | A             |
| E  | I/A                          | I/A           | A              | A              | A              | A             |
| F  | I/A                          | I/A           | I/A            | A              | A              | A             |
| G  | I/A                          | I/A           | I/A            | I/A            | A              | A             |
| H  | C/I/A                        | I/A           | I/A            | I/A            | I/A            | A             |
| I  | C                            | C/I           | I              | I/A            | I/A            | I/A           |

Note: A - Active Punishment I - Intermediate Punishment C - Community Punishment



# FELONY PUNISHMENT CHART

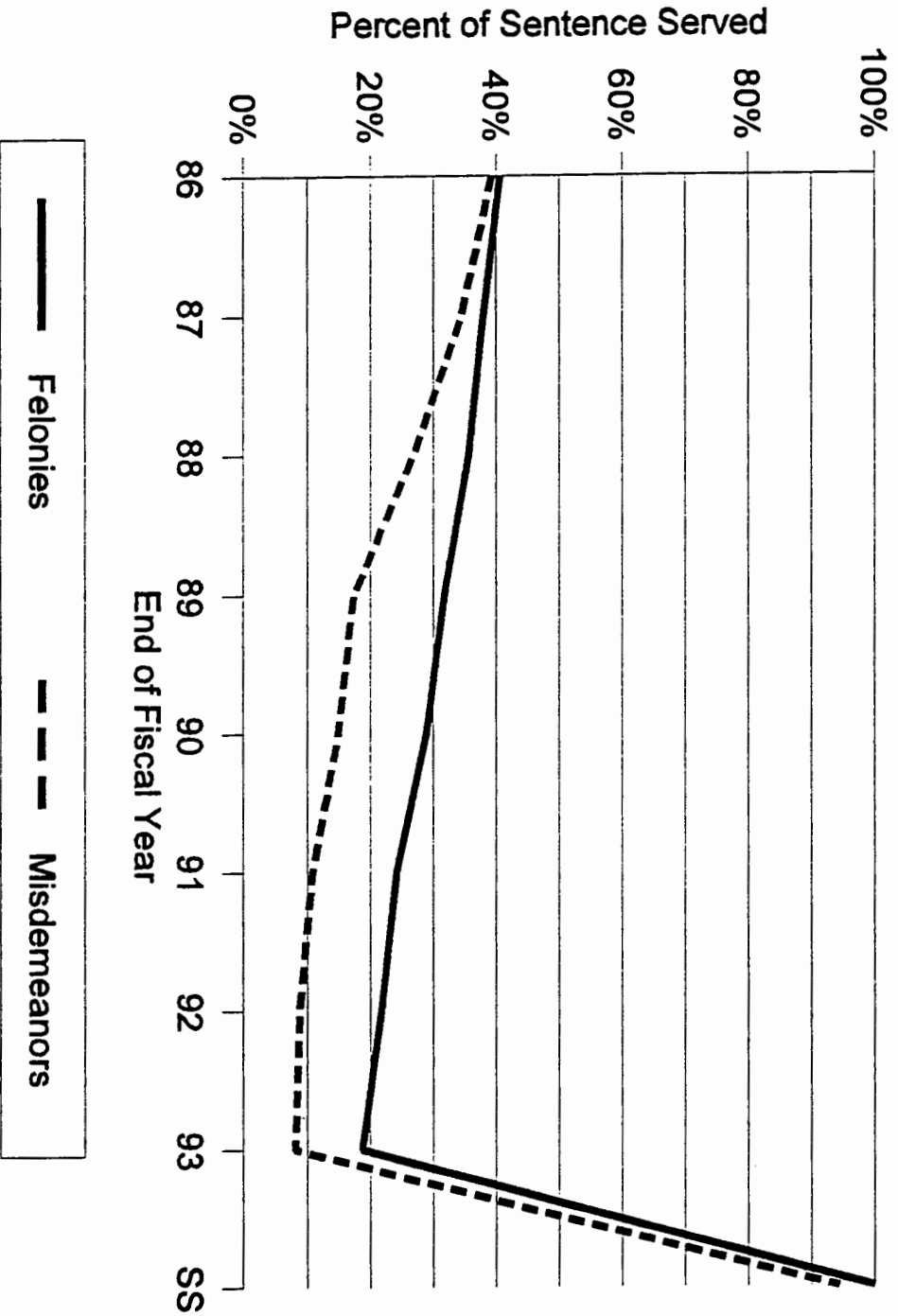
## PRIOR RECORD LEVEL

OFFENSE CLASS

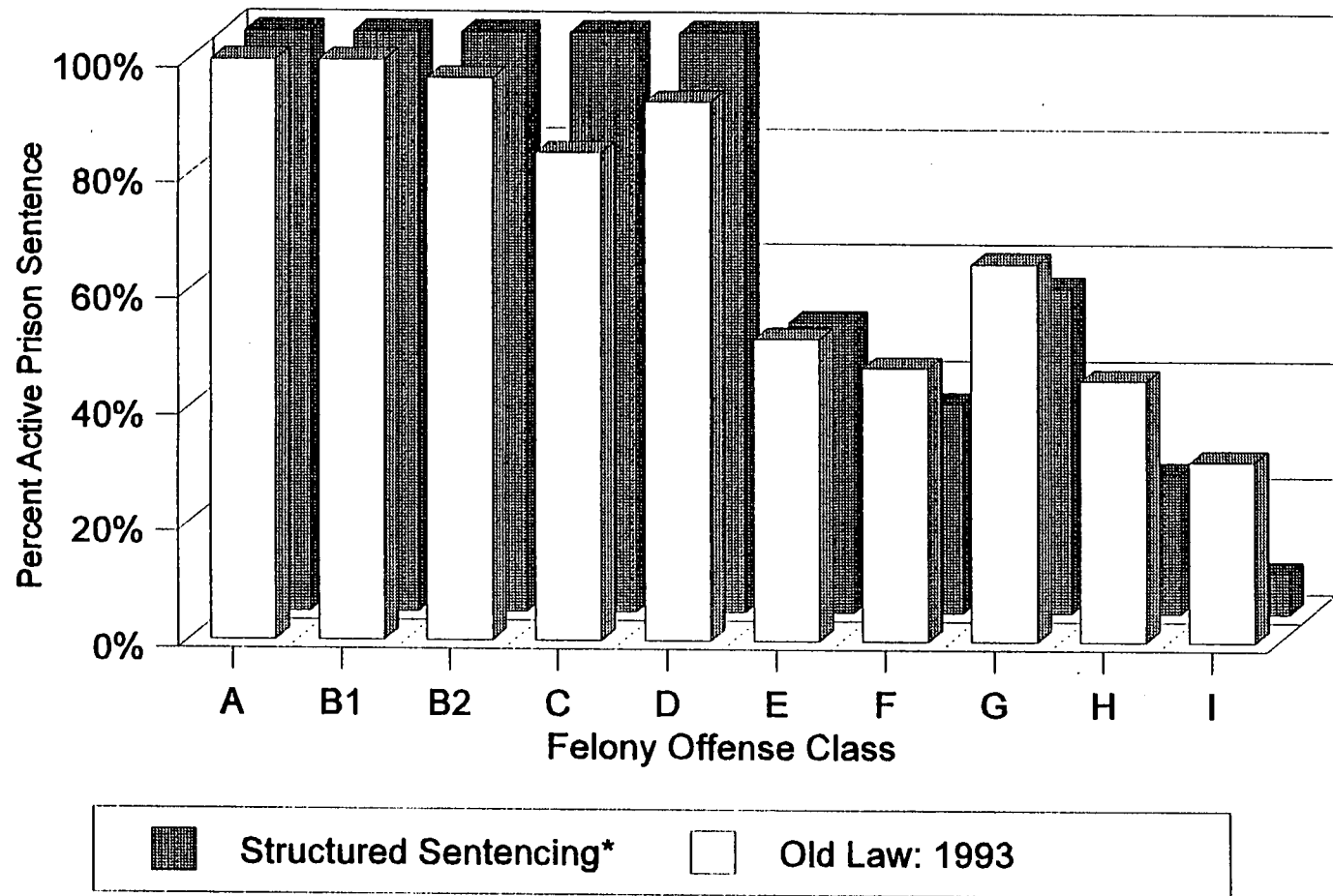
|    | I<br>0 Pts                   | II<br>1-4 Pts  | III<br>5-8 Pts | IV<br>9-14 Pts | V<br>15-18 Pts           | VI<br>19+ Pts            |                                 |
|----|------------------------------|----------------|----------------|----------------|--------------------------|--------------------------|---------------------------------|
| A  | Death or Life Without Parole |                |                |                |                          |                          |                                 |
| B1 | A<br>240-300                 | A<br>288-360   | A<br>336-420   | A<br>384-480   | A<br>Life Without Parole | A<br>Life Without Parole | DISPOSITION<br>Aggravated Range |
|    | 192-240                      | 230-288        | 269-336        | 307-384        | 346-433                  | 384-480                  | PRESUMPTIVE RANGE               |
|    | 144-192                      | 173-230        | 202-269        | 230-307        | 260-346                  | 288-384                  | Mitigated Range                 |
| B2 | A<br>157 - 196               | A<br>189 - 237 | A<br>220 - 276 | A<br>251 - 313 | A<br>282 - 353           | A<br>313 - 392           |                                 |
|    | 125 - 157                    | 151 - 189      | 176 - 220      | 201 - 251      | 225 - 282                | 251 - 313                |                                 |
|    | 94 - 125                     | 114 - 151      | 132 - 176      | 151 - 201      | 169 - 225                | 188 - 251                |                                 |
| C  | A<br>73 - 92                 | A<br>100 - 125 | A<br>116 - 145 | A<br>133 - 167 | A<br>151 - 188           | A<br>168 - 210           |                                 |
|    | 58 - 73                      | 80 - 100       | 93 - 116       | 107-133        | 121 - 151                | 135 - 168                |                                 |
|    | 44 - 58                      | 60 - 80        | 70 - 93        | 80 - 107       | 90 - 121                 | 101-135                  |                                 |
| D  | A<br>64 - 80                 | A<br>77 - 95   | A<br>103 - 129 | A<br>117 - 146 | A<br>133 - 167           | A<br>146 - 183           |                                 |
|    | 51 - 64                      | 61 - 77        | 82 - 103       | 94 - 117       | 107 - 133                | 117 - 146                |                                 |
|    | 38 - 51                      | 46 - 61        | 61 - 82        | 71 - 94        | 80 - 107                 | 88 - 117                 |                                 |
| E  | I/A<br>25 - 31               | I/A<br>29 - 36 | A<br>34 - 42   | A<br>46 - 58   | A<br>53 - 66             | A<br>59 - 74             |                                 |
|    | 20 - 25                      | 23 - 29        | 27 - 34        | 37 - 46        | 42 - 53                  | 47 - 59                  |                                 |
|    | 15 - 20                      | 17 - 23        | 20 - 27        | 28 - 37        | 32 - 42                  | 35 - 47                  |                                 |
| F  | I/A<br>16 - 20               | I/A<br>19 - 24 | I/A<br>21 - 26 | A<br>25 - 31   | A<br>34 - 42             | A<br>39 - 49             |                                 |
|    | 13 - 16                      | 15 - 19        | 17 - 21        | 20 - 25        | 27 - 34                  | 31 - 39                  |                                 |
|    | 10 - 13                      | 11 - 15        | 13 - 17        | 15 - 20        | 20 - 27                  | 23 - 31                  |                                 |
| G  | I/A<br>13 - 16               | I/A<br>15 - 19 | I/A<br>16 - 20 | I/A<br>20 - 25 | A<br>21 - 26             | A<br>29 - 36             |                                 |
|    | 10 - 13                      | 12 - 15        | 13 - 16        | 16 - 20        | 17 - 21                  | 23 - 29                  |                                 |
|    | 8 - 10                       | 9 - 12         | 10 - 13        | 12 - 16        | 13 - 17                  | 17 - 23                  |                                 |
| H  | C/I/A<br>6 - 8               | I/A<br>8 - 10  | I/A<br>10 - 12 | I/A<br>11 - 14 | I/A<br>15 - 19           | A<br>20 - 25             |                                 |
|    | 5 - 6                        | 6 - 8          | 8 - 10         | 9 - 11         | 12 - 15                  | 16 - 20                  |                                 |
|    | 4 - 5                        | 4 - 6          | 6 - 8          | 7 - 9          | 9 - 12                   | 12 - 16                  |                                 |
| I  | C<br>6 - 8                   | C/I<br>6 - 8   | I<br>6 - 8     | I/A<br>8 - 10  | I/A<br>9 - 11            | I/A<br>10 - 12           |                                 |
|    | 4 - 6                        | 4 - 6          | 5 - 6          | 6 - 8          | 7 - 9                    | 8 - 10                   |                                 |
|    | 3 - 4                        | 3 - 4          | 4 - 5          | 4 - 6          | 5 - 7                    | 6 - 8                    |                                 |

Note: A - Active Punishment I - Intermediate Punishment C - Community Punishment  
 \*Numbers shown are in months and represent the range of minimum sentences.

# Average Percent of Sentence Served

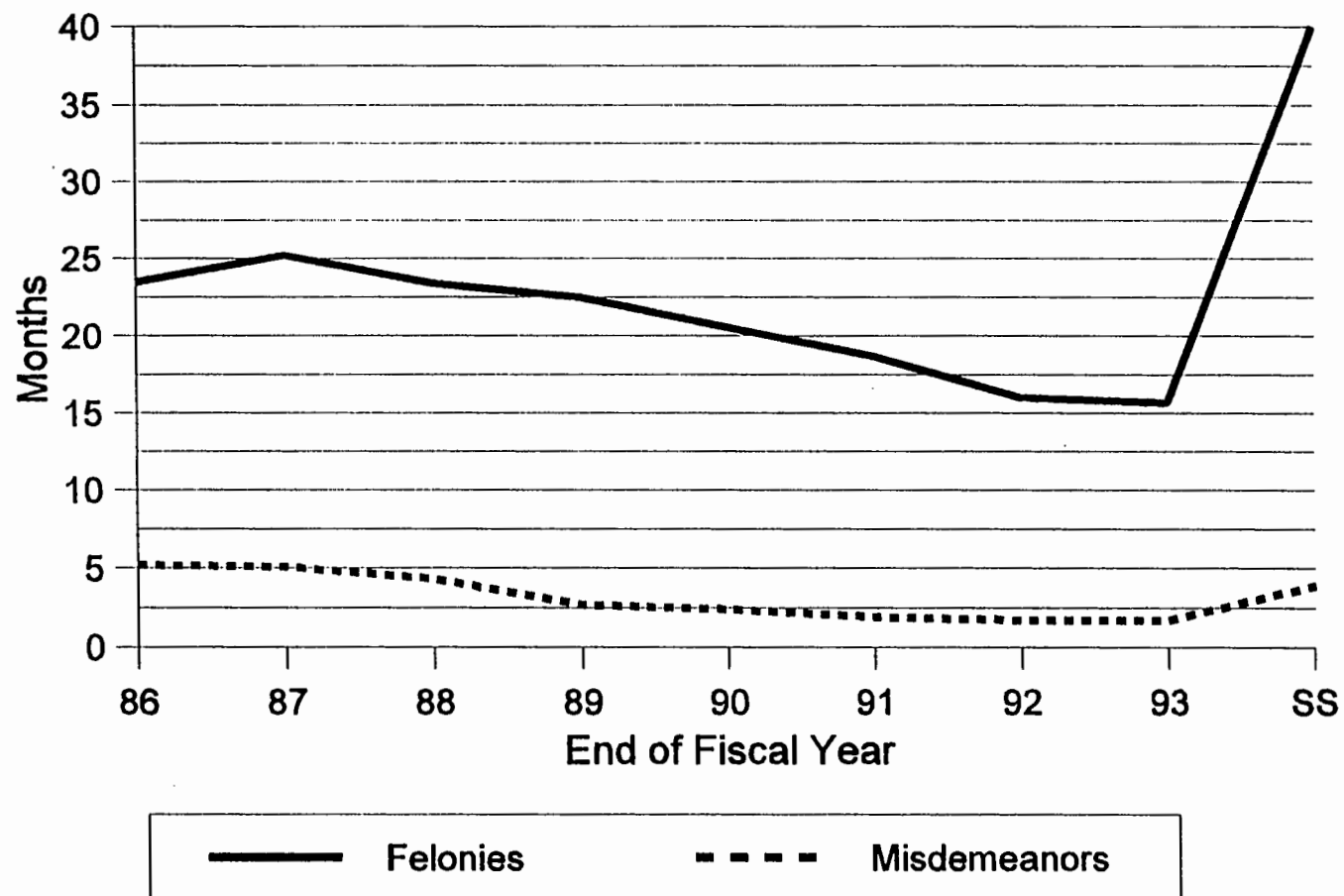


# Percent Receiving Prison Sentence

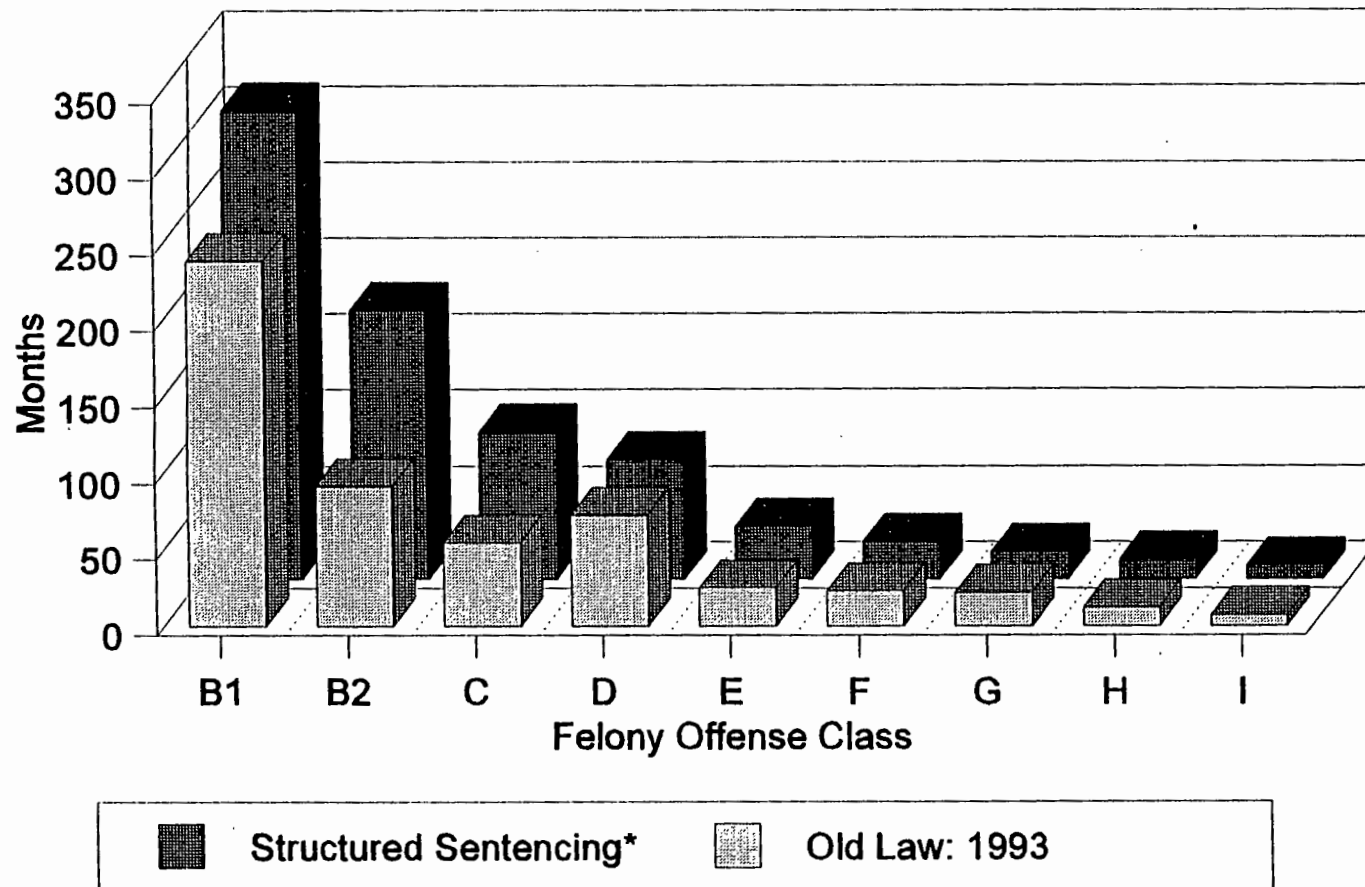


\* Fiscal Year 1995-96

# Average Months Served in Prison



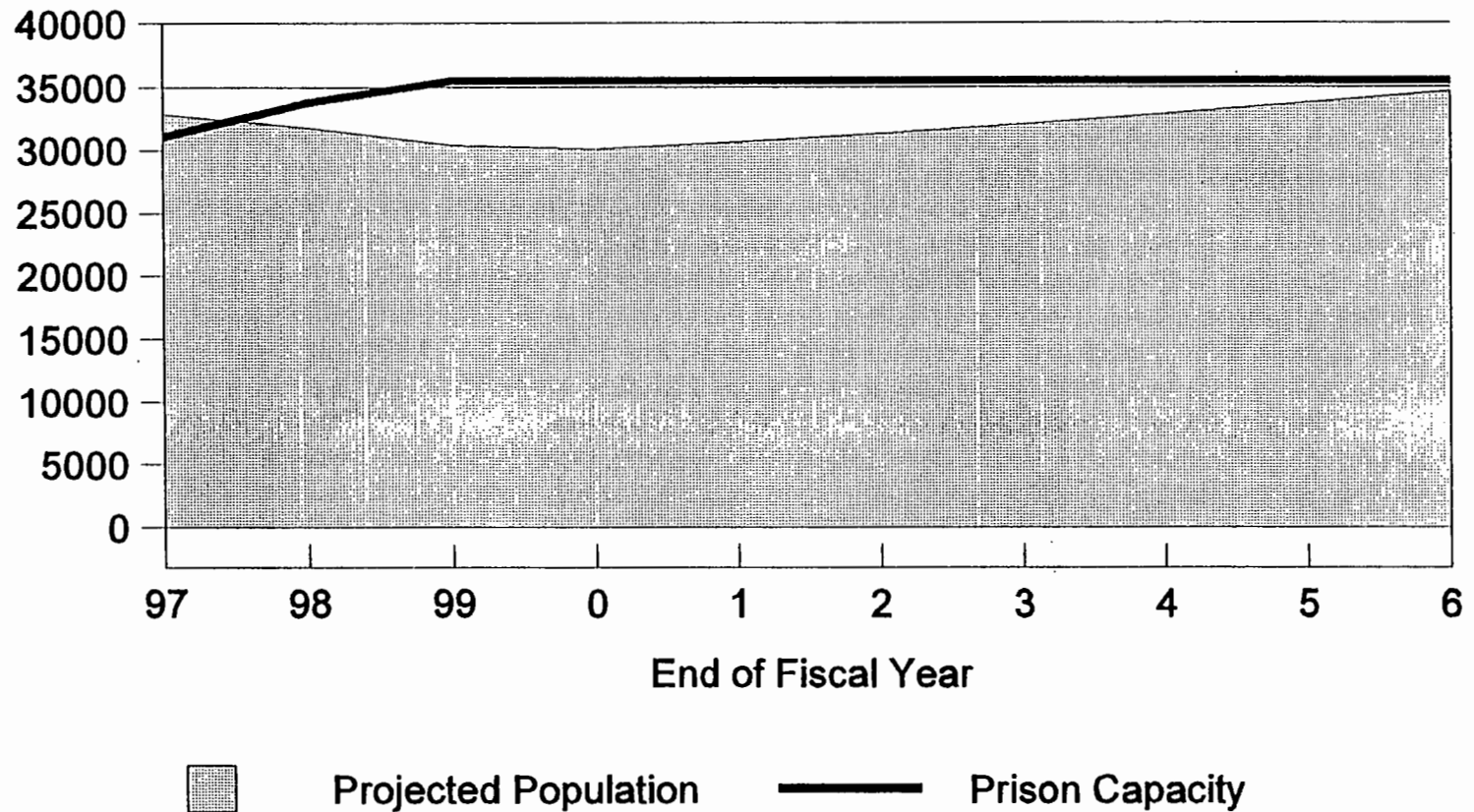
# Average Months Served



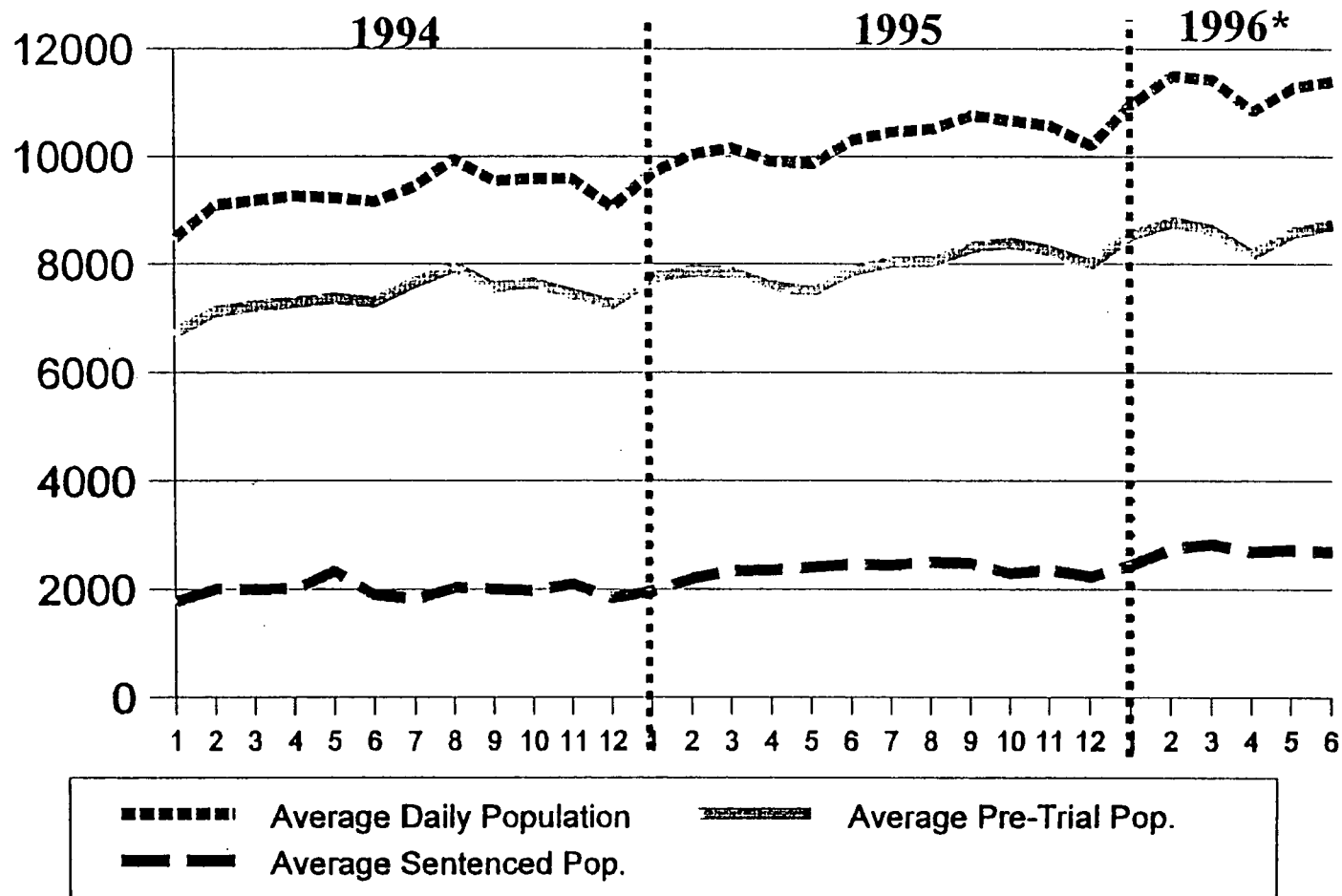
\* Fiscal Year 1995-96

# North Carolina Prison Projections

## Population and Capacity

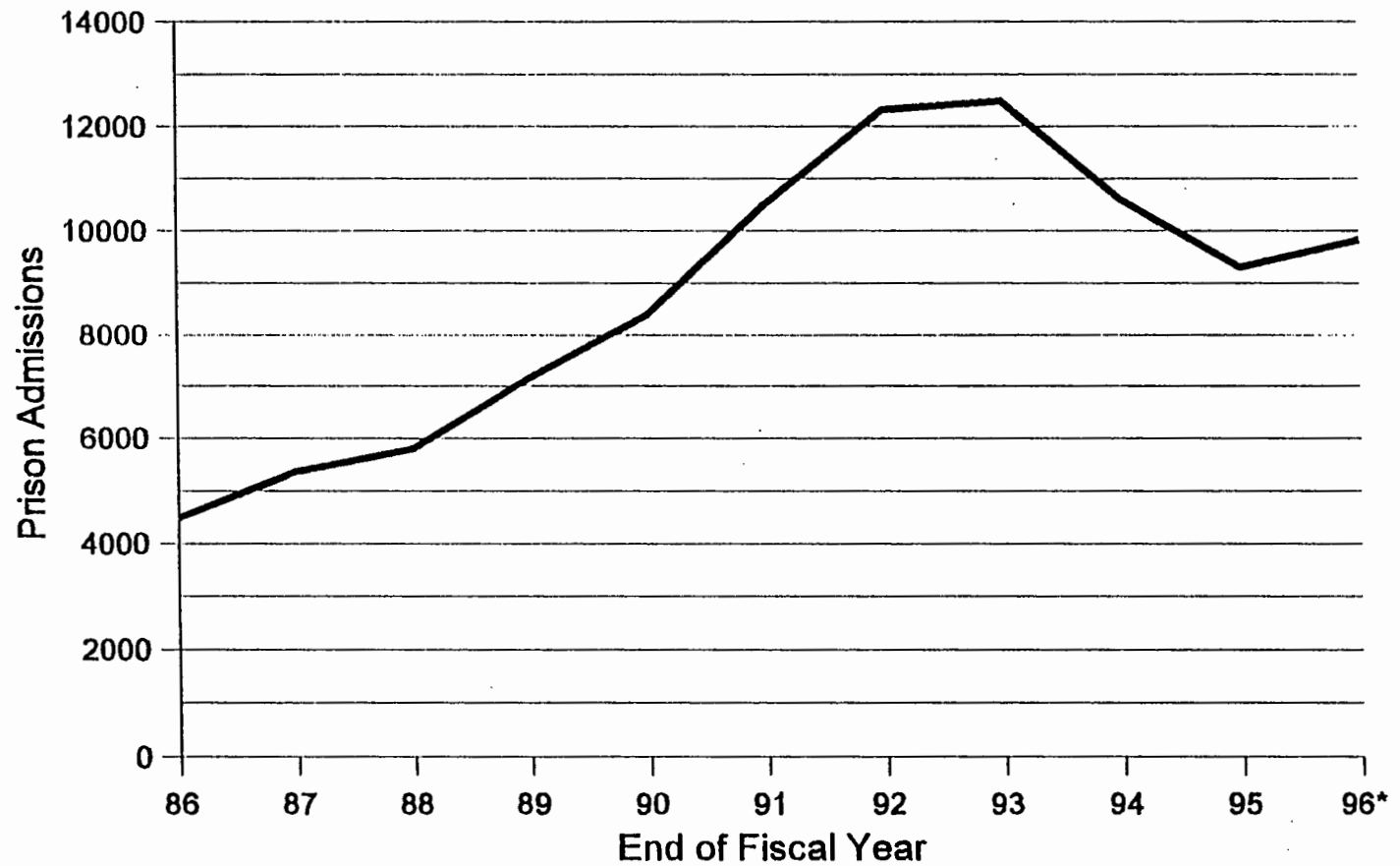


# JAIL POPULATION



\* Preliminary 1996 data

# Probation Revocations



\* Projected based on first 10 months of 1996



## VISITOR REGISTRATION SHEET

**APP. SUB. JUSTICE & PUBLIC SAFETY**

2-18-97

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**

| Church Comm       | State Planning         |
|-------------------|------------------------|
| Peg Dorer         | NCCDA                  |
| Chris Marks       | AOC                    |
| John Dorman       | OSPL                   |
| Ray John          | <del>AOC</del>         |
| Bob Howell        | AOC                    |
| Laura Donnelly    | AOC                    |
| Mike Barber       | ccots                  |
| Gee Stewart       | CCPS                   |
| Sheena Mayan      | OSPL                   |
| Daphne Fitzgerald | OSPL                   |
| Jane P. Gray      | DOJ                    |
| Emely Ell         | NEFAm. Bureau          |
| Dale H. Harned    | AOC                    |
| George Reed       | NC Council of Churches |
| Cost Williams     | Office of the Governor |
| John Madden       | Sentencing Commission  |
| Rob Lubitz        | "                      |
| Leo R. R. R.      | CYC                    |
| Edith S. Smith    | CSC Franklin Co.       |

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Wednesday, February 19, 1997 - 8:30 a.m.

Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley

Representative Larry Justus

Representative Joe Kiser

Representative Gregg Thompson

Senate Vice Chair Frank Ballance, Jr., Presiding

**II. PRESENTATIONS**

- Overview of Justice and Public Safety Fiscal Trends and Budgets.

Jim Mills, Fiscal Analyst (Correction)

Elisa Wolper, Fiscal Analyst (Community Corrections)

Elisa Wolper, Andy Willis, Fiscal Analysts (Justice)

Andy Willis, Fiscal Analyst (Crime and Control Public Safety)

Charles Perusse, Fiscal Analyst (Judicial)

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
FEBRUARY 19, 1997

The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Wednesday, February 19, 1997 in Room 612 of the Legislative Office Building. Fifteen members were present. In Senator Wib Gulley's absence, Senator Frank Ballance, presided.

First, an ABC News film regarding North Carolina's correction facilities was shown to the Subcommittee.

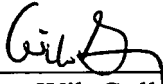
Jim Mills, Fiscal Analyst, next presented an overview of the Department of Corrections (see attached). Mr. Mills highlighted the key events from 1985 through 1996 which impacted the prison system. A question and answer period by the Subcommittee members and Mr. Mills followed the overview. Mr. Gregg Stahl from the Department of Corrections also answered questions by the Subcommittee.

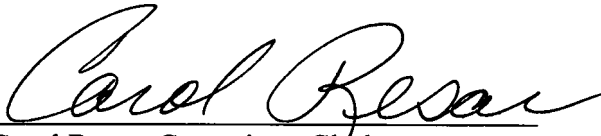
Next, Elisa Wolper, Fiscal Analyst, reviewed the Community Corrections Programs for the Subcommittee (see attached). These programs are in the Department of Corrections, Crime Control and Public Safety, Judicial Department and Department of Human Resources. Ms. Wolper also highlighted the actions by the 1995-96 General Assembly which impacted these Community Corrections Programs. Following Ms. Wolper's explanation, there was a brief discussion by the Subcommittee.

Next, Ms. Wolper gave an overview of the Department of Justice (see attached). Following this overview, Ms. Wolper and Ms. Jane Gray with the Attorney General's office answered questions by the Subcommittee.

Mr. Any Willis, Fiscal Analyst, next gave the Subcommittee an overview of the State Bureau of Investigation and the Department of Crime Control and Public Safety. A brief discussion followed Mr. Willis' presentation.

The meeting was adjourned at 9:55 am.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

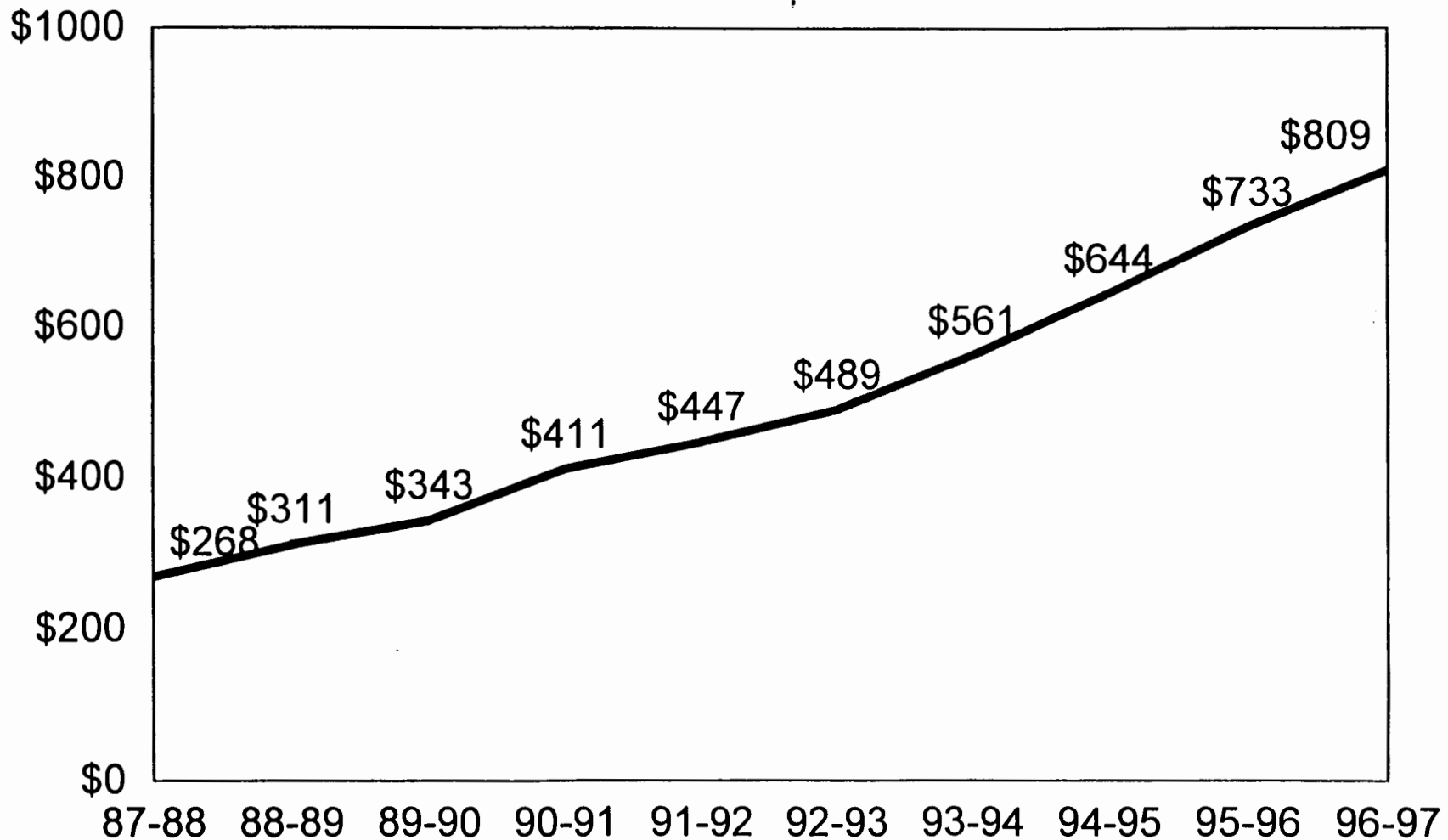
2/19/97  
Handout #1

# **DEPARTMENT OF CORRECTION**

## **Overview of Fiscal Trends and Budget**

Joint Appropriations Subcommittee on Justice and Public Safety  
February 18, 1997

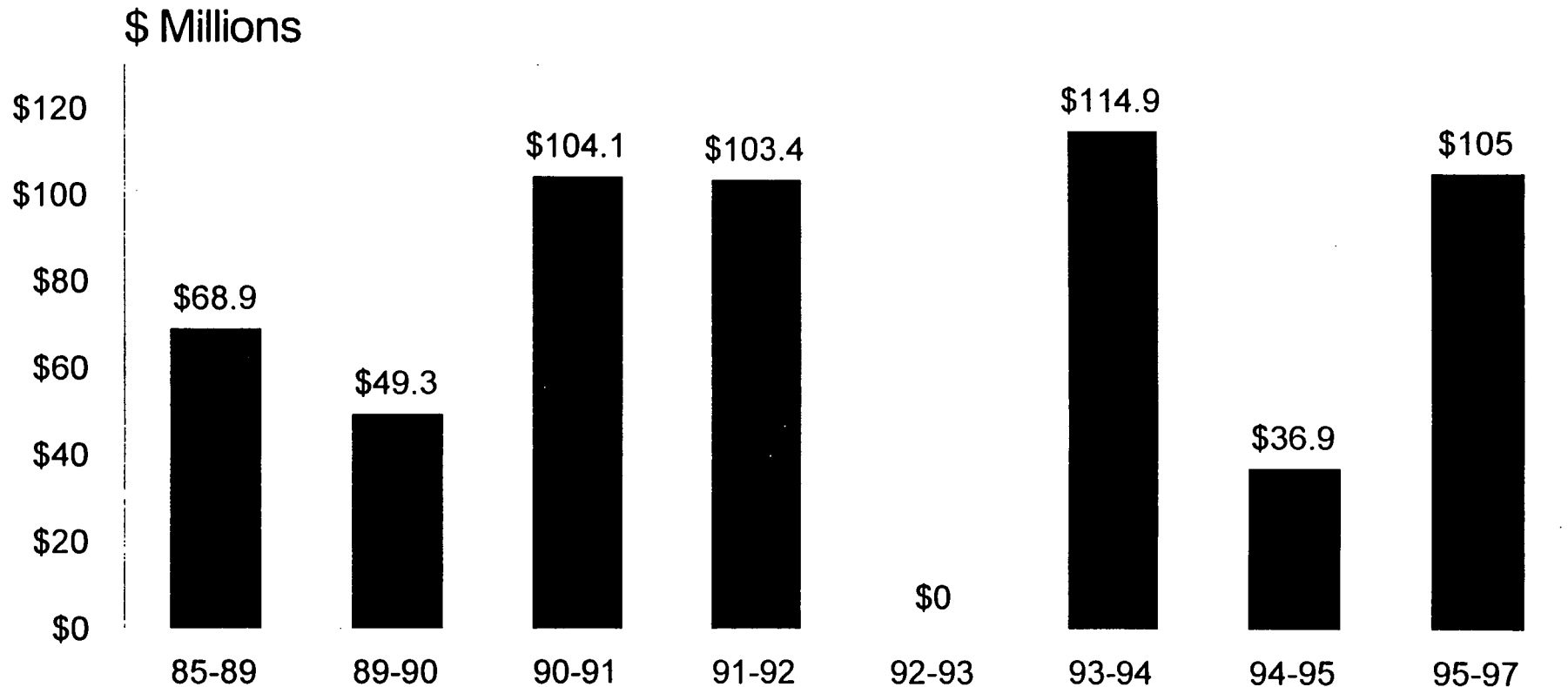
# Department of Correction General Fund Budget Net State Appropriations (in Millions)\*



\*Dollars are actual expenditures except 96-97 which is authorized budget (Vol. 4 Justice and Public Safety); authorized budget with Leg. salary increase is \$828 m

# Department of Correction Capital Appropriations

Total FY 85-86 through 96-97 = \$582.5 million\*



\*Excludes debt service on bonds

### **Trends 1985 to 1993** -- Examples of Key Events

- (1) Rising Crime Rates/major influx of prisoners into N. C. system.
- (2) Hubert V. Ward and Small V. Martin lawsuits/Court Consent Decree - Required expanded square footage for dormitories and day rooms and general improvement in conditions.
- (3) Special Committee on Prisons.
- (4) Prison Cap - Triggered release of inmates when population hit maximum allowed by courts.
- (5) Expanded/Emergency Prison Construction Program.
- (6) Establish Sentencing and Policy Advisory Commission
- (7) Statutory Requirement for Fiscal Impact of Incarceration Bills.

### **TRENDS 1994 - 1997** -- Examples of Key Events

- (1) Special Session on Crime (1994) - Funding of \$194 million in operating appropriations and \$63 million capital. Approximately \$66 million of operating was for "Prevention Programs" - Education and Human Resources.
- (2) Structured Sentencing Act (10-1-94) - Initial funding of \$30 million in 94-95 (\$20 million for Probation and Parole primarily for intensive supervision teams).
- (3) Expansion of Community Correction Programs – Probation and Parole; Criminal Justice Partnership Act; Community Penalties; Substance Abuse.
- (4) Repeal Prison Cap – Triggered short term need for more beds in order to keep inmates in prison longer
- (5) Modification of Lawsuits – Allowed up to 130% of capacity in dormitory style prisons (approx. 35 sq. ft. per inmate) versus original requirement of 50 sq. ft.)

**DEPARTMENT OF CORRECTION  
KEY FACTS**

- North Carolina has funded approximately 22,000 prison beds since 1985 (and closed 3,800).
- DOC total general fund budget in FY 1985 was \$215.4 million; authorized FY 96-97 total general fund budget is \$829 million (net State appropriation is \$809 million).
- Capital appropriations from 1985-86 through 95-96 were approximately \$582.5 million (excludes debt service).
- Probation and Parole Population (12-31)
  - 1985: 60,784
  - 1995: 119,791
- Prison beds (1997 and 1998 are expanded capacity per DOC - 1/11/97)
  - 1985: 12,082
  - 1997: 31,663 (6-30-97)
  - 1998: 34,135 (6-30-98)
- DOC Prison Population
  - 1985: 17,513 (12-31)
  - 1996: 30,905 (12-31)
  - 1997: 32,849 (6-30 -97 estimated by Sentencing Commission)\*
  - 1998: 31,762 (6-30- 97 estimated by Sentencing Commission) \*

\*Most likely scenario; Commission also estimates worst case and best case scenarios.



## KEY FACTS (CONTINUED)

- DOC Admissions (Sentenced Inmates; calendar year)

1987: 15,663 (53% felons)  
1993: 29,852 (Peak admissions)  
1996: ~~23,751~~ (73% felons)  
*22,503*

- DOC Prisons by Custody Level

Close: 8  
Medium: 25  
Minimum: 39  
Special/Female: 6  
Youth Command: 10

TOTAL: 88

### DOC OPERATING COSTS PER DAY

| <u>Prisons</u> | <u>94-95</u> | <u>95-96</u> |
|----------------|--------------|--------------|
| Close          | \$79.46      | \$75.79      |
| Medium         | 71.11        | 62.00        |
| Minimum        | 50.12        | 47.87        |
| <b>Average</b> | <b>63.53</b> | <b>57.35</b> |

| <u>Probation and Parole</u> |         |        |
|-----------------------------|---------|--------|
| Intensive                   | \$10.75 | \$8.20 |
| Regular Probation           | 1.35    | 1.47   |
| EHA                         | 6.02    | 5.52   |
| Regular Parole              | 1.24    | 1.47   |

## Department of Correction -- Major General Assembly Budget Actions 1995 and 1996 Session

- Close or convert (from medium to minimum custody) small inefficient prison units and build larger more efficient prisons.
- Authorize expansion of prison beds/fund beds out-of-state and in county jails until enough prison beds are available.
- Authorize funding of 1,000 private prison beds (and contracting for up to 1000 more) and 500 private substance abuse treatment beds
- Authorize statewide funding for Criminal Justice Partnership Act; Reduce one-time start-up fund.
- Reduce prison health care budget by \$5 million a year
- Fund staffing for inmate community work crews.
  
- Authorize \$2.3 million in plan and design monies for future prison projects

## DEPARTMENT OF CORRECTION ORGANIZATION

The Department of Correction's major responsibilities include:

- 1) Confinement of criminal offenders
- 2) Providing appropriate levels of security and care for inmates
- 3) Offering opportunities for self-improvement
- 4) Supervising parolees and probationers

The Department is organized as follows:

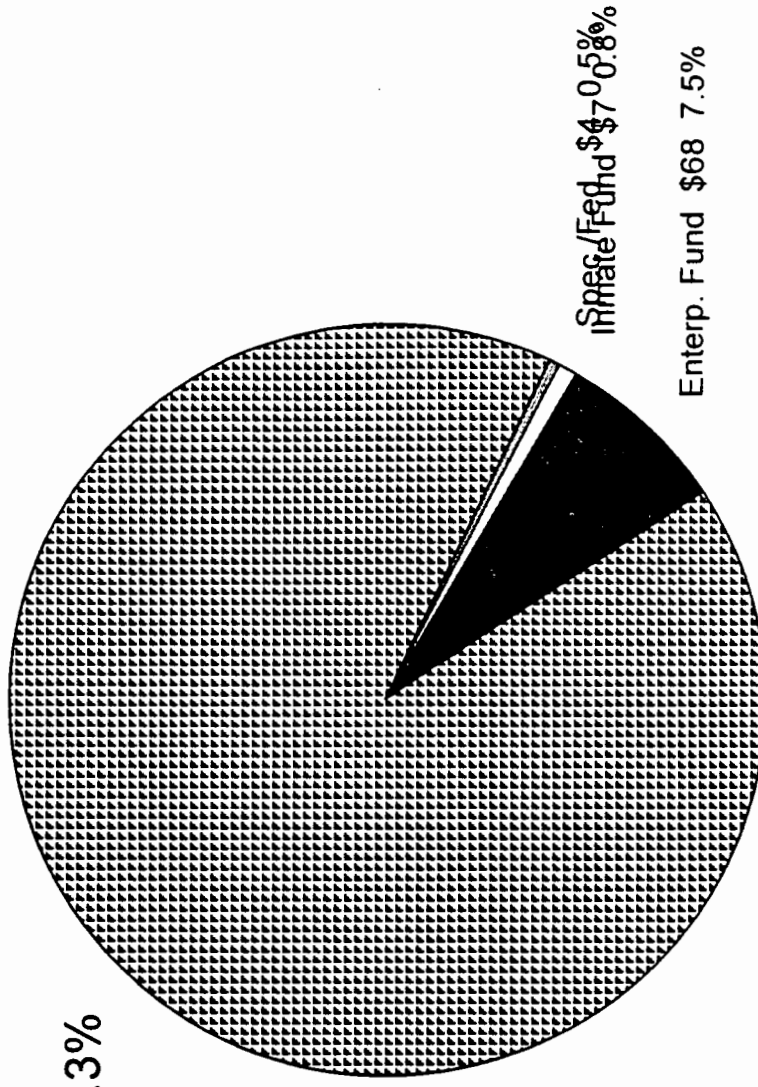
- A. **Departmental Management** - Administration and Management of Department
- B. **Division of Prisons** - The Division of Prisons operates 88 correctional facilities. The Division is budgeted and organized by function: custody and security; inmate food and supplies; inmate health; inmate programs; inmate education; and, prison management.
- C. **Division of Adult Probation and Parole** - The Division of Adult Probation and Parole supervises adult offenders released to the community by the criminal courts (probationers) and by the Parole Commission (parolees). In addition to the regular probation/parole operations, the division administers intensive probation and parole programs and electronic house monitoring.
- D. **Division of Substance Abuse** - Manages in-prison substance abuse programs as well as community programs for probationers and parolees.
- E. **Parole and Post Release Supervision Commission** - The Parole Commission is housed within the Department of Correction for organizational and budgetary purposes but is managed by the parole commissioners. The Commission determines whether offenders should be allowed to return to society before they have served the full length of their sentence. Offenders convicted under Structured Sentencing will be released upon completion of their sentence, not paroled.
- F. **Grievance Resolution Board** - The Board is independent but is associated with the Department of Correction for administrative and functional purposes. The Board provides inmates an administrative forum for the objective review of and the seeking of an acceptable resolution to grievances.

# Department of Correction Total Budget Requirements

## 1996-97 Authorized Budget (in millions)\*

Gen. Fund \$829 91.3%

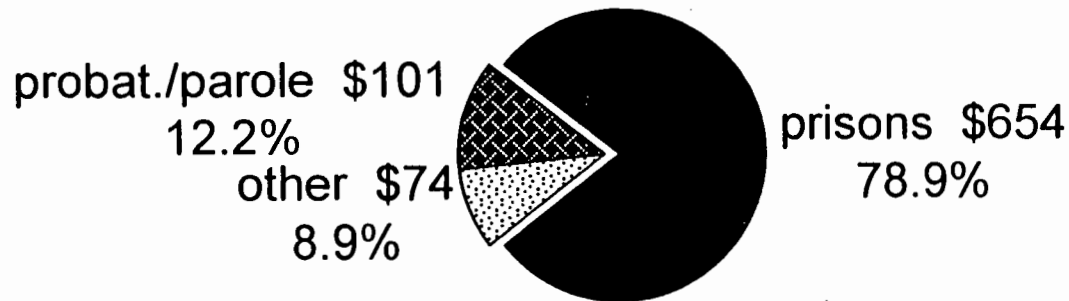
Net G.F. is \$809M



\*Total Budget Requirement: \$908.8 million (Vol. 4 J & PS)

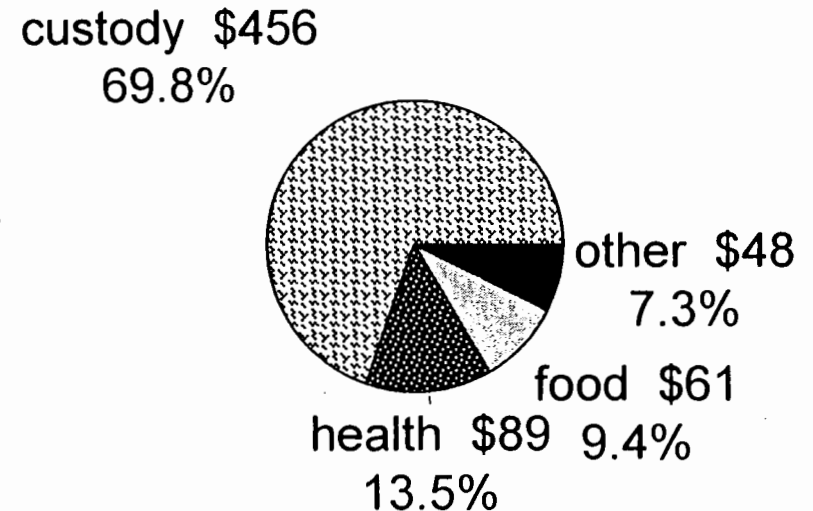
# Department of Correction 1996-97 Authorized General Fund Budget (in Millions)\*

## DOC



Other examples:: subst abuse \$18.4;  
reserves \$20.8 m and dept. mgmnt \$ 32.4

## Prisons only



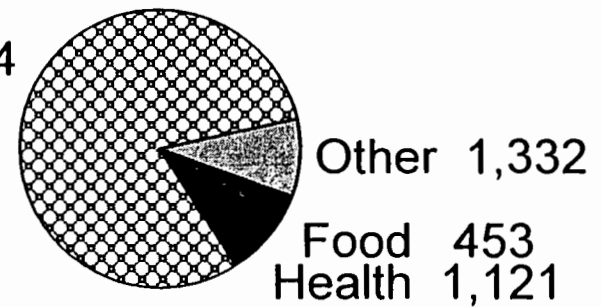
Total Authorized budget is \$829 million; \$809 million is net appropriation (Vol. 4 J & PS)

# Department of Correction 1996-97 Authorized General Fund Positions by Program\*

## DOC

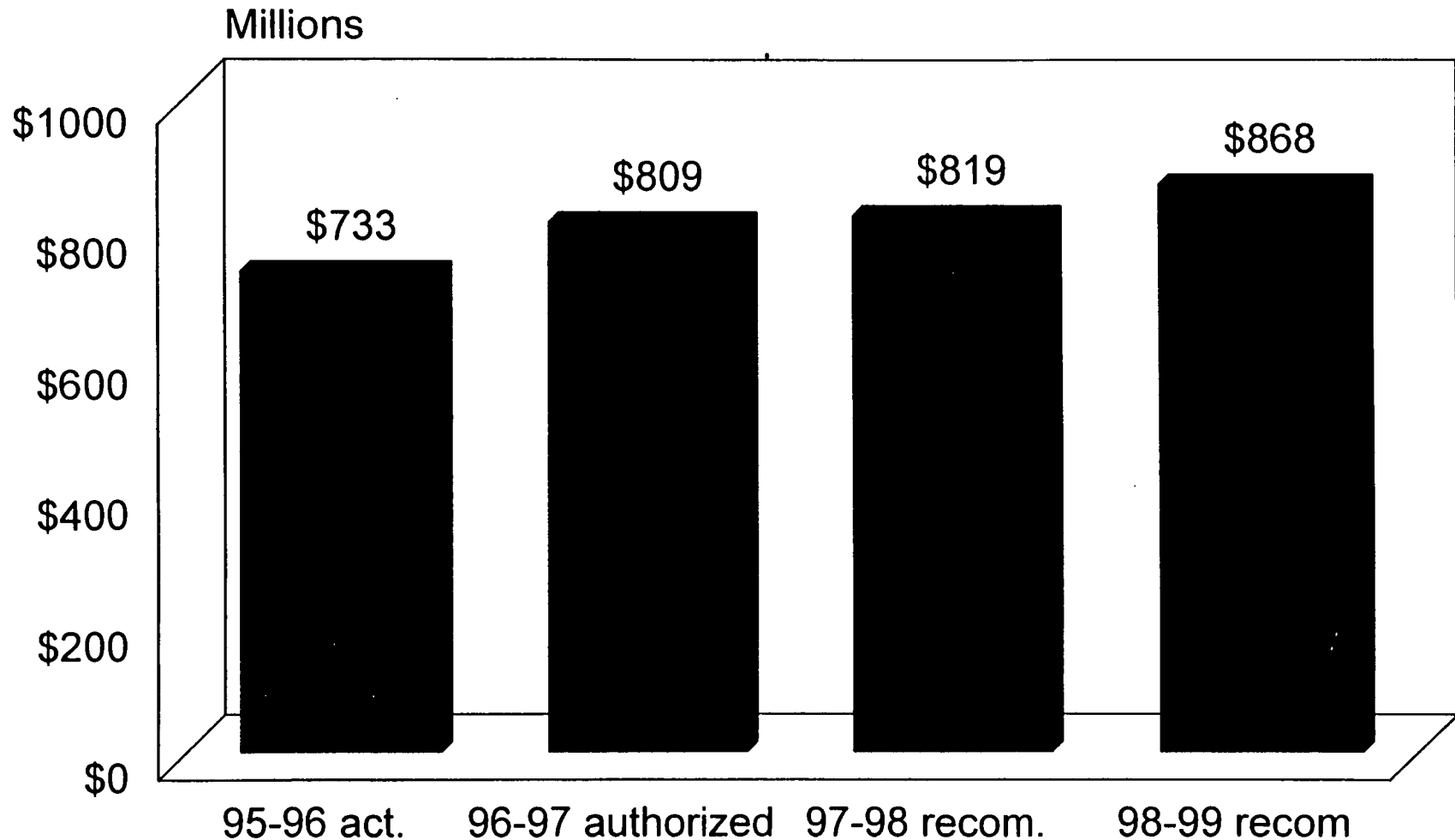


## Prisons only



Total Positions: 18,599 (Vol 4 J & PS)

# Department of Correction General Fund Continuation Budget Net State Appropriations\*



\*Source is Vol. 4 J & PS Budget Document (NOTE: 12/96 authorized budget for 96-97 is \$828 million due to leg. salary increase)

# DEPARTMENT OF CORRECTION

**GOAL:** The goal of the Department of Correction is to protect society and promote public safety by carrying out criminal sentences imposed by the courts. The department promotes a coordinated, efficient, and effective correctional system through the use of appropriate correctional sanctions and through programs for work, education, treatment, and recreation which give offenders the opportunity to display lawful and responsible community behavior. The department strives to improve opportunities for staff growth and maximize use of management resources and technology.

**SUMMARY OF ALL BUDGET CODES:**

| Description                    | 1995-96<br>Actual  | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|--------------------------------|--------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                |                    |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| TOTAL REQUIREMENTS             | 842,893,222        | 908,781,559           | 8,543,452                  | 917,325,011          | 56,016,492                 | 964,798,051          |
| TOTAL ESTIMATED RECEIPTS       | 113,151,794        | 100,123,039           | -268,916                   | 99,854,123           | -1,462,463                 | 98,660,576           |
| BEGINNING CASH BALANCE         | 1,571,838          | 5,274,390             | 526,468                    | 5,800,858            | 1,969,704                  | 7,244,094            |
| ENDING CASH BALANCE            | 5,274,390          | 5,800,858             | 1,443,236                  | 7,244,094            | 2,875,551                  | 8,676,409            |
| INCREASE/DECREASE CASH BALANCE | 3,702,552          | 526,468               | 916,768                    | 1,443,236            | 905,847                    | 1,432,315            |
| <u>NET APPROPRIATION</u>       | <u>733,443,980</u> | <u>809,184,988</u>    | <u>9,729,136</u>           | <u>818,914,124</u>   | <u>58,384,802</u>          | <u>867,569,790</u>   |
| NUMBER OF POSITIONS            | 18,544.15          | 19,015.20             | 83.00                      | 19,098.20            | 674.00                     | 19,689.20            |



GENERAL BUDGET CODE SUMMARY:

| Description              | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|--------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                          |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| TOTAL REQUIREMENTS       | 765,930,252       | 829,378,778           | 11,516,474                 | 840,895,252          | 60,172,140                 | 889,550,918          |
| TOTAL ESTIMATED RECEIPTS | 32,486,272        | 20,193,790            | 1,787,338                  | 21,981,128           | 1,787,338                  | 21,981,128           |
| NET APPROPRIATION        | 733,443,980       | 809,184,988           | 9,729,136                  | 818,914,124          | 58,384,802                 | 867,569,790          |

SUMMARY BY PURPOSE:

| Description                | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|----------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                            |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| REQUIREMENTS               |                   |                       |                            |                      |                            |                      |
| 1110 DEPARTMENTAL MANAGEME | 35,098,586        | 32,459,471            | 867,503-                   | 31,591,968           | 146,593-                   | 32,312,878           |
| 1120 SUBSTANCE ABUSE       | 11,388,264        | 18,429,780            | 770,296                    | 19,200,076           | 775,911                    | 19,205,691           |
| 1210 PRISON MANAGEMENT     | 7,195,940         | 7,542,450             | 113,857                    | 7,656,307            | 128,870                    | 7,671,320            |
| 1310 CUSTODY AND SECURITY  | 417,477,379       | 456,375,740           | 23,469,877-                | 432,905,863          | 22,885,010-                | 433,490,730          |
| 1320 FOOD, CLOTHING PERSON | 58,661,376        | 61,279,536            | 5,912,575                  | 67,192,111           | 7,934,061                  | 69,213,597           |
| 1330 PRISON HEALTH SERVICE | 74,764,300        | 88,576,094            | 5,146,465                  | 93,722,559           | 5,833,683                  | 94,409,777           |
| 1340 PRISON EDUCATION SERV | 4,912,917         | 5,455,215             | 1,202,206-                 | 4,253,009            | 1,199,734-                 | 4,255,481            |
| 1350 PRISON CORRECTIVE PRO | 29,447,910        | 34,313,429            | 172,844-                   | 34,140,585           | 119,721-                   | 34,193,708           |
| 1410 PAROLE-PROBATION MANA | 2,410,392         | 2,653,367             | 65,221-                    | 2,588,146            | 63,380-                    | 2,589,987            |
| 1430 PAROLE PROBATION FIEL | 83,652,476        | 98,642,401            | 4,149,108-                 | 94,493,293           | 4,050,090-                 | 94,592,311           |
| 1500 PAROLE COMMISSION     | 2,286,468         | 2,440,992             | 44,113-                    | 2,396,879            | 40,876-                    | 2,400,116            |
| 1600 GRIEVANCE RESOLUTION  | 421,885           | 393,460               | 12,044                     | 405,504              | 12,544                     | 406,004              |
| 1800 RESERVES & OTHER ACCT | 38,212,359        | 20,816,843            | 29,532,109                 | 50,348,952           | 73,992,475                 | 94,809,318           |
| TOTAL REQUIREMENTS         | 765,930,252       | 829,378,778           | 11,516,474                 | 840,895,252          | 60,172,140                 | 889,550,918          |
| ESTIMATED RECEIPTS         |                   |                       |                            |                      |                            |                      |
| 1999 RECEIPTS              | 32,486,272        | 20,193,790            | 1,787,338                  | 21,981,128           | 1,787,338                  | 21,981,128           |
| TOTAL RECEIPTS             | 32,486,272        | 20,193,790            | 1,787,338                  | 21,981,128           | 1,787,338                  | 21,981,128           |
| NET APPROPRIATION          | 733,443,980       | 809,184,988           | 9,729,136                  | 818,914,124          | 58,384,802                 | 867,569,790          |

## Major Changes to DOC Continuation Budget- 1997-99

- Eliminate Funds for Housing DOC Inmates Out of State and in County Jails (Use Lapsed Salaries?)
- Annualize funding for prisons that opened during 1996-97
- Add staffing for Struct. Sentencing changes (DAPP).
- Establish positions and funds for operating new prisons
- Adjust line items up and down -- food purchases; travel etc. in prisons and probation/par.
- Eliminate funds and positions for prisons that are closing
- One-time reductions in operating reserves for new prisons that will open later than anticipated.

**Corrections Program Area**  
**Continuation Budget Summary by Department**  
(in millions)

| 1997-98                                         |               |              |             |               |
|-------------------------------------------------|---------------|--------------|-------------|---------------|
| Program Area: Corrections                       | DOC           | DHR          | DEHNR       | Total         |
| <b>Control adult offenders</b>                  | <b>709.16</b> | <b>0.00</b>  | <b>0.00</b> | <b>709.16</b> |
| • Confine adult offenders                       | 609.10        | -            | -           | 609.10        |
| • Supervise adult offenders                     | 100.06        | -            | -           | 100.06        |
| <b>Rehabilitate adult offenders</b>             | <b>125.92</b> | <b>0.00</b>  | <b>0.60</b> | <b>126.52</b> |
| • Educate and train adult offenders             | 106.72        | -            | 0.60        | 107.32        |
| • Substance abuse treatment for adult offenders | 19.20         | -            | -           | 19.20         |
| <b>Control and reform juvenile offenders</b>    | <b>0.00</b>   | <b>51.25</b> | <b>0.00</b> | <b>51.25</b>  |
| • Training school services                      | -             | 40.58        | -           | 40.58         |
| • Detention center services                     | -             | 10.67        | -           | 10.67         |

|                                                |               |              |             |               |
|------------------------------------------------|---------------|--------------|-------------|---------------|
| Support services and administration            | 31.89         | 1.44         | -           | 33.33         |
| Reserves, transfers and other accounting funds | 50.35         | 0.03         | -           | 50.38         |
| <b>Total Requirements</b>                      | <b>917.33</b> | <b>52.72</b> | <b>0.60</b> | <b>970.65</b> |
| Receipts/Cash Balances                         | 98.42         | 4.87         | 0.00        | 103.29        |
| General Fund Appropriation                     | 818.91        | 47.85        | 0.60        | 867.36        |
| Highway Fund Appropriation                     | 0.00          | 0.00         | 0.00        | 0.00          |
| Number of Positions                            | 19,098.20     | 1,247.85     | 9.00        | 20,355.05     |

TOTAL

GEN. FUND

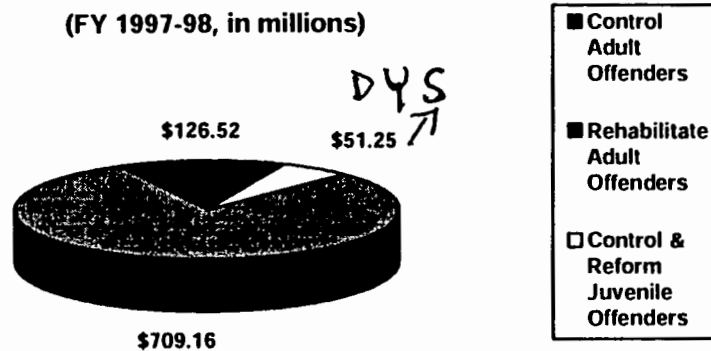
| 1998-99       |              |             |               |
|---------------|--------------|-------------|---------------|
| DOC           | DHR          | DEHNR       | Total         |
| <b>711.99</b> | <b>0.00</b>  | <b>0.00</b> | <b>711.99</b> |
| 612.41        | -            | -           | 612.41        |
| 99.58         | -            | -           | 99.58         |
| <b>125.69</b> | <b>0.00</b>  | <b>0.62</b> | <b>126.31</b> |
| 106.48        | -            | 0.62        | 107.10        |
| 19.21         | -            | -           | 19.21         |
| <b>0.00</b>   | <b>52.76</b> | <b>0.00</b> | <b>52.76</b>  |
| -             | 40.58        | -           | 40.58         |
| -             | 12.18        | -           | 12.18         |

|               |              |             |                 |
|---------------|--------------|-------------|-----------------|
| 32.31         | 1.44         | -           | 33.75           |
| 94.81         | 0.03         | -           | 94.84           |
| <b>964.80</b> | <b>54.24</b> | <b>0.62</b> | <b>1,019.66</b> |
| 97.23         | 5.78         | 0.01        | 103.02          |
| 867.57        | 48.46        | 0.61        | 946.64          |
| 0.00          | 0.00         | 0.00        | 0.00            |
| 19,689.20     | 1,247.85     | 9.00        | 20,946.05       |

## CORRECTIONS PROGRAM AREA

The Corrections Program Area, as defined for purposes of the Performance Planning Budget (P/PB) process, is comprised of the state agencies responsible for the implementation of court-imposed sanctions for adult and juvenile offenders.

Corrections  
(FY 1997-98, in millions)



The Corrections Program Area has three goals:

- control of adult offenders,
- rehabilitation of adult offenders, and
- control and reform of juvenile offenders.

**Control of adult offenders.** The primary purpose and expected outcome of this goal is the safety and protection of society. The realization of this outcome is facilitated through state-funded operations of correctional facilities as well as the provision of alternative modes of supervision through the adult probation and parole agencies.

**Rehabilitation of adult offenders.** Although rehabilitation may well depend upon the acceptance of such by the subject him/herself, it remains the responsibility of the state to provide reasonable means and opportunities for adjudicated persons to conform to the norms of society. Such opportunities are provided through programs

and efforts directed toward improvement of the offender's attitude, knowledge, skills and/or the alleviation of chemical dependency.

**Control and reform of juvenile offenders.** Through services provided by detention centers and training schools, a programmatic approach is used to address the educational and developmental needs of these children.

### Background and trends

North Carolina continues to experience significant overcrowding in its system of corrections. This problem is primarily attributable to the steady increase in the number of persons entering the system between 1989 and 1993, as prison admissions rose 35 percent (22,730 to 30,782) during that five year period. Although admissions have now declined (24,625 in 1995), the state is currently responsible for a prison population (29,495) that is 55 percent greater than that of five years earlier (19,048). This increase in population has necessitated the expansion of prison system capacity, as funding initiatives and other adjustments have added 14,000 beds since 1989.

The total aggregate population of probationers and parolees has increased more than 29 percent since 1990. Approximately 120,000 offenders (100,381 probationers and 19,410 parolees) were supervised as of December of 1995, as compared to a total of 89,319 at the end of 1990.

Juvenile offenders are entering the corrections system in greater numbers. Arrests of youth aged 17 and under increased 3 percent from 1994 to 1995. During FY 95-96, 4,940 juveniles were sent to detention centers and 935 entered training schools.

The state is required by North Carolina General Statute 148-22 to provide adequate opportunities for inmates to achieve personal improvements as a means toward rehabilitation. Education, vocational training and other activities are offered throughout the prison system in order to enable inmates to improve their ability to lead productive lives in society. Inmate education delivery services are enhanced through cooperation with the community colleges and other local agencies. In FY 95-96, 17 percent of adult prisoners and 64 percent of inmates under the age of 22 participated in these rehabilitation programs. However, 70 percent of the prisoners discharged from the North Carolina correctional system have no diploma or GED.

2/19/97  
Handout # 2

# **Community Corrections Programs**

Overview

February 19, 1997

Justice & Public Safety Sub-Committee

# COMMUNITY CORRECTIONS

## Corrections

Adult Probation and Parole  
Parole Commission  
Criminal Justice Partnership Act  
Grants to Outside Agencies; Harriet,  
Summit, Women at Risk  
Substance Abuse

## Judicial

Community Per. es  
Program

## Crime Control

Community Service Work  
Program

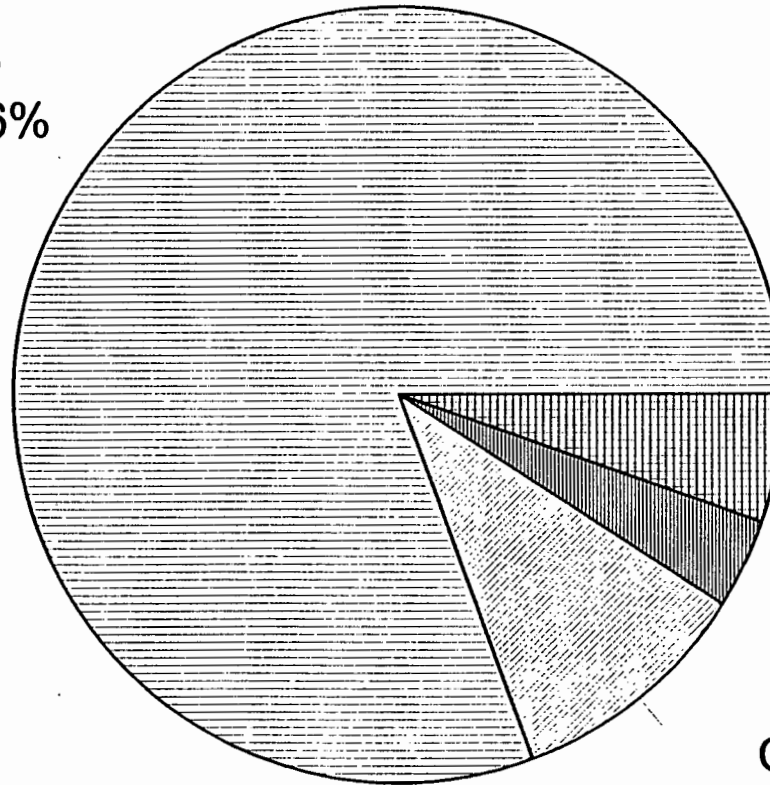
## Human Resources

Treatment  
Alternatives to Street  
Crime (TASC)

# Community Corrections Spending

Total of \$125,781,300

Probation/Parole  
\$101,295,768 80.6%



Community Service  
\$6,615,402 5.3%

Community Penalties  
\$4,714,138 3.7%

Other DOC  
\$13,115,992 10.4%

# Highlights of 1995-6 Sessions

## Community Correction Programs

- ◆ The need for new intensive probation teams grew slower than anticipated allowing some reserves to be cut (\$6 million) and some (\$1.2 million 95-6, \$1 million 1996-7) to be used to hire additional regular probation officers
- ◆ Staff positions were cut at the Parole Commission due to reduced workload and greater automation
- ◆ Increased funding for probation officers to supervise sex offenders
- ◆ A one time \$5 million cut was taken from funds carried over from prior years and funding for discretionary grants was cut \$2.4 million resulting in continued funding for CJPS at the level of \$10.6 million
- ◆ One Community Service Coordinator was added to the Community Service Work Program



# Selected Facts

## Probation and Parole

- Intensive Probation costs about \$8.20 per offender day, regular probation \$1.47 compared to inmate cost of \$57.35
- There are currently 10,178 offenders on Intensive Supervision, 1,023 on Electronic House Arrest, 94,111 on Regular Probation, 9,798 on Regular Parole
- There are currently 676 Intensive Officers/Surveillance Officers, 966 Regular PPO, 141 Administrative Officers for 1,783 case load carrying officers
- Based on revised projections of inmates sentenced to intermediate punishment, DAPP will be requesting additional officers this biennium.

# Selected Facts

## Community Penalties

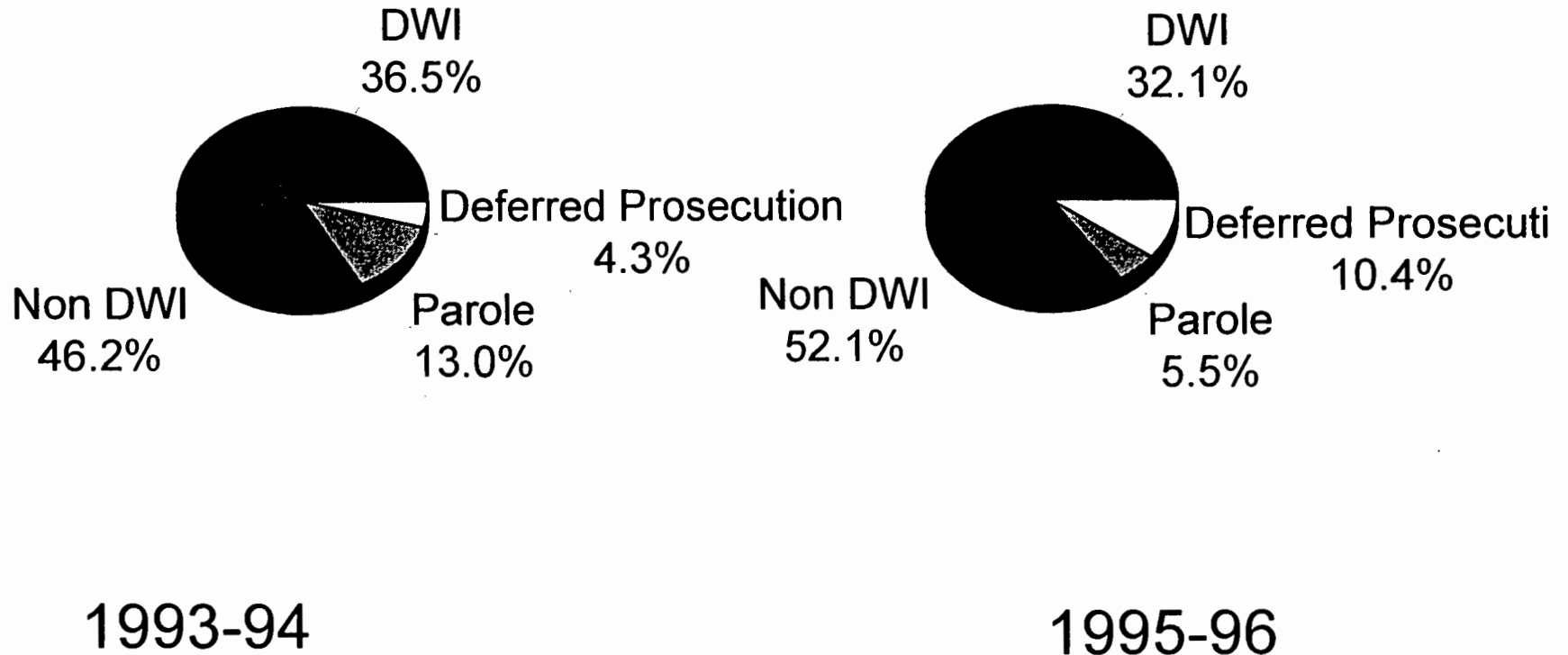
- Community Penalties operates in 35/39 Judicial Districts covering 84 counties.
- Community Penalties gives grants to non-profit organizations who in turn provide 10-15% match. The focus is to prepare community sentencing plans for offenders who will be subject to an intermediate punishment and face substantial risk of an active sentence. Plans are presented to judges for their approval.
- In the first half of this fiscal year, CP programs contacted 5,659 targeted clients, presented 851 plans in court, and 740 were accepted by judges.

# Selected Facts

## Criminal Justice Partnership Program

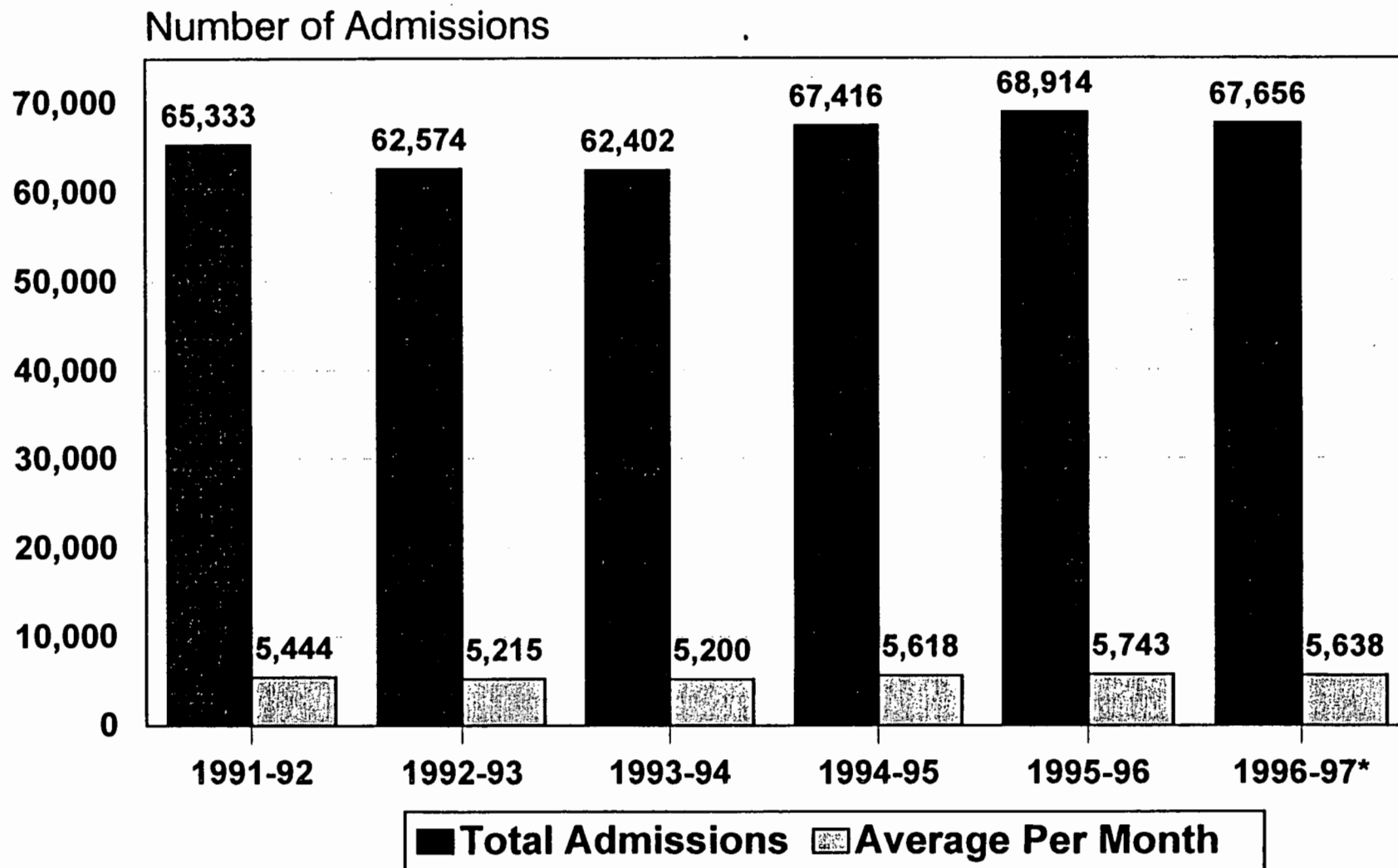
- The CJPP provides grants to local county governments to develop supplemental community based correction programs. Funds are allocated to each county partially based on population and the supervised probation rate. The target population is probationers with intermediate punishments but programs for pretrial service and surveillance or for post release supervision are also included.
- There are currently 64 programs covering 74 counties.
- During 1996 , there were 9,062 months of service to offenders sentenced to Day Reporting Centers or Substance Abuse Programs or an average of 755/month. About 86% of these cases were Day Reporting Center cases.
- An additional 1,730 offenders were interviewed as part of Pretrial Release Programs with 524 admitted to the program.

# Community Service Work Program



# COMMUNITY SERVICE PROGRAM ADMISSIONS

## Fiscal Years 1991- 92 Through 1995 - 96



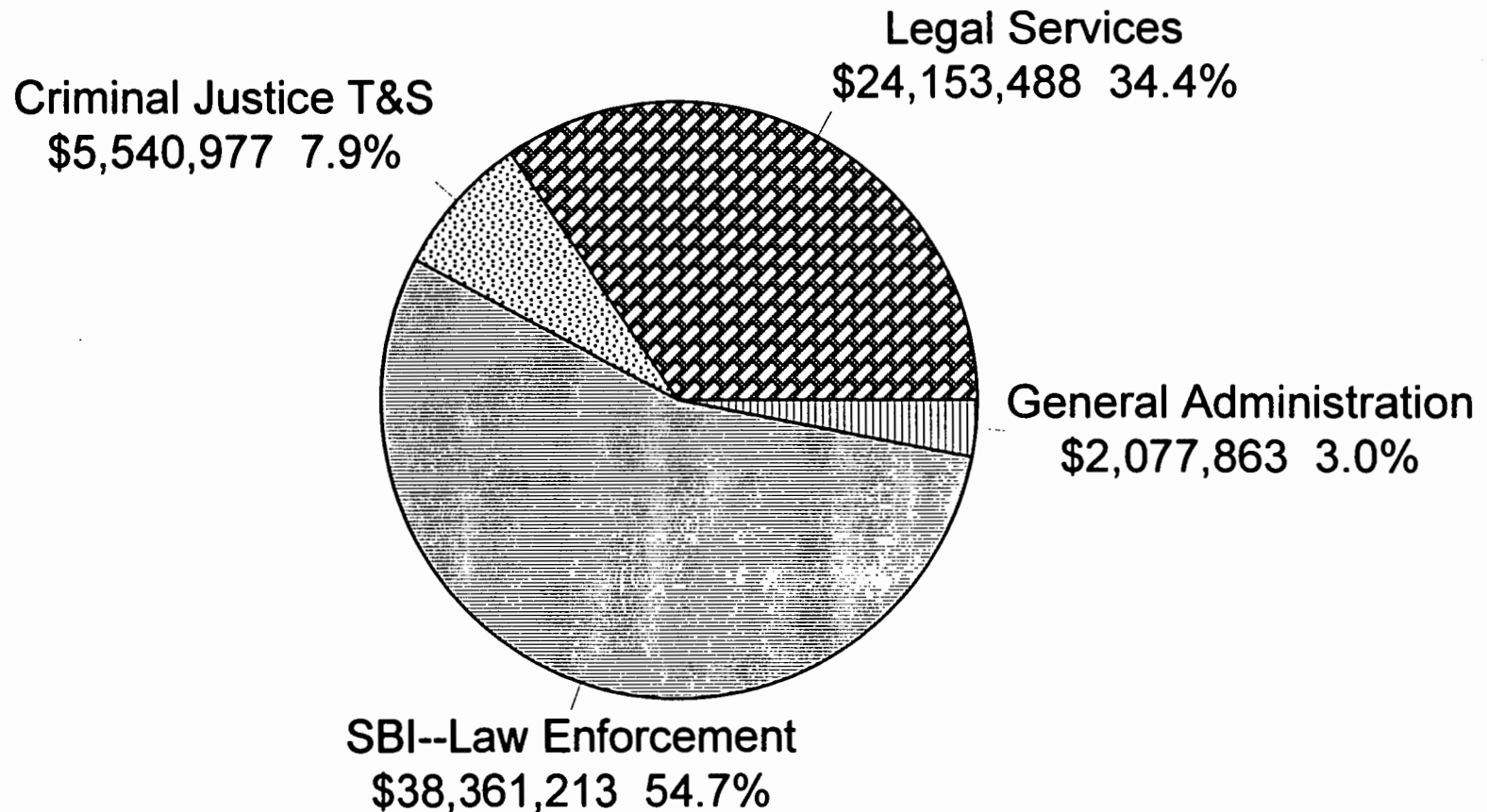
\*projected, if 2nd half of fiscal year same as 1st half

# **Department of Justice**

Budget Overview  
February 19, 1997

# Department of Justice

## *1996-97 Authorized Total Budget By Major Program*

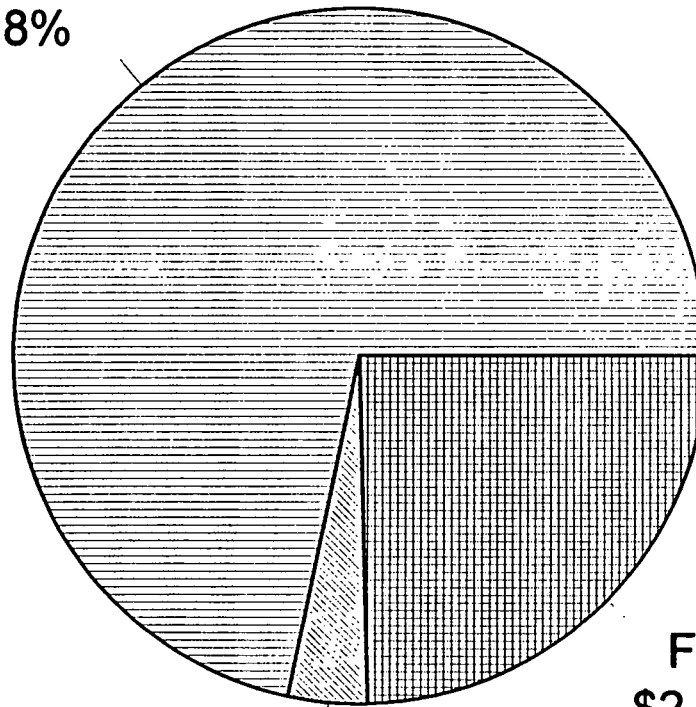


1996-97 Authorized Total Budget \$70,133,541 (Budget Document)

\* Authorized Budget as of 12/31/96 is \$71,502,894

# Estimated Receipts for Department of Justice 1996-7

Intragovernmental Tran  
\$7,493,094 71.8%



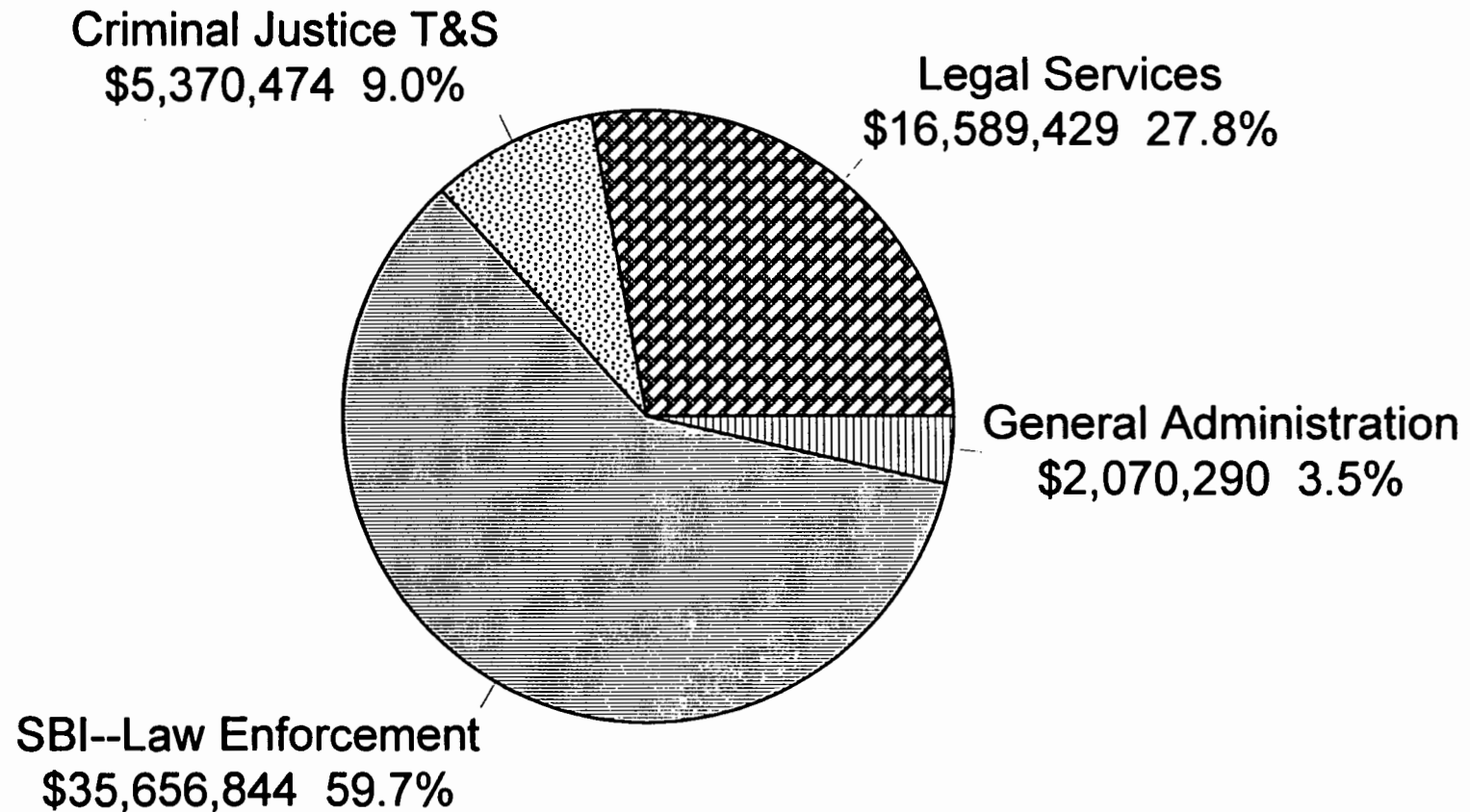
Fees and Fines  
\$2,571,914 24.6%

Sales, etc  
\$375,350 3.6%

Total of \$10,440,358



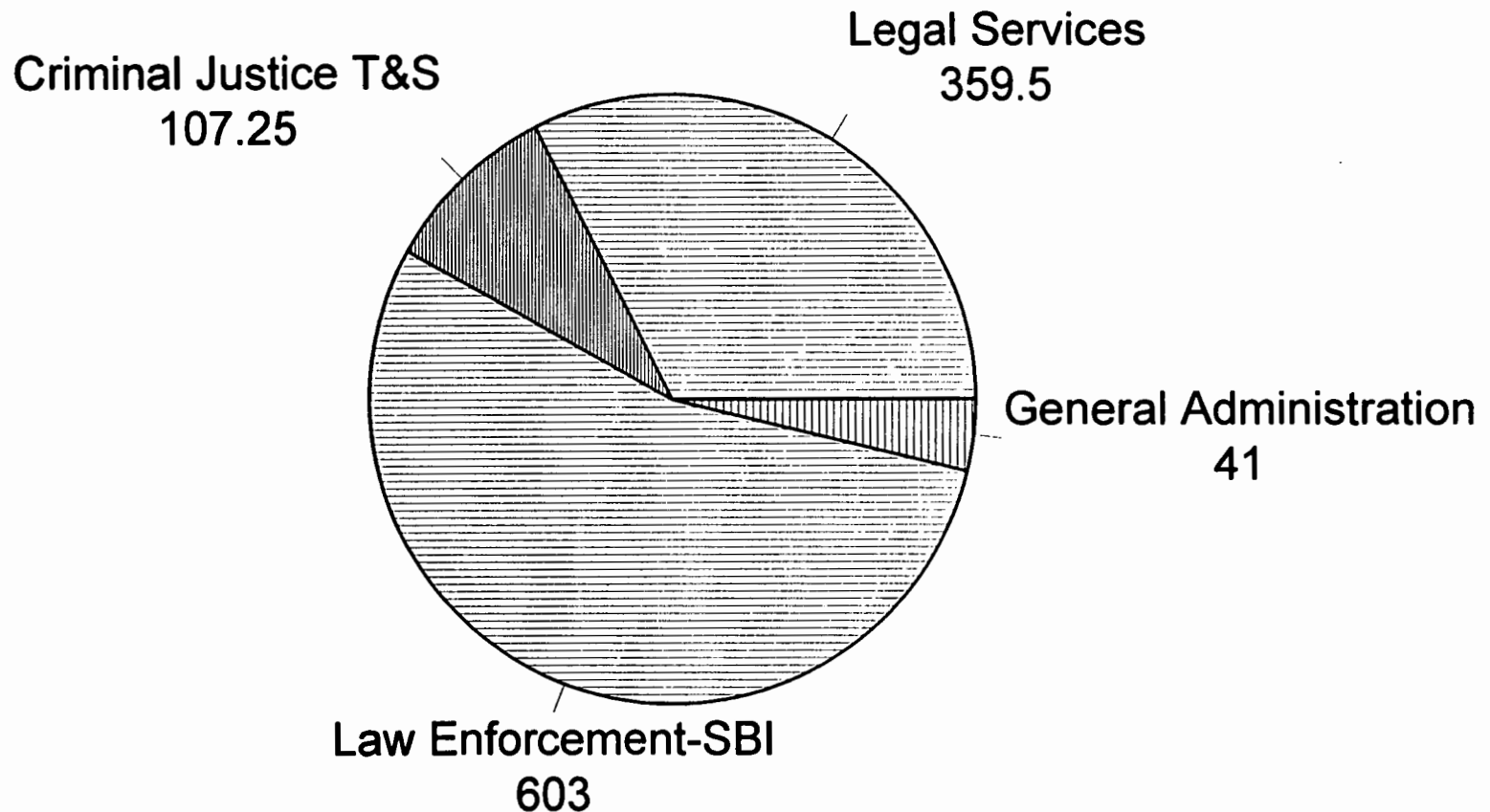
# Total General Fund Authorized Budget 1996-7



Total of \$59,693,183

# Department of Justice 1996-97

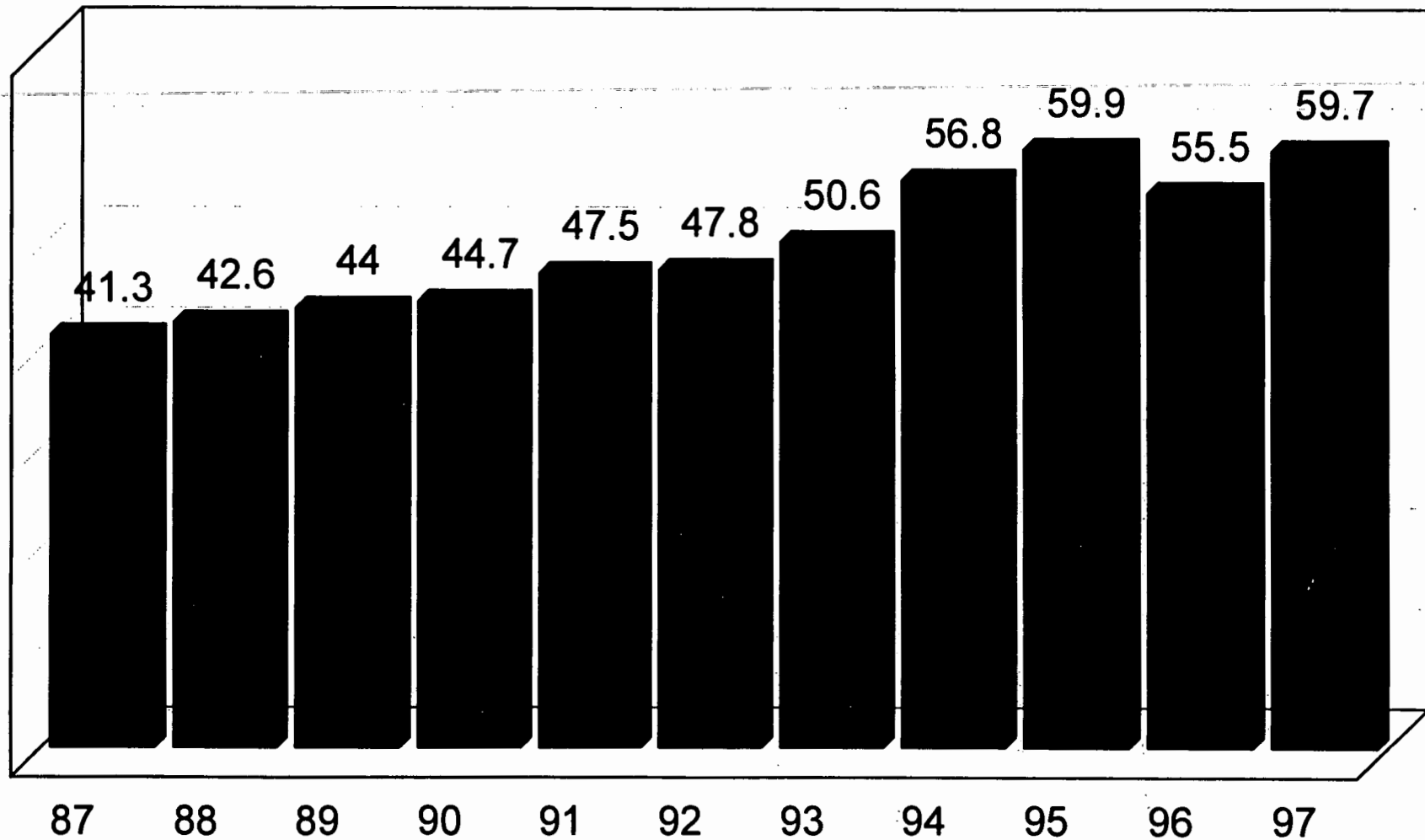
## Positions by Program



Total of 1110.75

# Department of Justice

## Trends in General Fund Appropriations 1987-1997 (Millions)



# Legal Services Division

## Department of Justice

- Administrative Division
  - Human Resources/Medical Facilities
  - Health and Public Assistance
  - Services to State Agencies
  - Tort Claims Section
  - Elections
  - Real Estate
- Civil Division
  - Highway
  - Commerce (Insurance, Utilities)
  - Labor
  - Motor Vehicles
  - Property Control
  - Revenue
  - Western Office
- The Administrative Division employs 63 attorneys, some of whom are funded by other agencies or contracts. They represent state agencies and boards and defend the state against tort claims.
- The Civil Division employs 60 attorneys and handles right of way claims, real estate transactions, prosecution of violators of OSHA or DMV laws and represents certain state agencies.

# Legal Services Division

continued

- Criminal Division
  - Appellate
  - Capital Litigation
  - Corrections
  - Crime Control
  - Medicaid Fraud
- Environmental Division
  - Water and Land
  - Air and Natural Resources
  - Groundwater and Solid Waste
- Special Litigation
  - Special Litigation
  - Education Section
    - SDPI/SBE
    - Board of Governors
- The Criminal Division handles appeals, including capital cases, and prisoner petitions for post conviction relief. They also represent Departments of Correction and CCPS and investigate/prosecute Medicaid Fraud.
- The Environmental Division represents DEHNR and its component commissions.
- The Special Litigation unit handles complex cases such as redistricting and also represents Education departments.

# Highlights of the 95-96 Sessions

- ◆ Added 6 positions for the Child Victim Assistance Project
- ◆ Added an attorney for Tort Claims
- ◆ Authorized funding of attorneys by an insurance industry fee and by the Board of Governors
- ◆ Added an attorney and paralegal to work on Animal Waste cases
- ◆ Added an attorney to work on Groundwater and Solid Waste issues

2/19/97  
Handout #4

# State Bureau of Investigation 1996-97

- Authorized Budget (Net Appropriation):
    - \$35,596,094
  - Number of Positions: 603
    - Division of Criminal Information: 145
    - Field Investigations: 307
    - Laboratory Services: 101
    - Administration/Other: 50
- (Approximately 318 Sworn Officers)

# Division of Training and Standards 1996-97

- Authorized Budget (Net Appropriation):
  - \$5,370,474
- Number of Positions: 107
- North Carolina Justice Academy:  
(FY 96-97 Estimate)
  - 425 Courses Taught
  - 11,000 Total Students Trained

1996-97 Authorized Budget (Budget Document)



# Department of Justice Law Enforcement Services

Areas of Budget Growth - Fiscal Years 1995-96 and 1996-97

- Operation funds for the new SBI Crime Laboratory (\$620,596)
- N.C. Western Justice Academy (\$108,430)
- N.C. Justice Academy - Salemburg Operational Funds (\$100,000)
- Criminal Justice Information Network (CJIN): Establishment of a reserve of \$400,000 for the initiation of a CJIN Governing Board.

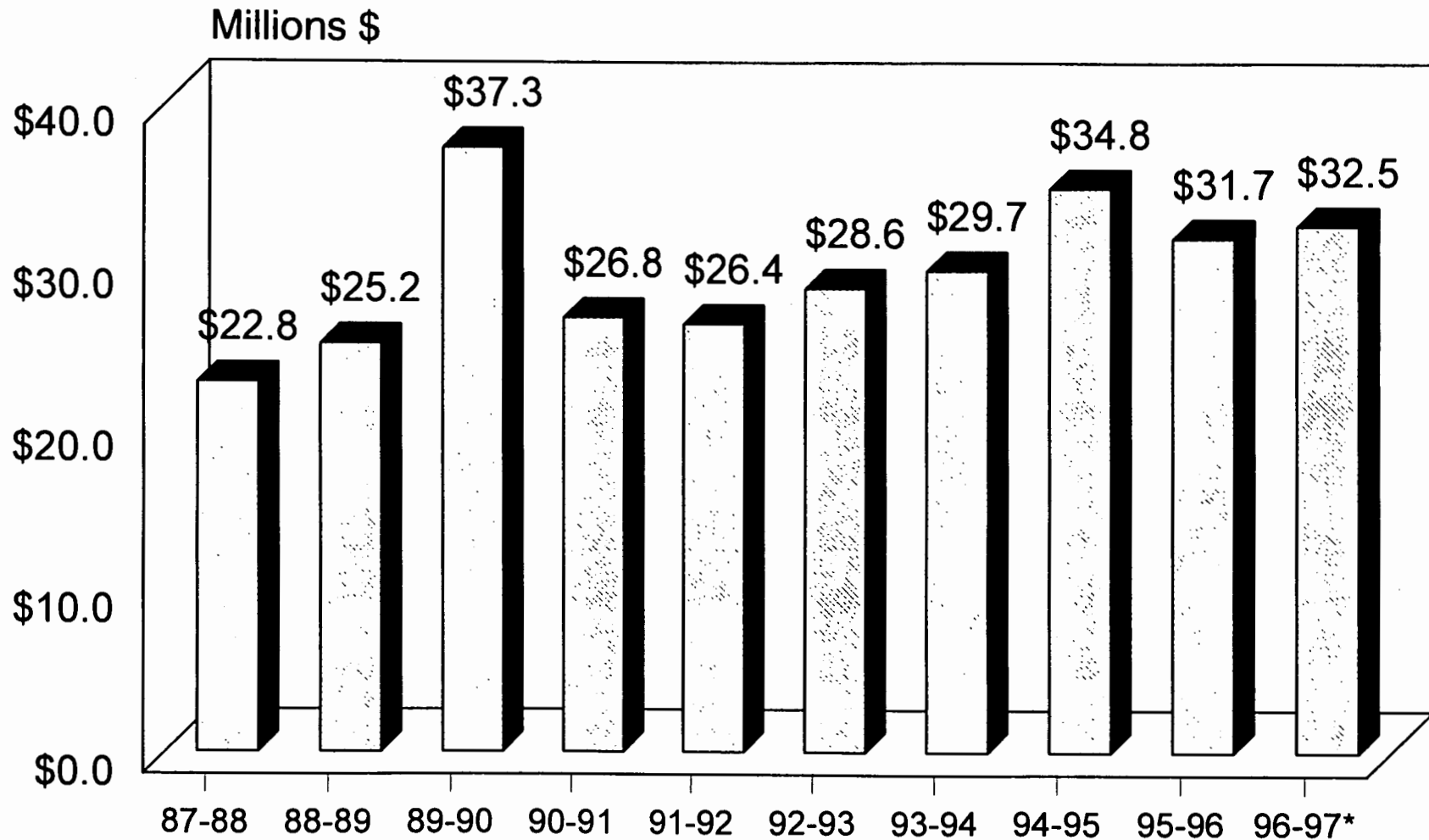
# CRIME CONTROL AND PUBLIC SAFETY

## Overview of Key Fiscal Trends

Joint Senate and House Appropriations Subcommittee on Justice and Public Safety  
February 19, 1997

# Crime Control and Public Safety

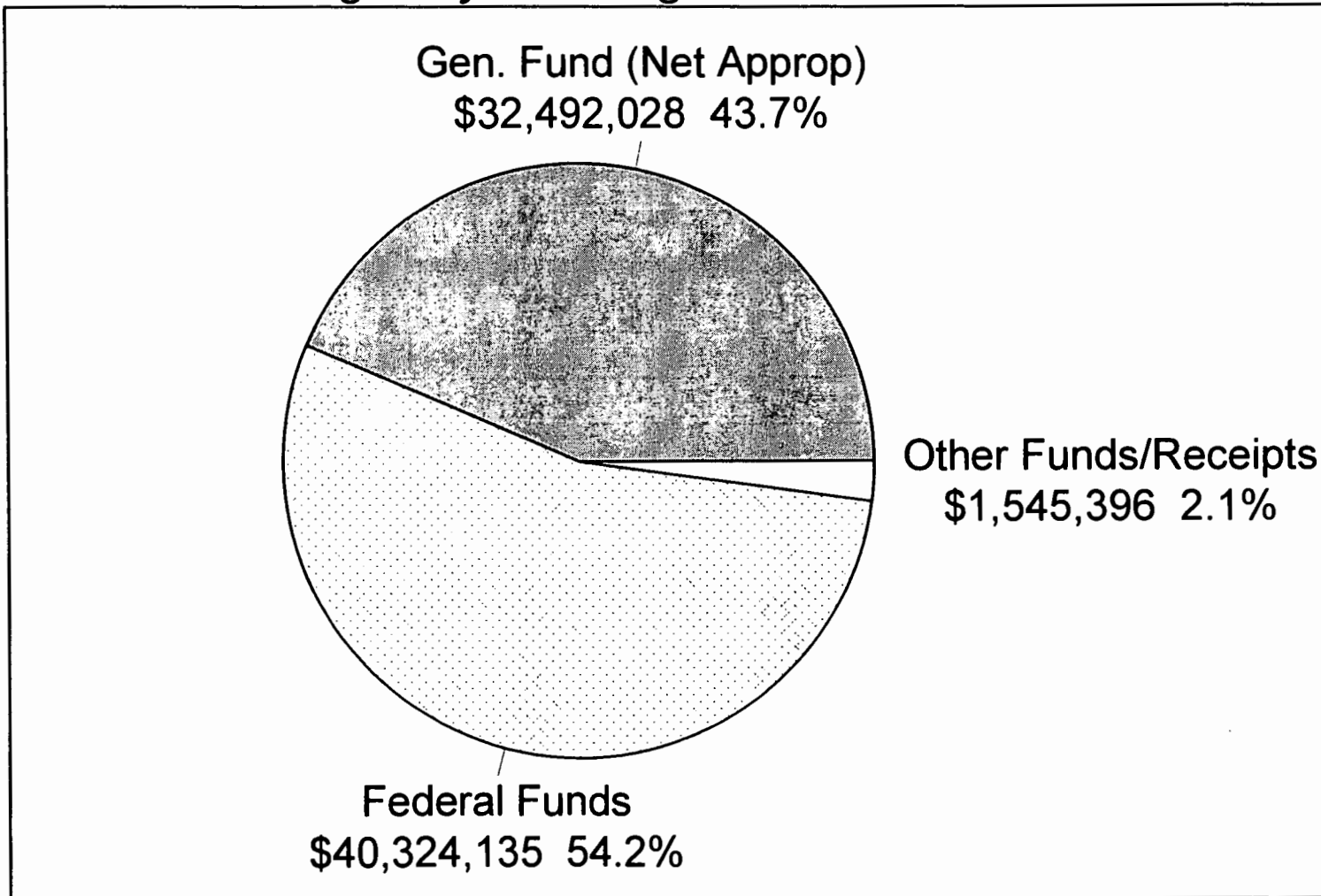
## General Fund Operating Budget FY 1987-97



\* 96/97 Authorized Budget (Budget Document)

# Crime Control and Public Safety

## *Budget By Funding Source 1996-97*

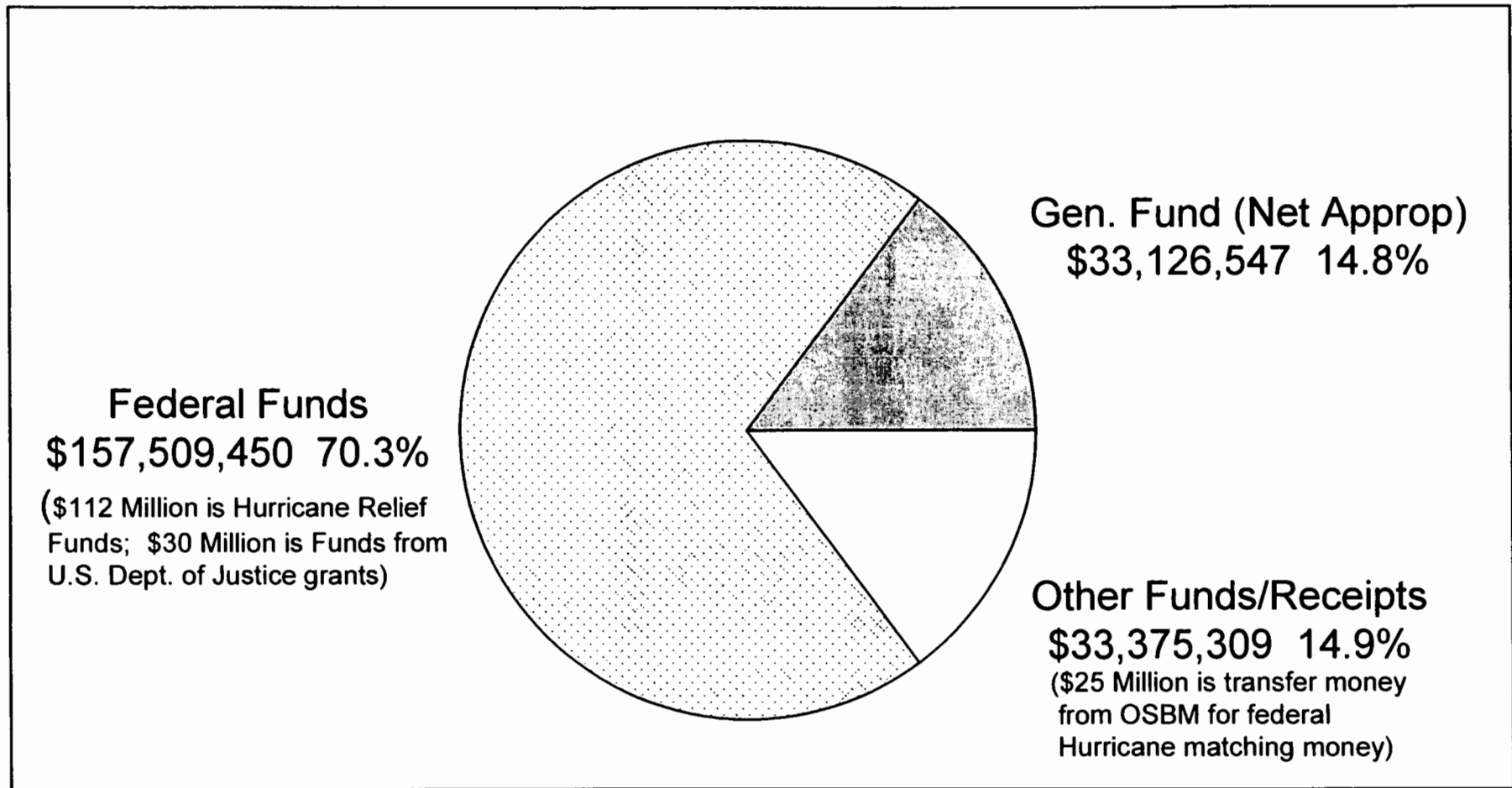


1996-97 Authorized Budget -- \$74,361,559  
(Budget Document)

\* Does Not Include Highway Fund (Highway Patrol)

# Crime Control and Public Safety

## *Budget By Funding Source 1996-97*

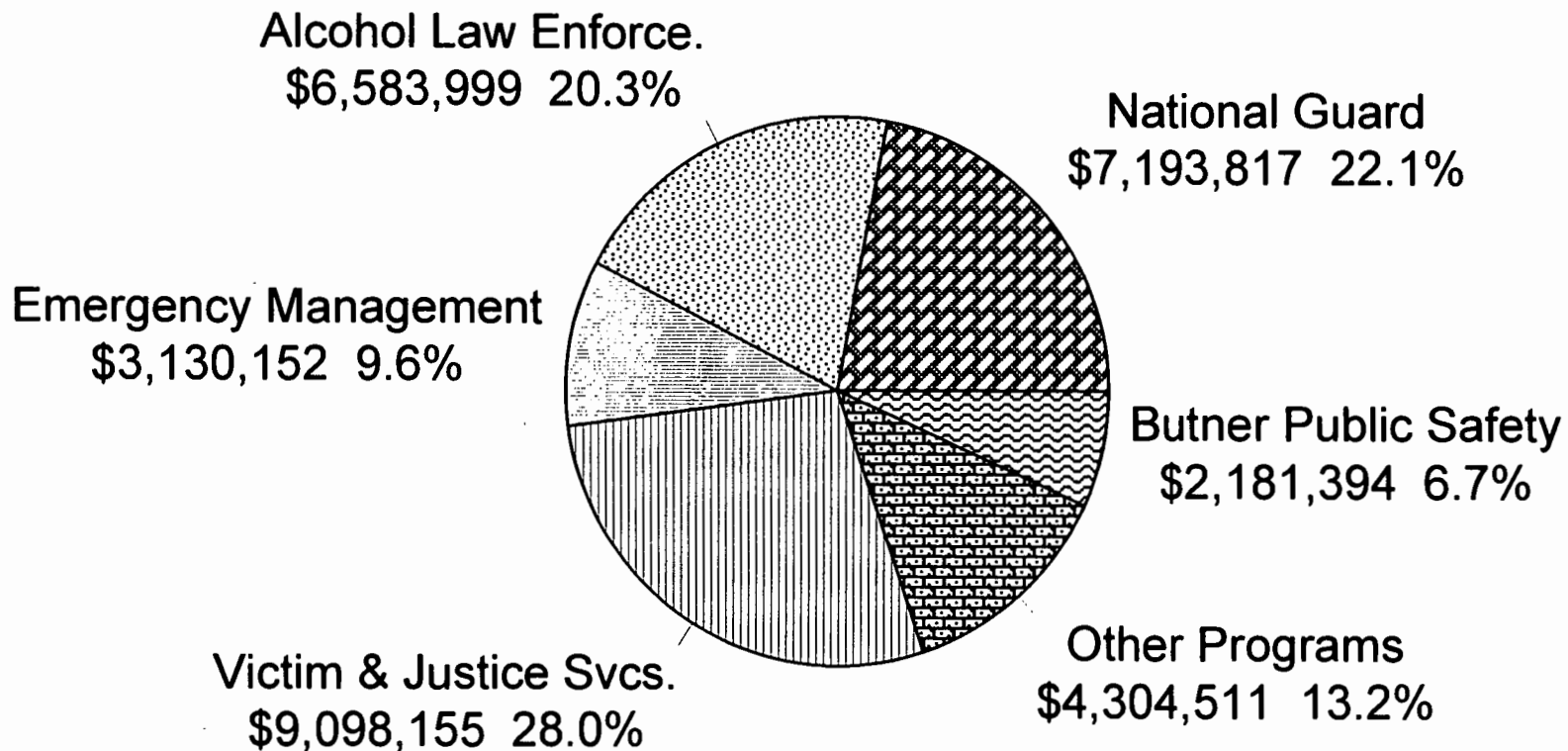


1996-97 Authorized Budget -- \$224,013,350  
(As of 12/31/96)

\* Does Not Include Highway Fund (Highway Patrol)

# Crime Control and Public Safety

1996-97 Authorized General Fund Budget By Major Program  
(State Appropriations)

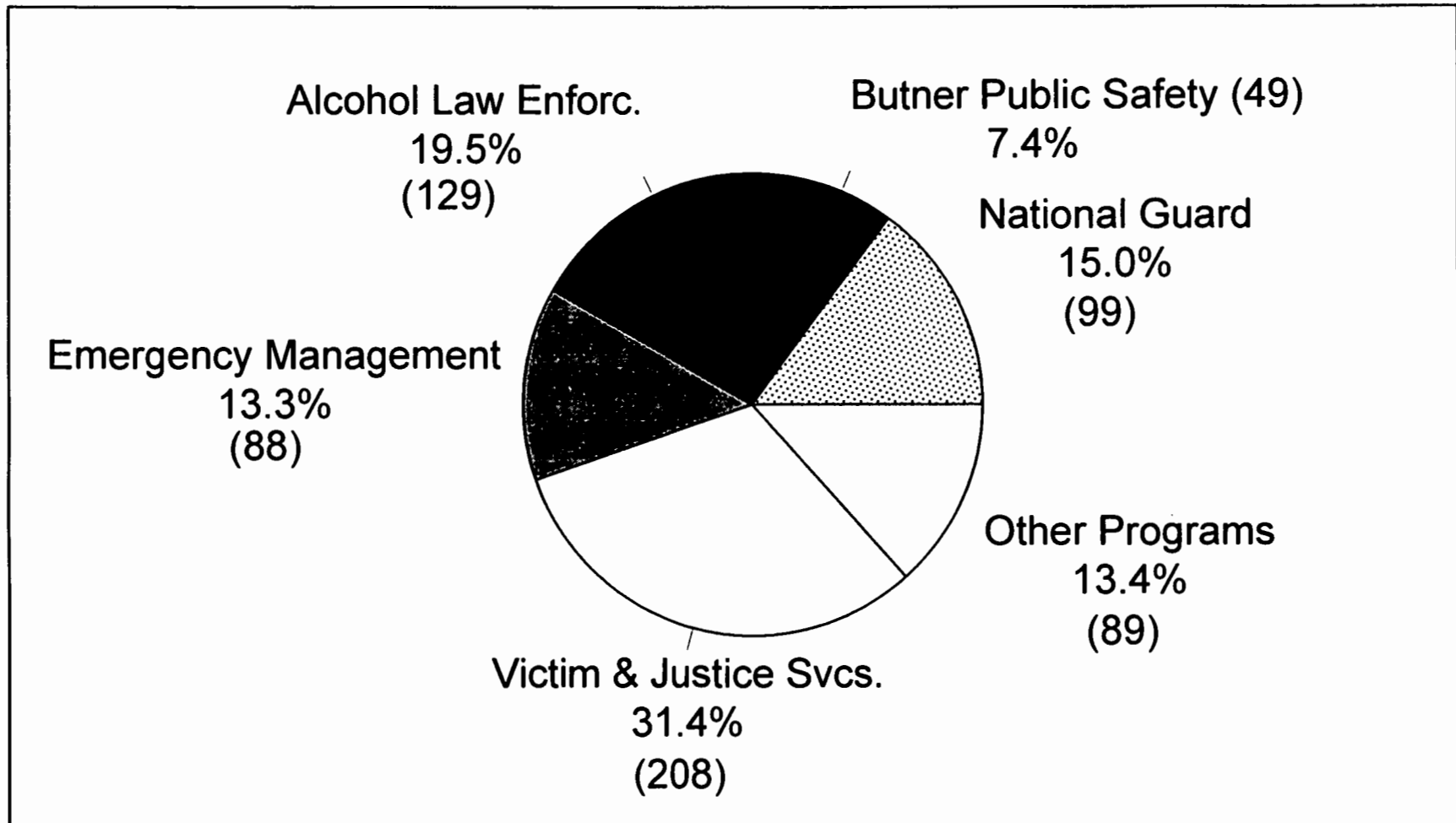


1996-97 Authorized General Fund Budget -- \$32,492,028 (Budget Document)

\* Authorized Budget as of 12/31/96 is \$33,126,547

# CRIME CONTROL AND PUBLIC SAFETY

## 1996-97 POSITIONS BY MAJOR PROGRAM

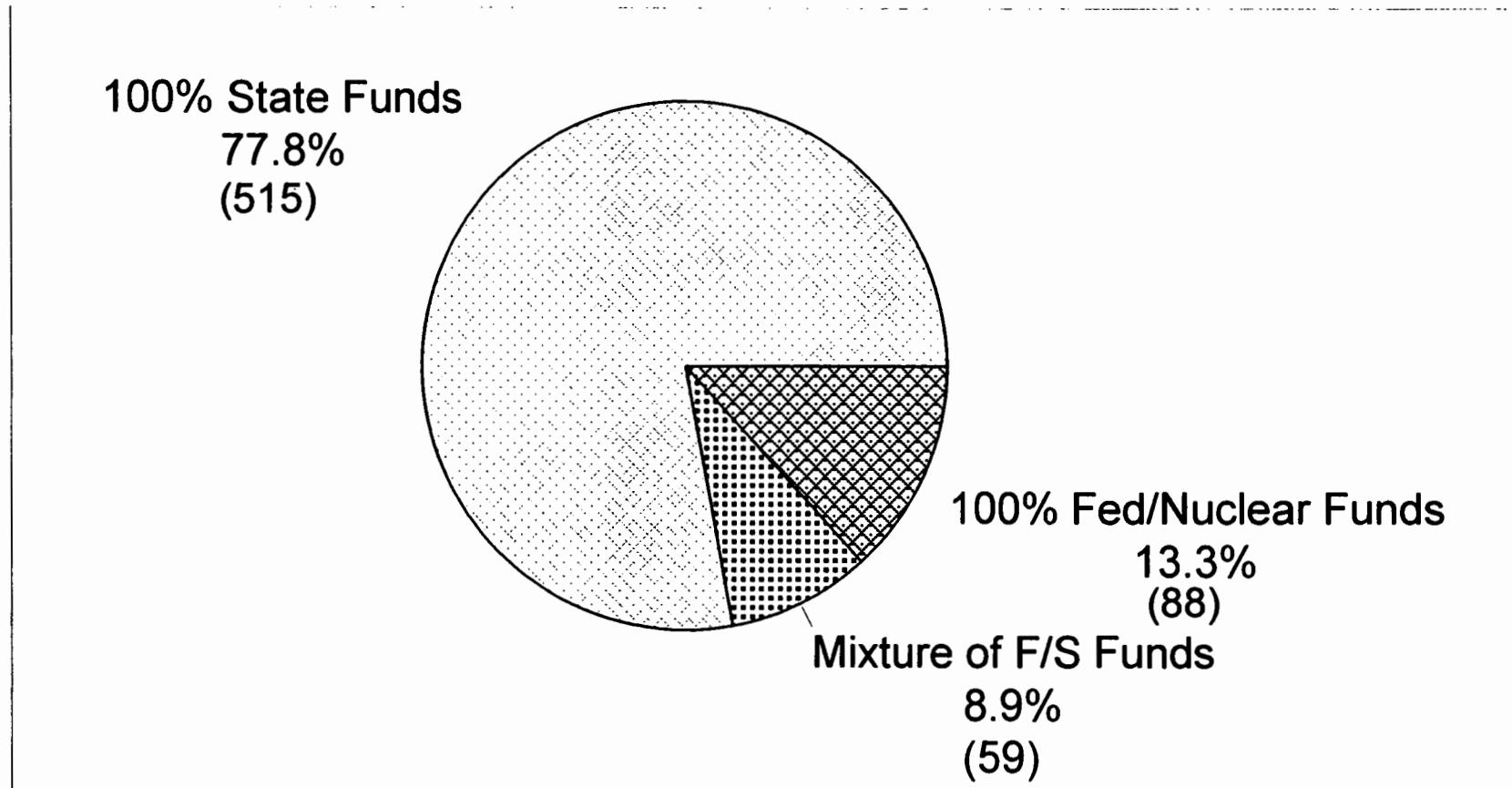


TOTAL NUMBER OF POSITIONS IN 1996-97 -- 662  
(Budget Document)

\* Does Not Include Highway Patrol

# CRIME CONTROL AND PUBLIC SAFETY

## 1996-97 POSITIONS BY FUNDING SOURCE



TOTAL NUMBER OF POSITIONS IN 1996-97 -- 662 (Budget Document)

\* Does Not Include Highway Patrol



# CRIME CONTROL AND PUBLIC SAFETY

## EMPLOYEE FUNDING BREAKDOWN

| DIVISION/AGENCY           | # EMPLOYEES | FUNDING |           |                |
|---------------------------|-------------|---------|-----------|----------------|
|                           |             | % State | % Federal | % Nuclear Fees |
| Administration            | 49          | 100%    | 0%        | 0%             |
| National Guard            | 31          | 100%    | 0%        | 0%             |
|                           | 26          | 25%     | 75%       | 0%             |
|                           | 42          | 0%      | 100%      | 0%             |
| Civil Air Patrol          | 2           | 100%    | 0%        | 0%             |
| Butner Public Safety      | 49          | 100%    | 0%        | 0%             |
| Alcohol Law Enforcement   | 129         | 100%    | 0%        | 0%             |
| Victim & Justice Services | 208         | 100%    | 0%        | 0%             |
| Crime Prevention          | 11          | 100%    | 0%        | 0%             |
| Emergency Management      | 29          | 100%    | 0%        | 0%             |
|                           | 21          | 50%     | 50%       | 0%             |
|                           | 1           | 25%     | 75%       | 0%             |
|                           | 1           | 50%     | 0%        | 50%            |
|                           | 1           | 0%      | 50%       | 50%            |
|                           | 17          | 0%      | 100%      | 0%             |
|                           | 18          | 0%      | 0%        | 100%           |
| Governor's Crime Comm.    | 7           | 100%    | 0%        | 0%             |
|                           | 8           | 25%     | 75%       | 0%             |
|                           | 1           | 68%     | 32%       | 0%             |
|                           | 11          | 0%      | 100%      | 0%             |
|                           |             |         |           |                |
|                           | TOTAL       | 662     | n/a       | n/a            |

\* Note: Excludes Highway Patrol

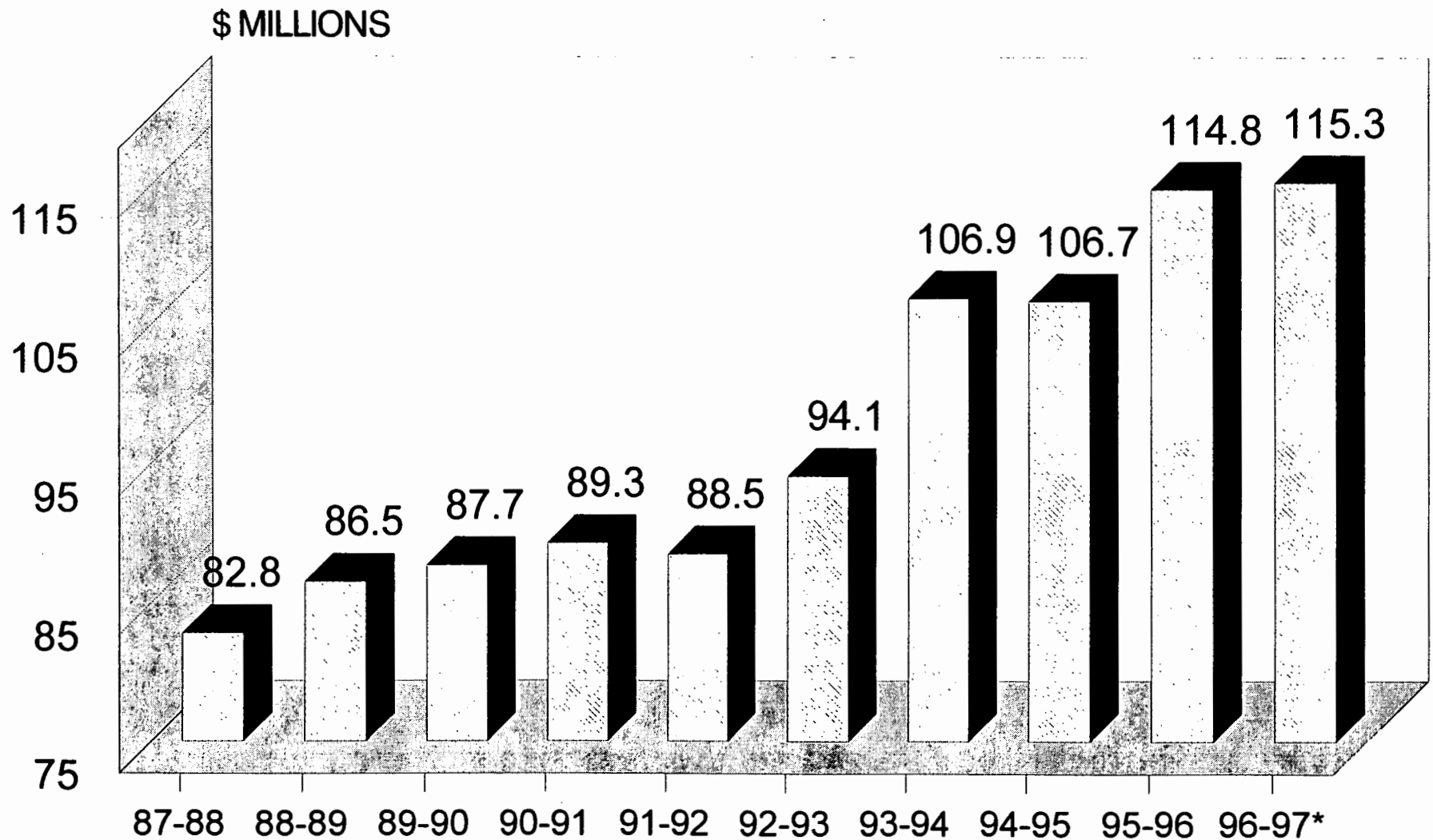
Date Completed: 2/17/97

Source: Budget Document & Divisions

# NORTH CAROLINA HIGHWAY PATROL

*(Highway Fund)*

## OPERATING BUDGET FY 86-97



\* 96-97 Authorized Budget (Budget Document)

# Crime Control and Public Safety

## State Highway Patrol - *Highway Fund*

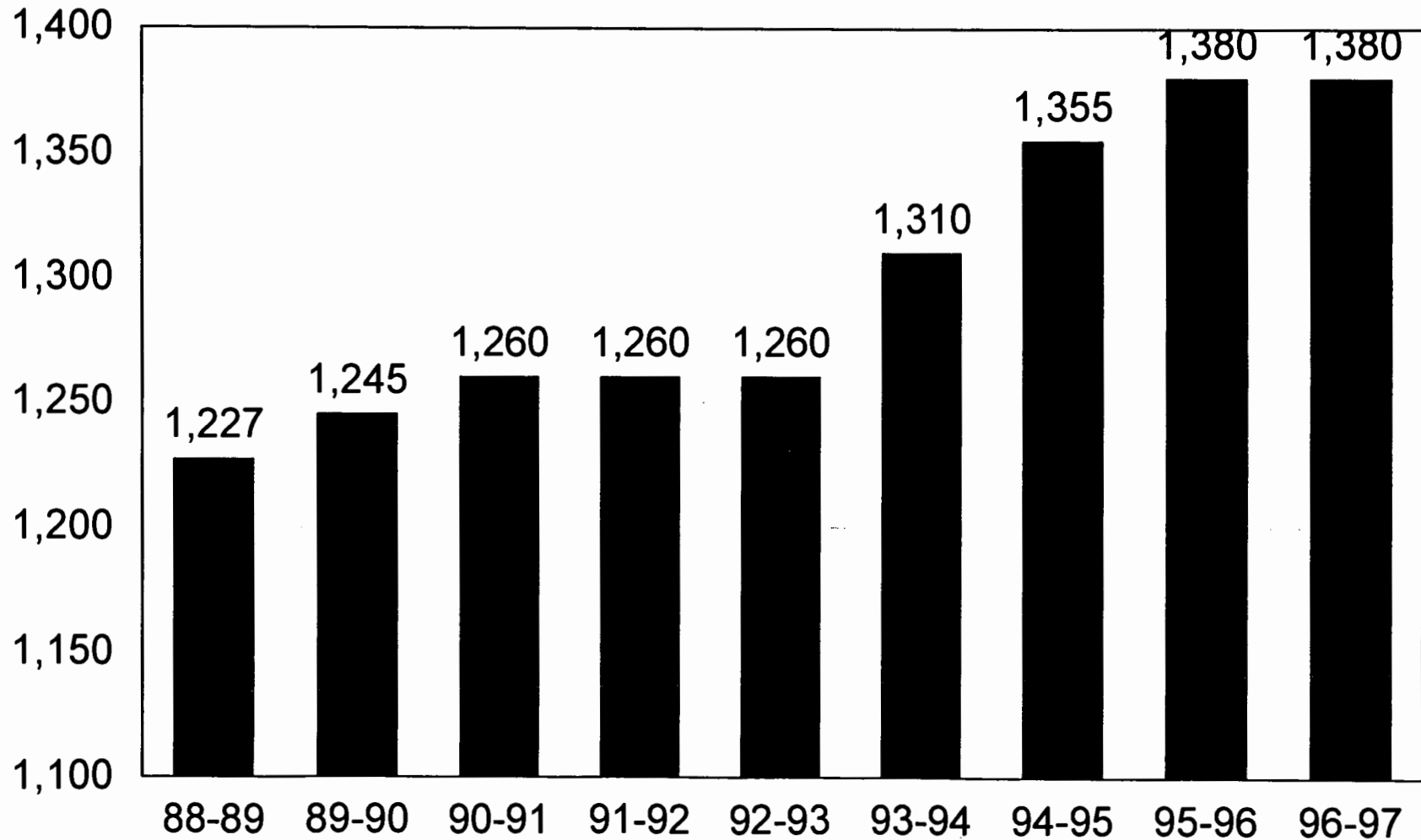
### 1996-97

- Authorized Budget -- \$115,290,531
- Number of Personnel -- 1,764
- Number of Uniform Officers -- 1,380

1996-97 Authorized Budget (Budget Document)

# HIGHWAY PATROL

## AUTHORIZED TROOPER STRENGTH



# Crime Control and Public Safety

Areas of Budget Growth - Fiscal Years 1995-96 and 1996-97

- **National Guard**
  - Maintenance Funds for Armories and Air National Guard Complex (\$571,000)
  - National Guard Tuition Assistance (\$600,000)
- **Butner Public Safety**
  - Funding for 5 additional Public Safety Officers (\$125,270)
- **State Highway Patrol**
  - Funding for 25 additional troopers during 1995-96 (\$2,697,700 - *Highway Fund*)
  - Mobile Data Network Funds (\$3,288,000 - *Highway Fund*)

# JOINT JUSTICE AND PUBLIC SAFETY COMMITTEE

## THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

### OVERVIEW

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#### I. GOAL OF THE DEPARTMENT

The goal of the Department of Crime Control and Public Safety is to protect the people of North Carolina by reducing crime through statewide crime control programs, enforcing highway and alcohol laws, preparing for and responding to disaster situations, and providing assistance to victims of crime.

#### II. MAJOR PROGRAMS/DIVISIONS

The Department of Crime Control and Public Safety is organized into 11 different divisions including administrative services (See attached organization chart). These programs/divisions are as follows:

##### A. Administrative Services

The Administrative Services Division of the Department of Crime Control and Public Safety is comprised of the Fiscal, Personnel, Staff Development, Information Systems, and Public Affairs Sections. All of these services are all housed under the Office of the Secretary of Crime Control and Public Safety. All of these sections provide support services to the various division of the department as well as to all of the 2,426 employees.

##### B. Alcohol Law Enforcement Division

The Alcohol Law Enforcement Division's primary responsibility is the enforcement of the Alcohol Beverage Control laws and the Controlled Substances Act (drug laws). Agents of the Division have the authority to investigate and arrest for any criminal offense and perform any law enforcement duty assigned by the Secretary of Crime Control and Public Safety or the Governor. The Division carries out the following programs: Retail/Wholesale ABC Permit Application Investigations; Sale to Minors; Cops N Shops; Sale to Intoxicated Persons; Nuisance Abatement; Local Law Enforcement Assistance; and Educational Programs.

**C. Butner Public Safety**

Butner Public Safety's primary responsibility is to preserve peace, order, and public safety within the territorial jurisdiction of Butner. This is accomplished by providing law enforcement and fire protection services for all of the state and federal facilities located within this jurisdiction (14 Facilities).

**D. Civil Air Patrol**

The Civil Air Patrol provides assistance to agencies of state and local governments as well as to private citizens who are at risk in natural or man-made disasters and in such other situations deemed to provide services of assistance. This is accomplished through utilizing trained volunteer search and rescue teams; including pilots, aircraft, and ground teams to respond to any emergency immediately.

**E. Crime Prevention**

It is the Crime Prevention's Division to help North Carolinians create safe communities, reduce the opportunity for crime and limit their own victimization through enhanced public awareness, education, and partnership campaigns. This Division works with local law enforcement agencies, civic groups, public housing programs, neighborhood groups, and school systems in the promotion of crime prevention.

**F. Emergency Management**

The Division of Emergency Management primary responsibility is to minimize the impact of natural and technological disasters as well as other emergencies on the health, safety and property of the people of the State, their businesses and their environment. This is accomplished through preparedness, response, recovery, and mitigation activities.

**G. Governor's Crime Commission**

The Governor's Crime Commission is the chief advisory board to the Governor and the Secretary of Crime Control and Public Safety on crime and justice issues and policies. It has been designated to administer several federal funded block grant programs in the following four areas: Juvenile Justice and Delinquency Prevention; Victims of Crime Act; Drug Control and System Improvement; and Children's Justice Fund.

**H. Law Enforcement Support Services**

The Law Enforcement Support Services Division obtains excess property suitable for counterdrug purposes from the Department of Defense at no cost to the recipient. This property is distributed to state and local law enforcement agencies at no cost. This division also administers the Police Corps program and assists in the provision of Department of Defense counterdrug training for state and local law enforcement agencies.

**I. North Carolina National Guard**

The North Carolina National Guard has two missions. The first is the Federal mission which is to provide combat ready units as part of the total U.S. Armed Forces. The second is the State mission which is to protect life and property and to ensure public safety for the citizens of North Carolina.

**J. State Highway Patrol**

The State Highway Patrol's primary responsibility is to ensure the normal flow of vehicular traffic over the streets and highways of the State. The Patrol assists local, county, and other state agencies in the provision of law enforcement services when requested.

**K. Victim and Justice Services**

The Division of Victim and Justice Services operates three programs. These are the Community Service Work Program, which places offenders in government and non-profit agencies to perform community service work hours as directed by the court and the Parole Commission; the Crime Victims Compensation Program, which provides financial assistance to innocent victims of violent crime; and the Rape Victims Assistance Program, which provides financial assistance to victims of rape and sexual assault.



## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety 2/19/97

Name of Committee

Date

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

FIRM OR AGENCY AND ADDRESS

|                |                |
|----------------|----------------|
| Chuck Craven   | State Planning |
| Peg Dorer      | NCCDA          |
| Karen Chapple  | Summit House   |
| Burley Hunsby  | OSBM           |
| Mike Backa     | ccrps          |
| Chris Markin   | AOC            |
| Dee L. Cannon  | AOC            |
| Tom S. Frett   | CSC            |
| Joe Stewart    | ccrps          |
| Chaz Little    | ABC            |
| David Anderson | DFFA           |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice &amp; Public Safety 2/19/97

Name of Committee

**Date**

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

### FIRM OR AGENCY AND ADDRESS

Jane O Gray

DOJ

Pete Powell

AOC

Mary Carmelia

Mecklenburg County

# **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY**

February 20, 1997  
Room 612

**HOUSE MEMBERS PRESENT:** [9] Representatives Thompson, Justus, Kiser, McCrary, Hardy, Kinney, Redwine, Sexton, Smith, and Crawford

**Senate Members Present:** [4]

The joint Appropriations Subcommittee on Justice and Public Safety met on Thursday, February 19, 1997 in Room 612 of the Legislative Office Building. Representative Thompson called the meeting to order at 8:35 AM and introduced House Pages Joel Maynard and Elliott Chandler of Wake County.

The Committee continued with overviews of the Departments.

Andy Willis, Fiscal Analyst (Crime Control and Public Safety) gave an overview of Justice and Public Safety Fiscal Trends Budget (ATTACHMENT A). Discussion followed.

Senator East asked about the pay scale of Highway Patrol as compared to State Employees.

Representative Thompson asked for a pay scale of the Highway Patrol. Charles Perusse, Fiscal Analyst will get a copy of this information for the Committee.

Discussion followed regarding the disaster funds and monies needed. Buddy Humphrey explained the monies designated to be used for disaster.

Representative Thompson asked for a breakdown of the monies used for matched funds and which Departments these funds were taken from.

Charles Perusse will provide this information as well as monies in salaries for the National Guard.

Dallas Cameron, Director, Administrative Office of the Courts - gave an overview of the Judicial Programs and Projects. (ATTACHMENT B).

Mr. Cameron introduced the following people on his staff.

Chris Marks - Controller

John Taylor - Information Services Director

Pete Powell - Absent

Jeanne Bonds.

Mr. Cameron discussed the tremendous workload of the courts and gave a summary of the Programs and Projects.

Discussion followed regarding the Public Defender Program. Representatives Kiser and Redwine had questions regarding the cost of this versus private attorneys.

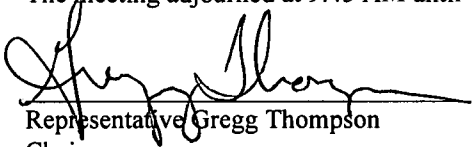
Charles Perusse will present a breakdown next week on the cost and how arrived at.

Representative Thompson asked Greg Stahl, Department of Corrections if he could report on the Departments new positions.

Mr. Stahl gave the following moves:

Mack Jarvis - Secretary  
Theodis Beck - Deputy Secretary of Operations  
Lynn Phillips - in Secretary's Office - Assistant Secretary  
Sam Newman - Controller  
Charles Owens - Internal Auditor  
Joe Hamilton - Acting Deputy Secretary for duration of Ryon's illness.  
Dan Steineke - Director of Division of Prisons  
Robert Gray - Director Adult Probation and Parole  
Dan Lilly - Director of Office of Staff Training.

The meeting adjourned at 9:45 AM until Tuesday, February 25, 1997 at 8:30 AM.



Representative Gregg Thompson  
Chairman

---

Edna Sykes  
Committee Clerk

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**  
Thursday February 20, 1997 - 8:30 a.m.  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley      Representative Larry Justus  
                                                 Representative Joe Kiser  
                                                 Representative Gregg Thompson, Presiding

Sen. Vice Chair: Senator Frank Ballance, Jr.

**II. PRESENTATIONS**

- Complete Overviews of Justice and Public Safety Fiscal Trends and Budgets.

Andy Willis, Fiscal Analyst (Crime and Control Public Safety)

- Overview of Judicial Programs and Budget

Dallas Cameron, Director  
Administrative Office of the Courts

Charles Perusse, Fiscal Analyst

- Begin Review of Judicial Budget

Charles Perusse, Fiscal Analyst

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

| NAME           | FIRM OR AGENCY AND ADDRESS |
|----------------|----------------------------|
| John Chapple   | Summit House               |
| Peg Loefer     | NCCDA                      |
| Chuck Cronin   | State Planning             |
| Burley Humprey | OSTM                       |
| Joe Stewart    | CCPS                       |
| Mike Barker    | CCPS                       |
| John Taylor    | AOC                        |
| Joanne Bonds   | AOC                        |
| Deel Shamoff   | AOC                        |
| Ch. Mark       |                            |

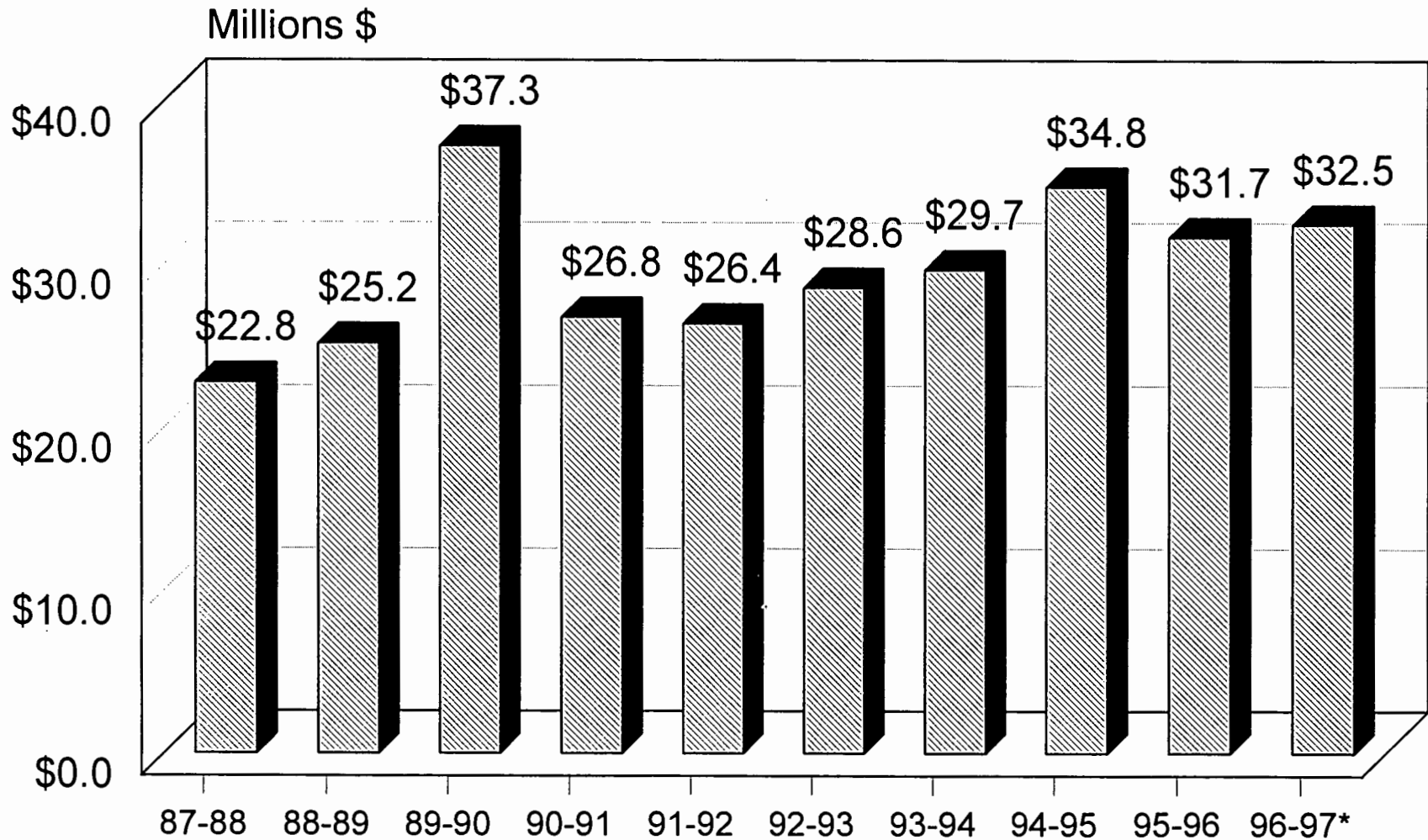
# CRIME CONTROL AND PUBLIC SAFETY

## Overview of Key Fiscal Trends

Joint Senate and House Appropriations Subcommittee on Justice and Public Safety  
February 19, 1997

# Crime Control and Public Safety

## General Fund Operating Budget FY 1987-97

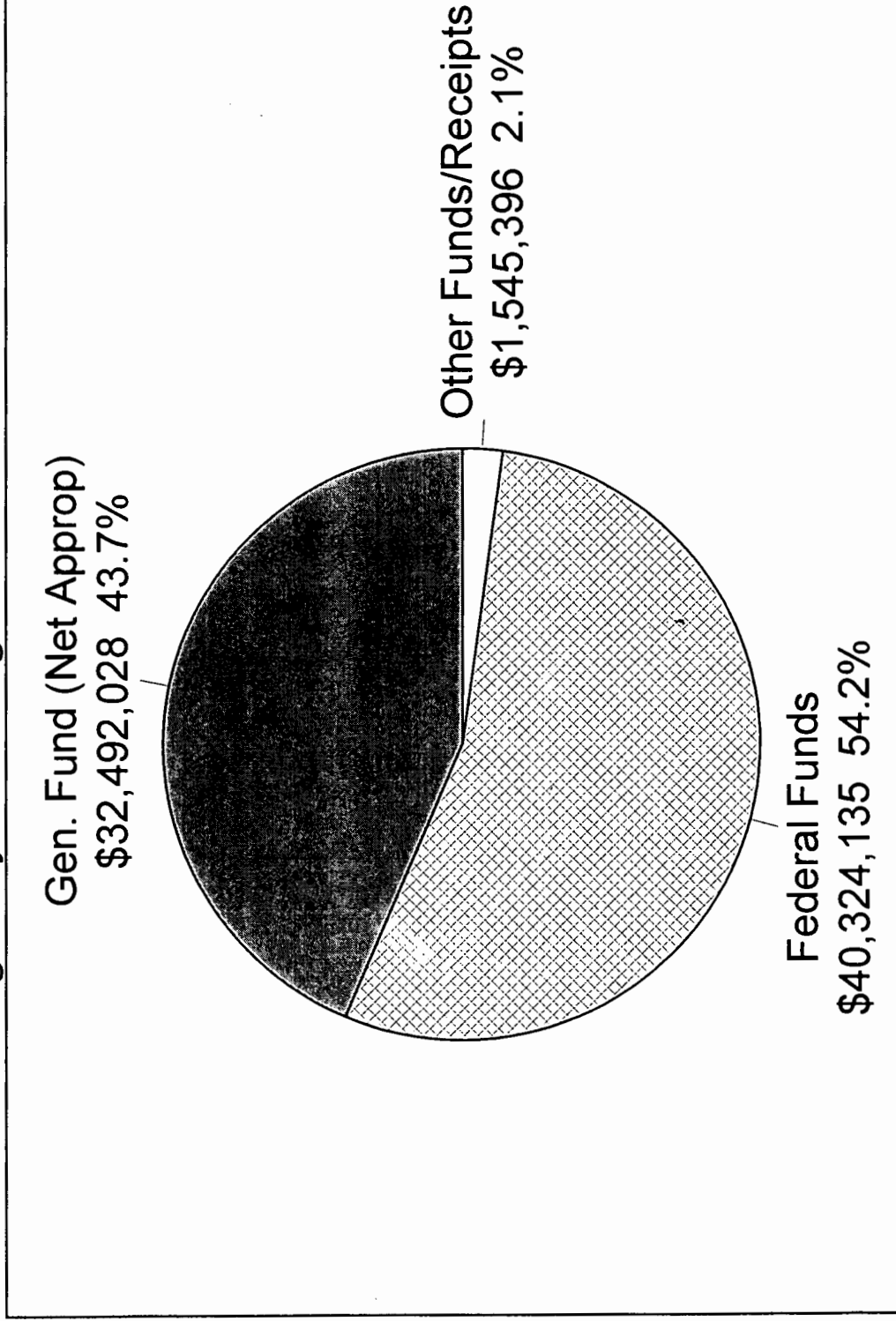


\* 96/97 Authorized Budget (Budget Document)



# Crime Control and Public Safety

## *Budget By Funding Source 1996-97*

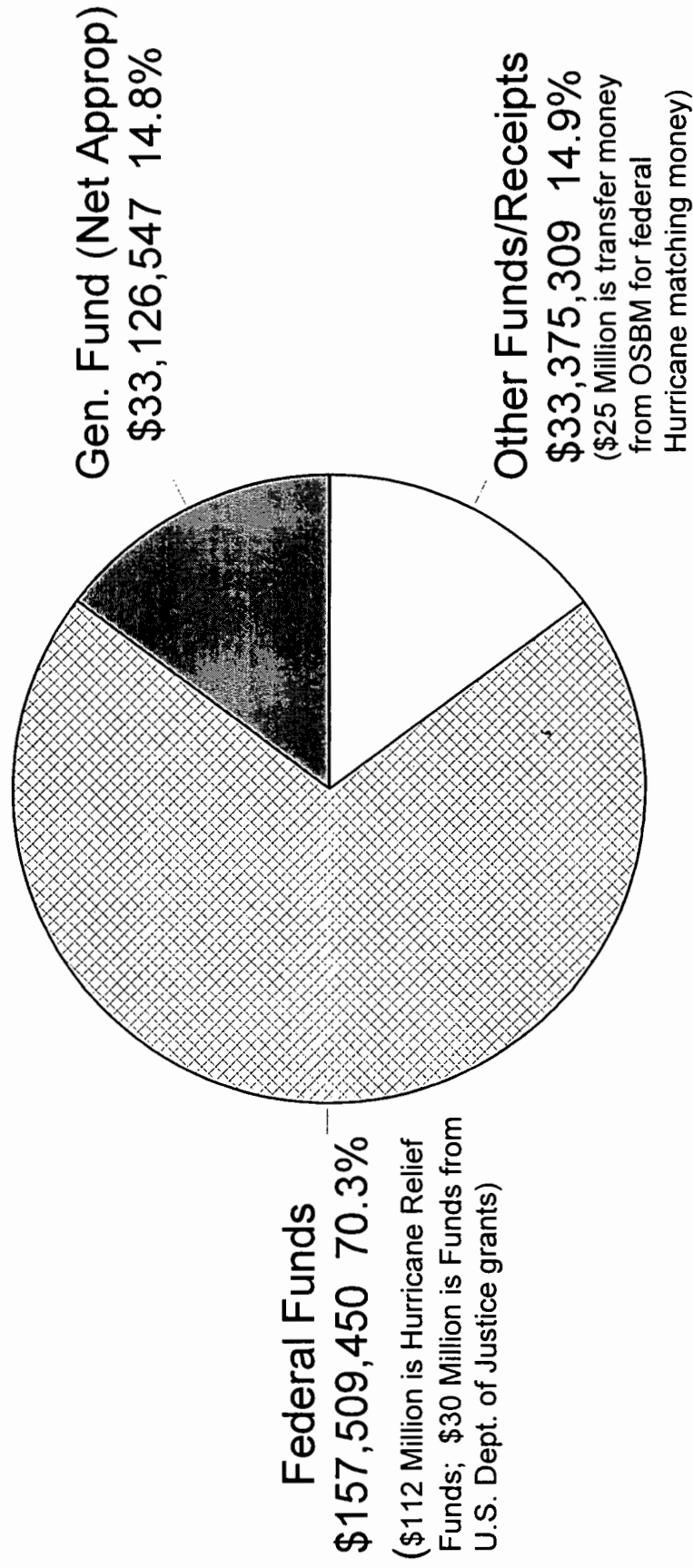


1996-97 Authorized Budget -- \$74,361,559  
(Budget Document)

\* Does Not Include Highway Fund (Highway Patrol)

# ● Crime Control and Public Safety

*Budget By Funding Source 1996-97*

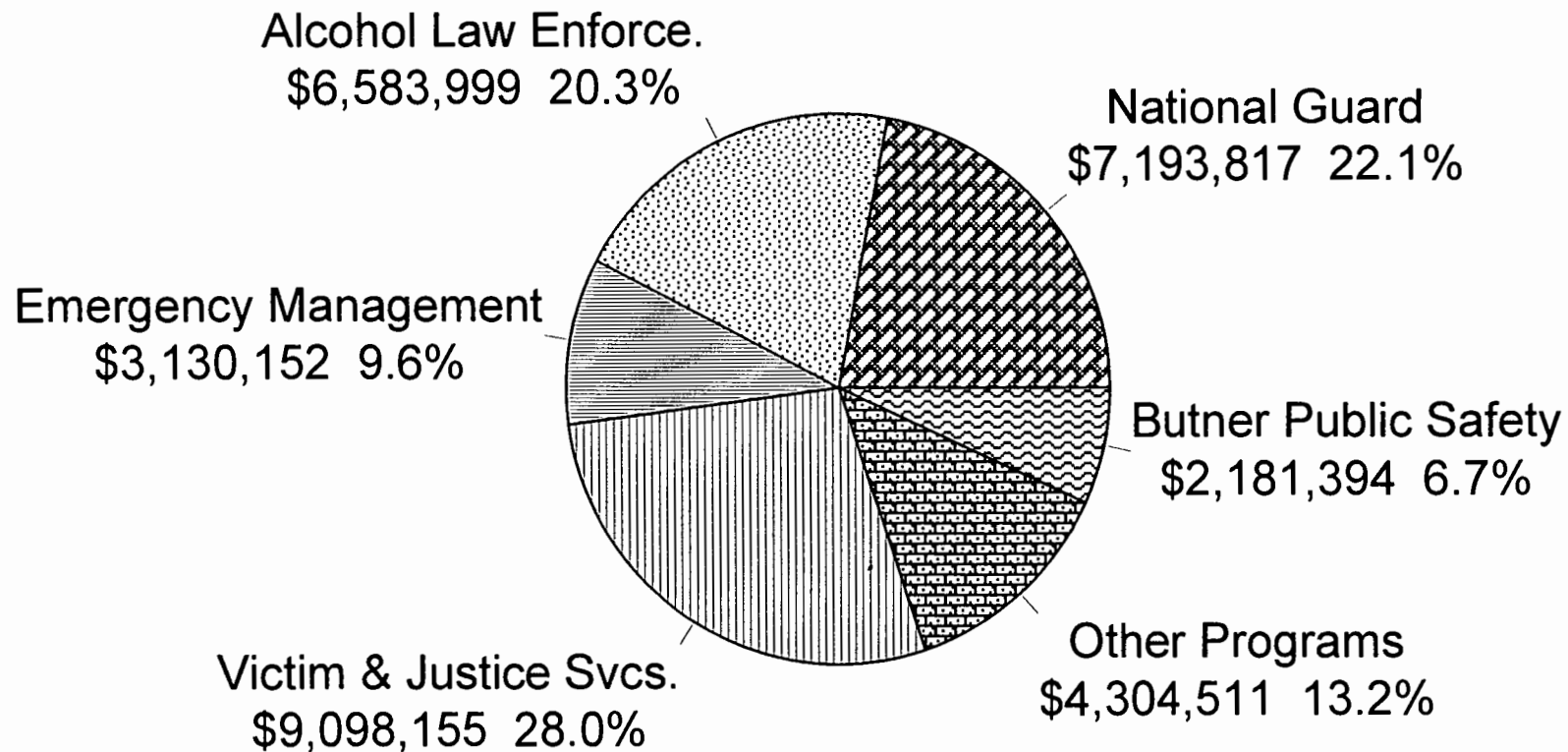


1996-97 Authorized Budget -- \$224,013,350  
(As of 12/31/96)

\* Does Not Include Highway Fund (Highway Patrol)

# Crime Control and Public Safety

1996-97 Authorized General Fund Budget By Major Program  
(State Appropriations)

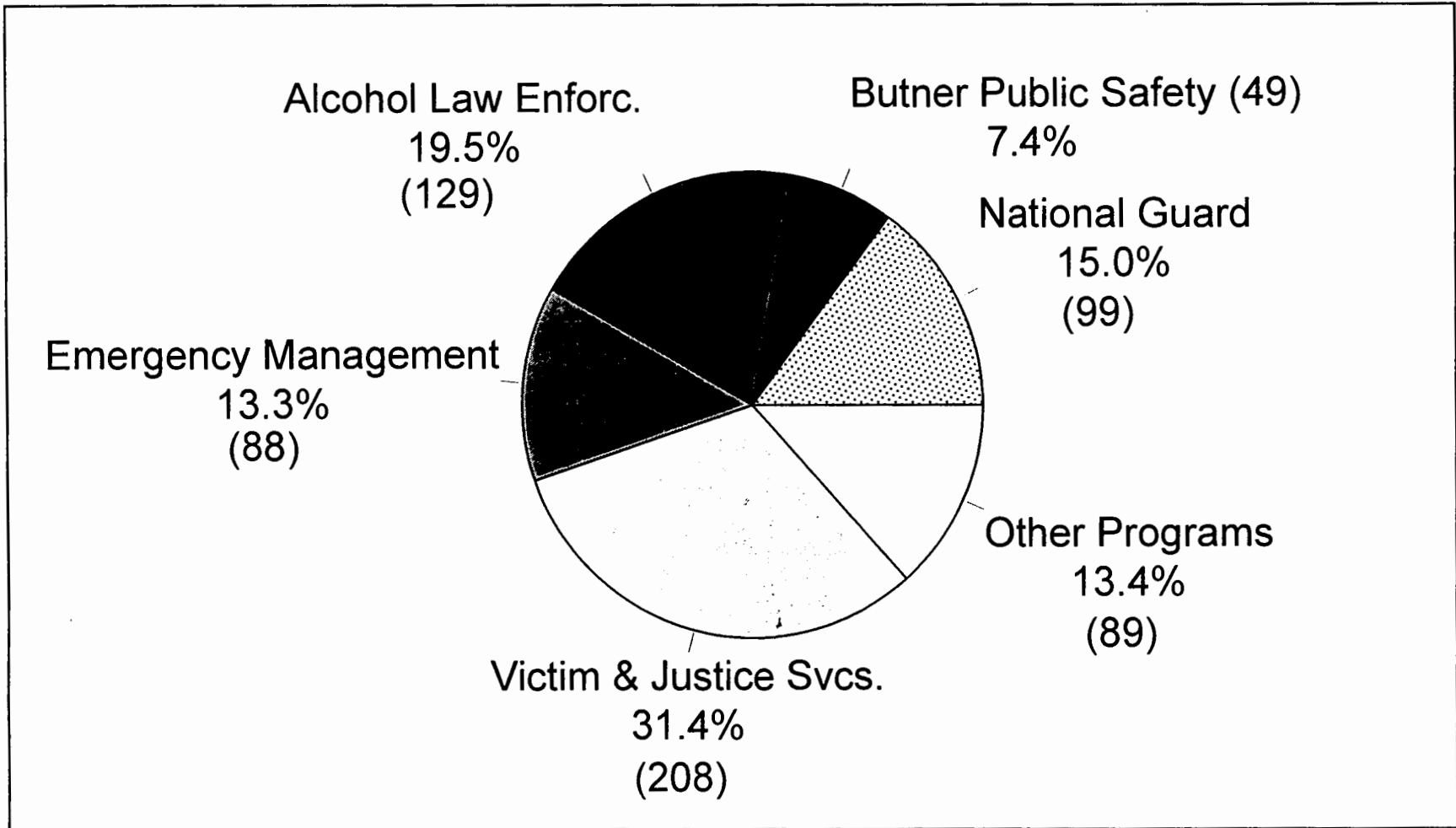


1996-97 Authorized General Fund Budget -- \$32,492,028 (Budget Document)

\* Authorized Budget as of 12/31/96 is \$33,126,547

# CRIME CONTROL AND PUBLIC SAFETY

## 1996-97 POSITIONS BY MAJOR PROGRAM

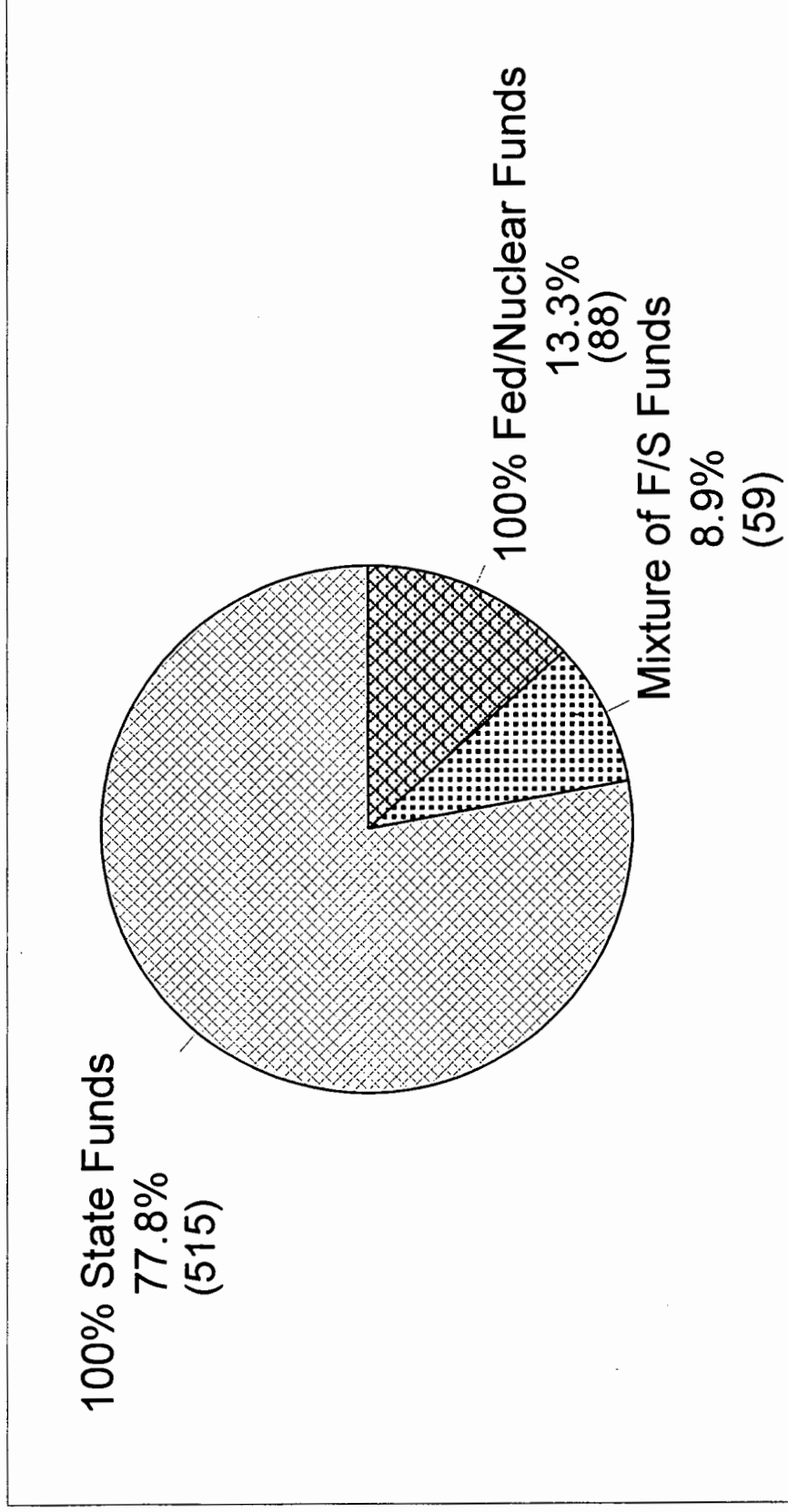


TOTAL NUMBER OF POSITIONS IN 1996-97 -- 662  
(Budget Document)

\* Does Not Include Highway Patrol

# CRIME CONTROL AND PUBLIC SAFETY

## 1996-97 POSITIONS BY FUNDING SOURCE



TOTAL NUMBER OF POSITIONS IN 1996-97 -- 662 (Budget Document)

\* Does Not Include Highway Patrol

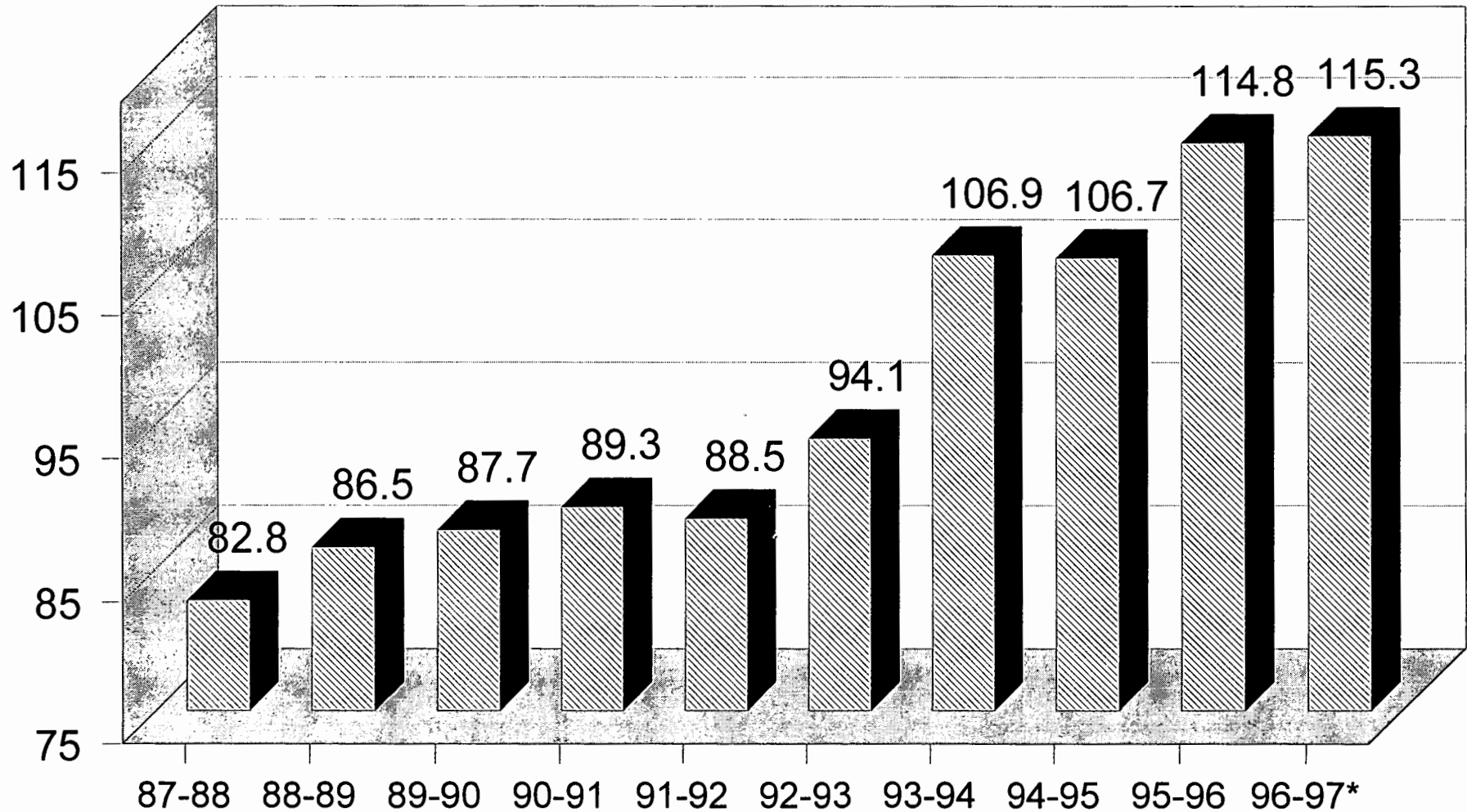
| <b>CRIME CONTROL AND PUBLIC SAFETY</b>         |              |                    |                |                  |                       |
|------------------------------------------------|--------------|--------------------|----------------|------------------|-----------------------|
| <b>EMPLOYEE FUNDING BREAKDOWN</b>              |              |                    |                |                  |                       |
| <b>DIVISION/AGENCY</b>                         |              | <b># EMPLOYEES</b> | <b>FUNDING</b> |                  |                       |
|                                                |              |                    | <b>% State</b> | <b>% Federal</b> | <b>% Nuclear Fees</b> |
| Administration                                 |              | 49                 | 100%           | 0%               | 0%                    |
| National Guard                                 |              | 31                 | 100%           | 0%               | 0%                    |
|                                                |              | 26                 | 25%            | 75%              | 0%                    |
|                                                |              | 42                 | 0%             | 100%             | 0%                    |
| Civil Air Patrol                               |              | 2                  | 100%           | 0%               | 0%                    |
| Butner Public Safety                           |              | 49                 | 100%           | 0%               | 0%                    |
| Alcohol Law Enforcement                        |              | 129                | 100%           | 0%               | 0%                    |
| Victim & Justice Services                      |              | 208                | 100%           | 0%               | 0%                    |
| Crime Prevention                               |              | 11                 | 100%           | 0%               | 0%                    |
| Emergency Management                           |              | 29                 | 100%           | 0%               | 0%                    |
|                                                |              | 21                 | 50%            | 50%              | 0%                    |
|                                                |              | 1                  | 25%            | 75%              | 0%                    |
|                                                |              | 1                  | 50%            | 0%               | 50%                   |
|                                                |              | 1                  | 0%             | 50%              | 50%                   |
|                                                |              | 17                 | 0%             | 100%             | 0%                    |
|                                                |              | 18                 | 0%             | 0%               | 100%                  |
| Governor's Crime Comm.                         |              | 7                  | 100%           | 0%               | 0%                    |
|                                                |              | 8                  | 25%            | 75%              | 0%                    |
|                                                |              | 1                  | 68%            | 32%              | 0%                    |
|                                                |              | 11                 | 0%             | 100%             | 0%                    |
|                                                |              |                    |                |                  |                       |
|                                                | <b>TOTAL</b> | <b>662</b>         | <b>n/a</b>     | <b>n/a</b>       | <b>n/a</b>            |
| <b>* Note: Excludes Highway Patrol</b>         |              |                    |                |                  |                       |
|                                                |              |                    |                |                  |                       |
| <b>Date Completed: 2/17/97</b>                 |              |                    |                |                  |                       |
| <b>Source: Budget Document &amp; Divisions</b> |              |                    |                |                  |                       |

# NORTH CAROLINA HIGHWAY PATROL

*(Highway Fund)*

## OPERATING BUDGET FY 86-97

\$ MILLIONS



\* 96-97 Authorized Budget (Budget Document)

# Crime Control and Public Safety

## State Highway Patrol - *Highway Fund*

### **1996-97**

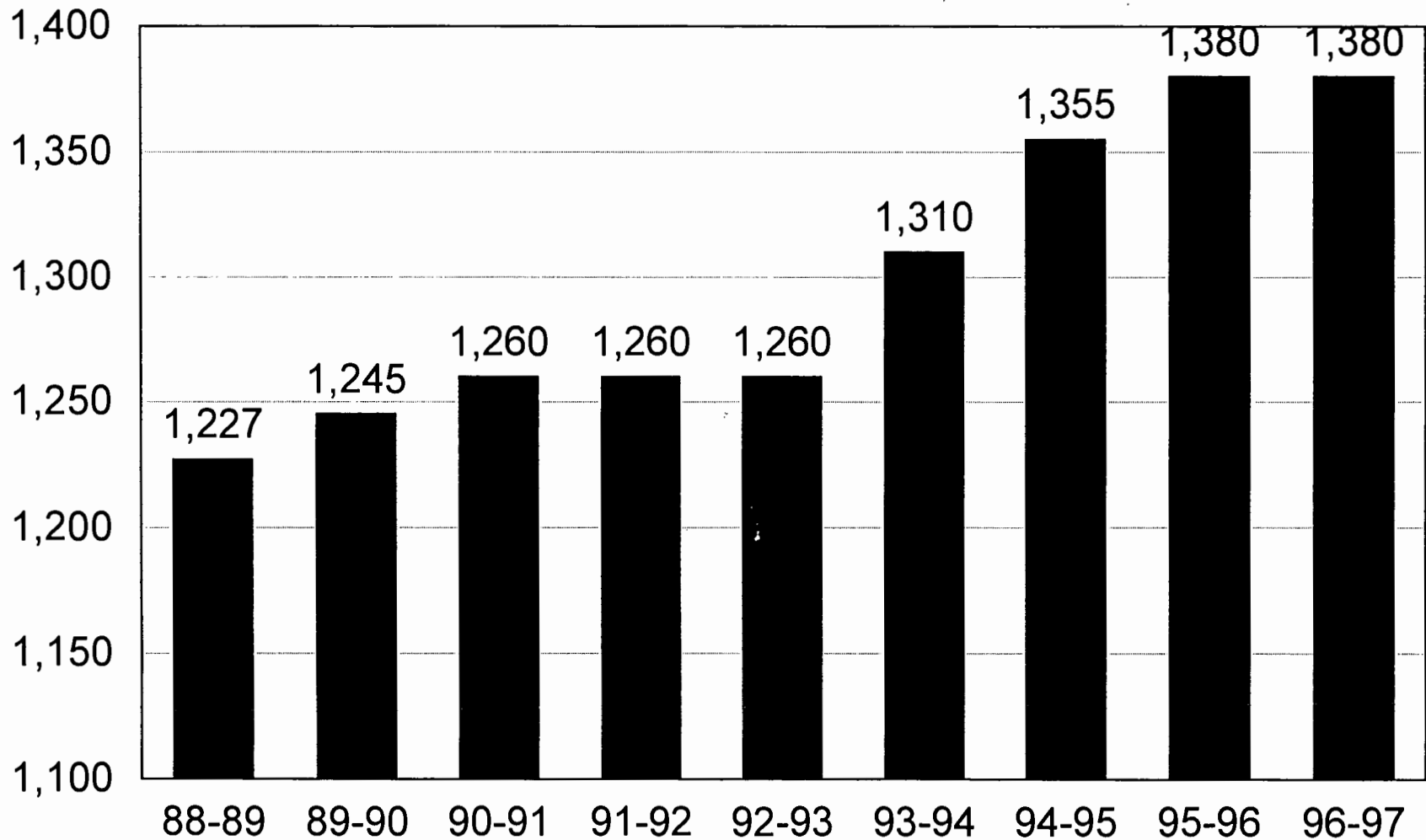
- Authorized Budget -- \$115,290,531
- Number of Personnel -- 1,764
- Number of Uniform Officers -- 1,380

1996-97 Authorized Budget (Budget Document)



# HIGHWAY PATROL

## AUTHORIZED TROOPER STRENGTH



# Crime Control and Public Safety

**Areas of Budget Growth - Fiscal Years 1995-96 and 1996-97**

- **National Guard**
  - Maintenance Funds for Armories and Air National Guard Complex (\$571,000)
  - National Guard Tuition Assistance (\$600,000)
- **Butner Public Safety**
  - Funding for 5 additional Public Safety Officers (\$125,270)
- **State Highway Patrol**
  - Funding for 25 additional troopers during 1995-96 (\$2,697,700 - *Highway Fund*)
  - Mobile Data Network Funds (\$3,288,000 - *Highway Fund*)

# JOINT JUSTICE AND PUBLIC SAFETY COMMITTEE

## THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

### OVERVIEW

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#### I. GOAL OF THE DEPARTMENT

The goal of the Department of Crime Control and Public Safety is to protect the people of North Carolina by reducing crime through statewide crime control programs, enforcing highway and alcohol laws, preparing for and responding to disaster situations, and providing assistance to victims of crime.

#### II. MAJOR PROGRAMS/DIVISIONS

The Department of Crime Control and Public Safety is organized into 11 different divisions including administrative services (See attached organization chart). These programs/divisions are as follows:

##### A. Administrative Services

The Administrative Services Division of the Department of Crime Control and Public Safety is comprised of the Fiscal, Personnel, Staff Development, Information Systems, and Public Affairs Sections. All of these services are all housed under the Office of the Secretary of Crime Control and Public Safety. All of these sections provide support services to the various division of the department as well as to all of the 2,426 employees.

##### B. Alcohol Law Enforcement Division

The Alcohol Law Enforcement Division's primary responsibility is the enforcement of the Alcohol Beverage Control laws and the Controlled Substances Act (drug laws). Agents of the Division have the authority to investigate and arrest for any criminal offense and perform any law enforcement duty assigned by the Secretary of Crime Control and Public Safety or the Governor. The Division carries out the following programs: Retail/Wholesale ABC Permit Application Investigations; Sale to Minors; Cops N Shops; Sale to Intoxicated Persons; Nuisance Abatement; Local Law Enforcement Assistance; and Educational Programs.

**C. Butner Public Safety**

Butner Public Safety's primary responsibility is to preserve peace, order, and public safety within the territorial jurisdiction of Butner. This is accomplished by providing law enforcement and fire protection services for all of the state and federal facilities located within this jurisdiction (14 Facilities).

**D. Civil Air Patrol**

The Civil Air Patrol provides assistance to agencies of state and local governments as well as to private citizens who are at risk in natural or man-made disasters and in such other situations deemed to provide services of assistance. This is accomplished through utilizing trained volunteer search and rescue teams; including pilots, aircraft, and ground teams to respond to any emergency immediately.

**E. Crime Prevention**

It is the Crime Prevention's Division to help North Carolinians create safe communities, reduce the opportunity for crime and limit their own victimization through enhanced public awareness, education, and partnership campaigns. This Division works with local law enforcement agencies, civic groups, public housing programs, neighborhood groups, and school systems in the promotion of crime prevention.

**F. Emergency Management**

The Division of Emergency Management primary responsibility is to minimize the impact of natural and technological disasters as well as other emergencies on the health, safety and property of the people of the State, their businesses and their environment. This is accomplished through preparedness, response, recovery, and mitigation activities.

**G. Governor's Crime Commission**

The Governor's Crime Commission is the chief advisory board to the Governor and the Secretary of Crime Control and Public Safety on crime and justice issues and policies. It has been designated to administer several federal funded block grant programs in the following four areas: Juvenile Justice and Delinquency Prevention; Victims of Crime Act; Drug Control and System Improvement; and Children's Justice Fund.

**H. Law Enforcement Support Services**

The Law Enforcement Support Services Division obtains excess property suitable for counterdrug purposes from the Department of Defense at no cost to the recipient. This property is distributed to state and local law enforcement agencies at no cost. This division also administers the Police Corps program and assists in the provision of Department of Defense counter-drug training for state and local law enforcement agencies.

**I. North Carolina National Guard**

The North Carolina National Guard has two missions. The first is the Federal mission which is to provide combat ready units as part of the total U.S. Armed Forces. The second is the State mission which is to protect life and property and to ensure public safety for the citizens of North Carolina.

**J. State Highway Patrol**

The State Highway Patrol's primary responsibility is to ensure the normal flow of vehicular traffic over the streets and highways of the State. The Patrol assists local, county, and other state agencies in the provision of law enforcement services when requested.

**K. Victim and Justice Services**

The Division of Victim and Justice Services operates three programs. These are the Community Service Work Program, which places offenders in government and non-profit agencies to perform community service work hours as directed by the court and the Parole Commission; the Crime Victims Compensation Program, which provides financial assistance to innocent victims of violent crime; and the Rape Victims Assistance Program, which provides financial assistance to victims of rape and sexual assault.

**NORTH CAROLINA  
ADMINISTRATIVE OFFICE OF THE COURTS**

**SUMMARY OF PROGRAMS AND PROJECTS  
February 1997**

**DALLAS CAMERON  
DIRECTOR**

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updates also available at:  
<http://www.aoc.state.nc.us>

## NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS



### courtroom programs

#### PROGRAM

Criminal Docket Management, or "CDM"  
(formerly known as the Criminal Case Management Program)

#### DESCRIPTION

The 1995 General Assembly directed the AOC to use \$50,000 of appropriated funds in each year of the 1995-97 biennium to establish a superior court criminal case management pilot program in two districts. Each month one week of CDM "administrative court" is held in superior court in each district. Each case is calendared for up to three CDM settings, generally one month apart, with specified matters to be accomplished at each setting.

Distinctive features of CDM include early, automatic provision of discovery; extension of written plea offers early in cases; active pre-trial negotiation sessions that are conducted by CDM judges; arrangement of CDM calendars in order by defense attorney; and scheduling of trial dates by CDM judges, in consultation with the district attorney, and with defense attorney involvement.

The court officials involved in the pilot project believe that the system results in more realistic and reliable trial calendars; less pre-trial jail time for defendants; less frustration on the part of victims, witnesses, and defense attorneys; a reduction in the amount of indigent representation fees paid by the state; a significant increase in coordination and communication between the district attorney's office and all other court personnel; and a maximal use of juror time.

The AOC's May 1996 report on the implementation of this project reviewed preliminary data from several sources to examine potential changes that may be associated with implementation of CDM. While tentative, these data showed evidence of reductions in case age, calendar re-settings, and size of trial calendars, along with substantial support of and confidence in the new system by criminal justice personnel, including defense attorneys. Data also show significantly reduced pending caseload. Based on this early successful experience, the AOC is planning to request expansion budget funding in 1997-99 for implementation of criminal docket management statewide.

#### STATUS

Pilot Sites:

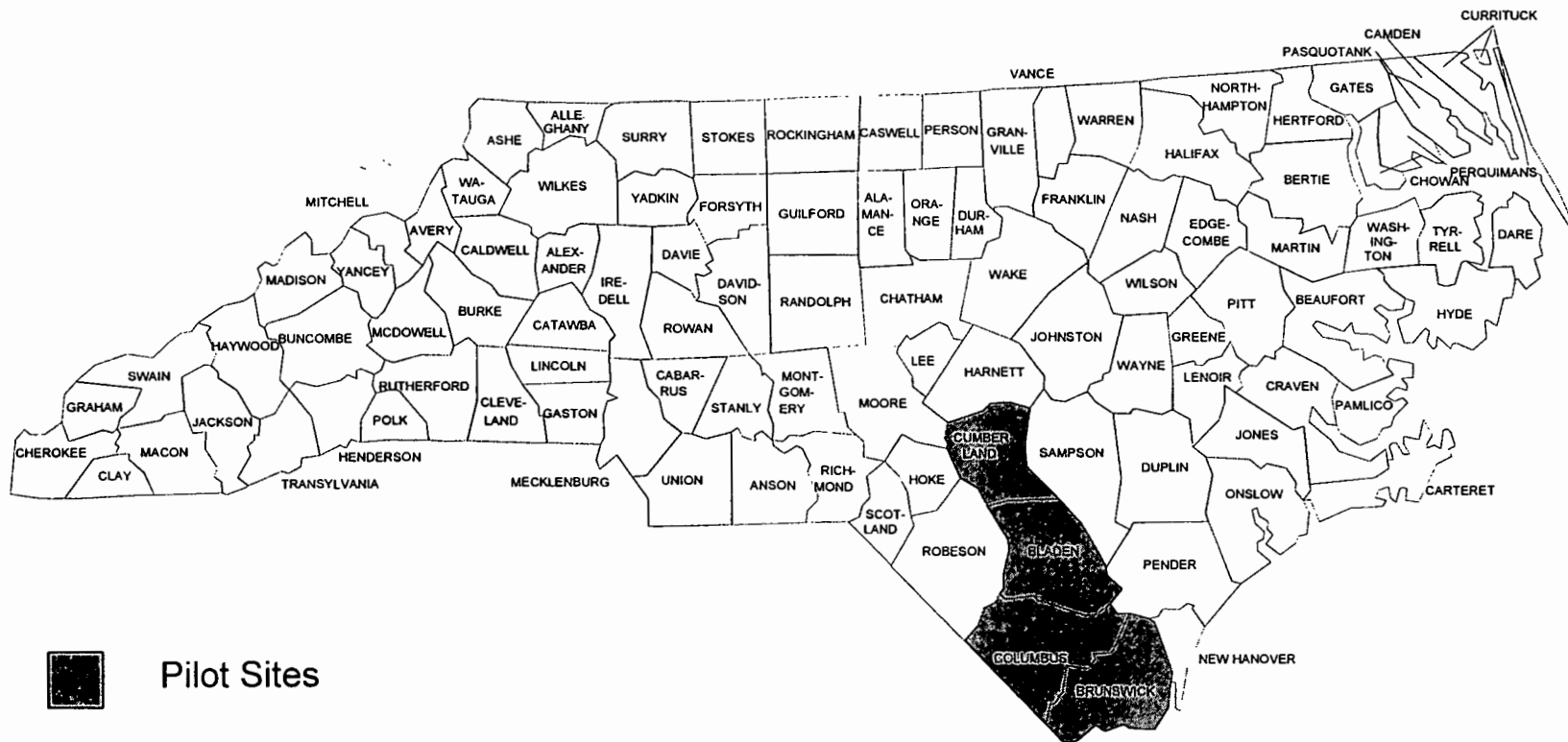
District 12 (Cumberland County)  
District 13 (Bladen, Brunswick, and Columbus Counties)

Pilot Period: July 1, 1995 - June 30, 1997

Report Submitted: May 1, 1996 (on May 3, 1996, the AOC presented the report to the House Appropriations Subcommittee on Justice and Public Safety)

# The Administrative Office of the Courts

## Criminal Docket Management





**NORTH CAROLINA  
ADMINISTRATIVE OFFICE OF THE COURTS**



**courtroom programs**

**PROGRAM**

Pilot Drug Treatment Courts

**DESCRIPTION**

As authorized by the 1995 General Assembly, the AOC has implemented pilot drug treatment courts (DTC) in five districts in North Carolina. Drug treatment courts are an innovative court-based intervention whereby the judge, the district attorney, and the defense attorney work together in a non-adversarial fashion to help substance-abusing offenders obtain needed treatment and rehabilitation. Enrollments as of December 31, 1996, in the districts with pilot drug treatment court programs are shown in the table below.

The second annual conference for drug treatment courts was held January 29-31. Drug treatment court teams met to address pertinent issues and to visit the Mecklenburg Drug Court. As of the end of the calendar year 1996, the five drug courts expected to serve 394 clients per year; data show 97 clients are enrolled.

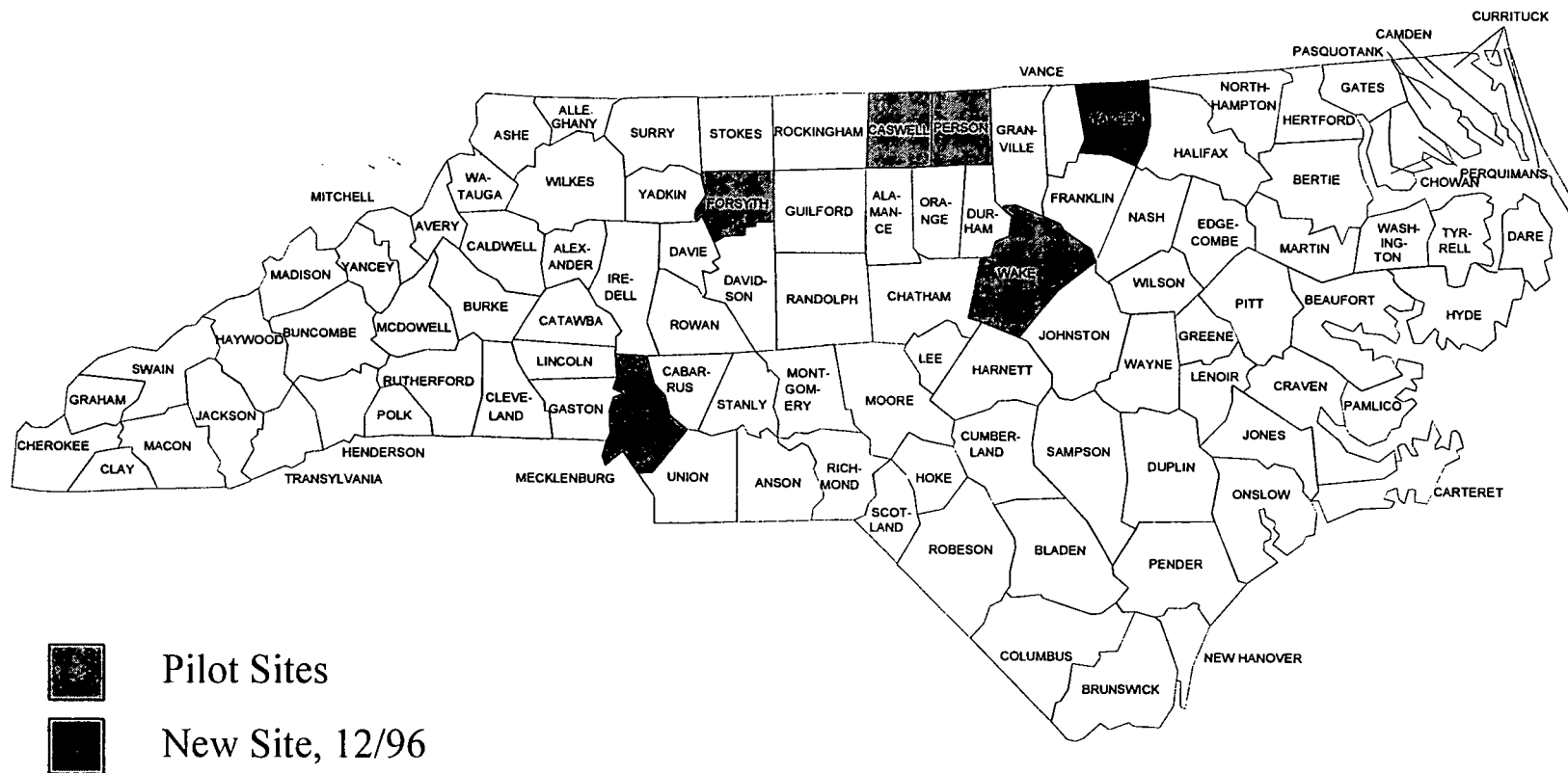
| Drug Treatment Court Program  | Type of Program | Date of First DTC Session | # Expected to Serve per Year | # Enrolled as of 12/31/96 |
|-------------------------------|-----------------|---------------------------|------------------------------|---------------------------|
| District 9A -- Person/Caswell | Preplea         | July 1, 1996              | 30                           | 21                        |
| District 10 -- Wake           | Postsentence    | May 24, 1996              | 84                           | 24                        |
| District 21 -- Forsyth        | Preplea         | June 14, 1996             | 50                           | 12                        |
| District 26 -- Mecklenburg    | Preplea         | March 27, 1996            | 200                          | 86                        |
| District 9 -- Warren County   | Postsentence    | December 5, 1996          | 30                           | 4                         |

**STATUS**

|               |                                                                                                                                                                               |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Funded:       | District 9A (Person and Caswell Counties)<br>District 10 (Wake County)<br>District 21 (Forsyth County)<br>District 26 (Mecklenburg County)<br>District 9 (Warren County only) |
| Pilot Period: | October 1, 1995 - June 30, 1997                                                                                                                                               |
| Report Due:   | May 1, 1998                                                                                                                                                                   |

# The Administrative Office of the Courts

## Drug Treatment Courts



## NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS



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### **courtroom programs**

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#### **PROGRAM**

Court Facilities Improvement and Court Security

#### **DESCRIPTION**

The AOC received a grant from the State Justice Institute to conduct a survey into the condition of court facilities statewide, and to pay for an expert in court facilities to conduct comprehensive evaluations of court facilities in five counties (listed below). The evaluations will assess the condition of present court facilities, give projections of future workload and space needs, and offer recommendations for short- and long-term approaches to meeting the court's space needs.

The AOC has applied for grant funds from the Governor's Crime Commission to develop standards for court security in North Carolina. The standards would be developed by an advisory committee of court, county, and law enforcement representatives, assisted by an expert in court security. The project includes a survey of court security systems statewide, and on-site evaluations of court security systems in as many as ten counties.

#### **STATUS**

Facilities improvement grant:

- Statewide survey completed;

- Evaluations of county courthouses completed:

- Vance, Brunswick, Harnett, Wilkes, and Randolph counties (Reports are available for Vance, Brunswick, and Harnett counties)

Court security standards grant:

- Approved by the Secretary of Crime Control and Public Safety; November 22, 1996 was the first advisory committee meeting.

## NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS



### courtroom programs

#### PROGRAM

District Court Indigent Defense Fee Schedule Pilot Project

#### DESCRIPTION

The AOC is conducting a pilot project in four districts to test the operation of a per case fee schedule for paying attorneys who represent indigent persons in district court. The pilot will test the usefulness of a fee schedule to make the administration of indigent defense funds for district court more efficient and predictable -- including prompt payment of a fair fee to defense counsel. The project was recommended by a committee of the Conference of Chief District Court Judges. The formal end of the pilot was February 29, 1996, but all four pilot districts have elected to continue to use the fee schedule pending receipt of the evaluation report and the recommendations of the committee.

#### STATUS

|                  |                                                                                                                                             |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Pilot Districts: | District 14 (Durham County)<br>District 16A (Hoke and Scotland Counties)<br>District 19A (Cabarrus County)<br>District 28 (Buncombe County) |
| Pilot Period:    | September 1, 1995 - February 29, 1997                                                                                                       |
| Report expected: | Results are being compiled; report expected in early 1997                                                                                   |
| Statewide:       | Recommendations will be considered after results are compiled and analyzed                                                                  |

### fiscal programs

#### PROGRAM

Financial Management System

#### DESCRIPTION

The Financial Management System of "FMS" was designed for use by Clerk of Superior Court bookkeepers. The system includes the following four applications:

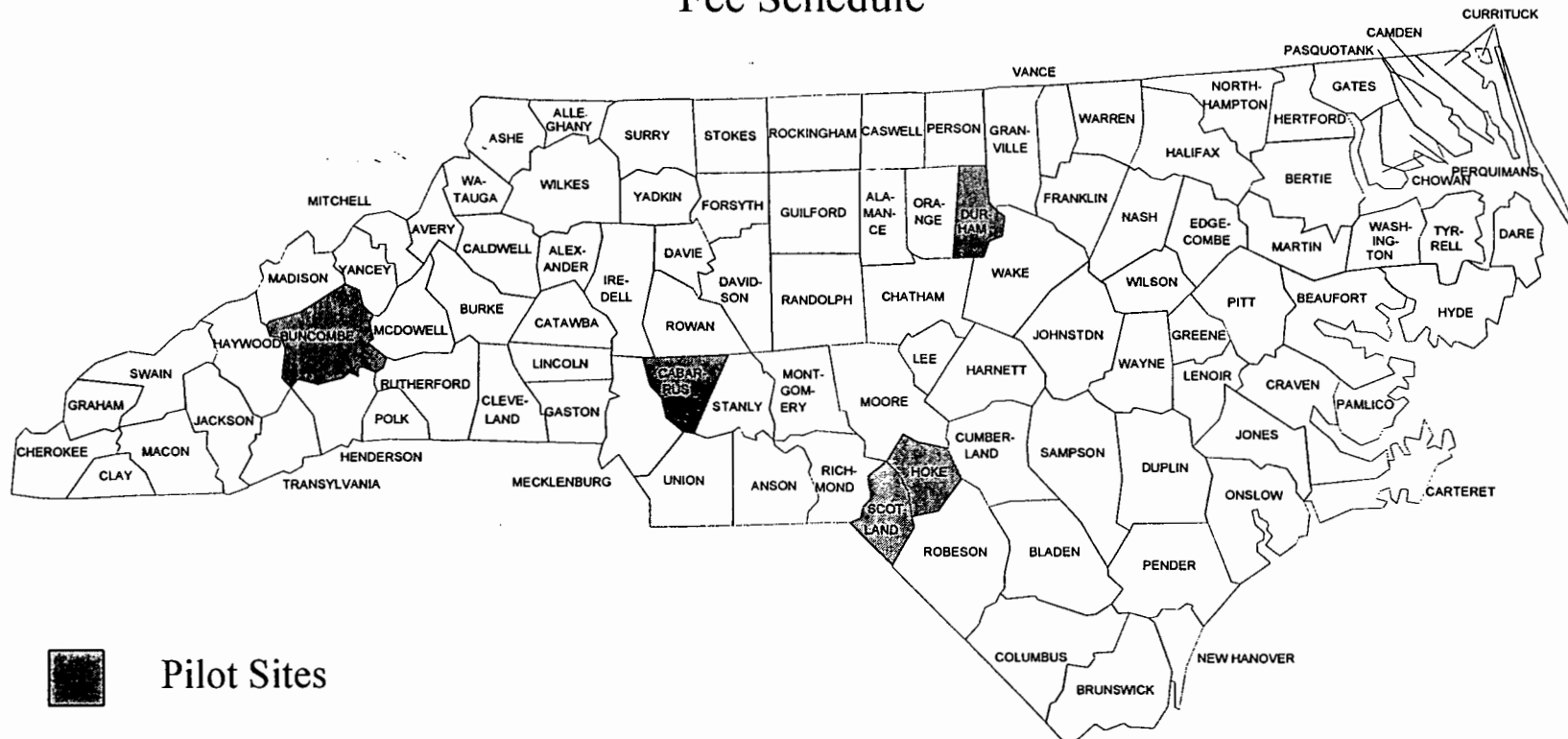
|                  |                                                                                                                                         |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| General Ledger   | accounts for clerks' assets and liabilities                                                                                             |
| Accounts Payable | provides for disbursement of payments                                                                                                   |
| Jury Payment     | facilitates payments to jurors                                                                                                          |
| Partial Payment  | facilitates the collection and distribution of payments made on this type of case by matching the total due against the total collected |

#### STATUS

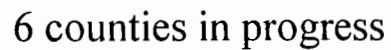
|            |                |
|------------|----------------|
| Pilot:     | July 1992      |
| On-Line:   | 86 83 Counties |
| Statewide: | October 1997   |

# The Administrative Office of the Courts

## District Court Indigent Defense Fee Schedule



# Financial Management System



## NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS



### alternative punishment

#### PROGRAM

Community Penalties Program

#### DESCRIPTION

The purpose of the Community Penalties Program is to reduce prison overcrowding by providing the judicial system with community sentences to be used in lieu of and less cost than prison. The Programs target and develop individual sentencing plans for offenders who are eligible to receive an intermediate punishment based on their class of offense and prior record level and who face an imminent and substantial threat of imprisonment.

#### STATUS

##### Areas Served:

Current: 84 counties comprising 33 District Court Districts.

By 6/30/97: Add three additional Districts.

By 6/30/98: Statewide coverage.

Planning has begun to expand into three additional District Court Districts by June 30, 1997.

Plans Presented to the Court Fiscal Year 96-97: 586\*

Plans Accepted by the Court Fiscal Year 96-97: 511\*

*\*Plans presented and accepted through December 31, 1996*

### technological innovations

#### PROGRAM

District Attorney/Public Defender Case Management System (CMS)

#### DESCRIPTION

This prosecutor and public defender oriented automated system provides local case management and office support. It is designed to support scheduling and management of attorney resources within an office, capture of individualized case notes, and tracking/scheduling of action-oriented events and decision points relevant to prosecution or defense of each case. To take advantage of data already entered by Clerk staff, needed data are downloaded daily (or as needed) from the AOC's automated Criminal system. Personal computer (PC) workstations are used interactively with a database that resides on a Local Area Network (LAN) file server; the data can therefore be accessed simultaneously by multiple persons on the LAN. As they desire, users can group cases within their district by local number, print form letters and mailing labels, and select/sort cases.

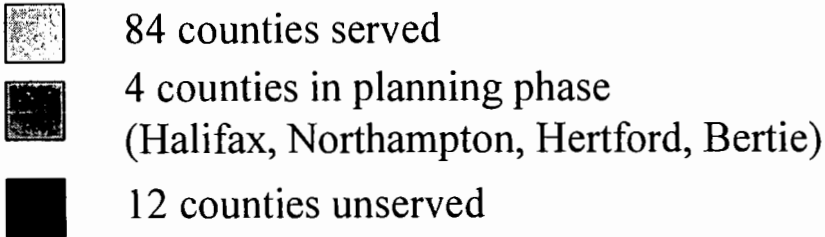
#### STATUS

Pilot: August, 1994: 6 sites (5 Prosecutorial and 1 Public Defender sites). Funded by Governor's Crime Commission grant.

On-line: 20 districts: 1, 3A, 3B, 4, 6A, 8, 10, 11, 12 (DA + PD), 13, 14 (DA + PD), 16B (DA + PD), 17A, 17B, 18 (DA + PD), 20, 21, 27B, 28 (DA + PD) and 30.

To be trained and implemented by June 30, 1997: 4 districts: 7, 22, 26 (DA + PD), and 27A (DA + PD)

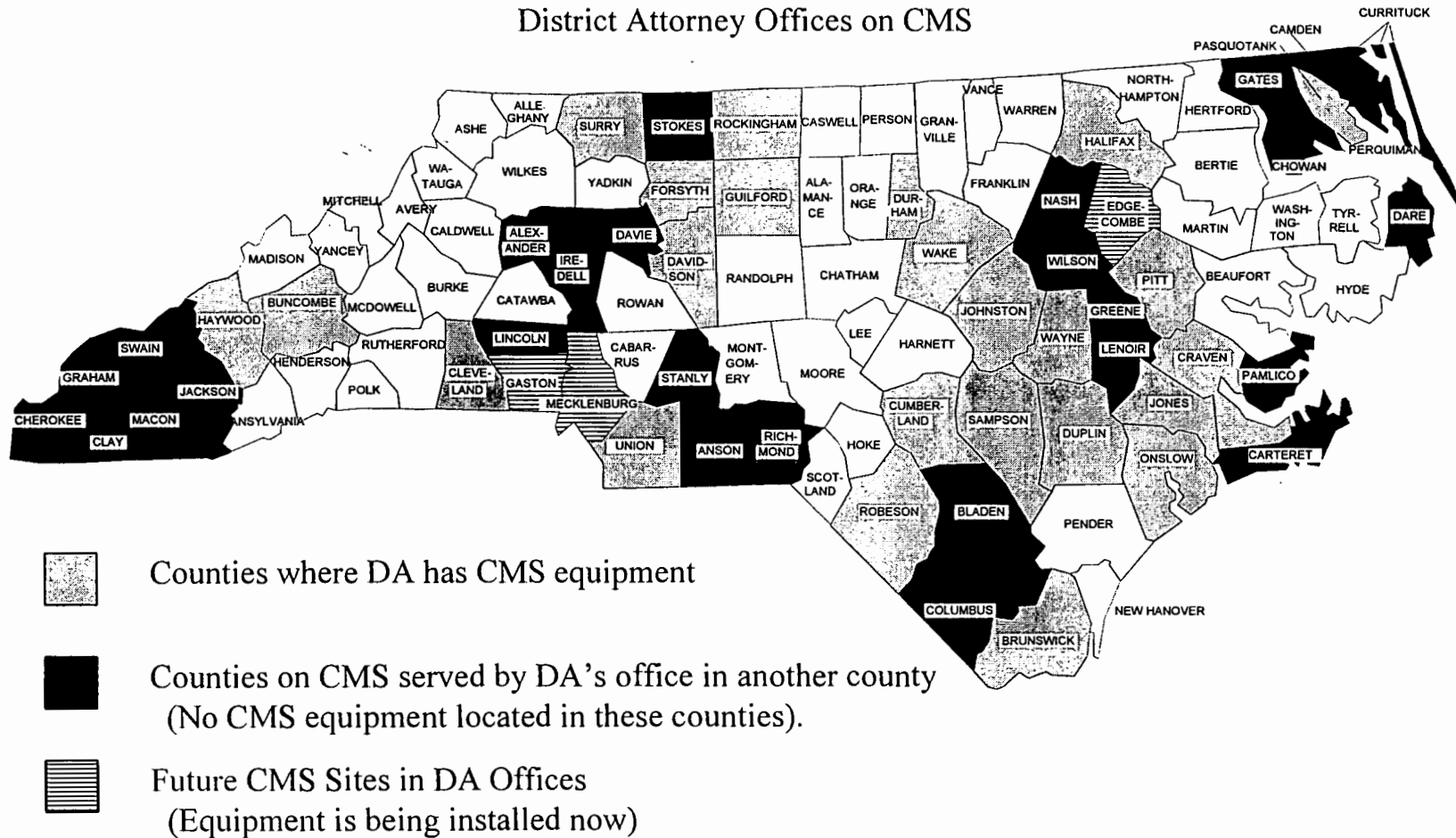
# Community Penalties Program





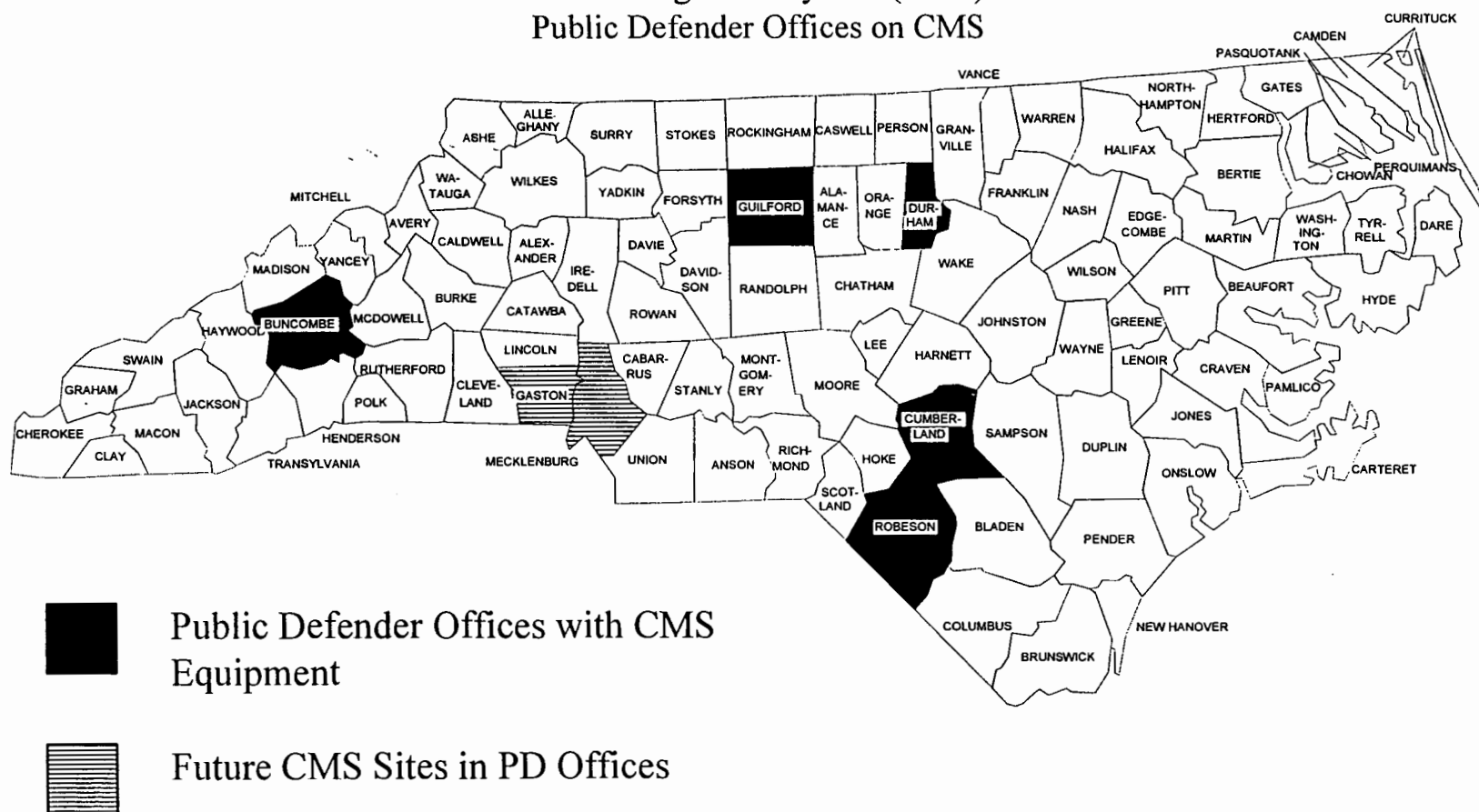
# The Administrative Office of the Courts

District Attorney/Public Defender  
Case Management System (CMS):  
District Attorney Offices on CMS



# The Administrative Office of the Courts

**District Attorney/Public Defender  
Case Management System (CMS):  
Public Defender Offices on CMS**



## NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS



### alternatives to court

#### PROGRAM

Court-Ordered Arbitration

#### DESCRIPTION

In 1986, the General Assembly enacted legislation authorizing the Supreme Court to establish a pilot program of court-ordered, non-binding arbitration for claims for money damages of \$15,000 or less. On January 1, 1987, a controlled experiment in arbitration began in the three pilot sites designated by the Court: Judicial Districts 3, 14, and 29. Based on the success of the pilot, the General Assembly enacted legislation during the 1989 Session authorizing arbitration statewide.

Under G.S. 7A-37.1 and the Supreme Court Rules for Court-Ordered Arbitration in North Carolina, all cases involving claims for money damages of \$15,000 or less are eligible for arbitration. Specifically excluded from arbitration are certain property disputes, family law matters, estates, special proceedings, and class actions. Parties may, however, voluntarily submit any other civil dispute to arbitration.

By rule, the arbitration hearing is conducted within 60 days of the filing of the last responsive pleading. Parties may stipulate to an arbitrator, but in the absence of a stipulation, the court appoints an arbitrator from its list. To appear on this list, an arbitrator must: have been licensed to practice law for at least five years, with the last two as a member of the North Carolina State Bar; undergo arbitrator training; and be designated by the senior resident superior court judge and chief district court judge. The arbitrator is paid a \$75 fee by the court for each arbitration hearing.

Arbitration hearings are limited by rule to one hour and take place in the courthouse. The hearings are conducted in a serious but relaxed atmosphere, with the rules of evidence serving as a guide. Once concluded, the arbitrator renders an award, which is filed with the court. A party dissatisfied with the award may proceed to a trial de novo by filing a written request with the court within 30 days of the award. If no action is taken during this time, the court enters judgment on the award.

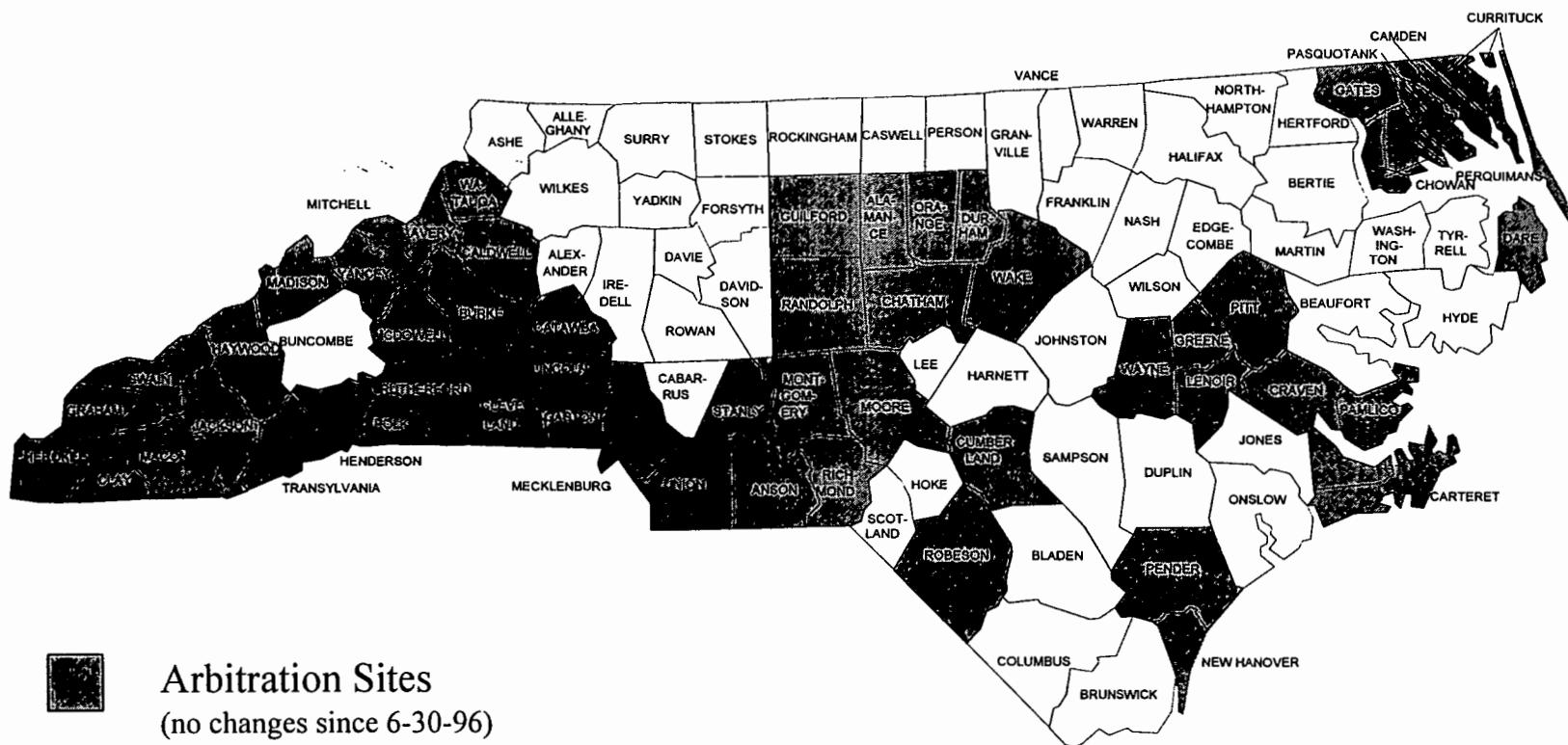
#### STATUS

As of July 1, 1996, arbitration operated in 25 superior court districts. Funding will be requested to expand into the remaining twenty-one districts as soon as possible, with a goal of providing for a statewide program before the year 2000.

Currently, there is a 70% success rate; 30% of cases are referred for trial de novo.

# The Administrative Office of the Courts

## Arbitration Sites



## NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS



### alternatives to court

#### PROGRAM

Custody and Visitation Mediation

#### DESCRIPTION

In 1983, the General Assembly established a child custody mediation pilot program in the 26th Judicial District, and expanded the pilot in 1987 to Judicial District 27A. Based on the experience in the pilot districts, the General Assembly enacted legislation during the 1989 Session authorizing mediation of custody and visitation issues in domestic cases statewide.

Under General Statutes 50-13.1 and 7A-494, the Court sets contested custody and visitation issues raised in a case for mediation before those issues are tried. According to the statute, the mediation process is designed "to provide a structured, confidential, non-adversarial setting that will facilitate the cooperative resolution of custody and visitation disputes and minimize the stress and anxiety to which the parties, especially the child, are subjected."

In mediation, the parties, assisted by a neutral third party, attempt to construct an agreement to provide for the care and custody of their children that is in the children's best interests. The mediator's role is that of facilitator. Professionally trained in mediation techniques, the mediator establishes a process to ensure that the parties consider these issues in a constructive context. The mediator is also required to hold a graduate degree in a human relations field and to have experience in child development and family dynamics to assist the parties in focusing on the children's best interests.

If the parties are successful, the mediator assists them in drafting a parenting agreement, which is forwarded to counsel for review and consultation with their clients. Once signed by the parties and the judge, the agreement becomes an enforceable order of the court.

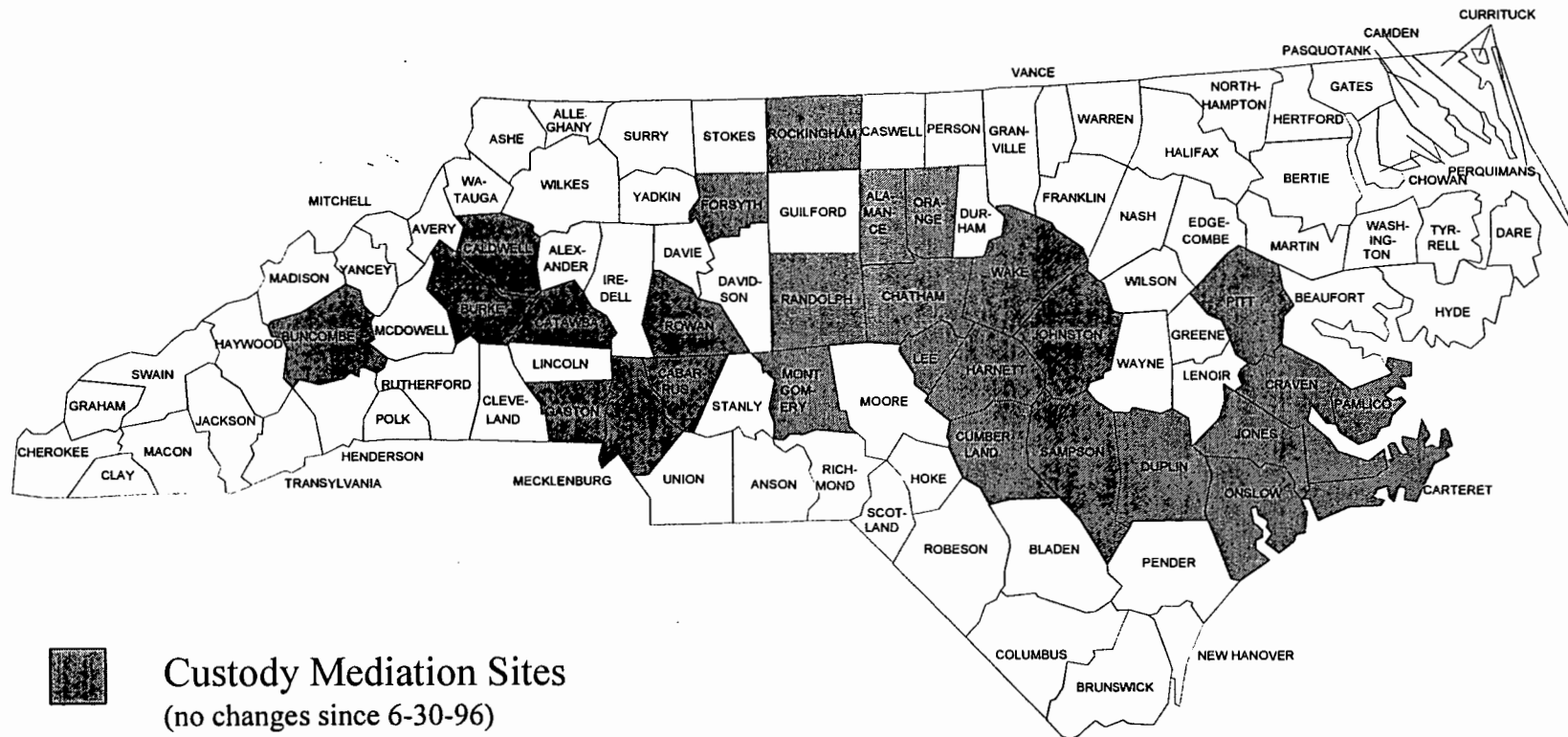
#### STATUS

As of July 1, 1996, the custody mediation program was operating in seventeen district court districts. Funding will be requested to expand into the remaining twelve districts as soon as possible, with a goal of providing for a statewide program before the year 2000.

Currently, there is a 56% rate of resolution (signed parental agreements), which is equivalent to the national rate of success.

# The Administrative Office of the Courts

## Custody Mediation



# NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS



## technological innovations

### PROGRAM

Civil Case Processing System

### DESCRIPTION

This is an enhanced, full function automated system that supports trial court case processing and statistical reporting for all civil case types. When implemented it replaces the limited-function Civil Indexing System.

The mainframe system automates all major aspects of civil case management -- indexing, docketing, tracking, calendaring, judgment indexing and processing of post-judgment activities. The new system provides attorneys and the general public with quick, easy access to detailed information regarding individual civil cases. It also provides judges and judicial staff persons with a significantly increased case management capacity. The new civil system allows multi-county inquiries from one terminal and will provide detailed data about civil cases, currently not available.

Members of the bar will benefit from the civil case processing system both directly and indirectly. Attorneys will benefit directly from their ability to access, swiftly and easily, detailed information about (1) civil cases in their home county, and (2) civil cases in other counties in which the system has been implemented. Attorneys will benefit indirectly from the more efficient handling of cases from filing to final disposition expected to result from the significantly enhanced case management capabilities the system provides to judges and judicial staff persons.

Trial court data are kept as cases move through district and superior court, and notations are made if a case is appealed to an appellate court, including results of the appeal (affirmed, reversed, affirmed in part and reversed in part, etc.). This system does not capture appellate data.

### Functions

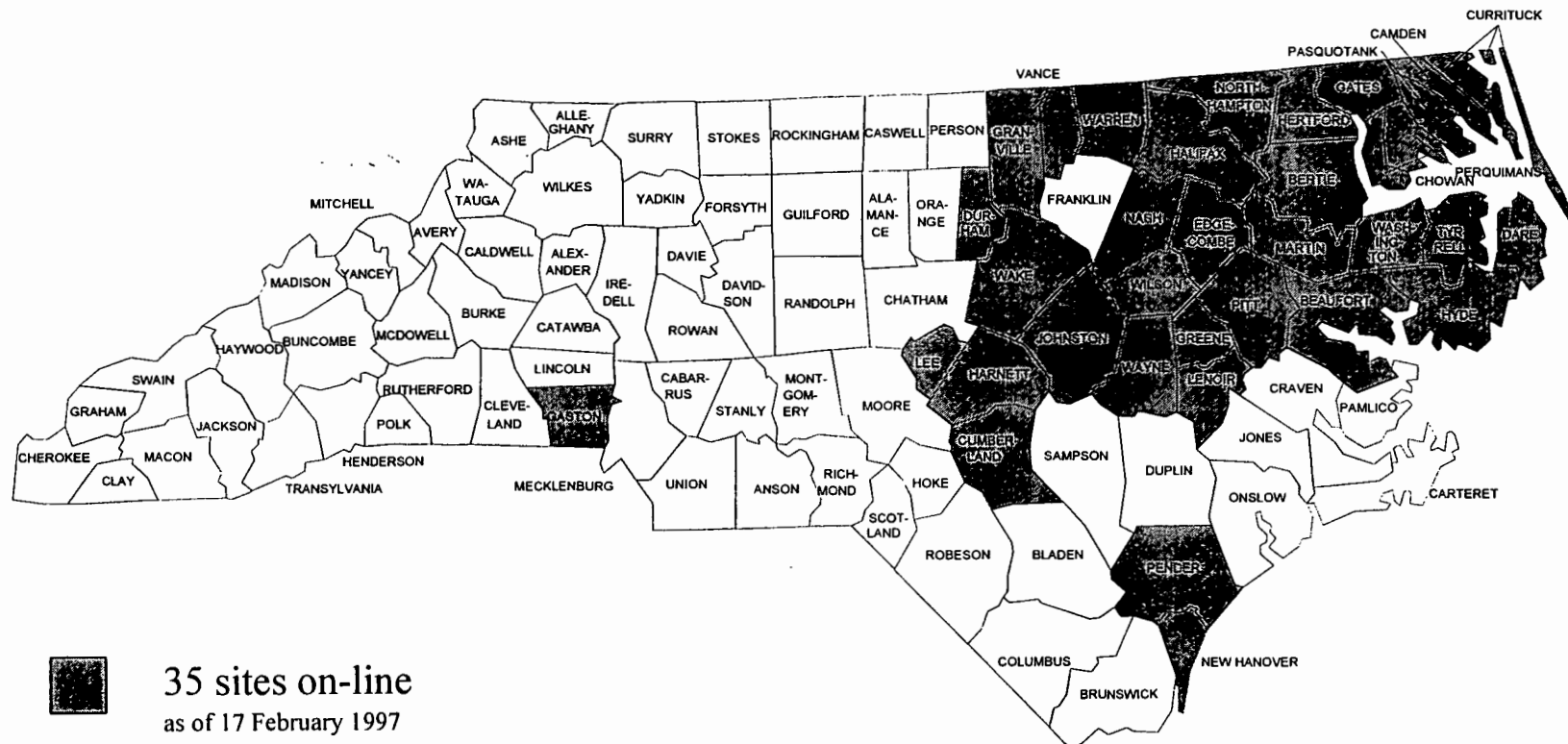
- Indexing by case or party:
  - Civil Actions
  - Judgments
  - Name corrections
  - Estates
  - Registrations
  - Special Proceedings
- Civil Case tracking
  - Pleadings and responses
  - Issues
  - Service and Returns (Summons, etc.)
  - Orders (granted and denied, etc.)
  - Case consolidations, transfers
  - Appeals to district and superior court
  - Automatic Discontinued for lack of service
- Reporting
- Calendars

### STATUS

Pilot: June 1996 in Nash County  
On-line: 35 34 counties  
Planned: Statewide by end of 1997

# The Administrative Office of the Courts

## Civil Case Processing System





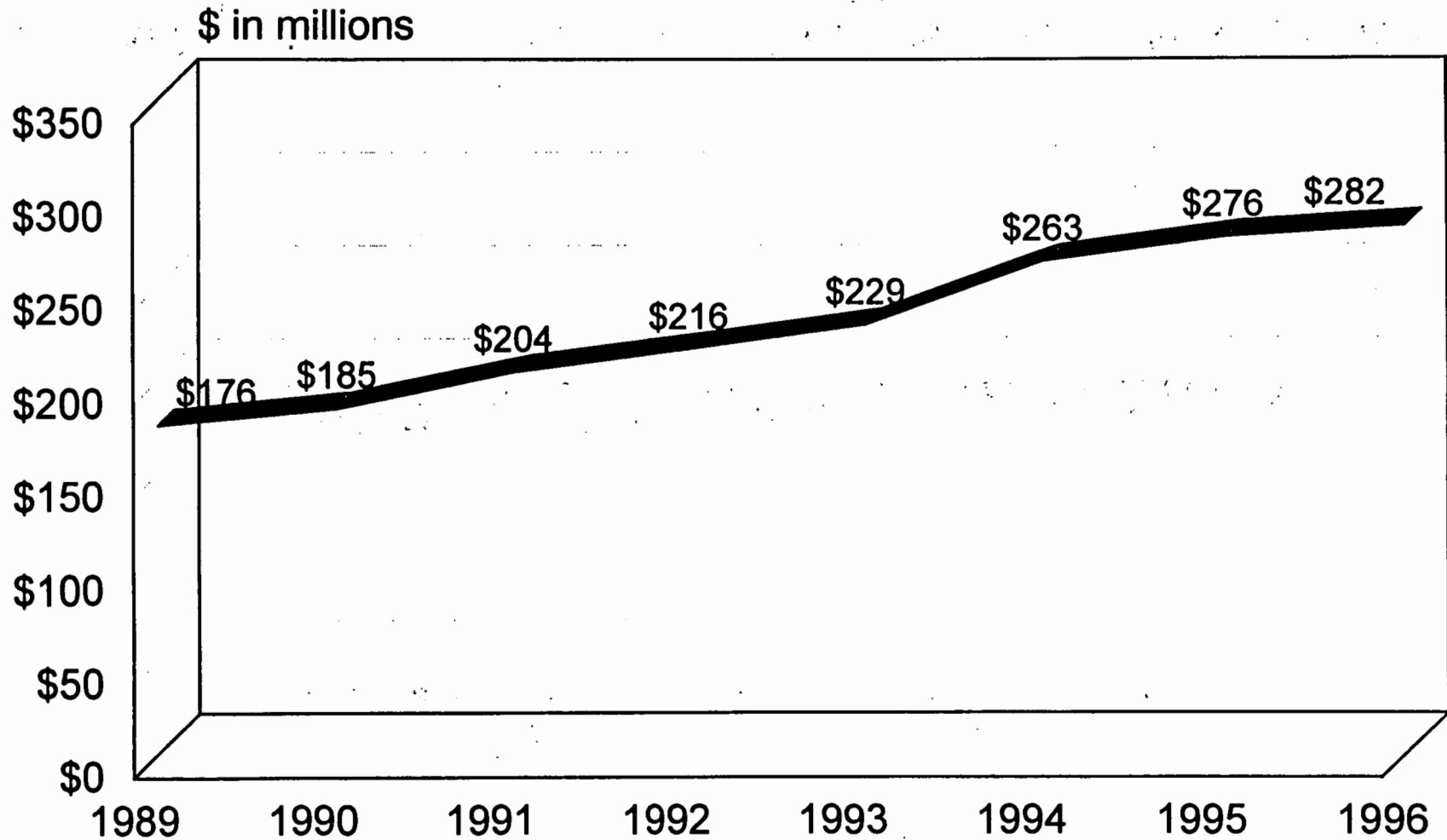
# Judicial Department

## *OVERVIEW OF KEY FISCAL TRENDS*

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
FEBRUARY 19, 1997

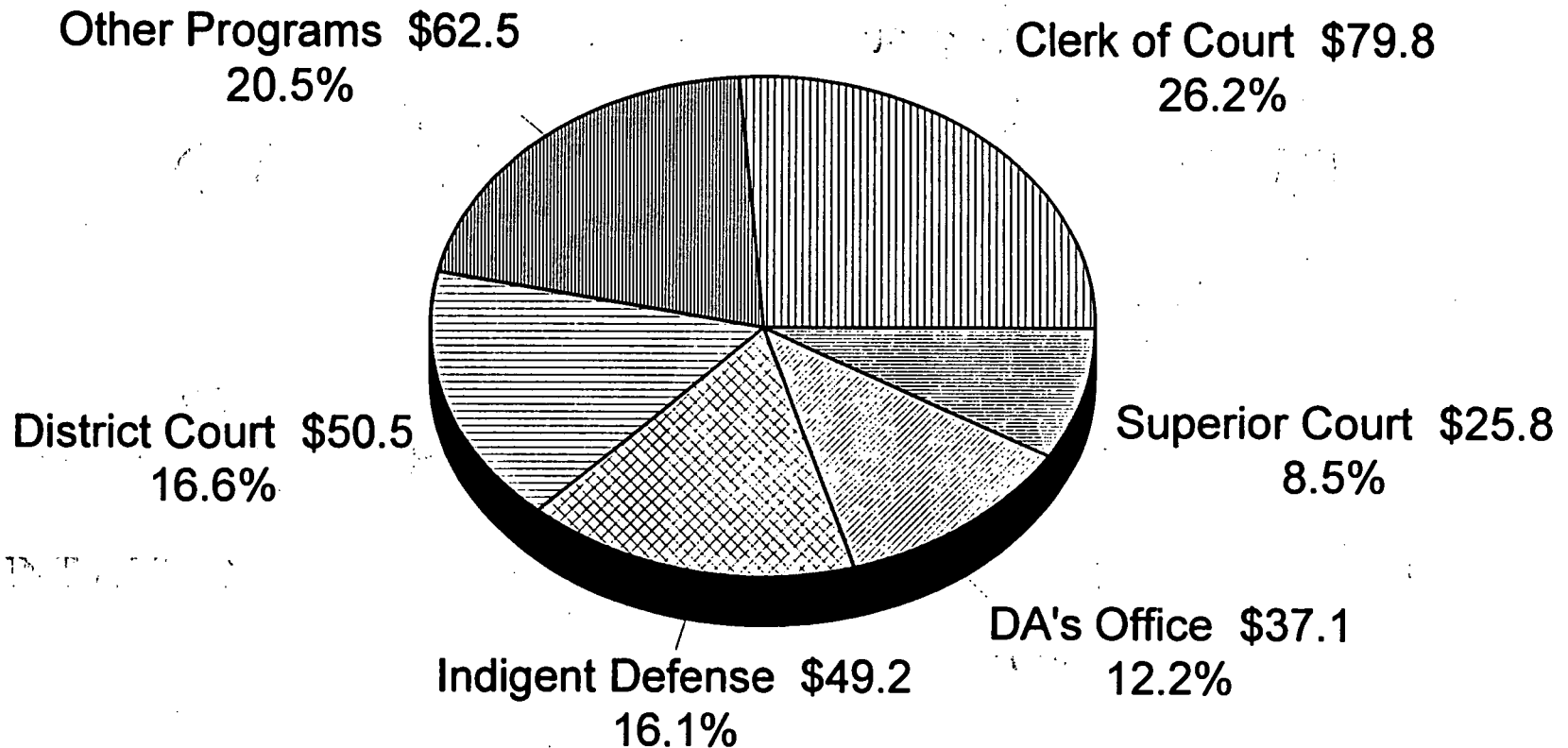
# JUDICIAL DEPARTMENT

## General Fund Expenditures FY 1989 - 1996



# Judicial Department

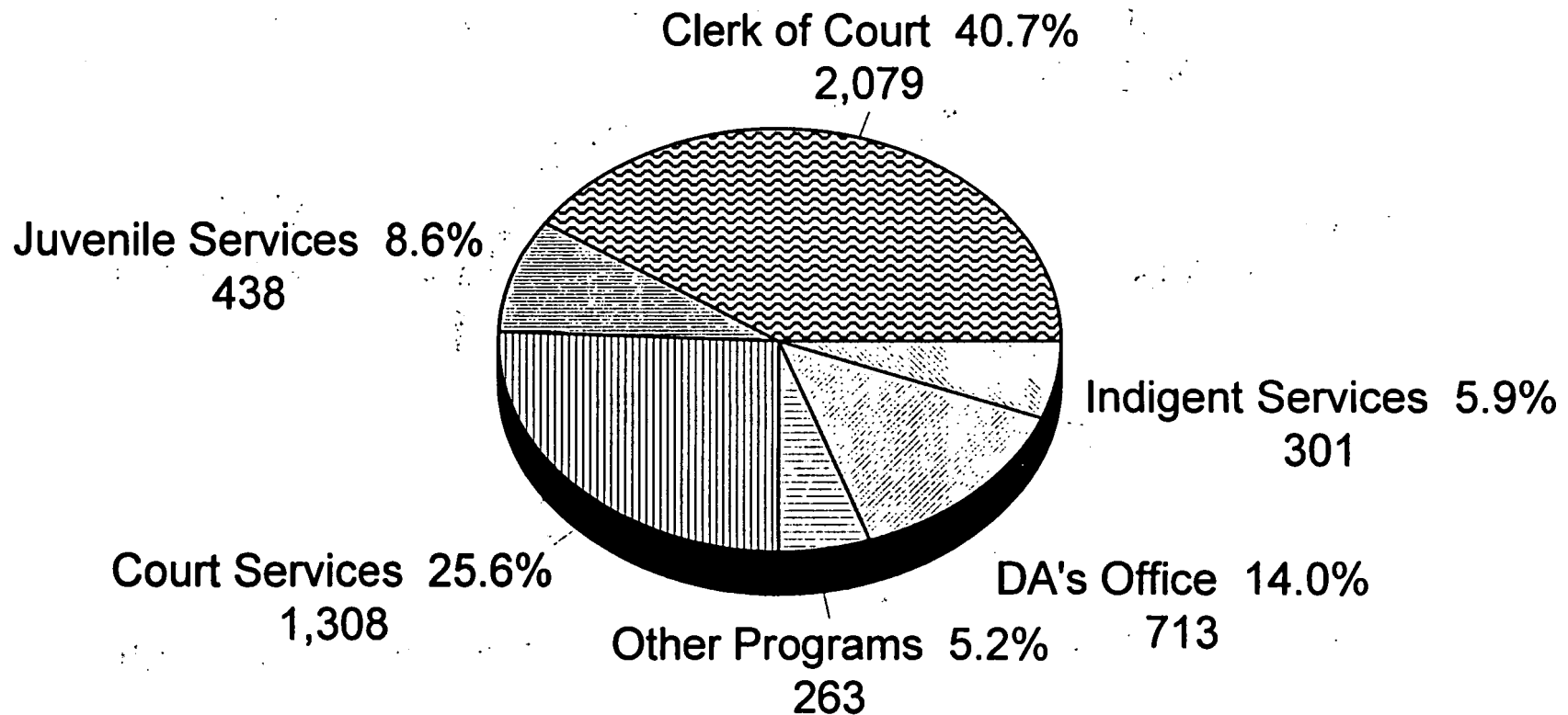
*FY 1996-97 Authorized Budget by Major Program (\$ in millions)*



\*Total Authorized Budget is \$294m - Source: Volume 4 of the Budget Documents

# Judicial Department

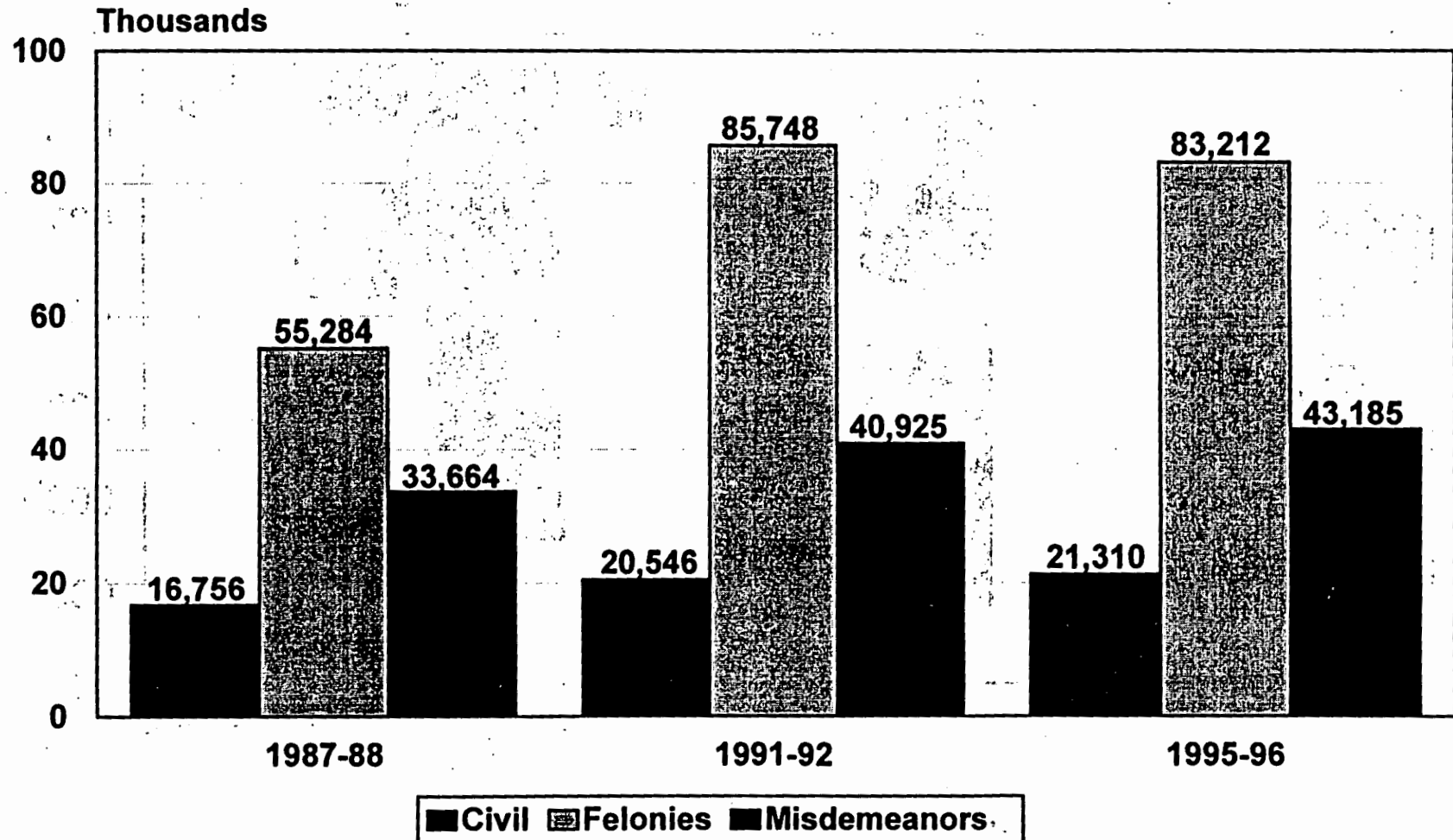
## *FY 1996-97 Positions by Major Program*



\*Total State Funded Positions in FY 1996-97 is 5,102

# JUDICIAL DEPARTMENT

## Superior Court Filings\*



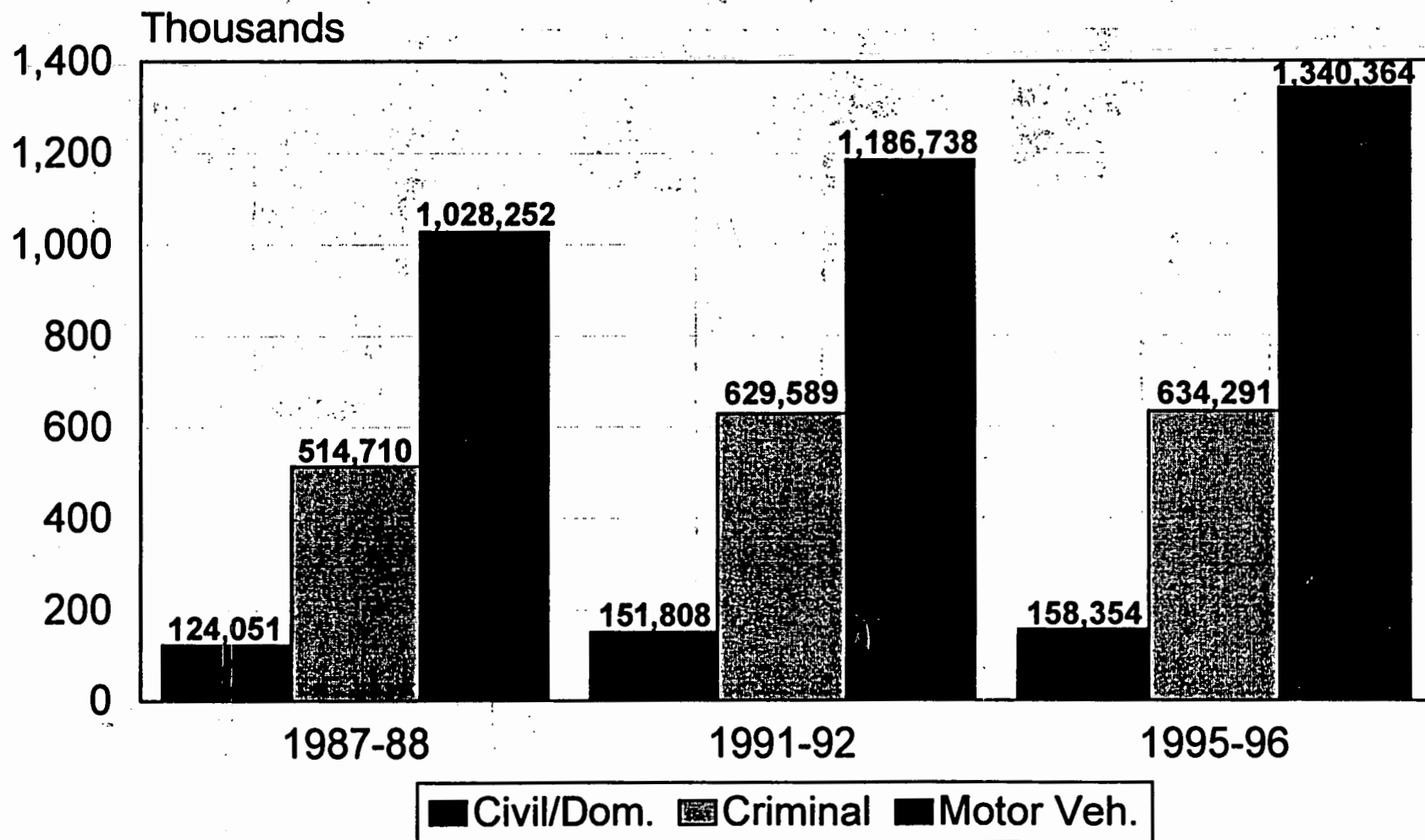
### Notes:

\* Excludes estates and special proceedings.

\*\* Total Superior Court Filings: 1987/88 - 192,598; 1991/92 - 246,487; 1995/96 - 256,128.

# JUDICIAL DEPARTMENT

## District Court Filings\*



### Notes:

\* Excludes civil magistrate filings and civil license revocations.

\*\* Total District Court Filings: 1987/88 - 2,004,447; 1991/92 - 2,294,688; 1995/96 - 2,460,630.

**JUDICIAL DEPARTMENT**  
**Review of Major Budget Actions 1995-97**

| <b><u>REDUCTIONS</u></b>                                                                                                                                                                                                                                                                        | <b><u>1995-96</u></b> | <b><u>1996-97</u></b>       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------|
| 1. <u>Court Reporters</u> - Eliminated court reporters in district court by using electronic recording equipment. Also reduced 10 vacant reporter positions in Superior Court, of which, 2 were reinstated in FY 1996-97.                                                                       | (493,802) R<br>(34)   | (1,219,361) R<br>(42)       |
| 2. <u>Guardian Ad Litem</u> - Reduce funding in legal services and administration by capping attorney fees; limiting use of attorneys to hearings when case disposition is expected; and terminating appointments after two years unless presiding judge determines reappointment is necessary. | (505,263) R<br>(3)    | (490,623) R<br>(3)          |
| 3. <u>Community Penalties Program</u> - Reduce grant funds which will allow programs to operate in 32 of 39 districts rather than expanding statewide.                                                                                                                                          | (1,600,000) R         | (1,600,000) R               |
| 4. <u>Indigency Screening Program</u> - Eliminated the seven State programs established to determine indigency of criminal defendants.                                                                                                                                                          | (438,507) R<br>(18)   | (439,655) R<br>(18)         |
| 5. <u>Jury Fees</u> - Reduce by allowing jurors to waive fees in Superior Court.                                                                                                                                                                                                                | (200,000) R           | (200,000) R                 |
| 6. <u>Salary Reserve</u> - Reduce salary reserve by 75%; these funds are generated by positions being filled at a salary less than the budgeted salary.                                                                                                                                         |                       | (750,000) R                 |
| 7. <u>Magistrate Reserve for Salary Increase</u> - A reserve was established to fund higher salaries for newly hired magistrates who must now have a four year degree. The reduction is possible because vacancies have been lower than anticipated.                                            |                       | (250,000) R<br>(250,000) NR |

## EXPANSION

|                                                                                                                                                                                                         | <u>1995-96</u>                  | <u>1996-97</u>                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------|
| 1. <u>Court Personnel Statewide</u> - Provide funding for: 68 assistant district attorneys, 65 deputy clerks, 9 magistrates, 6 district court judges, 6 superior court judges, and 17 legal assistants. | 1,740,791 R<br>102,965 NR<br>41 | 3,318,952 R<br>277,935 NR<br>130  |
| 2. <u>Equipment</u> - Funds for office equipment, telecommunication systems, computers, and related items.                                                                                              | 100,000 R<br>2,000,000 NR       | 426,890 R<br>2,071,188 NR         |
| 3. <u>Indigent Defense</u> - Funding for the anticipated growth in indigent defendants.                                                                                                                 |                                 | 2,779,458 R<br>9,636 NR<br>11     |
| 4. <u>Alternatives to Litigation / Case Management Programs</u> - Provide funding for dispute settlement centers, arbitration and mediation programs.                                                   | 942,154 R<br>324,254 NR<br>7.5  | 1,081,512 R<br>314,274 NR<br>10.5 |



# Judicial Department

## *Key Policy and Budgetary Issues 1997-99*

- ◆ Possible Solutions to Growth and Changes in Judicial Workload
  - ◆ Modernization of Court System Equipment
  - ◆ Additional Court Personnel
  - ◆ Alternatives to Litigation / Case Management Programs
- ◆ Indigent Defense (continued growth)
- ◆ Expansion of Juvenile Services
- ◆ Victims' Rights Legislation Implementation
- ◆ Court Futures Recommendations

**JUDICIAL DEPARTMENT  
MAJOR ADJUSTMENTS IN 1997-99 CONTINUATION BUDGET**

|                                              | <u>Inc./Dec. from 96-97</u> | <u>97-98 Recommendation</u> | <u>Inc./Dec. from 96-97</u> | <u>98-99 Recommendation</u> |
|----------------------------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Clerk of Court                               | \$300,345                   | \$76,709,833                | \$458,317                   | \$76,867,805                |
| District Court                               | 510,125                     | 49,299,418                  | 771,010                     | 49,560,303                  |
| Superior Court                               | 506,575                     | 25,374,522                  | 653,895                     | 25,521,842                  |
| District Attorney's                          | 2,027,199                   | 39,410,771                  | 2,201,769                   | 39,585,341                  |
| Indigent Defense<br>(private attorneys fees) | 6,154,169                   | 38,914,196                  | 8,839,382                   | 41,599,409                  |
| Information Services                         | (1,890,530)                 | 9,290,481                   | (1,877,392)                 | 9,303,619                   |
| Arbitration                                  | (245,565)                   | 525,334                     | (245,565)                   | 525,334                     |
| <b>TOTAL</b>                                 |                             | <b>\$301,488,102</b>        |                             | <b>\$306,808,090</b>        |

\*Source: Volume 4 of Budget Documents

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Tuesday February 25, 1997 - 8:30 a.m.

Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Presiding

Representative Larry Justus

Representative Joe Kiser

Representative Gregg Thompson

**II. PRESENTATIONS**

- Continue Review of Judicial Budget
  - Complete Overview
  - Administration
  - Court Services
  - District Attorney's Office
  - Clerk of Superior Court

Charles Perusse, Fiscal Analyst  
Judicial Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
FEBRUARY 25, 1997

The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Tuesday, February 25, 1997 in Room 612 of the Legislative Office Building. Fifteen members were present. Senator Wib Gulley, Chairman, presided.

Charles Perusse, Fiscal Analyst gave the Subcommittee an overview of the Judicial Department (see attached). He explained to the Subcommittee some of the key fiscal trends and the major budget actions during the 1995-97 period. Mr. Perusse and Mr. Dallas Cameron from the Judicial Department answered questions from the Subcommittee.

Next, Mr. Perusse went over in detail the handout for the Administration and the Appellate Courts (see attached). A brief discussion followed his presentation. Mr. Perusse gave the Subcommittee an overview of the Superior and District Courts (see attached). After further discussion by the Subcommittee on the Courts, Senator Ballance told the Subcommittee that he chairs the Select Committee on the Future of the Courts and would let the Subcommittee see the data in this Courts Commission report.

The meeting was adjourned at 10:00 am.



\_\_\_\_\_  
Senator Wib Gulley, Chair



\_\_\_\_\_  
Carol Resar, Committee Clerk

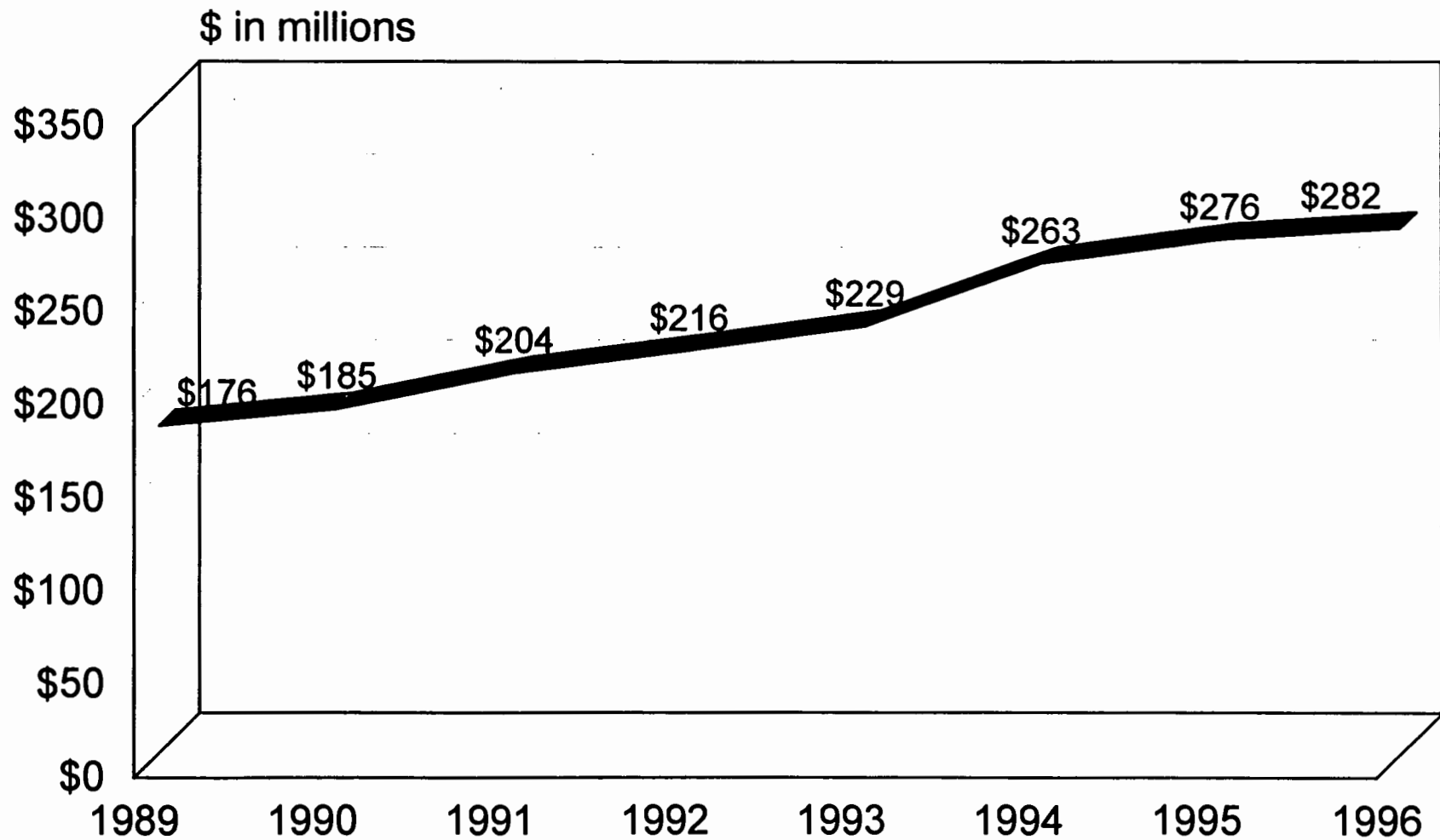
# Judicial Department

## *OVERVIEW OF KEY FISCAL TRENDS*

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
FEBRUARY 19, 1997

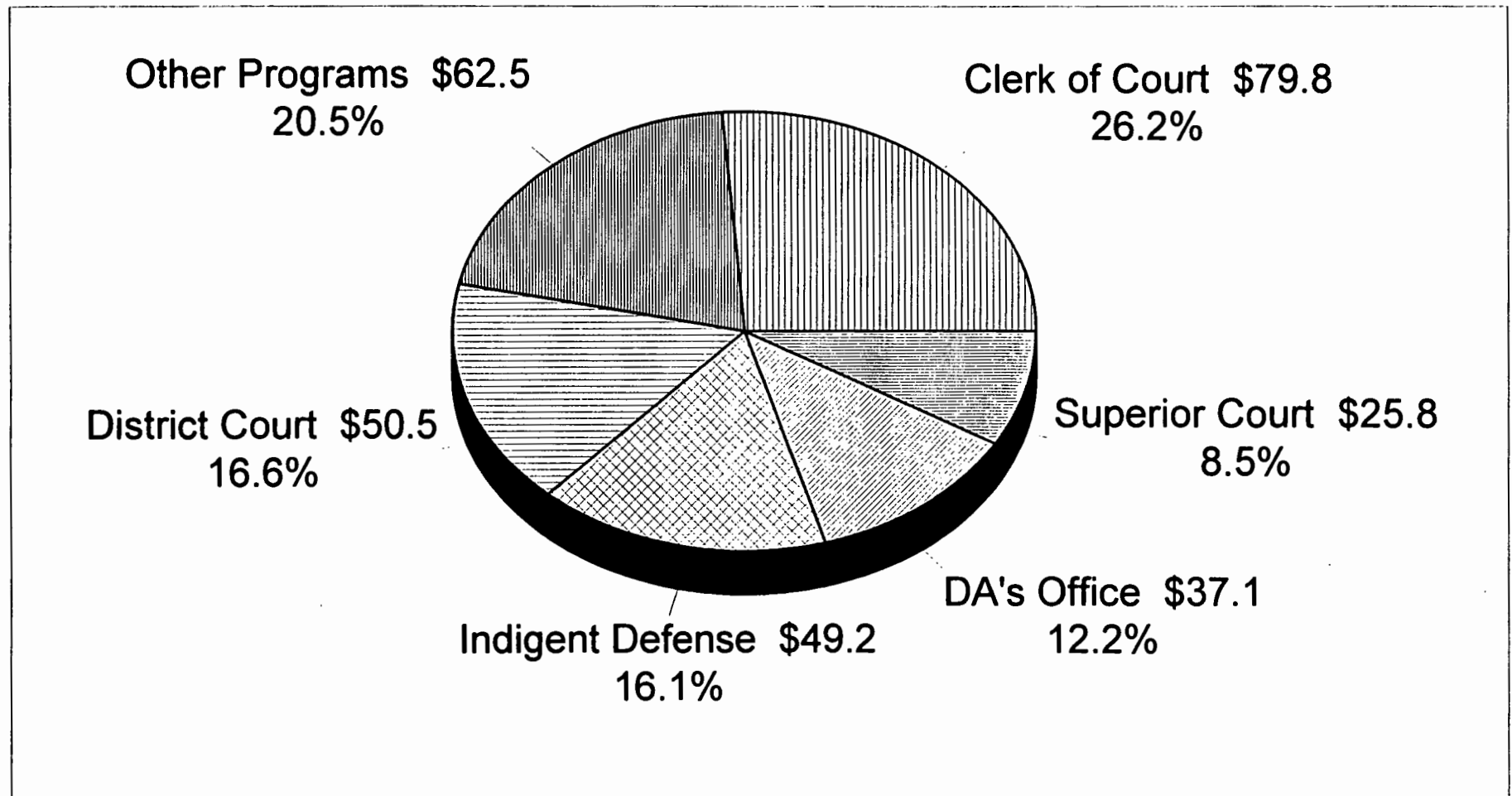
# JUDICIAL DEPARTMENT

## General Fund Expenditures FY 1989 - 1996



# Judicial Department

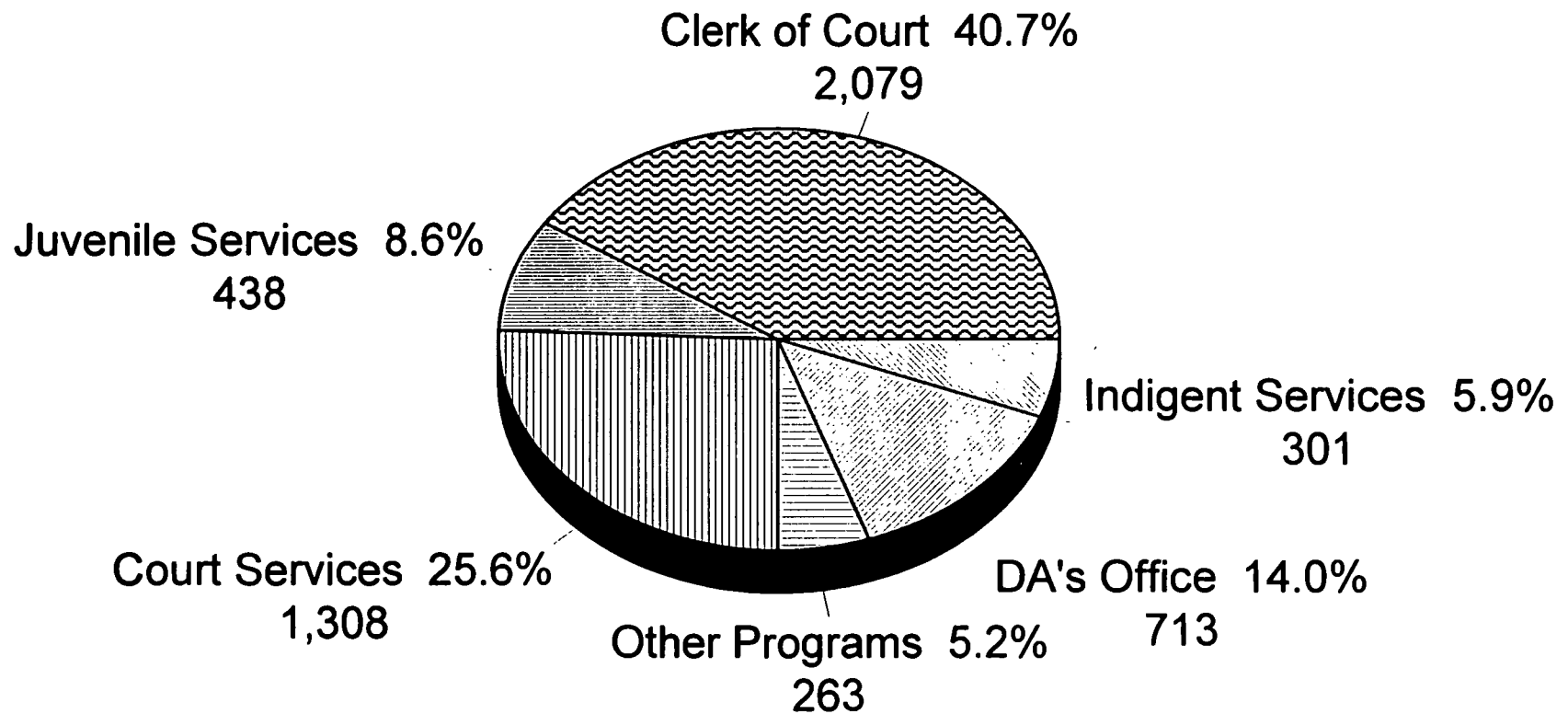
*FY 1996-97 Authorized Budget by Major Program (\$ in millions)*



\*Total Authorized Budget is \$294m - Source: Volume 4 of the Budget Documents

# Judicial Department

## *FY 1996-97 Positions by Major Program*

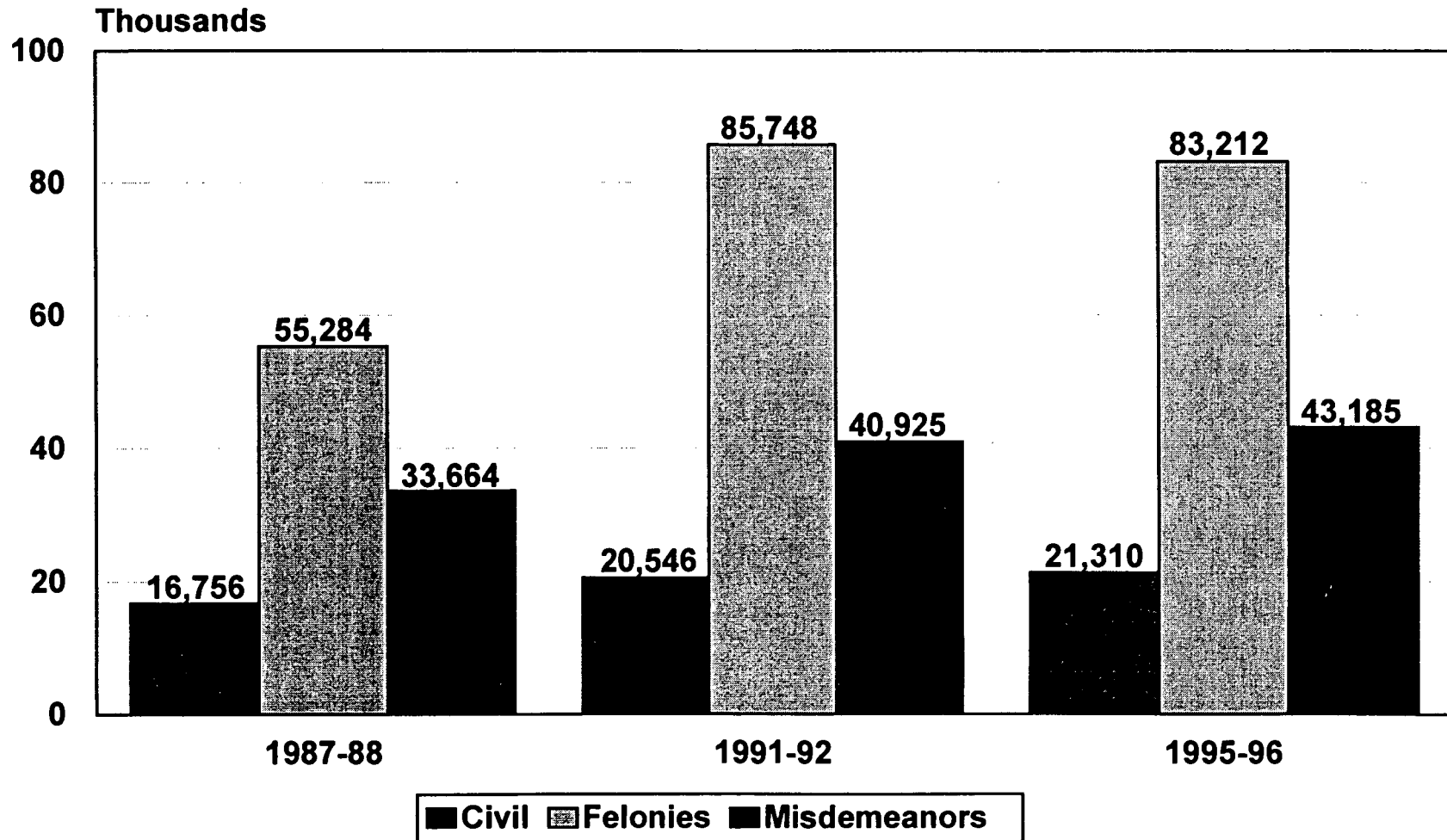


\*Total State Funded Positions in FY 1996-97 is 5,102



# JUDICIAL DEPARTMENT

## Superior Court Filings\*



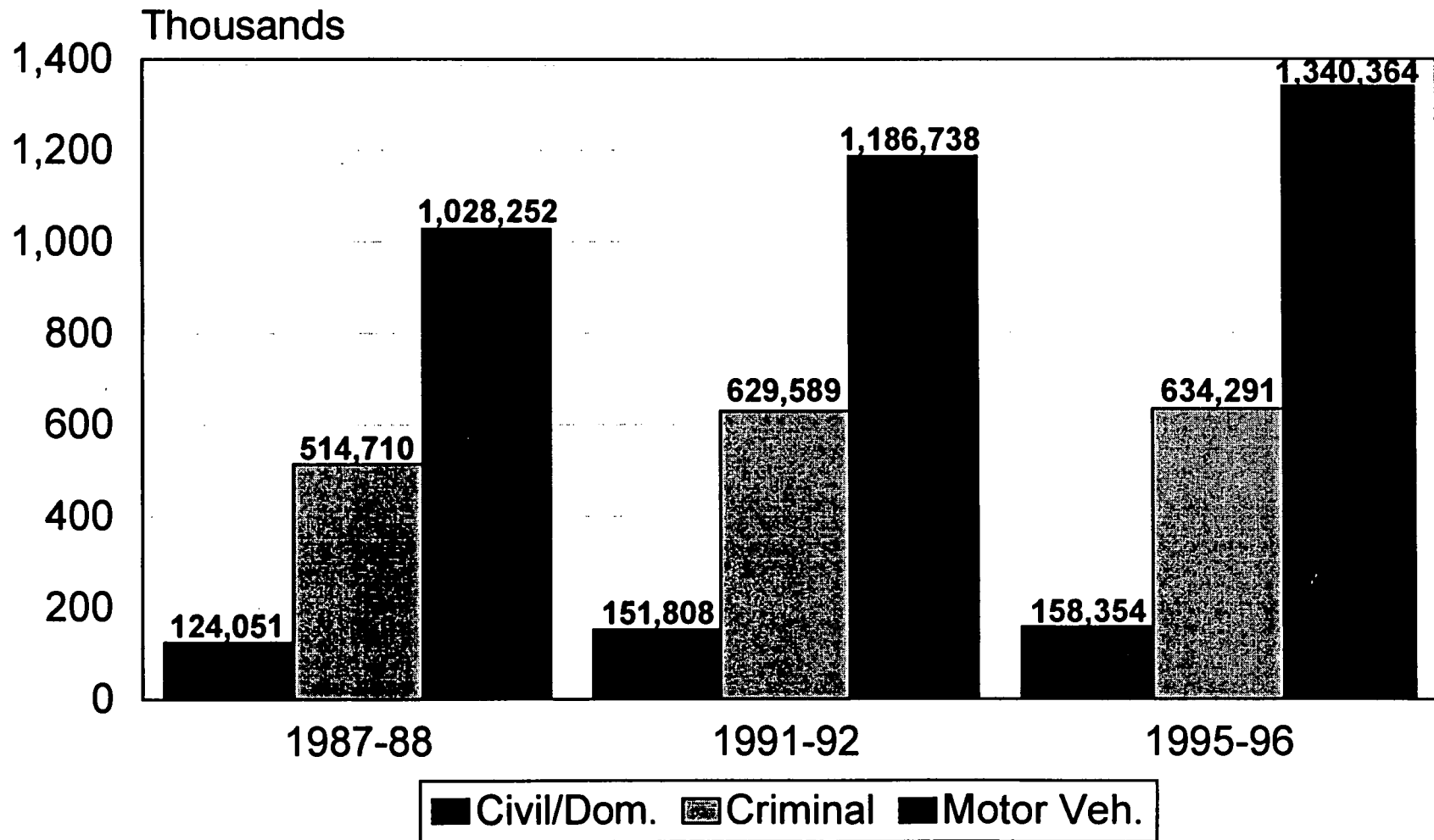
Notes:

\* Excludes estates and special proceedings.

\*\* Total Superior Court Filings: 1987/88 - 192,598; 1991/92 - 246,487; 1995/96 - 256,128.

# JUDICIAL DEPARTMENT

## District Court Filings\*



Notes:

\* Excludes civil magistrate filings and civil license revocations.

\*\* Total District Court Filings: 1987/88 - 2,004,447; 1991/92 - 2,294,688; 1995/96 - 2,460,630.

**JUDICIAL DEPARTMENT**  
**Review of Major Budget Actions 1995-97**

| <b><u>REDUCTIONS</u></b>                                                                                                                                                                                                                                                                        | <b><u>1995-96</u></b> | <b><u>1996-97</u></b>       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------|
| 1. <u>Court Reporters</u> - Eliminated court reporters in district court by using electronic recording equipment. Also reduced 10 vacant reporter positions in Superior Court, of which, 2 were reinstated in FY 1996-97.                                                                       | (493,802) R<br>(34)   | (1,219,361) R<br>(42)       |
| 2. <u>Guardian Ad Litem</u> - Reduce funding in legal services and administration by capping attorney fees; limiting use of attorneys to hearings when case disposition is expected; and terminating appointments after two years unless presiding judge determines reappointment is necessary. | (505,263) R<br>(3)    | (490,623) R<br>(3)          |
| 3. <u>Community Penalties Program</u> - Reduce grant funds which will allow programs to operate in 32 of 39 districts rather than expanding statewide.                                                                                                                                          | (1,600,000) R         | (1,600,000) R               |
| 4. <u>Indigency Screening Program</u> - Eliminated the seven State programs established to determine indigency of criminal defendants.                                                                                                                                                          | (438,507) R<br>(18)   | (439,655) R<br>(18)         |
| 5. <u>Jury Fees</u> - Reduce by allowing jurors to waive fees in Superior Court.                                                                                                                                                                                                                | (200,000) R           | (200,000) R                 |
| 6. <u>Salary Reserve</u> - Reduce salary reserve by 75%; these funds are generated by positions being filled at a salary less than the budgeted salary.                                                                                                                                         |                       | (750,000) R                 |
| 7. <u>Magistrate Reserve for Salary Increase</u> - A reserve was established to fund higher salaries for newly hired magistrates who must now have a four year degree. The reduction is possible because vacancies have been lower than anticipated.                                            |                       | (250,000) R<br>(250,000) NR |

## EXPANSION

|                                                                                                                                                                                                         | <u>1995-96</u> |     | <u>1996-97</u> |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----|----------------|----|
| 1. <u>Court Personnel Statewide</u> - Provide funding for: 68 assistant district attorneys, 65 deputy clerks, 9 magistrates, 6 district court judges, 6 superior court judges, and 17 legal assistants. | 1,740,791      | R   | 3,318,952      | R  |
|                                                                                                                                                                                                         | 102,965        | NR  | 277,935        | NR |
|                                                                                                                                                                                                         | 41             |     | 130            |    |
| 2. <u>Equipment</u> - Funds for office equipment, telecommunication systems, computers, and related items.                                                                                              | 100,000        | R   | 426,890        | R  |
|                                                                                                                                                                                                         | 2,000,000      | NR  | 2,071,188      | NR |
| 3. <u>Indigent Defense</u> - Funding for the anticipated growth in indigent defendants.                                                                                                                 |                |     | 2,779,458      | R  |
|                                                                                                                                                                                                         |                |     | 9,636          | NR |
|                                                                                                                                                                                                         |                |     | 11             |    |
| 4. <u>Alternatives to Litigation / Case Management Programs</u> - Provide funding for dispute settlement centers, arbitration and mediation programs.                                                   | 942,154        | R   | 1,081,512      | R  |
|                                                                                                                                                                                                         | 324,254        | NR  | 314,274        | NR |
|                                                                                                                                                                                                         |                | 7.5 | 10.5           |    |

# Judicial Department

## *Key Policy and Budgetary Issues 1997-99*

- ◆ Possible Solutions to Growth and Changes in Judicial Workload
  - ◆ Modernization of Court System Equipment
  - ◆ Additional Court Personnel
  - ◆ Alternatives to Litigation / Case Management Programs
- ◆ Indigent Defense (continued growth)
- ◆ Expansion of Juvenile Services
- ◆ Victims' Rights Legislation Implementation
- ◆ Court Futures Recommendations

**JUDICIAL DEPARTMENT  
MAJOR ADJUSTMENTS IN 1997-99 CONTINUATION BUDGET**

|                                              | <u>Inc./Dec. from 96-97</u> | <u>97-98 Recommendation</u> | <u>Inc./Dec. from 96-97</u> | <u>98-99 Recommendation</u> |
|----------------------------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Clerk of Court                               | \$300,345                   | \$76,709,833                | \$458,317                   | \$76,867,805                |
| District Court                               | 510,125                     | 49,299,418                  | 771,010                     | 49,560,303                  |
| Superior Court                               | 506,575                     | 25,374,522                  | 653,895                     | 25,521,842                  |
| District Attorney's                          | 2,027,199                   | 39,410,771                  | 2,201,769                   | 39,585,341                  |
| Indigent Defense<br>(private attorneys fees) | 6,154,169                   | 38,914,196                  | 8,839,382                   | 41,599,409                  |
| Information Services                         | (1,890,530)                 | 9,290,481                   | (1,877,392)                 | 9,303,619                   |
| Arbitration                                  | (245,565)                   | 525,334                     | (245,565)                   | 525,334                     |
| <b>TOTAL</b>                                 |                             | <b>\$301,488,102</b>        |                             | <b>\$306,808,090</b>        |

\*Source: Volume 4 of Budget Documents

# **Judicial Branch**

## **1997-99 Budget Overview on Administration and the Appellate Courts**

**Joint Appropriations Subcommittee on Justice and Public Safety  
February 20, 1997**

**Judicial Department  
Overview of General Administration Services**

**Administration Division**

**Description**

- Responsible for maintaining an efficient and effective court system by providing administrative support statewide for the trial courts and court-related offices
- General Administration consists of 116 positions who perform the following duties:
  - budget preparation and administration including the indigent defendant program
  - fiscal accounting and management
  - personnel management
  - procurement of goods and services
  - research and planning
  - uniform administration and business methods, records for court system

**Fiscal Information**

|                           | <b>1995-96</b>       | <b>1996-97</b>           | <b>1997-98</b>            | <b>1998-99</b>            |
|---------------------------|----------------------|--------------------------|---------------------------|---------------------------|
|                           | <b><u>Actual</u></b> | <b><u>Authorized</u></b> | <b><u>Recommended</u></b> | <b><u>Recommended</u></b> |
| General Fund Expenditures | \$7,415,007          | \$7,238,059              | \$7,343,516               | \$7,351,256               |
| Positions                 | 116                  | 116                      | 116                       | 116                       |

**Major Changes in Continuation Budget Requests:** None

**Information Services Division**

**Description**

- Provides statewide development, implementation, and support of computer systems for the Judicial Branch
- Recent expansion of systems to include all counties:
  - Criminal Information System (CIS) used for processing criminal cases at the trial court level (Mecklenburg database fully converted)
  - Infraction module of CIS



- Civil case indexing system
- Child support enforcement module
- Financial management system (currently in 82 counties; statewide by the end of 1997)

Fiscal Information

|                           | <b>1995-96</b>       | <b>1996-97</b>           | <b>1997-98</b>            | <b>1998-99</b>            |
|---------------------------|----------------------|--------------------------|---------------------------|---------------------------|
|                           | <b><u>Actual</u></b> | <b><u>Authorized</u></b> | <b><u>Recommended</u></b> | <b><u>Recommended</u></b> |
| General Fund Expenditures | \$11,278,282         | \$10,992,583             | \$9,096,607               | \$9,109,249               |
| Positions                 | 77                   | 77                       | 77                        | 77                        |

Major Changes in Continuation Budget Requests:

- \$1,900,000 reduction upon completing upgrade of mainframe computer system.

**Warehouse and Printing Services Division**

Description

- Provides warehousing of supplies, printed forms, and books for the offices in the Judicial Branch
- Print shop creates the majority of the legal and administrative forms used by department

Fiscal Information

|                           | <b>1995-96</b>       | <b>1996-97</b>           | <b>1997-98</b>            | <b>1998-99</b>            |
|---------------------------|----------------------|--------------------------|---------------------------|---------------------------|
|                           | <b><u>Actual</u></b> | <b><u>Authorized</u></b> | <b><u>Recommended</u></b> | <b><u>Recommended</u></b> |
| General Fund Expenditures | \$844,083            | \$724,909                | \$744,740                 | \$748,368                 |
| Positions                 | 12                   | 12                       | 12                        | 12                        |

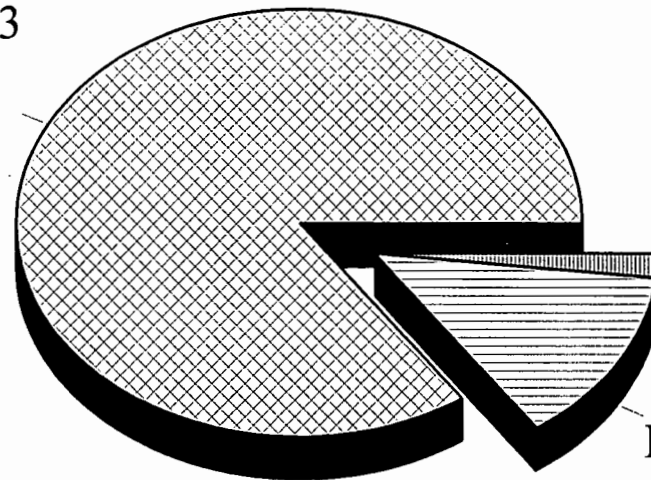
Major Changes in Continuation Budget Requests: None

Source: Volume 4 of Budget documents -- pages U-6 through U-11

# Judicial Department

## FY 1997-98 Recommended Expenditures for Administration Division

Personnel Services \$6,219,933  
84.7%



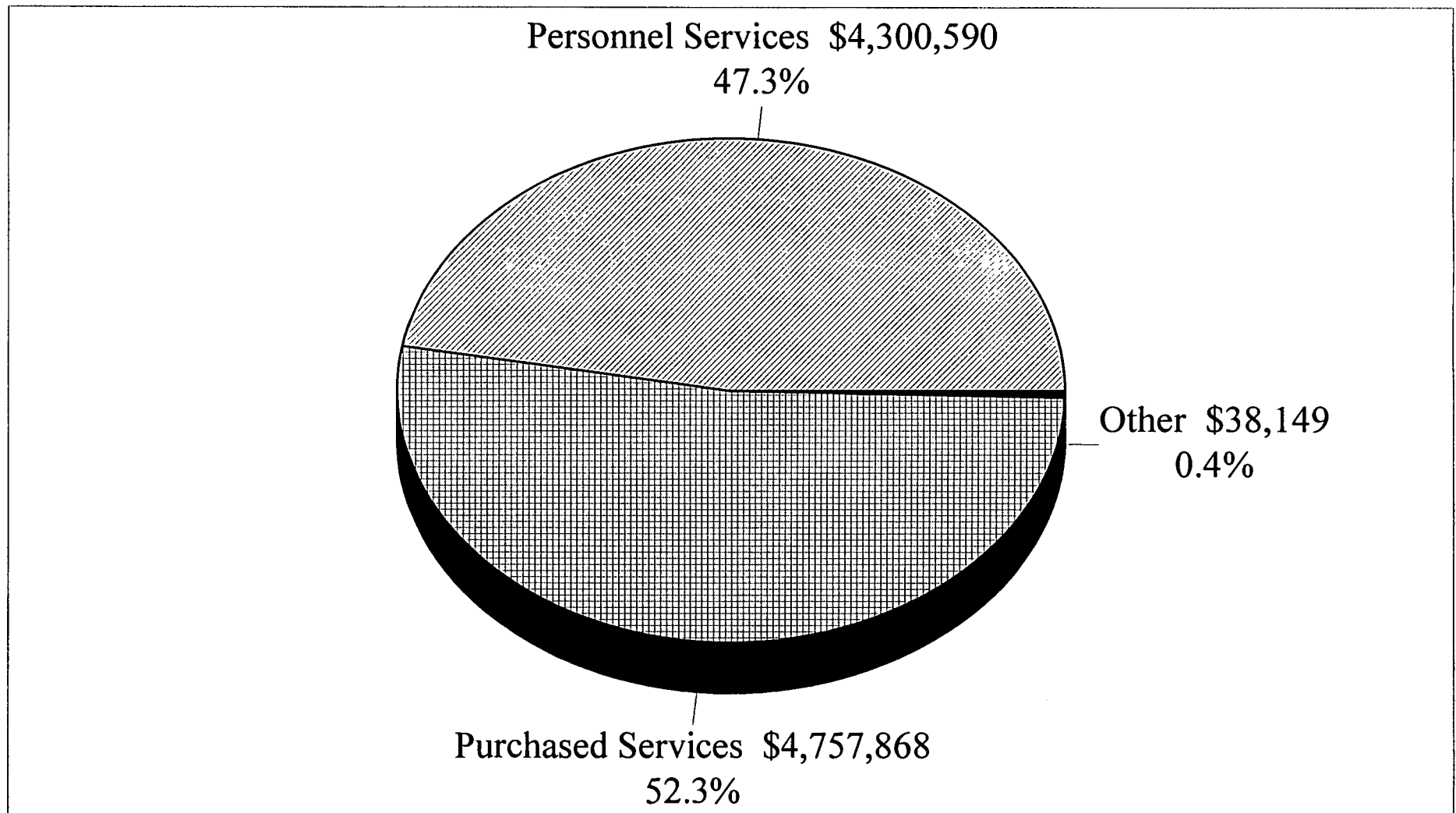
Other \$127,024  
1.7%

Purchased Services \$996,559  
13.6%

\*Total Recommended Expenditures is \$7,343,516

# Judicial Department

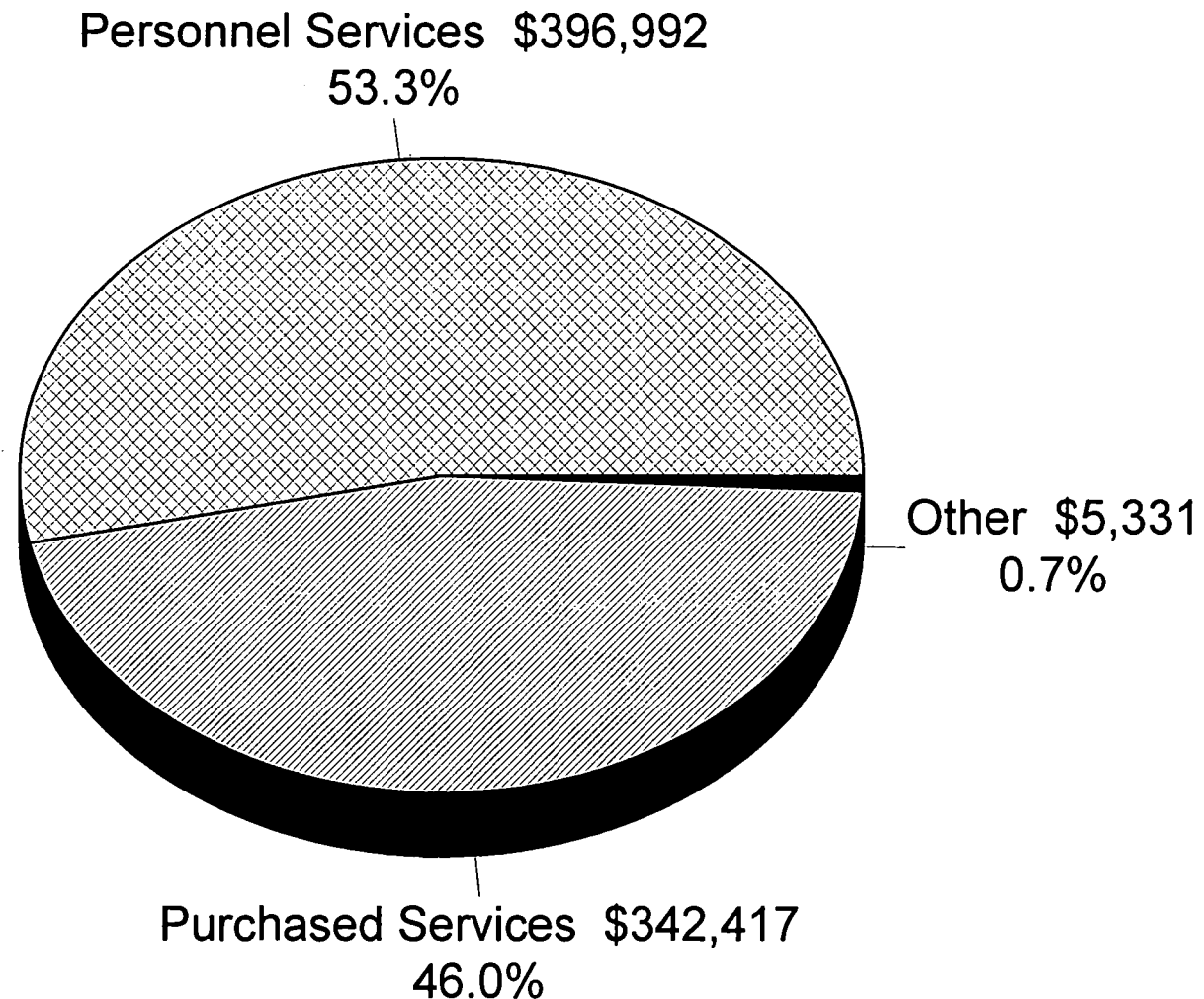
## FY 1997-98 Recommended Expenditures for Information Services



\*Total Recommended Expenditures is \$9,096,607

# Judicial Department

## FY 1997-98 Recommended Expenditures for Warehouse & Printing



\*Total Recommended Expenditures is \$744,740

**Judicial Department  
Overview of the Appellate Courts:  
Supreme Court and Court of Appeals**

**Description: Supreme Court**

- The seven members of the Supreme Court are elected to eight-year terms. The court's jurisdiction includes:
  - Censure and removal of judges upon the non-binding recommendation of the Judicial Standards Commission
  - Cases on appeal from the Court of Appeals
  - Criminal cases on appeal by right from the superior courts (first degree murder cases in which defendant was sentenced to life imprisonment or death)
  - Cases on appeal by right from the Utilities Commission (final decision in a general rate matter)

**Fiscal Information**

|                           | <b>1995-96</b>       | <b>1996-97</b>           | <b>1997-98</b>            | <b>1998-99</b>            |
|---------------------------|----------------------|--------------------------|---------------------------|---------------------------|
|                           | <b><u>Actual</u></b> | <b><u>Authorized</u></b> | <b><u>Recommended</u></b> | <b><u>Recommended</u></b> |
| General Fund Expenditures | \$3,522,478          | \$3,433,318              | \$3,418,008               | \$3,468,292               |
| Positions                 | 47                   | 47                       | 47                        | 47                        |

**Major Changes in Continuation Budget Requests:** None

**Description: Court of Appeals**

- The twelve members of the Court of Appeal's are elected by statewide ballot for eight year terms. Their jurisdiction includes:
  - Appellate review of all civil and criminal appeals from District Court and Superior Court (except those under jurisdiction of Supreme Court)

- Also hear appeals from the Industrial Commission, the Commissioner of Insurance, Human Resources, and Environmental, Health and Natural Resources
- Cases are heard by panels of three judges as assigned by the Chief Judges

Fiscal Information

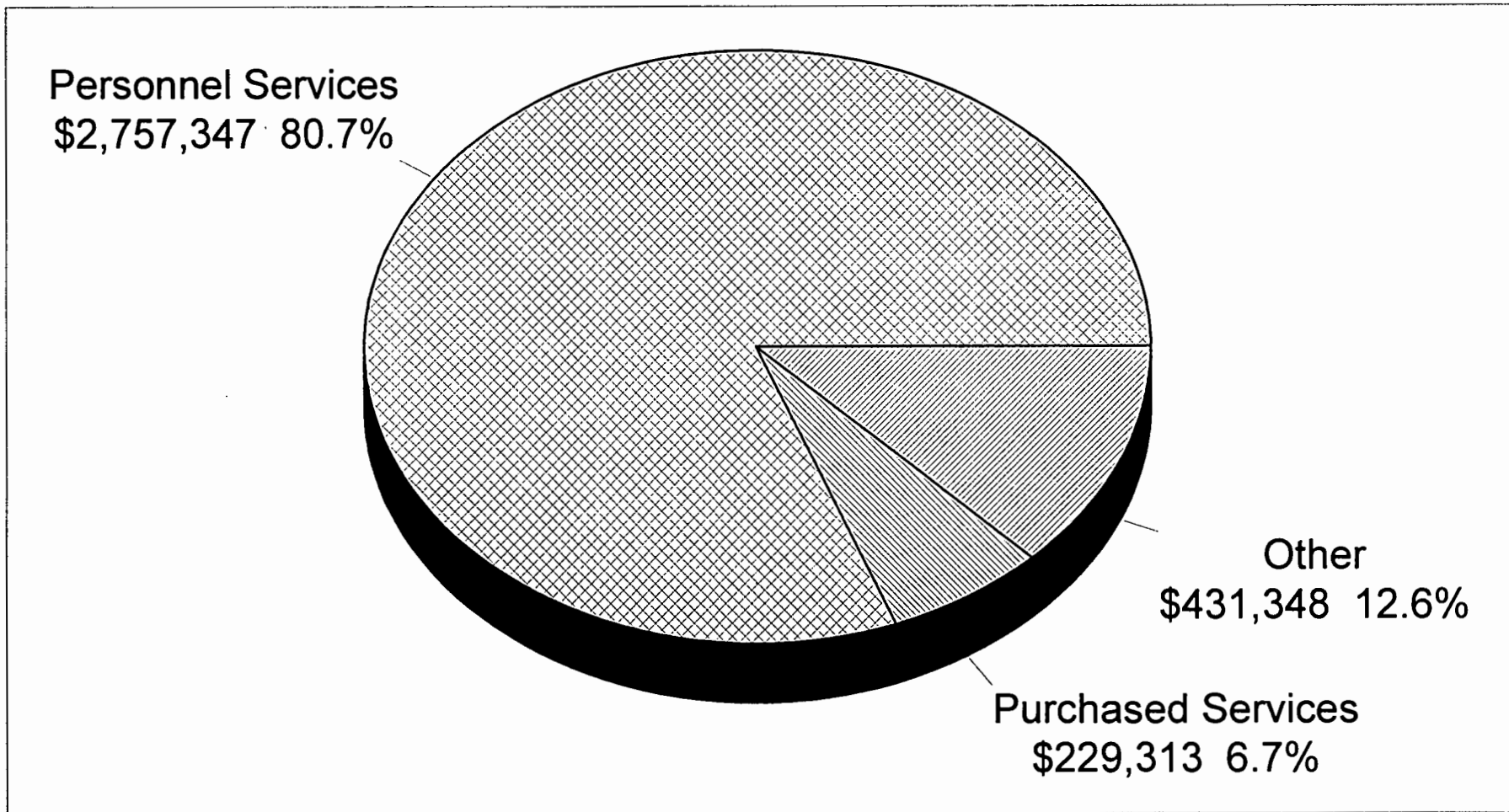
|                           | 1995-96<br><u>Actual</u> | 1996-97<br><u>Authorized</u> | 1997-98<br><u>Recommended</u> | 1998-99<br><u>Recommended</u> |
|---------------------------|--------------------------|------------------------------|-------------------------------|-------------------------------|
| General Fund Expenditures | \$4,252,714              | \$4,167,222                  | \$4,197,182                   | \$4,206,938                   |
| Positions                 | 66                       | 66                           | 66                            | 66                            |

Major Changes in Continuation Budget Requests: None

Source: Volume 4 of Budget Documents – pages U-11 through U-14

# Judicial Department

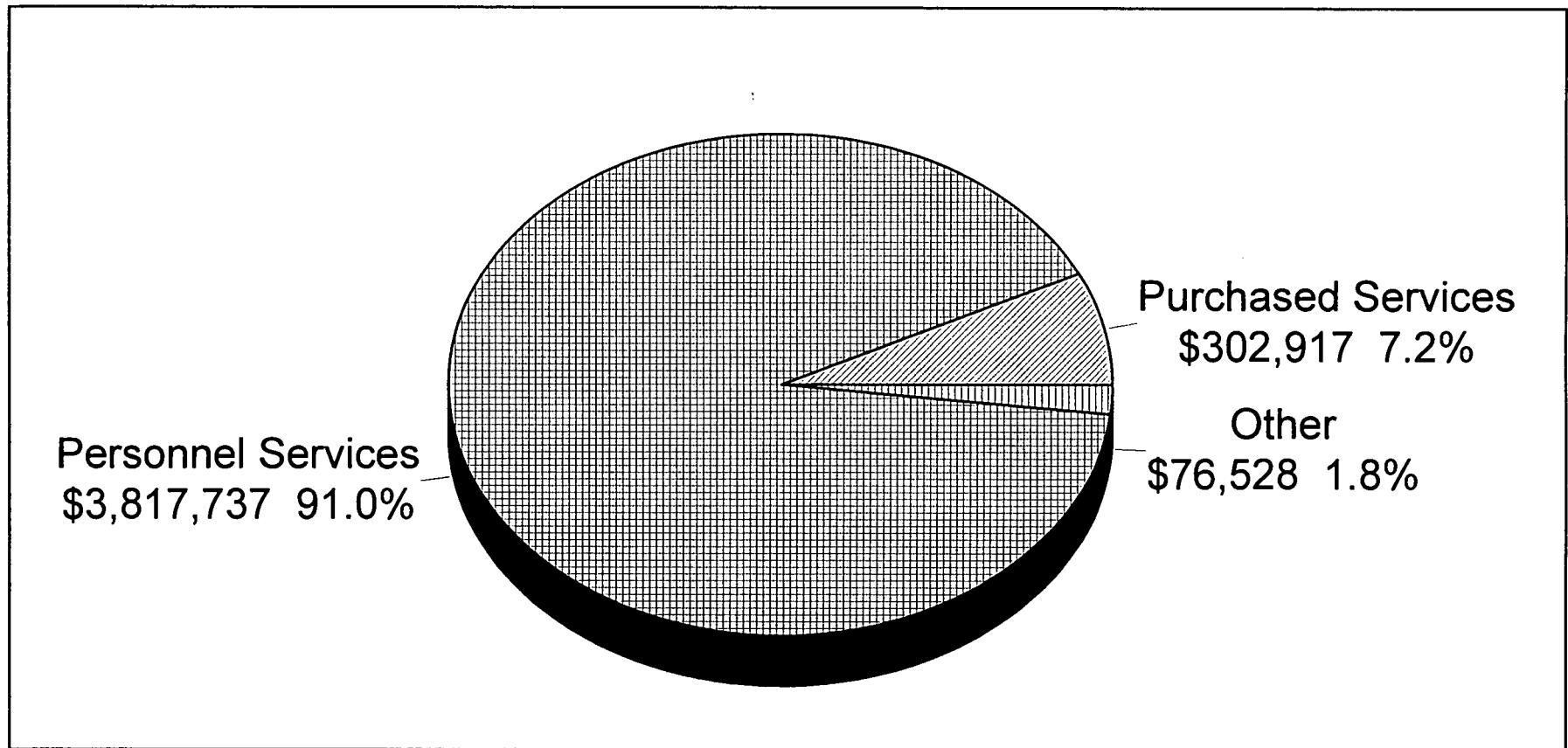
## FY 1997-98 Recommended Expenditures for the Supreme Court



\* Recommended Total Expenditures is \$3,418,008

# Judicial Department

## FY 1997-98 Recommended Expenditures for the Court of Appeals



\*Recommended Total Expenditures is \$4,197,182



2/25/97

# **Judicial Branch**

## **1997-99 Budget Overview Superior and District Courts**

**Joint Appropriations Subcommittee on Justice and Public Safety  
February 25, 1997**

TABLE 1  
Filings and Dispositions

-1-

|                                     | 1986-87          | 1987-88          | 1988-89          | 1989-90          | 1990-91          | 1991-92          | 1992-93          | 1993-94          | 1994-95          | 1995-96          |
|-------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| <b>Superior Court Filings:</b>      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Felonies                            | 51,210           | 55,284           | 62,752           | 69,810           | 73,908           | 85,748           | 83,939           | 83,823           | 83,417           | 83,212           |
| Misdemeanors                        | 32,268           | 33,664           | 37,835           | 38,974           | 41,191           | 40,925           | 39,896           | 40,233           | 40,264           | 43,185           |
| Subtotal: All Criminal              | 83,478           | 88,948           | 100,587          | 108,784          | 115,099          | 126,673          | 123,835          | 124,056          | 123,681          | 126,397          |
| Civil                               | 15,408           | 16,756           | 17,601           | 19,431           | 20,320           | 20,546           | 19,942           | 19,316           | 20,393           | 21,310           |
| Total Superior Court Crim & Civil   | 98,886           | 105,704          | 118,188          | 128,215          | 135,419          | 147,219          | 143,777          | 143,372          | 144,074          | 147,707          |
| Estates                             | 43,285           | 45,013           | 46,992           | 46,832           | 46,735           | 47,634           | 49,621           | 50,338           | 54,197           | 53,561           |
| Special Proceedings                 | 39,286           | 41,881           | 46,405           | 47,742           | 49,689           | 51,634           | 50,888           | 51,940           | 55,651           | 54,860           |
| Total All Superior Court            | <u>181,457</u>   | <u>192,598</u>   | <u>211,585</u>   | <u>222,789</u>   | <u>231,843</u>   | <u>246,487</u>   | <u>244,286</u>   | <u>245,650</u>   | <u>253,922</u>   | <u>256,128</u>   |
| <b>Superior Court Dispositions:</b> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Felonies                            | 48,890           | 53,420           | 58,453           | 63,920           | 69,813           | 79,680           | 83,305           | 80,133           | 87,453           | 82,911           |
| Misdemeanors                        | 32,246           | 31,703           | 36,172           | 35,938           | 39,759           | 39,576           | 38,768           | 37,422           | 40,915           | 42,358           |
| Subtotal: All Criminal              | 81,136           | 85,123           | 94,625           | 99,858           | 109,572          | 119,256          | 122,073          | 117,555          | 128,368          | 125,269          |
| Civil                               | 15,172           | 15,685           | 16,653           | 17,929           | 19,730           | 19,455           | 19,794           | 19,596           | 19,474           | 20,769           |
| Total Superior Court Crim & Civil   | 96,308           | 100,808          | 111,278          | 117,787          | 129,302          | 138,711          | 141,867          | 137,151          | 147,842          | 146,038          |
| Estates                             | 42,070           | 43,288           | 44,609           | 45,330           | 45,920           | 46,987           | 49,315           | 48,727           | 51,744           | 51,668           |
| Special Proceedings                 | 32,309           | 37,951           | 41,203           | 39,171           | 42,783           | 42,208           | 44,573           | 46,964           | 49,774           | 50,559           |
| Total All Superior Court            | <u>170,687</u>   | <u>182,047</u>   | <u>197,090</u>   | <u>202,288</u>   | <u>218,005</u>   | <u>227,906</u>   | <u>235,755</u>   | <u>232,842</u>   | <u>249,360</u>   | <u>248,265</u>   |
| <b>District Court Filings:</b>      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Criminal Non-Motor Vehicle          | 468,131          | 514,710          | 556,890          | 603,328          | 610,286          | 629,589          | 607,989          | 620,977          | 632,836          | 634,291          |
| Criminal Motor Vehicle              | 488,494          | 419,407          | 467,644          | 496,658          | 493,974          | 493,342          | 473,764          | 502,330          | 584,729          | 634,834          |
| Subtotal: Criminal                  | 956,625          | 934,117          | 1,024,534        | 1,099,986        | 1,104,260        | 1,122,931        | 1,081,753        | 1,123,307        | 1,217,565        | 1,269,125        |
| Infractions*                        | 486,994          | 608,845          | 678,189          | 669,667          | 651,728          | 693,396          | 682,087          | 717,086          | 734,665          | 705,530          |
| Small Claims (Magistrate)           | 247,455          | 277,336          | 308,029          | 292,572          | 279,209          | 260,289          | 237,729          | 239,540          | 253,902          | 263,392          |
| Domestic Relations                  | 67,641           | 71,646           | 72,151           | 77,140           | 85,331           | 93,224           | 96,648           | 103,894          | 103,680          | 112,431          |
| Gen. Civil & Mag. App./Trans.       | 49,175           | 52,405           | 57,786           | 63,175           | 62,709           | 58,584           | 49,188           | 45,857           | 45,256           | 45,923           |
| Civil License Revocations**         | 61,095           | 60,098           | 63,054           | 67,916           | 70,111           | 66,264           | 59,766           | 65,738           | 65,863           | 64,229           |
| Total All District Court            | <u>1,868,985</u> | <u>2,004,447</u> | <u>2,203,743</u> | <u>2,270,456</u> | <u>2,253,348</u> | <u>2,294,688</u> | <u>2,207,171</u> | <u>2,295,422</u> | <u>2,420,931</u> | <u>2,460,630</u> |
| <b>District Court Dispositions:</b> |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| Criminal Non-Motor Vehicle          | 456,699          | 500,529          | 535,502          | 586,438          | 605,286          | 624,649          | 613,209          | 607,598          | 618,649          | 621,737          |
| Criminal Motor Vehicle              | 527,344          | 401,855          | 447,517          | 459,612          | 486,812          | 498,951          | 489,621          | 484,601          | 571,231          | 613,002          |
| Subtotal: Criminal                  | 984,043          | 902,384          | 983,019          | 1,046,050        | 1,092,098        | 1,123,600        | 1,102,830        | 1,092,199        | 1,189,880        | 1,234,739        |
| Infractions*                        | 398,653          | 592,532          | 664,603          | 674,665          | 660,847          | 681,614          | 678,183          | 708,962          | 737,244          | 703,140          |
| Small Claims (Magistrate)           | 239,001          | 266,355          | 300,856          | 293,055          | 278,385          | 268,706          | 239,229          | 239,061          | 255,054          | 262,681          |
| Domestic Relations                  | 66,112           | 68,507           | 69,379           | 72,890           | 81,195           | 90,706           | 96,530           | 99,791           | 98,825           | 105,851          |
| Gen. Civil & Mag. App./Trans.       | 45,798           | 49,597           | 54,389           | 59,850           | 63,344           | 61,279           | 54,914           | 47,929           | 47,170           | 45,185           |
| Total All District Court            | <u>1,733,607</u> | <u>1,879,375</u> | <u>2,072,246</u> | <u>2,146,510</u> | <u>2,175,869</u> | <u>2,225,905</u> | <u>2,171,686</u> | <u>2,187,942</u> | <u>2,328,173</u> | <u>2,351,596</u> |

\*The infraction category was created effective September 1, 1986, when the General Assembly decriminalized most minor traffic offenses, which had been categorized as criminal motor vehicle.

\*\*Civil license revocations are counted only at filing.

**TABLE 5**  
**Filings by Type of Case: Superior Court Criminal \***

|                                           | 1986-87 | 1987-88 | 1988-89 | 1989-90 | 1990-91 | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 |
|-------------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| <b>Felonies:</b>                          |         |         |         |         |         |         |         |         |         |         |
| Murder                                    | 545     | 529     | 589     | 677     | 790     | 929     | 898     | 967     | 792     | 747     |
| Percent of Felony Caseload                | 1.06%   | 0.96%   | 0.94%   | 0.97%   | 1.07%   | 1.08%   | 1.07%   | 1.15%   | 0.95%   | 0.90%   |
| Manslaughter                              | 113     | 100     | 124     | 111     | 100     | 206     | 104     | 89      | 92      | 104     |
| Percent of Felony Caseload                | 0.22%   | 0.18%   | 0.20%   | 0.16%   | 0.14%   | 0.24%   | 0.12%   | 0.11%   | 0.11%   | 0.12%   |
| Rape & First Degree Sex                   | 1,252   | 1,391   | 1,500   | 1,632   | 1,717   | 1,814   | 1,992   | 1,620   | 1,710   | 1,551   |
| Percent of Felony Caseload                | 2.44%   | 2.52%   | 2.39%   | 2.34%   | 2.32%   | 2.12%   | 2.37%   | 1.93%   | 2.05%   | 1.86%   |
| Other Sex Offenses                        | 291     | 371     | 2,136   | 2,090   | 2,084   | 2,382   | 2,847   | 3,092   | 2,738   | 2,603   |
| Percent of Felony Caseload                | 0.57%   | 0.67%   | 3.40%   | 2.99%   | 2.82%   | 2.78%   | 3.39%   | 3.69%   | 3.28%   | 3.13%   |
| Robbery                                   | 1,780   | 2,073   | 2,519   | 2,625   | 3,115   | 3,989   | 3,897   | 3,969   | 4,071   | 4,236   |
| Percent of Felony Caseload                | 3.48%   | 3.75%   | 4.01%   | 3.76%   | 4.21%   | 4.65%   | 4.64%   | 4.73%   | 4.88%   | 5.09%   |
| Assault                                   | 2,065   | 1,973   | 2,231   | 2,608   | 3,147   | 3,548   | 3,726   | 3,797   | 3,444   | 3,269   |
| Percent of Felony Caseload                | 4.03%   | 3.57%   | 3.56%   | 3.74%   | 4.26%   | 4.14%   | 4.44%   | 4.53%   | 4.13%   | 3.93%   |
| Burglary/Breaking or Entering             | 8,995   | 11,823  | 12,626  | 13,311  | 14,881  | 17,421  | 17,297  | 15,116  | 15,180  | 14,649  |
| Percent of Felony Caseload                | 17.56%  | 21.39%  | 20.12%  | 19.07%  | 20.13%  | 20.32%  | 20.61%  | 18.03%  | 18.20%  | 17.60%  |
| Larceny                                   | 6,076   | 6,454   | 7,337   | 8,443   | 7,863   | 8,156   | 6,817   | 6,473   | 6,679   | 6,831   |
| Percent of Felony Caseload                | 11.86%  | 11.67%  | 11.69%  | 12.09%  | 10.64%  | 9.51%   | 8.12%   | 7.72%   | 8.01%   | 8.21%   |
| Arson & Burning                           | 358     | 286     | 461     | 505     | 429     | 458     | 461     | 401     | 384     | 368     |
| Percent of Felony Caseload                | 0.70%   | 0.52%   | 0.73%   | 0.72%   | 0.58%   | 0.53%   | 0.55%   | 0.48%   | 0.46%   | 0.44%   |
| Forgery & Uttering                        | 7,032   | 6,691   | 7,898   | 7,863   | 7,632   | 8,462   | 7,681   | 8,898   | 8,568   | 8,147   |
| Percent of Felony Caseload                | 13.73%  | 12.10%  | 12.59%  | 11.26%  | 10.33%  | 9.87%   | 9.15%   | 10.62%  | 10.27%  | 9.79%   |
| Fraudulent Activity                       | 5,733   | 5,045   | 5,996   | 5,606   | 5,377   | 6,663   | 5,906   | 6,799   | 6,775   | 7,453   |
| Percent of Felony Caseload                | 11.20%  | 9.13%   | 9.56%   | 8.03%   | 7.28%   | 7.77%   | 7.04%   | 8.11%   | 8.12%   | 8.96%   |
| Controlled Substances                     | 10,191  | 11,283  | 15,505  | 20,272  | 21,888  | 26,855  | 26,367  | 26,137  | 26,532  | 26,940  |
| Percent of Felony Caseload                | 19.90%  | 20.41%  | 24.71%  | 29.04%  | 29.62%  | 31.32%  | 31.41%  | 31.18%  | 31.81%  | 32.38%  |
| Other                                     | 6,779   | 7,265   | 3,830   | 4,067   | 4,885   | 4,865   | 5,946   | 6,465   | 6,452   | 6,314   |
| Percent of Felony Caseload                | 13.24%  | 13.14%  | 6.10%   | 5.83%   | 6.61%   | 5.67%   | 7.08%   | 7.71%   | 7.73%   | 7.59%   |
| <b>Misdemeanors:</b>                      |         |         |         |         |         |         |         |         |         |         |
| DWI Appeal                                | 6,193   | 6,127   | 6,470   | 6,473   | 6,978   | 6,391   | 6,286   | 6,399   | 6,674   | 7,178   |
| Percent of Misdem. Caseload               | 19.19%  | 18.20%  | 17.10%  | 16.61%  | 16.94%  | 15.62%  | 15.76%  | 15.90%  | 16.58%  | 16.62%  |
| Other Motor Vehicle Appeal                | 6,036   | 5,537   | 6,577   | 6,655   | 6,676   | 6,650   | 6,737   | 6,971   | 7,212   | 7,558   |
| Percent of Misdem. Caseload               | 18.71%  | 16.45%  | 17.38%  | 17.08%  | 16.21%  | 16.25%  | 16.89%  | 17.33%  | 17.91%  | 17.50%  |
| Non-Motor Vehicle Appeal                  | 16,941  | 18,209  | 20,130  | 19,759  | 20,416  | 18,921  | 18,891  | 18,808  | 17,743  | 18,850  |
| Percent of Misdem. Caseload               | 52.50%  | 54.09%  | 53.20%  | 50.70%  | 49.56%  | 46.23%  | 47.35%  | 46.75%  | 44.07%  | 43.65%  |
| Misdemeanor Originating in Superior Court | 3,098   | 3,791   | 4,658   | 6,087   | 7,121   | 8,963   | 7,982   | 8,055   | 8,635   | 9,599   |
| Percent of Misdem. Caseload               | 9.60%   | 11.26%  | 12.31%  | 15.62%  | 17.29%  | 21.90%  | 20.01%  | 20.02%  | 21.45%  | 22.23%  |

\*Reclassification of offenses among categories have occurred over this time period, especially with regard to reclassifying certain felony offenses from the "other" category to the controlled substances and other sex offenses categories.

**JUDICIAL DEPARTMENT**  
**GENERAL FUND BUDGET GROWTH**  
**SUPERIOR COURT AND DISTRICT COURT**

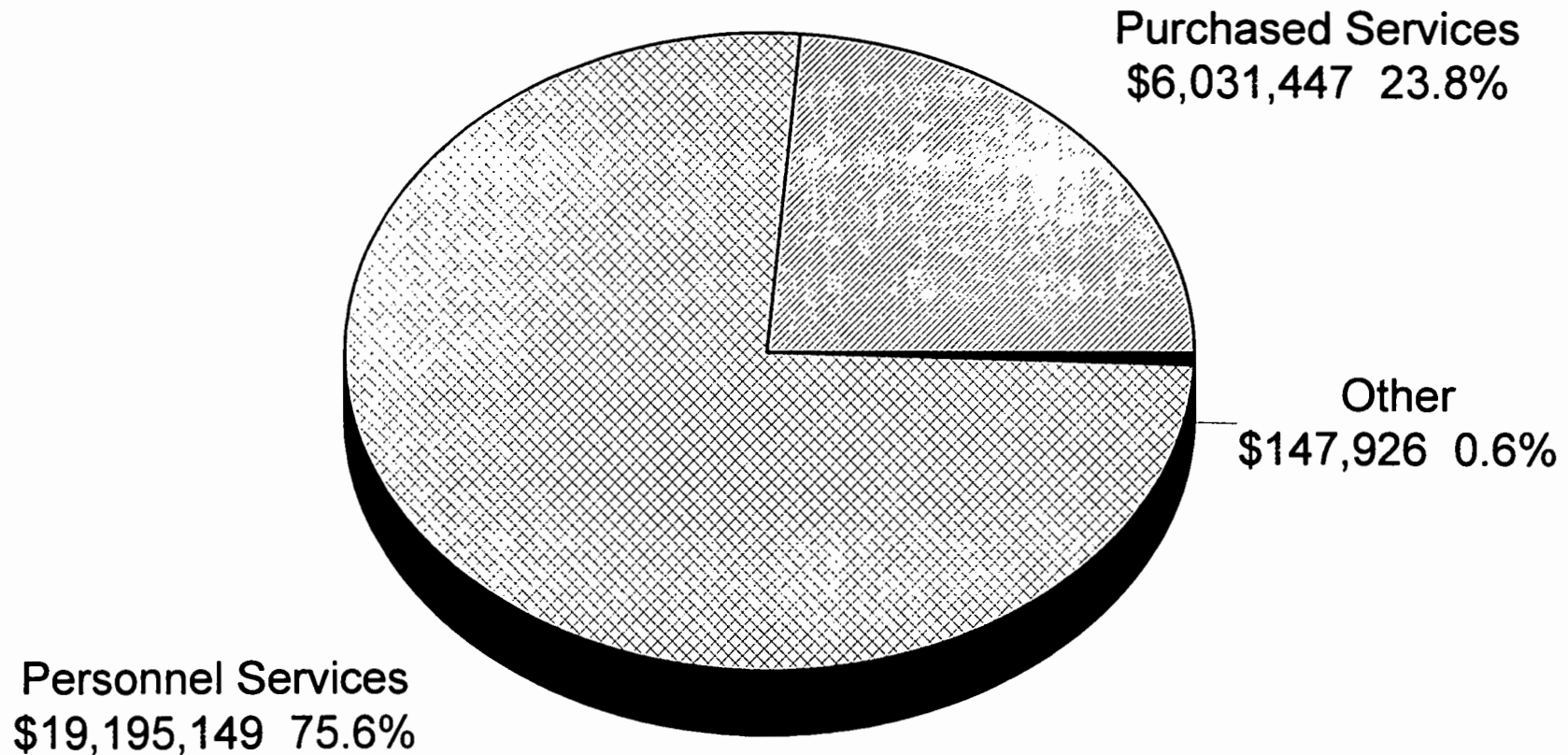
|                            | <u>1991-92</u> | <u>1992-93</u> | <u>1993-94</u> | <u>1994-95</u> | <u>1995-96</u> | Authorized<br><u>1996-97</u> | Recomm.<br><u>1997-98</u> | Recomm.<br><u>1998-99</u> |
|----------------------------|----------------|----------------|----------------|----------------|----------------|------------------------------|---------------------------|---------------------------|
| <b><u>General Fund</u></b> |                |                |                |                |                |                              |                           |                           |
| Superior Court             |                |                |                |                |                |                              |                           |                           |
| Expenditures               | \$20,171,448   | \$20,064,212   | \$22,965,325   | \$24,222,685   | \$24,442,784   | \$24,867,947                 | \$25,374,522              | \$25,521,842              |
| District Court             |                |                |                |                |                |                              |                           |                           |
| Expenditures               | \$38,574,186   | \$40,065,357   | \$44,812,265   | \$47,430,820   | \$47,858,955   | \$48,789,293                 | \$49,299,418              | \$49,560,303              |

\*Percentage increase in superior court budget is 27% since 1991-92

\*\*Percentage increase in district court budget is 29% since 1991-92

# Judicial Department

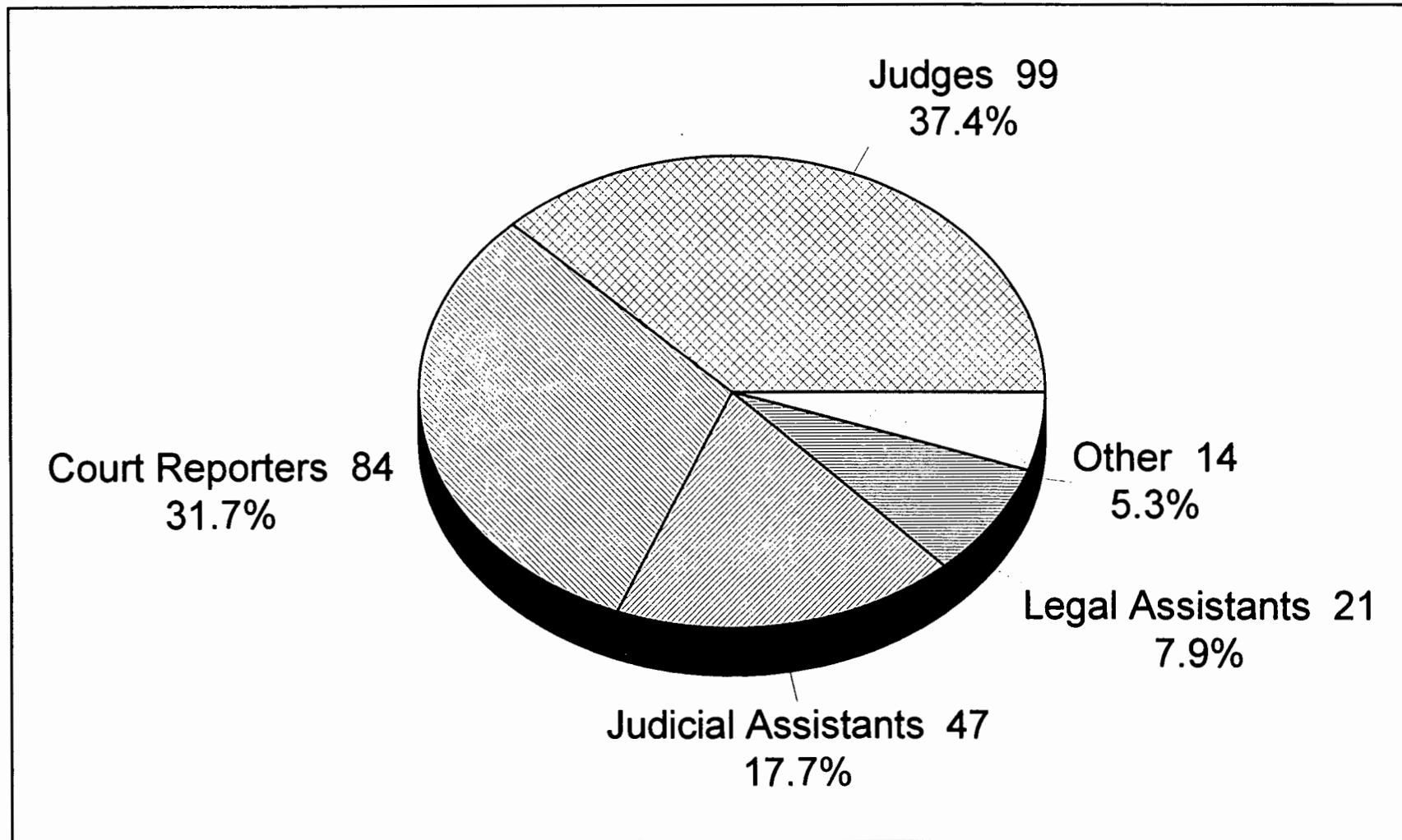
## FY 1997-98 Recommended Expenditures for Superior Court



\*Total Recommended Expenditures is \$25,374,522

# Judicial Department

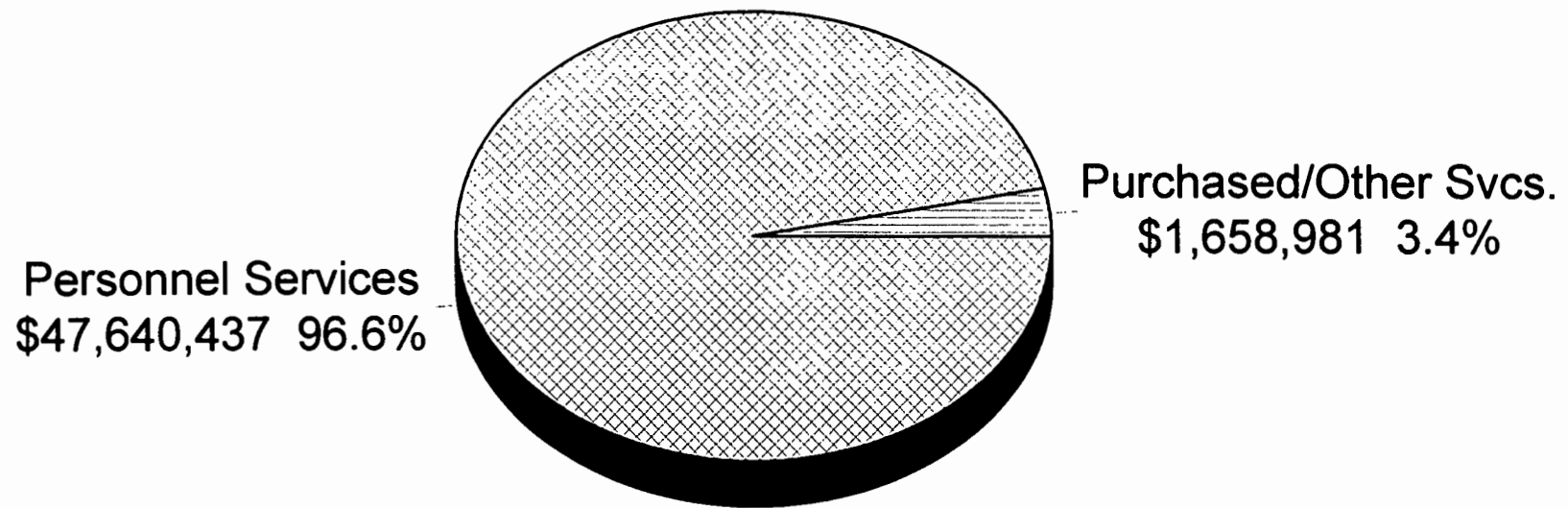
## Allocation of Positions in Superior Court



\* Total Positions is 265

# Judicial Department

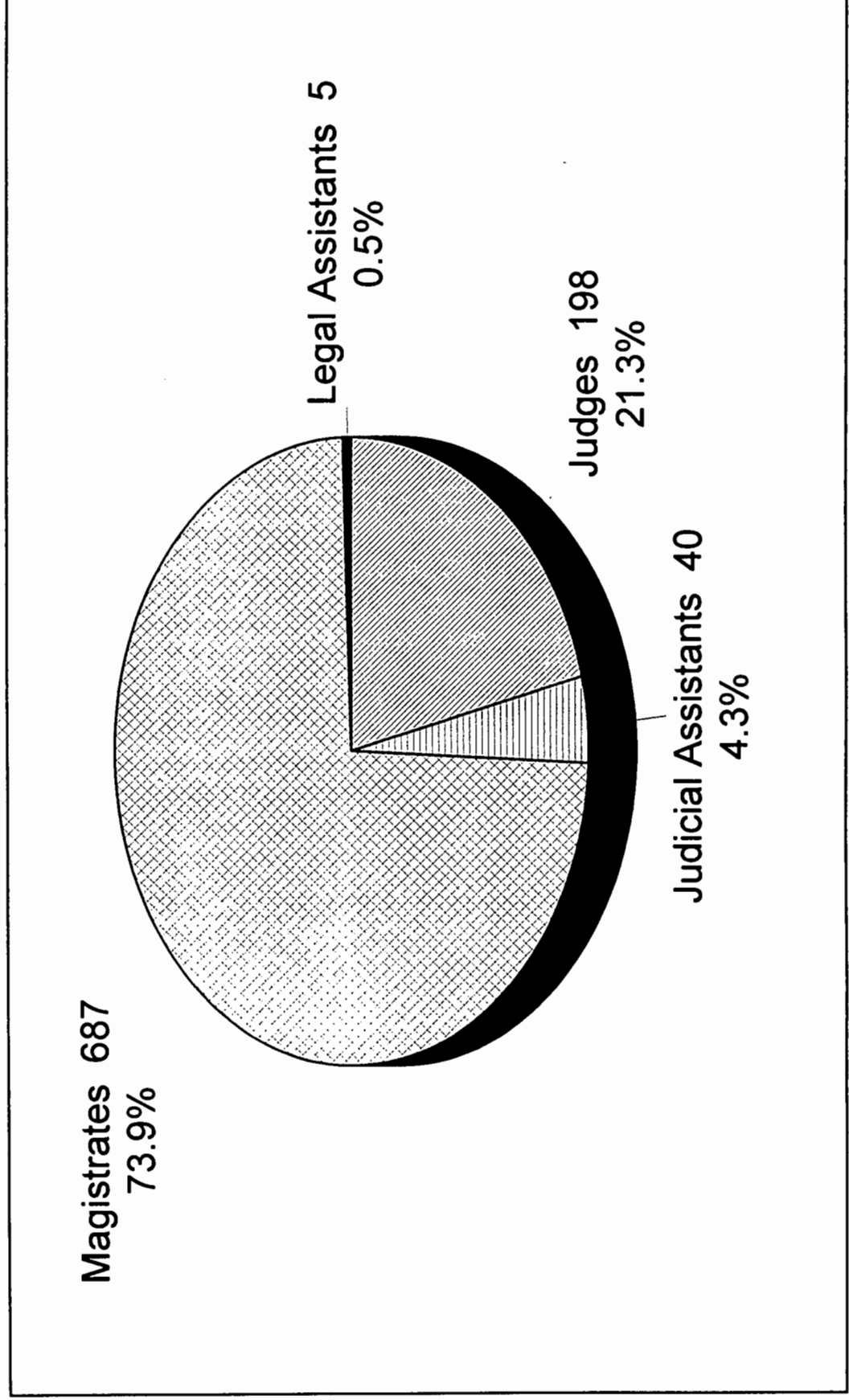
## FY 1997-98 Recommended Expenditures for District Court



\*Total Recommended Expenditures is \$49,299,418

# Judicial Department

## Allocation of Positions in District Court



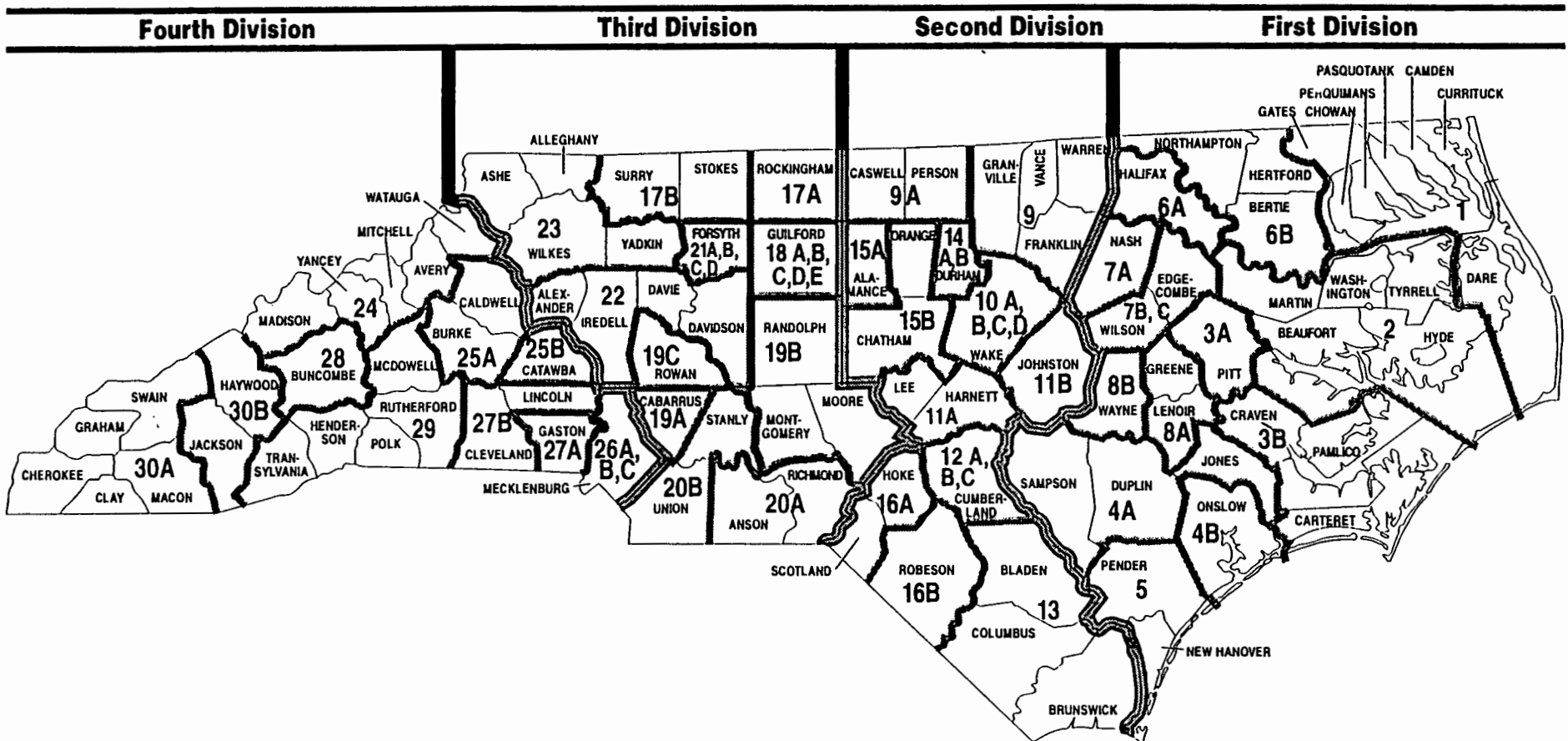
\* Total Positions is 930



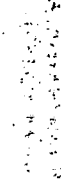
# North Carolina Superior Court

## Districts and Divisions as of January 4, 1997

-8-



-9-



Judicial Department

2/25/97

-10-

Growth in Caseload -- FY 1985-86 through 1995-96

|                            |              | FY 85/86  | FY 86/87  | FY 87/88  | FY 88/89  | FY 89/90  | FY 90/91  | FY 91/92  | FY 92/93  | FY 93/94  | FY 94/95  | FY 95/96  | % Change<br>FY 85/86<br>to FY 95/96 |
|----------------------------|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-------------------------------------|
| # of Magistrates           | <sup>1</sup> | 631       | 637       | 640       | 644       | 654       | 659       | 653       | 658       | 659       | 676       | 679       | 7.6                                 |
| Total Caseload             | <sup>2</sup> | 445,839   | 468,131   | 514,710   | 556,890   | 603,328   | 610,286   | 629,589   | 607,989   | 620,989   | 632,836   | 634,291   | 42.3                                |
| Caseload per Magistrate    |              | 707       | 735       | 804       | 865       | 923       | 926       | 964       | 924       | 942       | 936       | 934       | 32.2                                |
| # of Clerks                | <sup>1</sup> | 1,602.50  | 1,725.60  | 1,745.60  | 1,756.60  | 1,820.00  | 1,824.90  | 1,863.95  | 1,914.15  | 2,025.15  | 2,021.50  | 2,048.50  | 27.8                                |
| Total Caseload             |              | 1,850,531 | 2,050,442 | 2,197,045 | 2,415,328 | 2,493,245 | 2,485,191 | 2,541,175 | 2,451,457 | 2,541,072 | 2,674,853 | 2,716,758 | 46.8                                |
| Caseload per Clerk         |              | 1,155     | 1,188     | 1,259     | 1,375     | 1,370     | 1,362     | 1,363     | 1,281     | 1,255     | 1,323     | 1,326     | 14.8                                |
| # of Prosecutors           | <sup>1</sup> | 257       | 257       | 262       | 268       | 287       | 294       | 304       | 325       | 338       | 338       | 346       | 34.6                                |
| Total Caseload             | <sup>3</sup> | 834,172   | 959,710   | 1,049,721 | 1,183,538 | 1,299,865 | 1,307,817 | 1,345,084 | 1,305,630 | 1,377,080 | 1,472,335 | 1,502,402 | 80.1                                |
| Caseload per Prosecutor    |              | 3,246     | 3,734     | 4,007     | 4,416     | 4,529     | 4,448     | 4,425     | 4,017     | 4,074     | 4,356     | 4,342     | 33.8                                |
| # of District Court Judges | <sup>1</sup> | 146       | 151       | 151       | 162       | 164       | 179       | 179       | 179       | 180       | 192       | 194       | 32.9                                |
| Total Caseload             | <sup>4</sup> | 699,352   | 798,570   | 871,665   | 982,139   | 1,066,847 | 1,052,315 | 1,070,924 | 1,020,143 | 1,104,660 | 1,176,347 | 1,203,405 | 72.1                                |
| Caseload per Judge         |              | 4,790     | 5,289     | 5,773     | 6,063     | 6,505     | 5,879     | 5,983     | 5,699     | 6,137     | 6,127     | 6,203     | 29.5                                |
| # of Superior Court Judges | <sup>1</sup> | 72        | 72        | 74        | 77        | 77        | 82        | 82        | 82        | 92        | 93        | 95        | 31.9                                |
| Total Caseload             | <sup>5</sup> | 63,409    | 66,545    | 72,383    | 81,615    | 89,195    | 90,790    | 99,438    | 91,575    | 93,387    | 89,308    | 93,883    | 48.1                                |
| Caseload per Judge         |              | 881       | 924       | 978       | 1,060     | 1,158     | 1,107     | 1,213     | 1,117     | 1,015     | 960       | 988       | 12.2                                |

- Notes: 1. Number of magistrates, clerks, and judges are the numbers of positions authorized at the end of the fiscal year.  
 2. Magistrates caseload is represented by the number of non-motor vehicle filings.  
 3. Prosecutors caseload includes all criminal and infraction filings, less those superseded by indictment.  
 4. District court judge caseload is the number of district court filings less those disposed by clerks or magistrates, by voluntary dismissal, and those superceded by indictment.  
 5. Superior court judge caseload includes all superior criminal and civil filings, less those disposed by clerks or by voluntary dismissal.

**JUDICIAL DEPARTMENT  
RESERVE FUNDS**

|                                                                                                                                                                                                                                                                                                                                                                                                                               | <b><u>1996-97<br/>Authorized</u></b> | <b><u>1997-98<br/>Recommended</u></b> | <b><u>1998-99<br/>Recommended</u></b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------|---------------------------------------|
| <b><u>EQUIPMENT AND SUPPLIES</u></b>                                                                                                                                                                                                                                                                                                                                                                                          |                                      |                                       |                                       |
| 1. <u>Fund 1820 Supply Purchases</u> -<br>Central fund for purchase of supplies - provides flexibility in distributing general supplies from warehouse to clerks, da's, magistrates, etc.                                                                                                                                                                                                                                     | \$2,000,000 R                        | \$2,000,000 R                         | \$2,000,000 R                         |
| 2. <u>Fund 1853 Equipment Purchases</u> -<br>Central fund for purchase of equipment.                                                                                                                                                                                                                                                                                                                                          | 426,890 R<br>2,071,188 NR            | 426,890 R                             | 426,890 R                             |
| <b><u>OTHER RESERVE FUNDS</u></b>                                                                                                                                                                                                                                                                                                                                                                                             |                                      |                                       |                                       |
| 1. <u>1900 - Reserve for Operations</u> -<br>State Budget has allowed the Department to maintain a reserve for non-personnel items - postage, travel, phones, etc. Reserve was allowed for reasons including (1) to partially make up for operating cuts made during the 1991 long session, and (2) to provide the Department with enough funds for unforeseen needs given the size of the Department and the volume of work. | 447,612 R                            | 447,612 R                             | 447,612 R                             |

|                                                                                                                                                                                                                                                                                    | <b><u>1996-97</u></b><br><b><u>Authorized</u></b>                                                                     | <b><u>1997-98</u></b><br><b><u>Recommended</u></b> | <b><u>1998-99</u></b><br><b><u>Recommended</u></b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| 2. <u>1900 - Alternative Dispute Resolution Funds</u> - Funds for expansion of Custody Mediation and Arbitration programs authorized by 1994 General Assembly (originally \$100,000 - \$28,255 is unspent).                                                                        | \$ 28,255 R                                                                                                           | \$ 28,255 R                                        | \$ 28,255 R                                        |
| 3. <u>1900 - Reserve for Clerk of Superior Court Deputy/Asst. Pay Plan</u> - Amount for 1997-99 is to fund step increases authorized as part of pay plan (broken into salaries and benefits).                                                                                      | 620,771 R<br>114,718 R                                                                                                | 2,033,248 R<br>375,744 R                           | 3,278,980 R<br>605,956 R                           |
| 4. <u>1900 - Reserve for Magistrate Increase</u> - Amount for 1997-99 is to fund step increases authorized as part of magistrate pay plan. The General Assembly took both a one-time and recurring reduction of \$250,000 (total \$500,000) in this line-item in the 1996 Session. | 497,176 R<br>91,878 R                                                                                                 | 811,654 R<br>149,994 R                             | 1,683,359 R<br>311,085 R                           |
| 5. <u>1900 - Reserve to match federal funds.</u>                                                                                                                                                                                                                                   | 175,000 R                                                                                                             | 175,000 R                                          | 175,000 R                                          |
| 6. <u>1900 - Reserve for Bloodborne Pathogens.</u>                                                                                                                                                                                                                                 | 16,068 R                                                                                                              | 16,068 R                                           | 16,068 R                                           |
| 7. <u>Other Salary Issues - Salary Reserve</u>                                                                                                                                                                                                                                     | (Department currently has about \$1,000,000 and anticipates accumulating approximately \$1,500,000 by June 30 , 1997) |                                                    |                                                    |

# VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice & Public Safety ~~2/25/97~~

Name of Committee

Date

2/25/97

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

|                   |                  |
|-------------------|------------------|
| Burley Humphrey   | OSBM             |
| Joe Stewart       | CCPS             |
| Mike Barker       | CCPS             |
| Chris Maly        | AOC              |
| Bob St. Pierre    | AO               |
| William Smith     | NCR              |
| Bob Chapple       | Summit House     |
| Chuck Cram        | State Planning   |
| Denise A. Bescome | DOJ              |
| Richard Long      | N.C. State       |
| A. A. Selam       | Victim Advocate  |
| Paul S. Grant     | CSC Franklin Co. |

## VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice &amp; Public Safety 2/13/97

**Name of Committee**

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

NAME

**FIRM OR AGENCY AND ADDRESS**

Ann Gray

Do

~~Youngho~~

Doc

Curt Williams

Office of the Governor

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Wednesday February 26<sup>th</sup> - 8:30 a.m.  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley

Representative Larry Justus  
Representative Joe Kiser, **Presiding**  
Representative Gregg Thompson

**II. PRESENTATIONS**

- Continue Review of Judicial Budget
  - District Attorney's Office
  - Clerk of Superior Court
  - Juvenile Services
  - Guardian Ad Litem
  - Sentencing Commission

Charles Perusse, Fiscal Analyst  
Judicial Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

- Revised Meeting Schedule

**IV. ADJOURNMENT**



1992-1993  
1993-1994  
1994-1995

18.166

[illegible]

# ATTENDANCE

COMMITTEE: Appropriations Subcommittee on Justice and Public Safety

DATES 2/26/97

NAMES

AM

Sen. Wib Gulley, Chair

✓

Sen. Frank Ballance, Vice-Chair

✓

Sen. Don East, Ranking Minority

✓

Senator John Blust

✓

Senator Tony Rand

Senator Allen Wellons

✓

## VISITOR REGISTRATION SHEET

2-26-97

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Charles K. Cramer

Office of State Planning

Denise A. Sessome

DOJ

Burling Hunsley

OSBM

Mike Barker

CC &amp; PS

Peg Dour

NCCDA

Tom Keith

D.A. - 21<sup>ST</sup> Dist

Cindy Brigg

AOC - Guardian ad Litem

P. Powell

AOC

Ch. Mark

✓

Steve Wilson

AOC Guardian ad Litem

Robert L. Lomax

AOC

John S. Smith

AOC

CSC

Franklin Co.

MICHAEL CROWELL

Mae Carubia

Hicklenburg County

Dorothy C. Hibel

AOC

Jane B. Gray

DOJ

# **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY**

February 26, 1997  
Room 612

**HOUSE MEMBERS PRESENT:** [10] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Kinney, Redwine, Sexton, Smith, and Crawford

**Senate Members Present:** [5]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, February 26, 1997 in Room 612 of the Legislative Office Building. Representative Kiser called the meeting to order at 8:35 AM and introduced House Pages Bethany Lynn Innes and Christine Quigless both from Wake County. John Aman, House Sergeant at Arms and Archie McMillian, Senate Sergeant at Arms.

- Continue Review of Judicial Budget: District Attorney's Office, Clerk of Superior Court, Juvenile Services; Guardian Ad Litem and Sentencing Commission and Prosecutor Workload Measures
- Revised Schedule Meeting

Representative Kiser introduced Charles Perusse, Fiscal Analyst, Judicial Department Staff. Mr. Perusse presented the following: Attachment I - Judicial Branch - 1997-99 Budget Overview - Offices of the District Attorney and Clerk of Court. Mr. Perusse explained the general fund budget growth in the Office of the District Attorney. Total recommended budget for District Attorney's office is \$39,410,771. He showed where positions were allocated and explained allocation of 60 Assistant District Attorneys. He also explained general fund budget growth for the Clerk of Superior Court. Percentage increase in budget is 19% since 91-92; percentage increase in positions is 11%. Total recommended budget for Clerks of Superior court is \$76,709,833. Total positions is 2,078. He also explained allocation of 40 new Deputy Clerk positions funded in the 1996 short session. These were broken down by County, weighted caseload rank and allocation. Weighted caseload is based on a projected staffing level for each of the different classes of district and superior court filings.

**Comments and Discussions:**

Representative Redwine asked if it is fair to draw an analogy for additional District Attorney's (DA's). If more DA's were hired would more cases be disposed? He also asked for clarification of cases as to filings and defendants. Is there any correlation as to why caseloads go in different directions? Will we see next year and corresponding years any increase in disposition of cases?

Representative Kiser introduced Tom Keith, DA, Forsyth County to answer.

Tom Keith explained that new positions did not start until January 1 for Child Sex Abuse Offenders. Districts have increased 36% compared to 10 years ago.

Representative Kiser also asked Tom Keith to explain the situation of Filings and Defendants.

Tom Keith explained filings and regards to defendants. There is a range in 39 districts 1.3 or 4 cases per defendant to over 4 per defendant. He explained that numbers are not counted the same way in any county, there is a problem with how numbers are recorded; numbers do not reflect reality. New DA's will go in the district where they are needed.

Representative Justus suggested that there should be more uniformity in the way case filings and loads are counted. There should be some way Legislature, AOC or DA conferences can agree that everyone counts their filings and caseloads the same way. The way cases are counted does not tell us what is needed. We need to implement procedure and seek to identify defendant, make it more accurate.

Dallas Cameron, Office of Courts explained how formula is not perfect, how they count cases. They are trying to mitigate the difference from one district to another.

Senator Gulley asked for something in writing, analysis as to why we lose so much uniformity from district to district. Is every district in the State following the same method. Do all statistics have the same method applied for allocation purposes?

Senator Ballance suggested that there is too much lesiure time in DA's offices. He suggested that everyone should go in the courthouse and look around. He said there should be consistency, efficiency and uniformity in the system. Explain differences across geographic areas.

Senator Gulley explained Legislature cannot wait to some point in the future in which we have tripled the budget to see if it was a good idea. We need to find way to measure the system effectively as the system responds slowly. System should be uniform statewide and cost effective.

Jim Mills, Fiscal Research asked what is the real goal and purpose for more resources? We need to do more prescreening. Need to make sure staff is clear on filings. Performance budget, goals and measures are important.

Representative Kiser asked Staff to get with AOC and DA's to see what you can work out.

Tom Keith will get a breakdown on figures for 1992-93 as to where positions went.

Attachment II Prosecutor Workload Measures and District Attorney Workload Formula

Mr. Perusse explained how this is broken down by district, DA's, Felonies, CRS, Homicides, Court Sites, Court Sessions, Population and Current Rank. District attorney's caseload are measured in terms of caseload, district population, and number of sites and number of sessions of court. These are broken down by percentage weights: felony caseload, other caseload, district populations, number of district court sites and number of weeks of superior court.

Comments:

Attachment III Judicial Branch - 1997-99 Budget Overview - Juvenile Services and Guardian Ad Litem Program

MISSION:

- To serve the children, court, and community through intake, probation and aftercare regarding undisciplined and delinquent matters; and to strive to improve these services.

Senator Wellons raised the question concerning number of juveniles arrested.

Tom Keith explained the statistics are the actual juvenile that reach the Intake process but many of these juveniles may not have been arrested.

Representative Gulley raised the question does \$47,000 also indicate cost per year for juvenile training school?

Representative Kiser: Is this year per student or per case? Some students do not stay all year. If student was there for 8 months vs 12 months would that make a difference.

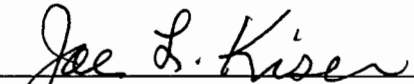
Jim Mills: Will check with Fiscal analyst and get figures for you.

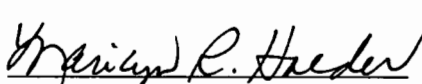
Representative Thompson - Report of study completed last six months. Report to be given to the committee for information purposes only. Study that was asked for and completed.

Representative Kiser announced committee would meet 15 minutes after Session tomorrow. Will try not to meet on Thursday after session.

Senator Gulley announced 4 sessions scheduled this week. Meet on Tuesday and Wednesday afternoon to avoid meeting on Thursday. In future count on Tuesday and some Wednesday until we get our work finished.

Representative Kiser adjourned at 9:55 AM until Thursday, February 27, 1197 at 8:30 AM..

  
Representative Joe L. Kiser  
Chairman

  
Marilyn R. Holder  
Committee Clerk

# **Judicial Branch**

## **1997-99 Budget Overview Offices of the District Attorney and Clerk of Court**

**Joint Appropriations Subcommittee on Justice and Public Safety  
February 27, 1997**



**JUDICIAL DEPARTMENT**  
**GENERAL FUND BUDGET GROWTH**  
**OFFICE OF THE DISTRICT ATTORNEY**

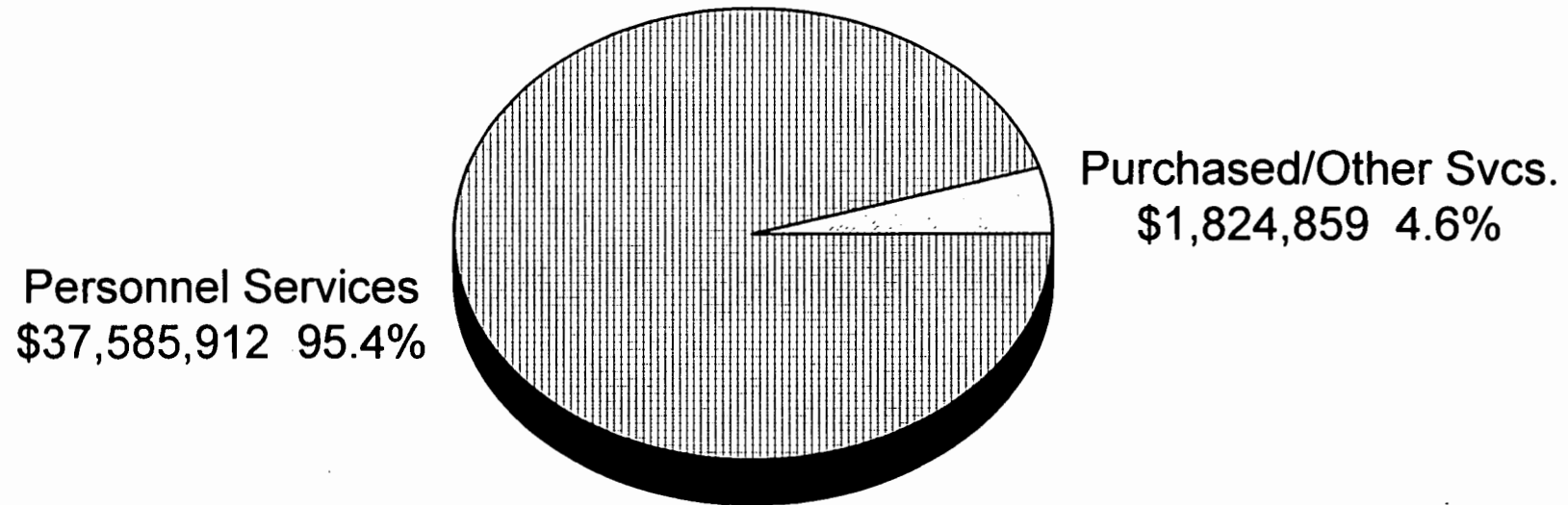
|                            | <u>1991-92</u> | <u>1992-93</u> | <u>1993-94</u> | <u>1994-95</u> | <u>1995-96</u> | Authorized<br><u>1996-97</u> | Recomm.<br><u>1997-98</u> | Recomm.<br><u>1998-99</u> |
|----------------------------|----------------|----------------|----------------|----------------|----------------|------------------------------|---------------------------|---------------------------|
| <b><u>General Fund</u></b> |                |                |                |                |                |                              |                           |                           |
| Expenditures               | \$25,016,541   | \$27,298,551   | \$31,453,440   | \$33,085,579   | \$33,487,283   | \$37,383,572                 | \$39,410,771              | \$39,585,341              |
| <b><u>Positions</u></b>    |                |                |                |                |                |                              |                           |                           |
| D.A.'s and<br>Asst. D.A's  | 304            | 325            | 338            | 338            | 346            | 406                          |                           |                           |
| Staff                      | 219            | 235            | 249            | 287            | 292            | 307                          |                           |                           |
| <b>TOTAL</b>               | <b>523</b>     | <b>561</b>     | <b>586</b>     | <b>625</b>     | <b>638</b>     | <b>713</b>                   |                           |                           |

\* Percentage increase in budget is 49% since 1991-92

\*\* Percentage increase in positions is 36% since 1991-92

# Judicial Department

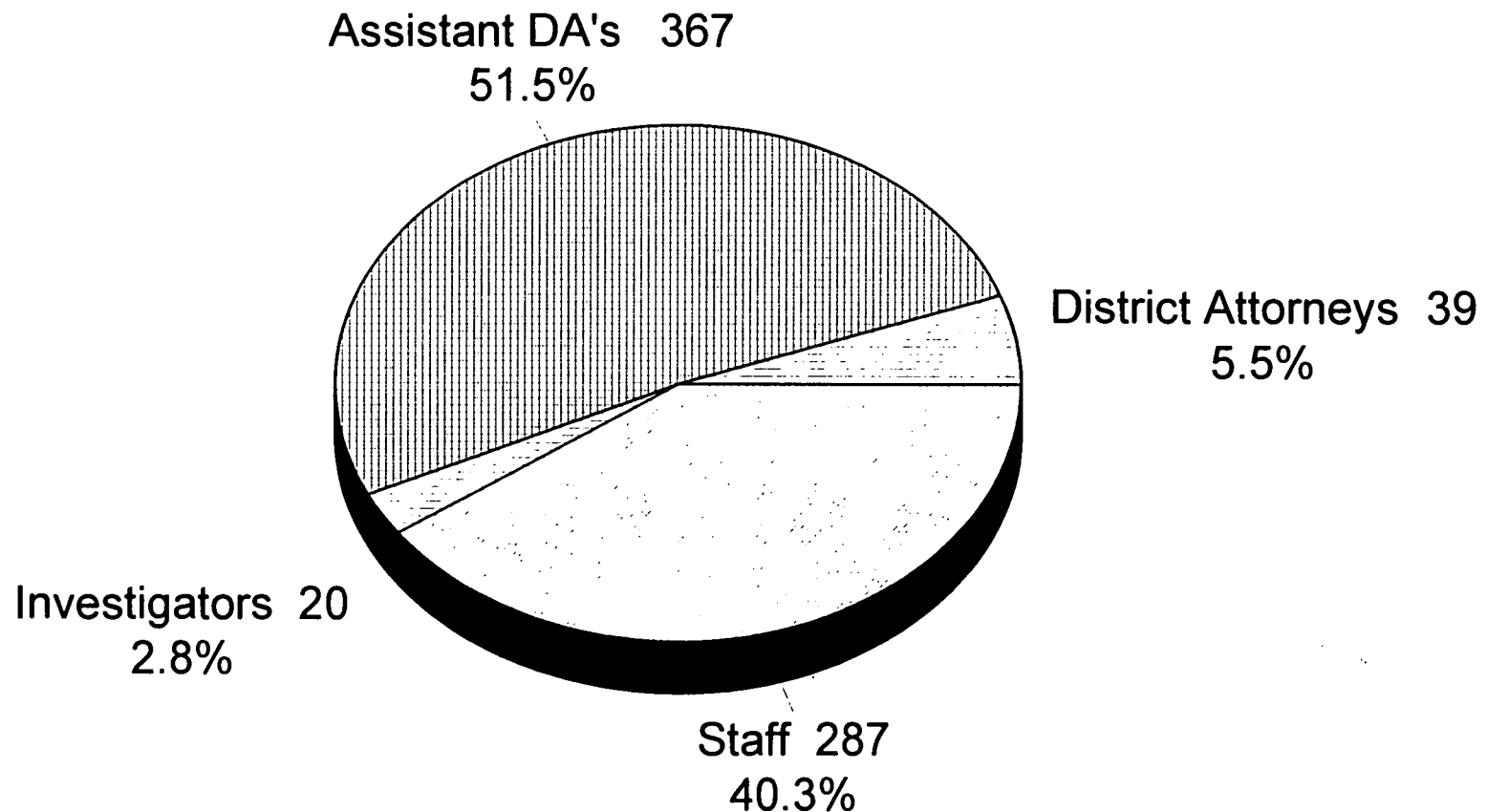
## FY 1997-98 Recommended Budget for District Attorney's Office



\*Total Recommended Budget is \$39,410,771

# Judicial Department

## Allocation of Positions in District Attorney's Office



\*Total Positions is 713

**ALLOCATION OF 60 ASSISTANT DISTRICT ATTORNEYS –**  
**FUNDED IN 1996 SHORT SESSION**

| <b><u>District No.</u></b> | <b><u>Final Budget</u><br/><b>(60 A.D.A.'s)</b><br/><b><u>August 3, 1996*</u></b></b> |
|----------------------------|---------------------------------------------------------------------------------------|
| 1                          | 1                                                                                     |
| 2                          | 1                                                                                     |
| 3A                         | 1                                                                                     |
| 3B                         | 2                                                                                     |
| 4                          | 2                                                                                     |
| 5                          | 2                                                                                     |
| 6A                         | 1                                                                                     |
| 6B                         | 1                                                                                     |
| 7                          | 2                                                                                     |
| 8                          | 2                                                                                     |
| 9                          | 1                                                                                     |
| 9A                         | 1                                                                                     |
| 10                         | 3                                                                                     |
| 11                         | 1                                                                                     |
| 12                         | 2                                                                                     |
| 13                         | 2                                                                                     |
| 14                         | 1                                                                                     |
| 15A                        | 1                                                                                     |
| 15B                        | 1                                                                                     |
| 16A                        | 1                                                                                     |
| 16B                        | 1                                                                                     |
| 17A                        | 1                                                                                     |
| 17B                        | 1                                                                                     |
| 18                         | 4                                                                                     |

| <u>District No.</u> | <u>Final Budget<br/>(60 A.D.A.'s)<br/>August 3, 1996*</u> |
|---------------------|-----------------------------------------------------------|
| 19A                 | 1                                                         |
| 19B                 | 4                                                         |
| 19C                 | 1                                                         |
| 20                  | 0                                                         |
| 21                  | 1                                                         |
| 22                  | 2                                                         |
| 23                  | 1                                                         |
| 24                  | 1                                                         |
| 25                  | 1                                                         |
| 26                  | 5                                                         |
| 27A                 | 2                                                         |
| 27B                 | 1                                                         |
| 28                  | 1                                                         |
| 29                  | 2                                                         |
| 30                  | <u>1</u>                                                  |
| <b>TOTAL</b>        | <b>60</b>                                                 |

\*Final Conference Budget funded 60 A.D.A.'s; district allocation was based on one A.D.A. per district (totals 37 - except Districts 20 and 19B); 4 to District 19B (Ratified HB 233); and, the remainder by the AOC/D.A.'s Conference staffing formula and special need districts as determined by the Budget Conferees.

**ALLOCATION OF 15 DA SUPPORT STAFF POSITIONS –  
FUNDED IN THE 1996 SHORT SESSION**

| <b><u>District</u></b>           | <b><u>Total # of<br/>DA's &amp; ADA's</u></b> | <b><u>Current<br/>Support<br/>Staff</u></b> | <b><u>New<br/>Support<br/>Staff</u></b> | <b><u>Post<br/>Allocation<br/>Ratio*</u></b> |
|----------------------------------|-----------------------------------------------|---------------------------------------------|-----------------------------------------|----------------------------------------------|
| 5                                | 12                                            | 6                                           | 1                                       | .58                                          |
| 9                                | 10                                            | 5                                           | 1                                       | .60                                          |
| 10                               | 24                                            | 9                                           | 2                                       | .46                                          |
| 11                               | 12                                            | 6                                           | 1                                       | .58                                          |
| 12                               | 15                                            | 8                                           | 1                                       | .60                                          |
| 18                               | 23                                            | 9                                           | 2                                       | .48                                          |
| 19B                              | 10                                            | 4                                           | 1                                       | .50                                          |
| 21                               | 14                                            | 7                                           | 1                                       | .57                                          |
| 22                               | 14                                            | 6                                           | 1                                       | .50                                          |
| 25                               | 13                                            | 6                                           | 1                                       | .54                                          |
| 26                               | 30                                            | 14                                          | 1                                       | .50                                          |
| 29                               | 11                                            | 5                                           | 1                                       | .55                                          |
| Conference of District Attorneys |                                               |                                             | <u>1</u>                                |                                              |
| <b>TOTAL</b>                     |                                               |                                             | <b>15</b>                               |                                              |

\*Statewide Ratio of Support Staff Per Prosecutor is .63.

**JUDICIAL DEPARTMENT**  
**GENERAL FUND BUDGET GROWTH**  
**CLERK OF SUPERIOR COURT**

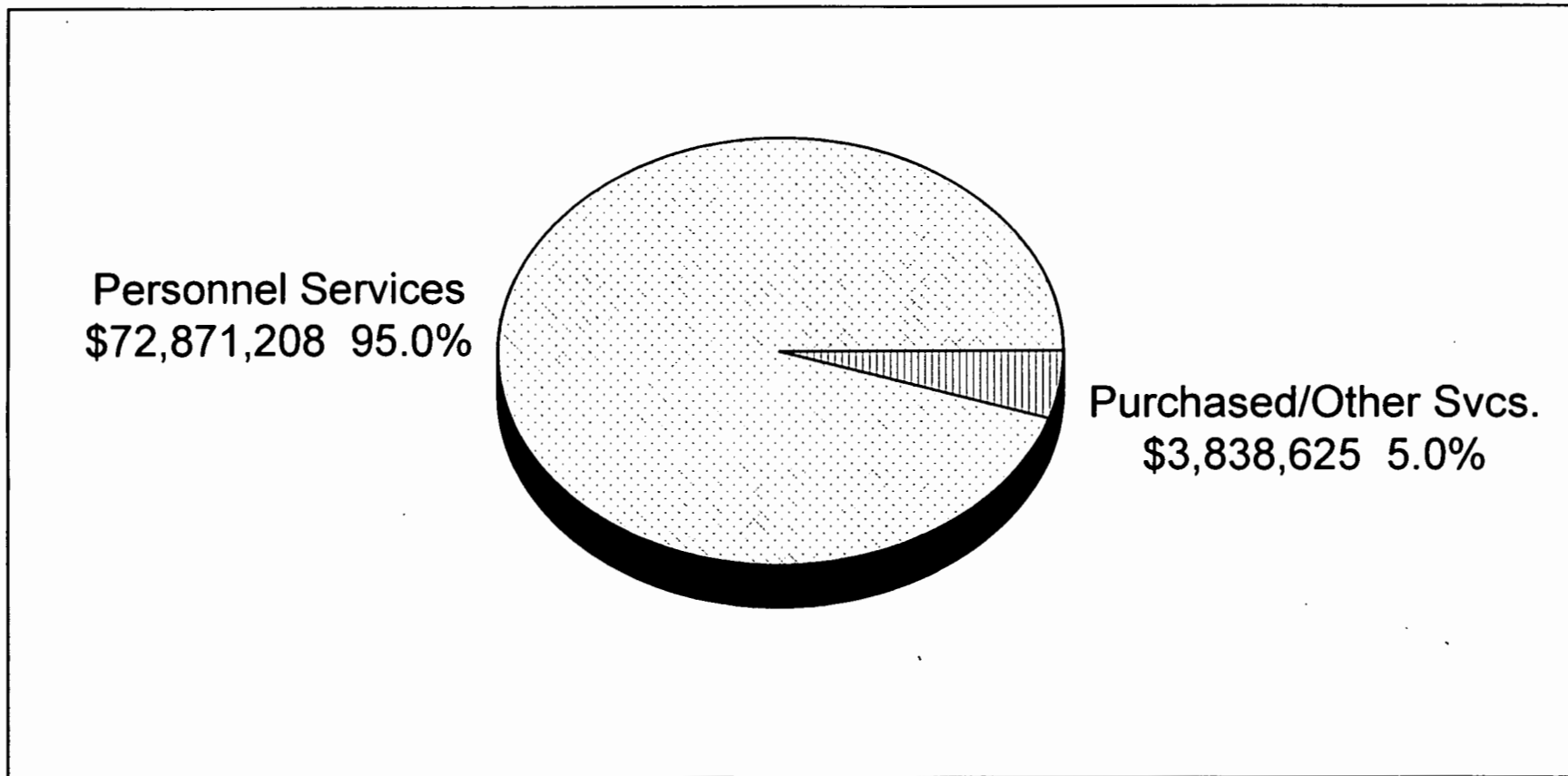
|                                                | <u>1991-92</u> | <u>1992-93</u> | <u>1993-94</u> | <u>1994-95</u> | <u>1995-96</u> | Authorized<br><u>1996-97</u> | Recomm.<br><u>1997-98</u> | Recomm.<br><u>1998-99</u> |
|------------------------------------------------|----------------|----------------|----------------|----------------|----------------|------------------------------|---------------------------|---------------------------|
| <b><u>General Fund</u></b>                     |                |                |                |                |                |                              |                           |                           |
| Expenditures                                   | \$64,191,989   | \$66,558,269   | \$76,076,499   | \$76,853,832   | \$75,857,051   | \$76,409,488                 | \$76,709,833              | \$76,867,806*             |
| <b><u>Positions</u></b>                        |                |                |                |                |                |                              |                           |                           |
| Clerks, Assist.,<br>Clerks, &<br>Deputy Clerks | 1,864          | 1,914          | 2,025          | 2,021          | 2,038          | 2,078**                      |                           |                           |

\* Percentage increase in budget is 19% since 1991-92

\*\* Percentage increase in positions is 11%

# Judicial Department

FY 1997-98 Recommended Budget for Clerks of Superior Court



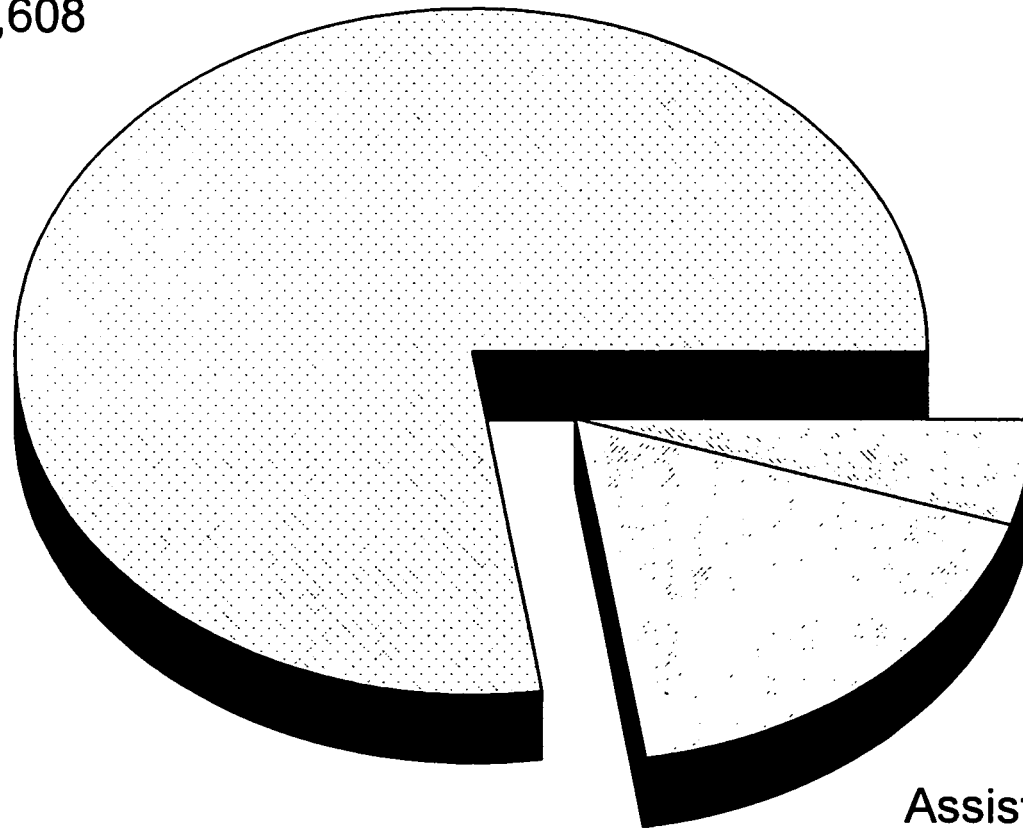
\*Total Recommended Budget is \$76,709,833



# Judicial Department

## Allocation of Positions in Clerk of Superior Court

Deputy Clerks 1,608  
77.4%



Clerks 100  
4.8%

Assistant Clerks 370  
17.8%

\*Total Positions is 2,078

**ALLOCATION OF 40 NEW DEPUTY CLERK POSITIONS - -  
FUNDED IN THE 1996 SHORT SESSION**

| <u>County</u> | <u>Weighted<br/>Caseload<br/>Rank</u> | <u>Allocation</u> |
|---------------|---------------------------------------|-------------------|
| Cumberland    | 1                                     | 1                 |
| Wayne         | 2                                     | 1                 |
| Wake          | 3                                     | 1                 |
| Cabarrus      | 4                                     | 1                 |
| Iredell       | 5                                     | 1                 |
| Rowan         | 6                                     | 1                 |
| New Hanover   | 7                                     | 1                 |
| Davidson      | 8                                     | 1                 |
| Alamance      | 9                                     | 1                 |
| Mecklenburg   | 10                                    | 1                 |
| Catawba       | 11                                    | 1                 |
| Pitt          | 12                                    | 1                 |
| Randolph      | 13                                    | 1                 |
| Gaston        | 14                                    | 1                 |
| Buncombe      | 15                                    | 1                 |
| Person        | 16                                    | 1                 |
| Bertie        | 17                                    | 1                 |
| Davie         | 18                                    | 1                 |
| Wilson        | 19                                    | 1                 |
| Cleveland     | 20                                    | 1                 |
| Lincoln       | 21                                    | 1                 |
| Robeson       | 22                                    | 1                 |
| Lee           | 23                                    | $\frac{3}{4}$     |
| Burke         | 24                                    | 1                 |

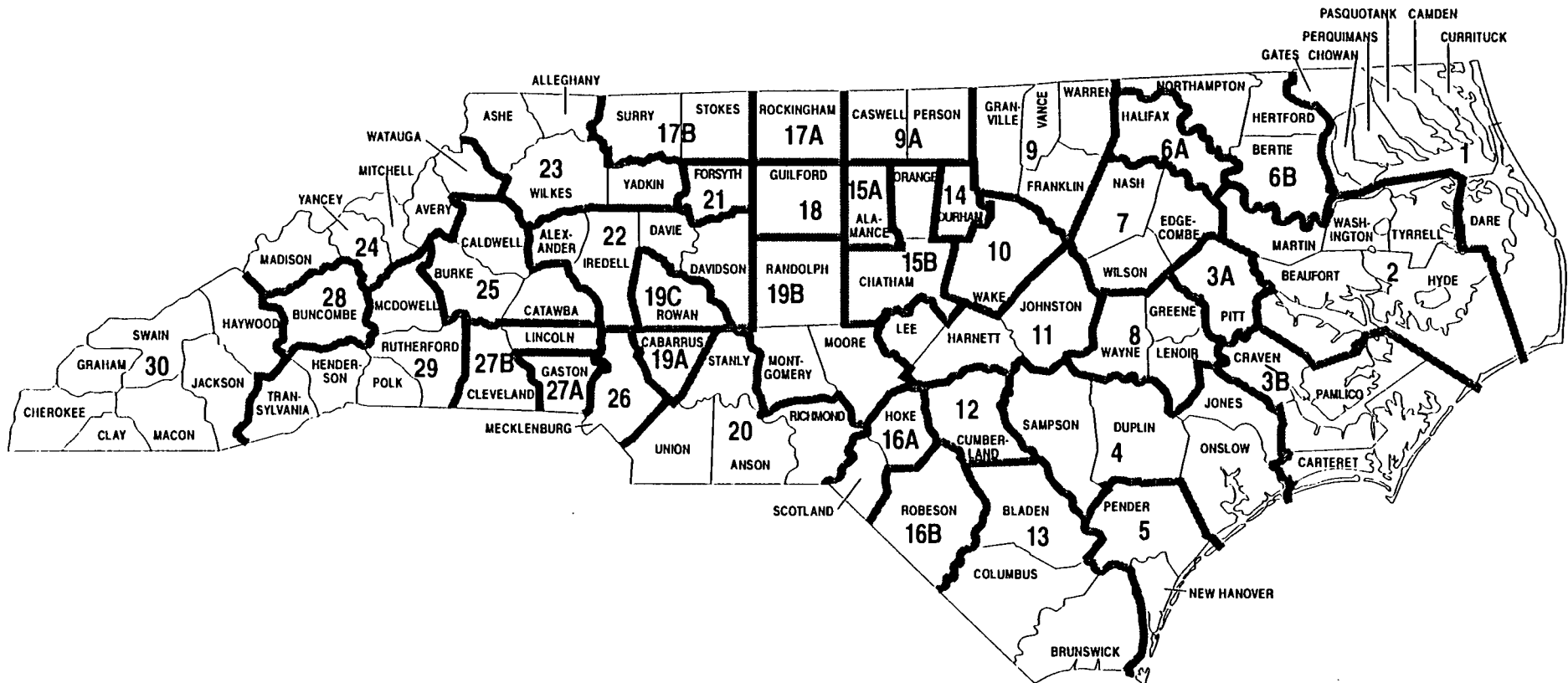
| <u>County</u> | <u>Weighted<br/>Caseload<br/>Rank</u> | <u>Allocation</u> |
|---------------|---------------------------------------|-------------------|
| Forsyth       | 25                                    | 1                 |
| Johnston      | 26                                    | 1                 |
| Guilford      | 27                                    | 1                 |
| Nash          | 28                                    | 1                 |
| Harnett       | 29                                    | 1                 |
| Rockingham    | 30                                    | 1                 |
| Rutherford    | 31                                    | 1                 |
| Pender        | 32                                    | 1                 |
| Halifax       | 33                                    | 1                 |
| Scotland      | 34                                    | Postpone          |
| Union         | 35                                    | 1                 |
| Wilkes        | 36                                    | 1                 |
| Carteret      | 37                                    | Postpone          |
| Orange        | 38                                    | 1                 |
| Surry         | 39                                    | 1                 |
| Alexander     | 40                                    | $\frac{3}{4}$     |
| Brunswick     | 41                                    | 1                 |
| Caldwell      | 42                                    | 1                 |
| Onslow        | 43                                    | $\frac{1}{4}$     |
| Durham        | 44                                    | $\frac{1}{4}$     |

**Note:** Weighted caseload is based on a projected staffing level for  
for each of the different classes of district and superior  
court filings.

# North Carolina Prosecutorial Districts

January 4, 1997

January 4, 1997



# **Judicial Branch**

## **1997-99 Budget Overview Juvenile Services and Guardian Ad Litem Program**

**Joint Appropriations Subcommittee on Justice and Public Safety  
February 26, 1997**

## Juveniles Under 18

### Five & Ten Year Arrest Trends

#### Statewide

| Offense Category            | 1986<br>Arrests | 1991<br>Arrests | 1992<br>Arrests | 1993<br>Arrests | 1994<br>Arrests | 1995<br>Arrests | Five Year<br>% Change<br>91/95 |
|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------------------------|
| Murder                      | 30              | 77              | 94              | 94              | 83              | 90              | + 16.9                         |
| Forcible Rape               | 95              | 90              | 91              | 95              | 95              | 79              | - 12.2                         |
| Robbery                     | 209             | 532             | 504             | 679             | 792             | 899             | + 69.0                         |
| Aggravated Assault          | 1,017           | 1,962           | 2,090           | 2,266           | 2,265           | 2,140           | + 9.1                          |
| Subtotal - Violent Crime    | 1,351           | 2,661           | 2,779           | 3,134           | 3,235           | 3,208           | + 20.6                         |
| Burglary                    | 3,324           | 3,919           | 3,807           | 3,713           | 3,876           | 3,971           | + 1.3                          |
| Larceny                     | 6,966           | 8,443           | 8,285           | 8,200           | 8,980           | 9,634           | + 14.1                         |
| Motor Vehicle Theft         | 587             | 807             | 743             | 759             | 787             | 815             | + 1.0                          |
| Subtotal - Property Crime   | 10,877          | 13,169          | 12,835          | 12,672          | 13,643          | 14,420          | + 9.5                          |
| Subtotal - Index Crimes     | 12,228          | 15,830          | 15,614          | 15,806          | 16,878          | 17,628          | + 11.4                         |
| Manslaughter                | 14              | 3               | 4               | 9               | 10              | 5               | + 66.7                         |
| Arson <sup>1</sup>          | 123             | 157             | 214             | 198             | 231             | 152             | - 3.2                          |
| Simple Assault              | 2,468           | 3,718           | 4,289           | 4,830           | 5,804           | 6,577           | + 76.9                         |
| Forgery & Counterfeiting    | 240             | 237             | 196             | 212             | 203             | 164             | - 30.8                         |
| Fraud                       | 388             | 558             | 508             | 513             | 749             | 906             | + 62.4                         |
| Embezzlement                | 114             | 91              | 99              | 103             | 141             | 183             | +101.1                         |
| Stolen Property             | 510             | 1,003           | 1,031           | 1,154           | 1,353           | 1,375           | + 37.1                         |
| Vandalism                   | 1,567           | 2,223           | 2,420           | 2,534           | 2,756           | 2,621           | + 17.9                         |
| Weapons                     | 392             | 970             | 1,102           | 1,417           | 1,679           | 1,595           | + 64.4                         |
| Prostitution                | 42              | 14              | 39              | 20              | 10              | 6               | - 57.1                         |
| Sex Offenses                | 187             | 180             | 236             | 254             | 253             | 308             | + 71.1                         |
| Drug Laws                   | 1,094           | 1,857           | 2,053           | 2,375           | 3,121           | 4,011           | +116.0                         |
| Gambling                    | 6               | 9               | 10              | 15              | 22              | 21              | +133.3                         |
| Offenses Against Family     | 108             | 79              | 63              | 90              | 107             | 95              | + 20.3                         |
| DWI                         | 1,568           | 1,546           | 923             | 931             | 1,003           | 896             | - 42.0                         |
| Liquor Laws                 | 2,598           | 2,037           | 1,555           | 1,432           | 1,473           | 1,409           | - 30.8                         |
| Disorderly Conduct          | 740             | 1,474           | 1,769           | 2,343           | 2,928           | 3,162           | +114.5                         |
| Vagrancy                    | 6               | 32              | 21              | 26              | 31              | 34              | + 6.3                          |
| All Other Offenses          | 5,899           | 7,798           | 8,189           | 9,064           | 9,405           | 10,479          | + 34.4                         |
| Curfews - Loitering         | 19              | 69              | 82              | 75              | 82              | 94              | + 36.2                         |
| Runaways                    | 1,097           | 996             | 1,163           | 1,363           | 1,886           | 2,025           | +103.3                         |
| Subtotal - Non-Index Crimes | 19,180          | 25,051          | 25,966          | 28,958          | 33,247          | 36,118          | + 44.2                         |
| <b>Grand Total</b>          | <b>31,408</b>   | <b>40,881</b>   | <b>41,580</b>   | <b>44,764</b>   | <b>50,125</b>   | <b>53,746</b>   | <b>+ 31.5</b>                  |

<sup>1</sup> The number of arrests for arson has not been included in the total Crime Index.

# Juveniles 15 & Under Five & Ten Year Arrest Trends

-2-

## Statewide

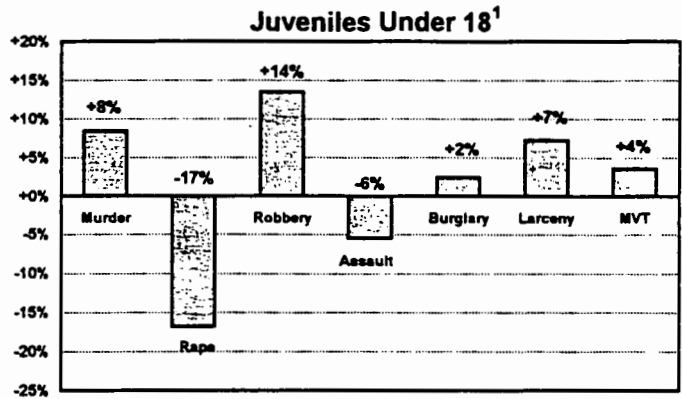
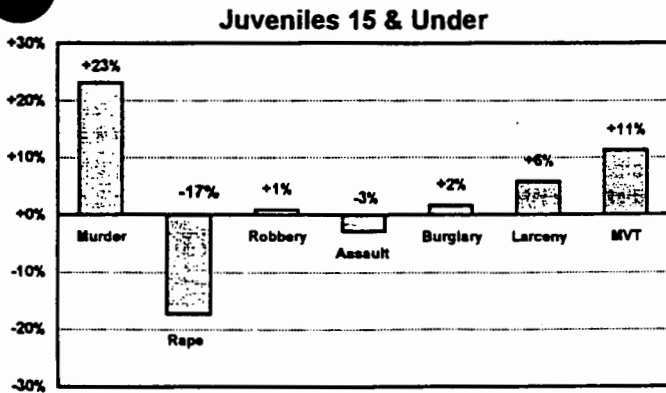
| Offense Category            | 1986<br>Arrests | 1991<br>Arrests | 1992<br>Arrests | 1993<br>Arrests | 1994<br>Arrests | 1995<br>Arrests | Five Year<br>% Change<br>91/95 |
|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------------------------|
| Murder                      | 7               | 19              | 23              | 25              | 13              | 16              | - 15.8                         |
| Forcible Rape               | 38              | 28              | 29              | 36              | 46              | 38              | + 35.7                         |
| Robbery                     | 52              | 159             | 149             | 210             | 239             | 241             | + 51.6                         |
| Aggravated Assault          | 358             | 658             | 736             | 799             | 806             | 782             | + 18.8                         |
| Subtotal - Violent Crime    | 455             | 864             | 937             | 1,070           | 1,104           | 1,077           | + 24.7                         |
| Burglary                    | 1,312           | 1,459           | 1,442           | 1,412           | 1,479           | 1,504           | + 3.1                          |
| Larceny                     | 3,406           | 3,691           | 3,873           | 3,836           | 4,326           | 4,579           | + 24.1                         |
| Motor Vehicle Theft         | 256             | 269             | 317             | 326             | 373             | 415             | + 54.3                         |
| Subtotal - Property Crime   | 4,974           | 5,419           | 5,632           | 5,574           | 6,178           | 6,498           | + 19.9                         |
| Subtotal - Index Crimes     | 5,429           | 6,283           | 6,569           | 6,644           | 7,282           | 7,575           | + 20.6                         |
| Manslaughter                | 2               | 0               | 1               | 3               | 1               | 0               | NA                             |
| Arson <sup>1</sup>          | 90              | 115             | 153             | 145             | 165             | 108             | - 6.1                          |
| Simple Assault              | 743             | 1,410           | 1,690           | 1,881           | 2,539           | 2,989           | +112.0                         |
| Forgery & Counterfeiting    | 46              | 22              | 25              | 26              | 24              | 22              | + 0.0                          |
| Fraud                       | 84              | 76              | 92              | 76              | 114             | 181             | +138.2                         |
| Embezzlement                | 5               | 0               | 4               | 0               | 1               | 3               | NA                             |
| Stolen Property             | 209             | 310             | 305             | 339             | 434             | 441             | + 42.3                         |
| Vandalism                   | 874             | 1,129           | 1,209           | 1,184           | 1,415           | 1,260           | + 11.6                         |
| Weapons                     | 117             | 263             | 357             | 516             | 619             | 628             | +138.8                         |
| Prostitution                | 4               | 1               | 6               | 1               | 0               | 1               | + 0.0                          |
| Sex Offenses                | 91              | 88              | 137             | 153             | 136             | 189             | +114.8                         |
| Drug Laws                   | 182             | 288             | 372             | 461             | 661             | 907             | +214.9                         |
| Gambling                    | 0               | 5               | 3               | 1               | 7               | 3               | - 40.0                         |
| Offenses Against Family     | 6               | 9               | 4               | 11              | 33              | 30              | +233.3                         |
| DWI                         | 82              | 65              | 34              | 21              | 32              | 25              | - 61.5                         |
| Liquor Laws                 | 228             | 150             | 121             | 131             | 169             | 153             | + 2.0                          |
| Disorderly Conduct          | 170             | 555             | 873             | 1,267           | 1,514           | 1,593           | +187.0                         |
| Vagrancy                    | 0               | 3               | 10              | 4               | 8               | 11              | +266.7                         |
| All Other Offenses          | 1,820           | 2,084           | 2,422           | 2,404           | 2,510           | 2,975           | + 42.8                         |
| Curfews - Loitering         | 8               | 11              | 55              | 30              | 39              | 67              | +509.1                         |
| Runaways                    | 992             | 959             | 1,132           | 1,329           | 1,853           | 1,977           | +106.2                         |
| Subtotal - Non-Index Crimes | 5,753           | 7,543           | 9,005           | 9,983           | 12,274          | 13,563          | + 79.8                         |
| <b>Grand Total</b>          | <b>11,182</b>   | <b>13,826</b>   | <b>15,574</b>   | <b>16,627</b>   | <b>19,556</b>   | <b>21,138</b>   | <b>+ 52.9</b>                  |

<sup>1</sup> The number of arrests for arson has not been included in the total Crime Index.

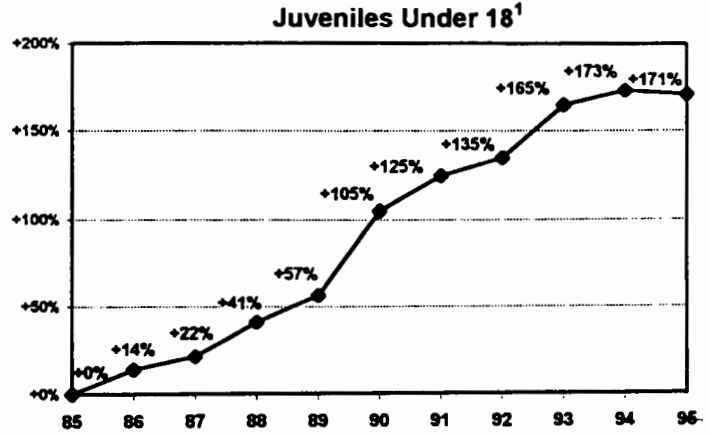
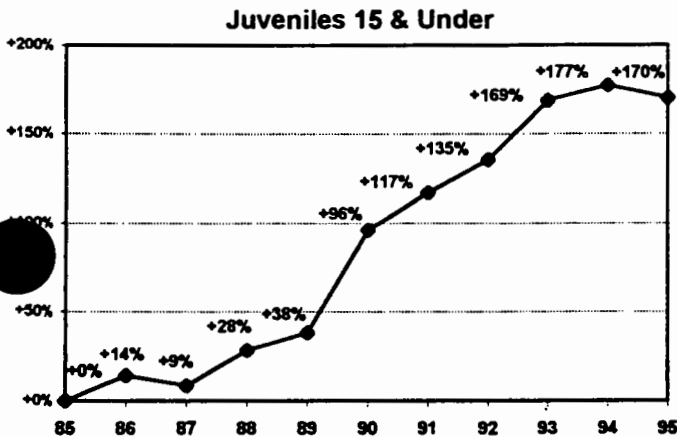
# Juvenile Crime Trends

-3-

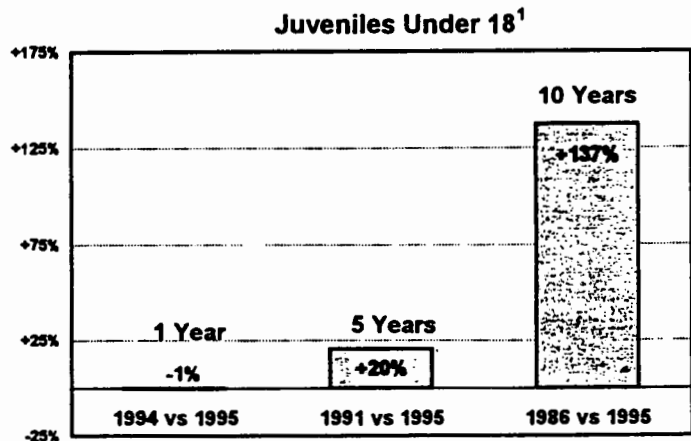
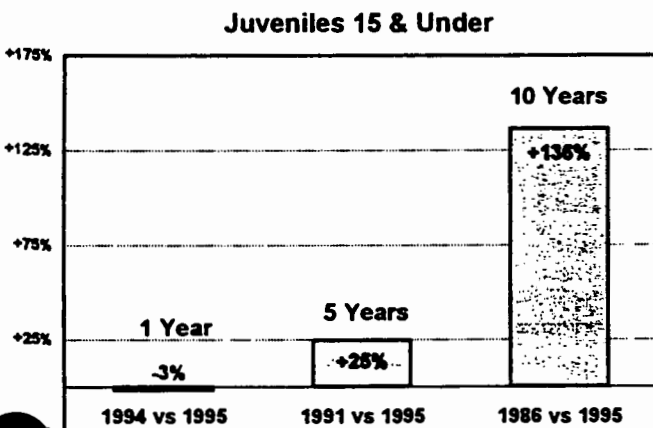
## Juveniles Arrested for Index Crime Percent Change 1994 vs 1995



## Juveniles Arrested for Violent Crime<sup>2</sup> Cumulative Changes Since 1985



## Juveniles Arrested for Violent Crime<sup>2</sup> Five & Ten Year Trends



<sup>1</sup>Includes the category of juveniles 15 and under.

<sup>2</sup>Violent Crime includes murder, rape, robbery and aggravated assault.



# OVERVIEW OF JUVENILE SERVICES DIVISION

## MISSION:

- To serve the children, court, and community through intake, probation and aftercare regarding undisciplined and delinquent matters; and to strive to improve these services.

## JUVENILE OFFENDERS:

- Includes ages 6<16 who are deemed delinquent (offense would be a crime if committed by an adult) or undisciplined (runaways, regularly absent from school/disobedient).

## KEY POINTS IN JUVENILE JUSTICE SYSTEM:

- Intake
- Court
- Supervision/Probation
- Training School
- Aftercare

# OVERVIEW OF JUVENILE SERVICES DIVISION

## (Continued)

-5-

### INTAKE:

- Includes the screening of complaints alleging juveniles to be undisciplined or delinquent in order to determine whether the complaint should be heard or diverted from the court; and to refer juveniles diverted from court to resources in the community when appropriate. Services may include:
  - Consultations with parents and others.
  - Information and reports to the court.
  - Petition preparation.
  - Resolution of complaints.

### COURT:

- Provide information and recommendation for dispositional hearings.
- Advocate for child's and community's best interest.
- Assist with court management.

### PROBATION/AFTERCARE:

- Refers to supervision of juveniles within the community. Services may include:
  - Counseling and management.
  - Developing care supervision plans.
  - Explaining and enforcing court orders.
  - Intensive counseling (small case loads).
  - Alternative to detention counseling.
  - Post-training school transitional counseling.

# OVERVIEW OF JUVENILE SERVICES DIVISION (Continued)

-6-

## TRAINING SCHOOL SERVICES:

- Provide medical and social information at admission.
- Assist in developing residential treatment plans.
- Visit the child monthly.
- Prepare family and child for juvenile's return to community.
- Participate in release plans.
- Arrange and supervise home visits.

## DIVISION STAFFING:

|                          |           |
|--------------------------|-----------|
| ● Administration         | 12        |
| ● Chief Court Counselors | 38        |
| ● Supervising Counselors | 19        |
| ● Intake Counselors      | 98        |
| ● Probation/Aftercare    | 184       |
| ● Intensive              | 28        |
| ● Court Secretaries      | <u>58</u> |
| ● Total                  | 437       |

# OVERVIEW OF JUVENILE SERVICES DIVISION

## (Continued)

-7-

### PROGRAM FUNDING

|                    | <u>1995-96</u> | Authorized<br><u>1996-97</u> | Recomm.<br><u>1997-98</u> |
|--------------------|----------------|------------------------------|---------------------------|
| Total Expenditures | \$19,102,167   | \$19,281,710                 | \$19,258,749              |

### CASELOAD AVERAGES:

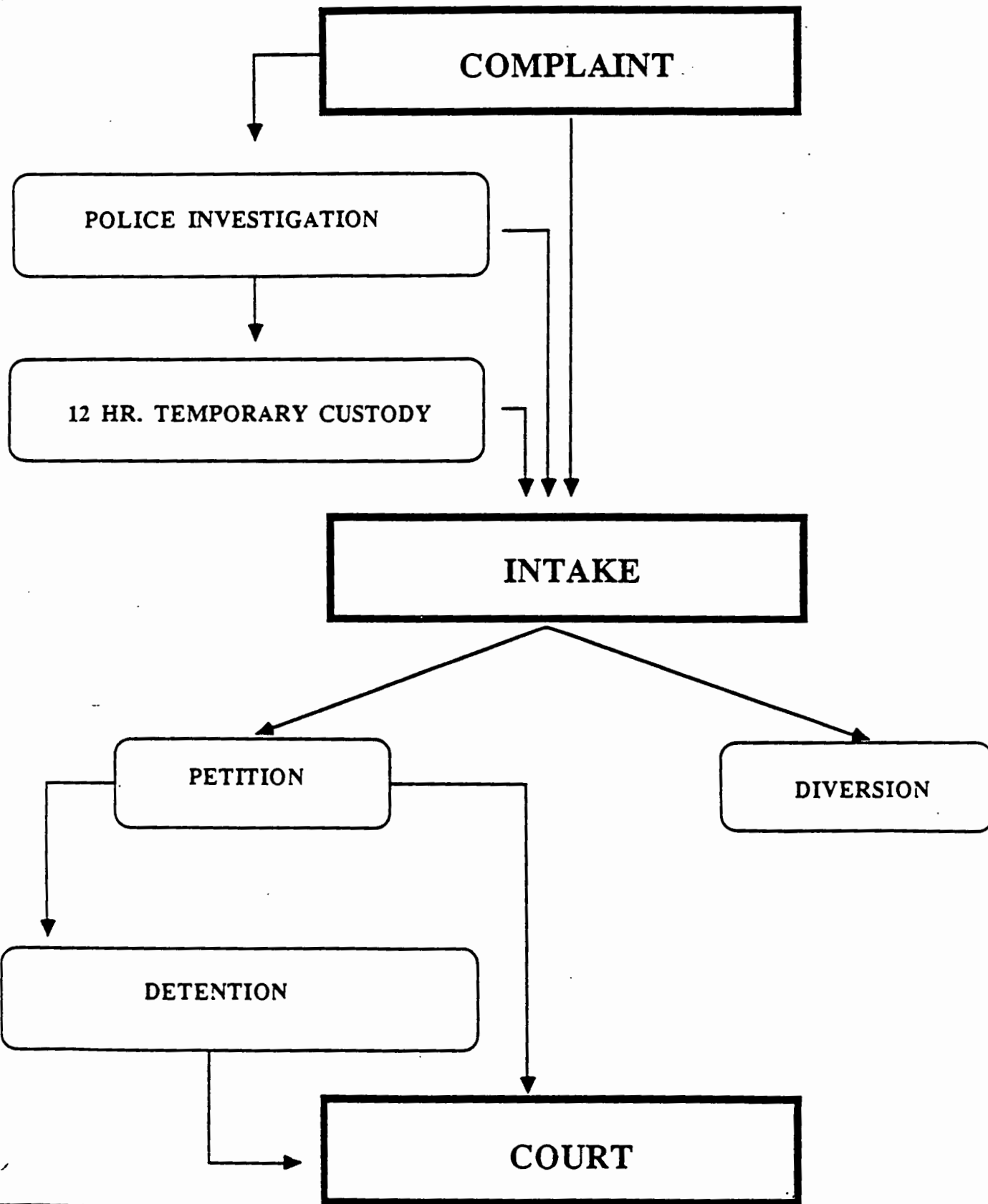
|                      | <u>1994-95</u> | <u>1995-96</u> |
|----------------------|----------------|----------------|
| Intake Counselor*    | 36.9           | 37.8           |
| Probation/Aftercare* | 37.2           | 36.8           |
| Intensive**          | 10             | 10             |

\* Caseload goals for intake and probation/aftercare are 30 per counselor.

\*\* Maximum caseload per intensive counselor is 10.

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# NORTH CAROLINA JUVENILE JUSTICE PROCESS



**APPROXIMATELY  
1,157,000  
(AVERAGE DAILY  
ATTENDANCE-  
N.C. PUBLIC SCHOOLS)**

**30,347**

**\***

**18,580**

**\***

**9,380**

**\***

**1,019**

**\***

**INTAKE  
C. 2.6%  
(Less Than 3%)**

**REFERRED TO  
COURT  
C. 1.6%  
(Less Than 2%)**

**CASES ADDED,  
SUPERVISION/  
PROBATION  
C. .8%  
(Less Than 1%)**

**TRAINING SCHOOL  
COMMITMENTS  
C. .09%  
(Less Than 1/10 OF 1%)**

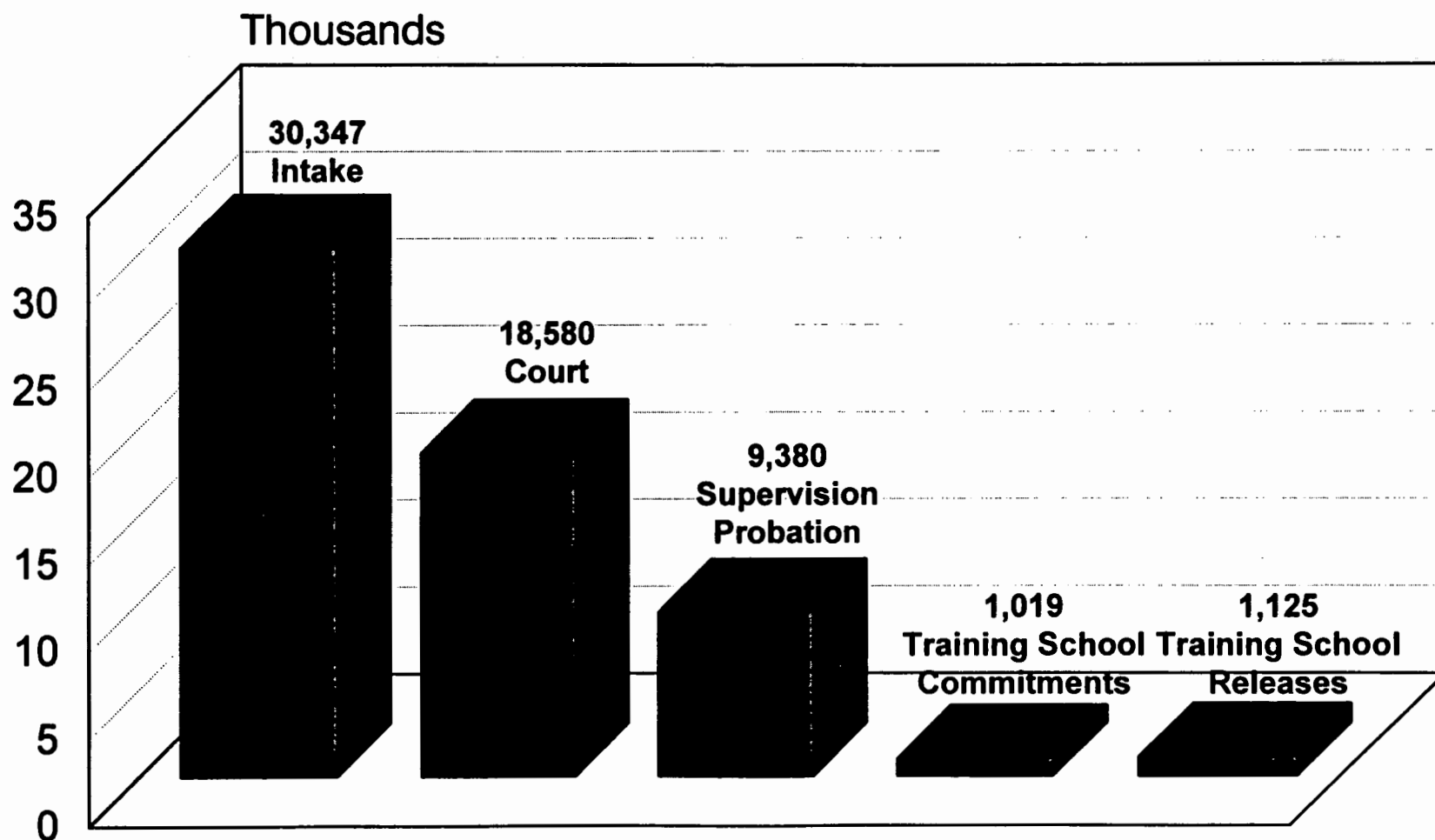
**JUVENILE  
POPULATION**

## **JUVENILES AND THE JUSTICE SYSTEM IN NORTH CAROLINA**

**YEAR: 1996**

# NUMBER OF JUVENILES AT KEY POINTS IN THE NC JUVENILE JUSTICE SYSTEM, 1996

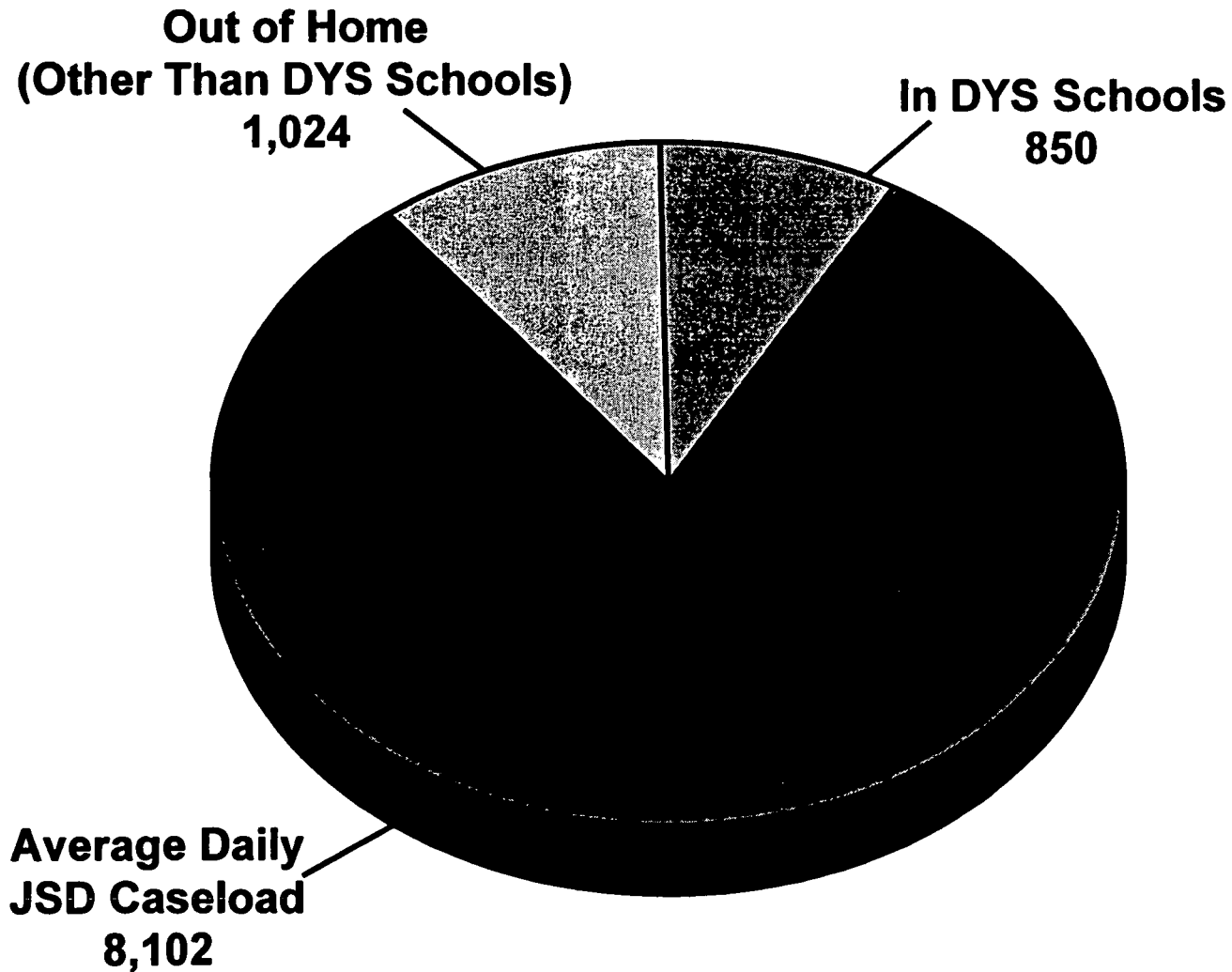
-10-



Source: Juvenile Services Division and Division of Youth Services

# **AVERAGE NUMBER JUVENILES IN PLACEMENTS**

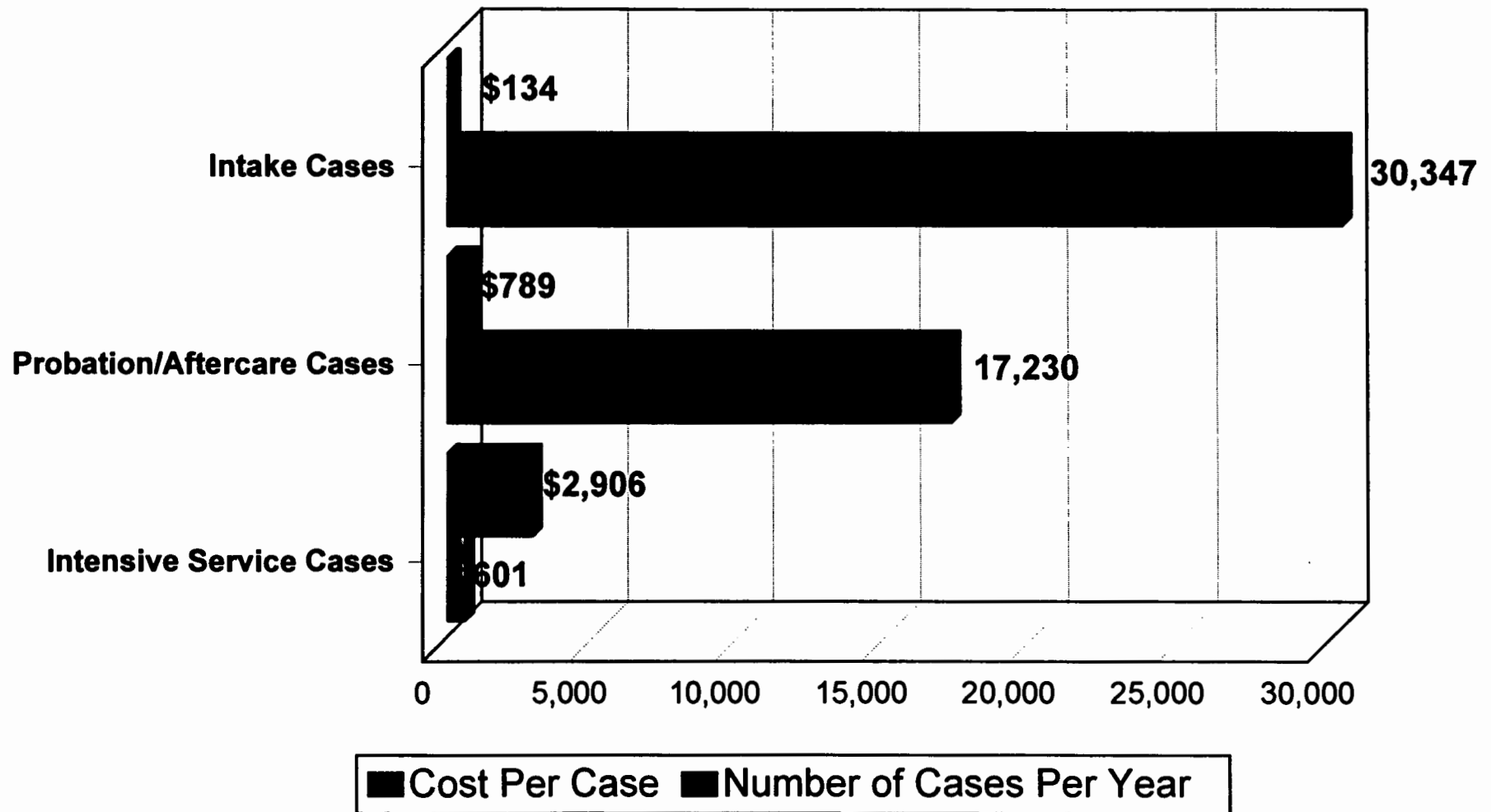
## **(Per Day, 1996)**



Source: Juvenile Services Division and Division of Youth Services



# JSD COST PER CASE, 1996



\* In 1996, there were 1,019 Juveniles committed to Training Schools at a cost of over \$47,238 per case.

## 4240 Services for juveniles

**Objective 1: Divert juveniles from the court process or approve complaints to be filed as petitions, as appropriate.**

| Measure                                               | Actual  |         |         |         |         | Estimated | Expected | Expected |
|-------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                       | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                              |         |         |         |         |         |           |          |          |
| Percentage of juvenile complaints diverted from court | 29.4%   | 29.7%   | 30.3%   | 31.1%   | 30.4%   | 30.4%     | 30.4%    | 30.4%    |
| <b>Performance Measures:</b>                          |         |         |         |         |         |           |          |          |
| Number of complaints against juveniles diverted       | n/a     | n/a     | 12,536  | 13,613  | 13,370  | 14,272    | 15,214   | 16,218   |
| Number of complaints against juveniles processed      | n/a     | n/a     | 41,421  | 43,786  | 44,041  | 46,948    | 50,047   | 53,350   |
| Percentage increase in number of complaints processed | n/a     | n/a     | 13.4%   | 5.7%    | .6%     | 6.6%      | 6.6%     | 6.6%     |
| Number of juvenile probation or aftercare cases added | n/a     | n/a     | 9,317   | 9,275   | 9,122   | 9,138     | 9,154    | 9,170    |
| Percentage increase in probation cases added          | n/a     | n/a     | 2.6%    | -.5%    | -1.6%   | .17%      | .17%     | .17%     |

### Current Situation:

### Funds:

2000 AOC  
1250 Juv. Probation

## 4240 Services for juveniles

Objective 3: Provide court-ordered supervision for juveniles placed on probation or protective supervision.

| Measure                                                                  | 1991-92 | 1992-93 | Actual<br>1993-94 | 1994-95 | 1995-96 | Estimated<br>1996-97 | Expected<br>1997-98 | Expected<br>1998-99 |
|--------------------------------------------------------------------------|---------|---------|-------------------|---------|---------|----------------------|---------------------|---------------------|
| <b>Outcome Measures:</b>                                                 |         |         |                   |         |         |                      |                     |                     |
| Number of juveniles receiving probation/ protective supervision services | 15,058  | 16,071  | 16,953            | 16,991  | 17,302  | n/a                  | n/a                 | n/a                 |
| <b>Performance Measures:</b>                                             |         |         |                   |         |         |                      |                     |                     |
| Statewide total number of intensive services counselors                  | 18      | 18      | 26                | 27      | 28      | n/a                  | n/a                 | n/a                 |
| Average probation and aftercare caseload per counselor                   | 34.8    | 36.4    | 36.0              | 37.2    | 36.8    | 36.9                 | 37.0                | 37.1                |
| Number of complaints against juveniles processed                         | n/a     | n/a     | 41,421            | 43,786  | 44,041  | 46,948               | 50,047              | 53,350              |
| Percentage of supervision caseload receiving aftercare                   | n/a     | n/a     | 4%                | 4%      | 3.5%    | 3.6%                 | 3.7%                | 3.8%                |

### Current Situation:

#### Funds:

2000 AOC  
1250 Juv. Probation

# OVERVIEW OF GUARDIAN AD LITEM PROGRAM

## WHAT IS A GUARDIAN AD LITEM?

- Trained community volunteer who is paired with an attorney to ensure the child's rights and best interests are before the court.
- Appointed to represent child for the duration of the court proceeding.

## ROLE OF GUARDIAN AD LITEM VOLUNTEER

- Serves as child's voice in court -- explores facts relevant to case and makes recommendations to the court.
- Considered a full party to court proceedings and has access to all court documents relating to case.
- Volunteer has no power or responsibility prior to appointment or after court proceedings are dismissed.

## ACTIONS TAKEN BY 1995 GENERAL ASSEMBLY

- Reduced budget by \$505,263 in FY 1995-96 and \$490,623 in FY 1996-97.

# OVERVIEW OF GUARDIAN AD LITEM PROGRAM

## (Continued)

1. ATTORNEY MANAGEMENT PLAN (\$393,636 AND \$378,996)
  - Cap attorneys fees at \$120 for non-secure hearings through first disposition (non-secure hearings, adjudication, disposition).
  - Monthly retainer to each district for new hearings after disposition if case is contested.
  - Discretionary funds for appeals and hearings on termination of parental rights
2. LIMIT APPOINTMENT TO TWO YEARS (\$111,627 AND \$111,627)
  - Revise statutes to limit appointment but give Judge authority to reappoint if special circumstances exist.
  - Remove low priority cases greater than two years old (see special provision).

# OVERVIEW OF GUARDIAN AD LITEM PROGRAM

## (Continued)

### RECOMMENDATIONS BY LEGISLATIVE RESEARCH COMMISSION

- Retain the current level of funding for GAL attorney services in FY 1997-98.
- Appropriate additional funds for an attorney to be located in the AOC Guardian Ad Litem Office, to serve as a research and resource attorney on GAL matters.
- Provide funding for the development, preparation, publishing, and distribution of a GAL abuse and neglect litigation manual.
- Provide sufficient funds to enable the program to improve its recruitment of volunteers.

**JUDICIAL DEPARTMENT**  
**GENERAL FUND BUDGET GROWTH**  
**GUARDIAN AD LITEM PROGRAM**

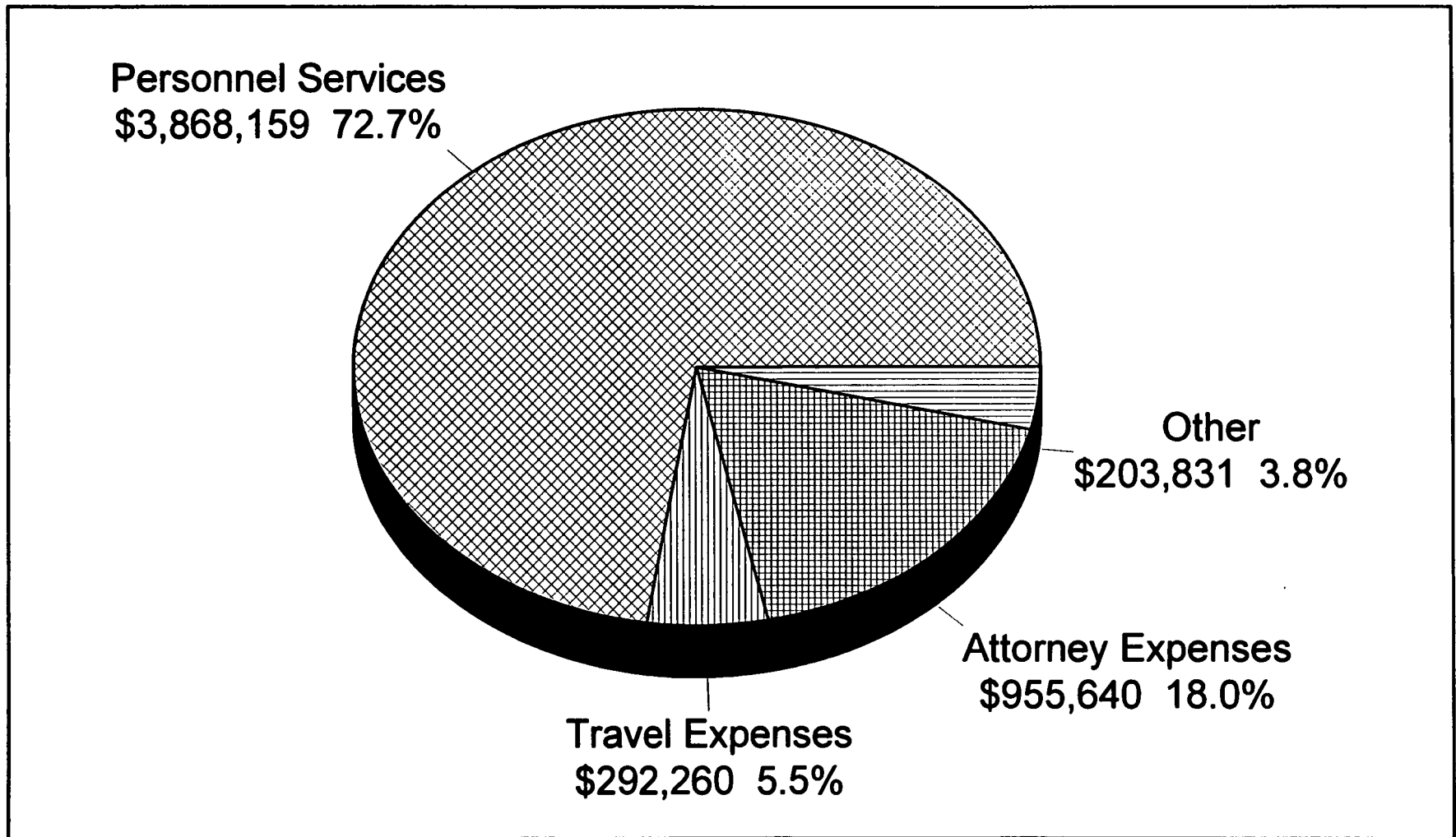
|                            | <u><b>1992-93</b></u> | <u><b>1993-94</b></u> | <u><b>1994-95</b></u> | <u><b>1995-96</b></u> | <u><b>Authorized<br/>1996-97</b></u> | <u><b>Recomm.<br/>1997-98</b></u> |
|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|--------------------------------------|-----------------------------------|
| <u><b>General Fund</b></u> |                       |                       |                       |                       |                                      |                                   |
| Total Expenditures         | \$3,999,335           | \$5,307,054           | \$5,518,673           | \$5,082,159           | \$5,284,307                          | \$5,319,890                       |
| Attorney Expenditures      | \$1,238,458           | \$1,334,623           | \$1,672,525           | \$846,328             | \$955,640                            | \$955,640                         |
| Positions                  | 72                    | 99                    | 99                    | 96                    | 96                                   | 96                                |

\*Percentage increase in expenditures since 1991-92 is 33%

\*\*Percentage increase in positions is 33%.

# Judicial Department -- Guardian Ad Litem Program

## *Recommended Expenditures for FY 1997-98*



\*Total Recommended Expenditures is \$5,319,890



- (7) Review administrative costs of each program and identify possible cost savings; and
- (8) Determine the extent to which guardian ad litem attorneys are performing duties normally handled by volunteers and identify methods to reduce such practices.
- (b) The Commission may report its findings to the 1996 Regular Session of the 1995 General Assembly.

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand  
**CHANGE GUARDIAN AD LITEM APPOINTMENT**

Sec. 21.13. G.S. 7A-586(a) reads as rewritten:

"(a) When in a petition a juvenile is alleged to be abused or neglected, the judge shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to be dependent, the judge may appoint a guardian ad litem to represent the juvenile. The guardian ad litem and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed. The appointment shall be made pursuant to the program established by Article 39 of this Chapter unless representation is otherwise provided pursuant to G.S. 7A-491 or G.S. 7A-492. The appointment shall terminate at the end of two years. Upon motion of any party including the guardian ad litem, or upon the judge's own motion, the guardian ad litem may be reappointed upon a showing of good cause. In every case where a nonattorney is appointed as a guardian ad litem, an attorney shall be appointed in the case in order to assure protection of the child's legal rights within the proceeding through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the child. The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the judge at the dispositional hearing; and to protect and promote the best interest of the juvenile until formally relieved of the responsibility by the judge."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

**N.C. STATE BAR FUNDS**

Sec. 21.14. Of the funds appropriated in this act as a grant-in-aid to the North Carolina State Bar for the 1995-97 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars (\$250,000) for the 1995-96 fiscal year and up to the sum of two hundred fifty thousand dollars (\$250,000) for the 1996-97 fiscal year to further the criminal justice system.

**PART 22. DEPARTMENT OF JUSTICE**

Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Daughtry  
**REVERSION OF CERTAIN INSURANCE SETTLEMENT PROCEEDS**

Sec. 22. (a) Section 23.5 of Chapter 769 of the 1993 Session Laws, Regular Session 1994, is repealed.

(b) Any funds received by the Department of Justice in settlement of insurance claims arising from damage to the Blue Bell building at the North Carolina Justice Academy shall be expended by the Department for replacement of the building and for no other purpose. If any appropriation is made to the Department

## 4240 Services for juveniles

**Objective 5: Reduce number of guardian ad litem cases having no volunteer assistance for abused, neglected, dependent children.**

| Measure                                                  | Actual  |         |         |         |         | Estimated | Expected | Expected |
|----------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                          | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                 |         |         |         |         |         |           |          |          |
| Number of cases without volunteer assistance             | n/a     | 1,346   | 1,185   | 2,190   | 1,692   | n/a       | n/a      | n/a      |
| <b>Performance Measures:</b>                             |         |         |         |         |         |           |          |          |
| Number of children served by guardians ad litem          | n/a     | n/a     | 16,219  | 17,282  | 15,887  | 16,681    | 17,515   | 18,391   |
| Number of program attorneys providing legal services     | n/a     | n/a     | 155     | 155     | 100     | n/a       | n/a      | n/a      |
| Number of trained guardian ad litem volunteers           | n/a     | n/a     | 3,293   | 3,487   | 3,594   | 3,917     | 4,270    | 4,654    |
| Number of court hearings attended by guardians ad litem  | n/a     | n/a     | 18,661  | 27,929  | 38,945  | 40,892    | 42,937   | 45,084   |
| Number of recruiting, training and supervising workshops | n/a     | n/a     | 18      | 18      | 16      | 18        | 16       | 18       |

### Current Situation:

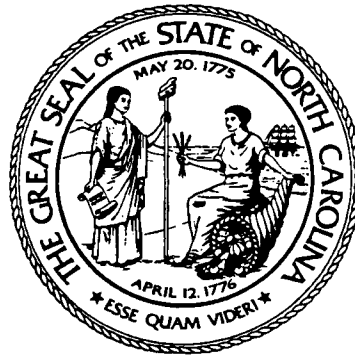
### Funds:

2000 AOC

2120 Guardian ad Litem

LEGISLATIVE RESEARCH COMMISSION

GUARDIAN AD LITEM PROGRAM



REPORT TO THE  
1997 GENERAL ASSEMBLY  
OF NORTH CAROLINA

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STATE OF NORTH CAROLINA  
LEGISLATIVE RESEARCH COMMISSION  
STATE LEGISLATIVE BUILDING  
RALEIGH, NC 27601

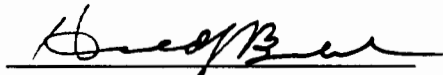


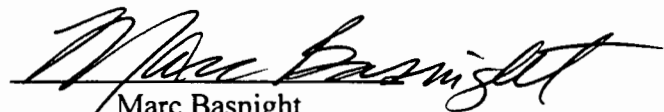
January 15, 1997

TO THE MEMBERS OF THE 1997 GENERAL ASSEMBLY (REGULAR SESSION 1997):

The Legislative Research Commission herewith submits to you for your consideration its final report on the GUARDIAN AD LITEM PROGRAM. The report was prepared by the Legislative Research Commission's Committee on GUARDIAN AD LITEM PROGRAM pursuant to G.S. 120-30.17(1).

Respectfully submitted,

  
Harold J. Brubaker  
Speaker of the House

  
Marc Basnight  
President Pro Tempore

Cochair  
Legislative Research Commission

1995-1996

LEGISLATIVE RESEARCH COMMISSION

MEMBERSHIP

President Pro Tempore of  
the Senate  
Marc Basnight, Cochair

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Rep. Gregory J. Thompson  
Rep. Constance K. Wilson

## PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1995 Session and 1996 Sessions, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of the Guardian Ad Litem Program was authorized by Section 21.12 of Chapter 324 of the 1995 Session Laws (First Session, 1995) (**Appendix A.**) The Legislative Research Commission grouped this study in its **Family And Juvenile Law** area under the direction of Representative Edd Nye. The Committee was chaired by Senator **Frank Ballance, Jr.** and Representative **William S. Hiatt.** The full membership of the Committee is listed in **Appendix B** of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.



## COMMITTEE PROCEEDINGS

The LRC Guardian Ad Litem (GAL) Study Committee met seven times during 1996. Four times prior to the short session of the 1995 General Assembly (January 5, February 9, March 15, and April 12), and three times after the short session (November 15, November 25, and December 20).

At its first meeting the Committee reviewed its charge from the General Assembly (**Appendix A**). The Committee's response to each of the matters it was charged with studying may be found in **Appendix C** of this report. After reviewing its charge the Committee heard presentations about the purpose and mission of the Guardian Ad Litem (GAL) Program. These presentations were made by Judge Jack Cozort, Acting Director of the Administrative Office of the Courts, and Ilene Nelson, Administrator of the GAL Program. Judge Cozort told the Committee that one of the fastest growing segments of the court's workload is that related to domestic cases, and that one of the largest group of cases in this segment involves juveniles. Judge Cozort pointed out that with respect to these cases, judges must base their decisions on what is in the child's best interest. In making this decision, the judge relies heavily on information and recommendations provided not only by the social services workers involved in the case, but also by the guardian ad litem volunteer and GAL attorney who represent and advocate solely for the child's interests. Ms. Nelson informed the Committee on how the GAL becomes involved in an abuse and neglect case and the duties involved in representing a child in that case.

Also at the January meeting, committee staff reviewed statutory and budgetary actions taken by the 1995 General Assembly pertaining to the GAL program, and the implementation and effects of those changes on the program. Staff informed the Committee that the General Assembly authorized a budget **reduction** of \$505,263 in 1995-96 and a **reduction** of \$490,623 in 1996-97 in the GAL program. These reductions resulted in capping attorney fees and limiting use of attorneys. The General Assembly also amended G.S. 7A-586 to provide that appointment as guardian ad litem shall terminate at the end of two years except where reappointment is made by the presiding judge for good cause. (1995 S.L., Ch. 324, Sec. 21.13.)

Over the next three meetings the Committee heard presentations on the following topics:

- (1) **DSS Role in Abuse and Neglect Cases:** this discussion involved presentations from DSS program administrators in Child Protective Services and Foster Care Services. The presentations covered the legislative mandate to protect children who are alleged to be abused, neglected, or dependent, and the system in place for carrying out that mandate. Detailed information was provided to the Committee on the qualifications and training of child welfare social workers, statistics on the number of abuse and neglect reports for 1994-95, and foster care and adoption services. The Committee also heard from Ms. Gwendolyn Wilson, Director of Social Services in Wayne County. Ms. Wilson reported that a lot of positive things had happened as a result of the GAL program in Wayne County, including GAL involvement in DSS child protection teams, fatality review teams, and agency planning teams.
- (2) **GAL Program Staffing, Organizational Structure, and Volunteer Training:** this discussion provided information on: number of cases handled by GAL volunteers and attorneys; GAL program personnel grades, compensation, and supervisory duties; training of volunteers; compensation of attorneys; and the impact of reductions in attorney fees and retainers. (See Appendix D.)
- (3) **Case studies:** A GAL supervisor and DSS supervisor in Alamance county worked together to select and present to the Committee three actual case studies involving children who had been abused and had received protective services from DSS and GAL. Also testifying at this discussion were a district court judge, two attorneys who represent parents in child abuse cases, and a GAL attorney. Judge Kent Washburn, Chief District Court Judge in Alamance County, told the Committee that although DSS workers are highly competent and professional, they are bound by policy considerations and rules that are not binding upon GAL program volunteers and attorneys. Thus, the GAL volunteer and attorney offer an opinion and recommendations to the judge that are independent of State agency constraints and that focus exclusively on the interests and perspective of the child. Also, there are sometimes communications problems between DSS and parents because of their adversarial positions; GAL volunteers and attorneys can sometimes bridge that communication gap by assisting in negotiations among the parties.

- (4) **Role of Attorneys in Guardian Ad Litem Proceedings:** Janet Mason, Institute of Government, was invited to speak to the Committee about the various parties who are usually represented by counsel in child abuse proceedings, the nature of the representation, and whether the State is required to provide representation to indigent parents and to the child in these proceedings. The Committee was informed that in a given case, as many as four attorneys could be representing the parties involved. One attorney represents the department of social services, one attorney may be appointed for each of the parents (if the parents are in an adversarial position to one another), and one is appointed for the child through the GAL program. Separate counsel is needed for each party whose interests may be adversarial to those of another party in the case. Under State law, a juvenile under the court's jurisdiction has a right to counsel, G.S. 7A-584, and a right to appointment of a guardian ad litem in abuse and neglect cases, G.S. 7A-586. Also, in cases where a petition alleges that a juvenile is abused, neglected, or dependent, the parent has a right to appointment of counsel if the parent is indigent, G.S. 7A-587.
- (5) **Court Appointed Special Advocates (CASA) Programs** in other states: Michael Piraino, Director of National CASA, gave the Committee an overview of his organization. National CASA is a nonprofit membership organization for all volunteer guardian ad litem programs in the country. National CASA was organized in 1982 to promote, assist, and support the development of quality guardian ad litem programs throughout the United States. Among the resources National CASA offers member states are: development of minimum national standards, recommended management practices, and a code of ethics; dissemination of a 40-hour comprehensive training curriculum for volunteers; and technical assistance in the areas of fundraising, public relations, and program start-up. CASA currently has membership in 42 states and is attempting to expand nationwide.
- (6) **Request for formal opinion:** Based on a situation that was brought to the Committee's attention, the Committee directed that an advisory opinion be obtained on the following question: *Must a district attorney investigating a criminal matter obtain the consent of the GAL attorney in the juvenile matter before the district attorney may question the GAL*

*volunteer about information the volunteer obtained during her investigation of the juvenile matter?* The State Bar issued an opinion stating that *the district attorney must obtain the consent of the GAL attorney.* The opinion of the State Bar on this matter is attached as **Appendix E** to this report.

At its final meeting before the convening of the 1996 short session, the Committee discussed its plans for future meetings. Among those plans was development of a survey of targeted groups involved in Guardian Ad Litem cases. The survey was to be developed after the short session. Groups to be surveyed were district court judges, county departments of social services, attorneys who represent departments of social services in abuse and neglect proceedings, GAL volunteers, and GAL attorneys. The purpose of the survey was to obtain information on how the GAL program is working in local communities. The survey was mailed to the target groups in September, 1996 with a response date of October 4, 1996. Results were tabulated and analyzed by staff and presented to the Committee at its November 15 meeting. The survey and accompanying analysis is attached at **Appendix F** of this report.

On November 15, 1996 the Committee held its first meeting after the 1996 short session. At this meeting staff presented the results of the survey. Survey results had been mailed to Committee members and to GAL and DHR representatives in advance of the meeting, and GAL and DHR personnel were given an opportunity to comment on the survey results at the meeting.

Also at the November 15 meeting presentations were made to the Committee pertaining to accomplishments of the GAL program during the 1995-96 fiscal year and plans for improvements, and a review by staff of funding issues for the GAL program. These funding issues include a review of GAL budget allocations, expenditures for legal representation, cost savings or efficiencies pertaining to GAL staffing, and policy options that may impact on the GAL program's mission and funding.

The Committee's November 25 meeting was scheduled primarily as a work session for the Committee to discuss and decide on findings and recommendations for its final report. Also at this meeting, at the request of a committee member, the Committee heard testimony from Ms. Susan Mills, a foster parent who adopted two of her foster children, one of whom had been represented by the Guardian Ad Litem program. Ms. Mills and her daughter told the Committee of their experience with the foster care and adoption system and testified to how beneficial it was to their family to have received GAL

services. For the remainder of the meeting the Committee discussed the information it had received as a result of its study and directed staff to draft its final report based on the Committee's decisions. The Committee held its final meeting on December 20, 1996. The Committee reviewed the draft and approved the report, as amended.

## FINDINGS AND RECOMMENDATIONS

**FINDING ONE:** In 1983 the General Assembly established the Office of Guardian Ad Litem Services to provide services in accordance with G.S. 7A-586 to abused, neglected, or dependent children. (1983 S.L., Ch. 761, Sec. 160; 1987 S.L., Ch. 1090, Sec. 7.). Under G.S. 7A-586, as amended in 1995, in every case where a nonattorney is appointed as a guardian ad litem, an attorney must be appointed to assure protection of the child's legal rights through the dispositional phase of the proceedings, and must also be appointed after disposition when necessary to further the best interests of the child. The Committee finds that this requirement to appoint counsel is indicative of the General Assembly's commitment to protecting the legal rights of children who have been abused and neglected, and is also recognition by the General Assembly that such protection may be necessary beyond the dispositional phase of a given case. Recent reductions in funding for the GAL program may jeopardize the program's ability to sufficiently and adequately secure counsel to represent all of the abused and neglected children entitled to representation under State law. The Committee finds, however, that these reductions have only been in place since 1995 and more time is needed to fully realize the effects of the reductions. The Committee also finds that reductions in costs may be realized through improved program administration and through improvements in the court process that would reduce time spent on hearings.

**RECOMMENDATION ONE:** When considering the budget of the Guardian Ad Litem program for the 1997-99 fiscal years, the General Assembly should ensure that sufficient funds are appropriated to enable the GAL program to provide the legal representation necessary to fully protect the rights of abused, neglected, and dependent children as required under G.S. 7A-586. GAL Program administrators should take steps to improve administration of the Program at the local level in order to maximize efficiency in attorney services.

**FINDING TWO:** The Committee finds that the key to the success of the Guardian Ad Litem program in providing services to all abused, neglected, or dependent children in North Carolina lies in its ability to recruit, train, and retain a force of volunteers committed to the program, its mission, and the best interests of children. The Committee further finds that recruitment, training, and retention of an effective and efficient volunteer force requires an administrative staff that is skilled in supervision and organization, and has a workforce of a manageable size. Overall, the GAL program's staff-to-volunteer ratio, 1:31.5, is comparable to the National CASA standard of 1:30. However, there are some districts under the GAL program where staff are handling the cases for over 50% of the children because of the low number of volunteers in those districts. In almost 1/3 of the districts 40% or more of the children are being represented by staff/attorneys rather than by volunteers, also due to problems in recruitment of volunteers.

The Committee finds that increasing the number of volunteers statewide would substantially improve efficiencies in the administration of the GAL program and thereby effect a cost savings to the State. Finally, the Committee finds that providing guardian ad litem services to children through volunteers rather than paid staff saves money the State might otherwise have to spend to maintain its commitment to protect abused, neglected, and dependent children. For example, GAL staff reported to the Committee that volunteers contribute on average 260 hours a year to the GAL program. This number is equivalent to 443 full time staff positions which, if paid at the compensation level of a Social Worker I, would equal \$15,990,000.

**RECOMMENDATION TWO:** When considering the GAL's budget for the 1997-99 fiscal years, the General Assembly should ensure that sufficient funds are available to enable the program to improve its recruitment of volunteers, to ensure that volunteers are adequately trained, and to develop strategies for retaining a full complement of volunteers in every district in the State.

**FINDING THREE:** The Committee finds that as a result of 1995 budget reductions, the Administrative Office of the Courts (AOC) has restructured the way GAL attorneys are paid. Instead of paying the GAL attorneys at an hourly rate of \$40 per hour for the amount of time spent on a particular case, the GAL attorney is now paid a flat rate of \$120 per case, despite the amount of time involved, to

handle the case through disposition. Legal services required after disposition are handled through retainer contracts based on the caseload size for which the attorney is expected to be responsible during the year.

The Committee finds that as a result of the payment change, many experienced GAL attorneys have left the GAL program, most often citing the comparative low payment rate as the reason. Accordingly, AOC is having to hire less experienced attorneys who are willing to work at the lower rate of pay.

In order to assist these less experience attorneys with legal questions often unique to guardian ad litem matters, and in order to reduce the amount of time GAL attorneys have to spend on legal research that is often duplicated throughout the state in the GAL program (thereby raising the effective hourly rate of compensation), the Committee finds that an attorney located in the AOC GAL office who would be available to GAL attorneys as a GAL legal expert and resource would be very helpful to answer GAL attorney questions and to research relevant points of law. The Committee also finds that the legal proficiency of these less experienced GAL attorneys would be improved if these attorneys had access to an abuse and neglect litigation manual. The Committee believes this would help reduce the time a GAL attorney would have to spend on duplicative research.

**RECOMMENDATION THREE:** That the General Assembly retain the current level of funding for GAL attorney services for 1997-98 and, if requested, appropriate additional funds to the Administrative Office of the Courts to fund one additional attorney to be housed in the AOC Guardian Ad Litem Office, to serve as a research and resource attorney on guardian ad litem matters, to serve as a legal resource primarily to GAL attorneys by providing legal information and advice on legal issues facing GAL attorneys. Additionally, the General Assembly should appropriate additional funding for the development, preparation, publishing, and distribution of a GAL abuse and neglect litigation manual to be made available to GAL attorneys.

**FINDING FOUR:** As a result of its study, the Committee found that many members of the public and the General Assembly were not familiar with the Guardian Ad Litem Program, how it operated, and how the guardian ad litem program in child abuse and neglect cases differs from other guardians ad litem appointed for minors and incompetents in other legal matters. The Committee found that the public and legislators would benefit from written material explaining the purpose and workings of the GAL Program,

the role of the GAL staff, and an explanation of the differences in the various types of guardians ad litem authorized by law.

The Committee also found that due to budget reductions in recent years, the Administrative Office of the Courts has not been able to develop and conduct statewide educational seminars and other continuing education programs for GAL volunteers, GAL attorneys and others as it had done in the past. The Committee found that the GAL program as a whole would benefit from a statewide sharing of ideas and experiences by GAL participants through statewide educational seminars. The Committee also found that GAL attorneys would benefit from continuing legal education programs specialized for GAL attorneys. The Committee believes that by making these seminars available to GAL attorneys the level of legal competency among GAL attorneys will rise. Also by helping these attorneys fulfill their mandatory continuing education requirements, these attorneys would be encouraged to remain with the GAL program longer.

**RECOMMENDATION FOUR:** That the General Assembly ensure that funds are available for the 1997-99 fiscal years sufficient to:

1. Enable the AOC-GAL Program to develop informational materials to help the public and legislators understand the purpose of the Guardian Ad Litem program, how the program functions, the role of the GAL staff, and the difference between guardians ad litem appointed in child abuse and neglect case and guardians ad litem appointed in other situations.
2. Enable the AOC-GAL program to develop and conduct statewide educational seminars and other continuing education programs for GAL volunteers, attorneys and others.

**FINDING FIVE:** Based on the results of the Committee's survey of district court judges, GAL attorneys and volunteers, local DSS personnel, and county attorneys, the Committee finds the following:

- (1) GAL services are necessary to adequately protect the interests of abused, neglected and dependent children;
- (2) Judges rely heavily on GAL recommendations in making their decisions in abuse and neglect cases;
- (3) The relationship between GAL personnel and DSS personnel is one of cooperation and mutual respect;



- (4) GAL volunteers should remain involved with the abuse and neglect case for as long as the child is outside of a permanent home;
- (5) The interests of abused and neglected children are best protected and served when both a GAL volunteer and a GAL attorney are involved in the case.

Survey results indicate that the GAL program is much needed to carry out the State's commitment to protecting abused, neglected and dependent children.

**RECOMMENDATION FIVE:** The State should maintain its commitment to identifying and protecting abused, neglected, and dependent children through the efforts of State and local DSS agencies and the Guardian Ad Litem program and should ensure that sufficient funds are available to these agencies and programs to carry out their State mandated duties and responsibilities.

**FINDING SIX:** The Committee finds that although its study of the Guardian Ad Litem program and child protective services generally indicated that these programs are working effectively, there may be areas where greater efficiencies could be realized in program administration and procedure. The Committee further finds that continued study is needed to identify those areas and possible methods for achieving greater efficiency and effectiveness.

**RECOMMENDATION SIX:** The Committee recommends that the General Assembly adopt the resolution found in Appendix H of this report entitled A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE ITS STUDY OF THE GUARDIAN AD LITEM PROGRAM.

## APPENDICES

## GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

1 General Assembly for the establishment and maintenance of community penalties  
 2 programs under this Article shall be administered by the Administrative Office of the  
 3 Courts."

4 (e) G.S. 7A-773 reads as rewritten:

5 **"§ 7A-773. Responsibilities of a community penalties program.**

6 A community penalties program shall be responsible for:

- 7 (1) Targeting offenders who are eligible to receive an intermediate  
 8 punishment based on their class of offense and prior record level  
 9 and who face an imminent and substantial threat of imprisonment.
- 10 (2) Preparing detailed community penalty plans for presentation to the  
 11 sentencing judge by the offender's ~~attorney.~~ attorney or at the  
 12 request of the sentencing judge.
- 13 (3) Contracting or arranging with public or private agencies for  
 14 services described in the community penalty plan.
- 15 (4) Monitoring the progress of offenders under community penalty  
 16 plans."

17  
 18 Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Daughtry  
 19 **COURT REPORTING/USE OF AUDIO AND VIDEO EQUIPMENT**

20 Sec. 21.10. (a) The Administrative Office of the Courts may use funds  
 21 appropriated in this act for State court reporter positions and support, including  
 22 contractual services, to purchase audio and video recording equipment for use in the  
 23 courtroom, provided that the purchase is to implement budget reductions for court  
 24 reporter programs as required in this act.

25 (b) The Office of the State Auditor shall study the court reporting  
 26 system and determine the most cost-effective and appropriate use of official State  
 27 court reporters, contractual reporters, and audio and video recording equipment for  
 28 court reporting. The Office of the State Auditor shall consult with the Association of  
 29 Official Court Reporters as part of the study. The study shall identify specific cost  
 30 savings that would result from the implementation of the study recommendations.  
 31 The Office of the State Auditor shall report to the Chairs of the Senate and House  
 32 Appropriations Committees and the Chairs of the Senate and House Appropriations  
 33 Subcommittees on Justice and Public Safety on the results of this study by April 1,  
 34 1996.

35 (c) Any reduction in official court reporter positions pursuant to this  
 36 section shall be implemented notwithstanding the provisions of G.S. 7A-198(f) and  
 37 G.S. 7A-95(e).

38 (d) The Administrative Office of the Courts shall make reasonable  
 39 efforts to assist official State court reporters and district court reporters in obtaining  
 40 employment within the court system.

41  
 42 Requested by: Representatives Justus, Thompson, Senator Ballance  
 43 **FUNDING OF JUDGESHIPS**

44 Sec. 21.11. The Judicial Department may use funds available to the  
 45 Department to fund the district court judgeships authorized in Section 200.6 of  
 46 Chapter 321 of the 1993 Session Laws for District Court Districts 3A, 8, 12, and 18  
 47 upon the assumption of office by the initial holders of those judgeships.

48  
 49 Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Daughtry  
 50 **GUARDIAN AD LITEM STUDY**

51 Sec. 21.12. (a) The Legislative Research Commission may study the  
 52 Guardian Ad Litem program in the Judicial Department and the Children's Services  
 53 program in the Division of Social Services. The study shall:

- (1) Identify the amount and source of funding for legal services and administration in child abuse and neglect and dependency cases in those programs;
  - (2) Identify the legal participants involved in child abuse and neglect and dependency court cases and each participant's responsibilities;
  - (3) Study the purpose and activities of each program and identify activities that are similar;
  - (4) Identify federal mandates and any federal funding that would be affected by any changes in legal services or administration of either program, and determine whether any federal funds are available to fund the Guardian Ad Litem program;
  - (5) Review guardian ad litem programs and children's services in other states, including cost-saving measures taken by those states, and identify other methods of administering and funding those programs;
  - (6) Identify methods of reducing the costs for attorneys involved in child abuse and neglect and dependency cases;
  - (7) Review administrative costs of each program and identify possible cost savings; and
  - (8) Determine the extent to which guardian ad litem attorneys are performing duties normally handled by volunteers and identify methods to reduce such practices.
- (b) The Commission may report its findings to the 1996 Regular Session of the 1995 General Assembly.

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand  
**CHANGE GUARDIAN AD LITEM APPOINTMENT**

Sec. 21.13. G.S. 7A-586(a) reads as rewritten:

"(a) When in a petition a juvenile is alleged to be abused or neglected, the judge shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to be dependent, the judge may appoint a guardian ad litem to represent the juvenile. The guardian ad litem and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed. The appointment shall be made pursuant to the program established by Article 39 of this Chapter unless representation is otherwise provided pursuant to G.S. 7A-491 or G.S. 7A-492. The appointment shall terminate at the end of two years. Upon motion of any party including the guardian ad litem, or upon the judge's own motion, the guardian ad litem may be reappointed upon a showing of good cause. In every case where a nonattorney is appointed as a guardian ad litem, an attorney shall be appointed in the case in order to assure protection of the child's legal rights ~~within the proceeding~~ through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the child. The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the judge at the dispositional hearing; and to protect and promote the best interest of the juvenile until formally relieved of the responsibility by the judge."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom  
**N.C. STATE BAR FUNDS**

NC General Assembly  
LRC GUARDIAN AD LITEM STUDY COMMITTEE  
Membership 1995-1996

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Ms. Katie Holliday  
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The Honorable William Jones  
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The Honorable Jerry Tillett  
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**House Appointments**

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Rep. Robert J. Hensley, Jr.  
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The Honorable William E. Neely  
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Mr. Jim Mills, Fiscal Research  
733-4910

Ms. Betty Anne Lennon, Clerk  
733-5829

LRC STUDY COMMITTEE ON GUARDIAN AD LITEM  
COMMITTEE RESPONSE TO GENERAL ASSEMBLY DIRECTIVE  
IN  
SECTION 21.12 OF CHAPTER 324 OF THE 1995 SESSION LAWS

The General Assembly authorized the Legislative Research Commission to study the Guardian Ad Litem program in the Judicial Department and the Children's Services program in the Division of Social Services. (1995 S.L., Ch. 324, Sec. 21.12.) The General Assembly directed that the study provide certain information to the Commission. Following is the Committee's response to the General Assembly's directive:

- (1) Identify the amount and source of funding for legal services and administration in child abuse and neglect and dependency cases in those programs.

**GAL legal services:** State funds expended for attorney services in the GAL program were \$846,328 for the 1995-96 fiscal year. State funds were appropriated in the amount of \$955,640 for the 1996-97 fiscal year. No other funds were available or expended for attorney services under the GAL program.

**Legal services provided by county DSS:** Estimates of legal costs related to child abuse neglect, and dependency cases are difficult to determine due to the various arrangements in place at the local level. For example, several counties have in-house counsel which may range from full-time to part-time attorney costs, while other counties provide this service via contractual arrangements. Some counties may have both arrangements. Thus, the compilation of this information is extremely staff intensive and not readily available.

- (2) Identify the legal participants involved in child abuse and neglect and dependency court cases and each participant's responsibilities.

**Attorney representing DSS:** This attorney may be an employee of DSS, may be the county attorney, or may be a private attorney under contract with DSS. This attorney represents DSS in the proceedings and presents to the court the recommendations of DSS based on its investigation of the case, its duty to protect the best interests of the child, and based on State law and DSS policy and rules.

**Attorney representing one or both parents:** The parent of a juvenile who is alleged to be abused, neglected, or dependent has the right to counsel and the right to appointment of counsel if the parent is indigent. The parent may waive this right. The law prohibits the judge from appointing a county attorney, prosecutor, or public defender to represent the parent. G.S. 7A-587. There may be an attorney for each parent, if their interests are adversarial as to one another. The parent attorney represents to the court the rights, interests, and wishes of the parent with respect to placement of and

other matters relating to the child. The parent attorney is the legal advocate for the parent.

**Attorney representing GAL:** When a nonattorney has been appointed as GAL for the child, an attorney must be appointed to assure protection of the child's legal rights. The attorney's appointment is through the dispositional phase of the case and may extend beyond that phase if it is necessary to further the best interests of the child. The GAL attorney represents to the court the findings and recommendations of the GAL volunteer and is the legal advocate for the child.

- (3) Study the purpose and activities of each program and identify activities that are similar. The statutory purpose of the GAL program is "to provide services in accordance with G.S. 7A-586 to abused, neglected, or dependent juveniles involved in judicial proceedings, and to assure that all participants in these proceedings are adequately trained to carry out their responsibilities." G.S. 7A-489. The mission of the GAL Program is to "...provide trained independent advocates to represent and promote the best interest of abused, neglected, or dependent children involved in the court and work toward a service system that ensure that these children are safe." (The Guardian Advocate, the newsletter of the Guardian Ad Litem Program, December, 1995.)

DSS is the State agency required by State law to identify, investigate, and intervene in child abuse and neglect matters. The agency provides services to the child and the family and petition the court for action if agency intervention fails.

Activities conducted by both programs that are similar are:

- Investigate the case. Collect and review records, interview the child, witnesses, and parents;
- Subpoena and call witnesses;
- Determine risks/trauma to child if child remains in home or remains in agency custody;
- Assessment of family problems and remedies; identify child's needs;
- Assesses conditions to determine if child can return to the home at some point;
- Presents evidence and additional witnesses based on investigation;
- Give testimony
- Advise court of best options for services for child
- Continues to monitor situation; gather reports for court;
- Initiate motions to the court if orders not followed or if change of circumstances
- File TPR petition when determined that this is in child's best interest.
- Present evidence on what's best for child

According to testimony by various presenters at Committee meetings (district court judge, private attorneys, local DSS workers and administrators, and private citizens who have used GAL and DSS services) and according to survey results, the



Committee finds that for the most part, given budgetary and policy constraints, both programs are effectively carrying out their purpose.

The Committee also studied a related issue of whether services provided by the GAL Program and by child protective services workers are unnecessarily duplicative. District court judges were asked this question in the committee's survey. Their responses and comments indicate that there is some duplication that is necessary by virtue of the fact that the volunteers and social service workers are investigating the same case and the same facts. A large majority of the judges indicated there was duplication ranging from "none" to "some". Judges who commented on their response to this question indicated that although there was some duplication, it was necessary to ensure that the child's best interests were protected.

- (4) Identify federal mandates and any federal funding that would be affected by an changes in legal services or administration of either program, and determine whether any federal funds are available to fund the GAL program.

There is approximately \$600,000 in federal Child Abuse and Prevent Training Act (CAPTA) funds in the DHR/DSS budget for training and technical assistance in the area of child protective services. States receiving these grant funds must agree to assign guardian ad litem services (may be volunteer or paid) for CPS cases.

- (5) Review guardian ad litem programs and children's services in other states, including cost-savings measures taken by those states, and identify other methods of administering and funding those programs.

Twelve states have statewide CASA/GAL types programs. Most of these states do not cover 100% of eligible children. (North Carolina covers 100% of eligible children.) 51% of all of GAL/CASA-type programs are administered by private organizations. Funding is from a variety of sources: 51% have a mix of private/public funds; 7% are private only, 42% are public only. Trend is towards diversifying funding. Private funds are often used for special projects, not staffing.

**Federal funds** are not available except for special grants. (North Carolina has a federal grant, \$25,000, through Crime Commission.). National CASA has a \$5,000,000 grant program (grants are primarily to start new programs or fund special projects.) NC GAL Program has applied to CASA for a \$100,000 grant to upgrade its volunteer recruitment program. Program staff have been unofficially notified by CASA that the amount awarded is \$75,000.

**Public funding** for GAL programs vary. Sources include: unclaimed state lottery winnings (Arizona) and a portion of marriage license fees (Florida). Most public funding involves direct appropriations.

**Administration:** Most of the new CASA/GAL type programs that began operations in

1994 or later are private non-profit organizations. This is reflected in the continuing increase in the percentage of privately administered CASA programs nationwide.

(6) Identify methods of reducing the costs for attorneys involved in child abuse and neglect and dependency cases.

Based on survey results and the General Assembly's commitment as evidenced by State law, the Committee finds that attorney representation in guardian ad litem cases is critical to protecting the legal rights and interests of abused, neglected, and dependent children. Thus, the Committee has recommended that the General Assembly ensure that sufficient funding is appropriated to provide legal representation in accordance with G.S. 7A-586. Although there was concern that recent reductions in funding for the GAL program may jeopardize the program's ability to sufficiently and adequately secure counsel to represent all of the abused and neglected children entitled to representation under State law, the Committee found that these reductions have only been in place since 1995 and more time is needed to fully realize the effects of the reductions. The Committee further found that reductions in costs may be realized through improved program administration and through improvements in the court process that would reduce time spent on hearings.

(7) Review administrative costs of each program and identify possible cost savings.

**GAL program.** Budget is 73% staff; 18% legal services; 9% general administration for 1996-97. Legal services budget has been reduced by approximately 28% since 1993-94. Cost savings could be realized through major recruitment efforts in districts where staff is heavily involved in child representation. Result would be more volunteers and more efficient use of current staff.

**DSS.** Estimated State appropriations for child welfare services (includes child protective services, foster care, and adoptions) in FY 93-94 were \$21 million dollars (18.5% of the total \$113.3 million spent. (Federal \$=37million; State \$=21 million; County \$=55.3 million.) Since the majority of the child welfare services delivery system is administered by county departments of social services (only monthly assistance payments and training are State functions), and the majority of the funds spent are provided by federal and local governments, the Committee's study did not focus on cost savings in this program.

(8) Determine extent to which guardian ad litem attorneys are performing duties normally handled by volunteers and identify methods to reduce such practices.

In 1995, the GAL Program ended the practice of paying attorneys for time spent on duties normally assigned to volunteers. However, either staff or attorneys, or both, continue to substitute for volunteers when no volunteers are available. For example, in almost one-third of the GAL districts, staff/attorneys represent 50% or more of the children in the district rather than using volunteers. Improved recruitment, training, and retention of volunteers should reduce amount of staff/attorney time spent on volunteer duties.

## **Legislative Research Commission Subcommittee**

January 5, 1996

### **Presentation by the Administrative Office of the Courts**

Judge Jack Cozort, Acting Director, Administrative Office the Courts

Ilene B. Nelson, Administrator, Guardian ad Litem Services Division

### **I. The Judicial System Context**

- Judges need good information in order to make good decisions
- Judges need to hear from all of the parties in the case--the child, the parents, and the Department of Social Services
- In juvenile court the judge has a statutory duty to do more than just be impartial--the judge has the duty to ensure that the court protects the best interest of the child
- The Juvenile Code provides for a judicial oversight role at every stage of juvenile proceedings, except adjudication
- The child's perspective must be presented independently if the court is to be able to make an informed decision about that child

### **II. How A Reported Case of Child Abuse, Neglect or Dependency Comes to Court**

- Report made to Department of Social Services (DSS) by someone in the community
- DSS screens call and investigates allegations of abuse, neglect, or dependency
- According to the most current data available from the Department of Human Resources, an average of 30% of all reports are substantiated across the state.
- If the allegations are not substantiated, DSS closes the case. This occurs in 70 out of 100 cases.
- If DSS substantiates the allegations, they coordinate the provision of services to the child and the child's family in their community. This occurs in 30 out of 100 cases.
- In 3 out of the 30 cases where DSS investigations substantiate allegations of abuse, neglect or dependency, DSS files a petition seeking court intervention to alleviate the problems that initiated the child's case
- Statute requires Guardian ad Litem (GAL) appointment at the time DSS files the petition

### **III. Abuse, Neglect, and Dependency Cases Heard in Civil Court**

- Civil Court focuses on the child and the allegations that the child is abused, neglected or dependent. It does not focus on punishing the person(s) who caused the child to be abused, neglected or dependent.

- Child is the victim--the goal of the civil court system is to protect the child
- In criminal court, the goal is to punish perpetrators in the name of the state
- The named parties in civil cases have a statutory right to be heard and to be represented by counsel in order to fully participate in the legal system

#### **IV. Guardian ad Litem Volunteer and Attorney Advocate Role**

- DSS as the petitioner and as primary service provider in abuse, neglect and dependency cases has an attorney to represent its interests
- In these court cases, the child has lost her/his traditional advocate, the parent
- Because of DSS investigation and substantiation of allegations, the parent is now an adversary with their legal interests in conflict with the child's. Parents have an attorney to protect their own legal interests.
- Child must be represented and respected as unique individual with a position that is separate from the family
- GAL is needed because a child does not know what is in his best interest. GAL researches and investigates child's needs and presents them through the attorney advocate to the court. The GAL is the voice of the child with duty to advocate for the best interest of the child, and to stand in the shoes of the child victim.
- Attorney Advocate also serves as the child's lawyer and ensures the child's voice is heard in the court system which is now charged with protecting the child victim

#### **V. Public-Private Partnership**

- Mission statement of the GAL program
- Public-Private partnership between the private citizens who give their time to advocate for child victims and government that provides supervision and quality assurance.
- During 1994-95, GAL volunteers donating nearly 300,000 hours which if paid at minimum wage would cost the state \$1.2 million.
- GAL program staff recruit, screen, train and supervise these community citizens
- Why use volunteers?
  - volunteers are independent
  - volunteers carry very few cases, on average 2.5 per volunteer
  - volunteers bring a sense of urgency for every case
  - volunteers have time to thoroughly investigate their cases
  - volunteers have the child as their only client and interest
  - volunteers represent the community voice and articulate community standards
- Why use attorney advocates?
  - legal system built on adversarial system
  - attorney advocates keep the playing field level by ensuring the information gathered by volunteers is presented to court appropriately
  - attorney advocates protect the child's legal rights within the proceedings

## **VI. Growth of Program**

- Program established in 1983 with goal to complete coverage across the state by 1987. Last staff hired in January 1994 in Judicial District 24--Madison, Yadkin, Mitchell, Avery, Watauga Counties.
- Caseload linear growth trend
- 1994-95 volunteers numbered 3,487 and donated close to 300,000 hours
- Staff growth to cover the state--now at 88.5 field staff
- Ratio of staff to cases 1:130--national association of court advocates recommends no higher than 1:80
- Attorney cost very low: average before 1995 of less than \$100 per child per year
- Hearings showed a small decrease last year because of changes in reporting method

## **VII. Legislative Changes Made in Program in 1995**

- NCGS 7A-586 amended to limit initial appointment of volunteer to two years. Allows for re-appointment when good cause is shown to do so. The amendment mandates the attorney advocate only through case disposition, but provides that an attorney may be used when needed to further the child's best interest in further proceedings of the case.
- Two-year appointment is a mandate to push the system to get children in permanent places within that period, hopefully back in their own homes.
- Limiting GAL involvement to two years means case activity busier and more intense
- Two-year appointments may reduce GAL caseload in two years, but open cases will have more hearings
- Only the most difficult and complicated cases come to court
- Attorney budget managed by:
  - paying attorneys \$120 for disposition of every new petition;
  - paying attorneys for post-disposition representation based on the number of children in a judicial district; and
  - limiting GAL involvement in special legal proceedings

## **VII. Conclusion**

- The Administrative Office of the Courts is committed to the maintenance of the Guardian ad Litem program
- During 1994-95, 3487 volunteers and over 100 attorney advocates ensured that the court heard the independent voice of 17,282 child victims
- Government agency in partnership with private community volunteers--cost effective

## The Guardian ad Litem Program Today

*The mission of the Guardian ad Litem Program is to provide trained independent advocates to represent and promote the best interest of abused, neglected or dependent children involved in the court and work toward a service system that ensures that these children are safe.*

The Guardian ad Litem Program of the Administrative Office of the Courts is a true partnership between the private sector and a government agency. For more than a decade, citizen volunteers have worked to ensure that before the court makes decisions affecting the lives of abused and neglected children that it is informed of the community's standard for the protection and care of its children.

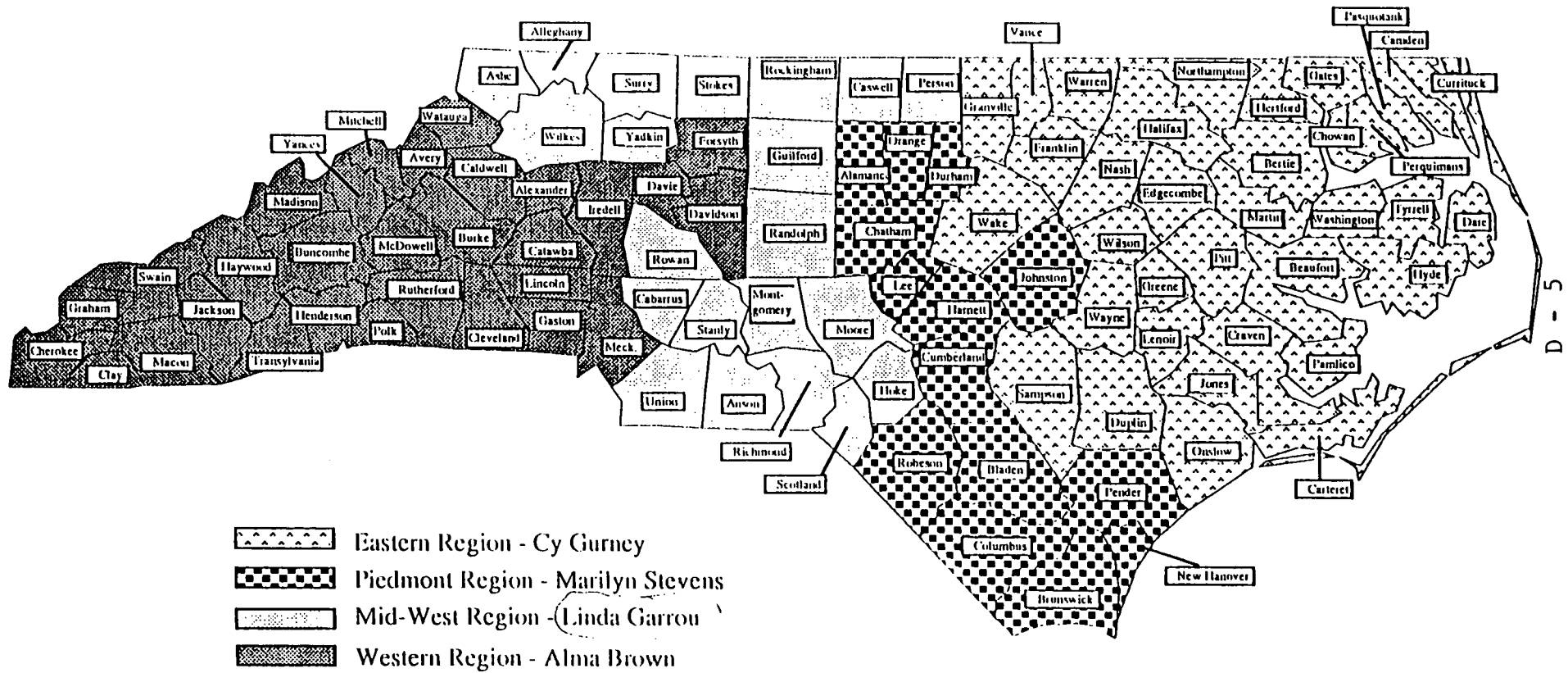
Last year, private citizens who had been screened and trained as volunteers through the Guardian ad Litem Program numbered over 3,400. They were appointed as Guardians ad Litem and charged by law to gather and present facts to the court in the abuse and neglect cases of more than 17,000 children. These community volunteers were further mandated to recommend services and interventions that would ensure the children's safety and that children who had been removed from their homes would be in a permanent home as soon as possible. District court judges, responsible for ordering services and interventions in these cases, depended on guardians ad litem to inform them about what was in the best interest of each child.

The Guardian ad Litem Program models another partnership--one between the lay citizenry of North Carolina and the legal profession. Local attorneys pair with each volunteer Guardian ad Litem to provide legal expertise during the complicated and sensitive court hearings. The attorneys represent the legal rights of the children, as well as ensure that the work of the citizen volunteers is presented appropriately in the courtroom setting. Consistent and child focused advocacy provided by the Guardian ad Litem volunteer/attorney team has been essential in moving many children out of state-subsidized care to stable permanent placements, most often back with their own families.

A skilled and dedicated Guardian ad Litem staff capably coordinate the work of the program's volunteers and attorneys. The staff is responsible for the volunteer recruitment, screening, training, monitoring, and technical assistance needed to ensure equitable and accountable Guardian ad Litem service throughout the state.

In concert with other agencies, the Guardian ad Litem Program is a necessary part of the court system. Legislative changes this past year limited our appointment to two years. Child abuse and neglect cases often have not been resolved in that time period due to their complex nature and a lack of adequate resources for children and families. The limited appointment will require Guardians ad Litem to serve the court in a more intensive and concerted manner to provide a clear road map for judges regarding what each child needs and how best to address those needs. The Guardian ad Litem Program intends never to leave a case without a viable permanent plan or with unresolved issues for a child. A decade of experience demonstrates that the Guardian ad Litem partnerships--private citizens working with the courts, private citizens working with the legal profession--are not just good public policy, but they serve the children and the courts of North Carolina very well.

## Guardian ad Litem Regions as of January, 1996



**Guardian ad Litem Services Division  
Workload and Resources**

**For Fiscal Year 1994-95**

**I. Total Children Represented by Program During FY 1994-95 -- 17,282**

|                                                |        |
|------------------------------------------------|--------|
| Children Represented by Volunteer and Attorney | 13,958 |
| Children Represented by Staff and Attorney     | 878    |
| Children Represented by Attorney Alone         | 2,446  |

**II. Total Volunteers Active During FY 1994-95 -- 3,487**

**III. Program Personnel During FY 1994-95 -- 96**

|                                                                                                                                          |      |
|------------------------------------------------------------------------------------------------------------------------------------------|------|
| Field Volunteer Supervisors ( <i>District Administrator, Program Supervisor</i> )                                                        | 73   |
| Field Support Staff ( <i>Program Assistant, Secretary I</i> )                                                                            | 15.5 |
| State Office Staff ( <i>Administrator, Assistant Administrator, Regional Administrator, Data Coordinator, Administrative Secretary</i> ) | 7.5  |

**IV. Ratio of Field Volunteer Supervisors : Volunteers During FY 1994-95** 1 : 48

**V. Ratio of Field Volunteer Supervisors : Children During FY 1994-95** 1 : 237

**VI. Average Number of Children Represented by Each Volunteer During FY 1994-95** 4



**Guardian ad Litem Services Division  
Workload and Resources**

**On December 31, 1995**

**I. Total Children Represented by Program on 12/31/95 -- 9,691**

|                                                |       |
|------------------------------------------------|-------|
| Children Represented by Volunteer and Attorney | 8,002 |
| Children Represented by Staff and Attorney     | 628   |
| Children Represented by Attorney Alone         | 1,061 |

**II. Total Volunteers Active During Year on 12/31/95 -- 2,299**

**III. Program Personnel on 12/31/95 -- 96**

|                                                                                                                                          |      |
|------------------------------------------------------------------------------------------------------------------------------------------|------|
| Field Volunteer Supervisors ( <i>District Administrator, Program Supervisor</i> )                                                        | 73   |
| Field Support Staff ( <i>Program Assistant, Secretary I</i> )                                                                            | 15.5 |
| State Office Staff ( <i>Administrator, Assistant Administrator, Regional Administrator, Data Coordinator, Administrative Secretary</i> ) | 7.5  |

**IV. Ratio of Field Volunteer Supervisors : Volunteers on 12/31/95** **1 : 35**

**V. Ratio of Field Volunteer Supervisors : Children on 12/31/95** **1 : 133**

**VI. Average Number of Children Represented by Each Volunteer on 12/31/95** **4**



# The North Carolina State Bar

Appendix E

**ALICE NEECE MOSELEY**

Assistant Executive Director

July 1, 1996

Ms. Ilene B. Nelson  
Administrative Office of the Courts  
P.O. Box 2448  
Raleigh, NC 27602

## **EA 2043 - Communicating with a Witness**

Dear Ms. Nelson:

Thank you for your letter of June 13, 1996, in which you seek an advisory ethics opinion. I apologize for the delay in responding to your request. I am pleased to offer the following opinion in response to your inquiry.

Inquiry #1: G.S. Section 7A-586(a) of the juvenile code provides for the appointment of a guardian ad litem (GAL) for every child alleged to be abused or neglected. The section states that a GAL who is not an attorney shall be appointed an attorney to assure the protection of the child's legal rights through the dispositional phase of the proceedings and after disposition when necessary to further the best interests of the child. The section provides that the GAL and the attorney advocate have standing to represent the juvenile in all actions under the subchapter.

It is alleged that Child A was sexually abused by her father. Attorney X and Guardian Ad Litem Y (GAL Y) were appointed to represent Child A in the juvenile petition. The district attorney also charged the father with first degree rape. The district attorney wants to interview GAL Y about the information she obtained during her investigation in the juvenile matter. Should the district attorney obtain the consent of Attorney X prior to communicating with GAL Y?

Opinion #1: Yes. Rule 7.4(1)(a) provides:

During the course of his or her representation of a client, a lawyer shall not communicate or cause another to communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter unless the lawyer has the consent of the other lawyer or is authorized by law to do so.

JUL 03 1996

Ilene B. Nelson  
Page 2  
July 1, 1996

The comment to Rule 7.4 adds, "[t]his rule also covers any person, whether or not a party to a formal proceeding, who is represented by counsel concerning the matter in question."

Although the criminal action against the father is a separate legal action from the juvenile petition, Attorney X represents GAL Y in her role as GAL for Child A which representation necessarily includes representation of GAL Y with regard to the information she has gained in fulfilling that role. RPC 87 clarifies that a lawyer who desires to interview a witness who is not a party, but who is represented by counsel, must obtain the consent of the witness' lawyer. The opinion states, "[t]he attorney/client relationship enjoyed by a potential witness and his or her counsel is not less worthy of protection than that enjoyed by any named party and his or her lawyer."

Inquiry #2: Would the answer to inquiry #1 be different if the attorney who seeks to interview GAL Y is an attorney who represents a party in a civil action involving the family of Child A?

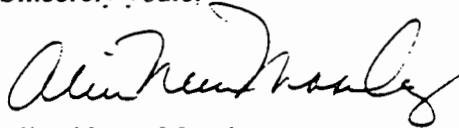
Opinion #2: No.

Inquiry #3: Would the answer to inquiry #1 be different if the attorney who seeks to interview GAL Y represents a parent in the juvenile matter for which GAL Y was appointed?

Opinion #3: No.

You may rely upon the advice contained in this letter pending its review by the Ethics Committee at its next quarterly meeting in July 1996. Should the committee then decide that my advice should be altered in any material way, you will be notified immediately.

Sincerely yours,



Alice Neece Moseley  
Assistant Executive Director

jl



ADMINISTRATIVE OFFICE OF THE COURTS  
JUSTICE BUILDING

P. O. Box 2448  
RALEIGH, N. C. 27602

JUDGE JACK COZORT  
ACTING DIRECTOR

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

DALLAS A. CAMERON, JR.  
ASSISTANT DIRECTOR

ILENE B. NELSON, JD  
ADMINISTRATOR

GUARDIAN AD LITEM PROGRAM  
XXXXXXXXXXXXXXXXXXXX

(919) 662-4300

June 13, 1996

Ms. Alice Mosely  
Members of the Ethics Committee  
North Carolina State Bar  
P.O. Box 25908  
Raleigh, N.C. 27611

Dear Ms. Mosely and Members of the Ethics Committee:

I am writing to request an ethics opinion in regard to the following scenarios:

*Section §7A-586 within the juvenile code provides for the appointment of a Guardian ad Litem (GAL) for every child alleged to be abused or neglected. The section then goes on to say that if the GAL is not an attorney, then an attorney shall be appointed in the case in order to assure protection of the child's legal rights through the dispositional phase of the proceedings, and after disposition when necessary to further the best interest of the child. In addition, the section provides that the GAL and attorney advocate have standing to represent the juvenile in all actions under this subchapter where they have been appointed.*

*Query 1: Child A has allegedly been sexually abused by her father. Attorney X and Guardian ad Litem (GAL) Y have been appointed to represent child A in the juvenile matter. The district attorney has also charged the father with first degree rape. The district attorney in the criminal matter seeks to interview GAL Y about the facts of the case she obtained through her investigation in the juvenile matter. Should the District Attorney seek approval from Attorney X before commencing the interview?*

*Query 2: Would the answer change if the attorney who seeks to interview volunteer GAL Y is not the district attorney but another attorney who is involved in a civil matter involving this same family?*

*Query 3: Would the answer change if the attorney who seeks to interview the volunteer GAL Y represents a parent in the juvenile matter for which the GAL Y was appointed?*

Thank you very much for your attention to this request. I am looking forward to receiving your response. If you need any further information, please write or call.

Sincerely,

  
Ilene Nelson

cc: Judge Jack Cozort  
Tom Andrews



# The North Carolina State Bar

**OFFICE OF THE SECRETARY**

L. Thomas Lunsford, II  
208 Fayetteville Street Mall  
Post Office Box 25908  
Raleigh, North Carolina 27611-5908  
(919) 828-4620 ext. 244

November 25, 1996

Ms. Ilene B. Nelson  
Administrative Office of the Courts  
PO Box 2448  
Raleigh, NC 27602

**EA 2073 - Communicating with a Represented Person**

Dear Ms. Nelson:

Thank you for your letter of August 18, 1996, in which you seek an advisory ethics opinion. I apologize for the delay in responding to your request. I am pleased to offer the following opinion in response to your inquiry.

**Inquiry #1:** G.S. Section 7A-586 of the Juvenile Code provides for the appointment of a guardian ad litem (GAL) for every child alleged to be abused or neglected. The section states that a GAL who is not an attorney shall be appointed an attorney to assure the protection of the child's legal rights through the dispositional phase of the proceedings and after disposition when necessary to further the best interests of the child. The section also provides that the GAL and the attorney advocate have standing to represent the juvenile in all actions under the subject chapter.

Some of the duties of the GAL, as defined in G.S. 7A-586, include: investigating the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; facilitating, when appropriate, the settlement of disputed issues; exploring options with the judge at the dispositional hearing; and protecting and promoting the best interests of the juvenile.

It is alleged that Child A was sexually abused by her father. Attorney X and Guardian Ad Litem Y were appointed to represent Child A in the juvenile petition. Guardian Ad Litem Y is not an attorney. She is interested in interviewing the mother of Child A. The mother is represented in this matter by another attorney. Must Guardian Ad Litem Y obtain the approval of the mother's attorney before communicating with the mother?

Ilene B. Nelson  
Page 2  
November 25, 1996

Opinion #1: No. The prohibition on communications with a represented opposing party found in Rule 7.4 of the Rules of Professional Conduct does not apply to Guardian Ad Litem Y because the Rules of Professional Conduct do not apply to nonlawyers.

Inquiry #2: Would the answer to inquiry #1 be different if Guardian Ad Litem Y is an attorney but is performing the role of guardian ad litem solely and is not performing the role of the attorney advocate?

Opinion #2: Guardian Ad Litem Y may communicate with the mother without obtaining the consent of the mother's attorney. Rule 7.4 prohibits communications with a represented opposing party "[d]uring the course of [the lawyer's] representation of a client." If Guardian Ad Litem Y is not acting as the attorney advocate but is only serving as the appointed legal representative of the child, she is not subject to the prohibition in Rule 7.4 because she is not acting in the course of her representation of a client.

You may rely upon the advice contained in this letter pending its review by the Ethics Committee at its next quarterly meeting in January 1997. Should the committee then decide that my advice should be altered in any material way, you will be notified immediately.

Sincerely yours,



Alice Neece Moseley  
Assistant Executive Director

jl



ADMINISTRATIVE OFFICE OF THE COURTS  
JUSTICE BUILDING

P. O. Box 2448  
RALEIGH, N. C. 27602

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DIRECTOR  
DALLAS A. CAMERON, JR.  
ASSISTANT DIRECTOR

ILENE B. NELSON, JD  
ADMINISTRATOR  
GUARDIAN AD LITEM PROGRAM  
(919) 733-7107

August 18, 1996

Ms. Alice Mosely  
Members of the Ethics Committee  
North Carolina State Bar  
P.O. Box 25908  
Raleigh, N.C. 27611

Dear Ms. Mosely and Members of the Ethics Committee:

I am writing to request an ethics opinion in regard to the following scenarios:

*Section §7A-586 within the juvenile code provides for the appointment of a Guardian ad Litem (GAL) for every child alleged to be abused or neglected. The section then goes on to say that if the GAL is not an attorney, then an attorney shall be appointed in the case in order to assure protection of the child's legal rights through the dispositional phase of the proceedings, and after disposition when necessary to further the best interest of the child. In addition, the section provides that the GAL and attorney advocate have standing to represent the juvenile in all actions under this subchapter where they have been appointed.*

*Some of the duties of the guardian ad litem, as defined in §586, are to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to explore options with the judge at the dispositional hearing; and to protect and promote the best interest of the juvenile.*

*Query 1: Child A has allegedly been sexually abused by her father. Attorney X and Guardian ad Litem (GAL) Y have been appointed to represent child A in the juvenile matter. The non-attorney GAL is interested in interviewing the mother in this case. The mother is represented by an attorney. Must the lay GAL seek approval from the mother's attorney before commencing the interview?*

*Query 2: Would the answer change if the GAL happens to be an attorney but is performing the role of the volunteer not the role of the attorney advocate?*



Thank you very much for your attention to this request. I am looking forward to receiving your response. If you need any further information, please write or call.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ilene Nelson', with a long horizontal flourish extending to the right.

Ilene Nelson

cc: Judge Jack Cozort  
Tom Andrews

Appendix F

**GUARDIAN AD LITEM STUDY  
SURVEY RESULTS**

**LRC's Committee on Guardian Ad Litem**

**December, 1996**

## EXECUTIVE SUMMARY

From the survey, it appears that the Guardian Ad Litem Program in child abuse and neglect cases is very successful and is fulfilling an important need in the lives of abused and neglected children.

By substantial majorities, North Carolina district court judges responding to the survey believe GAL services are needed for the best interest of abused and neglected children and that they have come to rely heavily on those services in their decision-making. The judges look to the GAL for opinions in all phases of the court's involvement in the lives of these children.

Judges believe GAL volunteers and attorneys are performing their duties well and that they are well trained. Most judges feel there is little or no unnecessary duplication in what the GAL does and what the DSS social worker does. The judges also strongly believe that both a GAL volunteer and a GAL attorney are needed in all cases. They also feel GAL services are needed for all abused, neglected and dependent children, and that the GAL should remain involved with the child's case as long as the child is outside of a permanent home.

The level of cooperation between DSS personnel and the GAL's generally seems to be very good. GAL volunteers are given high marks by DSS personnel and GAL attorneys. DSS personnel are given high marks in return by GAL volunteers. Although DSS and GAL agree on recommendations to be made to the court in most cases, when there is initial disagreement, both groups are able to resolve their differences before getting to court most of the time.

GAL volunteers seem satisfied with the training and professional support they are receiving from the GAL Program.

GAL volunteers, GAL attorneys, DSS personnel and DSS attorneys all agree that GAL services are needed, and they generally agree that most of the needs for these services are being adequately met. The most common suggestion for how the program can be improved is by the recruitment of additional volunteers.

## **Guardian Ad Litem Survey Analysis and Results**

### **BACKGROUND INFORMATION**

#### **Study Authorized by General Assembly**

In 1995, the General Assembly authorized the Legislative Research Commission (LRC) to "study the Guardian Ad Litem Program in the Judicial Department and the Children's Services Program in the Division of Social Services." (1995 Session Laws, Chapter 324, Sec. 21.12) As part of its study, the LRC Guardian Ad Litem Program Committee authorized staff to conduct a statewide survey to ascertain the views of persons involved in abuse and neglect cases concerning guardian ad litem services in their community.

#### **General Information: Survey Sample**

Surveys were sent to five groups of persons. District Court Judges (193), County Attorneys (100), County DSS Personnel (100), GAL Volunteers (522), and GAL Attorneys (90). Survey questions differed slightly to match the respondent group, but were overall similar in nature, topic, and structure. Additionally, letters were mailed to the President of each County Bar Association to afford them an opportunity to comment on the local guardian ad litem program. Surveys were not mailed to Presidents of County Bar Associations.

Survey forms do not identify the respondent and no identifying information has been kept for any respondents to the survey. On some questions respondents were asked to explain the answer or to give additional comments on the question or response. This analysis summarizes the raw data taken from each response and does not include a summary of the comments or explanation given by the respondent. Survey responses including comments and explanations are available for review.

## DISTRICT COURT JUDGES SURVEY

### Background

In North Carolina child abuse, neglect, and dependency cases are heard in District Court. There are 193 district court judges in North Carolina, not all of whom preside over abuse and neglect cases. Mailing labels were obtained from the Administrative Office of the Courts and a survey form was mailed to each of the 193 district court judges. 79 judges responded to the survey. This represents a 40.9% response rate of all district court judges. Of these judges, the Administrative Office of the Courts estimates that 159 of the 193 district court judges hear juvenile court cases sometime during the year. The survey response rate reflects 49.7% of all the judges that hear juvenile cases..

Not all of the 79 judges who responded to the survey answered every question on the survey, although most did. Thus, percentages in this analysis are stated as a percentage of judges who responded to the particular question, rather than as a percentage of the total number of judges who responded to the survey. Calculating percentages in this manner allows for the total percent for a given question to equal 100%.

The judges answering the survey had significant involvement in abuse and neglect cases in Juvenile District Court, and frequent contact with the GAL program. Almost half the respondents heard abuse and neglect cases at least three times a month, and over 90% heard abuse and neglect cases twice a month or more. At least 20% of the judges heard these cases weekly. The judges answering the survey are hearing these types of cases on an average of three times a month.

### What the Judges Said.

#### Reliance on the GAL Program

A large majority of judges (96%) said GAL services are necessary to adequately serve the best interests of abused and neglected children and they rely on these services heavily in all phases of abuse and neglect and child protection cases. The judges indicated they relied heavily more on GAL volunteers (72%) than on expert witnesses (63%), DSS workers (61%), the GAL attorney (59%) or the DSS attorney (48%).

GAL services are also relied upon by these judges in all phases of the court's process in dealing with abuse and neglect cases and the child protection services. More than 80% of the judges felt GAL services were more than helpful in three out of the four key phases of the court's process for these children: dispositional, periodic review and termination of parental rights. More than 88% of the judges felt this way about the GAL's role in the dispositional phase, the stage where the court is deciding what needs to be done for a child found to be

neglected or abused. 83% felt this way in the periodic review phase the court conducts on a regular basis to review and modify the child's permanency placement plan. 80% of the judges felt this way when considering whether the abused or neglected child's natural parents' rights should be terminated so the child can be placed in a permanent adoptive home. This result suggests that judges find the GAL recommendations very helpful when deciding on where to place the child, determining whether the placement is working well and court orders are being followed, and making decisions about the termination of parental rights so that permanent placement can occur.

### GAL Performance

Judges feel strongly that GAL volunteers and GAL attorneys perform their duties well. 50% of the judges felt volunteers performed very well, and 84% felt the volunteers performed more than adequately. 61% of the judges felt GAL attorneys performed very well and 82% felt these attorneys performed more than adequately.

### GAL Training

Judges feel that GAL volunteers are being well trained for their role in the court process. Almost all the judges (98%) felt GAL volunteer training was adequate or better. 65% believe the training is more than adequate and 35% believe the volunteers are trained very well.

### Value and Necessity

Almost all the judges responding to the survey believe the GAL program is providing valuable services to the court process as well as abused and neglected children. Over 96% of the respondents felt the program was providing a valuable service to the children and the same 96% felt the program was also valuable to the court process.

Two of the issues the Study Commission was established to examine were whether all the GAL services were necessary and whether there was any unnecessary duplication in the program. Of particular interest to the Study Committee was whether services provided by DSS workers and GAL volunteers are unnecessarily duplicative. Responses indicate that there is some unnecessary duplication but that it is not significant. In responding to this question, roughly 8% of the judges indicated duplication ranging from "some" (3.8%) to "significant" (3.8%), whereas 92% indicated duplication ranging from "none" (28%) to "some" (64%). Over 54% said they felt there was little or no unnecessary duplication with social workers.

Questions have also been raised concerning whether both a GAL volunteer and a GAL attorney needs to be involved in these cases. The judges overwhelmingly felt both the volunteer and attorney should both be involved

(87%). For those remaining judges that did not feel both parties were necessary, two-thirds felt the attorney alone was sufficient (8%), and one-third felt the volunteer alone was sufficient (4%). The judges felt involvement by the GAL attorneys was very important in the dispositional stage of the case (75%), followed closely in importance in the termination of parental rights stage (72%), and the adjudicatory stage (63%).

### Effects of Budget Reductions

As part of the 1995 budget reductions made by the General Assembly, the Administrative Office of the Courts, as the agency responsible for the administrative operation of the GAL program, recommended that the cuts in its budget be realized in part by reducing GAL services to dependent children and children in care over the age of 13. Based on the survey results, it appears that the judges disagree with reduction in services being made in these areas. All the judges felt GAL services are necessary for children over age 13 (100%) and a large majority (84%) felt GAL services were necessary for children found to be dependent.

Also in response to budget cuts, the General Assembly limited the length of time the GAL program was involved in the care of a child to two years, unless this time is extended by the court. The judges felt that GAL services in the later phases of child protection services cases were more important than involvement in the earlier stages. After the dispositional phase (where 87% of the judges felt GAL involvement was more than somewhat helpful), judges ranked GAL involvement as more than somewhat helpful during periodic reviews (83%) and during termination of parental rights proceedings (80%). Although many cases maybe resolved within 2 years, if not resolved within that time periodic reviews and termination of parental rights proceedings may continue beyond the 2-year time limit. Judges ranked the helpfulness of GAL services in termination of parental rights higher than involvement in the initial adjudicatory court process. (80% vs. 63%).

### Survey Details

For a detailed analysis of the judges survey results see the **STATISTICAL ANAYLSIS - DISTRICT COURT JUDGES QUESTIONNAIRE** attached as Attachment 1.

## OTHER GAL PARTICIPANTS SURVEYS

### Background

The survey also collected the opinions of other persons involved with the GAL program including GAL volunteers, GAL attorneys, DSS personnel and DSS attorneys. Of the 522 GAL volunteers surveyed, 116 responded (22%). Of the 90 GAL attorneys surveyed, 40 responded (44%). Of the 100 county departments of social services surveyed, 70 responded (70%) and of the 100 county attorneys offices surveyed, 21 responded (21%).

### GAL Performance

How well volunteers are performing their duties and responsibilities is an important factor in determining whether the GAL program is successful. In addition to the judges' opinions that GAL volunteers are performing well (84% felt the volunteers were performing more than adequately), DSS personnel, who also work closely with the GAL volunteers, abused and neglected children and their families, believe the volunteers are performing well. 89% of the DSS personnel felt the volunteers were performing somewhat effectively or better. 48% felt they were performing more than somewhat effectively. This feeling is also echoed by the DSS attorneys. 45% of these attorneys felt the volunteers were performing more than somewhat effectively.

GAL attorneys who work very closely with the GAL volunteers also rank the volunteers' performance high. 100% of these attorneys felt the volunteers were performing somewhat effectively or better and 67% felt they were performing very effectively. Even 72% of the GAL volunteers rank their peers as performing very effectively.

### GAL Training

Because volunteers play a significant role in the GAL services process, training is felt to be very important. Non-legally trained volunteers are asked and expected to serve as child advocates in the GAL program. In order for the legally oriented court system to continue to function efficiently, it is important that the volunteers be train to properly function in the court environment. Also because of the important role these volunteers are playing in the lives of children with special needs, volunteers need to be trained how to properly work these special children. The comfort level of volunteers is also important in retaining good volunteers in the program. Training is felt to be an important part of the retention efforts.

As noted above, the judges appear to be very satisfied with the volunteers training. 98% felt that the volunteer training was adequate or better. 65% felt the training was more than adequate. The volunteers appear to be satisfied with their training. 96% felt they were at least adequately trained and 70% felt they



were more than adequately trained. The GAL attorneys, who work very closely with the GAL volunteers and who are legally trained themselves, agreed that the volunteers are being properly trained. 99% felt volunteers were at least adequately trained and 71% felt they were more than adequately trained.

### GAL Attorneys

GAL attorneys are also an important part of the court process, legally responsible for representing the best interest of the child and giving legal assistance to the GAL volunteers in the performance of their duties. How well these attorneys perform their role is also important to the success of the GAL program.

GAL attorneys are given high marks for the way in which they have been fulfilling their role. 82% of the district court judges felt GAL attorneys were performing their duties more than adequately. 61% thought they were performing very well. Only 4% of the judges thought the GAL attorneys were performing less than adequately. GAL volunteers also give GAL attorneys high ratings, with 81% believing the attorneys perform their duties very effectively. GAL attorneys also rate their fellow attorneys highly, again with 81% believing other GAL attorneys perform their duties very effectively.

### DSS Performance

DSS plays the central role in abuse and neglect cases. Because the GAL program serves as a supplement to the role DSS plays in these cases, and because the GAL program has to work closely with DSS personnel, it is important to see how DSS personnel are perceived as doing their job.

Judges give DSS personnel high marks on the performance of their duties with respect to child protection services. 87% of the judges felt social services workers performed adequately or better, with 45% believing these workers are performing more than adequately. 13% of the judges felt these workers performed less than adequately. GAL volunteers also rate social services workers performance highly, with 99% believing child protection workers perform somewhat effectively or better and 93% believing foster care workers perform somewhat effectively or better. 47% of the GAL volunteers thought child protection workers were very effective, and 41% felt foster care workers were very effective. GAL attorneys tended to not rate DSS personnel quite as highly as do the volunteers. Only 30% of these attorneys felt child protection workers were performing very effectively, and only 24% felt foster care workers were performing very effectively.

### DSS Attorney Performance

The Department of Social Services is represented before the court by an attorney in all abuse and neglect matters. The attorney maybe employed by

DSS, maybe a member of the County Attorney's staff, or may be an attorney in private practice hired on contract for certain DSS matters. Again because of the importance of the DSS attorney in the process and because of the relationship this attorney has with the GAL attorney and the GAL volunteer, it is important to see how DSS attorneys are perceived as doing their job.

Judges generally believe DSS attorneys are performing their duties well. 77% of the judges felt DSS attorneys were performing more than adequately, while half (50%) felt they were performing very well. GAL attorneys gave their legal colleagues very high ratings. 74% of the GAL attorneys thought DSS attorneys performed their duties very effectively. GAL volunteers also rated the DSS attorneys job high, with 57% believing these attorneys perform very effectively.

## **GAL AND DSS RELATIONSHIPS**

### **Background**

The GAL program and the Departments of Social Services work very closely in abuse and neglect cases. Since the statutory duty for investigating and pursuing abuse and neglect cases rest with DSS, the department is primarily responsible for collecting the information concerning the case and providing for the protective services for the child. Both DSS and GAL have a common purpose in working for the best interest of the child. DSS has a broad responsibility for all abuse and neglected children in the county and may be constrained by the resources available to address the child's needs, while the GAL only has responsibility as it relates to each individual child without restraint. Sometimes the perception of what is in the best interest of the child differs from the point of view of the advocate. Accordingly, on occasion GAL and DSS find themselves as adversaries disagreeing over what is best for a child. Because much of the information the GAL needs to do their job is collected by DSS, how well these different groups work together is important in determining how successful the needs of the child are being addressed.

### **GAL and DSS Relationship**

Generally the relationship between GAL volunteers and DSS personnel is felt to be good. 85% of the GAL volunteers felt their relationship with social workers was acceptable or better, while 89% of the DSS personnel felt their relationships with GAL volunteers was acceptable or better. 72% of the GAL volunteers and 72% of the GAL attorneys felt their relationship with their social workers was good or very good, while 61% of the DSS's and 52% of the DSS attorneys felt the same way.

GAL and GAL attorneys also generally feel that the amount of contact they are able to have with their social services worker is sufficient. 85% of the

volunteers and 84% of the attorneys feel that the frequency of their contact with the social worker is sufficient.

#### GAL/DSS Degree of Agreement

GAL volunteers and DSS generally agree on recommendations to be made to the court in abuse and neglect cases, although DSS workers perceive this agreement to be more frequent than do GAL volunteers and DSS attorneys. DSS personnel believe they agree with the GAL on recommendations in 77% of the cases, DSS attorneys believe there is agreement in 72% of the cases, GAL volunteers believe there is agreement 70% of the time, and GAL attorneys believe there is agreement 67% of the time. Sometimes there is initial disagreement, but after discussions and negotiations on possible recommendations, the GAL and DSS ultimately agree on the same recommendation. GAL volunteers and GAL attorneys perceive that this happens 20% of the time, DSS attorneys perceive it to happen 19% of the time, and DSS personnel perceive it to happen 15% of the time. Going to court with different recommendations is rare. GAL attorneys believe they go to court with a different recommendation than DSS in about 12% of the cases. Volunteers believe these types of disagreements arise in 9% of the cases, DSS attorneys believe it happens 8% of the time, and DSS personnel believes it happens 7% of the time.

When GAL and DSS do disagree on recommendations to be made to the court all the parties generally agree that the areas of disagreement are most often over placement decisions, followed by visitation decisions, third by termination of parental rights and adoption placement, and fourth by mental health needs.

#### Perceived Need for GAL Services

As discussed previously, judges feel very strongly (96%) that GAL services are needed to adequately serve the best interest of abused and neglected children. Both GAL volunteers and GAL attorneys, and DSS workers and DSS attorneys agree with the judges, but to varying degrees.

GAL volunteers and GAL attorneys believe more strongly that GAL services are needed. All volunteers and GAL attorneys (100% of each group) believe these services are needed at least somewhat. 87% of the volunteers believe their services are much needed and 67% of the GAL attorneys believe they are much needed.

While at least 65% of all DSS workers and DSS attorneys believe GAL services are at least somewhat needed (82% of workers and 66% attorneys), 7% of the DSS workers and 27% of the DSS attorneys believe these services are not needed.

As to the question of what extent the need for GAL services is being met, at least 85% of the GAL volunteers and GAL attorneys believe the need is being

met to an adequate extent or better. 68% of the DSS workers agree that the need is being met to an adequate extent or better, but 53% of the DSS attorneys felt the need is less than adequately being met.

All the parties surveyed agree that most important change needed to meet the unmet need for GAL services is more volunteers. This solution was mentioned by 81% of the GAL volunteers, 70% of the GAL attorneys, 58% of the DSS workers, and 50% of the DSS attorneys. The second most mentioned solution was additional volunteer training. This solution was mentioned by 58% of the DSS workers, 37% of the GAL attorneys, 28% of the GAL volunteers, and 25% of the DSS attorneys. The third most mentioned solution was improved communications. This solution was mentioned by 50% of the DSS workers, 37% of the GAL volunteers, 27% of the GAL attorneys and 25% of the DSS attorneys.

### Survey Details

For a detailed analysis of the GAL volunteers, GAL attorneys, DSS personnel and DSS attorneys survey results see attached:

- Attachment 2 - **Statistical Analysis - GAL Volunteers Questionnaire**
- Attachment 3 - **Statistical Analysis - GAL Attorneys Questionnaire**
- Attachment 4 - **Statistical Analysis - DSS Personnel Questionnaire**
- Attachment 5 - **Statistical Analysis - DSS Attorney Questionnaire**

## Attachment 1

### STATISTICAL ANALYSIS - DISTRICT COURT JUDGES QUESTIONNAIRE (193 Judges Questioned, 79 Judges Responded, 40.9 % Response Rate)

#### Question #

1. How often do you hear abuse and neglect cases?

|     | Monthly   |           | Weekly    |           |
|-----|-----------|-----------|-----------|-----------|
|     | <u>#R</u> | <u>%R</u> | <u>#R</u> | <u>%R</u> |
| 1 x | 6         | 9.5       | 6         | 9.5       |
| 2 x | 29        | 46.0      | 4         | 6.3       |
| 3 x | 15        | 23.8      | 3         | 4.8       |

Total Respondents this question = 63

Average frequency of hearing juvenile cases - 3 times a month

2. How much do you rely on recommendations and information from the following persons?

|             | Heavily   |           | Somewhat  |           | Do Not    |           | Total     |
|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|             | <u>#R</u> | <u>%R</u> | <u>#R</u> | <u>%R</u> | <u>#R</u> | <u>%R</u> | <u>#R</u> |
| GAL Vol.    | 56        | 71.8      | 21        | 26.9      | 1         | 1.3       | 78        |
| GAL Atty    | 46        | 59.0      | 31        | 39.7      | 1         | 1.3       | 78        |
| DSS Wkr     | 48        | 60.8      | 31        | 39.2      | 0         | 0.0       | 79        |
| DSS Atty    | 38        | 48.1      | 41        | 51.9      | 0         | 0.0       | 79        |
| Expert Wit. | 48        | 63.2      | 28        | 36.8      | 0         | 0.0       | 76        |

3. To what extent are roles and responsibilities of GAL volunteers and social service workers unnecessarily duplicative?

|    | 1<br><u>Significant</u> | 2   | 3<br><u>Some</u> | 4    | 5<br><u>None</u> | Total<br><u>#R</u> |
|----|-------------------------|-----|------------------|------|------------------|--------------------|
| #R | 3                       | 3   | 30               | 21   | 22               | 79                 |
| %R | 3.8                     | 3.8 | 38.0             | 26.6 | 27.8             |                    |

4. How well trained are GAL volunteers?

|    | 1<br><u>Very well</u> | 2    | 3<br><u>Adequately</u> | 4   | 5<br><u>Inadequately</u> | Total<br><u>#R</u> |
|----|-----------------------|------|------------------------|-----|--------------------------|--------------------|
| #R | 28                    | 24   | 26                     | 1   | 0                        | 79                 |
| %R | 35.4                  | 30.4 | 32.9                   | 1.3 | 0.0                      |                    |

5. How well do social service workers perform their duties with respect to child protection?

|    | 1<br><u>Very well</u> | 2    | 3<br><u>Adequately</u> | 4    | 5<br><u>Poorly</u> | Total<br><u>#R</u> |
|----|-----------------------|------|------------------------|------|--------------------|--------------------|
| #R | 11                    | 24   | 32                     | 10   | 0                  | 77                 |
| %R | 14.3                  | 31.2 | 41.5                   | 13.0 | 0                  |                    |

6. How well do GAL volunteers perform their duties with respect to serving the best interest of children they represent?

|    | 1                | 2    | 3                 | 4   | 5             | Total     |
|----|------------------|------|-------------------|-----|---------------|-----------|
|    | <u>Very well</u> |      | <u>Adequately</u> |     | <u>Poorly</u> | <u>#R</u> |
| #R | 40               | 27   | 12                | 0   | 0             | 79        |
| %R | 50.6             | 34.2 | 15.2              | 0.0 | 0.0           |           |

7. How well do GAL attorneys perform their duties?

|    | 1                | 2    | 3                 | 4   | 5             | Total     |
|----|------------------|------|-------------------|-----|---------------|-----------|
|    | <u>Very well</u> |      | <u>Adequately</u> |     | <u>Poorly</u> | <u>#R</u> |
| #R | 47               | 16   | 10                | 2   | 1             | 76        |
| %R | 61.8             | 21.1 | 13.2              | 2.6 | 1.3           |           |

8. How well do attorneys representing DSS in child abuse and neglect cases perform their duties?

|    | 1                | 2    | 3                 | 4   | 5             | Total     |
|----|------------------|------|-------------------|-----|---------------|-----------|
|    | <u>Very well</u> |      | <u>Adequately</u> |     | <u>Poorly</u> | <u>#R</u> |
| #R | 38               | 21   | 12                | 5   | 0             | 76        |
| %R | 50.0             | 27.6 | 15.8              | 6.6 | 0             |           |

9. Is the GAL program providing a valuable service to abused and neglected children?

|    | <u>Yes</u> | <u>No</u> | <u>Total #R</u> |
|----|------------|-----------|-----------------|
| #R | 75         | 3         | 78              |
| %R | 96.2       | 3.8       |                 |

10. Is the GAL program providing a valuable services to the court process?

|    | <u>Yes</u> | <u>No</u> | <u>Total #R</u> |
|----|------------|-----------|-----------------|
| #R | 75         | 3         | 78              |
| %R | 96.2       | 3.8       |                 |

11 - 15 How helpful are GAL services to the court in ensuring that the best interests of children are served in the following stages of the case?

|                                        | <u>1</u>    |           | <u>2</u>  |           | <u>3</u>        |           | <u>4</u>  |           | <u>5</u>   |           | <u>Total</u> |
|----------------------------------------|-------------|-----------|-----------|-----------|-----------------|-----------|-----------|-----------|------------|-----------|--------------|
|                                        | <u>Very</u> |           |           |           | <u>Somewhat</u> |           |           |           | <u>Not</u> |           | <u>#R</u>    |
|                                        | <u>#R</u>   | <u>%R</u> | <u>#R</u> | <u>%R</u> | <u>#R</u>       | <u>%R</u> | <u>#R</u> | <u>%R</u> | <u>#R</u>  | <u>%R</u> |              |
| Adjudicatory                           | 28          | 35.9      | 21        | 26.9      | 19              | 24.4      | 7         | 9.0       | 3          | 3.8       | 78           |
| Dispositional                          | 53          | 67.1      | 17        | 21.5      | 6               | 7.6       | 2         | 2.5       | 1          | 1.3       | 79           |
| Periodic Review                        | 46          | 59.0      | 19        | 24.4      | 10              | 12.8      | 2         | 2.6       | 1          | 1.3       | 78           |
| Termination of<br>Parental Rights      | 41          | 53.9      | 20        | 26.3      | 10              | 13.2      | 4         | 5.3       | 1          | 1.3       | 76           |
| Post-termination of<br>Parental Rights | 22          | 31.9      | 20        | 29.0      | 19              | 27.5      | 5         | 7.2       | 3          | 4.3       | 69           |



16. Is it necessary in order to protect the best interest of children to have both a GAL volunteer and a GAL attorney participate in the case?

|                                 |    |    |    |       |
|---------------------------------|----|----|----|-------|
| Yes, both are necessary         | #R | 62 | %R | 87.3  |
| No, GAL volunteer is sufficient | #R | 3  | %R | 4.2   |
| No, GAL attorney is sufficient  | #R | 6  | %R | 8.5   |
| Total                           |    | 71 |    | 100.0 |

17. How important is the participation of the GAL attorney in different stages of case?

|                                        | 1<br><u>Very</u> |           | 2         |           | 3<br><u>Somewhat</u> |           | 4         |           | 5<br><u>Not</u> |           | Total<br><u>#R</u> |
|----------------------------------------|------------------|-----------|-----------|-----------|----------------------|-----------|-----------|-----------|-----------------|-----------|--------------------|
|                                        | <u>#R</u>        | <u>%R</u> | <u>#R</u> | <u>%R</u> | <u>#R</u>            | <u>%R</u> | <u>#R</u> | <u>%R</u> | <u>#R</u>       | <u>%R</u> |                    |
| Adjudicatory                           | 48               | 62.3      | 11        | 14.3      | 8                    | 10.4      | 7         | 9.1       | 3               | 3.9       | 77                 |
| Dispositional                          | 59               | 75.6      | 13        | 16.7      | 3                    | 3.8       | 1         | 1.3       | 2               | 2.6       | 78                 |
| Periodic Review                        | 33               | 42.3      | 14        | 18.0      | 21                   | 26.9      | 6         | 7.7       | 4               | 5.1       | 78                 |
| Termination of<br>Parental Rights      | 55               | 72.4      | 7         | 9.2       | 7                    | 9.2       | 5         | 6.6       | 2               | 2.6       | 76                 |
| Post-termination of<br>Parental Rights | 23               | 29.9      | 16        | 20.8      | 20                   | 26.0      | 12        | 15.6      | 6               | 7.8       | 77                 |

18. Are GAL services necessary for dependent children?

| <u>Yes</u> |           | <u>No</u> |           | <u>Total #R</u> |
|------------|-----------|-----------|-----------|-----------------|
| <u>#R</u>  | <u>%R</u> | <u>#R</u> | <u>%R</u> |                 |
| 59         | 84.3      | 11        | 15.7      | 70              |

19. Are GAL services necessary for children over age 13?

| <u>Yes</u> |           | <u>No</u> |           | <u>Total #R</u> |
|------------|-----------|-----------|-----------|-----------------|
| <u>#R</u>  | <u>%R</u> | <u>#R</u> | <u>%R</u> |                 |
| 69         | 100       | 0         | 0.0       | 69              |

20. Are GAL services needed to adequately serve best interests of abused and neglected children?

| <u>Yes</u> |      | <u>No</u> | <u>Total #R</u> |
|------------|------|-----------|-----------------|
| <u>#R</u>  | 73   | 3         | 76              |
| <u>%R</u>  | 96.1 | 3.9       |                 |

21. In your opinion, what can be done to improve the GAL program?

22. Please feel free to share any other comments you may have about services to abused, neglected, and dependent children.

**RETURN SURVEY TO:  
G. WATSON  
NC GENERAL ASSEMBLY  
401 LEGISLATIVE OFFICE BUILDING  
RALEIGH, NC. 27611/FAX (919) 715-5459**

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## DISTRICT COURT JUDGES SURVEY SUMMARY OF COMMENTS

As might be expected, not all judges added comments or explanatory remarks after each question. However, many judges did offer comments and overall these tended to be very positive about the GAL program. Also, even though comments on a given question only represented a fraction of the number of respondents to that question, the comments tended to support the overall survey results for the particular question. Following is a brief summary of overall comments for selected questions/topics. The number in ( ) indicates the number of judges who commented on the question.

**Training (3).** About 2/3 of the judges rated GAL volunteers as 'well - very well' trained. Only three judges made suggestions about areas in which more training is necessary (cultural sensitivity, court process, legal requirement for reunification of family).

**Duplication of service (7).** Responses to question #2 regarding unnecessary duplication of services indicated there was some but not a lot of duplication; comments tended to explain that although there was some duplication, it is sometimes necessary to adequately protect the child's interest.

**Performance of duties.** With respect to performance of duties by GAL/DSS persons, comments again followed the overall statistics for the question. Almost half the judges rated DSS worker performance as "adequate"; (12) judges added comments on this question offering reasons for the rating (wide range of performance among individuals; lack of resources to meet case loads; inherently conflicting relationship with parents makes communication more difficult, etc.). Comments on GAL volunteer performance were very similar to one another; (9) judges offered comments on this question, most related to the fact that volunteers are not burdened by policy and budget constraints, have lighter caseloads than DSS workers, and are very dedicated to the task. Although DSS and GAL attorney performance tended to be regarded similarly by judges, the (4) judges who commented on GAL attorney performance were more positive in their comments, whereas the (7) judges who commented on DSS attorney performance tended to give mixed reviews in their comments (performance varies over counties; reluctance to file petitions; some unfamiliar with facts; excellent preparation and knowledge of issues and law; rely heavily on DSS attorney.)

**Need for both GAL volunteer and attorney participation (15).** Comments tended to reflect the overall response (87.5%) that both are necessary. Generally, comments indicated that attorneys are necessary to adequately deal with legal issues (procedural, evidentiary, adversarial relationship), and GAL volunteers provides the details about the case and what is best for the child that attorneys often do not have the time to ascertain personally.

**Necessity for GAL services (12).** Judges were asked if GAL services are needed to adequately serve the best interests of abused and neglected

children. Comments most often made: provides review process independent of policy or budgetary concerns; provides encouragement, support, and hope to the child; they are the only one advocating exclusively for the child.

**Suggestions to improve GAL Program (20).** Question 21 was one of two open-ended questions on the survey; it asked judges to suggest **what can be done to improve the GAL program**. The areas most often suggested are: increase funding, increase number of volunteers, and enhance training.

## Attachment 2

### STATISTICAL ANALYSIS - GAL VOLUNTEERS QUESTIONNAIRE (522 volunteers questioned, 116 volunteers responded, 22% Response Rate)

#### Question #

2. How well trained are GAL volunteers?

|    | 1<br>Very Well | 2    | 3<br>Adequately | 4   | 5<br>Inadequate | Total<br>#R |
|----|----------------|------|-----------------|-----|-----------------|-------------|
| #R | 45             | 37   | 32              | 1   | 0               | 115         |
| %R | 39.1           | 32.2 | 27.8            | 0.9 | 0.0             |             |

3. On average, how many cases are you responsible for at one time?

Average - 3.5 cases

Mean - 2.5 cases

Total #R - 112

Based on the number of cases you are responsible for at one time, do you consider this caseload to be:?

|    | 1<br>Very<br>Heavy | 2   | 3<br>Appropriate | 4   | 5<br>Too<br>Light | Total<br>#R |
|----|--------------------|-----|------------------|-----|-------------------|-------------|
| #R | 1                  | 7   | 101              | 2   | 0                 | 111         |
| %R | 0.9                | 6.3 | 91.0             | 1.8 | 0                 |             |

4. How often are you in contact with the child you are representing?

|    | Monthly   |           | Weekly    |           |
|----|-----------|-----------|-----------|-----------|
|    | <u>#R</u> | <u>%R</u> | <u>#R</u> | <u>%R</u> |
| 1x | 44        | 38.3      | 22        | 19.1      |
| 2x | 31        | 27.0      | 5         | 4.3       |
| 3x | 12        | 10.4      | 1         | 0.9       |

Total Respondents this question - 115

Is the frequency of your contact with the child sufficient?

|    | <u>YES</u> | <u>NO</u> | <u>Total #R</u> |
|----|------------|-----------|-----------------|
| #R | 94         | 10        | 104             |
| %R | 90.4       | 9.6       |                 |

5. How often are you in contact with the county social services worker assigned to the case?

|    | Monthly   |           | Weekly    |           |
|----|-----------|-----------|-----------|-----------|
|    | <u>#R</u> | <u>%R</u> | <u>#R</u> | <u>%R</u> |
| 1x | 43        | 39.1      | 14        | 12.7      |
| 2x | 28        | 25.5      | 4         | 3.6       |
| 3x | 20        | 18.2      | 1         | 0.9       |

Total Respondents this question - 110

Is the frequency of your contact with the social services worker sufficient?

|    | <u>YES</u> | <u>NO</u> | <u>Total #R</u> |
|----|------------|-----------|-----------------|
| #R | 90         | 15        | 105             |
| %R | 85.7       | 14.3      |                 |

6. How would you describe your relationship with the county social service worker assigned to a given case?

|            | <u>#R</u> | <u>%R</u> |
|------------|-----------|-----------|
| Very Good  | 44        | 39.6      |
| Good       | 36        | 32.4      |
| Acceptable | 16        | 14.4      |
| Fair       | 10        | 9.0       |
| Poor       | 5         | 4.5       |

Total Respondents this question - 111

7. In what percentage of the cases do you generally agree, initially disagree then negotiate and ultimately reach agreement, or disagree at the court hearing/disposition, with the recommendations of the social services worker?

|    | <u>Agree</u> | <u>Negotiate</u> | <u>Disagree</u> | <u>Total #R</u> |
|----|--------------|------------------|-----------------|-----------------|
| %R | 70.9         | 20.6             | 9.5             | 103             |

8. On what issues do you most often disagree with the DSS worker?

|                     | <u>#R</u> | <u>%R</u> |
|---------------------|-----------|-----------|
| Placement           | 60        | 64.5      |
| Visitation          | 35        | 37.6      |
| Educational needs   | 11        | 11.8      |
| Medical needs       | 7         | 7.5       |
| Mental health needs | 20        | 21.5      |
| TPR and adoption    | 38        | 40.9      |
| Other               | 15        | 16.1      |

Total Respondents this question - 93

9. Based on your observations, how effectively do county social workers perform their duties?

|                  | Very Effectively |           | Somewhat Effectively |           | Not Effectively |           | Total     |
|------------------|------------------|-----------|----------------------|-----------|-----------------|-----------|-----------|
|                  | <u>#R</u>        | <u>%R</u> | <u>#R</u>            | <u>%R</u> | <u>#R</u>       | <u>%R</u> | <u>#R</u> |
| Child Protection | 50               | 47.6      | 54                   | 51.4      | 1               | 1.0       | 105       |
| Foster Care      | 43               | 41.7      | 53                   | 51.5      | 7               | 6.8       | 103       |
| Attorney         | 59               | 57.8      | 35                   | 34.3      | 8               | 7.8       | 102       |



10. How effectively do other GAL workers perform their duties?

|           | Very Effectively |      | Somewhat Effectively |      | Not Effectively |     | Total |
|-----------|------------------|------|----------------------|------|-----------------|-----|-------|
|           | #R               | %R   | #R                   | %R   | #R              | %R  | #R    |
| Staff     | 105              | 93.8 | 7                    | 6.2  | 0               | 0.0 | 112   |
| Volunteer | 70               | 72.9 | 26                   | 27.1 | 0               | 0.0 | 96    |
| Attorney  | 90               | 81.8 | 19                   | 17.3 | 1               | 0.9 | 110   |

11. To what extent are GAL services needed in your district?

|    | 1<br>Much<br>Needed | 2    | 3<br>Somewhat<br>Needed | 4   | 5<br>Not<br>Needed | Total<br>#R |
|----|---------------------|------|-------------------------|-----|--------------------|-------------|
| #R | 101                 | 12   | 2                       | 0   | 0                  | 115         |
| %R | 87.8                | 10.4 | 1.7                     | 0.0 | 0.0                |             |

12. To what extent is this need being met in your district?

|    | 1<br>Great<br>Extent | 2    | 3<br>Adequate<br>Extent | 4    | 5<br>Not<br>Met | Total<br>#R |
|----|----------------------|------|-------------------------|------|-----------------|-------------|
| #R | 25                   | 21   | 37                      | 11   | 3               | 97          |
| %R | 25.8                 | 21.6 | 38.1                    | 11.3 | 3.1             |             |

13. What would it take for the need to be more effectively met?

|    | <u>More</u><br><u>Volunteers</u> | <u>Addt'l.</u><br><u>Training</u> | <u>More</u><br><u>GAL Support</u> | <u>Improved</u><br><u>Communication w/DSS</u> | <u>Other</u> |
|----|----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------------------|--------------|
| #R | 71                               | 25                                | 15                                | 33                                            | 20           |
| %R | 81.6                             | 28.7                              | 17.2                              | 37.9                                          | 23.0         |

Respondents to question - 87

14. What do you think could be done to improve GAL services in your district?

15. Please feel free to share any other comments you may have about the GAL program in your district, or about services to abused, neglected, and dependent children, generally.

**RETURN SURVEY TO:  
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121396

### Attachment 3

#### STATISTICAL ANALYSIS - GAL ATTORNEYS QUESTIONNAIRE (90 GAL Attorneys questioned, 40 GAL Attorneys responded, 44% Response rate)

##### Question #

2. How well trained are GAL volunteers?

|    | 1         | 2    | 3          | 4   | 5          | Total |
|----|-----------|------|------------|-----|------------|-------|
|    | Very Well |      | Adequately |     | Inadequate | #R    |
| #R | 16        | 5    | 8          | 1   | 0          | 30    |
| %R | 53.3      | 16.7 | 26.7       | 3.3 | 0.0        |       |

3. On average, how many cases are you responsible for at one time?

Average - 47 cases

Mean - 30 cases

Total #R - 38

Based on the number of cases you are responsible for at one time, do you consider this caseload to be:?

|    | 1          | 2    | 3            | 4   | 5         | Total |
|----|------------|------|--------------|-----|-----------|-------|
|    | Very Heavy |      | Appropriate. |     | Too Light | #R    |
| #R | 2          | 10   | 24           | 3   | 0         | 39    |
| %R | 5.1        | 25.6 | 61.5         | 7.7 | 0.0       |       |

4. How often are you in contact with the child you represent?

|    | Monthly |      | Weekly |     |
|----|---------|------|--------|-----|
|    | #R      | %R   | #R     | %R  |
| 1x | 15      | 83.3 | 0      | 0.0 |
| 2x | 2       | 11.1 | 0      | 0.0 |
| 3x | 1       | 5.6  | 0      | 0.0 |

Total Respondents to this question - 18

Is the frequency of your contact with the child sufficient?

|    | <u>YES</u> | <u>NO</u> | <u>Total #R</u> |
|----|------------|-----------|-----------------|
| #R | 20         | 5         | 25              |
| %R | 80         | 20        |                 |

- 5 How often are you in contact with the county social services worker assigned to the case?

|    | Monthly |      | Weekly |     |
|----|---------|------|--------|-----|
|    | #R      | %R   | #R     | %R  |
| 1x | 12      | 37.5 | 2      | 6.3 |
| 2x | 8       | 25.0 | 1      | 3.1 |
| 3x | 8       | 25.0 | 1      | 3.1 |

Total Respondents this question - 32

Is the frequency of your contact with the social services worker sufficient?

|    | <u>YES</u> | <u>NO</u> | <u>Total #R</u> |
|----|------------|-----------|-----------------|
| #R | 28         | 5         | 25              |
| %R | 84.8       | 15.2      |                 |

6. How would you describe your relationship with the county social service worker assigned to a given case?

|            | <u>#R</u> | <u>%R</u> |
|------------|-----------|-----------|
| Very Good  | 11        | 27.5      |
| Good       | 18        | 45.0      |
| Acceptable | 11        | 27.5      |
| Fair       | 0         | 0.0       |
| Poor       | 0         | 0.0       |

Total Respondents this question - 40

7. In what percentage of the cases do you generally agree, initially disagree, then negotiate and ultimately reach agreement, or disagree at the court hearing/disposition, with the recommendations of the social services worker?

|    | <u>Agree</u> | <u>Negotiate</u> | <u>Disagree</u> | <u>Total #R</u> |
|----|--------------|------------------|-----------------|-----------------|
| %R | 67.3         | 20.4             | 12.3            | 39              |

8. On what issues do you most often disagree with the DSS worker?

|                     | <u>#R</u> | <u>%R</u> |
|---------------------|-----------|-----------|
| Placement           | 34        | 85.0      |
| Visitation          | 25        | 62.5      |
| Educational needs   | 7         | 17.5      |
| Medical needs       | 5         | 12.5      |
| Mental health needs | 17        | 42.5      |
| TPR and adoption    | 22        | 55.5      |
| Other               | 5         | 12.5      |

Total Respondents this question - 39

9. Based on your observations, how effectively do county social workers perform their duties?

|                  | <u>Very Effectively</u> |           | <u>Somewhat Effectively</u> |           | <u>Not Effectively</u> |           | <u>Total</u> |
|------------------|-------------------------|-----------|-----------------------------|-----------|------------------------|-----------|--------------|
|                  | <u>#R</u>               | <u>%R</u> | <u>#R</u>                   | <u>%R</u> | <u>#R</u>              | <u>%R</u> | <u>#R</u>    |
| Child Protection | 12                      | 30        | 28                          | 70        | 0                      | 0.0       | 40           |
| Foster Care      | 9                       | 24        | 26                          | 70        | 2                      | .5        | 37           |
| DSS Atty         | 29                      | 74        | 10                          | 25        | 0                      | 0.0       | 39           |

10. How effectively do other GAL workers perform their duties?

|           | Very Effectively |           | Somewhat Effectively |           | Not Effectively |           | Total     |
|-----------|------------------|-----------|----------------------|-----------|-----------------|-----------|-----------|
|           | <u>#R</u>        | <u>%R</u> | <u>#R</u>            | <u>%R</u> | <u>#R</u>       | <u>%R</u> | <u>#R</u> |
| Staff     | 34               | 87.1      | 5                    | 12.8      | 0               | 0.0       | 39        |
| Volunteer | 27               | 67.5      | 13                   | 32.5      | 0               | 0.0       | 40        |
| Attorney  | 23               | 82.1      | 5                    | 17.8      | 0               | 0.0       | 28        |

11. To what extent are GAL services needed in your district?

|    | 1           | 2    | 3               | 4   | 5          | Total |
|----|-------------|------|-----------------|-----|------------|-------|
|    | Much Needed |      | Somewhat Needed |     | Not Needed | #R    |
| #R | 27          | 11   | 2               | 0   | 0          | 40    |
| %R | 67.5        | 27.5 | 5.0             | 0.0 | 0.0        |       |

12. To what extent is this need being met in your district?

|    | 1            | 2    | 3               | 4    | 5       | Total |
|----|--------------|------|-----------------|------|---------|-------|
|    | Great Extent |      | Adequate Extent |      | Not Met | #R    |
| #R | 6            | 15   | 12              | 5    | 0       | 38    |
| %R | 15.8         | 39.5 | 31.6            | 13.2 | 0.0     |       |

13. What will it take for the need to be more effectively met?

|    | <u>More<br/>Volunteers</u> | <u>Add'l.<br/>Training</u> | <u>More<br/>GAL Support</u> | <u>Improved<br/>Communication w/DSS</u> | <u>Other</u> |
|----|----------------------------|----------------------------|-----------------------------|-----------------------------------------|--------------|
| #R | 28                         | 15                         | 3                           | 11                                      | 0            |
| %R | 70                         | 37.5                       | 7.5                         | 27.5                                    | 0.0          |

14. What do you think could be done to improve GAL services in your district?

15. Please feel free to share any other comments you may have about the GAL program in your district, or about services to abused, neglected, and dependent children, generally.

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# Attachment 4

## STATISTICAL ANALYSIS - DSS PERSONNEL QUESTIONNAIRE (100 Counties Questioned, 70 Counties responded)

### Question #

2. How often are you or your staff in contact with the Guardian Ad Litem volunteer assigned to the case?

|     | Monthly |      | Weekly |     |
|-----|---------|------|--------|-----|
|     | #R      | %R   | #R     | %R  |
| 1 x | 23      | 46.9 | 3      | 6.1 |
| 2 x | 13      | 26.5 | 3      | 6.1 |
| 3 x | 7       | 14.3 | 0      | 0.0 |

Total Respondents this question = 49

3. How would you describe the overall relationship you or your staff have with the GAL volunteer on a given case?

|    | 1<br>Very good | 2<br>Good | 3<br>Acceptable | 4<br>Fair | 5<br>Poor | Total<br>#R |
|----|----------------|-----------|-----------------|-----------|-----------|-------------|
| #R | 18             | 24        | 19              | 5         | 2         | 68          |
| %R | 26.5           | 35.3      | 27.9            | 7.4       | 2.9       |             |

4. How effectively do the GAL volunteers you or your staff have worked with perform their duties.

|    | 1<br><u>Very</u> | 2    | 3<br><u>Somewhat</u> | 4   | 5<br><u>Not</u> | Total<br><u>#R</u> |
|----|------------------|------|----------------------|-----|-----------------|--------------------|
| #R | 13               | 19   | 27                   | 5   | 2               | 66                 |
| %R | 19.7             | 28.8 | 40.9                 | 7.6 | 3.0             |                    |

5. In what percentage of child abuse and neglect cases do you generally agree, initially disagree, then negotiate and ultimately reach agreement, or disagree at the court hearing/disposition, with the recommendations of GAL volunteers?

|    | <u>Agree</u> | <u>Negotiate</u> | <u>Disagree</u> | <u>Total</u> |
|----|--------------|------------------|-----------------|--------------|
| %R | 77.7         | 15.2             | 7.1             | 66           |

6. On what issues do you most often disagree with the GAL?

|                     | <u>#R</u> | <u>%R</u> |
|---------------------|-----------|-----------|
| Placement           | 45        | 70.3      |
| Visitation          | 38        | 59.4      |
| Educational needs   | 4         | 6.3       |
| Medical needs       | 2         | 3.1       |
| Mental health needs | 15        | 23.4      |
| TPR and adoption    | 20        | 31.3      |
| Other               | 18        | 28.1      |

Total Respondents this question - 64

7. To what extent are GAL services needed in your county?

|    | 1<br>Much<br>Needed | 2    | 3<br>Somewhat<br>Needed | 4    | 5<br>Not<br>Needed | Total<br>#R |
|----|---------------------|------|-------------------------|------|--------------------|-------------|
| #R | 16                  | 16   | 23                      | 7    | 5                  | 67          |
| %R | 23.9                | 23.9 | 34.3                    | 10.4 | 7.5                |             |

8. To what extent is the need for GAL services in your county being met?

|    | 1<br>Great<br>Extent | 2    | 3<br>Adequate<br>Extent | 4    | 5<br>Not<br>Met | Total<br>#R |
|----|----------------------|------|-------------------------|------|-----------------|-------------|
| #R | 10                   | 17   | 18                      | 15   | 7               | 67          |
| %R | 14.9                 | 25.4 | 26.9                    | 22.4 | 10.4            |             |

9. If the need for GAL services is not being met, what do you think it would take for the need to be more effectively met.

|    | More<br>Volunteers | Addt'l.<br>Training | More<br>GAL Support | Improved<br>Communication | Other | Total<br>#R |
|----|--------------------|---------------------|---------------------|---------------------------|-------|-------------|
| #R | 29                 | 29                  | 10                  | 25                        | 13    | 50          |
| %R | 58.0               | 58.0                | 20.0                | 50.0                      | 26.0  |             |

10. What do you think could be done to improve GAL services in your county?
11. Please feel free to share any other comments you may have about the GAL program in your area, or about services to abuse, neglected, and dependent children, in general.

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## Attachment 5

### STATISTICAL ANALYSIS - COUNTY/DSS ATTORNEY QUESTIONNAIRE

(100 Counties Questioned, 21 Counties responded, 21% Response rate)

(18 County attorneys, 3 DSS attorneys)

#### Question #

2. How often are you or your staff in contact with the Guardian Ad Litem volunteer assigned to the case?

|     | Monthly |      | Weekly |     |
|-----|---------|------|--------|-----|
|     | #R      | %R   | #R     | %R  |
| 1 x | 6       | 50.0 | 1      | 8.3 |
| 2 x | 3       | 25.0 | 0      | 0.0 |
| 3 x | 1       | 8.3  | 1      | 8.3 |

Total Respondents this question = 12

3. How would you describe the overall relationship you or your staff have with the GAL volunteer on a given case?

|    | 1<br>Very Good | 2<br>Good | 3<br>Acceptable | 4<br>Fair | 5<br>Poor | Total<br>#R |
|----|----------------|-----------|-----------------|-----------|-----------|-------------|
| #R | 5              | 5         | 2               | 6         | 1         | 19          |
| %R | 26.3           | 26.3      | 10.5            | 31.6      | 5.3       |             |

4. How effectively do the GAL volunteers you or your staff have worked with perform their duties.

|    | 1<br><u>Very</u> | 2    | 3<br><u>Somewhat</u> | 4    | 5<br><u>Not</u> | Total<br><u>#R</u> |
|----|------------------|------|----------------------|------|-----------------|--------------------|
| #R | 3                | 6    | 6                    | 2    | 3               | 20                 |
| %R | 15.0             | 30.0 | 30.0                 | 10.0 | 15.0            |                    |

5. In what percentage of child abuse and neglect cases do you generally agree, initially disagree, then negotiate and ultimately reach agreement, or disagree at the court hearing/disposition, with the recommendations of GAL volunteers?

|    | <u>Agree</u> | <u>Negotiate</u> | <u>Disagree</u> | <u>Total</u> |
|----|--------------|------------------|-----------------|--------------|
| %R | 72.5         | 19.5             | 8.0             | 17           |

6. On what issues do you most often disagree with the GAL?

|                     | <u>#R</u> | <u>%R</u> |
|---------------------|-----------|-----------|
| Placement           | 11        | 61.1      |
| Visitation          | 8         | 44.4      |
| Educational needs   | 2         | 11.1      |
| Medical needs       | 1         | 5.6       |
| Mental health needs | 5         | 27.8      |
| TPR and adoption    | 6         | 33.3      |
| Other               | 4         | 22.2      |

Total Respondents this question - 18

7. To what extent are GAL services needed in your county?

|    | 1<br>Much<br>Needed | 2   | 3<br>Somewhat<br>Needed | 4   | 5<br>Not<br>Needed | Total<br>#R |
|----|---------------------|-----|-------------------------|-----|--------------------|-------------|
| #R | 8                   | 0.0 | 4                       | 1   | 5                  | 18          |
| %R | 44.4                | 0.0 | 22.2                    | 5.6 | 27.8               |             |

8. To what extent is the need for GAL services in your county being met?

|    | 1<br>Great<br>Extent | 2    | 3<br>Adequate<br>Extent | 4    | 5<br>Not<br>Met | Total<br>#R |
|----|----------------------|------|-------------------------|------|-----------------|-------------|
| #R | 2                    | 3    | 2                       | 6    | 2               | 15          |
| %R | 13.3                 | 20.0 | 13.3                    | 40.0 | 13.3            |             |

9. If the need for GAL services is not being met, what do you think it would take for the need to be more effectively met.

|    | More<br>Volunteers | Add'l.<br>Training | More<br>GAL Support | Improved<br>Communication | Other | Total<br>#R |
|----|--------------------|--------------------|---------------------|---------------------------|-------|-------------|
| #R | 6                  | 3                  | 2                   | 3                         | 6     | 12          |
| %R | 50.0               | 25.0               | 16.7                | 25.0                      | 50.0  |             |

10. What do you think could be done to improve GAL services in your county?
11. Please feel free to share any other comments you may have about the GAL program in your area, or about services to abuse, neglected, and dependent children, in general.

**RETURN SURVEY TO:  
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## ARTICLE 39.

*Guardian Ad Litem Program.***§ 7A-489. Office of Guardian Ad Litem Services established.**

There is established within the Administrative Office of the Courts an Office of Guardian Ad Litem Services to provide services in accordance with G.S. 7A-586 to abused, neglected, or dependent juveniles involved in judicial proceedings, and to assure that all participants in these proceedings are adequately trained to carry out their responsibilities. Beginning on July 15, 1983, and ending July 1, 1987, the Administrative Office of the Courts shall establish in phases a statewide guardian ad litem program comprised of local programs to be established in all district court districts of the State. Each local program shall consist of volunteer guardians ad litem, at least one program attorney, a program coordinator who is a paid State employee, and such clerical staff as the Administrative Office of the Courts in consultation with the local program deems necessary. The Administrative Office of the Courts shall promulgate rules and regulations necessary and appropriate for the administration of the program. (1983, c. 761, s. 160; 1987 (Reg. Sess., 1988), c. 1037, s. 32; c. 1090, s. 7.)

**§ 7A-490. Implementation and administration.**

(a) Local Programs. — The Administrative Office of the Courts shall, in cooperation with each chief district court judge and other personnel in the district court district, implement and administer the program mandated by this Article. Local programs shall be established in eight district court districts in fiscal year 1983-84. Where a local program has not yet been established in accordance with this Article, the district court district shall operate a guardian ad litem program approved by the Administrative Office of the Courts.

(b) Advisory Committee Established. — The Director of the Administrative Office of the Courts shall appoint a Guardian Ad Litem Advisory Committee consisting of at least five members to advise the Office of Guardian Ad Litem Services in matters related to this program. The members of the Advisory Committee shall receive the same per diem and reimbursement for travel expenses as members of State boards and commissions generally. (1983, c. 761, s. 160; 1987 (Reg. Sess., 1988), c. 1037, s. 33.)

**§ 7A-491. Conflict of interest or impracticality of implementation.**

If a conflict of interest prohibits a local program from providing representation to an abused, neglected, or dependent juvenile, the court may appoint any member of the district bar to represent said juvenile. If the Administrative Office of the Courts determines that within a particular district court district the implementation of a

local program is impractical, or that an alternative plan meets the conditions of G.S. 7A-492, the Administrative Office of the Courts shall waive the establishment of the program within the district. (1983, c. 761, s. 160; 1987 (Reg. Sess., 1988), c. 1037, s. 34; c. 1090, s. 8.)

### **§ 7A-492. Alternative plans.**

A district court district shall be granted a waiver from the implementation of a local program if the Administrative Office of the Courts determines that the following conditions are met:

- (1) An alternative plan has been developed to provide adequate guardian ad litem services for every child consistent with the duties stated in G.S. 7A-586; and
- (2) The proposed alternative plan will require no greater proportion of State funds than the district court district's abuse and neglect caseload represents to the State's abuse and neglect caseload. Computation of abuse and neglect caseloads shall include such factors as child population, number of substantiated child abuse and neglect reports, number of child abuse and neglect petitions, number of abused and neglected children in care to be reviewed pursuant to G.S. 7A-657, nature of the district's district court caseload, and number of petitions to terminate parental rights.

When an alternative plan is approved pursuant to this section, the Administrative Office of the Courts shall retain authority to monitor implementation of the said plan in order to assure compliance with the requirements of this Article and G.S. 7A-586. In any district court district where the Administrative Office of the Courts determines that implementation of an alternative plan is not in compliance with the requirements of this section, the Administrative Office of the Courts may implement and administer a program authorized by this Article. (1983, c. 761, s. 160; 1987 (Reg. Sess., 1988), c. 1037, s. 35.)

### **§ 7A-493. Civil liability of volunteers.**

Any volunteer participating in a judicial proceeding pursuant to the program authorized by this Article shall not be civilly liable for acts or omissions committed in connection with the proceeding if he acted in good faith and was not guilty of gross negligence. (1983, c. 761, s. 160.)

## **ARTICLE 39A.**

### *Custody and Visitation Mediation Program.*

### **§ 7A-494. Custody and Visitation Mediation Program established.**

(a) The Administrative Office of the Courts shall establish a Custody and Visitation Mediation Program to provide statewide and uniform services in accordance with G.S. 50-13.1 in cases involving unresolved issues about the custody or visitation of minor children.

of an order authorizing  
conditions that continued  
provision of the juvenile.  
juvenile's placement were  
n to the juvenile, the court  
nile in the absence of such  
l; 1981, c. 469, s. 13; 1987  
Sess., c. 27, s. 1.)

h in this subsection" for "five  
r day period" and substituted  
eriod" for "five calendar period";  
ction (b) substituted "the right to  
gal representation" for "his right  
an attorney represent him," sub-  
"the juvenile" for "he" preceding  
s"; substituted "the juvenile's  
for "his parent" in subsection (c);  
ted "the juvenile" for "him" in sub-  
sion (e)(1); substituted "the  
or "he" in subsection (f); in sub-  
(g) inserted "secure" preceding  
and added the second sentence;  
ed subsection (g1).

Periodicals. — For survey of  
nily law, see 58 N.C.L. Rev. 1471

an unauthorized determination  
erits of the case. There is no  
statutory authority allowing the  
dis of the petitions at a five-  
ring. *Guarante*, 109 N.C.  
3, 4 S.E.2d 883 (1993).  
in *In re Bass*, 77 N.C. App. 110,  
2d 779 (1985); *In re Safriet*, 112  
S.E.2d 747, 436 S.E.2d 898 (1993).

**cation authorized.**

horizations, and requests  
-574, and 7A-575 may be  
mmunication are imprac-  
onic communication shall  
erson communicating by  
the official entering the  
thorization. (1979, c. 815,

ed for future codification

ARTICLE 47.

*Basic Rights.*

**§ 7A-584. Juvenile's right to counsel; presumption of indigence.**

(a) A juvenile alleged to be within the jurisdiction of the court has the right to be represented by counsel in all proceedings. In any proceeding in which delinquency is alleged, the judge shall appoint counsel unless counsel is retained for the juvenile.

(b) All juveniles shall be conclusively presumed to be indigent, and it shall not be necessary for the court to receive from any juvenile an affidavit of indigency. (1979, c. 815, s. 1.)

**Legal Periodicals.** — For survey of 1979 family law, see 58 N.C.L. Rev. 1471 (1980).  
For article, "Juvenile Justice in Transition — A New Juvenile Code for North Carolina," see 16 Wake Forest L. Rev. 1 (1980).  
For article on rights and interests of parent, child, family and state, see 4 Campbell L. Rev. 85 (1981).

CASE NOTES

A juvenile appellant is presumed indigent. *In re Bullabough*, 89 N.C. App. 171, 365 S.E.2d 642 (1988).  
Cited in *In re Wharton*, 305 N.C. 565, 290 S.E.2d 688 (1982).

**§ 7A-585. Appointment of guardian.**

In any case when no parent appears in a hearing with the juvenile or when the judge finds it would be in the best interest of the juvenile, the judge may appoint a guardian of the person for the juvenile. The guardian shall operate under the supervision of the court with or without bond and shall file only such reports as the court shall require. The guardian shall have the care, custody, and control of the juvenile or may arrange a suitable placement for him and may represent the juvenile in legal actions before any court. The guardian shall also have authority to consent to certain actions on the part of the juvenile in place of the parent including marriage, enlisting in the armed forces, and undergoing major surgery. The authority of the guardian shall continue until the guardianship is terminated by order, until the juvenile is emancipated pursuant to Article 56, or until the juvenile reaches the age of majority. (1979, c. 815, s. 1.)

**Legal Periodicals.** — For survey of 1979 family law, see 58 N.C.L. Rev. 1471 (1980).

CASE NOTES

**Removal of Guardian.** — A legal guardian of a child's person, unlike a mere custodian, is not removable for a mere change of circumstances; unfitness or neglect of duty must be shown. *In re Williamson*, 77 N.C. App. 53, 334 S.E.2d 428 (1985), cert. denied, 316 N.C. 194, 341 S.E.2d 584 (1986).

## § 7A-586. Appointment and duties of guardian ad litem.

(a) When in a petition a juvenile is alleged to be abused or neglected, the judge shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to be dependent, the judge may appoint a guardian ad litem to represent the juvenile. The guardian ad litem and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed. The appointment shall be made pursuant to the program established by Article 39 of this Chapter unless representation is otherwise provided pursuant to G.S. 7A-491 or G.S. 7A-492. The appointment shall terminate at the end of two years. Upon motion of any party including the guardian ad litem, or upon the judge's own motion, the guardian ad litem may be reappointed upon a showing of good cause. In every case where a nonattorney is appointed as a guardian ad litem, an attorney shall be appointed in the case in order to assure protection of the child's legal rights through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the child. The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the judge at the dispositional hearing; and to protect and promote the best interest of the juvenile until formally relieved of the responsibility by the judge.

(b) The judge may order the Department of Social Services or the guardian ad litem to conduct follow-up investigations to insure that the orders of the court are being properly executed and to report to the court when the needs of the juvenile are not being met. The judge may also authorize the guardian ad litem to accompany the juvenile to court in any criminal action wherein he may be called on to testify in a matter relating to abuse.

(c) The judge may grant the guardian ad litem the authority to demand any information or reports whether or not confidential, that may in the guardian ad litem's opinion be relevant to the case. Neither the physician-patient privilege nor the husband-wife privilege may be invoked to prevent the guardian ad litem and the court from obtaining such information. The confidentiality of the information or reports shall be respected by the guardian ad litem and no disclosure of any information or reports shall be made to anyone except by order of the judge or unless otherwise provided by law in Chapter 7A. (1979, c. 815, s. 1; 1981, c. 528; 1983, c. 761, s. 159; 1987 (Reg. Sess., 1988), c. 1090, s. 5; 1993, c. 537, s. 1; 1995, c. 324, s. 21.13.)

**Editor's Note.** — Session Laws 1995, c. 324, s. 1.1, provides: "This act shall be known as the Continuation Budget Operations Appropriations Act of 1995."

Session Laws 1995, c. 324, s. 21.12, provides for the Legislative Research Commission to study the Guardian Ad Litem program in the Division of Social Services and to report its findings to the

1995 General Assembly.

Session Laws 1995, c. 324, s. 28.3, provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1995-97 biennium, the textual provisions of this act shall apply only to funds appropriated for and activities occurring during the 1995-97 biennium."

Session Laws 1995, c. 324, s. 28.4 is a severability clause.

**Effect of Amendments.** — The 1993 amendment, effective January 1, 1994, and applicable to petitions filed and requests for information made on or after that date, inserted the subsection designations, inserted the second sentence of subsection (a), inserted "to offer evidence and examine witnesses at adjudication" in the last sentence of subsection (a), and added "or unless otherwise provided by law in Chapter 7A" in the last sentence of subsection (c).

The 1995 amendment, effective July 1, 1995, in subsection (a) added the fifth

and sixth sentences, substituted "through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the child" for "within the proceeding" in the seventh sentence, and added "program" following "guardian ad litem" in the last sentence.

**Legal Periodicals.** — For survey of 1979 family law, see 58 N.C.L. Rev. 1471 (1980).

For comment, "The Child Abuse Amendments of 1984: Congress Is Calling North Carolina to Respond to the Baby Doe Dilemma," 20 Wake Forest L. Rev. 975 (1984).

#### CASE NOTES

This section does not prevent the application of other pertinent statutory provisions. In re Searce, 81 N.C. App. 531, 345 S.E.2d 404, cert. denied, 318 N.C. 415, 349 S.E.2d 589 (1986).

**Whether appointment of a guardian ad litem for a minor is necessary is controlled by § 1A-1, Rule 17(b).** In re Searce, 81 N.C. App. 531, 345 S.E.2d 404, cert. denied, 318 N.C. 415, 349 S.E.2d 589 (1986).

**Authority of Guardian ad Litem to Inquire as to Child's Adoption.** — It was the duty and right of guardian ad litem to inquire into Department of Social Services' handling of child's adoption, and it was within the district court's jurisdiction to order DSS to turn over requested information, despite its confidential nature. In re N.C.L., 89 N.C. App. 79, 365 S.E.2d 213, cert. denied, 322 N.C. 481 370 S.E.2d 226 (1988).

**Continuing Duty to Conduct Follow-Up Investigations.** — This section gives the guardian ad litem many more responsibilities and duties than a guardian ad litem ordinarily has. The guardian ad litem has the continuing duty to conduct follow-up investigations and to report to the court when the needs of the juveniles are not being met. Wilkinson v. Riffel, 72 N.C. App. 220, 324 S.E.2d 31 (1984).

**Right of Guardian to Confidential**

**Information.** — This section specifically gives the court the power to order that the guardian ad litem have confidential information which in the opinion of the guardian ad litem is relevant to the case. Wilkinson v. Riffel, 72 N.C. App. 220, 324 S.E.2d 31 (1984).

The court may order the release of confidential information to a guardian ad litem if the guardian ad litem needs the information to determine whether the needs of the juveniles are being met. Wilkinson v. Riffel, 72 N.C. App. 220, 324 S.E.2d 31 (1984).

**District Court's Jurisdiction Held Not Ended by Notice of Adoption Petition.** — District court jurisdiction attached on March 25, 1987, when guardian ad litem filed a motion in district court to compel Department of Social Services (DSS) to grant his requests to visit child and to obtain information on any prospective adoptive parents, and subsequent notice, received on March 31, 1987, to the effect that a petition for adoption had been filed, did not end the district court's jurisdiction. In re N.C.L., 89 N.C. App. 79, 365 S.E.2d 213, cert. denied, 322 N.C. 481, 370 S.E.2d 226 (1988).

**Quoted in** In re James S., 86 N.C. App. 364, 357 S.E.2d 430 (1987).

**Stated in** In re Peirce, 53 N.C. App. 373, 281 S.E.2d 198 (1981).

#### § 7A-587. Parent's right to counsel.

In cases where the juvenile petition alleges that a juvenile is abused, neglected or dependent, the parent has the right to counsel and to appointed counsel in cases of indigency unless the parent waives the right. In no case may the judge appoint a county

attorney, prosecutor or public defender. (1979, c. 815, s. 1; 1981, c. 469, s. 14.)

**Legal Periodicals.** — For survey of 1979 constitutional law, see 58 N.C.L. Rev. 1326 (1980). For survey of 1979 family law, see 58 N.C.L. Rev. 1471 (1980).

#### CASE NOTES

**Counsel Not Required in Every Termination Proceeding.** — It cannot be said that the Constitution requires the appointment of counsel in every parental termination proceeding; the decision whether due process calls for the appointment of counsel for indigent parents in termination proceedings is to be answered in the first instance by the trial court, subject to appellate review. *Lassiter v. Department of Social Servs.*, 452 U.S. 18, 101 S. Ct. 2153, 68 L. Ed. 2d 640, rehearing denied, 453 U.S. 927, 102

S. Ct. 889, 69 L. Ed. 2d 1023 (1981).

**Adoption as a Consequence of Neglect Proceedings.** — Where the signing of the adoption consent forms occurred following and as a consequence of a neglect proceeding which the department of social services initiated, the signing of the papers directly related to the neglect proceedings and respondent was entitled to counsel when she signed the forms. *In re Maynard*, 116 N.C. App. 616, 448 S.E.2d 871 (1994).

#### § 7A-588. Payment of court appointed attorney or guardian ad litem.

An attorney or guardian ad litem appointed pursuant to G.S. 7A-584, 7A-586 or 7A-587 of this Article, pursuant to any other provision of the Juvenile Code, or pursuant to G.S. 7A-289.23 shall be paid a reasonable fee fixed by the court in the same manner as fees for attorneys appointed in cases of indigency or by direct engagement for specialized guardian ad litem services through the Administrative Office of the Courts. The judge may require payment of the attorney or guardian ad litem fee from a person other than the juvenile as provided in G.S. 7A-450.1, 7A-450.2 and 7A-450.3. In no event shall the parent or guardian be required to pay the fee for an appointed attorney or guardian ad litem in an abuse, neglect, or dependency proceeding unless the juvenile has been adjudicated to be abused, neglected, or dependent, or, in a proceeding to terminate parental rights, unless the parent's rights have been terminated. A person who does not comply with the court's order of payment may be punished for contempt as provided in G.S. 5A-21. (1979, c. 815, s. 1; 1983, c. 726, ss. 2, 3; 1987 (Reg. Sess., 1988), c. 1090, s. 6; 1991, c. 575, s. 1.)

#### CASE NOTES

Cited in *In re Wharton*, 54 N.C. App. 447, 283 S.E.2d 528 (1981).

§§ 7A-589 through 7A-593: Reserved for future codification purposes.

- 1 (1) Identify the amount and source of funding for legal services and
- 2 administration in child abuse and neglect and dependency cases in
- 3 those programs;
- 4 (2) Identify the legal participants involved in child abuse and neglect
- 5 and dependency court cases and each participant's responsibilities;
- 6 (3) Study the purpose and activities of each program and identify
- 7 activities that are similar;
- 8 (4) Identify federal mandates and any federal funding that would be
- 9 affected by any changes in legal services or administration of either
- 10 program, and determine whether any federal funds are available to
- 11 fund the Guardian Ad Litem program;
- 12 (5) Review guardian ad litem programs and children's services in
- 13 other states, including cost-saving measures taken by those states,
- 14 and identify other methods of administering and funding those
- 15 programs;
- 16 (6) Identify methods of reducing the costs for attorneys involved in
- 17 child abuse and neglect and dependency cases;
- 18 (7) Review administrative costs of each program and identify possible
- 19 cost savings; and
- 20 (8) Determine the extent to which guardian ad litem attorneys are
- 21 performing duties normally handled by volunteers and identify
- 22 methods to reduce such practices.
- 23 (b) The Commission may report its findings to the 1996 Regular Session
- 24 of the 1995 General Assembly.

25  
26 Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand  
27 **CHANGE GUARDIAN AD LITEM APPOINTMENT**

28 Sec. 21.13. G.S. 7A-586(a) reads as rewritten:

29 "(a) When in a petition a juvenile is alleged to be abused or neglected, the judge  
30 shall appoint a guardian ad litem to represent the juvenile. When a juvenile is  
31 alleged to be dependent, the judge may appoint a guardian ad litem to represent the  
32 juvenile. The guardian ad litem and attorney advocate have standing to represent the  
33 juvenile in all actions under this Subchapter where they have been appointed. The  
34 appointment shall be made pursuant to the program established by Article 39 of this  
35 Chapter unless representation is otherwise provided pursuant to G.S. 7A-491 or G.S.  
36 7A-492. The appointment shall terminate at the end of two years. Upon motion of  
37 any party including the guardian ad litem, or upon the judge's own motion, the  
38 guardian ad litem may be reappointed upon a showing of good cause. In every case  
39 where a nonattorney is appointed as a guardian ad litem, an attorney shall be  
40 appointed in the case in order to assure protection of the child's legal rights ~~within~~  
41 ~~the proceeding.~~ through the dispositional phase of the proceedings, and after  
42 disposition when necessary to further the best interests of the child. The duties of the  
43 guardian ad litem program shall be to make an investigation to determine the facts,  
44 the needs of the juvenile, and the available resources within the family and  
45 community to meet those needs; to facilitate, when appropriate, the settlement of  
46 disputed issues; to offer evidence and examine witnesses at adjudication; to explore  
47 options with the judge at the dispositional hearing; and to protect and promote the  
48 best interest of the juvenile until formally relieved of the responsibility by the judge."

49  
50 Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue,  
51 Odom

52 **N.C. STATE BAR FUNDS**

GENERAL ASSEMBLY OF NORTH CAROLINA

Appendix H

SESSION 1997

H

D

HOUSE JOINT RESOLUTION 97-LN-007  
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

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Sponsors: .

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Referred to:

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1 A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH  
2 COMMISSION TO CONTINUE ITS STUDY OF THE GUARDIAN AD PROGRAM.

3 Be it resolved by the House of Representatives, the Senate  
4 concurring:

5 Section 1. The Legislative Resesearch Commission may  
6 continue its study of the Guardian Ad Litem program administered  
7 by the Administrative Office of the Courts. The study shall  
8 include the following:

- 9 (1) Whether the attorney representing the county  
10 department of social services may have a conflict  
11 of interest in representing both the department and  
12 the abused and neglected child;
- 13 (2) Ways to improve case management in the court  
14 process so as to reduce attorney time spent on the  
15 case and time spent by volunteers and others  
16 waiting for the case to be heard;
- 17 (3) Evaluation of the efficiency, sufficiency, and  
18 effectiveness of the legal representation and  
19 advocacy provided to children served by the  
20 guardian ad litem program;
- 21 (4) Whether the attorney appointed to represent parents  
22 may be relieved of the duty to represent when  
23 parents have dropped out of the case or failed to  
24 appear at a hearing due to lack of interest;



- 1           (5) Continued review of the program to determine if  
2           additional cuts in State funds should be made;  
3           (6) Review the impact of additional government or  
4           private funds received by the program; and  
5           (7) Whether the name of the program should be changed  
6           to avoid confusion with guardians ad litem  
7           appointed in proceedings other than abuse and  
8           neglect cases.

9           Section 2. The Legislative Research Commission may make  
10 an interim report to the 1997 General Assembly, 1998 Regular  
11 Session, and shall make a final report to the 1999 General  
12 Assembly.

13           Section 3. This resolution is effective upon adoption.

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE**

**ON**

**JUSTICE AND PUBLIC SAFETY**

Thursday February 27<sup>th</sup> - 8:30 a.m.

Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, **Presiding**

Representative Larry Justus

Representative Joe Kiser

Representative Gregg Thompson

**II. PRESENTATIONS**

- Continue Review of Judicial Budget
  - Guardian Ad Litem
  - Arbitration, Mediation, Dispute Settlement Centers
  - Community Penalties
  - Drug Treatment Courts

Charles Perusse, Fiscal Analyst

Elisa Wolper, Fiscal Analyst

Judicial Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

- Reminder of afternoon meeting

**IV. ADJOURNMENT**

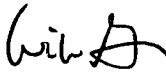
MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
FEBRUARY 27, 1997

The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Thursday, February 27, 1997 in Room 612 of the Legislative Office Building. Fourteen members were present. Senator Wib Gulley, Chairman, presided.

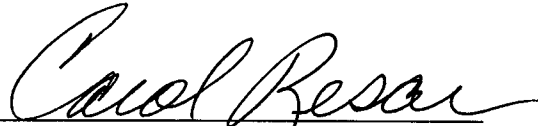
First, Charles Perusse, Fiscal Analyst continued his discussion of the Judicial Department budget with the Juvenile Services and Guardian Ad Litem Program (see attached). Ms. Eileen Nelson, Director of the Guardian Ad Litem Program and Mr. Perusse answered questions from the Subcommittee. Ms. Nelson told the Subcommittee that over 3,500 people volunteer with the program over the course of a year.

Next, Mr. Peruse went over the budget for the Alternative Dispute Resolution Programs (see attached). Mr. Buddy Humphrey from the Office of State Budget and Management and Mr. Scott Bradley, Director of the Dispute Settlement Centers, answered questions from the Subcommittee.

The meeting was adjourned at 9:55 am.



\_\_\_\_\_  
Senator Wib Gulley, Chair



\_\_\_\_\_  
Carol Resar, Committee Clerk

# **Judicial Branch**

**1997-99 Budget Overview**

**Juvenile Services and Guardian Ad Litem Program**

**Joint Appropriations Subcommittee on Justice and Public Safety**

**February 26, 1997**

# Juveniles Under 18

## Five & Ten Year Arrest Trends

### Statewide

| Offense Category            | 1986<br>Arrests | 1991<br>Arrests | 1992<br>Arrests | 1993<br>Arrests | 1994<br>Arrests | 1995<br>Arrests | Five Year<br>% Change<br>91/95 |
|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------------------------|
| Murder                      | 30              | 77              | 94              | 94              | 83              | 90              | + 16.9                         |
| Forcible Rape               | 95              | 90              | 91              | 95              | 95              | 79              | - 12.2                         |
| Robbery                     | 209             | 532             | 504             | 679             | 792             | 899             | + 69.0                         |
| Aggravated Assault          | 1,017           | 1,962           | 2,090           | 2,266           | 2,265           | 2,140           | + 9.1                          |
| Subtotal - Violent Crime    | 1,351           | 2,661           | 2,779           | 3,134           | 3,235           | 3,208           | + 20.6                         |
| Burglary                    | 3,324           | 3,919           | 3,807           | 3,713           | 3,876           | 3,971           | + 1.3                          |
| Larceny                     | 6,966           | 8,443           | 8,285           | 8,200           | 8,980           | 9,634           | + 14.1                         |
| Motor Vehicle Theft         | 587             | 807             | 743             | 759             | 787             | 815             | + 1.0                          |
| Subtotal - Property Crime   | 10,877          | 13,169          | 12,835          | 12,672          | 13,643          | 14,420          | + 9.5                          |
| Subtotal - Index Crimes     | 12,228          | 15,830          | 15,614          | 15,806          | 16,878          | 17,628          | + 11.4                         |
| Manslaughter                | 14              | 3               | 4               | 9               | 10              | 5               | + 66.7                         |
| Arson <sup>1</sup>          | 123             | 157             | 214             | 198             | 231             | 152             | - 3.2                          |
| Simple Assault              | 2,468           | 3,718           | 4,289           | 4,830           | 5,804           | 6,577           | + 76.9                         |
| Forgery & Counterfeiting    | 240             | 237             | 196             | 212             | 203             | 164             | - 30.8                         |
| Fraud                       | 388             | 558             | 508             | 513             | 749             | 906             | + 62.4                         |
| Embezzlement                | 114             | 91              | 99              | 103             | 141             | 183             | +101.1                         |
| Stolen Property             | 510             | 1,003           | 1,031           | 1,154           | 1,353           | 1,375           | + 37.1                         |
| Vandalism                   | 1,567           | 2,223           | 2,420           | 2,534           | 2,756           | 2,621           | + 17.9                         |
| Weapons                     | 392             | 970             | 1,102           | 1,417           | 1,679           | 1,595           | + 64.4                         |
| Prostitution                | 42              | 14              | 39              | 20              | 10              | 6               | - 57.1                         |
| Sex Offenses                | 187             | 180             | 236             | 254             | 253             | 308             | + 71.1                         |
| Drug Laws                   | 1,094           | 1,857           | 2,053           | 2,375           | 3,121           | 4,011           | +116.0                         |
| Gambling                    | 6               | 9               | 10              | 15              | 22              | 21              | +133.3                         |
| Offenses Against Family     | 108             | 79              | 63              | 90              | 107             | 95              | + 20.3                         |
| DWI                         | 1,568           | 1,546           | 923             | 931             | 1,003           | 896             | - 42.0                         |
| Liquor Laws                 | 2,598           | 2,037           | 1,555           | 1,432           | 1,473           | 1,409           | - 30.8                         |
| Disorderly Conduct          | 740             | 1,474           | 1,769           | 2,343           | 2,928           | 3,162           | +114.5                         |
| Vagrancy                    | 6               | 32              | 21              | 26              | 31              | 34              | + 6.3                          |
| All Other Offenses          | 5,899           | 7,798           | 8,189           | 9,064           | 9,405           | 10,479          | + 34.4                         |
| Curfews - Loitering         | 19              | 69              | 82              | 75              | 82              | 94              | + 36.2                         |
| Runaways                    | 1,097           | 996             | 1,163           | 1,363           | 1,886           | 2,025           | +103.3                         |
| Subtotal - Non-Index Crimes | 19,180          | 25,051          | 25,966          | 28,958          | 33,247          | 36,118          | + 44.2                         |
| <b>Grand Total</b>          | <b>31,408</b>   | <b>40,881</b>   | <b>41,580</b>   | <b>44,764</b>   | <b>50,125</b>   | <b>53,746</b>   | <b>+ 31.5</b>                  |

<sup>1</sup> The number of arrests for arson has not been included in the total Crime Index.

# Juveniles 15 & Under

## Five & Ten Year Arrest Trends

-2-

### Statewide

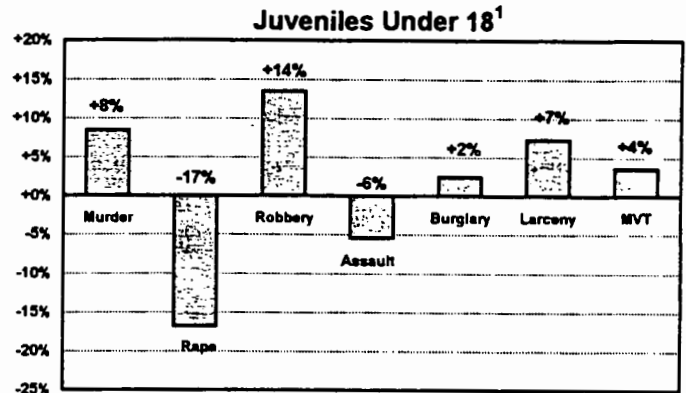
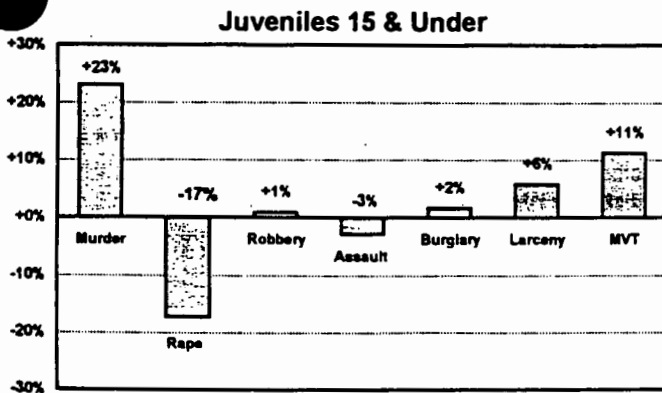
| Offense Category            | 1986<br>Arrests | 1991<br>Arrests | 1992<br>Arrests | 1993<br>Arrests | 1994<br>Arrests | 1995<br>Arrests | Five Year<br>% Change<br>91/95 |
|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--------------------------------|
| Murder                      | 7               | 19              | 23              | 25              | 13              | 16              | - 15.8                         |
| Forcible Rape               | 38              | 28              | 29              | 36              | 46              | 38              | + 35.7                         |
| Robbery                     | 52              | 159             | 149             | 210             | 239             | 241             | + 51.6                         |
| Aggravated Assault          | 358             | 658             | 736             | 799             | 806             | 782             | + 18.8                         |
| Subtotal - Violent Crime    | 455             | 864             | 937             | 1,070           | 1,104           | 1,077           | + 24.7                         |
| Burglary                    | 1,312           | 1,459           | 1,442           | 1,412           | 1,479           | 1,504           | + 3.1                          |
| Larceny                     | 3,406           | 3,691           | 3,873           | 3,836           | 4,326           | 4,579           | + 24.1                         |
| Motor Vehicle Theft         | 256             | 269             | 317             | 326             | 373             | 415             | + 54.3                         |
| Subtotal - Property Crime   | 4,974           | 5,419           | 5,632           | 5,574           | 6,178           | 6,498           | + 19.9                         |
| Subtotal - Index Crimes     | 5,429           | 6,283           | 6,569           | 6,644           | 7,282           | 7,575           | + 20.6                         |
| Manslaughter                | 2               | 0               | 1               | 3               | 1               | 0               | NA                             |
| Arson <sup>1</sup>          | 90              | 115             | 153             | 145             | 165             | 108             | - 6.1                          |
| Simple Assault              | 743             | 1,410           | 1,690           | 1,881           | 2,539           | 2,989           | +112.0                         |
| Forgery & Counterfeiting    | 46              | 22              | 25              | 26              | 24              | 22              | + 0.0                          |
| Fraud                       | 84              | 76              | 92              | 76              | 114             | 181             | +138.2                         |
| Embezzlement                | 5               | 0               | 4               | 0               | 1               | 3               | NA                             |
| Stolen Property             | 209             | 310             | 305             | 339             | 434             | 441             | + 42.3                         |
| Vandalism                   | 874             | 1,129           | 1,209           | 1,184           | 1,415           | 1,260           | + 11.6                         |
| Weapons                     | 117             | 263             | 357             | 516             | 619             | 628             | +138.8                         |
| Prostitution                | 4               | 1               | 6               | 1               | 0               | 1               | + 0.0                          |
| Sex Offenses                | 91              | 88              | 137             | 153             | 136             | 189             | +114.8                         |
| Drug Laws                   | 182             | 288             | 372             | 461             | 661             | 907             | +214.9                         |
| Gambling                    | 0               | 5               | 3               | 1               | 7               | 3               | - 40.0                         |
| Offenses Against Family     | 6               | 9               | 4               | 11              | 33              | 30              | +233.3                         |
| DWI                         | 82              | 65              | 34              | 21              | 32              | 25              | - 61.5                         |
| Liquor Laws                 | 228             | 150             | 121             | 131             | 169             | 153             | + 2.0                          |
| Disorderly Conduct          | 170             | 555             | 873             | 1,267           | 1,514           | 1,593           | +187.0                         |
| Vagrancy                    | 0               | 3               | 10              | 4               | 8               | 11              | +266.7                         |
| All Other Offenses          | 1,820           | 2,084           | 2,422           | 2,404           | 2,510           | 2,975           | + 42.8                         |
| Curfews - Loitering         | 8               | 11              | 55              | 30              | 39              | 67              | +509.1                         |
| Runaways                    | 992             | 959             | 1,132           | 1,329           | 1,853           | 1,977           | +106.2                         |
| Subtotal - Non-Index Crimes | 5,753           | 7,543           | 9,005           | 9,983           | 12,274          | 13,563          | + 79.8                         |
| <b>Grand Total</b>          | <b>11,182</b>   | <b>13,826</b>   | <b>15,574</b>   | <b>16,627</b>   | <b>19,556</b>   | <b>21,138</b>   | <b>+ 52.9</b>                  |

<sup>1</sup> The number of arrests for arson has not been included in the total Crime Index.

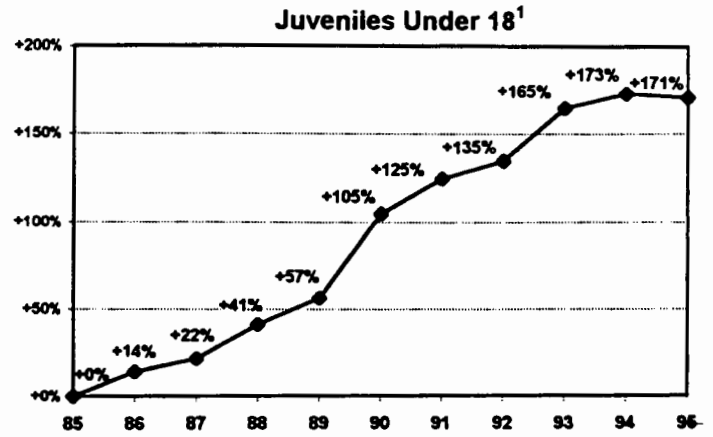
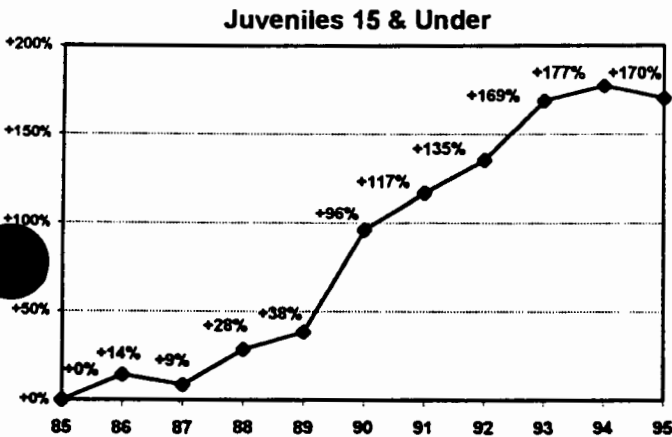
# Juvenile Crime Trends

-3-

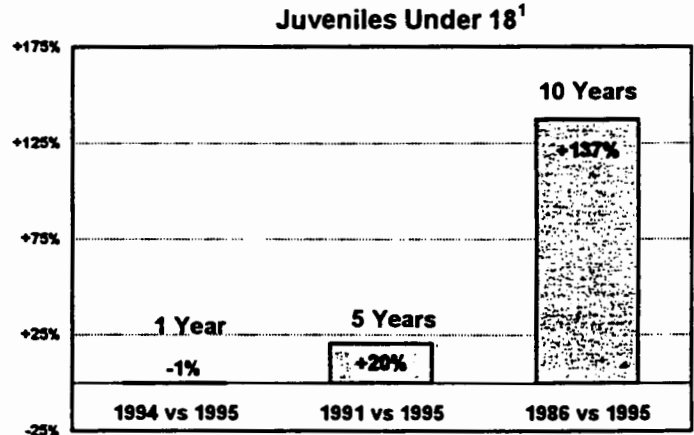
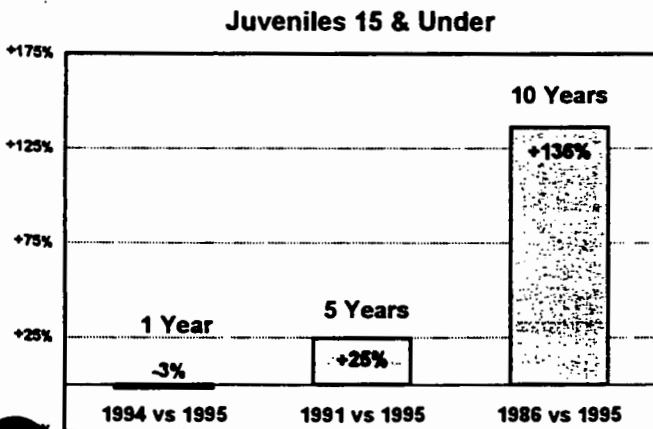
## Juveniles Arrested for Index Crime Percent Change 1994 vs 1995



## Juveniles Arrested for Violent Crime<sup>2</sup> Cumulative Changes Since 1985



## Juveniles Arrested for Violent Crime<sup>2</sup> Five & Ten Year Trends



<sup>1</sup>Includes the category of juveniles 15 and under.

<sup>2</sup>Violent Crime includes murder, rape, robbery and aggravated assault.

# OVERVIEW OF JUVENILE SERVICES DIVISION

## MISSION:

- To serve the children, court, and community through intake, probation and aftercare regarding undisciplined and delinquent matters; and to strive to improve these services.

## JUVENILE OFFENDERS:

- Includes ages 6<16 who are deemed delinquent (offense would be a crime if committed by an adult) or undisciplined (runaways, regularly absent from school/disobedient).

## KEY POINTS IN JUVENILE JUSTICE SYSTEM:

- Intake
- Court
- Supervision/Probation
- Training School
- Aftercare



# OVERVIEW OF JUVENILE SERVICES DIVISION

## (Continued)

-5-

### INTAKE:

- Includes the screening of complaints alleging juveniles to be undisciplined or delinquent in order to determine whether the complaint should be heard or diverted from the court; and to refer juveniles diverted from court to resources in the community when appropriate. Services may include:
  - Consultations with parents and others.
  - Information and reports to the court.
  - Petition preparation.
  - Resolution of complaints.

### COURT:

- Provide information and recommendation for dispositional hearings.
- Advocate for child's and community's best interest.
- Assist with court management.

### PROBATION/AFTERCARE:

- Refers to supervision of juveniles within the community. Services may include:
  - Counseling and management.
  - Developing care supervision plans.
  - Explaining and enforcing court orders.
  - Intensive counseling (small case loads).
  - Alternative to detention counseling.
  - Post-training school transitional counseling.

# OVERVIEW OF JUVENILE SERVICES DIVISION (Continued)

-6-

## TRAINING SCHOOL SERVICES:

- Provide medical and social information at admission.
- Assist in developing residential treatment plans.
- Visit the child monthly.
- Prepare family and child for juvenile's return to community.
- Participate in release plans.
- Arrange and supervise home visits.

## DIVISION STAFFING:

|                          |           |
|--------------------------|-----------|
| ● Administration         | 12        |
| ● Chief Court Counselors | 38        |
| ● Supervising Counselors | 19        |
| ● Intake Counselors      | 98        |
| ● Probation/Aftercare    | 184       |
| ● Intensive              | 28        |
| ● Court Secretaries      | <u>58</u> |
| ● Total                  | 437       |

# OVERVIEW OF JUVENILE SERVICES DIVISION

## (Continued)

-7-

### PROGRAM FUNDING

|                    | <u>1995-96</u> | Authorized<br><u>1996-97</u> | Recomm.<br><u>1997-98</u> |
|--------------------|----------------|------------------------------|---------------------------|
| Total Expenditures | \$19,102,167   | \$19,281,710                 | \$19,258,749              |

### CASELOAD AVERAGES:

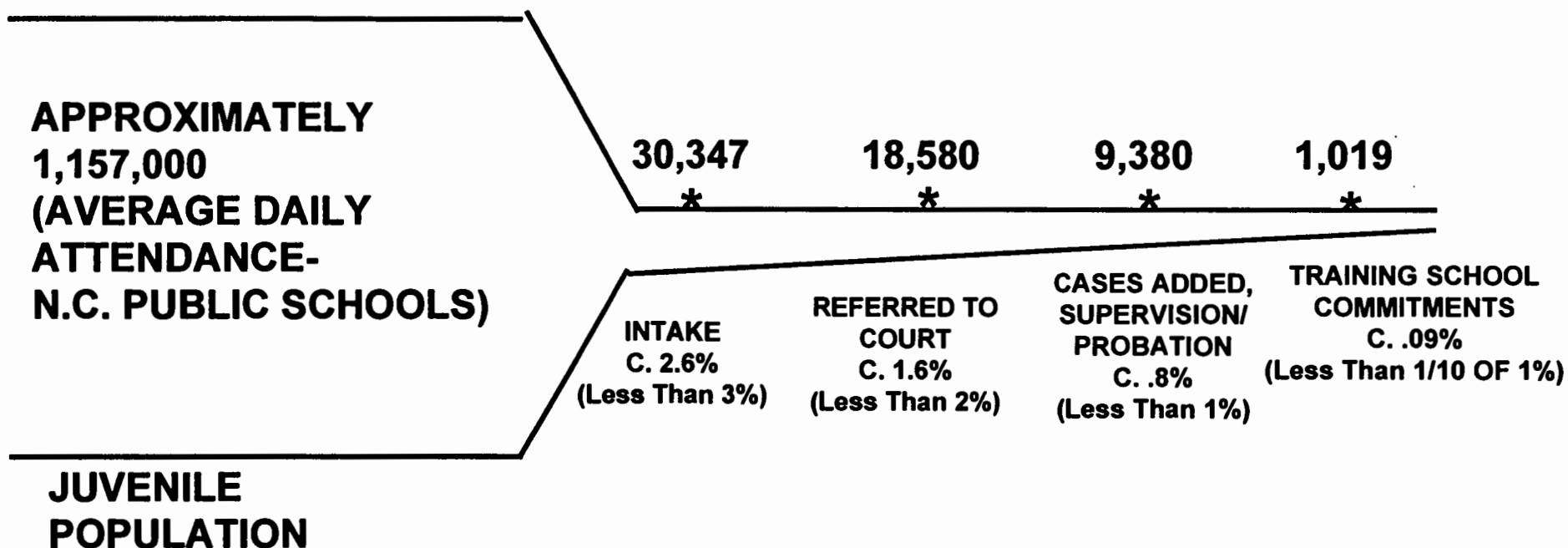
|                      | <u>1994-95</u> | <u>1995-96</u> |
|----------------------|----------------|----------------|
| Intake Counselor*    | 36.9           | 37.8           |
| Probation/Aftercare* | 37.2           | 36.8           |
| Intensive**          | 10             | 10             |

\* Caseload goals for intake and probation/aftercare are 30 per counselor.

\*\* Maximum caseload per intensive counselor is 10.

-8-



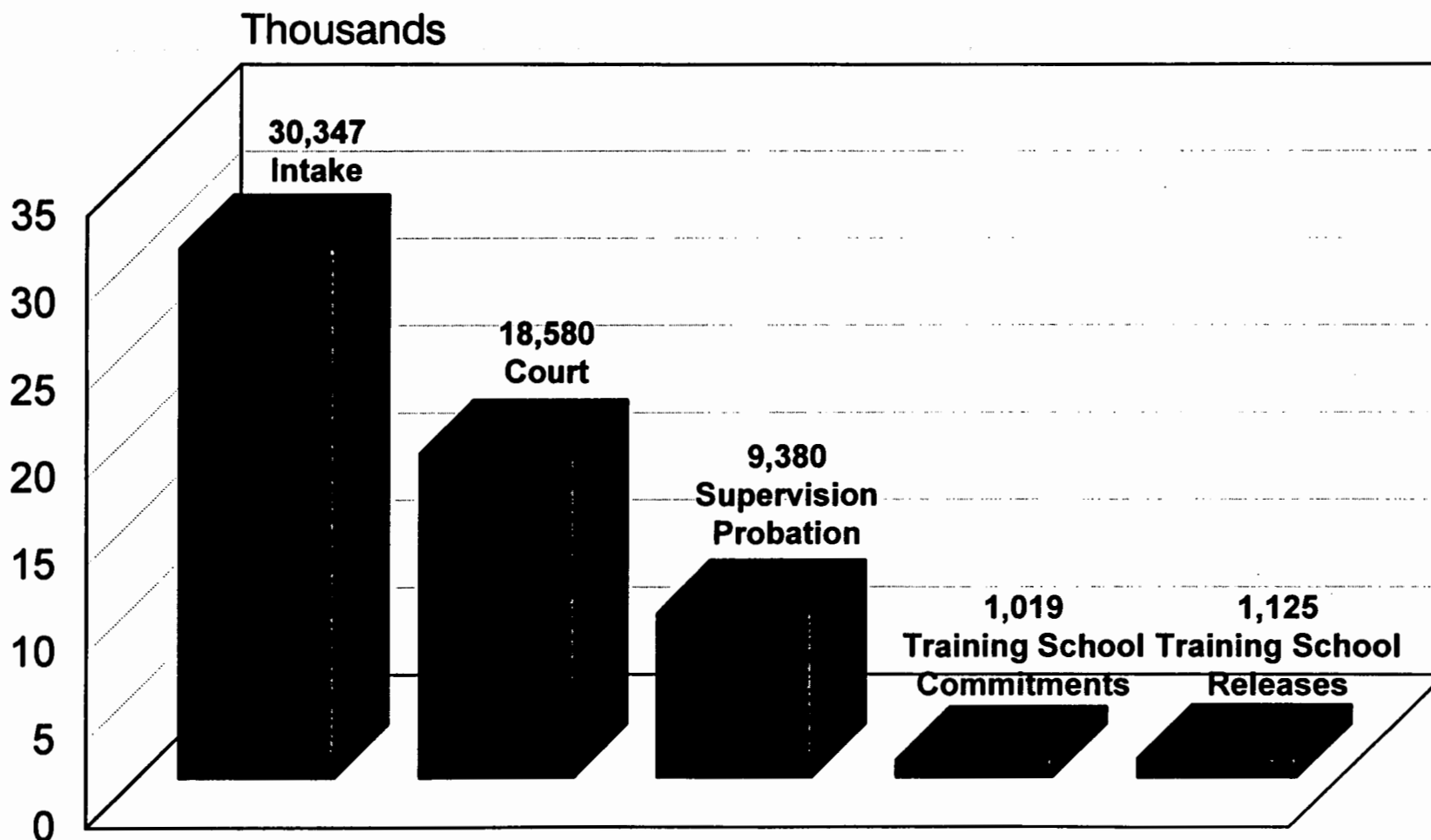


## JUVENILES AND THE JUSTICE SYSTEM IN NORTH CAROLINA

YEAR: 1996

# NUMBER OF JUVENILES AT KEY POINTS IN THE NC JUVENILE JUSTICE SYSTEM, 1996

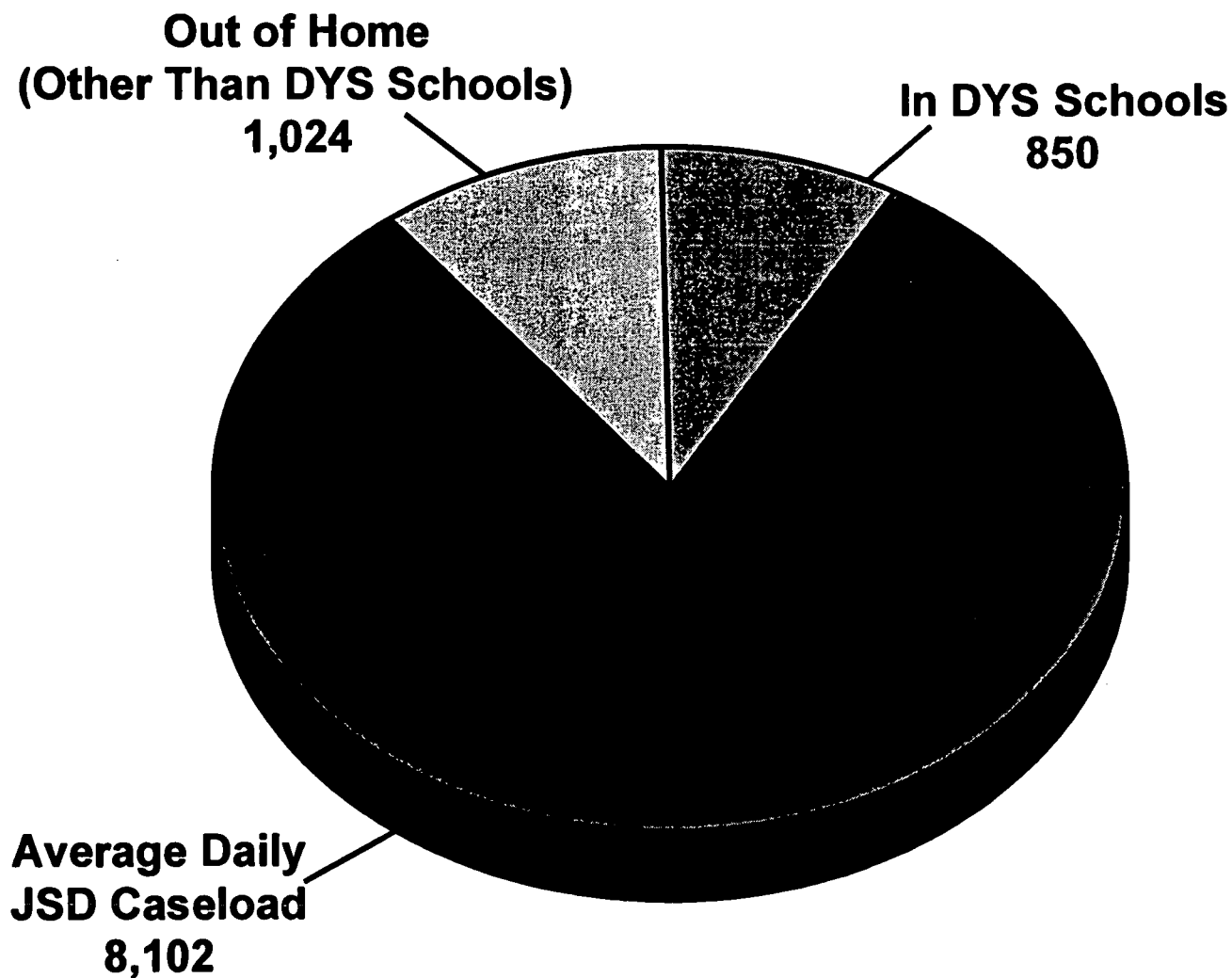
-10-



Source: Juvenile Services Division and Division of Youth Services

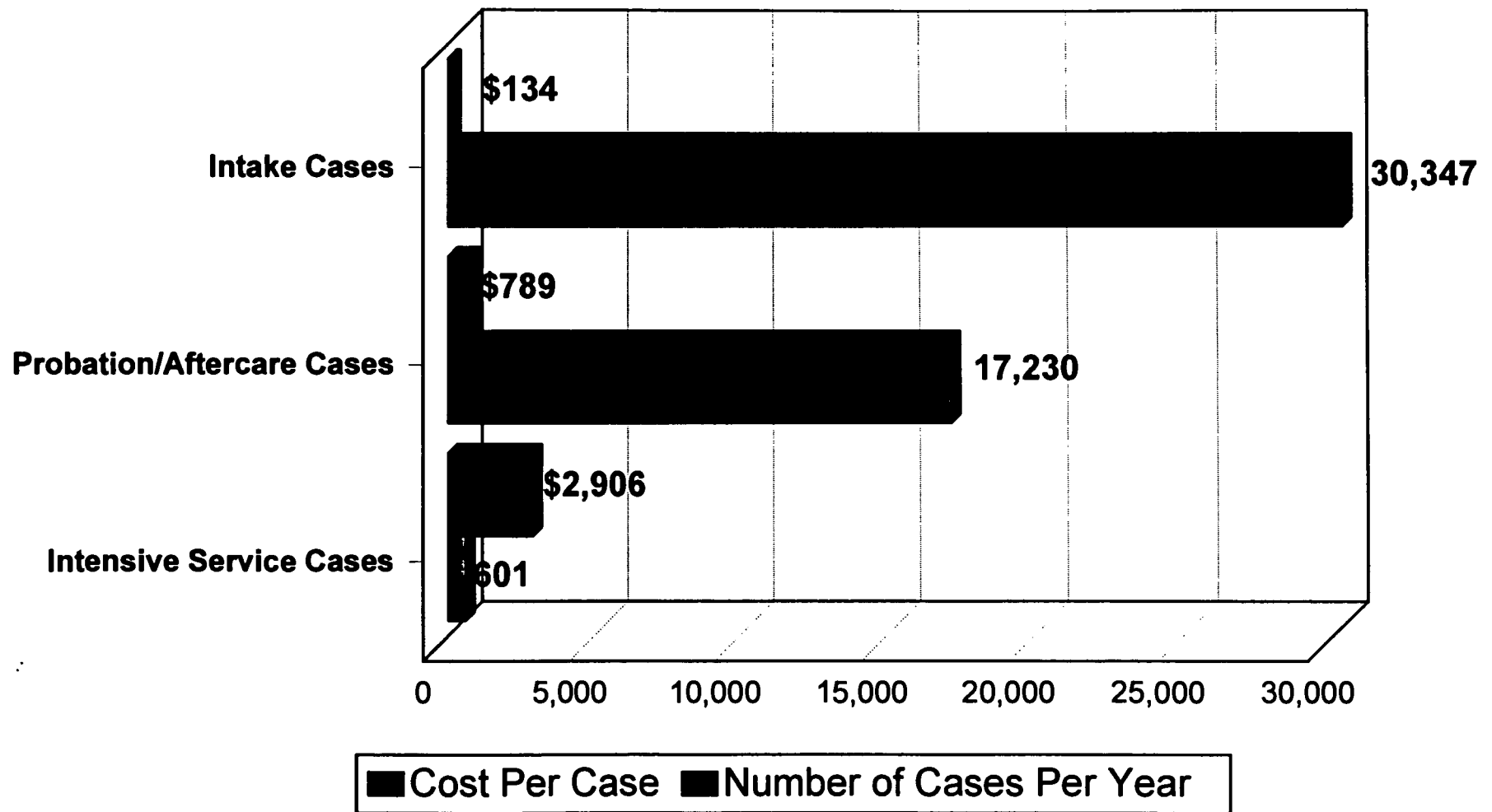
# **AVERAGE NUMBER JUVENILES IN PLACEMENTS**

## **(Per Day, 1996)**



Source: Juvenile Services Division and Division of Youth Services

# JSD COST PER CASE, 1996



\* In 1996, there were 1,019 Juveniles committed to Training Schools at a cost of over \$47,238 per case.



## 4240 Services for juveniles

-13-

**Objective 1: Divert juveniles from the court process or approve complaints to be filed as petitions, as appropriate.**

| Measure                                               | Actual  |         |         |         |         | Estimated | Expected | Expected |
|-------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                       | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                              |         |         |         |         |         |           |          |          |
| Percentage of juvenile complaints diverted from court | 29.4%   | 29.7%   | 30.3%   | 31.1%   | 30.4%   | 30.4%     | 30.4%    | 30.4%    |
| <b>Performance Measures:</b>                          |         |         |         |         |         |           |          |          |
| Number of complaints against juveniles diverted       | n/a     | n/a     | 12,536  | 13,613  | 13,370  | 14,272    | 15,214   | 16,218   |
| Number of complaints against juveniles processed      | n/a     | n/a     | 41,421  | 43,786  | 44,041  | 46,948    | 50,047   | 53,350   |
| Percentage increase in number of complaints processed | n/a     | n/a     | 13.4%   | 5.7%    | .6%     | 6.6%      | 6.6%     | 6.6%     |
| Number of juvenile probation or aftercare cases added | n/a     | n/a     | 9,317   | 9,275   | 9,122   | 9,138     | 9,154    | 9,170    |
| Percentage increase in probation cases added          | n/a     | n/a     | 2.6%    | -.5%    | -1.6%   | .17%      | .17%     | .17%     |

### Current Situation:

#### Funds:

2000 AOC  
1250 Juv. Probation

## 4240 Services for juveniles

-14-

**Objective 3: Provide court-ordered supervision for juveniles placed on probation or protective supervision.**

| Measure                                                                  | Actual  |         |         |         |         | Estimated | Expected | Expected |
|--------------------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                                          | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                                 |         |         |         |         |         |           |          |          |
| Number of juveniles receiving probation/ protective supervision services | 15,056  | 16,071  | 16,953  | 16,991  | 17,302  | n/a       | n/a      | n/a      |
| <b>Performance Measures:</b>                                             |         |         |         |         |         |           |          |          |
| Statewide total number of intensive services counselors                  | 18      | 18      | 26      | 27      | 28      | n/a       | n/a      | n/a      |
| Average probation and aftercare caseload per counselor                   | 34.8    | 36.4    | 36.0    | 37.2    | 36.8    | 36.9      | 37.0     | 37.1     |
| Number of complaints against juveniles processed                         | n/a     | n/a     | 41,421  | 43,786  | 44,041  | 46,948    | 50,047   | 53,350   |
| Percentage of supervision caseload receiving aftercare                   | n/a     | n/a     | 4%      | 4%      | 3.5%    | 3.6%      | 3.7%     | 3.8%     |

### Current Situation:

#### Funds:

2000 AOC  
1250 Juv. Probation

# OVERVIEW OF GUARDIAN AD LITEM PROGRAM

## WHAT IS A GUARDIAN AD LITEM?

- Trained community volunteer who is paired with an attorney to ensure the child's rights and best interests are before the court.
- Appointed to represent child for the duration of the court proceeding.

## ROLE OF GUARDIAN AD LITEM VOLUNTEER

- Serves as child's voice in court -- explores facts relevant to case and makes recommendations to the court.
- Considered a full party to court proceedings and has access to all court documents relating to case.
- Volunteer has no power or responsibility prior to appointment or after court proceedings are dismissed.

## ACTIONS TAKEN BY 1995 GENERAL ASSEMBLY

- Reduced budget by \$505,263 in FY 1995-96 and \$490,623 in FY 1996-97.

# OVERVIEW OF GUARDIAN AD LITEM PROGRAM

## (Continued)

1. ATTORNEY MANAGEMENT PLAN (\$393,636 AND \$378,996)
  - Cap attorneys fees at \$120 for non-secure hearings through first disposition (non-secure hearings, adjudication, disposition).
  - Monthly retainer to each district for new hearings after disposition if case is contested.
  - Discretionary funds for appeals and hearings on termination of parental rights
  
2. LIMIT APPOINTMENT TO TWO YEARS (\$111,627 AND \$111,627)
  - Revise statutes to limit appointment but give Judge authority to reappoint if special circumstances exist.
  - Remove low priority cases greater than two years old (see special provision).

# OVERVIEW OF GUARDIAN AD LITEM PROGRAM

## (Continued)

### RECOMMENDATIONS BY LEGISLATIVE RESEARCH COMMISSION

- Retain the current level of funding for GAL attorney services in FY 1997-98.
- Appropriate additional funds for an attorney to be located in the AOC Guardian Ad Litem Office, to serve as a research and resource attorney on GAL matters.
- Provide funding for the development, preparation, publishing, and distribution of a GAL abuse and neglect litigation manual.
- Provide sufficient funds to enable the program to improve its recruitment of volunteers.

**JUDICIAL DEPARTMENT**  
**GENERAL FUND BUDGET GROWTH**  
**GUARDIAN AD LITEM PROGRAM**

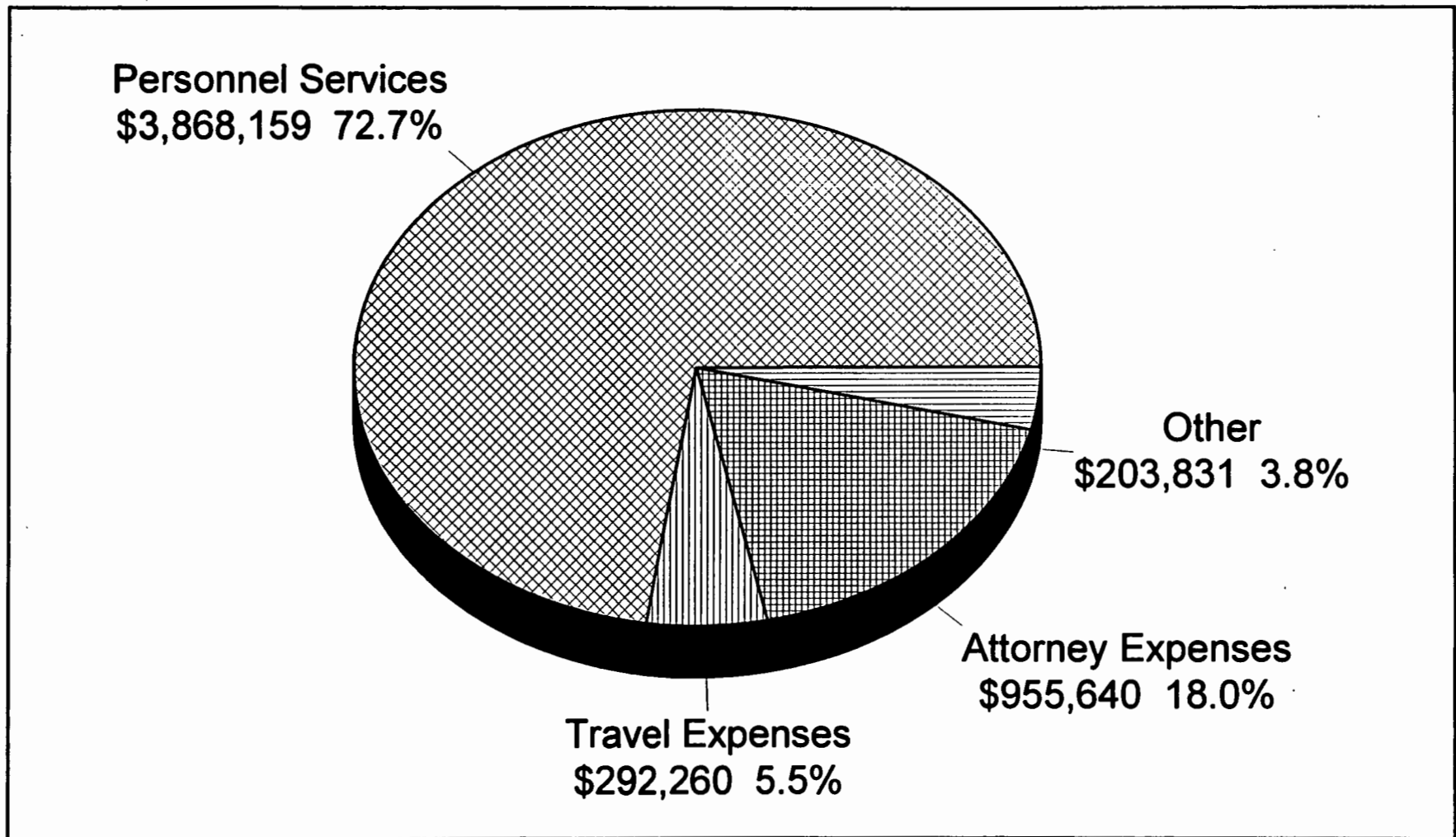
|                            | <u><b>1992-93</b></u> | <u><b>1993-94</b></u> | <u><b>1994-95</b></u> | <u><b>1995-96</b></u> | <u><b>Authorized<br/>1996-97</b></u> | <u><b>Recomm.<br/>1997-98</b></u> |
|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------|--------------------------------------|-----------------------------------|
| <u><b>General Fund</b></u> |                       |                       |                       |                       |                                      |                                   |
| Total Expenditures         | \$3,999,335           | \$5,307,054           | \$5,518,673           | \$5,082,159           | \$5,284,307                          | \$5,319,890                       |
| Attorney Expenditures      | \$1,238,458           | \$1,334,623           | \$1,672,525           | \$846,328             | \$955,640                            | \$955,640                         |
| Positions                  | 72                    | 99                    | 99                    | 96                    | 96                                   | 96                                |

\*Percentage increase in expenditures since 1991-92 is 33%

\*\*Percentage increase in positions is 33%.

# Judicial Department -- Guardian Ad Litem Program

## *Recommended Expenditures for FY 1997-98*



\*Total Recommended Expenditures is \$5,319,890

- (7) Review administrative costs of each program and identify possible cost savings; and
- (8) Determine the extent to which guardian ad litem attorneys are performing duties normally handled by volunteers and identify methods to reduce such practices.
- (b) The Commission may report its findings to the 1996 Regular Session of the 1995 General Assembly.

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand  
**CHANGE GUARDIAN AD LITEM APPOINTMENT**

Sec. 21.13. G.S. 7A-586(a) reads as rewritten:

"(a) When in a petition a juvenile is alleged to be abused or neglected, the judge shall appoint a guardian ad litem to represent the juvenile. When a juvenile is alleged to be dependent, the judge may appoint a guardian ad litem to represent the juvenile. The guardian ad litem and attorney advocate have standing to represent the juvenile in all actions under this Subchapter where they have been appointed. The appointment shall be made pursuant to the program established by Article 39 of this Chapter unless representation is otherwise provided pursuant to G.S. 7A-491 or G.S. 7A-492. The appointment shall terminate at the end of two years. Upon motion of any party including the guardian ad litem, or upon the judge's own motion, the guardian ad litem may be reappointed upon a showing of good cause. In every case where a nonattorney is appointed as a guardian ad litem, an attorney shall be appointed in the case in order to assure protection of the child's legal rights within the proceeding, through the dispositional phase of the proceedings, and after disposition when necessary to further the best interests of the child. The duties of the guardian ad litem program shall be to make an investigation to determine the facts, the needs of the juvenile, and the available resources within the family and community to meet those needs; to facilitate, when appropriate, the settlement of disputed issues; to offer evidence and examine witnesses at adjudication; to explore options with the judge at the dispositional hearing; and to protect and promote the best interest of the juvenile until formally relieved of the responsibility by the judge."

Requested by: Representatives Holmes, Creech, Esposito, Senators Plyler, Perdue, Odom

**N.C. STATE BAR FUNDS**

Sec. 21.14. Of the funds appropriated in this act as a grant-in-aid to the North Carolina State Bar for the 1995-97 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars (\$250,000) for the 1995-96 fiscal year and up to the sum of two hundred fifty thousand dollars (\$250,000) for the 1996-97 fiscal year to further the criminal justice system.

**PART 22. DEPARTMENT OF JUSTICE**

Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Daughtry  
**REVERSION OF CERTAIN INSURANCE SETTLEMENT PROCEEDS**

Sec. 22. (a) Section 23.5 of Chapter 769 of the 1993 Session Laws, Regular Session 1994, is repealed.

(b) Any funds received by the Department of Justice in settlement of insurance claims arising from damage to the Blue Bell building at the North Carolina Justice Academy shall be expended by the Department for replacement of the building and for no other purpose. If any appropriation is made to the Department



## 4240 Services for juveniles

Objective 5: Reduce number of guardian ad litem cases having no volunteer assistance for abused, neglected, dependent children.

| Measure                                                  | Actual  |         |         |         |         | Estimated | Expected | Expected |
|----------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                          | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                 |         |         |         |         |         |           |          |          |
| Number of cases without volunteer assistance             | n/a     | 1,346   | 1,185   | 2,190   | 1,692   | n/a       | n/a      | n/a      |
| <b>Performance Measures:</b>                             |         |         |         |         |         |           |          |          |
| Number of children served by guardians ad litem          | n/a     | n/a     | 16,219  | 17,282  | 15,887  | 16,681    | 17,515   | 18,391   |
| Number of program attorneys providing legal services     | n/a     | n/a     | 155     | 155     | 100     | n/a       | n/a      | n/a      |
| Number of trained guardian ad litem volunteers           | n/a     | n/a     | 3,293   | 3,487   | 3,594   | 3,917     | 4,270    | 4,654    |
| Number of court hearings attended by guardians ad litem  | n/a     | n/a     | 18,661  | 27,929  | 38,945  | 40,892    | 42,937   | 45,084   |
| Number of recruiting, training and supervising workshops | n/a     | n/a     | 18      | 18      | 16      | 18        | 16       | 18       |

### Current Situation:

### Funds:

2000 AOC

2120 Guardian ad Litem

# **Judicial Branch**

## **1997-99 Budget Overview Alternative Dispute Resolution Programs**

**Joint Appropriations Subcommittee on Justice and Public Safety  
February 27, 1997**

# OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

## CUSTODY MEDIATION, ARBITRATION, AND DISPUTE SETTLEMENT CENTERS

### PURPOSE OF DISPUTE RESOLUTION PROGRAMS

- provide alternative forums to the traditional adversarial court process as a means of promoting more economical, less complex and more satisfactory resolutions to certain matters.

### CUSTODY MEDIATION PROGRAM

- Began as a pilot program in 1983 (District 26), was expanded in 1987 (District 27A), and enacted statewide legislation in 1989.
- Under GS 50-13 and 7A-494, the Court sets contested custody and visitation issues with a mediator before issues are tried in court.
- Mediator's role is a facilitator - works with parties to construct an agreement in the child's best interests.
- If successful, mediator assists in drafting a parenting agreement which is forwarded to counsel.
- Once signed, agreement becomes enforceable order of court (current success rate - signed parental agreements - is 56%).

# OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

## CUSTODY MEDIATION, ARBITRATION, AND

## DISPUTE SETTLEMENT CENTERS

(Continued)

### STATUS

- Currently operating in 17 district court districts.
- Goal is to provide statewide coverage by the year 2000.

|              | Authorized Recomm. |                |                |                |
|--------------|--------------------|----------------|----------------|----------------|
|              | <u>1994-95</u>     | <u>1995-96</u> | <u>1996-97</u> | <u>1997-98</u> |
| Expenditures | \$390,439          | \$560,203      | \$733,089      | \$733,089      |
| Positions    | 11                 | 14             | 14             | 14             |

- General Assembly provided additional \$280,000 R in 1995 to expand to 6 more districts.

**Objective 1: Achieve a mediation resolution rate of 60% for custody and visitation cases.**

| Measure                                                                                                                   | Actual  |         |         |         |         | Estimated | Expected | Expected |
|---------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                                                                                           | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                                                                                  |         |         |         |         |         |           |          |          |
| Percent of mediated custody and visitation cases that result in a parenting agreement or other resolution after mediation | 51.7%   | 57.1%   | 55.8%   | 58.1%   | 55.8%   | 57.8%     | 59.8%    | 60.0%    |
| <b>Performance Measures:</b>                                                                                              |         |         |         |         |         |           |          |          |
| Number of custody cases ordered to mediation                                                                              | 1,047   | 1,378   | 1,958   | 2,853   | 3,326   | 5,288     | 5,553    | 5,831    |
| Number of custody cases closed                                                                                            | 999     | 1,405   | 1,923   | 2,756   | 3,114   | 4,951     | 5,199    | 5,459    |
| Number of mediations pending                                                                                              | 238     | 189     | 224     | 340     | 602     | 957       | 1,005    | 1,056    |
| Number of cases closed without mediation                                                                                  | 386     | 533     | 598     | 1,152   | 1,133   | 1,801     | 1,891    | 1,986    |
| Number of mediated cases closed without parenting agreement                                                               | 296     | 374     | 585     | 676     | 876     | 1,392     | 1,462    | 1,536    |

**Current Situation:**

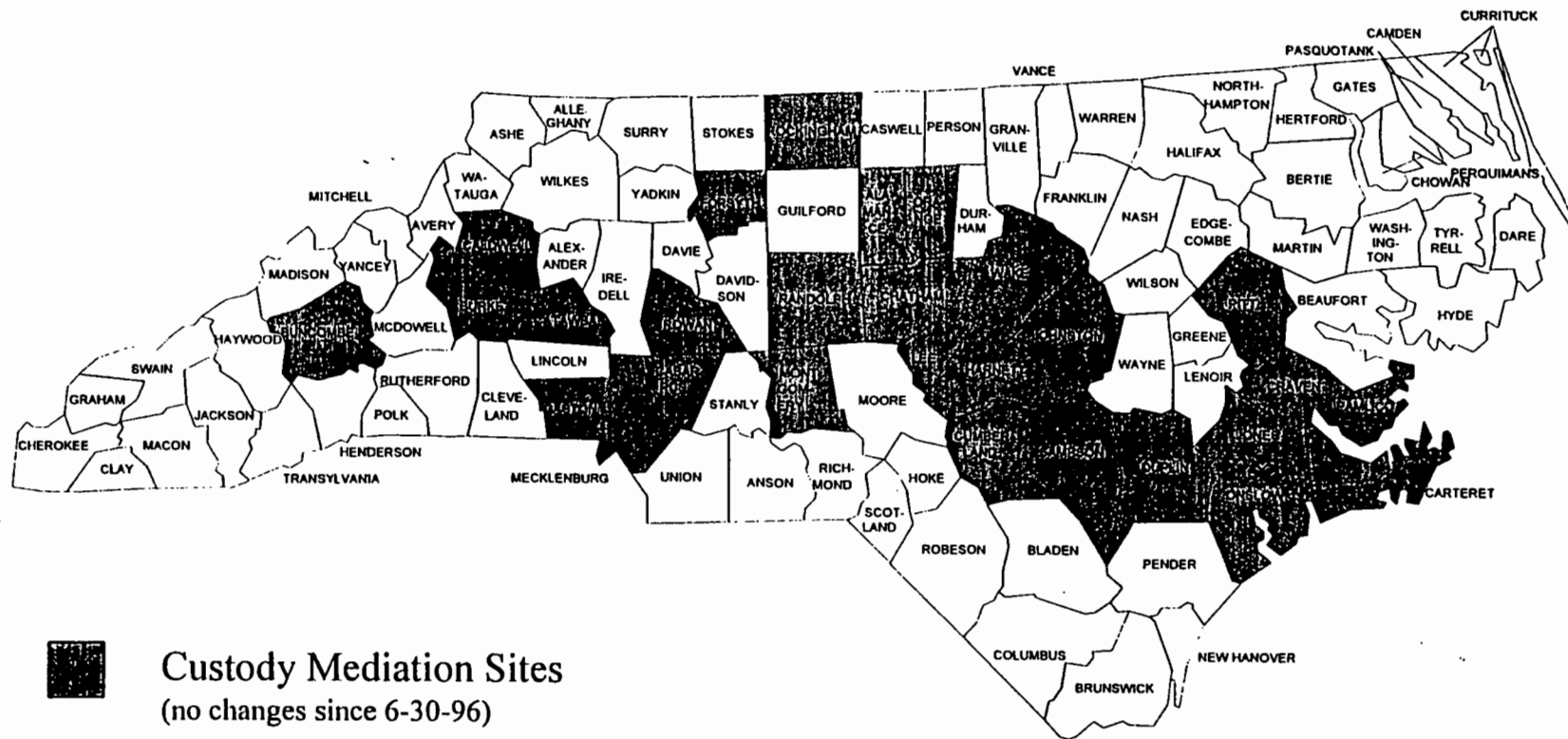
**Note:** Projected values of outcome measure data may differ slightly from revised estimates now available from AOC.

**Funds:**

2000 AOC  
1710 Custody Mediation

# The Administrative Office of the Courts

## Custody Mediation



# **OVERVIEW OF DISPUTE RESOLUTION PROGRAMS**

## **CUSTODY MEDIATION, ARBITRATION, AND**

## **DISPUTE SETTLEMENT CENTERS**

**(Continued)**

### **COURT-ORDERED ARBITRATION PROGRAM**

- Began in 1986 and enacted statewide legislation in 1989.
- Includes cases involving claims for money damages of \$15,000 or less.
- By rule, arbitration hearing is conducted within 60 days of last responsive pleading.
- Hearings are limited to one hour and take place in the court house.
- Arbitrator renders an award which is filed with the court.
- Dissatisfied party may proceed to a trial de novo by filing a request within 30 days (current success rate is 78%).

**OVERVIEW OF DISPUTE RESOLUTION PROGRAMS**  
**CUSTODY MEDIATION, ARBITRATION, AND**  
**DISPUTE SETTLEMENT CENTERS**  
**(Continued)**

**STATUS**

- Currently operating in 25 superior court districts.
- Goal to be statewide by year 2000.

|              | <u>1994-95</u> | <u>1995-96*</u> | <u>Authorized Recomm.</u> |                  |
|--------------|----------------|-----------------|---------------------------|------------------|
|              |                |                 | <u>1996-97</u>            | <u>1997-98**</u> |
| Expenditures | \$420,162      | \$441,910       | \$770,899                 | \$525,334        |
| Positions    | 7              | 11              | 11                        | 11               |

\* 1995 General Assembly provided an additional \$203,000 R to expand to 6 more districts.

\*\* Major change is a \$238,000 reduction in the legal services line item -- 1997-99 budget reflects actual dollars spent in 1995-96 for arbitrator fees.



**Objective 2: Resolve 75% of arbitrated cases without a request for trial de novo.**

| Measure                                                   | Actual  |         |         |         |         | Estimated | Expected | Expected |
|-----------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                           | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                  |         |         |         |         |         |           |          |          |
| Percentage of arbitrated cases having no de novo requests | 81.89%  | 83.78%  | 84.78%  | 79.31%  | 77.77%  | 78.43%    | 78.42%   | 78.42%   |
| <b>Performance Measures:</b>                              |         |         |         |         |         |           |          |          |
| Number of cases noticed for arbitration                   | 2,325   | 2,350   | 3,094   | 4,660   | 3,621   | 6,407     | 6,728    | 7,065    |
| Number of cases arbitrated                                | 1,610   | 1,524   | 1,785   | 3,035   | 2,483   | 4,607     | 4,838    | 5,080    |
| Number of cases in which a trial de novo was filed        | 421     | 381     | 471     | 964     | 805     | 1,382     | 1,452    | 1,525    |

**Current Situation:**

*Note: Provided values of outcome measure data are consistent with those noted in Volume 4 of the budget document. However, they may differ slightly from revised data now available from AOC.*

**Funds:**

2000 AOC  
1720 Arbitration Program



# OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

## CUSTODY MEDIATION, ARBITRATION, AND

### DISPUTE SETTLEMENT CENTERS

(Continued)

#### DISPUTE SETTLEMENT CENTERS

- Seek to resolve disputes between citizens through mediation, conciliation, group facilitation and consultation.
- Currently 27 centers across North Carolina receive state funds.

|              | Authorized Recomm. |                |                |                |
|--------------|--------------------|----------------|----------------|----------------|
|              | <u>1994-95</u>     | <u>1995-96</u> | <u>1996-97</u> | <u>1997-98</u> |
| Expenditures | \$496,183          | \$854,683      | \$936,660      | \$936,660      |

#### ISSUES FOR DISCUSSION

- Wayne Center closed operations on July 1, 1995; however, there is still a \$5,000 appropriation in the continuation budget.
- For FY 1995-96, several centers appeared to be having difficulty meeting the match requirements -- 50% for new centers and 60% for old centers (Cape Fear, Duplin, Moore, and Albemarle).

# OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

## DISPUTE SETTLEMENT CENTERS (Continued)

- Cape Fear
  - Did not include in-kind contributions under non-state funding sources which would have covered their 60% match
  - Recently received an additional \$14,000 contract with local school system to develop conflict resolution and peer mediation programs
- Moore
  - Board did not want to solicit local funds until they received non-profit status (attained June 1996)
  - Confident they can reach match requirement for FY 1996-97
- Duplin
  - Received state appropriation early in its developmental stages
  - Board is now in place and is working to raise local funds
- Albemarle
  - Received funds for FY 1996-97 but have not spent them due to recent State Budget Office opinion concerning GS 143-31.4
  - Plan to use state funds to apply for grants and to raise local funds
- Recent interpretation of GS 143-31.4
  - Does not allow in-kind contributions to be counted toward required matches
  - Requires funds to be spent on a one-to-one basis (see attached statute)

**LIST OF DISPUTE SETTLEMENT CENTERS**  
**RECOMMENDED FUNDING FOR FY 1997-98**

| <b><u>Center</u></b>                                                                       | <b><u>FY 1997-98 Funding</u></b> |
|--------------------------------------------------------------------------------------------|----------------------------------|
| 1. Alamance                                                                                | \$ 25,000                        |
| 2. Blue Ridge (includes Alleghany, Ashe, Avery, Mitchell,<br>Watagua, Wilkes, Yancey)      | \$ 25,000                        |
| 3. Chatham (includes Lee)                                                                  | \$ 16,500                        |
| 4. Mecklenburg                                                                             | \$ 50,000                        |
| 5. Cumberland                                                                              | \$ 42,000                        |
| 6. Cape Fear (includes Brunswick, New Hanover, Pender)                                     | \$ 35,000                        |
| 7. Durham                                                                                  | \$ 60,000                        |
| 8. Moore                                                                                   | \$ 10,000                        |
| 9. Duplin (includes Jones, Onslow, Sampson)                                                | \$ 15,000                        |
| 10. Henderson                                                                              | \$ 40,000                        |
| 11. Buncombe                                                                               | \$ 72,000                        |
| 12. Eastern N.C. (includes Carteret, Pitt, Craven, Nash,<br>Edgecombe, Wilson)             | \$ 70,000                        |
| 13. Gaston                                                                                 | \$ 39,167                        |
| 14. Forsyth                                                                                | \$ 36,800                        |
| 15. Guilford                                                                               | \$ 43,000                        |
| 16. Rockingham                                                                             | \$ 15,000                        |
| 17. Wake                                                                                   | \$ 36,000                        |
| 18. Mountain (includes Cherokee, Clay, Graham, Macon,<br>Swain, Jackson, Haywood)          | \$ 50,000                        |
| 19. Orange                                                                                 | \$ 59,530                        |
| 20. Piedmont (includes Alexander, Davidson, Iredell, Davie)                                | \$ 25,620                        |
| 21. Polk (includes Rutherford)                                                             | \$ 23,900                        |
| 22. Robeson                                                                                | \$ 39,166                        |
| 23. Sandhills (includes Scotland, Hoke)                                                    | \$ 25,000                        |
| 24. Transylvania                                                                           | \$ 21,000                        |
| 25. Wayne**                                                                                | \$ 5,000                         |
| 26. Cabarrus                                                                               | \$ 25,000                        |
| 27. Albemarle (includes Camden, Currituck, Pasquotank,<br>Perquimans, Dare, Chowan, Gates) | <u>\$ 31,977</u>                 |
| <b>Total State Funds</b>                                                                   | <b>\$936,660</b>                 |

\*Additional centers funded during the 1995-97 biennium – Sandhills, Blue Ridge, Moore, Rockingham, Duplin, Cabarrus, Polk, and Albemarle

**\*\*The Wayne County Center closed operations on July 1, 1995; however, an appropriation of 5,000 is included in the 1997-99 continuation budget.**

**§ 143-31.2. Appropriation, allotment, and expenditure of funds for historic and archeological property.**

The Department of Cultural Resources may not expend any State funds for the acquisition, preservation, restoration, or operation of historic or archeological real and personal property, and the Director of the Budget may not allot any appropriations to the Department of Cultural Resources for a particular historic site until (i) the property or properties shall have been approved for such purpose by the Department of Cultural Resources according to criteria adopted by the North Carolina Historical Commission, (ii) the report and recommendation of the North Carolina Historical Commission has been received and considered by the Department of Cultural Resources, and (iii) the Department of Cultural Resources has found that there is a feasible and practical method of providing funds for the acquisition, restoration and/or operation of such property. (1963, c. 210, s. 3; 1973, c. 476, s. 48; 1985 (Reg. Sess.; 1986), c. 1014, s. 171(e).)

**CASE NOTES**

Cited in *Lewis v. White*, 287 N.C. 625, 216 S.E.2d 134 (1975).

**§ 143-31.3. Grants to nonstate health and welfare agencies.**

Nonstate health and welfare agencies shall submit their appropriation requests for grants-in-aid through the Secretary of the Department of Human Resources for recommendations to the Director of the Budget and the Advisory Budget Commission and the General Assembly, and agencies receiving these grants, at the request of the Secretary of the Department of Human Resources, shall provide a postaudit of their operations that has been done by a certified public accountant. The function of the Advisory Budget Commission under this section applies only if the Director of the Budget consults with the Commission in preparation of the budget. (1979, c. 838, s. 35; 1985 (Reg. Sess., 1986), c. 955, s. 76.)

**§ 143-31.4. Non-State match restrictions.**

Whenever money is required to match in appropriation made for a specific purpose by the State of North Carolina, the recipient of the appropriation shall actually receive as a gift, grant, earnings in actual money, or a pledge that can be used as collateral in any prudent loan transaction, the matching amount required. The recipient shall retain the matching amount received in its possession until spent for that purpose and shall spend an equal percentage of the appropriation and of the matching amount each time an expenditure is made, unless the individual appropriation requires otherwise. (1985, c. 479, s. 155.)

**Cross References.** — For provision that notwithstanding this section, appropriations by the State for capital or per-

manent improvements for community colleges and technical institutes may be matched with any prior expenditure of

(c) Subsection (a) of this section expires June 30, 1997.

Requested by: Representatives Justus, Thompson, Senator Ballance

#### **TRANSFER OF EQUIPMENT AND SUPPLY FUNDS**

Sec. 21.3. Funds appropriated to the Judicial Department in the 1995-97 biennium for equipment and supplies shall be certified in a reserve account. The Administrative Office of the Courts shall have the authority to transfer these funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. These funds may not be expended for any other purpose. The Administrative Office of the Courts shall make quarterly reports on transfers made pursuant to this section to the Joint Legislative Commission on Governmental Operations and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Requested by: Representatives Justus, Thompson, Senator Ballance

#### **REPORT ON DISPUTE SETTLEMENT CENTERS**

Sec. 21.5. (a) All local dispute settlement centers currently receiving State funds shall report annually to the Judicial Department on the program's funding and activities, including:

- (1) Types of dispute settlement services provided;
- (2) Clients receiving each type of dispute settlement service;
- (3) Number and type of referrals received, cases actually mediated, cases resolved in mediation, and total clients served in the cases mediated;
- (4) Total program funding and funding sources;
- (5) Itemization of the use of funds, including operating expenses and personnel;
- (6) Itemization of the use of State funds;
- (7) Level of volunteer activity; and
- (8) Identification of future service demands and budget requirements.

The Judicial Department shall compile and summarize the information provided pursuant to this subsection and shall provide the information to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

(b) Each local dispute settlement center requesting State funds for the first time shall provide the General Assembly with (i) the information enumerated in subsection (a) of this section, or projections where historical data is not available, as well as a detailed statement justifying the need for State funding, and (ii) certification that at least fifty percent (50%) of total funding for the first fiscal year in which funding is requested shall come from non-State sources, and (iii) if funding is requested for a second fiscal year, certification that at least sixty percent (60%) of total funding for the second fiscal year shall come from non-State sources.

(c) Each local dispute settlement center requesting an expansion of State funding shall provide the General Assembly with (i) the information enumerated in subsection (a) of this section, or projections where historical data is not available, as well as a detailed statement justifying the need for the expansion of State funding, and (ii) certification that at least sixty percent (60%) of total funding shall come from non-State sources.

Requested by: Representatives Justus, Thompson, Senator Ballance

#### **SPECIAL CAPITAL CASE REHEARING FUND**

## 4120 Alternative dispute resolution

### Objective 3: Resolve through mediation or conciliation 90% of cases mediated by dispute settlement centers.

| Measure                                                                                           | 1991-92 | 1992-93 | Actual<br>1993-94 | CY 1995 | 1995-96 | Estimated<br>1996-97 | Expected<br>1997-98 | Expected<br>1998-99 |
|---------------------------------------------------------------------------------------------------|---------|---------|-------------------|---------|---------|----------------------|---------------------|---------------------|
| <b>Outcome Measures:</b>                                                                          |         |         |                   |         |         |                      |                     |                     |
| Percentage of dispute settlement center cases that are resolved through mediation or conciliation | 92.5%   | 91.1%   | 89.7%             | 88.1%   | 88.1%   | 87.5%                | 87.5%               | 87.5%               |
| <b>Performance Measures:</b>                                                                      |         |         |                   |         |         |                      |                     |                     |
| Number of cases referred to mediation or conciliation                                             | 16,035  | 15,242  | 15,556            | 15,218  | 16,740  | 19,783               | 21,761              | 23,937              |
| Number of cases resolved via mediation or conciliation                                            | 6,861   | 6,640   | 5,964             | 7,754   | 8,529   | 10,008               | 11,009              | 12,110              |
| Number of cases mediated or conciliated                                                           | 7,414   | 7,290   | 6,648             | 8,802   | 9,682   | 11,443               | 12,587              | 13,846              |
| Number of mediations or conciliations not held due to withdrawals                                 | n/a     | n/a     | 4,408             | 1,644   | 1,808   | 2,137                | 2,351               | 2,586               |

#### Current Situation:

#### Funds:

2000 AOC  
1740 Dispute Settlement



# **JUDICIAL BRANCH**

1997-99 Budget Overview on Community  
Corrections Programs:  
Community Penalties Program  
Drug Treatment Courts

February 27, 1997

# COMMUNITY CORRECTIONS (\$130.6 Million)

## Correction \$ 118.4 Million

- \*Adult Probation and Parole
- \*Parole Commission
- \*Criminal Justice Partnership Act
- \*Grants to Outside Agencies; Harriet, Summit, Women at Risk
- \*Substance Abuse (DWI-Cherry, Aftercare, John Hyman)

## Judicial \$ 5.5 Million

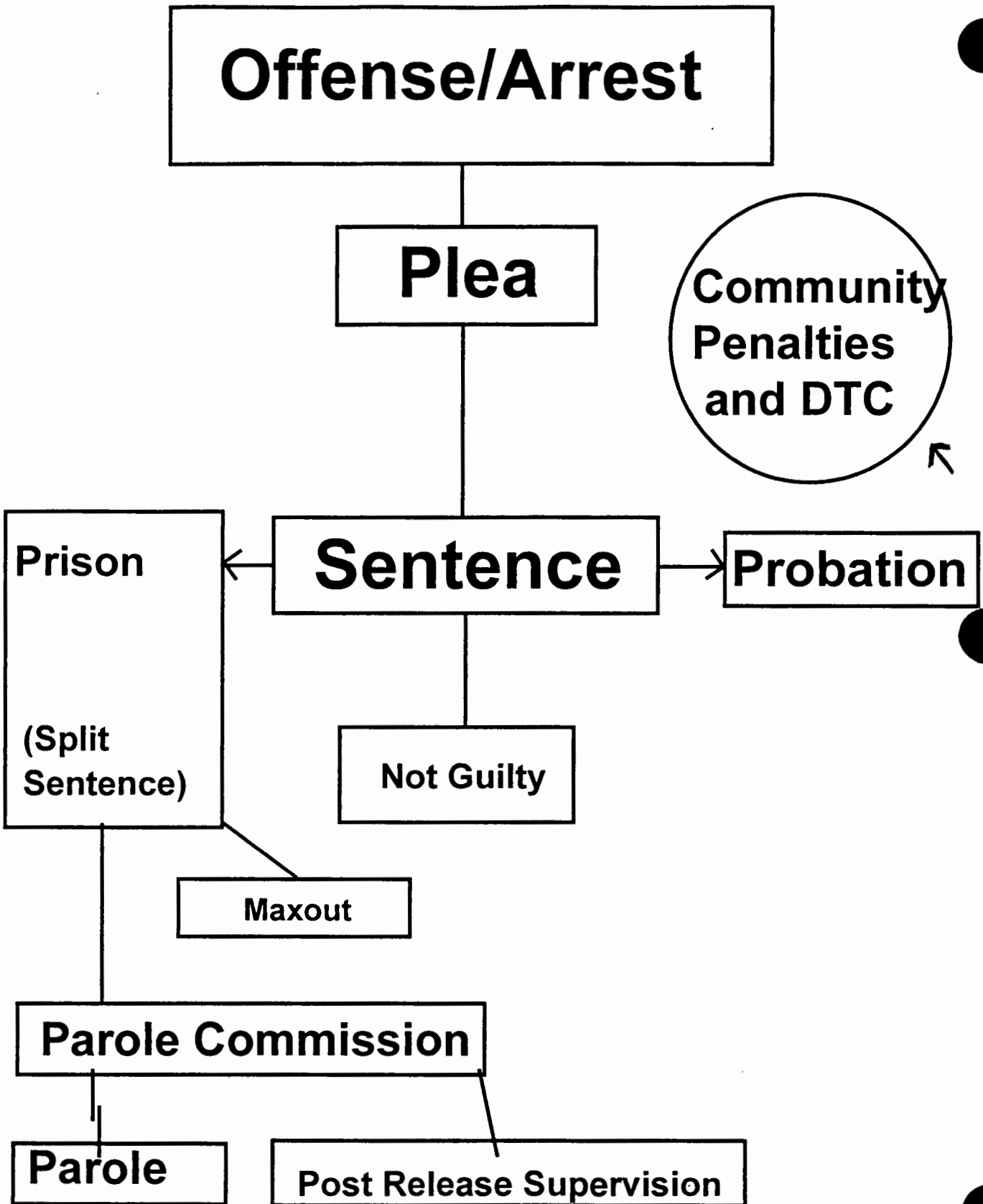
- \*Community Penalties Program
- \*Drug Treatment Courts

## Crime Control \$6.6 Million

- \*Community Service Work Program

## Human Resources

- \*Treatment Alternatives to Street Crime (TASC)



## COMMUNITY PENALTIES PROGRAM

### I. Program History

- The Community Penalties Program was authorized by the 1983 General Assembly and started with 5 pilot programs, administered by the Department of Crime Control and Public Safety. In 1991 the program was moved to the Administrative Office of the Courts; at that time there were 18 district programs.
- The purpose of the program is to reduce prison population by diverting offenders who can be successfully punished and treated in the community. Detailed plans for community sanctions and treatment are presented to the presiding judge who can accept the plan in lieu of an active sentence.
- Programs identify clients through defense attorneys and/or prosecutors or by access to the Grand Jury lists.
- Plans vary by individual offender but usually include:
  - \*supervision by Probation & Parole
  - \*restitution and/or community service
  - \*structured employment or educational services
  - \*substance abuse treatment

The program does not directly fund treatment but must make explicit arrangements for services to include them in the plan.

- The programs are mandated to target those offenders who would otherwise receive active sentences rather than other forms of intermediate punishment. Under Structured Sentencing, the targeted population is the I/A portion of the grid.
- Local programs provide a match of approximately 10%, provide monthly reports to the Administrative Office of the Courts and are formally evaluated annually. Many programs use contract workers as case developers to augment permanent staff.

## II. Current Program Status

- There are currently programs in 33 districts covering 84 counties. The majority of programs are run by private nonprofit organizations. However, 3 are run by county governments, 1 by a Council of Government and 3 are run directly by the state .
- The districts without programs at this point are
  - # 2( Hyde, Tyrrell, Washington, Martin Beaufort)
  - #6A (Halifax),
  - #6B( Bertie, Hertford, Northampton)
  - #17b (Surry, Stokes),
  - #19C (Rowan)
  - #23 (Wilkes, Yadkin, Ashe, Alleghany).
- Preliminary work has begun in #6A&B and a state run program should be established within the year.
- There are 7 staff who work in Raleigh and 1 in Asheville, administering and monitoring the local programs. There are also 9 positions to run the state run local programs in District 3B, 28 and 15A.

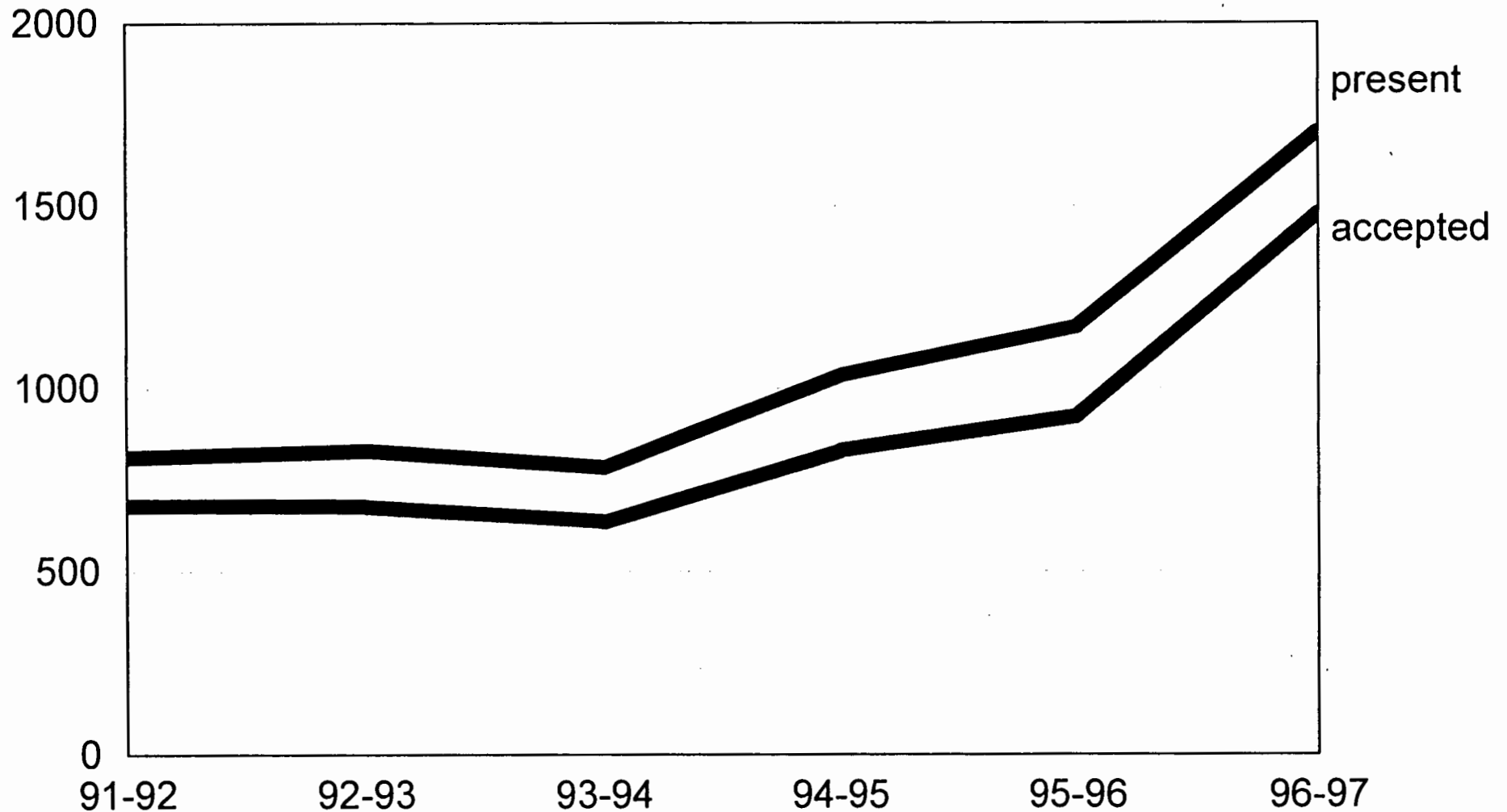
## III. Evaluation/Work Load/Costs

- Because the program's intent is to divert offenders, one measure of their impact is the number of plans accepted by judges in a given year. Each accepted plan is an offender who would otherwise be in prison. A related measure is the percentage of presented plans which are accepted .
- Other measures of their workload include the number of plans presented and the number of clients targeted and/or who accept services.
- Cost per plan in 1995-6:

|                          | Accepted Plan | Presented Plan |
|--------------------------|---------------|----------------|
| All Programs             | \$ 3,579      | \$2,824        |
| Exclude New Programs     | \$ 3,348      | \$2,633        |
| "Model/Good"<br>Programs | \$ 3,066      | \$2,422        |

# Community Penalties Programs<sup>5-</sup>

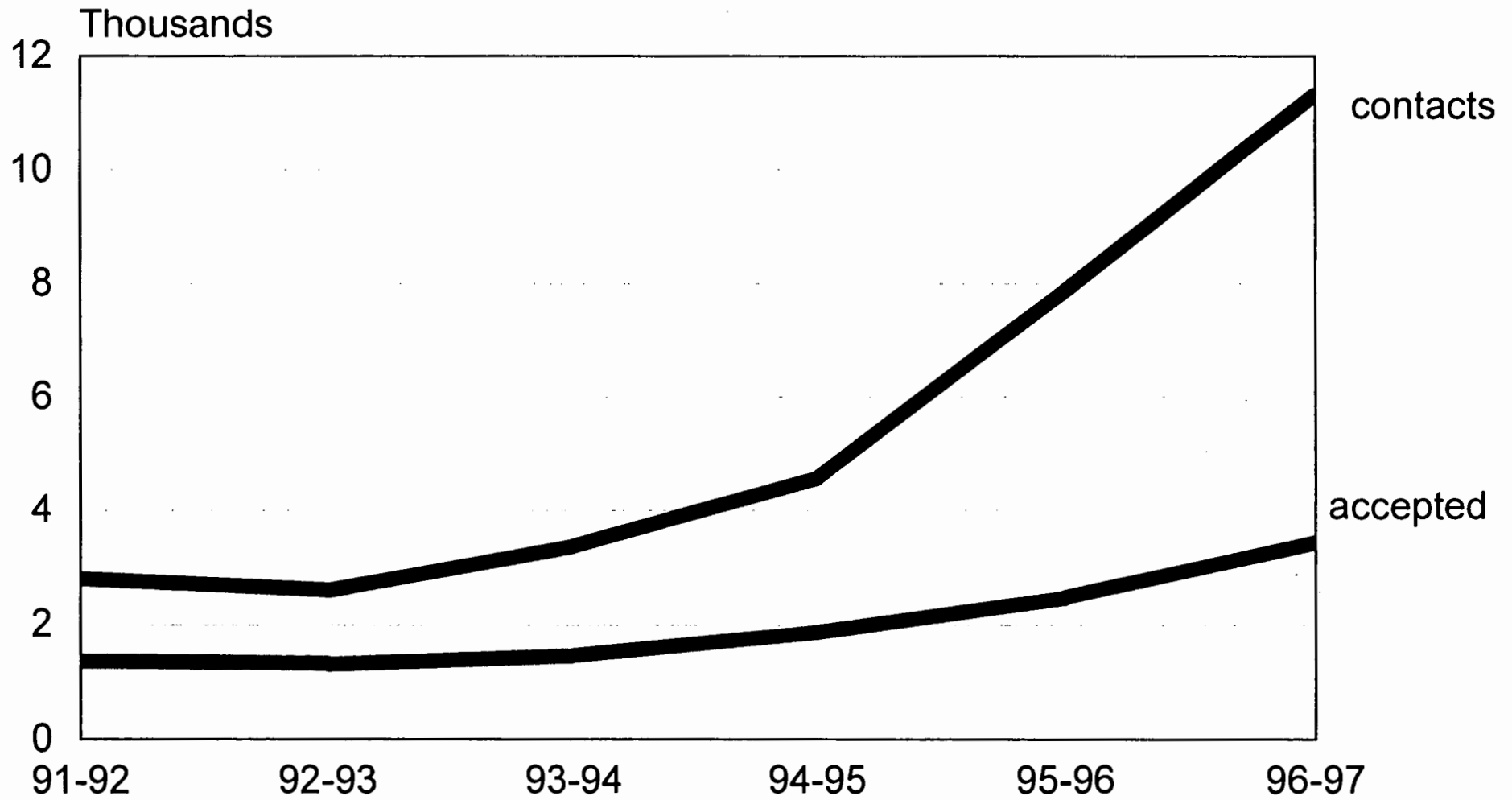
## Plans Presented and Accepted



projected for 1996-7 at current rate

# Community Penalties Program

## Targeted Clients Contacted



1996-7 projected

- Other Activity Measures

|              | % of Clients Contacted<br>with plans presented | % of Plans<br>accepted by Judge |
|--------------|------------------------------------------------|---------------------------------|
| 1991-92      | 29%                                            | 84%                             |
| 1992-93      | 32%                                            | 81%                             |
| 1993-94      | 23%                                            | 81%                             |
| 1994-95      | 23%                                            | 80%                             |
| 1995-96      | 15%                                            | 79%                             |
| 1996-97(ytd) | 15%                                            | 87%                             |

#### IV. Funding History

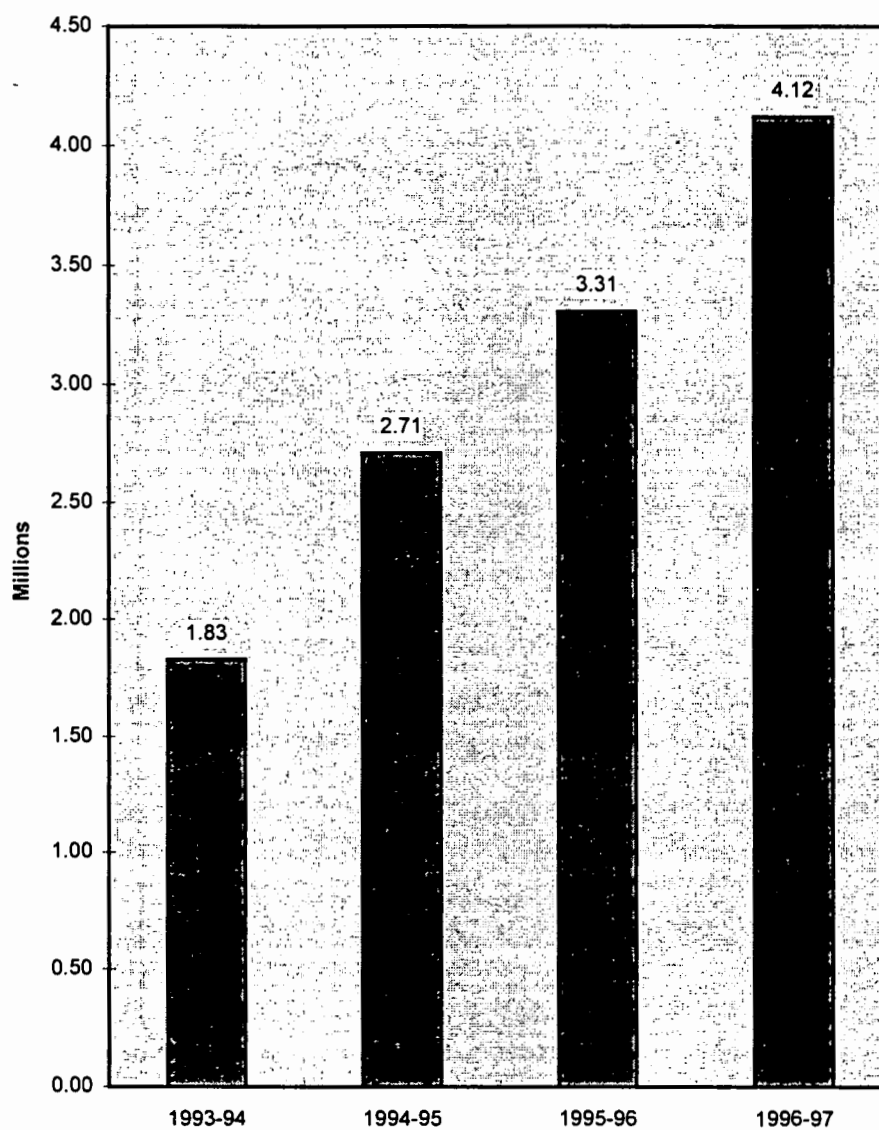
|                            | 1993-94 Actual      | 1995-6 Actual       | 1996-7 Authorized   |
|----------------------------|---------------------|---------------------|---------------------|
| Expenditures               | \$ 2,151,658        | \$ 4,328,207        | \$ 4,714,138        |
| Less Receipts              | 100,585             | 559,752             |                     |
| <i>State Appropriation</i> | <i>\$ 2,051,073</i> | <i>\$ 3,768,455</i> | <i>\$ 4,714,138</i> |
| Positions                  | 14                  | 17                  | 17                  |

|                    | 1993-4       | 1994-5       | 1995-6       | 1996-7*      |
|--------------------|--------------|--------------|--------------|--------------|
| Grants to Programs | \$ 1,829,939 | \$ 2,710,122 | \$ 3,307,233 | \$ 4,120,537 |
| * As of Feb 1997   |              |              |              |              |

|                                                   | 1993-94    | 1994-95    | 1995-96     |
|---------------------------------------------------|------------|------------|-------------|
| Administrative Expenses                           | \$ 236,393 | \$ 558,576 | \$ 634,048* |
| Share of Total                                    | 11%        | 12.9%      | 13.4%       |
| * includes \$135,266,180 for 2 state-run programs |            |            |             |



### Community Penalties Grants to Local Programs



- The Community Penalties Program began in 1983 with an appropriation of \$1.5 Million. Increases of \$400,000 and \$1.8 Million were approved in the 1993 and 1994 sessions. The original continuation budget recommendation in 1995 included an increase of \$2.2 Million to extend the program statewide. However, the 1995 General Assembly delayed expansion of the program, maintaining current funding for 1995-96 and allowing an increase of \$629,000 for 1996-7.
- In 1995-6 about \$252,000 of funds for Community Penalty Grants reverted. A smaller amount is expected to revert this year.
- During the 1995-97 Biennium, new programs have been established in 9 districts.

#### **V. Continuation Budget Recommendation**

|                    | 1996-97      | 1997-8       | 1998-9       |
|--------------------|--------------|--------------|--------------|
| Total Requirements | \$4,714,138  | \$ 4,722,412 | \$ 4,722,793 |
| Grants to Programs | \$ 3,905,382 | \$ 3,905,382 | \$ 3,905,382 |

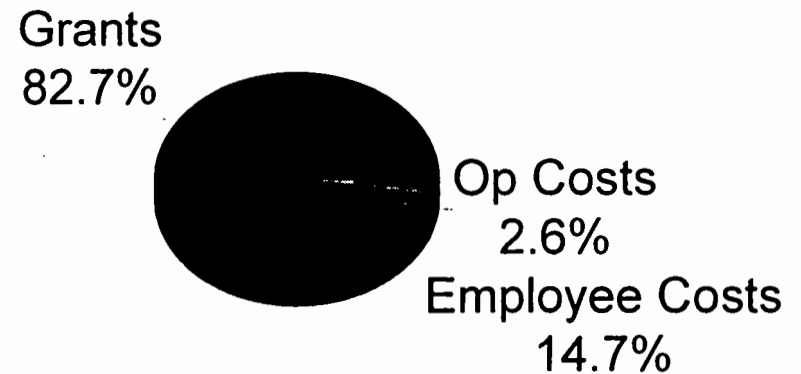
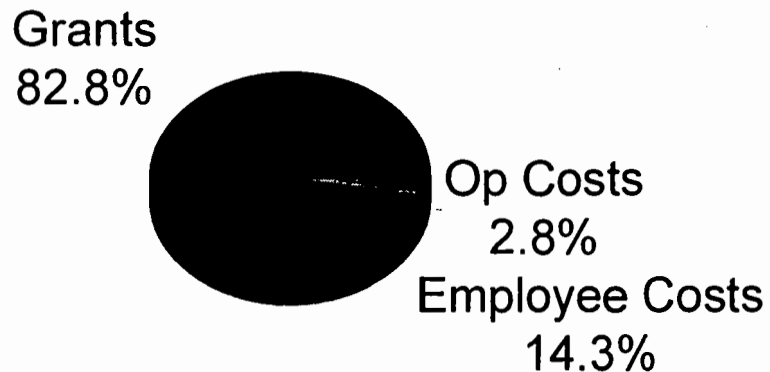
The Continuation Budget Recommendation has only minor changes (salary and benefit adjustments and reduction in rent) from the 1996-7 Authorized Budget.

#### **VI. Other**

- The cost of expanding the Community Penalties Program statewide is an estimated \$500,000.
- Special Provision 21.9 in HB 229 1995
- The program obtained a grant from Governor's Crime Commission to revise the instrument they use to determine which offenders are prison bound. The project is funded with \$22,500 in federal funds and a \$7,500 match from general AOC funds and should be completed this fiscal year.

# Community Penalties Budget

1996-7 Authorized and 1997-8 Recommended



Amount allocated for grants is \$3,905,382

## **DRUG TREATMENT COURT PILOT**

- The Drug Treatment Court Program is a pilot program first authorized by the 1994 Special Session on Crime. Drug Treatment Courts aim to provide offenders with substance abuse problems both supervision and treatment and rehabilitation without incarceration.
- Drug Treatment Courts are intended for offenders with substance abuse problems who are likely to be responsive to longer term intensive treatment. Offenders who are charged with/convicted of drug trafficking are not included nor are those with mandatory active sentences. The 5 current programs also exclude violent offenders.
- Programs include the following elements
  - \*offenders must go a full year without any substance abuse
  - \*offenders report regularly (2 weeks or monthly) to the judge
  - \*offenders are required to contribute towards the cost of treatment
  - \*regular drug testing
  - \*a variety of treatment options are available to match the offenders' needs
- Programs are staffed with a coordinator who also do case management and a judge is designated to be the Presiding Judge. The session's schedule depends on the judge's availability but that aspect of the program is absorbed within current court resources. All offenders are assigned to Probation-Parole Officers and may be involved in other community correction programs.

## **HISTORY**

- The 1994 Special Session on Crime set aside \$800,000 reserve to establish pilot Drug Treatment Courts and enabling legislation was passed in 1995, specifying at least 2 pilots to be administered by AOC. The legislation also specified that the programs would be evaluated and a report made in May 1998. The pilot expires at that point
- Funds were made available and proposals solicited in October 1995. The first grants were awarded in December 1995 and the first session held in March 1996.

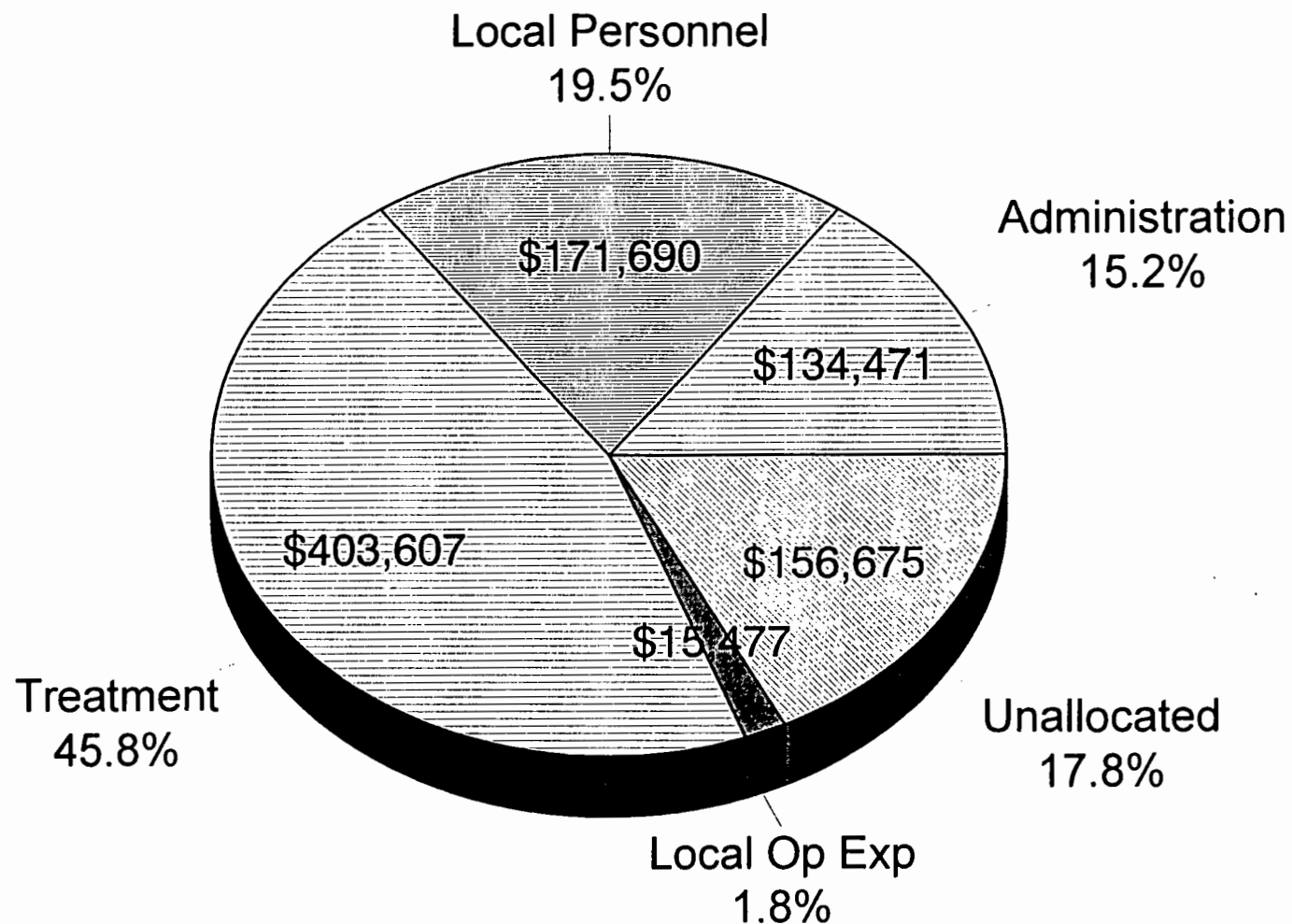
## **ISSUES TO CONSIDER**

- While the pilot continues through May 1998, sec. 21.6 in HB230 authorizes the Director's salary only through May 1997.
- The amount of \$52,551 for the Director's salary is included in the 1998-9 continuation budget under #1110, General Administration.
- Because the programs are new, there will be unspent funds at the end of the fiscal year. These will revert unless there is a new special provision.

|                                   | 1995-6    | 1996-7     |
|-----------------------------------|-----------|------------|
| Original Appropriation            | \$800,000 | \$800,000  |
| Used for system wide<br>equipment | \$200,000 |            |
| Used for Director salary          | \$ 43,775 | \$ 52,551  |
| Available for programs            | \$556,225 | \$829,369  |
| Spent                             | \$142,255 | \$590,773  |
| Carried Over                      | \$ 81,920 | \$238,596* |
| * = projected                     |           |            |

# Drug Treatment Court Budget

Total 1996-7: \$881,920



# Drug Treatment Courts Pilot

## Program Information

| Program                          | Type          | First Session | 1996-97 Budget | #Projected | Enrolled Jan 97 |
|----------------------------------|---------------|---------------|----------------|------------|-----------------|
| District 9 (Warren)              | Post Sentence | Dec 1996      | 27,425         | 15         | 5               |
| District 9A (Caswell and Person) | Preplea       | July 1996     | 70,862         | 30         | 22              |
| District 10 (Wake)               | Post Sentence | May 1996      | 113,960        | 84         | 25              |
| District 21 (Forsyth)            | Preplea       | June 1996     | 157,401        | 50         | 14              |
| District 26 (Meck)               | Preplea       | March 1996    | 221,125        | 200        | 97              |
| Totals                           |               |               | 590,773        | 379        | 163             |

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY**

Thursday February 27<sup>th</sup> - 15 minutes after House adjourns  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley

Representative Larry Justus, **Presiding**  
Representative Joe Kiser  
Representative Gregg Thompson

**II. PRESENTATIONS**

- Continue Review of Judicial Budget
  - Community Penalties
  - Drug Treatment Courts
  - NC Sentencing Commission
  - Criminal Case Management Pilot
- Other Topics

Elisa Wolper, Fiscal Analyst  
Charles Perusse, Fiscal Analyst

Judicial Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

- Review of Schedule, week of March 3rd

**IV. ADJOURNMENT**



**APPROPRIATIONS SUBCOMMITTEE  
ON  
JUSTICE & PUBLIC SAFETY**

February 27, 1997 P.M.  
Room 612

**HOUSE MEMBERS PRESENT:** [5] Representatives Justus, Kiser, McCrary, Hardy, Sexton.

**Senate Members Present:** [3]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Thursday, February 27, 1997 in Room 612 of the Legislative Office Building. Representative Justus called the meeting to order at 3:10 PM and introduced House Pages Angela Williamson and Melisa Carrick.

Representative Justus recognized Elisa Wolper, Fiscal Analyst, to present her reports.

- **Continue Review of Judicial Budget**

Elisa Wolper continued from the morning meeting on Attachment 1:  
Judicial Branch

1997-99 Budget Overview on Community Corrections Programs:  
Community Penalties Program  
Drug Treatment Courts

Ms. Wolper reported that Community Penalties Program has been in the Administrative Office of the Courts since 1991. The purpose of the program is to reduce the prison population by diverting offenders who can be successfully punished and treated in the community. Plans for community sanctions and treatment are presented to the presiding judge who can reject the plan or accept the plan in lieu of an active sentence. The Community Penalties Program is in place in eighty four counties. Six Judicial Districts do not have this program (Districts 2, 6A, 6B, 17b, 19C, and 23). There are seven staff members who work in Raleigh and one in Asheville. There are also nine positions to run the state and local programs in District 3B, 28 and 15A.

Ms. Wolper stated that the goal of Community Penalties is to get the cost per plan down to \$2800 per plan. Representative Justus asked for the number of requests for the Community Penalties Program Vs the number of acceptances. Ms. Wolper replied that there were 7876 contacts offered and 2480 acceptances. Senator Gulley asked about the success rate. Jim Mills, Fiscal Research, answered that the success rate of Community Penalties will be included in the annual report on recidivism which will be presented to this committee at a future committee meeting.

Senator Gulley asked for the cost to expand this program state wide. Ms. Wolper replied 4.7 million. **Senator Gulley asked that the Community Penalty Program be flagged.** Attachment 2 -- Community Penalties Program -- a special provision in last budget, was distributed. **Senator Gulley asked that items (a) and (b) on the special provision be flagged.**

Representative Justus introduced Senate Pages William Dupree and Adam Johnson.

Ms. Wolper continued with the report on Drug Treatment Courts -- (Page 11 of Attachment 1). Ms. Wolper explained that the Drug Treatment Courts are a pilot program which will expire in May of 1998. Drug Treatment Courts are intended for offenders with substance abuse problems who are likely to be responsive to longer term intensive treatment. Violent offenders are excluded. Offenders must go a full year without substance abuse, offenders report regularly (every two weeks or monthly) to the judge. Offenders are required to contribute towards the cost of treatment, and must have regular drug testing. Representative Kiser asked if local money is involved in Drug Treatment Courts. Ms. Wolper replied that money is not required but resources are.

**Senator Gulley asked that the Drug Treatment Courts be flagged.**

Representative Justus recognized Charles Perusse, Fiscal Analyst, to present his part of the report. Attachment 3 was distributed.

### **Sentencing and Policy Advisory Commission**

Charles Perusse said the Sentencing and Policy Advisory Commission expires on July 1, 1997. This program has been in existence since 1990 with support from the executive and legislative branches of government. Representative Justus added that the Sentencing and Policy Advisory Commission has contributed to the construction of prison beds and there are eighteen bills from this commission to be considered by this Session of the General Assembly.

### **Criminal Case Management Pilot**

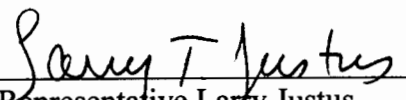
Charles Perusse explained that the Criminal Case Management Pilot is not included in the Administrative Office of the Courts continuation budget. The purpose of the program is to help reduce the backlog of court cases and to resolve new cases more rapidly. Mr. Perusse added that the Administrative Officer of the Courts believes this a worthy program and it will be a part of their continuation budget. Representative Kiser asked where the positions were distributed. Attachment 5 -- District Attorney Investigators -- was distributed.

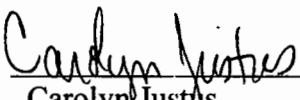
Attachment 6:

**The Judicial Department of North Carolina  
Expansion Requests and Direct Authorizations for Additional Judicial  
Department Personnel --**

was distributed. This handout shows the positions funded by the Judicial Department in 1993.

The meeting was adjourned at 4:00 PM.

  
Representative Larry Justus  
Chairman

  
Carolyn Justus  
Committee Clerk

# JUDICIAL BRANCH

1997-99 Budget Overview on Community  
Corrections Programs:  
Community Penalties Program  
Drug Treatment Courts

February 27, 1997

# COMMUNITY CORRECTIONS (\$130.6 Million)

## Correction \$ 118.4 Million

- \*Adult Probation and Parole
- \*Parole Commission
- \*Criminal Justice Partnership Act
- \*Grants to Outside Agencies; Harriet, Summit, Women at Risk
- \*Substance Abuse (DWI-Cherry, Aftercare, John Hyman)

## Judicial \$ 5.5 Million

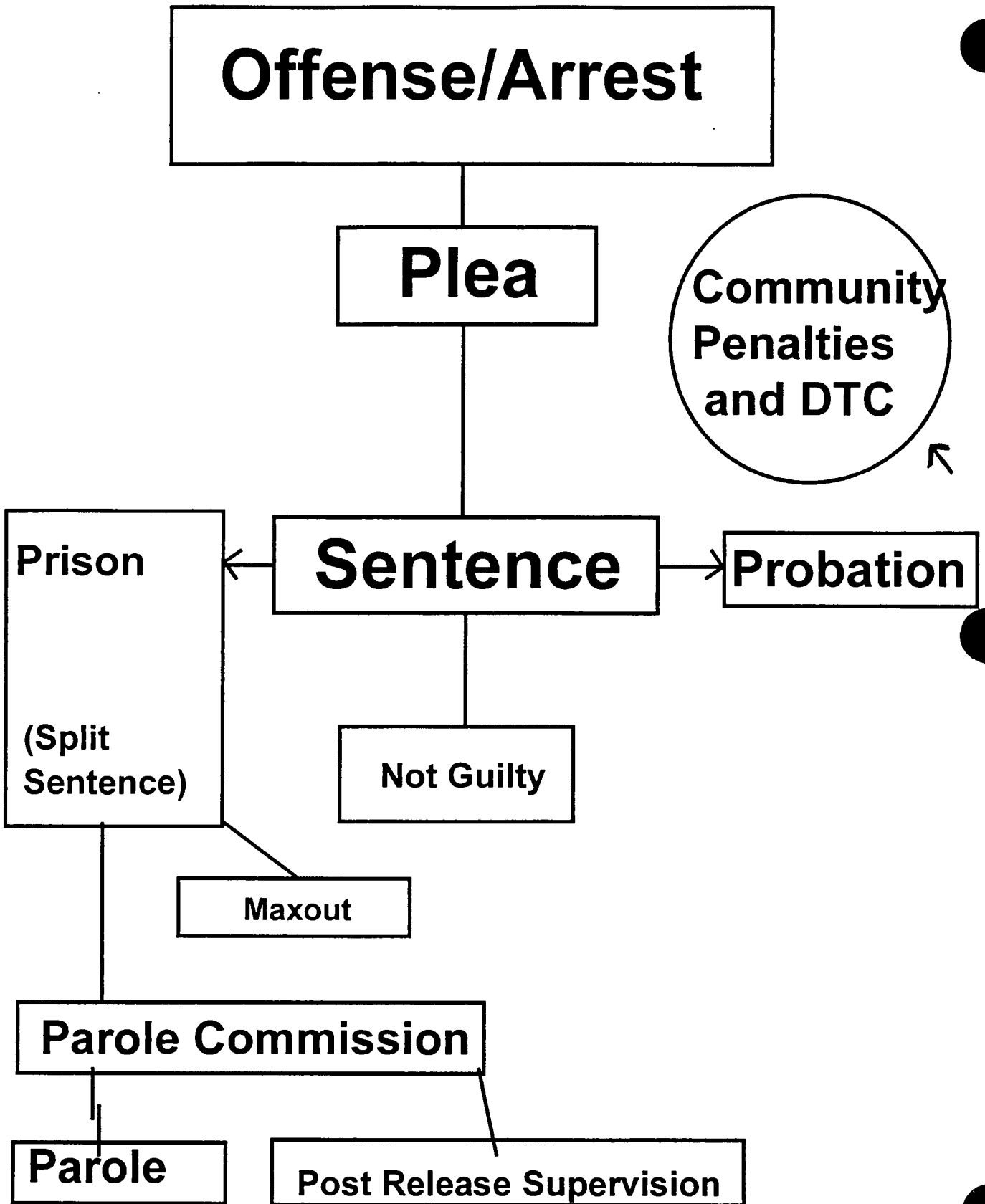
- \*Community Penalties Program
- \*Drug Treatment Courts

## Crime Control \$6.6 Million

- \*Community Service Work Program

## Human Resources

- \*Treatment Alternatives to Street Crime (TASC)



## COMMUNITY PENALTIES PROGRAM

### I. Program History

- The Community Penalties Program was authorized by the 1983 General Assembly and started with 5 pilot programs, administered by the Department of Crime Control and Public Safety. In 1991 the program was moved to the Administrative Office of the Courts; at that time there were 18 district programs.
  - The purpose of the program is to reduce prison population by diverting offenders who can be successfully punished and treated in the community. Detailed plans for community sanctions and treatment are presented to the presiding judge who can accept the plan in lieu of an active sentence.
  - Programs identify clients through defense attorneys and/or prosecutors or by access to the Grand Jury lists.
  - Plans vary by individual offender but usually include:
    - \*supervision by Probation & Parole
    - \*restitution and/or community service
    - \*structured employment or educational services
    - \*substance abuse treatment
- The program does not directly fund treatment but must make explicit arrangements for services to include them in the plan.
- The programs are mandated to target those offenders who would otherwise receive active sentences rather than other forms of intermediate punishment. Under Structured Sentencing, the targeted population is the I/A portion of the grid.
  - Local programs provide a match of approximately 10%, provide monthly reports to the Administrative Office of the Courts and are formally evaluated annually. Many programs use contract workers as case developers to augment permanent staff.

## II. Current Program Status

- There are currently programs in 33 districts covering 84 counties. The majority of programs are run by private nonprofit organizations. However, 3 are run by county governments, 1 by a Council of Government and 3 are run directly by the state .
- The districts without programs at this point are
  - # 2( Hyde, Tyrrell, Washington, Martin Beaufort)
  - #6A (Halifax),
  - #6B( Bertie, Hertford, Northampton)
  - #17b (Surry, Stokes),
  - #19C (Rowan)
  - #23 (Wilkes, Yadkin, Ashe, Alleghany).
- Preliminary work has begun in #6A&B and a state run program should be established within the year.
- There are 7 staff who work in Raleigh and 1 in Asheville, administering and monitoring the local programs. There are also 9 positions to run the state run local programs in District 3B, 28 and 15A.

## III. Evaluation/Work Load/Costs

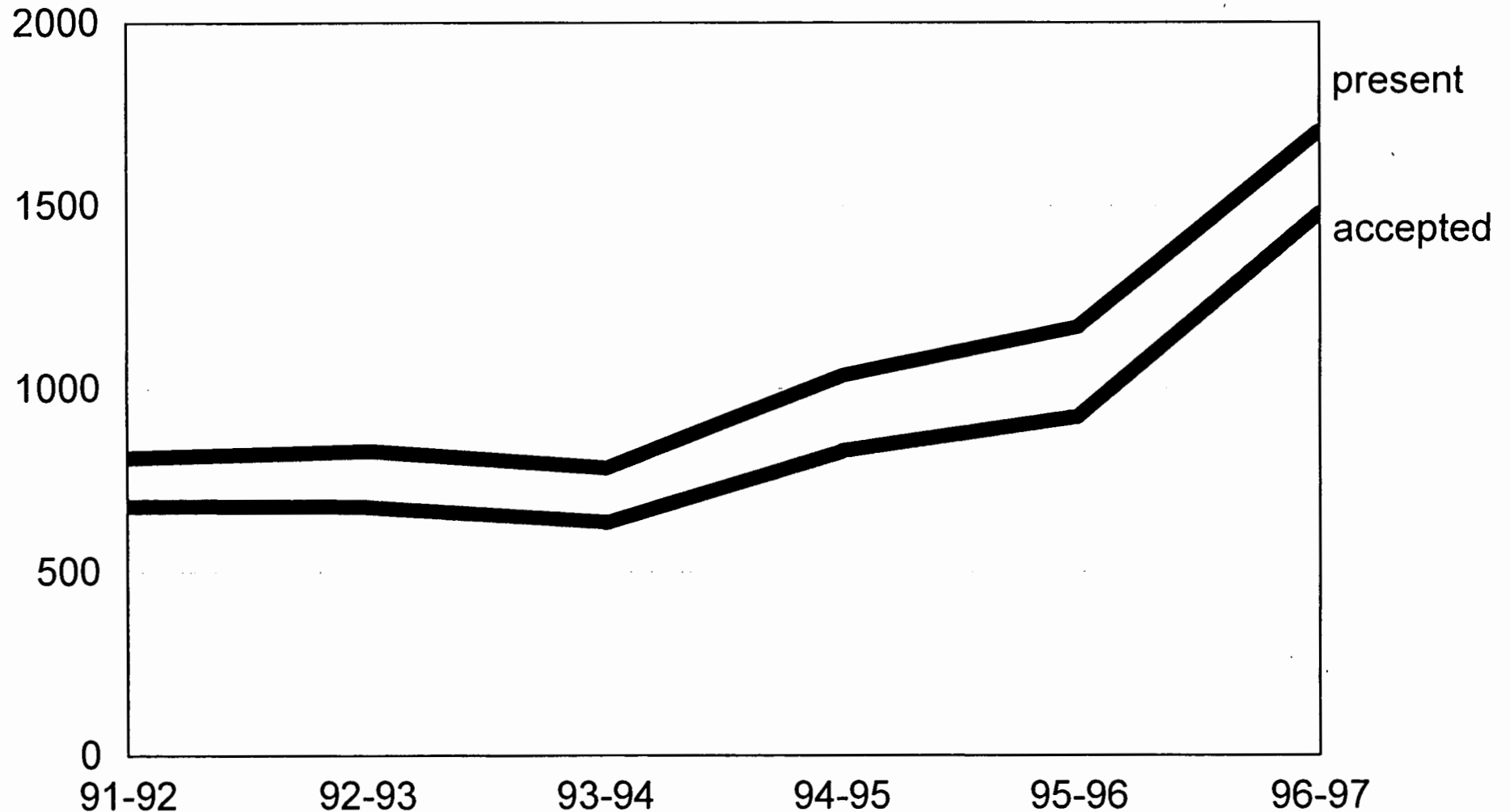
- Because the program's intent is to divert offenders, one measure of their impact is the number of plans accepted by judges in a given year. Each accepted plan is an offender who would otherwise be in prison. A related measure is the percentage of presented plans which are accepted .
- Other measures of their workload include the number of plans presented and the number of clients targeted and/or who accept services.
- Cost per plan in 1995-6:

|                          | Accepted Plan | Presented Plan |
|--------------------------|---------------|----------------|
| All Programs             | \$ 3,579      | \$2,824        |
| Exclude New Programs     | \$ 3,348      | \$2,633        |
| "Model/Good"<br>Programs | \$ 3,066      | \$2,422        |



# Community Penalties Programs

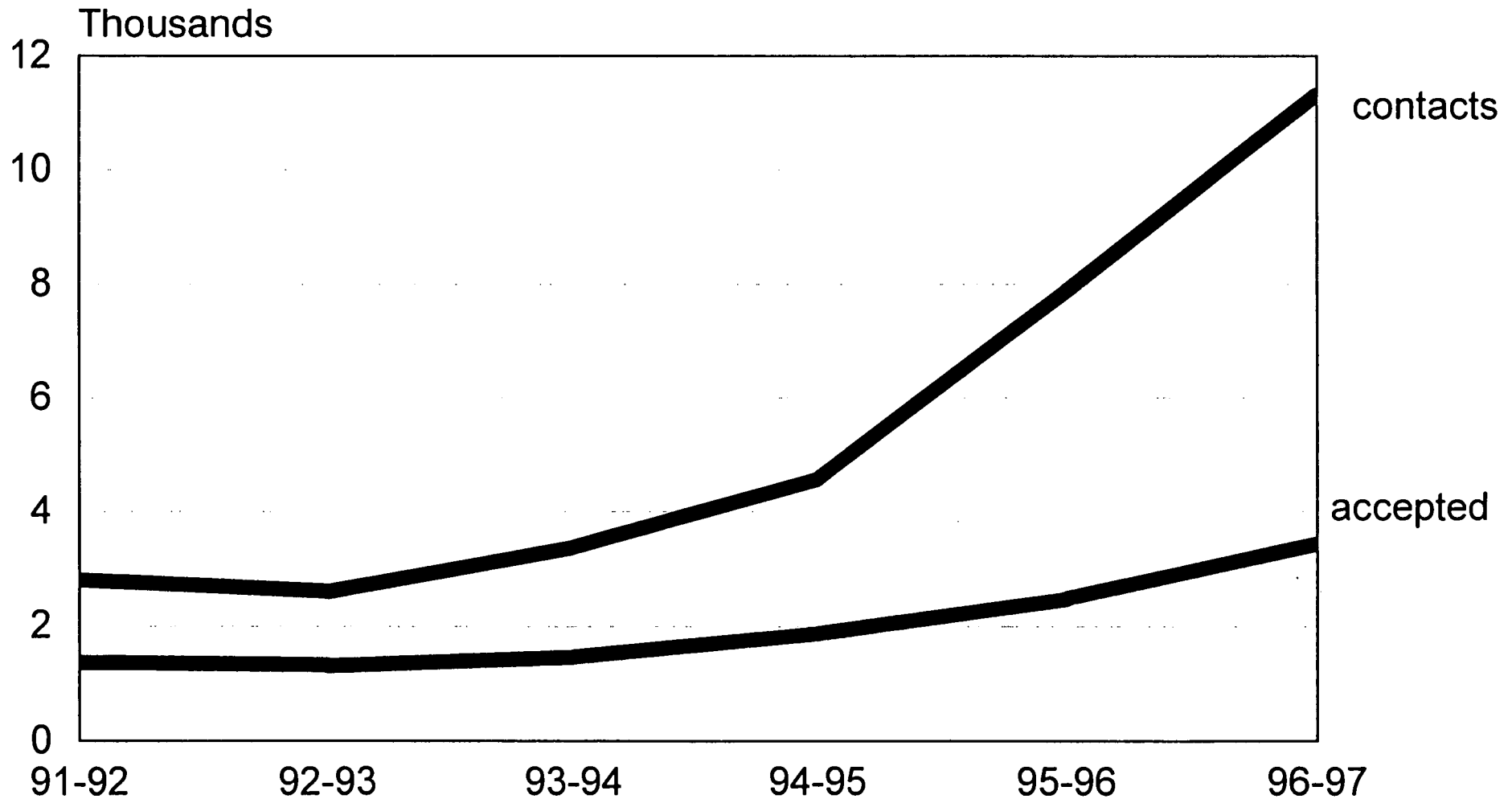
## Plans Presented and Accepted



projected for 1996-7 at current rate

# Community Penalties Program

## Targeted Clients Contacted



1996-7 projected

- Other Activity Measures

|              | % of Clients Contacted<br>with plans presented | % of Plans<br>accepted by Judge |
|--------------|------------------------------------------------|---------------------------------|
| 1991-92      | 29%                                            | 84%                             |
| 1992-93      | 32%                                            | 81%                             |
| 1993-94      | 23%                                            | 81%                             |
| 1994-95      | 23%                                            | 80%                             |
| 1995-96      | 15%                                            | 79%                             |
| 1996-97(ytd) | 15%                                            | 87%                             |

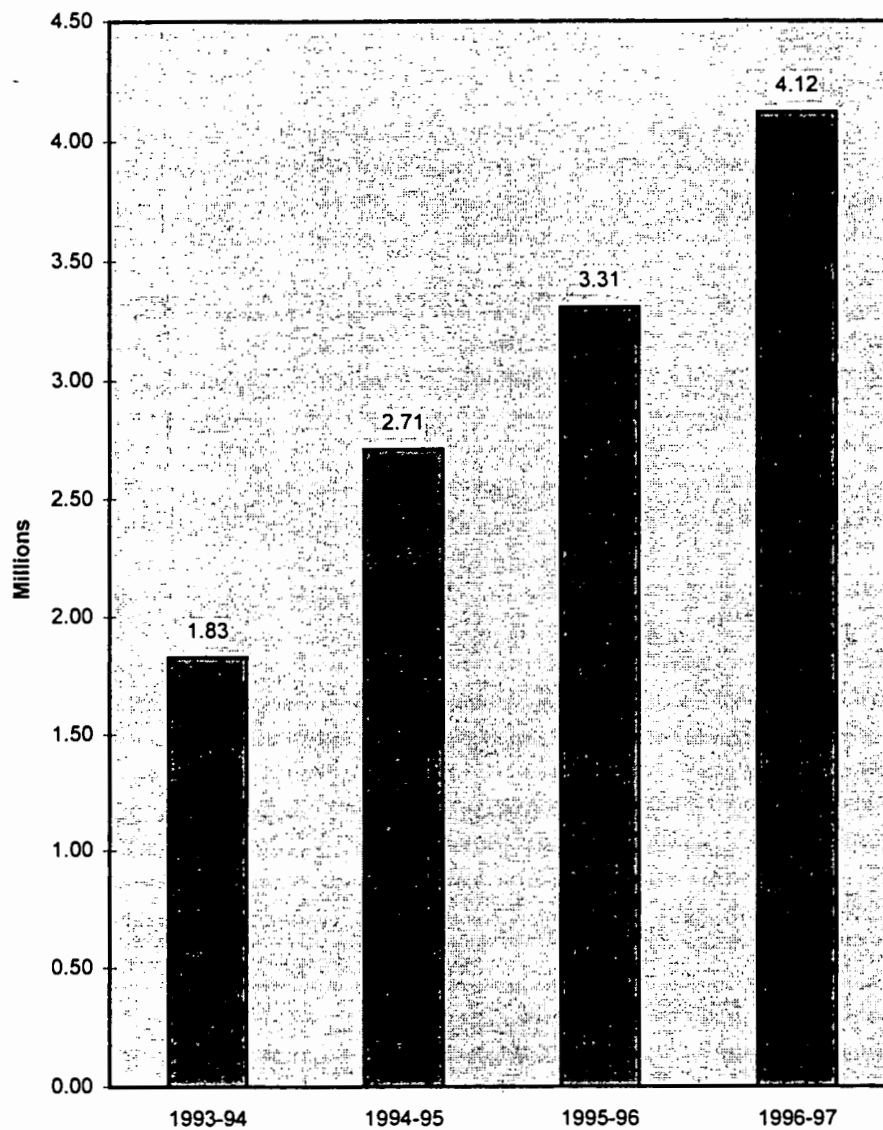
#### IV. Funding History

|                            | 1993-94 Actual      | 1995-6 Actual       | 1996-7 Authorized   |
|----------------------------|---------------------|---------------------|---------------------|
| Expenditures               | \$ 2,151,658        | \$ 4,328,207        | \$ 4,714,138        |
| Less Receipts              | 100,585             | 559,752             |                     |
| <i>State Appropriation</i> | <i>\$ 2,051,073</i> | <i>\$ 3,768,455</i> | <i>\$ 4,714,138</i> |
| Positions                  | 14                  | 17                  | 17                  |

|                    | 1993-4       | 1994-5       | 1995-6       | 1996-7*      |
|--------------------|--------------|--------------|--------------|--------------|
| Grants to Programs | \$ 1,829,939 | \$ 2,710,122 | \$ 3,307,233 | \$ 4,120,537 |
| *As of Feb 1997    |              |              |              |              |

|                                                  | 1993-94    | 1994-95    | 1995-96     |
|--------------------------------------------------|------------|------------|-------------|
| Administrative Expenses                          | \$ 236,393 | \$ 558,576 | \$ 634,048* |
| Share of Total                                   | 11%        | 12.9%      | 13.4%       |
| *includes \$135,266,180 for 2 state-run programs |            |            |             |

### Community Penalties Grants to Local Programs



- The Community Penalties Program began in 1983 with an appropriation of \$1.5 Million. Increases of \$400,000 and \$1.8 Million were approved in the 1993 and 1994 sessions. The original continuation budget recommendation in 1995 included an increase of \$2.2 Million to extend the program statewide. However, the 1995 General Assembly delayed expansion of the program, maintaining current funding for 1995-96 and allowing an increase of \$629,000 for 1996-7.
- In 1995-6 about \$252,000 of funds for Community Penalty Grants reverted. A smaller amount is expected to revert this year.
- During the 1995-97 Biennium, new programs have been established in 9 districts.

#### **V. Continuation Budget Recommendation**

|                    | 1996-97      | 1997-8       | 1998-9       |
|--------------------|--------------|--------------|--------------|
| Total Requirements | \$4,714,138  | \$ 4,722,412 | \$ 4,722,793 |
| Grants to Programs | \$ 3,905,382 | \$ 3,905,382 | \$ 3,905,382 |

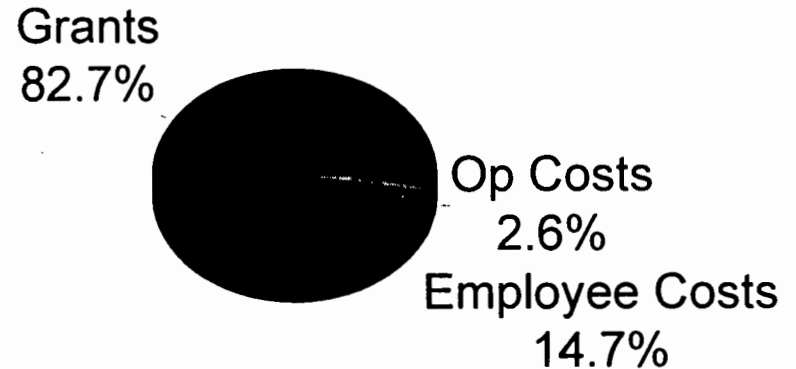
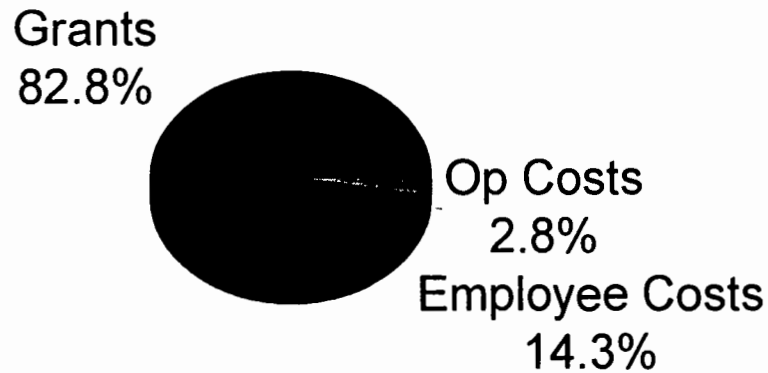
The Continuation Budget Recommendation has only minor changes (salary and benefit adjustments and reduction in rent) from the 1996-7 Authorized Budget.

#### **VI. Other**

- The cost of expanding the Community Penalties Program statewide is an estimated \$500,000.
- Special Provision 21.9 in HB 229 1995
- The program obtained a grant from Governor's Crime Commission to revise the instrument they use to determine which offenders are prison bound. The project is funded with \$22,500 in federal funds and a \$7,500 match from general AOC funds and should be completed this fiscal year.

# Community Penalties Budget

1996-7 Authorized and 1997-8 Recommended



Amount allocated for grants is \$3,905,382

## **DRUG TREATMENT COURT PILOT**

- The Drug Treatment Court Program is a pilot program first authorized by the 1994 Special Session on Crime. Drug Treatment Courts aim to provide offenders with substance abuse problems both supervision and treatment and rehabilitation without incarceration.
- Drug Treatment Courts are intended for offenders with substance abuse problems who are likely to be responsive to longer term intensive treatment. Offenders who are charged with/convicted of drug trafficking are not included nor are those with mandatory active sentences. The 5 current programs also exclude violent offenders.
- Programs include the following elements
  - \*offenders must go a full year without any substance abuse
  - \*offenders report regularly (2 weeks or monthly) to the judge
  - \*offenders are required to contribute towards the cost of treatment
  - \*regular drug testing
  - \*a variety of treatment options are available to match the offenders' needs
- Programs are staffed with a coordinator who also do case management and a judge is designated to be the Presiding Judge. The session's schedule depends on the judge's availability but that aspect of the program is absorbed within current court resources. All offenders are assigned to Probation-Parole Officers and may be involved in other community correction programs.

## **HISTORY**

- The 1994 Special Session on Crime set aside \$800,000 reserve to establish pilot Drug Treatment Courts and enabling legislation was passed in 1995, specifying at least 2 pilots to be administered by AOC. The legislation also specified that the programs would be evaluated and a report made in May 1998. The pilot expires at that point
- Funds were made available and proposals solicited in October 1995. The first grants were awarded in December 1995 and the first session held in March 1996.

## **ISSUES TO CONSIDER**

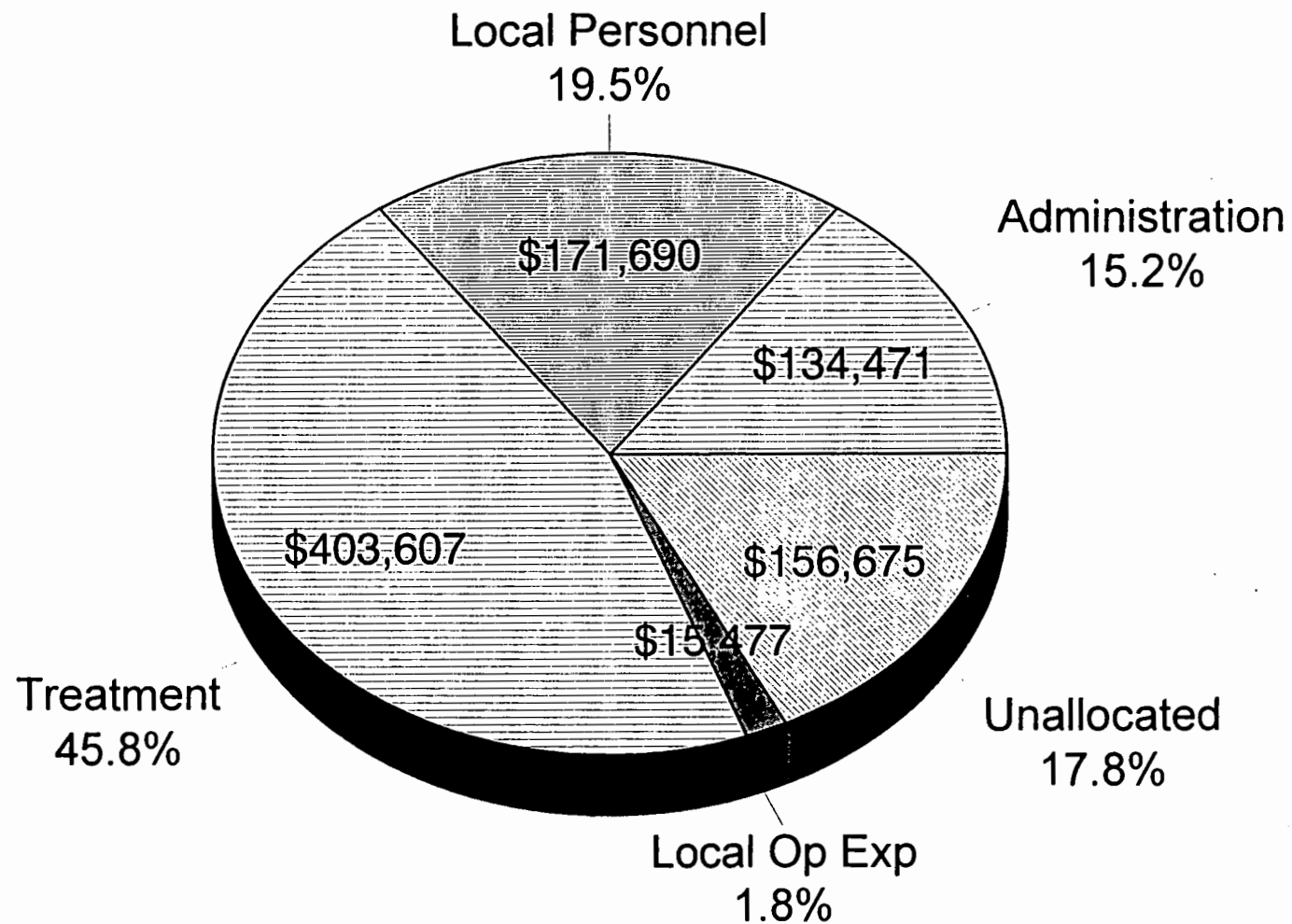
- While the pilot continues through May 1998, sec. 21.6 in HB230 authorizes the Director's salary only through May 1997.
- The amount of \$52,551 for the Director's salary is included in the 1998-9 continuation budget under #1110, General Administration.
- Because the programs are new, there will be unspent funds at the end of the fiscal year. These will revert unless there is a new special provision.

|                                   | 1995-6    | 1996-7     |
|-----------------------------------|-----------|------------|
| Original Appropriation            | \$800,000 | \$800,000  |
| Used for system wide<br>equipment | \$200,000 |            |
| Used for Director salary          | \$ 43,775 | \$ 52,551  |
| Available for programs            | \$556,225 | \$829,369  |
| Spent                             | \$142,255 | \$590,773  |
| Carried Over                      | \$ 81,920 | \$238,596* |
| * = projected                     |           |            |



# Drug Treatment Court Budget

Total 1996-7: \$881,920



# Drug Treatment Courts Pilot

## Program Information

| Program                          | Type          | First Session | 1996-97 Budget | #Projected | Enrolled Jan 97 |
|----------------------------------|---------------|---------------|----------------|------------|-----------------|
| District 9 (Warren)              | Post Sentence | Dec 1996      | 27,425         | 15         | 5               |
| District 9A (Caswell and Person) | Preplea       | July 1996     | 70,862         | 30         | 22              |
| District 10 (Wake)               | Post Sentence | May 1996      | 113,960        | 84         | 25              |
| District 21 (Forsyth)            | Preplea       | June 1996     | 157,401        | 50         | 14              |
| District 26 (Meck)               | Preplea       | March 1996    | 221,125        | 200        | 97              |
| Totals                           |               |               | 590,773        | 379        | 163             |

## COMMUNITY PENALTIES PROGRAM

A++-2

Sec. 21.9. (a) Of the funds appropriated from the General Fund to the Judicial Department for the 1995-97 biennium to conduct the Community Penalties program, the sum of three million four hundred eighty-four thousand nine hundred

twelve dollars (\$3,484,912) for the 1995-96 fiscal year and the sum of four million one hundred thirty-four thousand nine hundred twelve dollars (\$4,134,912) for the 1996-97 fiscal year may be allocated by the Judicial Department in each year of the biennium in any amount among existing community penalties programs, including any State-operated programs, or may be used to establish new State-operated community penalties programs.

(b) The Judicial Department shall report annually to the Senate and House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division on the administrative expenditures of the community penalties programs. The Judicial Department shall report quarterly to the Joint Legislative Commission on Governmental Operations on any elimination or reduction of funding for community penalties programs funded in the 1994-95 fiscal year or any program receiving initial funding during the 1995-97 biennium.

(c) G.S. 7A-771(1) reads as rewritten:

"(1) 'Community penalties program' means an agency or State-run office within the judicial district which shall (i) prepare community penalty plans; (ii) arrange or contract with public and private agencies for necessary services for offenders; and (iii) monitor the progress of offenders placed on community penalty plans."

(d) G.S. 7A-772 reads as rewritten:

### "§ 7A-772. Allocation of funds.

(a) The Director may award grants in accordance with the policies established by this Article and in accordance with any laws made for that purpose, including appropriations acts and provisions in appropriations acts, and adopt regulations for the implementation, operation, and monitoring of community penalties programs. Community penalties programs that are grantees shall use such funds to develop, implement, and monitor community penalty plans. Grants shall be awarded by the Director to agencies whose comprehensive program plans promise best to meet the goals set forth herein.

(b) The Director may establish local community penalties programs and appoint those staff as the Director deems necessary. These personnel may serve as full-time or part-time State employees or may be hired on a contractual basis when determined appropriate by the director. Contracts entered under the authority of this subsection shall be exempt from the competitive bidding procedures under Chapter 143 of the General Statutes. The Administrative Office of the Courts shall adopt rules necessary and appropriate for the administration of the program. Funds appropriated by the General Assembly for the establishment and maintenance of community penalties programs under this Article shall be administered by the Administrative Office of the Courts."

(e) G.S. 7A-773 reads as rewritten:

### "§ 7A-773. Responsibilities of a community penalties program.

A community penalties program shall be responsible for:

- (1) Targeting offenders who are eligible to receive an intermediate punishment based on their class of offense and prior record level and who face an imminent and substantial threat of imprisonment.
- (2) Preparing detailed community penalty plans for presentation to the sentencing judge by the offender's ~~attorney~~ attorney or at the request of the sentencing judge.
- (3) Contracting or arranging with public or private agencies for services described in the community penalty plan.
- (4) Monitoring the progress of offenders under community penalty plans."

PURPOSE : The purpose of this program is to evaluate sentencing laws and policies in relationship to both the stated purposes of the criminal justice and corrections systems and the availability of sentencing options. Recommendations are made to the General Assembly for the modification of sentencing laws and policies, and for the addition, deletion, or expansion of sentencing options as necessary to achieve policy goals.

## 12000 Judicial Department

PROGRAM DETAIL :

This is one of 1 funds that contribute to program number 4260, Sentencing Policy Commission. The total 1996-97 certified budget for P/PB 4260 is \$400,932 of which this fund is \$400,932, or 100.00% of the total. A programmatic presentation which groups all funds that contribute to specific program levels throughout state government according to similar outcomes, objectives, and outcome measures may be found in Volume 7. Following is a complete list of departmental accounting funds which contribute to P/PB 4260.

JUDICIAL 1750 SENT & POLICY ADVIS COMM 100.00%

Objectives :

- Facilitate modifications to sentencing structures and offense classifications as needed.
- Accurately project the impact of proposed sentencing laws and policies on correctional populations.

Outcome Measures :

|                                                                                   | 1993-94<br>Actual | 1994-95<br>Actual | 1995-96<br>Actual | 1996-97<br>Estimated | 1997-98<br>Expected | 1998-99<br>Expected |
|-----------------------------------------------------------------------------------|-------------------|-------------------|-------------------|----------------------|---------------------|---------------------|
| - Percentage of recommendations accepted by the General Assembly.                 | 60%               | 38%               | 50%               | 100%                 | 100%                | 100%                |
| - Accuracy rating of prison population predictions as compared to actual results. | n/a               | 96%               | 98%               | 100%                 | 100%                | 100%                |

PURPOSE DETAIL :

| Description                           | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|---------------------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                       |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| 1750 NUMBER OF POSITIONS REQUIREMENTS | 7.00              | 7.00                  | .00                        | 7.00                 | .00                        | 7.00                 |
| 53 1100 EPA SALARIES                  | 256,164           | 276,830               | 0                          | 276,830              | 0                          | 276,830              |
| 53 1400 SUPPLEMENT TO REG. WA         | 2,698             | 3,564                 | 71                         | 3,635                | 310                        | 3,874                |
| 53 1500 EMPLOYEE BENEFIT COST         | 56,286            | 63,970                | 12                         | 63,982               | 56                         | 64,026               |
| 53 1600 OTHER PERSONAL SERVIC         | 1,073             | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 2000 PURCHASED CONTRACTUAL         | 64,393            | 54,324                | 0                          | 54,324               | 0                          | 54,324               |
| 53 3000 SUPPLIES                      | 6,075             | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 4000 PROPERTY, PLANT & EQU         | 1,701             | 368                   | 0                          | 368                  | 0                          | 368                  |
| 53 5000 OTHER EXPENSES & ADJU         | 1,876             | 1,876                 | 0                          | 1,876                | 0                          | 1,876                |
| 53 8920 DEFERRED OBLIGATIONS          | 7,864             | 0                     | 0                          | 0                    | 0                          | 0                    |
| TOTAL REQUIREMENTS                    | 398,130           | 400,932               | 83                         | 401,015              | 366                        | 401,298              |

At+ 3  
2-27-97

12000 Judicial Department

| Description        | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|--------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                    |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| ESTIMATED RECEIPTS |                   |                       |                            |                      |                            |                      |
| -----              |                   |                       |                            |                      |                            |                      |
| TOTAL RECEIPTS     | 0                 | 0                     | 0                          | 0                    | 0                          | 0                    |
| -----              |                   |                       |                            |                      |                            |                      |
| NET APPROPRIATION  | 398,130           | 400,932               | 83                         | 401,015              | 366                        | 401,298              |
| -----              |                   |                       |                            |                      |                            |                      |

PURPOSE : Chapter 507, Section 21.10 of the 1995 North Carolina Session Laws established a criminal case management pilot program in District 12 and 13. Its purpose is to help reduce the backlog of court cases and to resolve new cases more rapidly.

PROGRAM INFORMATION :

This is one of 8 funds that contribute to program number 4110, Court Hearings. The total 1996-97 certified budget for P/PB 4110 is \$151,915,697 of which this fund is \$50,827, or 0.03% of the total. A programmatic presentation which groups all funds that contribute to specific program levels throughout state government according to similar outcomes, objectives, and outcome measures may be found in Volume 7. Following is a complete list of departmental accounting funds which contribute to P/PB 4110.

|          |                               |        |          |                              |      |
|----------|-------------------------------|--------|----------|------------------------------|------|
| JUDICIAL | 1230 SUPERIOR COURT           | 16.28% | JUDICIAL | 1620 CRIMINAL CASE MGT PILOT | .03% |
| JUDICIAL | 1240 DISTRICT COURT           | 32.01% | JUDICIAL | 1790 MECKLENBURG DRUG COURT  | .30% |
| JUDICIAL | 1260 OFFICE-CLERK SUPERIOR CO | 50.79% | JUDICIAL | 1791 NC DRUG TREATMENT COURT | .49% |
| JUDICIAL | 1400 JUDICIAL STANDARDS       | .07%   | JUDICIAL | 2132 JUDICIAL INTERNS        | .02% |

**12000 Judicial Department**

PURPOSE DETAIL :

| Description                              | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|------------------------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                          |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| 1620 NUMBER OF POSITIONS<br>REQUIREMENTS | 2.00              | 2.00                  | 2.00-                      | .00                  | 2.00-                      | .00                  |
| 53 1100 EPA SALARIES                     | 26,478            | 44,464                | 44,464-                    | 0                    | 44,464-                    | 0                    |
| 53 1400 SUPPLEMENT TO REG. WA            | 506               | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 1500 EMPLOYEE BENEFIT COST            | 7,297             | 10,101                | 10,101-                    | 0                    | 10,101-                    | 0                    |
| 53 1600 OTHER PERSONAL SERVIC            | 3,750             | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 2000 PURCHASED CONTRACTUAL            | 6                 | 3,164                 | 3,164-                     | 0                    | 3,164-                     | 0                    |
| 53 3000 SUPPLIES                         | 0                 | 956                   | 956-                       | 0                    | 956-                       | 0                    |
| 53 4000 PROPERTY, PLANT & EQU            | 2,299             | 0                     | 0                          | 0                    | 0                          | 0                    |
| 53 5000 OTHER EXPENSES & ADJU            | 0                 | 992                   | 992-                       | 0                    | 992-                       | 0                    |
| TOTAL REQUIREMENTS                       | 40,336            | 59,677                | 59,677-                    | 0                    | 59,677-                    | 0                    |
| ESTIMATED RECEIPTS                       |                   |                       |                            |                      |                            |                      |
| TOTAL RECEIPTS                           | 0                 | 0                     | 0                          | 0                    | 0                          | 0                    |
| NET APPROPRIATION                        | 40,336            | 59,677                | 59,677-                    | 0                    | 59,677-                    | 0                    |

Att-4  
2-27-97

## DISTRICT ATTORNEY INVESTIGATORS

| POSITION #           | JOB TITLE       | SALARY | FTE   | LOCATION         |
|----------------------|-----------------|--------|-------|------------------|
| 270116006001764      | DA INVESTIGATOR | 31,531 | 1.00  | DA 1ST DISTRICT  |
| 273116006031764      | DA INVESTIGATOR | 26,648 | 1.00  | DA 3B DISTRICT   |
| 270416006004761      | DA INVESTIGATOR | 34,072 | 1.00  | DA 4TH DISTRICT  |
| 270716006007761      | DA INVESTIGATOR | 33,778 | 1.00  | DA 7TH DISTRICT  |
| 270816006008765      | DA INVESTIGATOR | 29,441 | 1.00  | DA 8TH DISTRICT  |
| 271016006010761      | DA INVESTIGATOR | 31,073 | 1.00  | DA 10TH DISTRICT |
| 271116006011764      | DA INVESTIGATOR | 29,441 | 1.00  | DA 11TH DISTRICT |
| 271216006012761      | DA INVESTIGATOR | 37,620 | 1.00  | DA 12TH DISTRICT |
| 271416006014761      | DA INVESTIGATOR | 29,845 | 1.00  | DA 14TH DISTRICT |
| 271516006015761      | DA INVESTIGATOR | 31,100 | 1.00  | DA 15A DISTRICT  |
| 273216006032761      | DA INVESTIGATOR | 35,008 | 1.00  | DA 15B DISTRICT  |
| 271816006018761      | DA INVESTIGATOR | 40,932 | 1.00  | DA 18TH DISTRICT |
| 272016006020761      | DA INVESTIGATOR | 27,528 | 1.00  | DA 20TH DISTRICT |
| 272116006021761      | DA INVESTIGATOR | 30,000 | 1.00  | DA 21ST DISTRICT |
| 272516006025761      | DA INVESTIGATOR | 36,241 | 1.00  | DA 25TH DISTRICT |
| 272616006026761      | DA INVESTIGATOR | 28,000 | 1.00  | DA 26TH DISTRICT |
| 272716006027761      | DA INVESTIGATOR | 35,958 | 1.00  | DA 27A DISTRICT  |
| 272816006028761      | DA INVESTIGATOR | 37,307 | 1.00  | DA 28TH DISTRICT |
| 272916006029761      | DA INVESTIGATOR | 35,893 | 1.00  | DA 29TH DISTRICT |
| 273016006030761      | DA INVESTIGATOR | 26,205 | 1.00  | DA 30TH DISTRICT |
| TOTAL POSITION VALUE |                 |        | 20.00 |                  |

EXPANSION REQUESTS AND DIRECT AUTHORIZATIONS FOR  
ADDITIONAL JUDICIAL DEPARTMENT PERSONNEL

POSREQ.WK1

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FISCAL 1982-83 THROUGH 1995-97

| THE EXPANSION REQUESTS |                         |                                 | THE LEGISLATIVE AUTHORIZATIONS |                                                      |                                |
|------------------------|-------------------------|---------------------------------|--------------------------------|------------------------------------------------------|--------------------------------|
| LEGISLATIVE SESSION    | REQUEST EFFECTIVE DATES | EXPANSION REQUESTS              | EFFECTIVE DATES                | NEW POSITIONS AUTHORIZED                             | LEGISLATIVE AUTHORITY          |
| 1993 LONG SESSION      | FUND 1210               | SUPREME COURT                   | FUND 1210                      | SUPREME COURT                                        |                                |
|                        | 07/01/93                | 1 ASSISTANT LIBRARIAN           | 7/01/93                        | 1 ASSISTANT LIBRARIAN                                | 1993 C. 321, S. 3.             |
|                        | FUND 1220               | COURT OF APPEALS                | FUND 1220                      | SUPERIOR COURT                                       |                                |
|                        | 07/01/93                | 1 APPELLATE CLERK I             | 7/01/93                        | 1 APPELLATE CLERK I                                  | 1993 C. 321, S. 3.             |
|                        | FUND 1230               | SUPERIOR COURT                  | FUND 1230                      | SUPERIOR COURT                                       |                                |
|                        | 07/01/93                | 8 SUPERIOR COURT JUDGES         | 11/01/93                       | 1 SR. RES. SUPERIOR COURT JUDGE<br>(NEW DISTRICT 9A) | 1993 C. 321, S.S 3<br>& 200.4. |
|                        | 07/01/94                | 8 SUPERIOR COURT JUDGES         | 11/01/93                       | 6 RES. SUPERIOR COURT JUDGES                         | 1993 C. 321, S.S 3             |
|                        | 07/01/93                | 8 COURT REPORTERS               | 01/01/95                       | 1 RES. SUPERIOR COURT JUDGE                          | & 200.5.                       |
|                        | 07/01/94                | 8 COURT REPORTERS               | 11/01/93                       | 2 SPEC. SUPERIOR COURT JUDGES                        |                                |
|                        | 07/01/93                | 2 TRIAL COURT ADMINISTRATORS    | 11/01/93                       | 7 COURT REPORTERS                                    | 1993 C. 321, S. 3.             |
|                        | 07/01/94                | 1 TRIAL COURT ADMINISTRATOR     | 11/01/93                       | 1 COURT REPORTER                                     | 1993 C. 321, S. 3.             |
|                        | 07/01/93                | 3 COURT MANAGEMENT ASSISTANTS   | 01/01/95                       | 2 COURT MANAGEMENT ASSISTANTS                        | 1993 C. 321, S. 3.             |
|                        | 07/01/94                | 3 COURT MANAGEMENT ASSISTANTS   | 07/01/93                       | 3 SCJS' SECRETARIES                                  | 1993 C. 321, S. 3.             |
|                        | 07/01/93                | 5 SCJS' SECRETARIES             | 07/01/93                       | 1 SCJS' SECRETARY (DIST. 9A)                         | 1993 C. 321, S.S 3             |
|                        | 07/01/94                | 4 SCJS' SECRETARIES             | 11/01/93                       | 1 ADM. ASSISTANT TO A TCA                            | 1993 C. 321, S. 3.             |
|                        | 07/01/93                | 1 ADM. ASSISTANT TO A TCA       | 07/01/93                       |                                                      |                                |
|                        | FUND 1240               | DISTRICT COURT                  | FUND 1240                      | DISTRICT COURT                                       |                                |
|                        | 07/01/93                | 25 DISTRICT COURT JUDGES        | 11/01/93                       | 6 DISTRICT COURT JUDGES                              | 1993 C. 321, S.S 3             |
|                        | 07/01/93                | 4 MAGISTRATES                   | 12/01/94                       | 7 DISTRICT COURT JUDGES                              | & 200.6.                       |
|                        | 07/01/94                | 4 MAGISTRATES                   | 07/01/93                       | 6 MAGISTRATES                                        | 1993 C. 321, S. 3.             |
|                        | 07/01/93                | 3 COURT REPORTERS               | 07/01/93                       | 6 DCJS'SECRETARIES                                   | 1993 C. 321, S. 3.             |
|                        | 07/01/94                | 3 COURT REPORTERS               |                                |                                                      |                                |
|                        | 07/01/93                | 6 DCJS'SECRETARIES              |                                |                                                      |                                |
|                        | FUND 1250               | JUVENILE SERVICES               | FUND 1250                      | JUVENILE SERVICES                                    |                                |
|                        | 07/01/93                | 1 CHIEF COURT COUNSELOR I       | 07/01/93                       | 1 CHIEF COURT COUNSELOR I                            | 1993 C. 321, S. 3.             |
|                        | 07/01/93                | 38 INTAKE/COURT COUNSELORS      | 07/01/93                       | 23 INTAKE/COURT COUNSELORS                           | 1993 C. 321, S. 3.             |
|                        | 07/01/94                | 13 INTAKE/COURT COUNSELORS      | 07/01/93                       | 12 INTENSIVE SERVICE COUNSELORS                      | 1993 C. 321, S. 3.             |
|                        | 07/01/93                | 20 INTENSIVE SERVICE COUNSELORS | 07/01/93                       | 4 JSD SECRETARIES                                    | 1993 C. 321, S. 3.             |

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EXPANSION REQUESTS AND DIRECT AUTHORIZATIONS FOR  
ADDITIONAL JUDICIAL DEPARTMENT PERSONNEL

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| <u>THE EXPANSION REQUESTS</u>  |                                |                                     | <u>THE LEGISLATIVE AUTHORIZATIONS</u> |                                               |                              |
|--------------------------------|--------------------------------|-------------------------------------|---------------------------------------|-----------------------------------------------|------------------------------|
| <u>LEGISLATIVE SESSION</u>     | <u>REQUEST EFFECTIVE DATES</u> | <u>EXPANSION REQUESTS</u>           | <u>EFFECTIVE DATES</u>                | <u>NEW POSITIONS AUTHORIZED</u>               | <u>LEGISLATIVE AUTHORITY</u> |
| <b>1993 LONG SESSION(CONT)</b> | <b>FUND 1250</b>               | <b>JUVENILE SERVICES (Cont.'ed)</b> | <b>FUND 1250</b>                      | <b>JUVENILE SERVICES (Cont.'ed)</b>           |                              |
|                                | 07/01/94                       | 7 INTENSIVE SERVICE COUNSELORS      |                                       |                                               |                              |
|                                | 07/01/93                       | 1 INT. SUPER. PROGRAM MANAGER       |                                       |                                               |                              |
|                                | 07/01/93                       | 5 JSD SECRETARIES                   |                                       |                                               |                              |
|                                | 07/01/94                       | 5 JSD SECRETARIES                   |                                       |                                               |                              |
|                                | 07/01/93                       | 20 TRANSPORTATION/DET. OFFICERS     |                                       |                                               |                              |
|                                | 07/01/94                       | 8 TRANSPORTATION/DET. OFFICERS      |                                       |                                               |                              |
|                                | <b>FUND 1260</b>               | <b>CLERKS OF COURT</b>              | <b>FUND 1260</b>                      | <b>CLERKS OF COURT</b>                        |                              |
|                                | 07/01/93                       | 91 DEPUTY CLERKS                    | 07/01/93                              | 100 DEPUTY CLERKS                             | 1993 C. 321, S. 3.           |
|                                | 07/01/94                       | 40 DEPUTY CLERKS                    |                                       |                                               |                              |
|                                | <b>FUND 1320</b>               | <b>PUBLIC DEFENDER SERVICES</b>     | <b>FUND 1320</b>                      | <b>PUBLIC DEFENDER SERVICES</b>               |                              |
|                                | 07/01/93                       | 5 ASSISTANT PUBLIC DEFENDERS        |                                       | (VIA TRANSFER FROM INDIGENT DEFENSE FUND)     |                              |
|                                | 07/01/94                       | 5 ASSISTANT PUBLIC DEFENDERS        | 07/01/93                              | 4 ASSISTANT PUBLIC DEFENDERS                  | 1993 C. 321, S.S 3 & 194.    |
|                                | 07/01/93                       | 2 INVESTIGATORS                     | 07/01/93                              | 5 PUB. DEF. SECRETARIES                       | 1993 C. 321, S.S 3 & 194.    |
|                                | 07/01/93                       | 1 PARALEGAL                         |                                       |                                               |                              |
|                                | 07/01/93                       | 5 PUB. DEF. SECRETARIES             |                                       |                                               |                              |
|                                | 07/01/94                       | 5 PUB. DEF. SECRETARIES             |                                       |                                               |                              |
|                                | <b>FUND 1600</b>               | <b>DISTRICT ATTORNEYS</b>           | <b>FUND 1600</b>                      | <b>DISTRICT ATTORNEYS</b>                     |                              |
|                                | 07/01/93                       | 33 ASSISTANT DISTRICT ATTORNEYS     | 11/01/93                              | 1 DISTRICT ATTORNEY (NEW DIST. 9A)            | 1993 C. 321, S.S 3 & 200.4.  |
|                                | 07/01/94                       | 15 ASSISTANT DISTRICT ATTORNEYS     | 01/01/95                              | 1 DISTRICT ATTORNEY (NEW DIST. 19C)           | 1993 C. 321, S.S 3 & 200.7.  |
|                                | 07/01/93                       | 2 INVESTIGATORIAL ASSISTANTS        |                                       |                                               |                              |
|                                | 07/01/93                       | 20 LEGAL ASSISTANTS I               | 01/01/94                              | 11 ASSISTANT DISTRICT ATTORNEYS               | 1993 C. 321, S.S 3 & 200.7.  |
|                                | 07/01/94                       | 10 LEGAL ASSISTANTS I               |                                       |                                               |                              |
|                                | 07/01/93                       | 5 VICTIM-WITNESS ASSISTANTS         | 11/01/93                              | 1 D.A.'S ADMIN. ASSISTANT I (NEW DISTRICT 9A) | 1993 C. 321, S.S 3 & 200.4.  |
|                                | 07/01/94                       | 4 VICTIM-WITNESS ASSISTANTS         |                                       |                                               |                              |
|                                |                                |                                     | 07/01/93                              | 2 INVESTIGATORIAL ASSISTANTS                  | 1993 C. 321, S. 3.           |
|                                |                                |                                     | 07/01/93                              | 10 LEGAL ASSISTANTS I                         | 1993 C. 321, S. 3.           |
|                                |                                |                                     | 07/01/93                              | 1 VICTIM-WITNESS ASSISTANT (NEW DISTRICT 9A)  | 1993 C. 321, S.S 3 & 200.4.  |

FISCAL 1982-83 THROUGH 1995-97

| <u>THE EXPANSION REQUESTS</u>  |                                |                                    | <u>THE LEGISLATIVE AUTHORIZATIONS</u> |                                                  |                                |
|--------------------------------|--------------------------------|------------------------------------|---------------------------------------|--------------------------------------------------|--------------------------------|
| <u>LEGISLATIVE SESSION</u>     | <u>REQUEST EFFECTIVE DATES</u> | <u>EXPANSION REQUESTS</u>          | <u>EFFECTIVE DATES</u>                | <u>NEW POSITIONS AUTHORIZED</u>                  | <u>LEGISLATIVE AUTHORITY</u>   |
| <b>1993 LONG SESSION(Cont)</b> | <b>FUND 1600</b>               | <b>DISTRICT ATTORNEYS (Cont'd)</b> | <b>FUND 1600</b>                      | <b>DISTRICT ATTORNEYS (Cont'd)</b>               |                                |
|                                |                                |                                    | 01/01/95                              | 1 VICTIM-WITNESS ASSISTANT<br>(NEW DISTRICT 19C) | 1993 C. 321, S.S 3<br>& 200.7. |
|                                | <b>FUND 1710</b>               | <b>CUSTODY MEDIATION SERVICES</b>  | <b>FUND 1710</b>                      | <b>CUSTODY MEDIATION SERVICES</b>                |                                |
|                                | 07/01/93                       | 4 CUSTODY MEDIATORS (ESTIMATE)     | 07/01/93                              | 2 CUSTODY MEDIATORS (ESTIMATE)                   | 1993 C. 321, S. 3.             |
|                                | 07/01/94                       | 4 CUSTODY MEDIATORS (ESTIMATE)     |                                       |                                                  |                                |
|                                | <b>FUND 1720</b>               | <b>ARBITRATION PROGRAMS</b>        | <b>FUND 1720</b>                      | <b>ARBITRATION PROGRAMS</b>                      |                                |
|                                | 07/01/93                       | 2 ARBITRATION COORDINATORS         | 07/01/93                              | 1.5 ARBITRATION COORDINATORS                     | 1993 C. 321, S. 3.             |
|                                | 07/01/94                       | 2 ARBITRATION COORDINATORS         |                                       |                                                  |                                |
|                                | 07/01/93                       | 1.5 20-HOUR ARBIT. COORDINATORS    |                                       |                                                  |                                |
|                                | 07/01/94                       | 1 20-HOUR ARBIT. COORDINATOR       |                                       |                                                  |                                |
|                                | <b>FUND 1760</b>               | <b>COMMUNITY PENALTIES PROGRAM</b> | <b>FUND 1760</b>                      | <b>COMMUNITY PENALTIES PROGRAM</b>               |                                |
|                                | 07/01/93                       | 1 GRANTS ADMINISTRATOR             |                                       | —NO NEW POSITION FUNDING—                        |                                |
|                                | <b>FUND 2120</b>               | <b>GUARDIAN AD LITEM PROGRAM</b>   | <b>FUND 2120</b>                      | <b>GUARDIAN AD LITEM PROGRAM</b>                 |                                |
|                                | 10/01/93                       | 1 PRO BONO ADMINISTRATOR           | 07/01/93                              | 1 REGIONAL ADMINISTRATOR                         | 1993 C. 321, S. 3.             |
|                                | 10/01/93                       | 1 PRO BONO PROJECT MANAGER         | 07/01/93                              | 2 DISTRICT ADMINISTRATORS                        | 1993 C. 321, S. 3.             |
|                                | 07/01/93                       | 2 DISTRICT ADMINISTRATORS          | 07/01/93                              | 15 PROGRAM SUPERVISORS                           | 1993 C. 321, S. 3.             |
|                                | 07/01/93                       | 34 PROGRAM SUPERVISORS             | 07/01/93                              | 9 PROGRAM SECRETARIES                            | 1993 C. 321, S. 3.             |
|                                | 07/01/94                       | 20 PROGRAM SUPERVISORS             |                                       |                                                  |                                |
|                                | 07/01/93                       | 15 PROGRAM SECRETARIES             |                                       |                                                  |                                |
|                                | 07/01/94                       | 5 PROGRAM SECRETARIES              |                                       |                                                  |                                |
|                                | <b>FUND 2130</b>               | <b>APPELLATE DEFENDER SERVICES</b> | <b>FUND 2130</b>                      | <b>APPELLATE DEFENDER SERVICES</b>               | (TRANSFER INDIGENT FUND        |
|                                |                                |                                    | 07/01/93                              | 2 ASSISTANT APPELLATE DEFENDERS                  | 1993 C. 321, S.S 3 & 194.      |

EXPANSION REQUESTS AND DIRECT AUTHORIZATIONS FOR  
ADDITIONAL JUDICIAL DEPARTMENT PERSONNEL

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FISCAL 1982-83 THROUGH 1995-97

| <u>THE EXPANSION REQUESTS</u>  |                                |                                     | <u>THE LEGISLATIVE AUTHORIZATIONS</u> |                                     |                              |
|--------------------------------|--------------------------------|-------------------------------------|---------------------------------------|-------------------------------------|------------------------------|
| <u>LEGISLATIVE SESSION</u>     | <u>REQUEST EFFECTIVE DATES</u> | <u>EXPANSION REQUESTS</u>           | <u>EFFECTIVE DATES</u>                | <u>NEW POSITIONS AUTHORIZED</u>     | <u>LEGISLATIVE AUTHORITY</u> |
| <b>1993 LONG SESSION(CONT)</b> | <b>FUND 1110</b>               | <b>AOC - GENERAL ADMINISTRATION</b> | <b>FUND 1110</b>                      | <b>AOC - GENERAL ADMINISTRATION</b> |                              |
|                                | 07/01/93                       | 1 WORD PROCESSOR II                 | 07/01/93                              | 1 WORD PROCESSOR II                 | 1993 C. 321, S. 3.           |
|                                | 07/01/93                       | 1 COURT MGT. ANALYST I              | 07/01/93                              | 1 COURT MGT. ANALYST I              | 1993 C. 321, S. 3.           |
|                                | 07/01/94                       | 1 COURT MGT. ANALYST I              | 01/01/94                              | 1 COURT MGT. ANALYST II             | 1993 C. 321, S. 3.           |
|                                | 01/01/94                       | 1 COURT MGT. ANALYST II             | 07/01/93                              | 1 TR. JUDGE RESEARCH ATTORNEY       | 1993 C. 321, S. 3.           |
|                                | 07/01/93                       | 1 TR. JUDGE RESEARCH ATTORNEY       | 07/01/93                              | 1 SENIOR SYSTEMS ACCOUNTANT         | 1993 C. 321, S. 3.           |
|                                | 07/01/94                       | 1 RESEARCH ASSISTANT                | 07/01/93                              | 4 SYSTEMS ACCOUNTANTS               | 1993 C. 321, S. 3.           |
|                                | 07/01/93                       | 1 MAIL ROOM CLERK                   | 07/01/93                              | 1 FIELD AUDITOR                     | 1993 C. 321, S. 3.           |
|                                | 07/01/93                       | 2 SENIOR SYSTEMS ACCOUNTANTS        | 07/01/93                              | 1 ACCOUNTING ASSISTANT III          |                              |
|                                | 07/01/93                       | 6 SYSTEMS ACCOUNTANTS               | 07/01/93                              | 1 STAFF DEVELOPMENT TECH.           |                              |
|                                | 07/01/93                       | 1 FIELD AUDITOR                     | 07/01/93                              | 1 PERSONNEL ASSISTANT III           |                              |
|                                | 07/01/93                       | 1 ACCOUNTING ASSISTANT III          |                                       |                                     |                              |
|                                | 07/01/93                       | 1 EMPLOYEE RELATIONS SPECIALIST     |                                       |                                     |                              |
|                                | 07/01/93                       | 1 HUMAN RELATIONS TECH.             |                                       |                                     |                              |
|                                | 07/01/93                       | 1 STAFF DEVELOPMENT TECH.           |                                       |                                     |                              |
|                                | 07/01/93                       | 1 PERSONNEL ASSISTANT III           |                                       |                                     |                              |
|                                | 07/01/93                       | 1 BENEFITS SPECIALIST               |                                       |                                     |                              |
|                                | <b>FUND 1120</b>               | <b>AOC - INFORMATION SERVICES</b>   | <b>FUND 1120</b>                      | <b>AOC - INFORMATION SERVICES</b>   |                              |
|                                | 07/01/93                       | 1 SR. OPER. SYS.'S PROGRAMMER       | 07/01/93                              | 1 SR. OPER. SYS.'S PROGRAMMER       | 1993 C. 321, S.S 3 & 193.    |
|                                | 07/01/93                       | 5 SR. ANALYST PROGRAMMERS           | 07/01/93                              | 4 SR. ANALYST PROGRAMMERS           | 1993 C. 321, S.S 3 & 193.    |
|                                | 07/01/93                       | 2 LAN SUPPORT SPECIALISTS           | 07/01/93                              | 1 LAN SUPPORT SPECIALIST            | 1993 C. 321, S.S 3 & 193.    |
|                                | 07/01/93                       | 1 NETWORK SUPPORT SPECIALIST        |                                       |                                     |                              |
|                                | 07/01/93                       | 1 APP. DIV. INFO. SER. COORD.       |                                       |                                     |                              |
|                                | 07/01/93                       | 1 APP. DIV. TRAINING COORDINATOR    |                                       |                                     |                              |
|                                | 07/01/93                       | 1 E-MAIL ADMINISTRATOR              |                                       |                                     |                              |
|                                | 07/01/93                       | 1 DISASTER RECOVERY PLANNER         |                                       |                                     |                              |
|                                | 07/01/93                       | 1 CAPACITY/PERFORM. PLANNER         |                                       |                                     |                              |
|                                | 07/01/93                       | 1 QUALITY CONTROL/STD. SPEC.        |                                       |                                     |                              |
|                                | 07/01/93                       | 2 LAN SITE ADMINISTRATORS           |                                       |                                     |                              |
|                                | 07/01/93                       | 3.5 COMPUTER OPERATORS              |                                       |                                     |                              |
|                                | 07/01/93                       | 1 OPERATIONS SUPPORT ASSISTANT      |                                       |                                     |                              |

THE JUDICIAL DEPARTMENT OF NORTH CAROLINA

EXPANSION REQUESTS AND DIRECT AUTHORIZATIONS FOR  
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| <u>THE EXPANSION REQUESTS</u>  |                                |                                          | <u>THE LEGISLATIVE AUTHORIZATIONS</u> |                                   |                              |
|--------------------------------|--------------------------------|------------------------------------------|---------------------------------------|-----------------------------------|------------------------------|
| <u>LEGISLATIVE SESSION</u>     | <u>REQUEST EFFECTIVE DATES</u> | <u>EXPANSION REQUESTS</u>                | <u>EFFECTIVE DATES</u>                | <u>NEW POSITIONS AUTHORIZED</u>   | <u>LEGISLATIVE AUTHORITY</u> |
| <b>1993 LONG SESSION(CONT)</b> | FUND 1130                      | AOC - WAREHOUSE & PRINT SHOP             | FUND 1130                             | AOC - WAREHOUSE & PRINT SHOP      |                              |
|                                | 07/01/93                       | 1 PRINTING EQUIP. OPERATOR II            |                                       | —NO NEW POSITION FUNDING—         |                              |
| <b>1993 SESSION</b>            | TOTALS:                        | 597 NEW FTE POSITIONS REQUESTED<br>===== | TOTALS:                               | 280.5<br>=====<br>46.98%<br>===== | NEW POSITIONS AUTHORIZED     |

| NAME           | FIRM OR AGENCY AND ADDRESS |
|----------------|----------------------------|
| Reg Dorer      | NC DA's Conference         |
| Debbie McAGHER | AOC                        |
| John Madler    | NC Sentencing Commission   |
| Lucy Humphrey  | NC Sentencing Commission   |
| Chuck Crum     | OSJM                       |
| Luigi L. Bush  | OSPL                       |
| Leo Chubb      | MAM                        |
| Chris Mark     | CTRC                       |
| Bob Atkinson   | AOC                        |
| Garry Hoyer    | AOC                        |
| David Hamer    | AOC                        |
| Howell         | Aox                        |

**APPROPRIATIONS SUBCOMMITTEE  
ON  
JUSTICE & PUBLIC SAFETY**

March 4, 1997  
Room 612

**HOUSE MEMBERS PRESENT:** [7] Representatives Thompson, Justus, Kiser, McCrary, Hardy, Sexton, and Smith

**Senate Members Present:** [2]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, March 4, 1997 in Room 612 of the Legislative Office Building. Representative Thompson called the meeting to order at 3:30 PM and introduced Senate Page Matt Aubry from Buncombe County and House Pages were Jacqueline Kannor from Wayne County and Fioni Lawrence of Hertford County.

Representative Thompson recognized Charles Perusse, Fiscal Analyst to continue with the Review of Judicial Budget:

Charles Perusse Continued with the **Overview of Mecklenburg Drug Court** (Attachment A).

There was discussion and questions regarding how many were being treated by this before and after the establishment of this court.

Representative Thompson asked the staff to provide this information to the Committee.

Representative Justus asked that they be given statistics four years prior to 1992.

Representative Kiser asked if Mecklenburg County has more of a problem today than other Counties. Fiscal staff will get this information for the Committee.

Discussion followed regarding local matching funds.

Charles Perusse explained the **Vacancy List** (Attachment B).

Dallas Cameron, Administrative Office of the Courts commented on the number of vacant positions.

Representative Thompson asked for the reason for any position vacant more than three months be provided the Committee. Mr. Cameron will provide this information to the Committee.

Charles Perusse and Elisa Wolper gave an overview of **Discussion and Special Provisions** (Attachment C).

The following items were flagged:

Jury Fee Waiver Program  
Transfer of Equipment and Supply Funds  
N.C. State Bar Funds  
Indigent Persons' Attorney Fee Fund  
Annual Report on Recidivism  
Report on Dispute Settlement Centers  
Community Penalties Program  
Drug Treatment Courts/Funds in Reserve.

The meeting adjourned at 4:10 PM until Wednesday morning at 8:30 AM.

  
Representative Gregg Thompson  
Chairman

  
Edna Sykes  
Committee Clerk

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY**

Tuesday March 4, 1997 -- 15 minutes after last Chamber adjourns  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Representative Larry Justus,  
Representative Gregg Thompson, **Presiding**  
Representative Joe Kiser

**II. PRESENTATIONS**

- Continue Review of Judicial Budget

--Mecklenburg Drug Court

-- Vacancy List

-- Special Provisions

Charles Perusse, Fiscal Analyst

Elisa Wolper, Fiscal Analyst

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**



## VISITOR REGISTRATION SHEET

**APP. SUB. JUSTICE & PUBLIC SAFETY**

Name of Cominittee

3/4/97 P.M.

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

**FIRM OR AGENCY AND ADDRESS**

|                  |                           |
|------------------|---------------------------|
| Jane O. Gray     | DOJ                       |
| James H. Gray    | OSBM                      |
| John H. Gray     | AOC                       |
| William H. Gray  | AOC                       |
| John H. Gray     | AOC                       |
| Rebecca Weissman | LSNC                      |
| John H. Gray     | Manning, Fulton & Skinner |

# **Judicial Department**

## **1997-99 Budget Overview Mecklenburg Drug Court Program**

**Joint Appropriations Subcommittee on Justice and Public Safety  
March 4, 1997**

# **JUDICIAL DEPARTMENT**

## **MECKLENBURG DRUG COURT PROGRAM**

### **(Fund 1790 in Budget Book)**

#### OVERVIEW

- Goal is to increase the number of felony and misdemeanor drug cases that are prosecuted and result in active sentences or probation; and, to do so within 180 days of arrest.
- Accomplish goal through several objectives, including:
  - increasing the number of cases accepted for prosecution by giving them more attention.
  - Increasing prosecution efforts on cases involving drug-related violence.
  - Concluding drug cases within 180 days of arrest, either by trial or guilty plea.

# **JUDICIAL DEPARTMENT MECKLENBURG DRUG COURT PROGRAM (Fund 1790 in Budget Book) (Continued)**

## **FUNDING HISTORY**

- Program was funded by Governor's Crime Commission grant from FY 1992-93 through FY 1994-95 (75% federal funds/25% local match).
- 1995 General Assembly provided both permanent and contractual funds to continue program for 1995-97 biennium.
- 1995-97 funding amount totaled \$461,530 (\$346,147 state funds/\$115,383 local match).
- This included:
  - 1 permanent deputy clerk
  - 1 permanent legal assistant
  - 4 contractual assistant district attorneys
  - 2 contractual assistant public defenders
  - Contractual funds for superior court judges and court reporting services.

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# **JUDICIAL DEPARTMENT**

## **MECKLENBURG DRUG COURT PROGRAM**

### **(Fund 1790 in Budget Book)**

### **(Continued)**

- In 1995 session, other staffing needs were funded as part of the statewide funding of positions for Judicial Department, including:
  - 1 permanent deputy clerk from 25 allocated statewide
  - 1 permanent assistant district attorney from the 8 allocated statewide
  - 1 permanent assistant public defender from the 3 allocated statewide.
- The 5 additional assistant district attorneys provided to Mecklenburg by the 1996 Session were not designated to the Drug Court Program.

# **JUDICIAL DEPARTMENT**

## **MECKLENBURG DRUG COURT PROGRAM**

### **(Fund 1790 in Budget Book)**

### **(Continued)**

- The Governor's 1997-99 continuation budget recommendations included permanent and contractual funding for the program. (See special provision)

|                    | <u>1995-96</u> | <u>Authorized</u><br><u>1996-97</u> | <u>Recomm.</u><br><u>1997-98</u> | <u>Recomm.</u><br><u>1998-99</u> |
|--------------------|----------------|-------------------------------------|----------------------------------|----------------------------------|
| Total Expenditures | \$421,933      | \$461,530                           | \$515,106                        | \$515,106                        |
| Local Match        | 115,383        | 115,383                             | 115,383                          | 115,383                          |
| Net Appropriation  | 306,550        | 346,147                             | 399,723                          | 399,723                          |

\* Increase between FY 1996-97 and Recommended FY 1997-98 budget is for legal services.

# **JUDICIAL DEPARTMENT**

## **MECKLENBURG DRUG COURT PROGRAM**

### **(Fund 1790 in Budget Book)**

### **(Continued)**

#### ISSUES TO CONSIDER

- Approve funding as outlined in the Governor's 1997-99 Continuation Budget -- funds for 2 permanent positions and contractual service funds with 25% local match.
  - If approved as recommended, committee may want to adjust budget by \$13,394 in each year of 1997-99 biennium to reach 25% local match.
- Discuss providing permanent state funding for Mecklenburg Drug Court Program with 25% local match (expansion issue).

6.  
Rights Act of 1965. As to any district court district where any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective December 15, 1996, or 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act of 1965, whichever is later.

Requested by: Senator Conder, Representative Morgan

#### **DISTRICT COURT JUDGES**

Sec. 22.8. (a) Section 2(b) of Chapter 589 of the 1995 Session Laws reads as rewritten:

"(b) ~~Each~~ The district court judgeship held on June 12, 1996, in District Court District 20 by a resident of Moore County (Michael Earle Beale and Jayrene Russell Maness) is allocated to District Court District 19B. The district court judgeship held on June 12, 1996, in District Court District 20 by a resident of Moore County (Michael Earle Beale) is allocated to District Court District 20. The term of each of these judges expires December 7, 1998. A successor to each judge shall be elected in the 1998 general election."

(b) Section 2(d) of Chapter 589 of the 1995 Session Laws reads as rewritten:

"(d) The effect of subsections (a) through (c) of this section is also to add an additional district court judgeship in District Court District ~~20~~ 19B effective January 1, 1997. The Governor shall appoint a person to fill the vacancy for the remainder of the term expiring the first Monday in December of ~~2000~~ 1998."

Requested by: Senators Ballance, Rand, Cooper, Representatives Justus, Thompson, Kiser

#### **MECKLENBURG DRUG COURT FUNDING**

Sec. 22.9. It is the intent of the General Assembly that the Mecklenburg Drug Court program be funded as a recurring item within the continuation budget.

Requested by: Representatives Holmes, Creech, Esposito, Justus, Thompson, Kiser, Senators Ballance, Rand, Cooper

#### **FUNDING FOR SUPERIOR COURT REPORTERS**

Sec. 22.10. It is the intent of the General Assembly that funding for superior court reporters remain a part of the continuation budget.

Requested by: Senators Ballance, Odom, Rand, Cooper, Representatives Justus, Thompson, Kiser

#### **DISTRICT COURT REPORTER OPTION**

Sec. 22.11. G.S. 7A-198 is amended by adding a new subsection to read:

"(g) A party to a civil trial in district court may request a private agreement from the opposing party or parties to share equally in the cost of a court reporter to be selected from a list provided by the Administrative Office of the Courts. If the opposing party does not consent to share this cost, the requesting party may nevertheless pay to have a court reporter present to record the trial and, in the event that the opposing party appeals the case, that party shall reimburse the party providing the court reporter in full for the costs incurred for the court reporter's services and transcripts.

In the event that the recording device in a civil trial conducted without a court reporter fails for any reason to provide a reasonably accurate record of the trial for purposes of appeal, then the trial judge shall grant a motion for a new trial made by a losing party whose request pursuant to this section to share the cost of a court reporter was not consented to by the opposing party."



|                         |                       |    |        |         |         |          |           |           |       |       |
|-------------------------|-----------------------|----|--------|---------|---------|----------|-----------|-----------|-------|-------|
| NC JUDICIAL DEPARTMENT  |                       |    |        |         |         |          |           |           |       |       |
| VACANT POSITIONS        |                       |    |        |         |         |          |           |           |       |       |
| AS OF FEBRUARY 21, 1997 |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
| FUND                    | POSITION TYPE         | ** | 0 - 30 | 31 - 60 | 61 - 90 | 91 - 120 | 121 - 150 | 151 - 180 | > 180 | TOTAL |
| 1120                    | SECRETARY II          |    |        | 1       |         |          |           |           |       | 1     |
| 1120                    | LAN SUPPORT SPEC      |    | 1      |         |         |          |           |           |       | 1     |
| 1230                    | OFFICIAL CT REPORTER  |    |        |         | 1       |          |           | 1         | 1     | 3     |
| 1230                    | SC LEGAL ASST         |    |        |         |         |          |           |           | 1     | 1     |
| 1240                    | MAGISTRATE            |    |        |         | 5       |          |           | 1         | 2     | 8     |
| 1250                    | JUV CT SEC II         |    | 1      |         |         |          |           |           |       | 1     |
| 1250                    | JUV CT CNSLR          |    | 5      | 1       |         |          |           |           |       | 6     |
| 1260                    | ASST CLERK            |    |        |         | 1       | 2        |           | 1         | 1     | 5     |
| 1260                    | DEPUTY CLERK          |    | 2      | 3       | 1       | 1        |           | 1         | 1     | 9     |
| 1320                    | ASST PUB DEFENDER     |    |        |         | 1       |          |           |           |       | 1     |
| 1320                    | PD LEGAL ASST         |    | 1      |         |         |          |           |           |       | 1     |
| 1600                    | ASST DIST ATTY        |    |        | 1       | 1       | 1        |           |           |       | 3     |
| 1600                    | DA LEGAL ASST         |    | 1      | 2.5     |         |          |           |           |       | 3.5   |
| 1600                    | VICTIM & WITNESS ASST |    | 1      |         |         |          |           |           |       | 1     |
| 1720                    | SC LEGAL ASST         |    | 1      |         |         |          |           |           |       | 1     |
| 1750                    | RESEARCH ASSOCIATE    |    |        |         | 1       |          |           |           |       | 1     |
|                         | TOTAL                 |    | 13     | 8.5     | 11      | 4        | 0         | 4         | 6     | 46.5  |
|                         |                       |    |        |         |         |          |           |           |       |       |
|                         |                       |    |        |         |         |          |           |           |       |       |
| ** IN DAYS              |                       |    |        |         |         |          |           |           |       |       |

| NC JUDICIAL DEPARTMENT                     |                |                       |           |             |
|--------------------------------------------|----------------|-----------------------|-----------|-------------|
| VACANT POSITIONS                           |                |                       |           |             |
| AS OF FEBRUARY 21, 1997                    |                |                       |           |             |
|                                            |                |                       |           |             |
|                                            |                |                       |           |             |
|                                            |                |                       |           |             |
|                                            |                |                       |           |             |
| FUND                                       | DIST/COUNTY    | POSITION              | POS COUNT | AGING       |
| 1120                                       | AOC            | SECRETARY II          | 1         | 31 - 60     |
| 1120                                       | AOC            | LAN SUPPORT SPEC      | 1         | 0 - 30      |
| 1230                                       | DISTRICT - 7C  | OFFICIAL CT REPORTER  | 1         | 151 - 180   |
| 1230                                       | DISTRICT - 14  | OFFICIAL CT REPORTER  | 1         | >180        |
| 1230                                       | DISTRICT - 16B | OFFICIAL CT REPORTER  | 1         | 61 - 90     |
| 1230                                       | DISTRICT - 29  | SC LEGAL ASST         | 1         | > 180       |
| 1240                                       | ALAMANCE       | MAGISTRATE            | 2         | 61 - 90     |
| 1240                                       | BEAUFORT       | MAGISTRATE            | 1         | > 180       |
| 1240                                       | IREDELL        | MAGISTRATE            | 1         | 61 - 90     |
| 1240                                       | MACON          | MAGISTRATE            | 1         | 151 - 180   |
| 1240                                       | ROBESON        | MAGISTRATE            | 1         | > 180       |
| 1240                                       | RUTHERFORD     | MAGISTRATE            | 1         | 61 - 90     |
| 1240                                       | SAMPSON        | MAGISTRATE            | 1         | 61 - 90     |
| 1250                                       | DISTRICT - 26  | JUV CT SEC II         | 1         | 0 - 30      |
| 1250                                       | DISTRICT - 7   | JUV CT COUNSELOR      | 1         | 0 - 30      |
| 1250                                       | DISTRICT - 10  | JUV CT COUNSELOR      | 1         | 0 - 30      |
| 1250                                       | DISTRICT - 24  | JUV CT COUNSELOR      | 1         | 31 - 60     |
| 1250                                       | DISTRICT - 25  | JUV CT COUNSELOR      | 1         | 0 - 30      |
| 1250                                       | DISTRICT - 26  | JUV CT COUNSELOR      | 1         | 0 - 30      |
| 1250                                       | DISTRICT - 27A | JUV CT COUNSELOR      | 1         | 0 - 30      |
| 1260                                       | MECKLENBURG    | ASSISTANT CLERK       | 2         | * see below |
| 1260                                       | BUNCOMBE       | ASSISTANT CLERK       | 1         | 91 - 120    |
| 1260                                       | CABARRUS       | ASSISTANT CLERK       | 1         | 151 - 180   |
| 1260                                       | CHATHAM        | ASSISTANT CLERK       | 1         | >180        |
| 1260                                       | BUNCOMBE       | DEPUTY CLERK          | 1         | 0 - 30      |
| 1260                                       | CUMBERLAND     | DEPUTY CLERK          | 1         | 31 - 60     |
| 1260                                       | DURHAM         | DEPUTY CLERK          | 1         | 0 - 30      |
| 1260                                       | GUILFORD       | DEPUTY CLERK          | 1         | >180        |
| 1260                                       | HARNETT        | DEPUTY CLERK          | 1         | 91 - 120    |
| 1260                                       | MECKLENBURG    | DEPUTY CLERK          | 3         | **see below |
| 1260                                       | RUTHERFORD     | DEPUTY CLERK          | 1         | 31 - 60     |
| 1320                                       | DISTRICT - 26  | ASST PUB DEFENDER     | 1         | 61 - 90     |
| 1320                                       | DISTRICT - 28  | PD LEGAL ASST         | 1         | 0 - 30      |
| 1600                                       | DISTRICT - 5   | ASST DIST ATTORNEY    | 1         | 91 - 120    |
| 1600                                       | DISTRICT - 13  | ASST DIST ATTORNEY    | 1         | 31 - 60     |
| 1600                                       | DISTRICT - 16B | ASST DIST ATTORNEY    | 1         | 61 - 90     |
| 1600                                       | DISTRICT - 9   | DA LEGAL ASST         | 1         | 31 - 60     |
| 1600                                       | DISTRICT - 10  | DA LEGAL ASST         | 1         | 0 - 30      |
| 1600                                       | DISTRICT - 11A | DA LEGAL ASST         | 0.5       | 31 - 60     |
| 1600                                       | DISTRICT - 29  | DA LEGAL ASST         | 1         | 31 - 60     |
| 1600                                       | DISTRICT - 19A | VICTIM & WITNESS ASST | 1         | 0 - 30      |
| 1720                                       | DISTRICT - 26  | SC LEGAL ASST         | 1         | 0 - 30      |
| 1750                                       | SENT & POLICY  | RESEARCH ASSOCIATE    | 1         | 61 - 90     |
| TOTAL                                      |                |                       | 46.5      |             |
|                                            |                |                       |           |             |
|                                            |                |                       |           |             |
|                                            |                |                       |           |             |
| * (1) 61 - 90; (1) 91 - 120                |                |                       |           |             |
| ** (1) 31 - 60; (1) 61 - 90; (1) 151 - 180 |                |                       |           |             |

# **Judicial Department**

## **1997-99 Budget Overview Discussion of Special Provisions**

**Joint Appropriations Subcommittee on Justice and Public Safety  
March 4, 1997**

32 Requested by: Representatives Justus, Thompson, Senator Ballance

33 **JURY FEE WAIVER PROGRAM**

34 Sec. 21.1. (a) G.S. 7A-312 reads as rewritten:

35 "**§ 7A-312. Uniform fees for jurors; meals.**

36 A juror in the General Court of Justice including a petit juror, or a coroner  
37 juror, but excluding a grand juror, shall receive twelve dollars (\$12.00) per day  
38 except that if any person serves as a juror for more than five days in any 24-month  
39 period, the juror shall receive thirty dollars (\$30.00) per day for each day of service  
40 in excess of five days. A grand juror shall receive twelve dollars (\$12.00) per day.  
41 However, any juror may waive payment of the per diem fees provided for in this  
42 section. A juror required to remain overnight at the site of the trial shall be  
43 furnished adequate accommodations and subsistence. If required by the presiding  
44 judge to remain in a body during the trial of a case, meals shall be furnished to  
45 jurors during the period of sequestration. Jurors from out of the county summoned to  
46 sit on a special venire shall receive mileage at the same rate as State employees."

47 (b) The Administrative Office of the Courts shall conduct a program to  
48 determine the extent to which cost savings may be generated by allowing jurors to  
49 waive payment of the per diem jury fees pursuant to subsection (a) of this section.  
50 The Administrative Office of the Courts shall report its findings on savings generated  
51 by this program to the Chairs of the Senate and House Appropriations Committee  
52 and the Chairs of the Senate and House Appropriations Subcommittees on Justice  
53 and Public Safety by March 1, 1997.

3 Requested by: Representatives Justus, Thompson, Senator Ballance

4 **TRANSFER OF EQUIPMENT AND SUPPLY FUNDS**

5 Sec. 21.3. Funds appropriated to the Judicial Department in the 1995-97  
6 biennium for equipment and supplies shall be certified in a reserve account. The  
7 Administrative Office of the Courts shall have the authority to transfer these funds to  
8 the appropriate programs and between programs as the equipment priorities and  
9 supply consumptions occur during the operating year. These funds may not be  
10 expended for any other purpose. The Administrative Office of the Courts shall make  
11 quarterly reports on transfers made pursuant to this section to the Joint Legislative  
12 Commission on Governmental Operations and the Chairs of the Senate and House  
13 Appropriations Subcommittees on Justice and Public Safety.

52 **N.C. STATE BAR FUNDS**

1 Sec. 21.14. Of the funds appropriated in this act as a grant-in-aid to the  
2 North Carolina State Bar for the 1995-97 fiscal biennium, the North Carolina State  
3 Bar may in its discretion use up to the sum of two hundred fifty thousand dollars  
4 (\$250,000) for the 1995-96 fiscal year and up to the sum of two hundred fifty  
5 thousand dollars (\$250,000) for the 1996-97 fiscal year to further the criminal justice  
6 system.

Requested by: Senators Ballance, Rand Representatives Justus, Thompson, Kiser  
**INDIGENT PERSONS' ATTORNEY FEE FUND**

Sec. 21.3. (a) Effective July 1, 1995, the Administrative Office of the Courts shall each year of the 1995-97 biennium reserve funds for capital cases and for transcripts, professional examinations, and expert witness fees from the Indigent Persons' Attorney Fee Fund. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be allotted for adult, juvenile, and guardian ad litem cases for the 1995-96 and 1996-97 fiscal years to each judicial district in which the superior and district court districts are coterminous, and otherwise by county, according to the caseload of indigent persons who were not represented by the public defender in the districts or counties during 1994-95 and 1995-96 respectively.

The Administrative Office of the Courts shall notify all senior resident superior court judges, all chief district court judges, and the clerk of superior court within the district or county immediately after the allotment is made and shall provide a monthly report on the status of the allotment for the district or county.

The senior resident superior court judge and the chief district court judge of each district or county shall ask all judges holding court within the district or county: (i) to take into consideration the amount of money allotted at the beginning of the fiscal year and the amount of money remaining in the allotment when they

award counsel fees to attorneys of indigent persons, and (ii) to make an effort to award fees equally and justly for legal services provided. The clerk of superior court for each county shall ensure that all judges holding court within the county receive this request from the senior resident superior court judge and the chief district court judge.

(b) If the funds allotted pursuant to subsection (a) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot any available funds from the reserve fund specified in subsection (a) or from unanticipated receipts. However, if necessary and appropriate due to unusual and unanticipated circumstances occurring in the current year, the Administrative Office of the Courts may allocate available funds to a district or county in a manner calculated to result in the reasonably fair distribution of remaining funds.

(c) If funds allocated in subsections (a) and (b) are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts shall allot available funds from the Public Defender program.

(d) If the funds allotted pursuant to subsections (a), (b), and (c) of this section are depleted in a district or county prior to the end of the fiscal year, the Administrative Office of the Courts is authorized to transfer funds between districts or counties only if the Administrative Office of the Courts determines that the funds transferred will not be needed to meet the obligations incurred by the Indigent Persons' Attorney Fee Fund for the county or district from which the funds are transferred for the fiscal year.

Requested by: Representatives Justus, Thompson, Senator Ballance  
**ANNUAL REPORT ON RECIDIVISM**

Sec. 22.3. The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, and the Department of Correction shall jointly prepare an annual report on recidivism among criminal offenders. The findings of the report shall be based upon methodology similar to that employed in the May 1, 1996, Recidivism Study that was presented to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety. This methodology shall include tracking of all offenders assigned to community corrections programs or

released from prison by fiscal year, beginning with the 1993-94 fiscal year for the first year's report, and then identifying those offenders rearrested within two years or more after assignment to a program or release from prison. Community correction programs to be included in the report are the Treatment Alternatives to Street Crime (TASC), the Community Penalties Program, Community Service, all supervised probation and parole programs, and all community correction programs supervised or funded by the Department of Correction.

As part of this joint project, the Department of Correction shall provide the Sentencing and Policy Advisory Commission with a computerized list of offenders released from prison and offenders entering supervised probation during the specified time period. The list shall include specific offender-identifying information and clearly identify offenders entering community corrections programs supervised or funded by the Department of Correction. The Sentencing and Policy Advisory Commission shall be responsible for matching offenders to Division of Criminal Information (DCI) criminal records and for the production and printing of the final report.

Data collection and report preparation for the first year shall be funded from the sum of four thousand dollars (\$4,000) appropriated to the Judicial Department for the 1996-97 fiscal year for that purpose, and grant funds available to the Department of Correction for the 1996-97 fiscal year, up to the sum of twenty-five thousand dollars (\$25,000). The report shall be due by April 1 of each year.

14  
15 Requested by: Representatives Justus, Thompson, Senator Ballance

16 **REPORT ON DISPUTE SETTLEMENT CENTERS**

17 Sec. 21.5. (a) All local dispute settlement centers currently receiving  
18 State funds shall report annually to the Judicial Department on the program's  
19 funding and activities, including:

- 20 (1) Types of dispute settlement services provided;
- 21 (2) Clients receiving each type of dispute settlement service;
- 22 (3) Number and type of referrals received, cases actually mediated,  
23 cases resolved in mediation, and total clients served in the cases  
24 mediated;
- 25 (4) Total program funding and funding sources;
- 26 (5) Itemization of the use of funds, including operating expenses and  
27 personnel;
- 28 (6) Itemization of the use of State funds;
- 29 (7) Level of volunteer activity; and
- 30 (8) Identification of future service demands and budget requirements.

31 The Judicial Department shall compile and summarize the information  
32 provided pursuant to this subsection and shall provide the information to the Chairs  
33 of the House and Senate Appropriations Committees and the Chairs of the House  
34 and Senate Appropriations Subcommittees on Justice and Public Safety by February  
35 1 of each year.

36 (b) Each local dispute settlement center requesting State funds for the  
37 first time shall provide the General Assembly with (i) the information enumerated in  
38 subsection (a) of this section, or projections where historical data is not available, as  
39 well as a detailed statement justifying the need for State funding, and (ii) certification  
40 that at least fifty percent (50%) of total funding for the first fiscal year in which  
41 funding is requested shall come from non-State sources, and (iii) if funding is  
42 requested for a second fiscal year, certification that at least sixty percent (60%) of  
43 total funding for the second fiscal year shall come from non-State sources.

44 (c) Each local dispute settlement center requesting an expansion of State  
45 funding shall provide the General Assembly with (i) the information enumerated in  
46 subsection (a) of this section, or projections where historical data is not available, as  
47 well as a detailed statement justifying the need for the expansion of State funding,  
48 and (ii) certification that at least sixty percent (60%) of total funding shall come from  
49 non-State sources.

13 Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand  
14 **COMMUNITY PENALTIES PROGRAM**

15 Sec. 21.9. (a) Of the funds appropriated from the General Fund to the  
16 Judicial Department for the 1995-97 biennium to conduct the Community Penalties  
17 program, the sum of three million four hundred eighty-four thousand nine hundred  
18 twelve dollars (\$3,484,912) for the 1995-96 fiscal year and the sum of four million one  
19 hundred thirty-four thousand nine hundred twelve dollars (\$4,134,912) for the 1996-  
20 97 fiscal year may be allocated by the Judicial Department in each year of the  
21 biennium in any amount among existing community penalties programs, including  
22 any State-operated programs, or may be used to establish new State-operated  
23 community penalties programs.

24 (b) The Judicial Department shall report annually to the Senate and  
25 House Appropriations Subcommittees on Justice and Public Safety and to the Fiscal  
26 Research Division on the administrative expenditures of the community penalties  
27 programs. The Judicial Department shall report quarterly to the Joint Legislative  
28 Commission on Governmental Operations on any elimination or reduction of funding  
29 for community penalties programs funded in the 1994-95 fiscal year or any program  
30 receiving initial funding during the 1995-97 biennium.

31 (c) G.S. 7A-771(1) reads as rewritten:  
32 "(1) 'Community penalties program' means an agency or State-run  
33 office within the judicial district which shall (i) prepare community  
34 penalty plans; (ii) arrange or contract with public and private  
35 agencies for necessary services for offenders; and (iii) monitor the  
36 progress of offenders placed on community penalty plans."

37 (d) G.S. 7A-772 reads as rewritten:  
38 "**§ 7A-772. Allocation of funds.**

39 (a) The Director may award grants in accordance with the policies established by  
40 this Article and in accordance with any laws made for that purpose, including  
41 appropriations acts and provisions in appropriations acts, and adopt regulations for  
42 the implementation, operation, and monitoring of community penalties programs.  
43 Community penalties programs that are grantees shall use such funds to develop,  
44 implement, and monitor community penalty plans. Grants shall be awarded by the  
45 Director to agencies whose comprehensive program plans promise best to meet the  
46 goals set forth herein.

47 (b) The Director may establish local community penalties programs and appoint  
48 those staff as the Director deems necessary. These personnel may serve as full-time  
49 or part-time State employees or may be hired on a contractual basis when determined  
50 appropriate by the director. Contracts entered under the authority of this subsection  
51 shall be exempt from the competitive bidding procedures under Chapter 143 of the  
52 General Statutes. The Administrative Office of the Courts shall adopt rules necessary  
53 and appropriate for the administration of the program. Funds appropriated by the

1 General Assembly for the establishment and maintenance of community penalties  
2 programs under this Article shall be administered by the Administrative Office of the  
3 Courts."

4 (e) G.S. 7A-773 reads as rewritten:  
5 "**§ 7A-773. Responsibilities of a community penalties program.**

- 6 A community penalties program shall be responsible for:
- 7 (1) Targeting offenders who are eligible to receive an intermediate  
8 punishment based on their class of offense and prior record level  
9 and who face an imminent and substantial threat of imprisonment.
  - 10 (2) Preparing detailed community penalty plans for presentation to the  
11 sentencing judge by the offender's ~~attorney~~. attorney or at the  
12 request of the sentencing judge.
  - 13 (3) Contracting or arranging with public or private agencies for  
14 services described in the community penalty plan.
  - 15 (4) Monitoring the progress of offenders under community penalty  
16 plans."  
17



-6-

## **DRUG TREATMENT COURTS/FUNDS IN RESERVE**

Sec. 21.6. (a) Chapter 7A of the General Statutes is amended by adding a new Subchapter to read:

### **"SUBCHAPTER XIV. DRUG TREATMENT COURTS.**

#### **"ARTICLE 62.**

#### **"North Carolina Drug Treatment Court Act.**

##### **"§ 7A-790. Short title.**

This Article shall be known and may be cited as the 'North Carolina Drug Treatment Court Act of 1995'.

##### **"§ 7A-791. Purpose.**

The General Assembly recognizes that a critical need exists in this State for criminal justice system programs that will reduce the incidence of drug use and drug addiction and crimes committed as a result of drug use and drug addiction. It is the intent of the General Assembly by this Article to create a program to facilitate the creation of drug treatment court pilot programs in a minimum of two judicial districts.

##### **"§ 7A-792. Goals.**

The goals of the drug treatment court programs funded under this Article include the following:

- (1) To reduce alcoholism and other drug dependencies among offenders;
- (2) To reduce recidivism;
- (3) To reduce the drug-related court workload;
- (4) To increase the personal, familial, and societal accountability of offenders; and
- (5) To promote effective interaction and use of resources among criminal justice personnel and community agencies.

##### **"§ 7A-793. Establishment of Program.**

The North Carolina Drug Treatment Court Program is established in the Administrative Office of the Courts to facilitate the creation of drug treatment court programs and the funding of pilot drug treatment court programs. Drug treatment court programs funded pursuant to this Article shall be operated consistent with the guidelines promulgated by the Director of the Administrative Office of the Courts in consultation with the State Drug Treatment Court Advisory Committee established in G.S. 7A-795. In promulgating the guidelines, the Director and the Advisory Committee shall consider the Substance Abuse and the Courts Action Plan and other recommendations of the Substance Abuse and the Courts State Task Force.

##### **"§ 7A-794. Fund administration.**

The Drug Treatment Court Program Fund is created in the Administrative Office of the Courts and is administered by the Director of the Administrative Office of the Courts in consultation with the State Drug Treatment Court Advisory Committee. The Director of the Administrative Office of the Courts shall award grants from this Fund and implement drug treatment court programs in a minimum of two judicial districts. Grants shall be awarded based upon the general guidelines set forth by the Director of the Administrative Office of the Courts and the State Drug Treatment Court Advisory Committee.

"§ 7A-795. State Drug Treatment Court Advisory Committee.

The State Drug Treatment Court Advisory Committee is established to develop guidelines for the drug treatment court program and to monitor programs wherever they are implemented. The Committee shall be chaired by the Director of the Administrative Office of the Courts or the Director's designee and shall consist of not less than seven members appointed by the Director and broadly representative of the courts, corrections, and substance abuse treatment communities.

"§ 7A-796. Local drug treatment court management committee.

Each judicial district choosing to establish a drug treatment court or applying to participate in a funded pilot program shall form a local drug treatment court management committee, consisting of the following persons, appointed by the senior resident superior court judge with the concurrence of the district attorney for that district:

- (1) A judge of the superior court;
- (2) A judge of the district court;
- (3) A district attorney or assistant district attorney;
- (4) A public defender or assistant public defender in judicial districts served by a public defender;
- (5) A member of the private criminal defense bar;
- (6) A clerk of superior court;
- (7) The trial court administrator in judicial districts served by a trial court administrator;
- (8) A probation officer;
- (9) A local law enforcement officer;
- (10) A representative of the local community college;
- (11) A representative of the treatment providers;
- (12) The local program director provided for in G.S. 7A-798; and
- (13) Any other persons selected by the local management committee.

The local drug treatment court management committee shall develop local guidelines and procedures, not inconsistent with the State guidelines, that are necessary for the operation and evaluation of the local drug treatment court.

"§ 7A-797. Eligible population; drug treatment court procedures.

The Director of the Administrative Office of the Courts, in conjunction with the State Drug Treatment Court Advisory Committee, shall develop criteria for eligibility and other procedural and substantive guidelines for drug treatment court operation.

"§ 7A-798. Drug treatment court grant application; local program director.

(a) Grant applications for the pilot programs shall be submitted to the Director of the Administrative Office of the Courts, in such form and with such information as the Director may require consistent with the provisions of this Article. Grants shall be awarded to two or more judicial districts that submit the most comprehensive and feasible plans for the implementation and operation of a drug treatment court. The Director shall award and administer grants in accordance with any laws made for that purpose, including appropriations acts and provisions in appropriations acts, and may adopt rules for the implementation, operation, and monitoring of grant-funded programs.

(b) Grant applications shall specify a local program director who shall be responsible for local administration of the project. Grant funds may be used to fund a full-time or part-time local program director position. The local program director may be an employee of the grant recipient, an employee of the court, or a grant-established position under the senior resident superior court judge or chief district court judge.

"§ 7A-799. Treatment not guaranteed.

Nothing contained in this Article shall confer a right or an expectation of a right to treatment for a defendant or offender within the criminal justice system.

"§ 7A-800. Payment of costs of treatment program.

Each defendant shall contribute to the cost of the substance abuse treatment received in the drug treatment court program, based upon guidelines developed by the local drug treatment court management committee.

"§ 7A-801. Plan for evaluation.

Each grant application requesting funding for the pilot program shall include a method for evaluating the pilot program's effectiveness, based upon the goals stated in G.S. 7A-792. Each funded program shall submit evaluation reports to the Administrative Office of the Courts as requested. Additionally, the Administrative Office of the Courts shall be responsible for developing an evaluation model on the State level to compare the effectiveness of all pilot programs and shall submit a report to the General Assembly by May 1, 1998."

(b) Funds to implement and evaluate the pilot programs established under the North Carolina Drug Treatment Court Act shall be allocated from the reserve of eight hundred thousand dollars (\$800,000) created in Section 41 of Chapter 24 of the Session Laws of the 1994 Extra Session. These funds shall be used primarily to provide substance abuse treatment, but the sum of two hundred thousand dollars (\$200,000) for the 1995-96 fiscal year shall be used to fund systemwide equipment needs and the sum of forty-three thousand seven hundred seventy-five dollars (\$43,775) for the 1995-96 fiscal year and the sum of fifty-two thousand five hundred fifty-one thousand dollars (\$52,551) for the 1996-97 fiscal year may be used to fund one program administrator position.

(c) Subsection (a) of this section becomes effective July 1, 1995, and expires June 30, 1998. The remainder of this section becomes effective October 1, 1995.

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Tuesday March 4, 1997 8:30 a.m. and 15 minutes after last Chamber adjourns  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley,  
**Presiding**

Representative Larry Justus,  
Representative Joe Kiser  
Representative Gregg Thompson

**II. PRESENTATIONS**

- Continue Review of Judicial Budget
  - Reserve Funds
  - Indigent Defense Funds
  - Mecklenburg Drug Court

Charles Perusse, Fiscal Analyst

Judicial Department Staff

- Judicial Budget – Review of Vacancy List, Special Provisions, and Flags

Charles Perusse, Fiscal Analyst  
Elisa Wolper, Fiscal Analyst

Judicial Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

- Review Information Requests
- Review Schedule for Week of March 3

**IV. ADJOURNMENT**

MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
MARCH 4, 1997

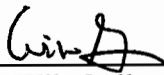
The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Tuesday, March 4, 1997 in Room 612 of the Legislative Office Building. Fifteen members were present. Senator Wib Gulley, Chairman, presided.

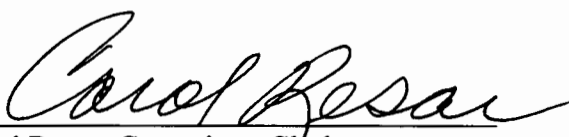
Senator Gulley asked Charles Perusse, Fiscal Analyst, to continue with the overview of the Judicial Department. The first handout he discussed was the Judicial Department Reserve Fund (see attached). The Subcommittee members asked Mr. Perusse and Mr. Dallas Cameron from the Judicial Department questions regarding this fund. Mr. Gregg Stahl with the Department of Corrections and Mr. Buddy Humphrey with the Office of State Budget and Management also answered questions from the Subcommittee. Representative Thompson asked that item #7, Other Salary Issues - Salary Reserve, be flagged for further discussion later.

Next, Mr. Perusse went over the handout on Indigent Defense Expenditures (see attached). After his overview, Mr. Perusse and Mr. Chris Marks with the Administrative Office of the Courts answered questions from the Subcommittee. The Subcommittee requested that item #4, Resource Center, and item #7, Grant to NC State Bar, be flagged for later discussion. Mr. Perusse told the Subcommittee that increases in the Indigent Defense budget are usually in the expansion budget, but because the indigent program is mandated, it was decided to include it in the continuation budget.

Representative Thompson asked why Gaston Public Defender district's cost was so much lower than the other districts. He asked that this item be flagged.

The meeting was adjourned at 10:00 am.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

**JUDICIAL DEPARTMENT  
RESERVE FUNDS**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b><u>1996-97<br/>Authorized</u></b> | <b><u>1997-98<br/>Recommended</u></b> | <b><u>1998-99<br/>Recommended</u></b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------|---------------------------------------|
| <b><u>EQUIPMENT AND SUPPLIES</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                      |                                       |                                       |
| 1. <u>Fund 1820 Supply Purchases</u> -<br>Central fund for purchase of supplies - provides<br>flexibility in distributing general supplies from<br>warehouse to clerks, da's, magistrates, etc.                                                                                                                                                                                                                                                          | \$2,000,000 R                        | \$2,000,000 R                         | \$2,000,000 R                         |
| 2. <u>Fund 1853 Equipment Purchases</u> -<br>Central fund for purchase of equipment.                                                                                                                                                                                                                                                                                                                                                                     | 426,890 R<br>2,071,188 NR            | 426,890 R                             | 426,890 R                             |
| <b><u>OTHER RESERVE FUNDS</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |                                       |                                       |
| 1. <u>1900 - Reserve for Operations</u> -<br>State Budget has allowed the<br>Department to maintain a reserve<br>for non-personnel items - postage, travel,<br>phones, etc. Reserve was allowed<br>for reasons including (1) to partially<br>make up for operating cuts made<br>during the 1991 long session, and<br>(2) to provide the Department with enough<br>funds for unforeseen needs given the<br>size of the Department and the volume of work. | 447,612 R                            | 447,612 R                             | 447,612 R                             |

|                                                                                                                                                                                                                                                                                    | <u>1996-97</u><br><u>Authorized</u>                                                                                   | <u>1997-98</u><br><u>Recommended</u> | <u>1998-99</u><br><u>Recommended</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|
| 2. <u>1900 - Alternative Dispute Resolution Funds</u> - Funds for expansion of Custody Mediation and Arbitration programs authorized by 1994 General Assembly (originally \$100,000 - \$28,255 is unspent).                                                                        | \$ 28,255 R                                                                                                           | \$ 28,255 R                          | \$ 28,255 R                          |
| 3. <u>1900 - Reserve for Clerk of Superior Court Deputy/Asst. Pay Plan</u> - Amount for 1997-99 is to fund step increases authorized as part of pay plan (broken into salaries and benefits).                                                                                      | 620,771 R<br>114,718 R                                                                                                | 2,033,248 R<br>375,744 R             | 3,278,980 R<br>605,956 R             |
| 4. <u>1900 - Reserve for Magistrate Increase</u> - Amount for 1997-99 is to fund step increases authorized as part of magistrate pay plan. The General Assembly took both a one-time and recurring reduction of \$250,000 (total \$500,000) in this line-item in the 1996 Session. | 497,176 R<br>91,878 R                                                                                                 | 811,654 R<br>149,994 R               | 1,683,359 R<br>311,085 R             |
| 5. <u>1900 - Reserve to match federal funds.</u>                                                                                                                                                                                                                                   | 175,000 R                                                                                                             | 175,000 R                            | 175,000 R                            |
| 6. <u>1900 - Reserve for Bloodborne Pathogens.</u>                                                                                                                                                                                                                                 | 16,068 R                                                                                                              | 16,068 R                             | 16,068 R                             |
| 7. <u>Other Salary Issues - Salary Reserve</u>                                                                                                                                                                                                                                     | (Department currently has about \$1,000,000 and anticipates accumulating approximately \$1,500,000 by June 30 , 1997) |                                      |                                      |

3-4-97 AM

# Judicial Department

## 1997-99 Budget Overview Indigent Defense Expenditures

Joint Appropriations Subcommittee on Justice and Public Safety  
March 4, 1997



-|-

## OVERVIEW OF JUDICIAL DEPARTMENT INDIGENT DEFENSE PROGRAMS WITH STATE APPROPRIATIONS

1. **PRIVATE ATTORNEY FEES** (Fund 1310)  
Funds to pay private lawyers for defense of indigents. Fees average about \$50 hourly (\$85 capital cases), but final payment determination made by presiding judge.
2. **GUARDIAN AD LITEM** (Fund 1310)  
Funds for staff and private attorney fees to provide "independent" analysis and legal representation for juveniles considered potentially "abused, neglected, or dependent". The analysis is performed by volunteers and the private attorneys. Program staff administer the program and recruit, train, and supervise volunteers.
3. **APPELLATE DEFENDER SERVICES** (Fund 1310)  
Provides criminal defense to indigents appealing their convictions.
4. **RESOURCE CENTER** (Fund 1310)  
The Center was a unit of the Appellate Defender, but State funding was eliminated in 1995. The Center had provided representation for indigents in capital cases and recruited, trained and consulted with private attorneys to handle capital cases.
5. **PUBLIC DEFENDER** (Fund 1320)  
Program in 11 districts to provide representation for indigents by State-paid attorneys. Public defenders are sometimes supplemented by private counsel.
6. **SPECIAL COUNSEL** (Fund 1330)  
Funds for staff (attorneys and secretaries) that represent indigent clients in mental health commitment proceedings at each of the four State mental health hospitals.
7. **GRANT TO N.C. STATE BAR** (Fund 1770)  
The AOC provides a direct grant to the bar for defense of indigents in civil cases. The Bar contracts this program to N.C. Legal Services. The Bar has the option to use up to \$250,000 to provide representation for indigents in capital cases.

Fiscal Research Division – February 24, 1997

**JUDICIAL DEPARTMENT -  
State Appropriations For Indigent Defense\***

|                                 | <b>93-94</b>         | <b>94-95</b>         | <b>95-96</b>         | <b>96-97</b>             | <b>96-97</b>       | <b>97-98</b>          | <b>98-99</b>          |
|---------------------------------|----------------------|----------------------|----------------------|--------------------------|--------------------|-----------------------|-----------------------|
|                                 | <b><u>Actual</u></b> | <b><u>Actual</u></b> | <b><u>Actual</u></b> | <b><u>Authorized</u></b> | <b><u>Pos.</u></b> | <b><u>Recomm.</u></b> | <b><u>Recomm.</u></b> |
|                                 |                      |                      |                      | <b><u>12/31/96</u></b>   |                    |                       |                       |
| 1. Private Attorney Fees        | \$24,699,106         | \$29,150,657         | \$32,895,745         | \$30,728,256             | 0                  | \$36,801,789          | \$39,478,636          |
| 2. Guardian Ad Litem            | 5,307,054            | 5,518,673            | 5,082,159            | 5,403,719                | 96                 | 5,319,890             | 5,322,871             |
| 3. Appellate Defender Services  | 811,277              | 832,381              | 908,537              | 926,827                  | 14                 | 942,517               | 947,902               |
| 4. Resource Center**            | 191,011              | 187,341              | 35,579               | 0                        | 0                  | 0                     | 0                     |
| 5. Public Defender Services     | 8,833,198            | 9,026,018            | 9,364,670            | 10,488,821               | 180                | 10,650,797            | 10,715,532            |
| 6. Special Counsel-Mentally Ill | 378,859              | 391,878              | 415,996              | 496,379                  | 11                 | 478,338               | 478,338               |
| 7. Grant to N.C. State Bar      | <u>1,250,000</u>     | <u>1,250,000</u>     | <u>1,250,000</u>     | <u>1,250,000</u>         | <u>0</u>           | <u>1,250,000</u>      | <u>1,250,000</u>      |
| <b>TOTAL</b>                    | <b>\$41,470,505</b>  | <b>\$46,356,948</b>  | <b>\$49,952,686</b>  | <b>\$49,294,002</b>      | <b>301</b>         | <b>\$55,443,331</b>   | <b>\$58,193,279</b>   |

\* General Fund appropriations directly related to defense of adult and juvenile indigents. Includes receipts of approximately \$4.1m. collected annually from offenders as reimbursement for their legal defense services.

\*\* State funding was eliminated in 1995; the Resource Center was reorganized as a non-profit and receives federal funds to handle federal cases only.

**ORIGINAL PROJECTIONS – SEPTEMBER 1997**  
**INDIGENT DEFENSE REQUIREMENTS**  
**BREAKDOWN OF FY 1997-99 CONTINUATION BUDGET REQUESTS**

| <b><u>Indigent Fund Description</u></b>                        | <b><u>1995-96<br/>Actual<br/>Expenditures</u></b> | <b><u>Estimated<br/>Annual<br/>% Increase</u></b> | <b><u>Projected<br/>1996-97<br/>Requirements</u></b> | <b><u>Projected<br/>1997-98<br/>Requirements</u></b> | <b><u>Projected<br/>1998-99<br/>Requirements</u></b> |
|----------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|------------------------------------------------------|------------------------------------------------------|------------------------------------------------------|
| Non Capital Cases                                              | \$22,324,055                                      | 6.00%                                             | \$23,663,498                                         | \$25,083,308                                         | \$26,588,306                                         |
| Capital Cases                                                  | 7,798,303                                         | 10.00%                                            | 8,578,136                                            | 9,435,950                                            | 10,379,545                                           |
| Supporting Services                                            | 1,886,395                                         | 10.00%                                            | 2,075,035                                            | 2,282,531                                            | 2,510,785                                            |
| <b>Total Requirements</b>                                      | <b>\$32,895,745</b><br>(includes laps)            |                                                   | <b>\$34,316,669</b>                                  | <b>\$36,801,789*</b>                                 | <b>\$39,478,636*</b>                                 |
| Availability (includes \$4,150,000 in receipts from offenders) |                                                   |                                                   | 30,728,256                                           | 30,728,256                                           | 30,728,256                                           |
| <b>Estimated Additional Requirements</b>                       |                                                   |                                                   | <b>3,588,413</b>                                     | <b>6,073,533*</b>                                    | <b>8,750,380*</b>                                    |

\* Governor's Recommended Continuation Budget Amounts

| <b><u>Projected Breakdown of Additional Requirements</u></b> |  |                  |                  |                  |
|--------------------------------------------------------------|--|------------------|------------------|------------------|
| Non Capital Cases                                            |  | 13,498           | 1,433,308        | 2,938,306        |
| Capital Cases                                                |  | 2,799,880        | 3,657,694        | 4,601,289        |
| Supporting Services                                          |  | 775,635          | 982,531          | 1,210,785        |
| <b>Total</b>                                                 |  | <b>3,588,413</b> | <b>6,073,533</b> | <b>8,750,380</b> |

**REVISED PROJECTIONS – MARCH 1997**

**INDIGENT DEFENSE REQUIREMENTS  
BREAKDOWN OF FY 1997-99 CONTINUATION BUDGET REQUESTS**

| <b><u>Indigent Fund Description</u></b>                                                                                                                                                                  | <b><u>1995-96<br/>Actual<br/>Expenditures</u></b> | <b><u>Estimated<br/>Annual<br/>% Increase</u></b> | <b><u>Projected<br/>1996-97<br/>Requirements</u></b> | <b><u>Projected<br/>1997-98<br/>Requirements</u></b> | <b><u>Projected<br/>1998-99<br/>Requirements</u></b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|------------------------------------------------------|------------------------------------------------------|------------------------------------------------------|
| Non Capital Cases                                                                                                                                                                                        | \$22,324,055                                      | 6.00%                                             | \$23,500,000                                         | \$24,910,000                                         | \$26,404,600                                         |
| Capital Cases                                                                                                                                                                                            | 7,798,303                                         | 6.00%                                             | 8,000,000                                            | 8,480,000                                            | 8,988,800                                            |
| Supporting Services                                                                                                                                                                                      | 1,886,395                                         | 10.00%                                            | 2,000,000                                            | 2,200,000                                            | 2,420,000                                            |
| <b>Total Requirements</b>                                                                                                                                                                                | <b>\$32,895,745</b><br>(includes laps)            |                                                   | <b>\$33,500,000</b>                                  | <b>\$35,590,000</b>                                  | <b>\$37,813,400</b>                                  |
| Availability<br>(includes \$4,150,000 in receipts from offenders for FY 1996-97<br>and \$4,900,000 for FY's 1997-98 and 1998-99 - \$750,000 increase<br>based on greater collections by Clerks' Offices) |                                                   |                                                   | 30,728,256                                           | 31,478,256                                           | 31,478,256                                           |
| <b>Revised Estimated Additional Requirements</b>                                                                                                                                                         |                                                   |                                                   | 2,771,744                                            | 4,111,744                                            | 6,335,144                                            |
| <b>Potential Net Reduction from Original Projections</b>                                                                                                                                                 |                                                   |                                                   |                                                      | <b>\$1,961,789</b>                                   | <b>\$2,415,236</b>                                   |

**1995-96 INDIGENT DEFENSE DATA**  
**BY**  
**PUBLIC DEFENDER DISTRICTS**

|                                                     | <b><u>PD's<br/>Office<br/>Average<br/>Cost/Def.</u></b> | <b><u>Assigned<br/>Counsel<br/>Average<br/>Cost/Check</u></b> | <b><u>PD's &amp;<br/>Assigned<br/>Counsel<br/>Average<br/>Cost/Check</u></b> |
|-----------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------|
| 3A Pitt                                             | \$210                                                   | \$340                                                         | \$246                                                                        |
| 3B Carteret                                         | \$423                                                   | \$355                                                         | \$399                                                                        |
| 12 Cumberland                                       | \$519                                                   | \$503                                                         | \$511                                                                        |
| 14 Durham                                           | \$181                                                   | \$414                                                         | \$223                                                                        |
| 15B Orange/Chatham                                  | \$228                                                   | \$353                                                         | \$267                                                                        |
| 16A Scotland/Hoke                                   | \$294                                                   | \$299                                                         | \$294                                                                        |
| 16B Robeson                                         | \$416                                                   | \$446                                                         | \$430                                                                        |
| 18 Guilford                                         | \$295                                                   | \$410                                                         | \$329                                                                        |
| 26 Mecklenburg                                      | \$201                                                   | \$374                                                         | \$252                                                                        |
| 27A Gaston                                          | \$106                                                   | \$541                                                         | \$137                                                                        |
| 28 Buncombe                                         | \$209                                                   | \$262                                                         | \$224                                                                        |
| <b>Total PD Districts</b>                           | <b>\$225</b>                                            | <b>\$398</b>                                                  | <b>\$272</b>                                                                 |
| <br><b>Assigned Counsel in<br/>Non PD Districts</b> |                                                         | <b>\$314</b>                                                  |                                                                              |
| <br><b>Grand Totals - All Districts</b>             | <b>\$225</b>                                            | <b>\$328</b>                                                  | <b>\$296</b>                                                                 |

**1995-96 Indigent Defense Data by Public Defender Districts**

-6-

|                           | Public Defender Offices |                |                                                    |              | Assigned Counsel |               |                     |              | Total PD & Ass'd (100%) |                     |              |
|---------------------------|-------------------------|----------------|----------------------------------------------------|--------------|------------------|---------------|---------------------|--------------|-------------------------|---------------------|--------------|
|                           | Total Def.s             | # Capt'l Def.s | Costs                                              | Avg./ Def.   | Total Checks     | Murder Checks | Total Costs         | Avg./ Check  | Total "Cases"           | Total Costs         | Avg./ Check  |
| 3A, Pitt                  | 2,441                   | 2              | \$512,176                                          | \$210        | 940              | 13            | \$319,654           | \$340        | 3,381                   | \$831,830           | \$246        |
| 3B, Carteret              | 515                     | 0              | \$217,589                                          | \$423        | 268              | 3             | \$95,178            | \$355        | 783                     | \$312,767           | \$399        |
| 12, Cumberland            | 2,044                   | 14             | \$1,061,384                                        | \$519        | 2,094            | 71            | \$1,052,622         | \$503        | 4,138                   | \$2,114,006         | \$511        |
| 14, Durham                | 4,966                   | 6              | \$896,769                                          | \$181        | 1,113            | 21            | \$460,905           | \$414        | 6,079                   | \$1,357,674         | \$223        |
| 15B, Orange/Chath.        | 2,140                   | 3              | \$487,968                                          | \$228        | 977              | 24            | \$345,305           | \$353        | 3,117                   | \$833,273           | \$267        |
| 16A, Hoke/Scotland        | 1,458                   | 1              | \$428,002                                          | \$294        | 283              | 8             | \$84,524            | \$299        | 1,741                   | \$512,526           | \$294        |
| 16B, Robeson              | 1,543                   | 2              | \$641,801                                          | \$416        | 1,363            | 31            | \$607,440           | \$446        | 2,906                   | \$1,249,241         | \$430        |
| 18, Guilford              | 5,041                   | 8              | \$1,486,443                                        | \$295        | 2,096            | 47            | \$860,328           | \$410        | 7,137                   | \$2,346,771         | \$329        |
| 26, Mecklenburg           | 10,812                  | 0              | \$2,174,563                                        | \$201        | 4,554            | 96            | \$1,702,650         | \$374        | 15,366                  | \$3,877,213         | \$252        |
| 27A, Gaston               | 7,447                   | 12             | \$787,646                                          | \$106        | 576              | 25            | \$311,872           | \$541        | 8,023                   | \$1,099,518         | \$137        |
| 28, Buncombe              | 3,209                   | 5              | \$670,329                                          | \$209        | 1,256            | 18            | \$329,250           | \$262        | 4,465                   | \$999,579           | \$224        |
| <b>Total PD Districts</b> | <b>41,616</b>           | <b>53</b>      | <b>\$9,364,670</b>                                 | <b>\$225</b> | <b>15,520</b>    | <b>357</b>    | <b>\$6,169,728</b>  | <b>\$398</b> | <b>57,136</b>           | <b>\$15,534,398</b> | <b>\$272</b> |
|                           |                         |                | <b>Assigned Counsel in Non-Pub. Def. Districts</b> |              |                  |               |                     |              |                         |                     |              |
|                           |                         |                |                                                    |              | 76,385           | 953           | \$23,952,631        | \$314        |                         |                     |              |
| <b>Grand Totals:</b>      |                         |                |                                                    |              |                  |               |                     |              |                         |                     |              |
| <b>ALL DISTRICTS</b>      | <b>41,616</b>           |                | <b>\$9,364,670</b>                                 | <b>\$225</b> | <b>91,905</b>    | <b>1,310</b>  | <b>\$30,122,359</b> | <b>\$328</b> | <b>133,521</b>          | <b>\$39,487,029</b> | <b>\$296</b> |

**1994-95 Indigent Defense Data by Public Defender Districts**

|                           | Public Defender Offices |                |                                                    |              | Assigned Counsel |                   |                     |              | Total PD & Ass'd (100%) |                     |              |
|---------------------------|-------------------------|----------------|----------------------------------------------------|--------------|------------------|-------------------|---------------------|--------------|-------------------------|---------------------|--------------|
|                           | Total Def.s             | # Capt'l Def.s | Costs                                              | Avg./ Def.   | Total Checks     | Murder Checks     | Total Costs         | Avg./ Check  | Total "Cases"           | Total Costs         | Avg./ Check  |
| 3A, Pitt                  | 2,407                   | 2              | \$472,344                                          | \$196        | 796              | Not Avail.        | \$286,764           | \$360        | 3,203                   | \$759,108           | \$237        |
| 3B, Carteret              | 570                     | 0              | \$226,214                                          | \$397        | 269              | Not Avail.        | \$90,307            | \$336        | 839                     | \$316,521           | \$377        |
| 12, Cumberland            | 2,806                   | 16             | \$975,275                                          | \$348        | 1,700            | Not Avail.        | \$751,396           | \$442        | 4,506                   | \$1,726,671         | \$383        |
| 14, Durham                | 4,532                   | 9              | \$875,732                                          | \$193        | 1,752            | Not Avail.        | \$735,223           | \$420        | 6,284                   | \$1,610,955         | \$256        |
| 15B, Orange/Chath.        | 1,551                   | 5              | \$472,541                                          | \$305        | 645              | Not Avail.        | \$166,647           | \$258        | 2,196                   | \$639,188           | \$291        |
| 16A, Hoke/Scotland        | 1,699                   | 0              | \$402,481                                          | \$237        | 265              | Not Avail.        | \$131,664           | \$497        | 1,964                   | \$534,145           | \$272        |
| 16B, Robeson              | 1,816                   | 1              | \$614,316                                          | \$338        | 1,023            | Not Avail.        | \$411,835           | \$403        | 2,839                   | \$1,026,151         | \$361        |
| 18, Guilford              | 4,946                   | 4              | \$1,467,717                                        | \$297        | 1,846            | Not Avail.        | \$774,939           | \$420        | 6,792                   | \$2,242,656         | \$330        |
| 26, Mecklenburg           | 11,212                  | 1              | \$2,082,931                                        | \$186        | 3,636            | Not Avail.        | \$1,733,262         | \$477        | 14,848                  | \$3,816,193         | \$257        |
| 27A, Gaston               | 5,335                   | 11             | \$755,997                                          | \$142        | 432              | Not Avail.        | \$265,324           | \$614        | 5,767                   | \$1,021,321         | \$177        |
| 28, Buncombe              | 3,539                   | 5              | \$680,470                                          | \$192        | 816              | Not Avail.        | \$301,524           | \$370        | 4,355                   | \$981,994           | \$225        |
| <b>Total PD Districts</b> | <b>40,413</b>           | <b>54</b>      | <b>\$9,026,018</b>                                 | <b>\$223</b> | <b>13,180</b>    | <b>Not Avail.</b> | <b>\$5,648,885</b>  | <b>\$429</b> | <b>53,593</b>           | <b>\$14,674,903</b> | <b>\$274</b> |
|                           |                         |                | <b>Assigned Counsel in Non-Pub. Def. Districts</b> |              |                  |                   |                     |              |                         |                     |              |
|                           |                         |                |                                                    |              | 70,176           | Not Avail.        | \$21,589,898        | \$308        |                         |                     |              |
| <b>Grand Totals:</b>      |                         |                |                                                    |              |                  |                   |                     |              |                         |                     |              |
| <b>ALL DISTRICTS</b>      | <b>40,413</b>           |                | <b>\$9,026,018</b>                                 | <b>\$223</b> | <b>83,356</b>    | <b>#VALUE!</b>    | <b>\$27,238,783</b> | <b>\$327</b> | <b>123,769</b>          | <b>\$36,264,801</b> | <b>\$293</b> |

## VISITOR REGISTRATION SHEET

JPS (Joint)

3.4.97

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

|                    |                            |
|--------------------|----------------------------|
| Greg Stahl         | DOC                        |
| Joe Stewart        | CCPS                       |
| Mike Barkan        | R                          |
| Buckley Hyming     | OSTM                       |
| Wall Hennes        | AOC                        |
| Ch. Miller         | AOC                        |
| L. Ho / Culbert    | CYPC                       |
| John McMillan      | Manning Fulton & Shuman PA |
| Robert Genge       | NC War                     |
| A. R. Adams        | Victim Helpline            |
| John S. Frost      | CSC Franklin Co.           |
| John Dorman        | OSPL                       |
| Denise A. Severson | DOG                        |
| Deborah Weissman   | LSNC                       |

**HOUSE APPROPRIATIONS  
SUBCOMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY  
1997 SESSION  
JOINT MEETINGS WITH SENATE**



**HOUSE APPROPRIATIONS SUBCOMMITTEE**  
**ON**  
**JUSTICE AND PUBLIC SAFETY**  
**1997**

**CHAIRMEN**

**REPRESENTATIVE LARRY JUSTUS**  
**REPRESENTATIVE GREGG THOMPSON**  
**REPRESENTATIVE JOE KISER**

**STAFF**

**JIM MILLS, FISCAL RESEARCH**  
**CHARLES PERUSSE, FISCAL RESEARCH**  
**ELISA WOLPER, FISCAL RESEARCH**  
**ANDY WILLIS, FISCAL RESEARCH**

**BETH BARNES, BILL DRAFTING**  
**SEAN DAIL, BILL DRAFTING**

**CLERKS**

**CAROLYN JUSTUS**  
**EDNA SYKES**  
**MARILYN HOLDER**

**HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE AND PUBLIC SAFETY**

**Rep. Larry Justus  
Chairman**



**Rep. Gregg Thompson  
Chairman**



**Rep. Joe Kiser  
Chairman**



**Rep. Paul McCrary  
Ranking Minority**



**Rep. Edwin Hardy**



**Rep. Ted Kinney**



**Rep. David Redwine**



**Rep. Wayne Sexton**



**Rep. Ronald Smith**



**SENATE APPROPRIATIONS SUBCOMMITTEE**

**ON**

**JUSTICE AND PUBLIC SAFETY**

**1997**

**CHAIRMAN**

**SENATOR WIB GULLEY**

**STAFF**

**JIM MILLS, FISCAL RESEARCH  
CHARLES PERUSEE, FISCAL RESEARCH  
ELISA WOLPER, FISCAL RESEARCH  
ANDY WILLIS, FISCAL RESEARCH**

**BETH BARNES, BILL DRAFTING  
SEAN DAIL, BILL DRAFTING**

**CLERK**

**CAROL RESAR**

SENATE APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE AND PUBLIC SAFETY  
MEMBERSHIP

Sen. Wib Gulley, Chair  
Room 418  
715-3036

Sen. Frank Ballance  
Vice-Chair  
Room 523  
715-3032

Sen. Don East  
Ranking Minority  
Room 521  
733-5655

Sen. John Blust  
Room 1117  
733-7850

Sen. Tony Rand  
Room 300-C  
733-9892

Sen. Allen Wellons  
Room 1026  
733-5850

Carol Resar, Clerk 715-3036

Jim Mills, Fiscal Research 733-4910  
Charles Perusse, Fiscal Research 733-4910  
Elisa Wolper, Fiscal Research 733-4910  
Andy Willis, Fiscal Research 733-4910

Beth Barnes, Bill Drafting 733-6660  
Sean Dail, Bill Drafting 733-6660

HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON JUSTICE AND PUBLIC SAFETY  
MEMBERSHIP

Rep. Larry Justus, Chair  
Room 2204  
733-5956

Rep. Ted Kinney  
Room 527A  
733-5867

Rep. Gregory Thompson, Chair  
Room 1002  
733-5828

Rep. David Redwine  
Room 1204  
733-4948\

Rep. Joe Kiser, Chair  
Room 1313  
733-5803

Rep. Wayne Sexton  
Room 506  
733-5974

Rep. Paul McCrary  
Ranking Minority  
Room 610  
733-5780

Rep. Ronald Smith  
Room 1221  
733-5827

Rep. Edwin Hardy  
Room 417A  
715-3019

Carolyn Justus, Clerk 733-5956  
Edna Sykes, Clerk 733-5828  
Marilyn Holder, Clerk 733-5803

Jim Mills, Fiscal Research 733-4910  
Charles Perusse, Fiscal Research 733-4910  
Elisa Wolper, Fiscal Research 733-4910  
Andy Willis, Fiscal Research 733-4910

Beth Barnes, Bill Drafting 733-6660  
Sean Dail, Bill Drafting 733-6660

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Wednesday March 5, 1997 – 8:30 a.m.  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Representative Larry Justus,  
Representative Gregg Thompson,  
Representative Joe Kiser  
Vice- Chairmen: Frank Ballance, Jr.

**II. PRESENTATIONS**

- Overview of Department of Justice  
  
Michael F. Easley, Attorney General of North Carolina  
  
Jane Gray, Deputy Attorney General
- Review of Justice Continuation Budget  
  
-- General Administration and Legal Services Division  
  
Elisa Wolper, Fiscal Analyst  
  
Justice Department Staff  
  
-- Training and Standards Division  
  
Andy Willis, Fiscal Analyst  
  
Justice Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

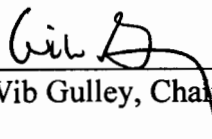
MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
MARCH 5, 1997

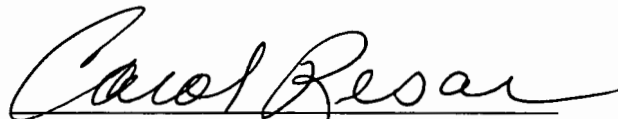
The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Wednesday, March 5, 1997 in Room 612 of the Legislative Office Building. Ten members were present. Senator Wib Gulley, Chairman, presided.

Senator Gulley first asked Ms. Jane Gray, Deputy Attorney General, to give an overview of the Department of Justice.

Next, Elisa Wolper, Fiscal Analyst, reviewed the Department of Justice continuation budget. The first handout she discussed was General Administration and Legal Services Divisions (see attached). Ms. Wolper told the Subcommittee that there were six divisions with the Legal Services Division. These divisions are Administrative Division, Civil Division, Criminal Division, Special Litigation and Education Section, Environmental Division, and Consumer Protection and Citizens Rights Division. The Subcommittee asked that the Tort Claims 1995-96 actual budget and 1996-7 authorized budget be flagged.

The meeting was adjourned at 9:50 am.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

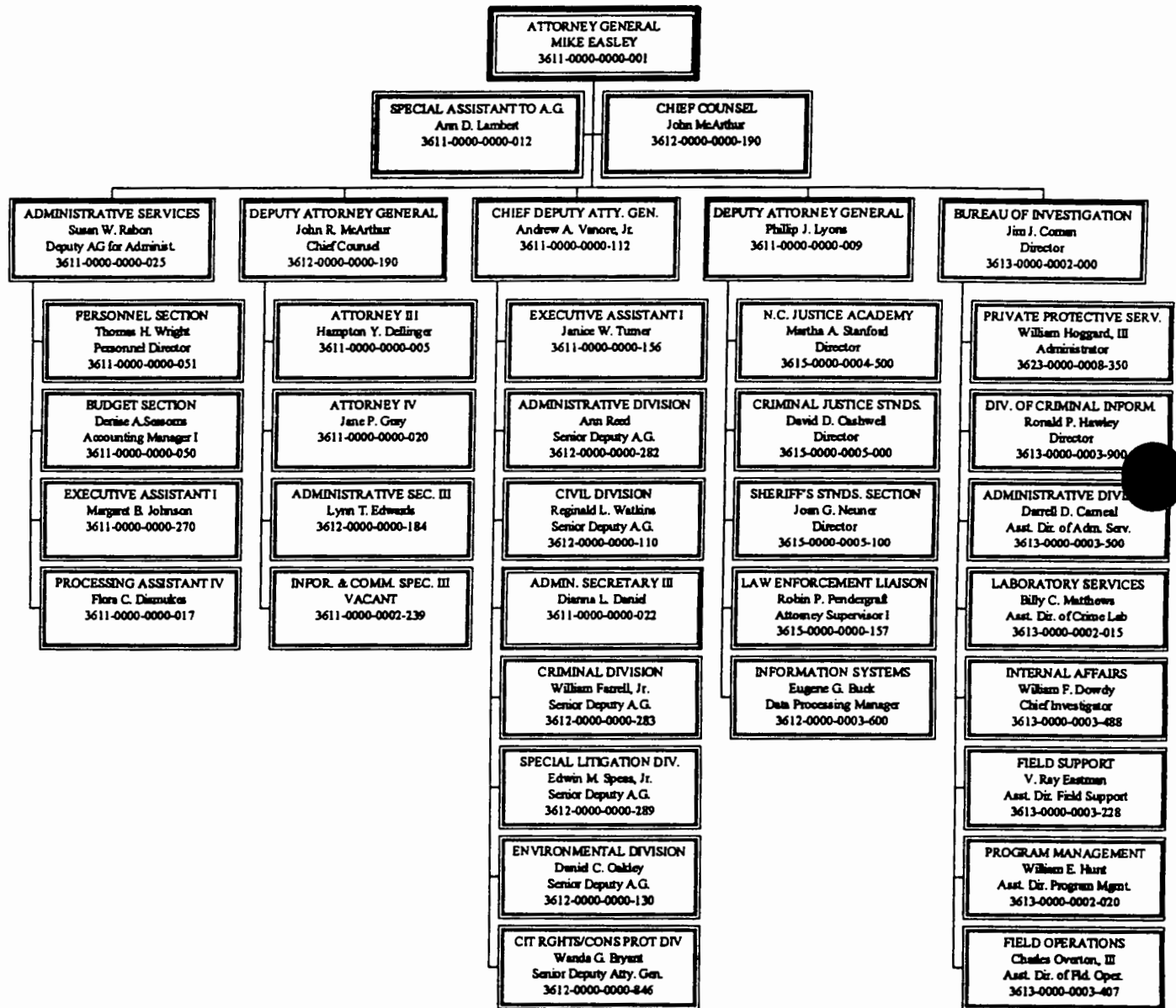
# **DEPARTMENT OF JUSTICE**

**GENERAL ADMINISTRATION AND  
LEGAL SERVICES DIVISIONS**

**March 5, 1997**



# NORTH CAROLINA DEPARTMENT OF JUSTICE ATTORNEY GENERAL'S OFFICE



2/7/97  
DATE  
M. Easley / R.H.  
SECTION SUPERVISOR SIGNATURE

# General Administration Budget

## Highlights

- General Administration includes the Attorney General, his Special Assistant and Chief Counsel and Deputy Attorneys General for Administrative Services and Policy and Planning. Functional areas within administrative services include personnel, budget and data processing.
- The total number of positions within General Administration is 41 for 1996-7.
- Increases in continuation budget for 1997-98 are for increased SIPS charges (\$22,535) and adjustments to personnel costs (\$3,668).
- Non personnel costs include \$13,774 for travel, \$32,884 for data processing and printing and \$40,127 for supplies

# Department of Justice -General<sup>3</sup>

## Administration

### Total General Fund Requirements

| Year               | 1995-96<br>Actual | 1996-97<br>Auth | 1997-98<br>Recomm. | 1998-99<br>Recomm |
|--------------------|-------------------|-----------------|--------------------|-------------------|
| Personnel          | 1,915,456         | 2,011,743       | 2,015,411          | 2,019,464         |
| Purch.<br>Services | 43,959            | 25,893          | 48,428             | 48,428            |
| Supplies,<br>Etc   | 40,896            | 40,227          | 40,227             | 40,227            |
| Total              | 2,000,311         | 2,077,863       | 2,104,066          | 2,108,119         |
| Positions          | 39                | 41              | 41                 | 41                |

# **DEPARTMENT OF JUSTICE**

**LEGAL SERVICES DIVISION**

**March 5, 1997**

## ATTORNEYS IN STATE GOVERNMENT

Each State Agency can have 1 General Counsel

Utilities Commission and Public Staff Attorneys  
Universities and UNC General Administration Attorneys

Department of Justice Attorneys funded by the DOJ budget

Department of Justice Attorneys funded by Department of Transportation

Department of Justice Attorneys receipt supported within the DOJ budget  
Receipts from other state agencies or federal funds

Department of Justice Attorneys under contract to other state agencies

DEPARTMENT OF JUSTICE  
**ADMINISTRATIVE DIVISION**

LEGAL SERVICES DIVISION

\*Provides legal services to :

Administrative Office of the Courts  
Department of Agriculture  
NC Appraisal Board  
Department of Cultural Resources  
State Board of Election  
General Statutes Commission  
UNC Hospitals  
State Controller  
Department of Human Resources  
DEHNR – Health Divisions

Occupational Licensing Boards  
Commission for Health Services  
NC Real Estate Commission  
Social Services Commission  
Low Level Radioactive Waste Management  
Hazardous Waste Management Commission  
State Personnel  
State Treasurer  
Wildlife Resources Commission

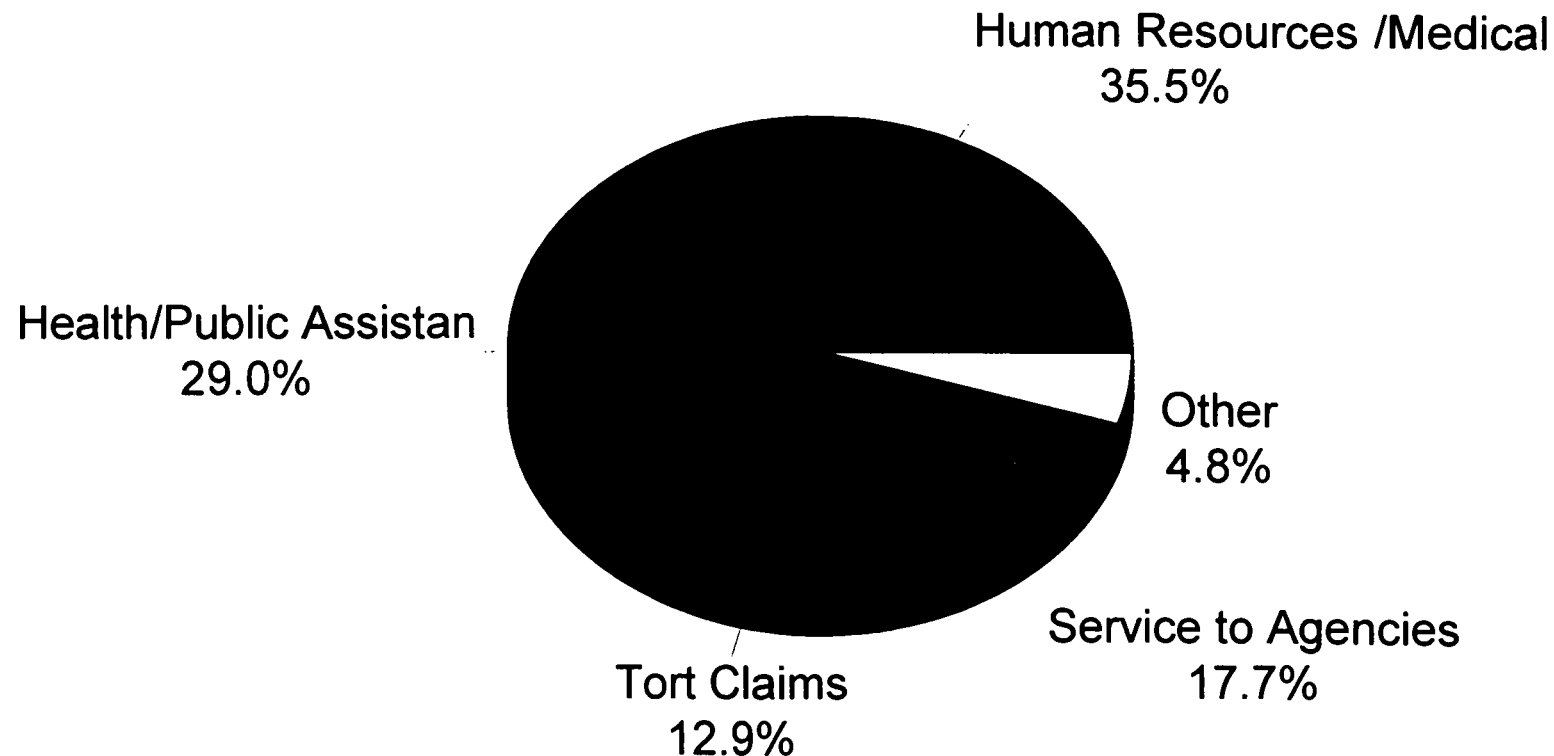
\*Is responsible for receiving, investigating, setting and defending general liability **tort claims** against all State agencies, institutions, and employees. Also handles claims resulting from school bus accidents.

\*Advises state agencies on disputed **workers compensation** claims.

\*Assists state agencies in collection of **delinquent educational loans and other accounts**.

\*In 1995, the General Assembly funded an additional attorney in Tort Claims.

# Distribution of Attorneys Administrative Division



DEPARTMENT OF JUSTICE  
CIVIL DIVISION

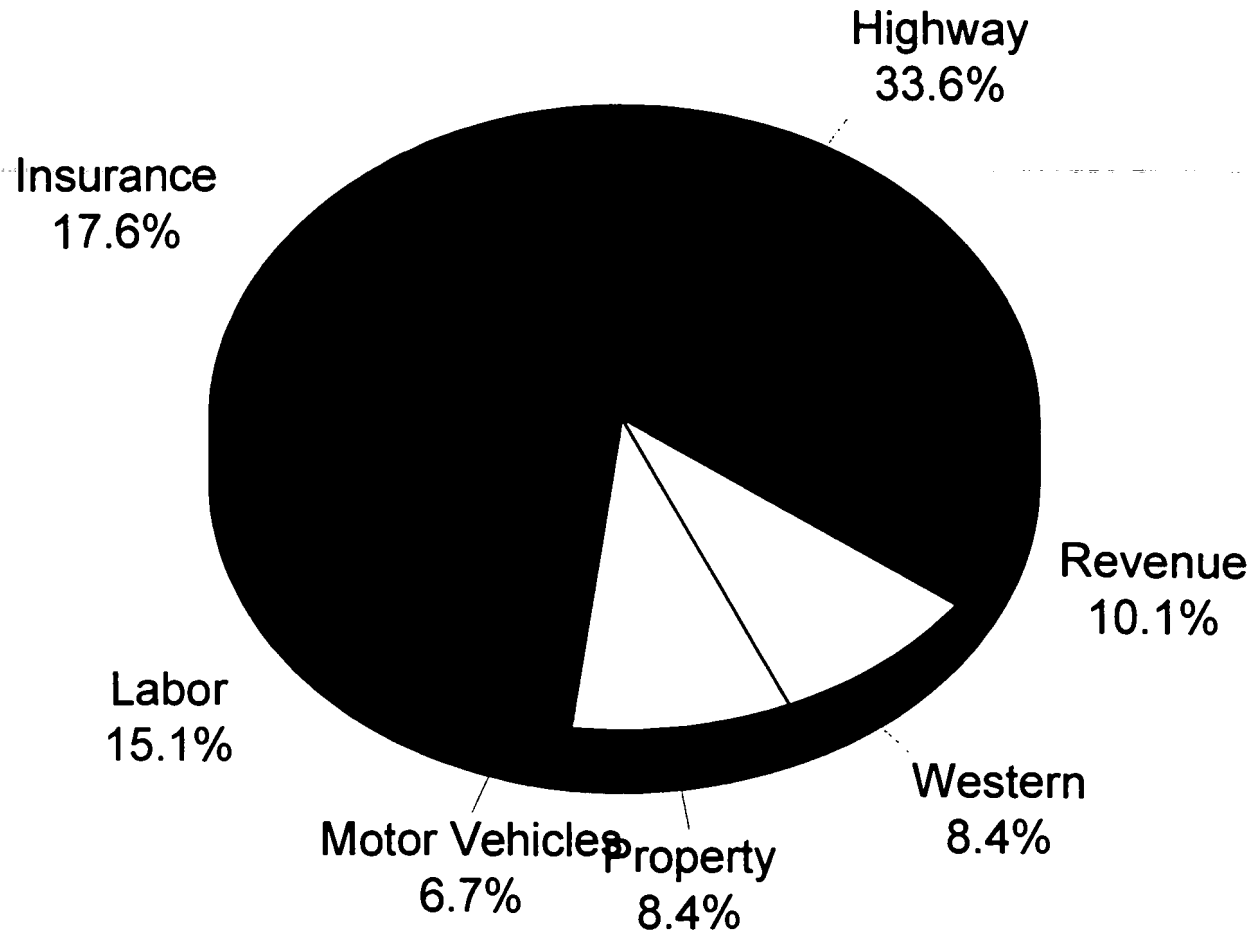
LEGAL SERVICES DIVISION

- \*Litigates **condemnation cases** relating to highway construction projects directed by the Department of Transportation
- \*Represents the **Department of Administration** in procurement matters, real estate transactions and construction litigation and provides legal services to State Ports Authority
- \*Prosecutes violations of the **Occupational Safety and Health Act** and the Retaliatory Employment Discrimination Act
- \*Advises the Department of **Insurance** and represents the Department of **Revenue**, the State Auditor, Department of Commerce and State Health Plan as well as various construction related boards and commissions
- \*Handles prosecution involving **motor vehicle laws** enforced by the Division of Motor Vehicles
- \*Provides **regional legal assistance** to state agencies located in the Asheville area
- \*In 1995-6, the General Assembly determined that attorneys representing the Department of Insurance would be funded by an assessment on the insurance industry; DOJ receives \$74,609 from Department of Insurance for the current fiscal year and the same amount is projected for 1997-9.



# Distribution of Attorneys

## Civil Division



DEPARTMENT OF JUSTICE LEGAL SERVICES  
**CRIMINAL DIVISION**

- \*Handles **criminal appeals** on behalf of the state in the North Carolina Court of Appeals and the North Carolina and United States Supreme Courts. Attorneys in other divisions also assist with appellate briefs.
- \*Handles prisoners **petitions for post conviction relief** and represents the State in **capital cases**, including post conviction appeals and petitions.
- \*Defends the state in actions brought by **state prisoners in federal** court to obtain new trials.
- \*Represents the **Department of Correction** in civil rights cases filed by inmates and personnel cases.
- \*Represents the Department of **Crime Control and Public Safety**, including the Highway Patrol.
- \*Investigates and prosecutes **Medicaid Fraud** by providers. This section is 75% federally funded and includes 13 investigators and an auditor on their staff.
- \*The Special Prosecutions Unit prosecutes criminal cases at the request of local District Attorneys and **advises the SBI**.
- \*The Criminal Division also includes the **Law Enforcement Liason** Attorneys from Criminal Justice Standards and Training.

DEPARTMENT OF JUSTICE      LEGAL SERVICES DIVISION  
ENVIRONMENTAL DIVISION

\*Represents the **Department of Environmental, Health and Natural Resources** and related divisions and citizens commissions in the environmental area. These include the **Environmental Management Commission and the Coastal Resources Commission.**

\*Advises the Department of Administration in administration of the state's **Environmental Policy Act.**

\*Participates in the **development of state environmental programs**, particularly where there is involvement with federal programs

\*The 1996 General Assembly added two attorneys and a paralegal to this section to work on Animal Waste and Solid Waste issues

DEPARTMENT OF JUSTICE

LEGAL SERVICES DIVISION

**SPECIAL LITIGATION AND EDUCATION SECTION**

\*The Special Litigation section represents the state in complex, novel or controversial civil litigation of substantial importance. Examples include challenges to redistricting, challenges to the school funding system, challenges to the state's ability to tax retiree pensions and state liability for environmental clean-up.

\*The Education Section advises the State Department of Public Instruction, the State Department of Community Colleges, and local school systems and community colleges. They represent the universities in complex litigation and consult with the universities' own attorneys.

\*The State Educational Assistance Authority collects delinquent student loans.

\*The resources of this division are split approximately evenly between Special Litigation and Education.

DEPARTMENT OF JUSTICE      LEGAL SERVICES DIVISION  
CONSUMER PROTECTION AND CITIZENS RIGHTS DIVISION

- \*Enforces the State's laws prohibiting **unfair or deceptive business practices**, unfair methods of competition and conspiracies in **restraint of trade**, responds to **consumer complaints** and provides public education to prevent fraud. Consumer Protection staff includes 3 **investigators** and 6 **consumer protection** specialists.
- \*The Citizens' Rights Division was established in 1994 and includes the **Safe Neighborhoods Initiative**, the **Child Victim Assistance Program** and initiatives on **Victims' Rights, Elder Abuse and Hate Crimes** and the Sunshine Office,
- \*Citizens' Rights staff include the Deputy Attorney General and 3 other attorneys, Director of the Child Victim Assistance Project and 5 local coordinators, a Victim Services Director, a liason with other DOJ divisions, and 2 support staff.
- \*The Child Victim Assistance Program was federally funded until 1995.
- \*The Citizens Rights/Consumer Protection Division has an authorized budget for the current year of \$1,953,861 with General Fund appropriation of \$1,627,209.
- \*The Safe Neighborhoods Initiative has a total budget of \$486,564. The federal grant expires June 1997 but an extension to October is pending. It is staffed with 4 Community Development Specialists, a Communication/Publications specialists and an administrative assistant.

## WORKLOAD MEASURES

In 1996 the State Educational Assistance Authority, Education Division filed 385 suits resulting in \$1,886,787 in judgements.

Overall the Education Section filed 25 court cases, participated in 68 administrative proceedings and issued 18 opinions.

Last year, the Criminal Division prosecuted 19 first degree murder cases and filed 25 other briefs at the NC Supreme Court, filed 63 briefs at the NC Court of Appeals, responded to 244 prisoner petitions and 175 prisoner lawsuits, handled 79 capital cases in the post conviction phase and tried 123 cases for Crime Control.

There are currently 158 prisoners on death row and 79 death cases in post-conviction review.

The Medicaid Fraud Division has obtained 65 convictions and \$11 million in recoveries in 5 years

The Highway Section currently has 641 pending condemnation cases, 16 construction contract cases, 13 billboard cases, 29 personnel cases, 243 collection cases, 6 environmental cases and 25 other cases.

The Consumer Protection Section receives 150,000 phone calls per year and 10,000 written complaints.

## POSITIONS AND FUNDING

| Section                                  | Positions  |                   | Attorneys  |                   |
|------------------------------------------|------------|-------------------|------------|-------------------|
|                                          | Total      | Receipt Supported | Total      | Receipt Supported |
| Administrative                           | 97         | 42                | 60         | 30                |
| Civil                                    | 60         | 9                 | 39         | 6                 |
| Criminal                                 | 57         | 2                 | 36         | 1                 |
| Special Litigation<br>& Education        | 28         | 7                 | 17         | 5                 |
| Environmental                            | 51         | 18                | 30         | 11                |
| Citizens Rights<br>& Consumer Protection | 47         | 0                 | 15         | 0                 |
| Medicaid Fraud                           | 20         | (all 75% federal) | 3          |                   |
| Information Systems                      | 9          | -                 | -          | -                 |
| <b>TOTAL</b>                             | <b>369</b> | <b>78</b>         | <b>200</b> | <b>53</b>         |

notes: 2 of the receipt supported attorneys in the Administrative Division are part time

2 receipt supported administrative staff are part time in the Civil Division

20 attorneys in the Highway Section of the Civil Division and 2 in the Western Office  
are funded directly by the Department of Transportation

1 receipt supported attorney in the Criminal Division is temporary

Department of Justice RECEIPT SUPPORTED POSITIONS February 1997

Banking Commission (2)

Department of Environment, Health and Natural Resources (20 Full-time, 3 Half-time)

Department of Agriculture (1)

Department of Commerce (1)

Department of Correction (2)

Department of Human Resources

- Child Day Care (2)

- Medical Assistance (1)

- Facility Services (6)

- Mental Health, Developmental Disabilities, Substance Abuse (2)

- Social Services (11 + 3 cash match)

- Thomas S, Mental Health, Developmental Disabilities (3)

Department of Insurance (1)

Department of Transportation Division of Motor Vehicles (5)

State Department of Public Instruction (1)

Low Level Radioactive Waste (1)

NC Appraisal Board (1)

Office of State Controller (1)

Real Estate Commission (1)

State Education Assistance Authority (4)

State Health Plan (1)

State Treasurer (2)

UNC Hospitals (4)

UNC Consolidated Office (1)

Wildlife Resource Commission (2)



# DEPARTMENT OF JUSTICE

## LEGAL SERVICES BUDGET

|                  | 1995-6 Actual | 1996-7 Auth  | 1997-98 rec  | 1998-99 rec  |
|------------------|---------------|--------------|--------------|--------------|
| Personnel        | \$17,916,559  | \$18,919,125 | \$19,034,653 | \$19,034,653 |
| Purch Services   | \$1,615,615   | \$1,228,125  | \$1,228,858  | \$1,228,858  |
| Plant,Equip,Supp | \$867,314     | \$858,725    | \$559,621    | \$559,621    |
| Tort Claims      | \$3,498,004   | \$2,750,000  | \$3,150,000  | \$3,150,000  |
| Other Expenses   | \$595,245     | \$304,080    | \$229,680    | \$229,680    |
| TOTAL REQUIRE    | \$24,492,737  | \$24,060,055 | \$24,202,812 | \$24,202,812 |
| Agency Transfers | \$7,282,474   | \$7,319,554  | \$7,719,554  | \$7,719,554  |
| Other Receipts   | \$1,541,613   | \$244,505    | \$209,753    | \$209,753    |
| NET APPROP       | \$15,668,650  | \$16,495,996 | \$16,273,505 | \$16,273,505 |

# Legal Services Division

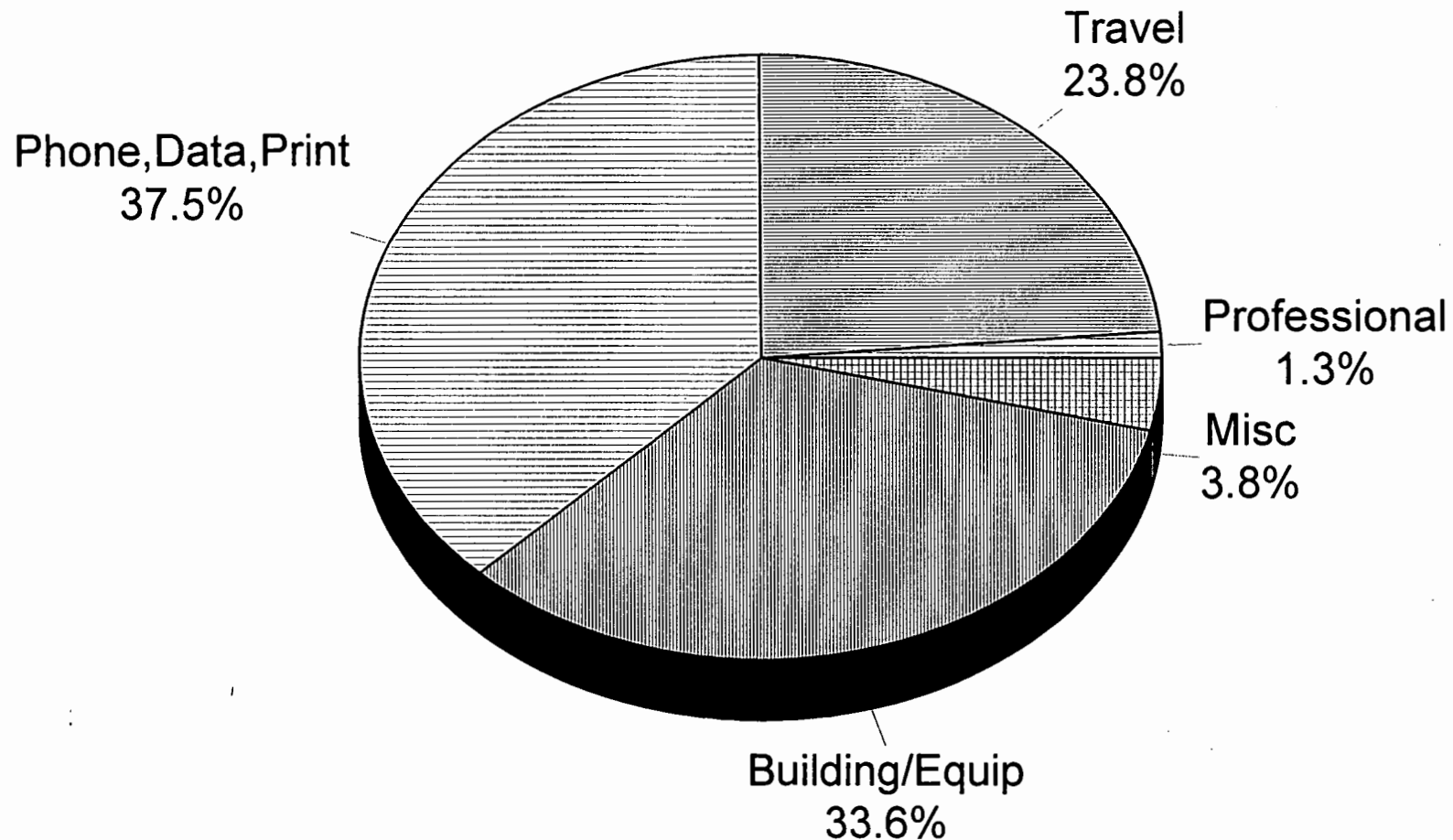
## Budget Details

- Within the Personnel category, 24% of salaries are for receipt supported positions (1996-97)
- An additional \$93,453 is included in reserves to fund one time bonuses for legal services staff. Last year 108 bonuses averaging \$1,000 were distributed with client agencies making up the difference between the total cost and the reserve.
- Adjustments to the Continuation Budget are primarily personnel related with a slight increase in utilities , a reduction in indirect expenses on federal funds and adjustments for one time equipment purchases in 1996-97.
- Department of Justice absorbed \$1.7 Million cuts in operating expenses in 1993 and an additional \$1.6 Million for the current biennium.

# Legal Services 1996-97

## Authorized

### Purchased Services Breakdown





## State of North Carolina

Department of Justice  
P. O. Box 629  
RALEIGH  
27602-0629

MICHAEL F. EASLEY  
ATTORNEY GENERAL

### **CITIZENS' RIGHTS DIVISION - SIGNIFICANT ACCOMPLISHMENTS**

1993-1997

4 March 1997

#### **LEGISLATIVE ASSISTANCE**

- ♦ Drafted comprehensive Drug Treatment Courts Bill
- ♦ Drafted Drug Nuisance/Forfeiture bill
- ♦ Drafted Juvenile fingerprinting & confidentiality of juvenile records bill
- ♦ Drafted amendments to expunction statute
- ♦ Drafted amendments to juvenile jurisdiction statutes
- ♦ Drafted amendment to juvenile statute regarding victim notification of release
- ♦ Assisted in re-draft of Sex Offender registration bill
- ♦ Assisted in re-draft of Domestic Elder Abuse bill
- ♦ Continuous legal assistance to members of legislature & legislative committees

#### **SAFE NEIGHBORHOODS INITIATIVE (SNI)**

A top priority of the Attorney General's Violent Crime Initiatives, SNI is fully operational in a number of cities (listed below), in each SBI district. SNI began in early 1994 with 2 CRD staff attorneys assisted by 8 SBI agents. The SNI team consists of 6 CRD staff members (Federal Grant), 8 SBI agents and 2 Justice Academy trainers. SNI will continue to expand the community policing concept to cities and towns in North Carolina. SNI is currently involved in over **50** law enforcement communities.

- ♦ **Ayden** (NE District) - Trained entire PD in CP techniques; established Community leadership council; assisted in Adopt a cop and Collect-a-cop programs
- ♦ **Elkin** (NW District) - Trained PD in CP techniques, conducted assessment
- ♦ **Hendersonville** (Western District) - Established Citizens' Academy
- ♦ **Lexington** (Northern Piedmont District) - Trained entire department in CP techniques
- ♦ **Louisburg** (Capital District) - Trained PD in CP techniques (intro); wrote federal COPS FAST Grant; assisted in Tar river festival
- ♦ **Raleigh** - SBI Club formed by SBI/SNI agent at local middle school
- ♦ **Morehead City** (Coastal District) - Trained entire PD in CP techniques; assisted with "KIDFEST" event where SNI Child ID Kit initially released (June 1995)



- ◆ **Roseboro** (SE District) - Trained entire PD in CP techniques; trained citizens' groups in problem-solving; assisted in writing and obtaining federal COP grant
- ◆ **Wingate**(Southern Piedmont District) - Project WE: after-school mentoring program for at-risk youth (*80% of the more than 60 child graduates of Project WE made honor roll*)
- ◆ **Plymouth**(NE) - Trained entire PD in CP techniques; training citizens group in problem solving
- ◆ **Albemarle** (So. Piedmont) - Conducted needs assessment, upper management training, CP training scheduled
- ◆ **Henderson** (Capital) - Established violent crime task force, training community
- ◆ **Union County Sheriff's Dept.** (So. Piedmont) - Conducted needs assessment, entire department converting to CP, SNI assisting with implementation process
- ◆ **Oxford**(Capital) - Conducted departmental assessment, conducting community leadership council problem solving training; Specific training planned through summer 1996 (mentoring programs, Citizens Academy, seniors volunteer group, crime prevention activities)
- ◆ **Cumberland County Sheriff's Dept.** (SE) - Initiating comprehensive CP; SNI providing structural support, assistance with drafting ordinances, seniors groups and juvenile issues
- ◆ **Rutherfordton** (Western) - Conducted assessment and community council training
- ◆ **Marion** (Western) - Conducted assessment
- ◆ **Maysville** (Coastal) - Conducted assessment; CP training
- ◆ **Benson** (Capital) - Assisting in analyzing ordinances; assisting in drafting community letters

#### SNI - related awards

- ◆ 1995 "Governor's Award for Excellence" for Child ID Kit
- ◆ 1995 "NC Crime Prevention Award" to Ayden PD for Community Policing Efforts
- ◆ 1995 "Outstanding Business Contribution Award" to SBI from Carroll Middle School

#### SNI - special activities

- ◆ Conducted over 183 community meetings and provided over 370 law enforcement consultations across the state
- ◆ Citizen survey in Plymouth shows 78% positive change regarding quality of life issues
- ◆ Albermarle shows 15% reduction in calls for law enforcement service
- ◆ Marion attributes 11% increase in arrests to calls from citizens using special reporting number
- ◆ Completed over 20,000 child ID kits (in partnership with local law enforcement, schools and businesses)
- ◆ Chief participant in *Operation Helping Hand* Grant awarded to State Highway Patrol
- ◆ Produced numerous newsletters, brochures, pamphlets and information sheets

#### CHILD VICTIM ASSISTANCE PROGRAM (CVAP)

- ◆ Served over 600 children since inception

- ◆ 1996 NAAG Innovation Award
- ◆ 1995 award nominations: (1) NAAG "For the Children" Award; (2) Coopers & Lybrand "Exemplary State and Local Awards Program" [recognizing public initiatives that improve the quality of government services and operations]
- ◆ Support group for non-offending parents, begun by CVAP coordinator, received grant award to continue as a project funded by the North Carolina Victims Assistance Network
- ◆ Child-friendly rooms established in each district (and in most courthouses)
- ◆ Blue Ribbon for Kids Campaign - educated and reached thousands of adults and children regarding child abuse prevention issues
- ◆ Cosmo Goes to Court (a court coloring book for children); 10,000 copies currently being distributed

### VICTIMS' RIGHTS INITIATIVES

- ◆ Assisted over 1300 victims of violent crime including women and children through referrals, support and direct intervention
- ◆ Active participation on Violence Against Women Act Committee at state and national levels
- ◆ Sponsorship of Crime Victims' Rights Week activities
- ◆ Created "Through the Eyes of Crime" photo display featured at 5 statewide locations during Crime Victims' Rights Week 1995.
- ◆ Coordinated a victims' rights rally, attended by more than 500 people
- ◆ Provided victim assistance training to all state SBI agents
- ◆ Sponsored statewide public education and information rally regarding Victim Rights Amendment

### SAVIN Study Commission

AGO initiated and is leading a multidisciplinary study commission composed of 18 local and state criminal justice and victim advocacy agencies responsible for designing and implementing a Statewide Automated Victim Information and Notification System. This is a very innovative project and it has been selected as a national model by the U.S. Department of Justice Office for Victims of Crime and the National Victim Center.

## **ELDER ABUSE INITIATIVES**

- ◆ Created Elder Abuse Task Force, the task force is meeting regularly and is addressing issues of importance to North Carolina's elderly citizens
- ◆ Established MOU with N.C. Health Care Facilities Association

## **SUNSHINE OFFICE**

- ◆ Assisted over 280 citizens, businesses, attorneys, government officials and legislators with public records and open meetings issues
- ◆ Authored over 65 Attorney General advisory opinions and letters
- ◆ Drafted and disseminated memo regarding 1995 amendments to Public Records law

## **HATE CRIMES INITIATIVES**

- ◆ Established Hate Crime Reporting Committee (CRD, DCI & Justice Academy)
- ◆ Developed formal structure for reporting of hate crimes by law enforcement
- ◆ Expanded Justice Academy's Hate Crime training curriculum
- ◆ Trained 202 agencies in hate crime reporting (NCJA & SBI-DCI) as of 2/27/97
- ◆ Increased hate crime reporting in N.C. by 400 %
- ◆ Support to Governor's Task Force on Race & Religious Violence & Intimidation (chaired by AG Mike Easley)
- ◆ Sponsored statewide Education & Information Seminar on Protecting Religious Sanctuaries

## **TRAINING CONDUCTED**

- ◆ Child Abuse (advocates, guardians ad litem, service providers, law enforcement prosecutors)
- ◆ Victim issues (SBI academy & SBI in-service training, victim advocates, service providers, victim witness assistants, law enforcement, magistrates, judges)
- ◆ Elder Rights (Long-term care ombudsmen, social workers, community groups, law enforcement officers, prosecutors)
- ◆ Hate Crimes (Law enforcement, prosecutors, magistrates, community groups, religious leaders)
- ◆ Sunshine Laws (public and private attorneys, registers of deeds, community groups)
- ◆ Juvenile Issues (SBI academy, public & private attorneys, law enforcement)
- ◆ Mediation (Crisis intervention teams in public school system)

## **PUBLICATIONS**

- ◆ N.C. Sunshine Manual (in draft)

- ◆ Open Government in North Carolina: A Citizen's Guide (Dec. 1996)
- ◆ Child Sexual Assault Guidelines (in draft)
- ◆ Citizens' Rights Division Resource & Referral Directory (Jan. 1995, rev. Feb. 1996)
- ◆ Bryant & Panico, "Physicians' Legal Responsibilities to Victims of Domestic Violence", North Carolina Medical Journal, Vol. 55, No. 9 (Sept. 1994)
- ◆ Assisting North Carolina's Violent Crime Victims, April 20, 1994 (prepared for CRD by Terry Sanford Institute of Public Policy, Duke University)
- ◆ The Development of Successful After-School Crime-Prevention Programs, April 28, 1995 (prepared for CRD by Terry Sanford Institute of Public Policy, Duke University)
- ◆ Cosmo Goes to Court
- ◆ Citizens' Rights Division Personnel Guide, (Jan. 1994, rev. Feb. 1996)
- ◆ Citizens' Rights Division Intern Manual, (May, 1995, rev. Feb. 1996)
- ◆ Hate Crime in North Carolina (Booklet, rev. June 1996)
  
- ◆ Brochures: **"CHILD VICTIM ASSISTANCE PROJECT"**  
**"SAFE NEIGHBORHOODS INITIATIVE"**  
**"HATE CRIME IN NORTH CAROLINA"**  
**"STOPPING MEDIA VIOLENCE: A FAMILY GUIDE"**
- ◆ Newsletters: **"CITIZENS' RIGHTS DIVISION NEWSLETTER"**  
**"SNI BULLETIN"** (Quarterly publication)
- ◆ CVAP **"TRAINING AND VOLUNTEER MANUALS"**

## **OTHER**

- ◆ Filed 38 appellate briefs (17 sex crimes; 21 juvenile)
- ◆ Filed 2 amicus briefs (Texas Court of Appeals; Georgia Supreme Court)
- ◆ Authored numerous AG Advisory Opinions and letters
- ◆ Established Citizens' Rights Advisory Board
- ◆ CRD staff are members of numerous boards, commissions and committees

## **ENVIRONMENTAL CRIMES TASK FORCE**

Comprised of attorneys from the Citizens' Rights Division, the Criminal Division and the Environmental Division along with Criminal Specialists from the SBI, this task force is currently investigating willful violations of environmental crimes. Efforts involve close associations with federal investigative offices such as FBI, EPA and US Attorneys' Offices in the three districts of North Carolina.



# VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

|                   |       |
|-------------------|-------|
| Mike Bachem       | CC+PS |
| Gregg Stahl       | OK    |
| Burley Humphrey   | OSBM  |
| Emise A. Seccombe | DOJ   |
| Jane B. Gray      | AG    |
| Ann Beilum        | SBE   |
| Julie Stewart     | CCPS  |
| PE Buel           | see   |
| Charles Crane     | OSPL  |
| Susan Beilum      | DOJ   |
|                   |       |
|                   |       |

## **JUSTICE & PUBLIC SAFETY**

March 5, 1997 Room 415

**HOUSE MEMBERS PRESENT:** [6] Representatives , Thompson, Kiser, McCrary, Hardy, Sexton, Smith, and Crawford

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 5, 1997 in Room 612 of the Legislative Office Building. Representative Kiser called the meeting to order at 3:25 PM and introduced House Pages Scott Sholars, Halifax County, Elizabeth Sanders, Harnett and Senate Page Susan Bullock, Manteo, John Aman, House Sergeant at Arms and Archie McMillian, Senate Sergeant at Arms.

- Department of Justice 1997-99 (Attachment 1)

Representative Kiser introduced Andy Willis, Fiscal Analyst with Fiscal Research.

Mr. Willis explained that Elisa Wolfer would be handling Legal Services and Administration and he would be handling law enforcement functions of that department as well as law enforcement functions with Crime and Public Safety. Mr. Willis explained that he would go over the Training and Standards Division of the Department of Justice explaining that it has some programmatic as well as fiscal information regarding its budget. Overall budget is \$60,000,000.00, 8% is under training and minimum certification standards for local law enforcement officers. These are the North Carolina Criminal Justice, Education, Training and Standards Commission as well as the Sheriff's Training, Education and Standards Commission. It also contains the North Carolina Justice Academy to develop curriculum to training state and local law enforcement officers as well as correctional, probation and parole officers. North Carolina Justice Academy offers all levels of certification except for basic law enforcement raining program which is taught at Community Colleges. Sheriff's Standard Section is responsible for establishing entry level employment, basic training for deputies and jailers for all the Sheriffs in the State. See Attachment I for breakdowns.

Representative Sexton stated that he is not familiar with the Commission standards and asked that it be explained in more detail. Where and how do they get there training?

Mr. Willis said you may defer to Department of Justice, but stated that 580 jailers are the ones that have received certification where they can be actual jail instructors. They are eligible to teach courses when they reach level of certification. They are not employed by the Standard Section.

Representative Sexton asked when did this program start and when did certification begin?

Jane Gray, Attorney General's Office, explained that Certification started in the 70's. Prior to that there were no standards for certification. Because of volume we do not have space at Salemburg. We have developed a curriculum with Community colleges for training, anything above basic is what we teach at Salemburg.

Representative Kiser explained that the training has put local law enforcement near the top in standards. A lot of the local officers are the ones who teach these courses which helps make them better officers.

Representative Sexton asked what is the minimum training for deputies and sheriffs. What is the entry level before they can be hired? Can the sheriff hire someone before they get to that level?

Jane Gray explained sheriff deputies can be hired when they have one year of certification.

Representative Kiser explained that most sheriffs do not hire anyone before they are certified. He said liability was too great and they have to pay them while they are going to school. County Commissioners do not want to approve the funds because of budget constraints.

Mr. Willis reported on Information Systems Section. He explained although housed under the Training and Standards Division, the Information Systems Section is accounted for under Legal Services. (See Attachment I)

Representative Kiser introduced Attorney General Mike Easley.

Mr. Easley reported they had some big cuts in 91 and 95. He said they were to move into a new building in April, the old Education building. This should help cut staff or rather not increase staff. He said at the present time we have a lot of attorneys who are on contract with different state agencies. After we move, all the attorneys will be housed in one location where we can all work together. We need to get beyond contract. Three major factors: we have cut as much as we can; we are consolidating; and we do have to do something about contract and receipt positions. I would appreciate you focusing on that as much as you can, when you can, and we will be happy to work out any language you need.

Western Justice Academy will be ready before the positions to train will be ready if we follow the Governor's budget. Governor put positions in place and we are grateful for that. Will get positions in July 98 but building will not be ready until January. Will take until September-October to get them in place. That is 10 months we will be wasting space and could be training officers that want to be trained.

Salemburg Learning Resource Center is almost complete which you funded. We have over 1,000 officers trying to get additional training who could not get it. When the Western Academy is completed it will make it more available to them for training. Training and Standards is a big part of that, where the Certification is and Standards are set, and we decide how much education and expertise we want our officers to have in the State. Both the Sheriff and Chief of Police lobbied me to put this a high priority for their particular commissions because they are running behind. Be mindful of this when expansion budget comes out.

SBI Lab - Still under construction.

Representative Kiser thanked Attorney General Mike Easley for coming and then turned the meeting back over to Mr. Willis.

Mr. Willis reported on North Carolina Justice Academy. In 1995 1.5 million was appropriated for design, planning and purchase of property for the Westerns Justice Academy. Last year \$108,000 non-recurring funds were provided for operational expenses. 1996 up to \$6,000,000.00 was provided by the General Assembly to expedite repairs and renovations at the Justice Academy.

Representative Sexton questioned number of students being trained at Salemburg vs Edenyville.

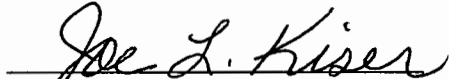
Mr. Willis responded that Ms. Stanford at Justice Academy said so many people in the far western part of the State were unable to travel to this area of the state for training. First five or six years there will be a large influx of training because it will be relatively close by.

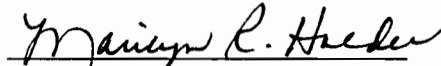
Representative Kiser explained that in the past five or six years with increase in crime, the number of officers have risen, the expertise of these officers has also risen. There were times when I wanted to send officers to Salemburg and could not get them in and this was the case for a lot of law enforcement agencies having to send them out-of-state. Through this process we have here at the North Carolina Justice Academy we are saving local government a lot of money. The number of students are not going to decrease, they will increase tremendously.

Mr. Willis explained in the Governor's continuation budget there is 1.75 million dollars in reserve in the second year of the biennium to provide funding for the opening of the Justice Academy. It has been anticipated by the Justice Department officials that the Academy will be ready for occupancy January 1998. I recommend we cover this in expansion.

Representative Kiser assured him it would be, thanked him for his patience, dedication and for coming.

Representative Kiser adjourned at 4:05 PM until Thursday, March 6, 1997 at 8:30 AM..

  
Representative Joe L. Kiser  
Chairman

  
Marilyn R. Holder  
Committee Clerk

# VISITOR REGISTRATION SHEET

**APP. SUB. JUSTICE & PUBLIC SAFETY**

3/5/97

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK**

NAME \_\_\_\_\_

**FIRM OR AGENCY AND ADDRESS**[illegible]

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

## ATTENDANCE

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

[illegible]



**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Wednesday March 5, 1997 – 15 minutes after last session  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Representative Larry Justus,  
Representative Gregg Thompson,  
Representative Joe Kiser  
Vice- Chairmen: Frank Ballance, Jr.

**II. PRESENTATION**

- Review of Justice Continuation Budget

--Training and Standards Division

Andy Willis, Fiscal Analyst

Justice Department Staff

- Review of Special Provisions and Information Requests

Andy Willis, Fiscal Analyst

Elisa Wolper, Fiscal Analyst

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

# Department of Justice

## 1997-99 Budget Overview Training and Standards Division

Joint Appropriations Subcommittee on Justice and Public Safety

March 5, 1997

# Division of Training and Standards

- **Purpose of the Training and Standards Division**
  - Contains the two regulatory bodies which establish training and minimum certification standards for local law enforcement officers.
    - North Carolina Criminal Justice Education and Training Standards Commission
    - Sheriff's Education and Training Standards Commission
  - Contains the North Carolina Justice Academy, which exists to develop curriculum to train state and local law enforcement officers, correctional officers, and probation/parole officers. (All levels of certification except for the Basic Law Enforcement Training program.)

# Sheriff's Standards Section

- Responsible for establishment of entry-level employment, basic training, and certification standards for deputies and jailers.
  - Active files for:
    - 9,100 deputies
    - 5,125 jailers
    - 580 jailer instructors

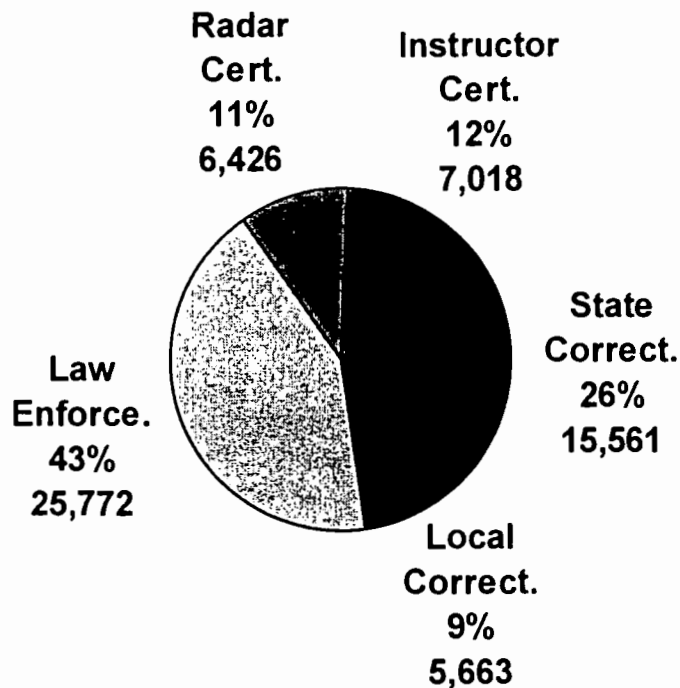
# Information Systems Section\*

- Provides computer and telecommunication support to all of the non-S.B.I. staff of the Department.
  - 400 Users in 25 separate physical locations throughout Raleigh and around the State.
  - Maintains large-scale litigation projects, consumer complaint tracking system, and case management databases.
  - Help Desk staffed 40 hours per week.

\* Although housed under the Training and Standards Division, the Information Systems Section is accounted for under Legal Services.

# Criminal Justice Standards Section

## Active Certification Files



- Administers the programs of the North Carolina Justice Education and Training Standards Commission.
  - Maintains 46,971 Officer Certification Files
  - Maintains 13,444 Certificates Files
- Total of 60,440 Files Maintained.

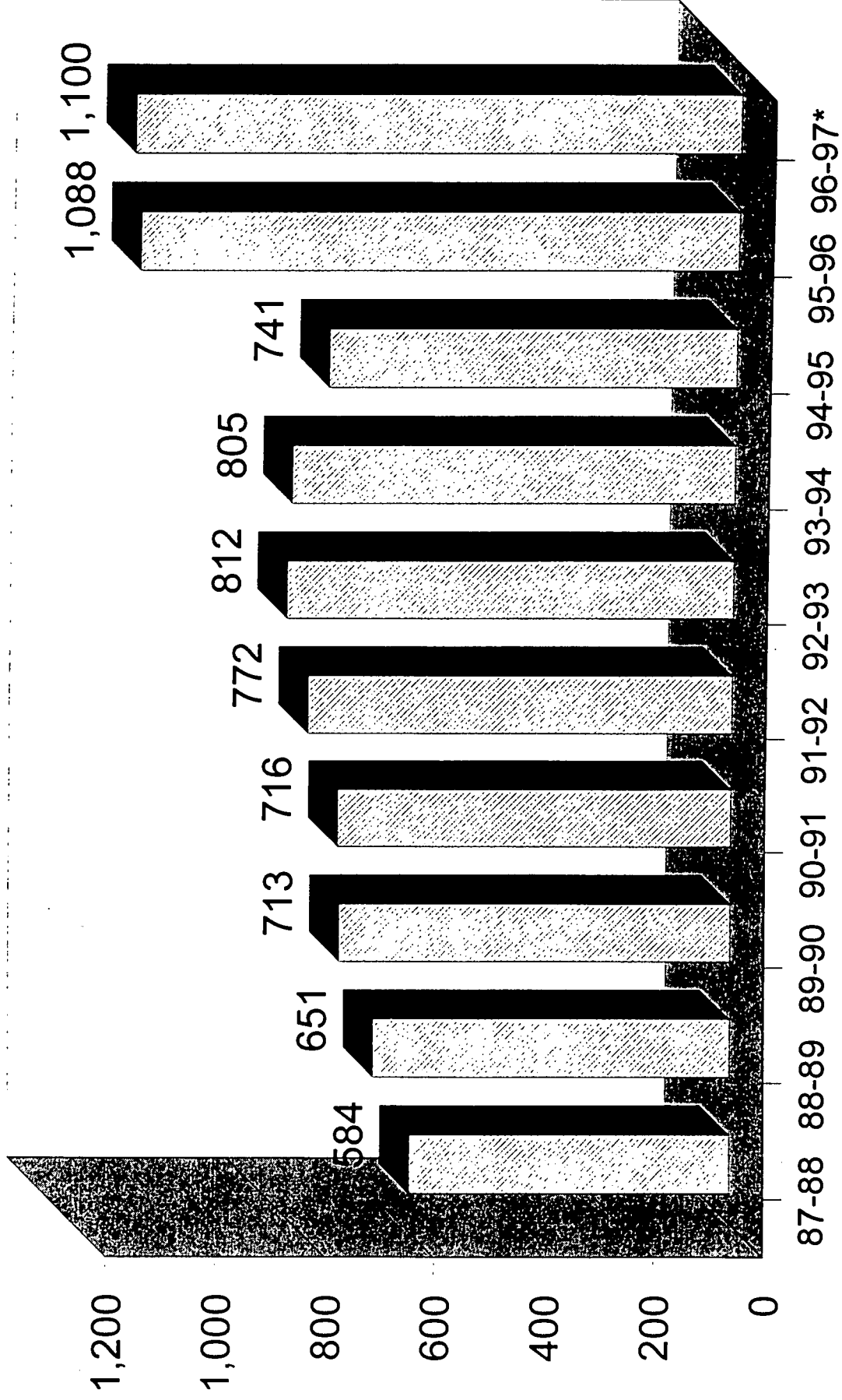
# North Carolina Justice Academy

- Salemburg
  - Provide on and off campus training for over 10,500 criminal justice professionals from all 100 counties.
  - An estimated 425 courses will be taught this year.
  - An estimated 1,100 students will be trained this year.

# NORTH CAROLINA JUSTICE ACADEMY

## (Salemberg)

STUDENTS TRAINED 1987-1997



\* FY 96-97 Estimate



# North Carolina Justice Academy

- Edneyville
  - The 1995 General Assembly funded the acquisition and construction of a Western Justice Academy in Edneyville, Henderson County.
    - In 1995, \$1,470,000 was appropriated for design and planning and the purchase of real property for the Western Justice Academy.
    - In 1996, \$108,430 of non-recurring funds were provided for an onsite office, and contract services for maintenance, housekeeping, and security services.
    - In 1996, up to \$6,000,000 was provided to expedite the repairs and renovations at the Academy.

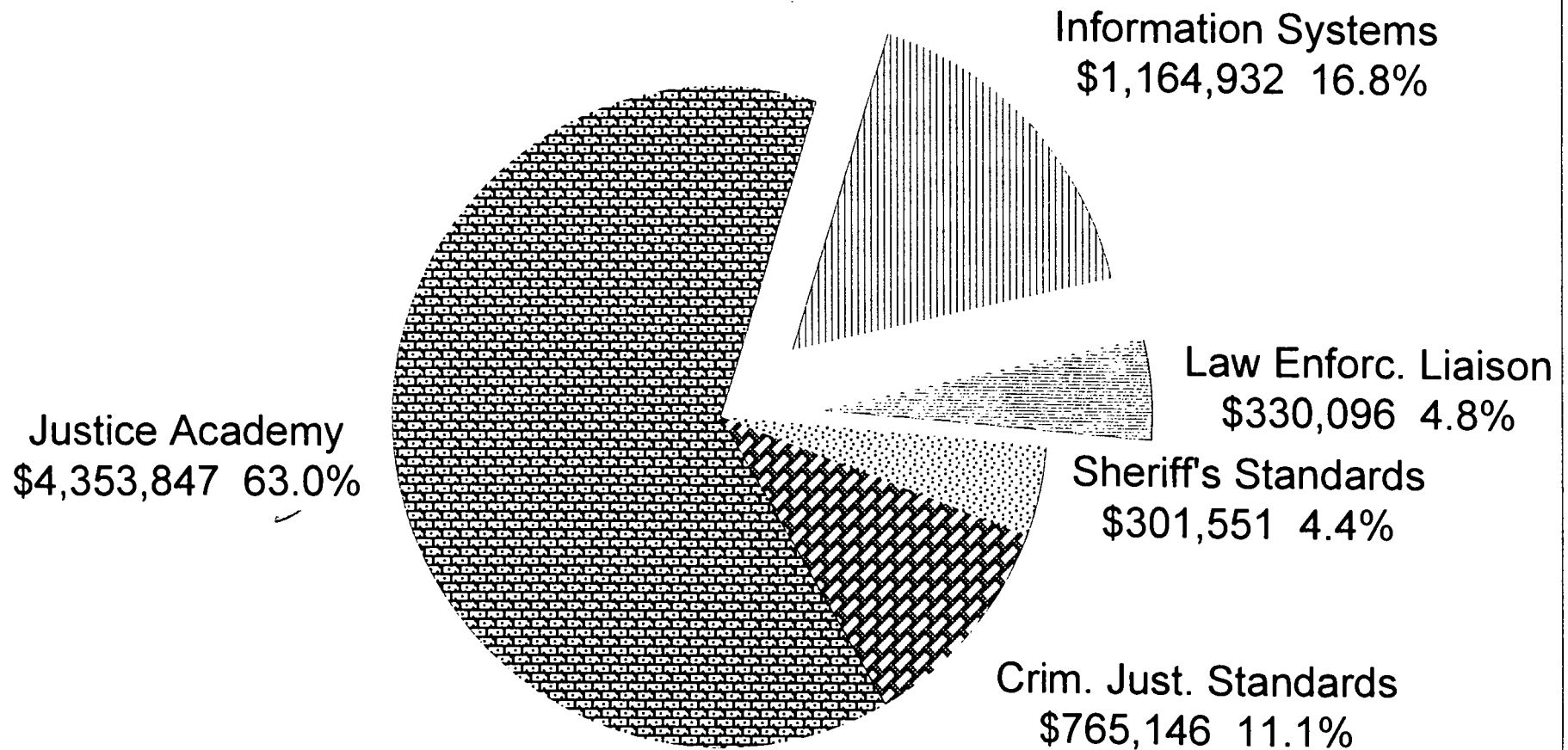
# North Carolina Justice Academy

- Edneyville - Western Justice Academy
  - Academy will be approximately one third of the size of the Academy at Salemburg.
  - With funding of eight trainers, it is projected the following number of students will be trained upon the opening of the Academy:\*
  - 1997-98 - 800
  - 1998-99 - 1,800
  - 1999-00 - 2,500
  - 2000-01 - 2,600
  - 2001-02 - 2,700

\* Information provided by the North Carolina Justice Academy

# Training and Standards Division

## 1996-97 Authorized General Fund Budget By Major Program

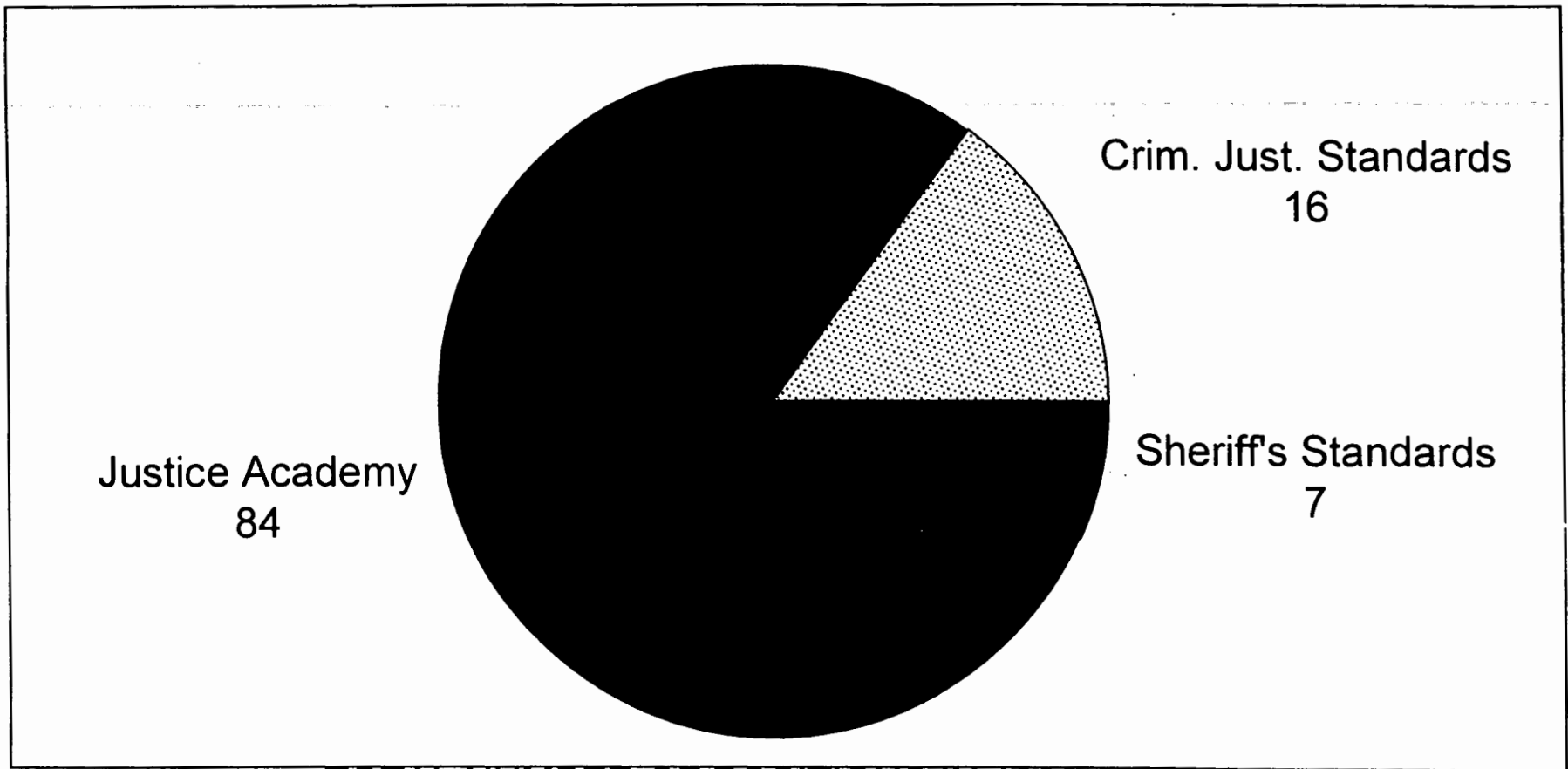


1996-97 Authorized General Fund Budget as of 1/31/97-- \$5,420,544\*

*\*Does not include funds for Information Systems and Law Enforcement Liaison Sections -- Although these are housed under Training and Standards, they are accounted for in separate funds.*

# TRAINING AND STANDARDS DIVISION

## *1996-97 POSITIONS BY MAJOR PROGRAM*



TOTAL NUMBER OF POSITIONS IN 1996-97 -- 107  
RECOMMENDED POSITIONS FOR 1997-98 - 106

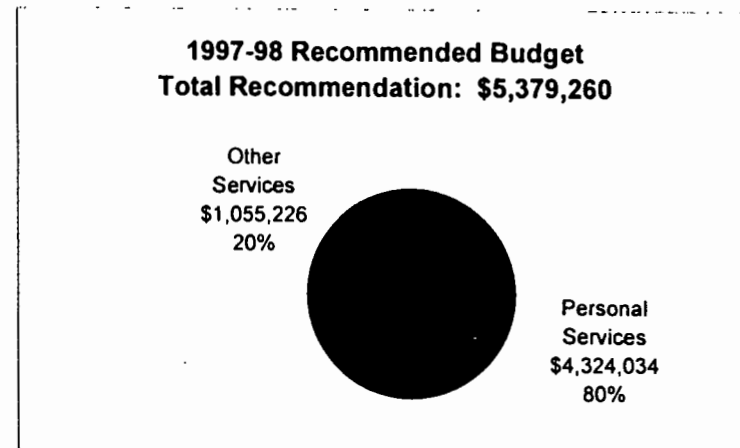
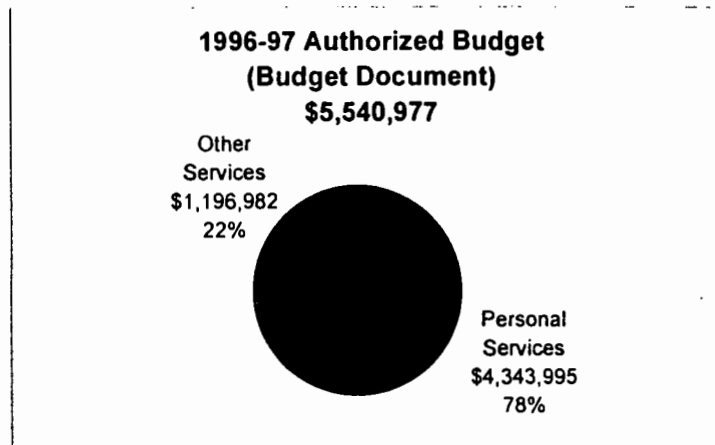
\* Note: Information Systems personnel are housed in the Training and Standards Division.  
However, they are budgeted for in the Legal Services Division.

# DEPARTMENT OF JUSTICE

## Training and Standards Division

|                             | 1995-96<br>Actual | Current Fiscal Year<br>1996-97<br>Authorized<br>(Budget Document) | Governor's Continuation Request |              |                        |              |
|-----------------------------|-------------------|-------------------------------------------------------------------|---------------------------------|--------------|------------------------|--------------|
|                             |                   |                                                                   | 1997-98<br>Recommended          | %Δ           | 1998-99<br>Recommended | %Δ           |
| Expenditures                | 5,375,027         | 5,540,977                                                         | 5,379,260                       | -2.9%        | 5,386,563              | -2.8%        |
| Less Receipts               | (354,473)         | (170,503)                                                         | (169,475)                       | -0.6%        | (169,475)              | -0.6%        |
| <i>State Appropriations</i> | <i>5,020,554</i>  | <i>5,370,474</i>                                                  | <i>5,209,785</i>                | <i>-3.0%</i> | <i>5,217,088</i>       | <i>-2.9%</i> |
| Positions                   | 104.25            | 107.25                                                            | 106.75                          |              | 106.75                 |              |

% Δ = Percentage change in budget over/under Current Fiscal Year 1996-97 Authorized Budget



**Major Changes in Continuation Budget Requests: None**

Fiscal Research Division -- February 1997

# Division of Training and Standards

## *Issues for Discussion*

- North Carolina Western Justice Academy
  - There is \$1,750,000 in Reserves in the second year of the biennium (1998-99) to provide funding for the opening of the Western Justice Academy.
  - It is anticipated by the Justice Department the Western Justice Academy will be ready for occupancy in January of the first year of the biennium (1997-98).

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE**  
**ON**

**JUSTICE AND PUBLIC SAFETY**

Wednesday March 6, 1997 – 8:30am  
Room 612, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, **Presiding**

Representative Larry Justus,  
Representative Gregg Thompson,  
Representative Joe Kiser

Vice- Chairmen: Frank Ballance, Jr.

**II. PRESENTATION**

- Review of Justice Continuation Budget

--State Bureau of Investigation

Andy Willis, Fiscal Analyst

Justice Department Staff

- Review of Special Funds, Special Provisions, Vacancies and Information Requests

Andy Willis, Fiscal Analyst

Elisa Wolper, Fiscal Analyst

Justice Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

- Review of schedule for week of March 10

**IV. ADJOURNMENT**

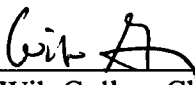
MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
MARCH 6, 1997

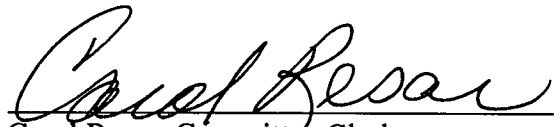
The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 am on Thursday, March 6, 1997 in Room 612 of the Legislative Office Building. Twelve members were present. In Senator Wib Gulley's absence, Senator Frank Ballance presided.

Andy Willis, Fiscal Analyst, reviews for the Subcommittee the handout on the Justice Department State Bureau of Investigation (see attached). This handout included information on Field Investigations, the D.A.R.E. program, the Division of Laboratory Services, the Division of Criminal Information, and Private Protective Services. Mr. Willis pointed out to the Subcommittee that in December of 1995, 7,300 concealed handgun permit applications were received but that figure is down to 1,085 in February 1997 and has leveled off.

Next, Elisa Wolper, Fiscal Analyst, went over the Special Funds included in the continuation budget (see attached). The Department of Justice Special Provisions were reviewed, as well as vacancies in the Department of Justice and other information requested at previous meetings (see attached).

The meeting was adjourned at 10:00 am

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk



# Department of Justice

## 1997-99 Budget Overview State Bureau of Investigation

Joint Appropriations Subcommittee on Justice and Public Safety

March 5, 1997

# State Bureau of Investigation

- Mission
  - Conducts criminal investigations of allegations where the bureau has original jurisdiction: narcotics, arson, election law, state property, environmental crimes, child sexual abuse in day cares, and
  - Provides assistance to local law enforcement agencies in the area of criminal investigation, fingerprint identification, crime laboratory services, and
  - Maintains and operates a computerized telecommunications system for law enforcement.

# Field Investigations

- Purpose
  - Field Investigations
    - Conduct criminal investigations throughout North Carolina from eight districts and two Special Units.
    - Office of the Chief Investigator
      - Responsible for internal affairs investigations, judicial standards investigations, and special investigations.
        - Bureau Records Center
        - Intelligence and Technical Services Section.

# Field Investigations

- Field Support Services
  - Air Wing
  - Drug Abuse Resistance Education (D.A.R.E.) Unit
- Program Management
  - Accreditation Section
  - Training Section
  - Inspections
  - Planning and Research

# Field Investigations

## Field Districts

| <u>Field Districts</u>                     | <u>Counties</u> | <u>Personnel</u>    |
|--------------------------------------------|-----------------|---------------------|
| Western: Asheville                         | 16              | 24 Sworn, 2 Support |
| Northwestern: Hickory                      | 13              | 20 Sworn, 2 Support |
| Southern Piedmont: Charlotte               | 9               | 25 Sworn, 3 Support |
| Northern Piedmont: Greensboro              | 9               | 21 Sworn, 2 Support |
| Capitol: Raleigh                           | 10              | 24 Sworn, 4 Support |
| Southeastern: Fayetteville                 | 10              | 20 Sworn, 2 Support |
| Northeastern: Greenville                   | 23              | 29 Sworn, 2 Support |
| Coastal: Jacksonville                      | 10              | 20 Sworn, 2 Support |
| Diversion and Environmental<br>Crimes Unit | Statewide       | 8 Sworn, 1 Support  |
| Financial Crimes Investigation<br>Unit     | Statewide       | 8 Sworn, 2 Support  |

- 4. -

# Field Investigations

## Selected Workload Statistics

- **New Cases Initiated**

|                |       |
|----------------|-------|
| – Drug         | 1,569 |
| – Arson        | 471   |
| – Homicide     | 395   |
| – Other        | 1,112 |
| – Robbery      | 97    |
| – Sex Offense  | 430   |
| – Embezzlement | 227   |

- **Total** **4,301**

- **New Cases by District**

|                  |     |
|------------------|-----|
| – Capitol        | 529 |
| – Southeastern   | 356 |
| – Northeastern   | 514 |
| – Coastal        | 507 |
| – Northwestern   | 473 |
| – Northern Pied. | 434 |
| – D.E.C.U.       | 68  |
| – Western        | 765 |
| – Finan. Crimes  | 49  |
| – Southern Pied. | 606 |

- **Total** **4,301**

Source: S.B.I. (1996 Caseloads)

**State Bureau of Investigation  
Report of Arrest  
Date of Arrest 070195 - 063096  
By Primary Crime Classification**

| <i>Crime Classification</i> | <i>Misdemeanor</i> | <i>Felony</i> | <i>Individual</i> |
|-----------------------------|--------------------|---------------|-------------------|
| <i>Assaults</i>             | 5                  | 148           | 47                |
| <i>Burglary</i>             | 2                  | 91            | 42                |
| <i>Corruption</i>           | 1                  | 38            | 16                |
| <i>Drug Investigations</i>  | 133                | 3,793         | 1,499             |
| <i>Embezzlement/Fraud</i>   | 27                 | 436           | 72                |
| <i>Arson</i>                | 7                  | 126           | 62                |
| <i>Homicide</i>             | 11                 | 343           | 186               |
| <i>Larceny</i>              | 25                 | 317           | 56                |
| <i>Miscellaneous</i>        | 46                 | 74            | 51                |
| <i>Natural Resources</i>    | 1                  | 33            | 5                 |
| <i>Public Peace</i>         | 6                  | 7             | 7                 |
| <i>Robbery</i>              | 0                  | 98            | 42                |
| <i>Sex Offense</i>          | 4                  | 165           | 54                |
| <i>Weapons Offenses</i>     | 1                  | 74            | 15                |
| <b>TOTALS</b>               | 269                | 5,743         | 2,154             |

**State Bureau of Investigation  
Report of Arrest  
Date of Arrest 070196 - 123196  
By Primary Crime Classification**

| <i>Crime Classification</i> | <i>Misdemeanor</i> | <i>Felony</i> | <i>Individuals</i> |
|-----------------------------|--------------------|---------------|--------------------|
| <i>Assaults</i>             | 5                  | 44            | 24                 |
| <i>Burglary</i>             | 0                  | 8             | 4                  |
| <i>Corruption</i>           | 0                  | 12            | 3                  |
| <i>Drug Investigations</i>  | 55                 | 1,180         | 507                |
| <i>Embezzlement/Fraud</i>   | 2                  | 231           | 43                 |
| <i>Arson</i>                | 4                  | 44            | 26                 |
| <i>Homicide</i>             | 1                  | 102           | 69                 |
| <i>Larceny</i>              | 5                  | 41            | 11                 |
| <i>Miscellaneous</i>        | 0                  | 36            | 23                 |
| <i>Natural Resources</i>    | 1                  | 14            | 3                  |
| <i>Public Peace</i>         | 0                  | 1             | 1                  |
| <i>Robbery</i>              | 2                  | 26            | 12                 |
| <i>Sex Offense</i>          | 1                  | 132           | 15                 |
| <i>Title Three</i>          | 0                  | 6             | 6                  |
| <i>Weapon Offenses</i>      | 0                  | 3             | 3                  |
| <b>TOTALS</b>               | <b>76</b>          | <b>1,880</b>  | <b>750</b>         |

-7-



# Drug Abuse Resistance Education (D.A.R.E.)

- Overview

- Conducts the activities of the Southeast Regional Training Center and North Carolina D.A.R.E..
  - The Southeast Regional Training Center (SERTC) encompasses eight states.
- Federal Funds received by the SERTC in 1996-97 for the eight state region:
  - \$250,000.
- Money received through the Department of Human Resources for the North Carolina D.A.R.E. Foundation in 1996-97
  - \$194,054

# Division of Laboratory Services

- Purpose
  - To conduct all forensic analysis of evidence in criminal investigations for the S.B.I., and all other law enforcement agencies in the State.
    - 90% of the cases analyzed are for local law enforcement agencies.
    - Consists of six lab sections, a regional laboratory, an evidence control section, and a support section.

# Division of Laboratory Services

## 1996-97 Selected Workload Statistics

- Statistics
  - Crime Laboratory:
    - 35,795 submissions processed.
  - Latent Evidence Section:
    - 2,100 cases.
  - Molecular Genetics Section:
    - D.N.A. Database Unit now has in excess of 18,500 blood samples from violent offenders.
  - Drug Chemistry Section:
    - 24,069 Cases

Source: State Bureau of Investigation

# Division of Criminal Information

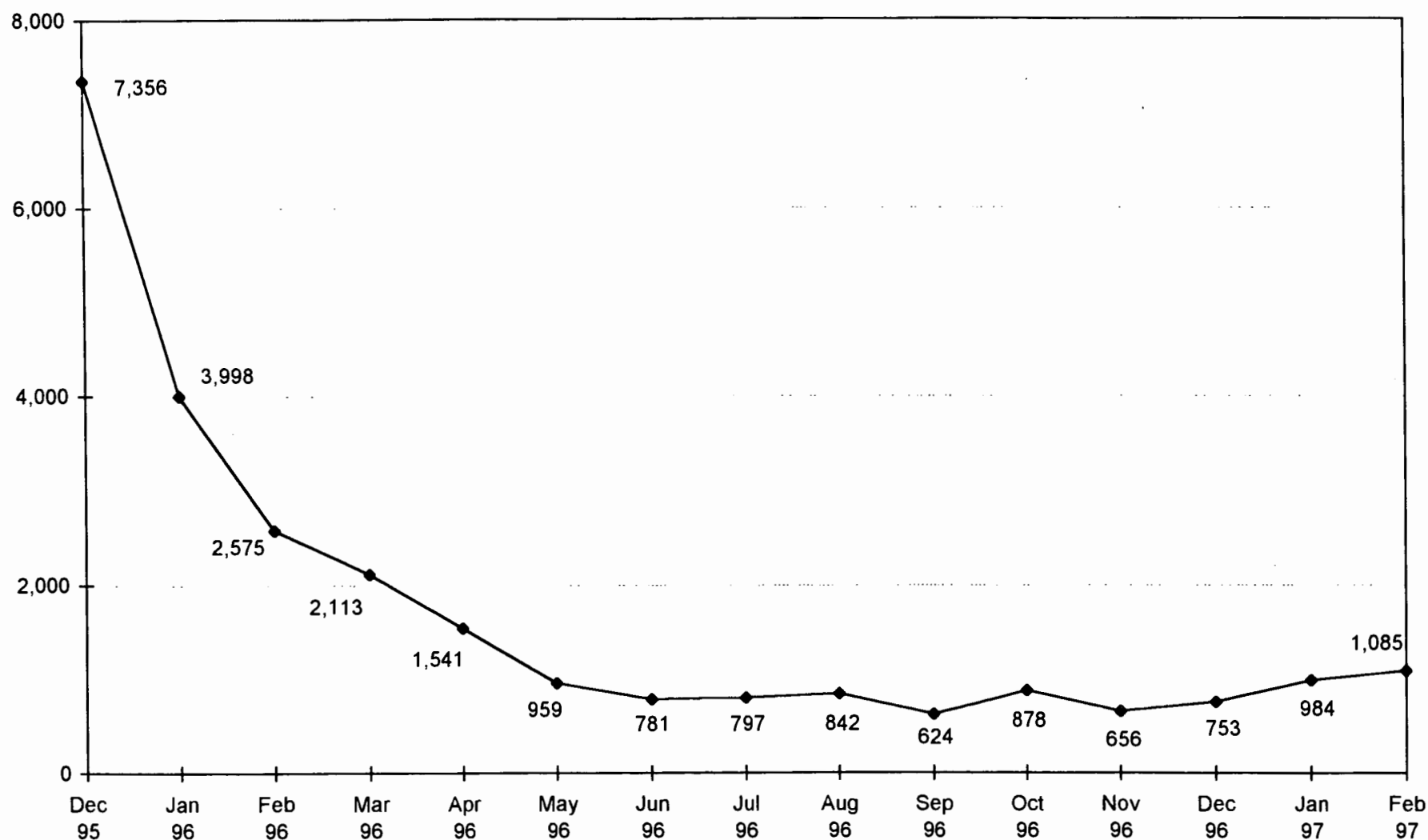
- Purpose
  - This division is a teleprocessing and data retrieval system that supports all law enforcement and criminal justice agencies within North Carolina.
    - Links systems within North Carolina and throughout the nation for entering, accessing, and retrieving information.
    - Provides equipment, furnishes training, and maintenance for the network that serves over 400 agencies.

# Division of Criminal Information

- Sections
  - Administration
  - Computer Operations Section
  - Crime Reporting and Field Services Section
  - Data Processing Section
  - Identification Section
  - Telecommunications Section

# Concealed Handgun Permit Applications Received

December 1995 to February 1997



## CONCEALED HANDGUN PERMIT COST

Application Costs \$80.00  
Fingerprint Costs \$10.00

**TOTAL COSTS**     **\$90.00**

### Breakdown of Disbursement of Permit Fees

Application Costs     **\$80.00**

|                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sheriff Maintains: <b>\$20.00</b><br>Department of Justice Maintains: <b>\$60.00</b><br>D.C.I. Maintains <b>\$16.00</b> for Processing Costs<br>D.C.I. Receives <b>\$22.00</b> for Training Costs<br>F.B.I. Receives <b>\$22.00</b> for Processing Fingerprint |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Fingerprint Costs     **\$10.00**

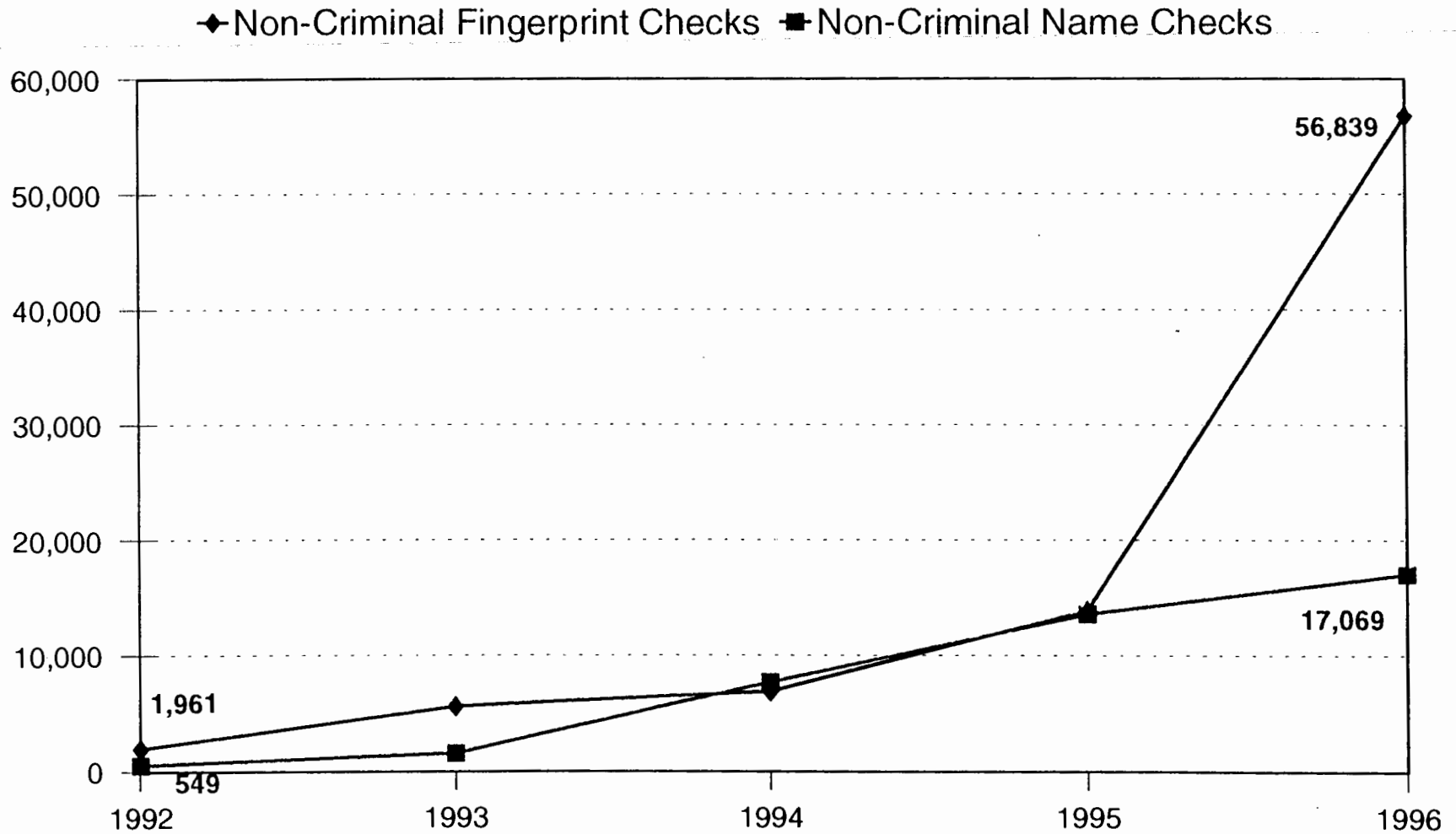
|                                   |
|-----------------------------------|
| Sheriff Maintains: <b>\$10.00</b> |
|-----------------------------------|

**TOTAL COSTS**     **\$90.00**

| <b>CONCEALED HANDGUN FINGERPRINT CARDS SUBMITTED</b> |                      |                      |                   |                   |
|------------------------------------------------------|----------------------|----------------------|-------------------|-------------------|
| <b>1995/96 AND 1996/97</b>                           |                      |                      |                   |                   |
| <b>Month</b>                                         | <b>Billed</b>        | <b>Received</b>      | <b>Applicants</b> | <b>Paid FBI</b>   |
| <b>1995-96</b>                                       |                      |                      |                   |                   |
| December                                             | 135,360.00           |                      | 2,256             |                   |
| January                                              | 135,480.00           | 39,300.00            | 2,258             |                   |
| February                                             | 328,920.00           | 152,340.00           | 5,482             | 54,032.00         |
| March                                                | 314,340.00           | 267,849.00           | 5,239             | 109,098.00        |
| April                                                | 102,060.00           | 349,260.00           | 1,701             | 68,024.00         |
| May                                                  | 61,020.00            | 183,291.00           | 1,017             | 130,922.00        |
| June                                                 | 48,540.00            | 76,860.00            | 809               | 26,246.00         |
| <b>Totals</b>                                        | <b>1,125,720.00</b>  | <b>1,068,900.00</b>  | <b>18,762</b>     | <b>388,322.00</b> |
| <b>1996-97</b>                                       |                      |                      |                   |                   |
| July                                                 | 43,740.00            | 61,080.00            | 729               | 14,470.00         |
| August                                               | 54,180.00            | 55,260.00            | 903               | 17,072.00         |
| September                                            | 39,060.00            | 36,210.00            | 651               | 19,008.00         |
| October                                              | 50,580.00            | 43,140.00            | 843               | 18,414.00         |
| November                                             | 41,040.00            | 37,560.00            | 684               | 11,902.00         |
| December                                             | 42,720.00            | 58,788.00            | 712               | 17,314.00         |
| January                                              | 53,400.00            | 36,920.00            | 890               |                   |
| February                                             | 71,400.00            | 49,862.00            | 1,199             |                   |
| <b>Totals</b>                                        | <b>\$ 396,120.00</b> | <b>\$ 378,820.00</b> | <b>6,611</b>      | <b>98,180.00</b>  |



# Non-Criminal Name and Fingerprint Checks 1992 - 1996

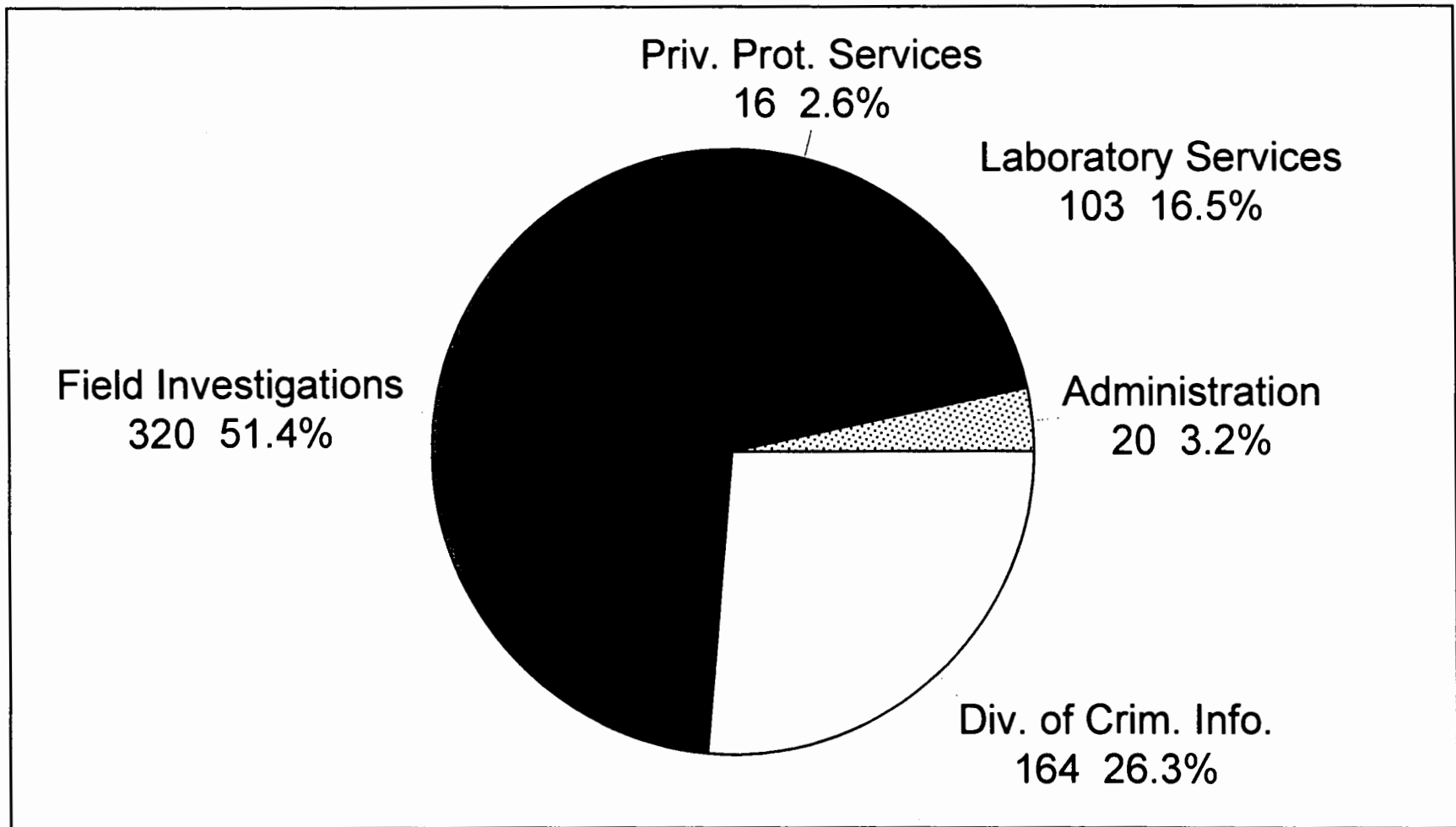


# Private Protective Services

- Overview
  - Consists of Two Boards
    - Private Protective Services Board
    - Alarm Systems Licensing Board
  - These occupational licensing boards train, regulate, license, and register thirteen occupations, 1,900 licenses, and 32,000 registrants within the private security industry.
  - Totally Fee Supported
    - Annual revenues approximately are \$1 million.
    - Reserve of \$700,000

# STATE BUREAU OF INVESTIGATION

## 1996-97 POSITIONS BY MAJOR PROGRAM



TOTAL NUMBER OF POSITIONS IN 1996-97 -- 623

\*Note: This number includes 5 grant positions and 15 receipt supported positions.  
(The Budget Document does not include these positions in their total).

# State Bureau of Investigations

## Positions: Sworn vs. Non-Sworn

### Sworn

- Administration
  - 3
- Laboratory Services
  - 69
- Private Protective Svs.
  - 0
- Field Investigations
  - 242
- Division of Crim. Info.
  - 12

### Non-Sworn

- Administration
  - 17
- Laboratory Services
  - 34
- Private Protective Svs.
  - 16
- Field Investigations
  - 78
- Division of Crim. Info.
  - 152

#### **Total of 623 Positions.**

- 326: Sworn Law Enforcement Officers
- 297: Non-Sworn Personnel

## DEPARTMENT OF JUSTICE

| State Bureau of Investigation |                   |                                                                   |                                                           |             |                        |             |
|-------------------------------|-------------------|-------------------------------------------------------------------|-----------------------------------------------------------|-------------|------------------------|-------------|
|                               | 1995-96<br>Actual | Current Fiscal Year<br>1996-97<br>Authorized<br>(Budget Document) | Governor's Continuation Request<br>1997-98<br>Recommended | %Δ          | 1998-99<br>Recommended | %Δ          |
| Expenditures                  | 40,808,151        | 38,300,463                                                        | 38,771,165                                                | 1.2%        | 39,089,585             | 2.1%        |
| Less Receipts                 | (7,996,029)       | (2,704,369)                                                       | (3,188,985)                                               | 17.9%       | (3,231,485)            | 19.5%       |
| <i>State Appropriations</i>   | <i>32,812,122</i> | <i>35,596,094</i>                                                 | <i>35,582,180</i>                                         | <i>0.0%</i> | <i>35,858,100</i>      | <i>0.7%</i> |
| Positions                     | 603.00            | 603.00                                                            | 603.00                                                    |             | 603.00                 |             |

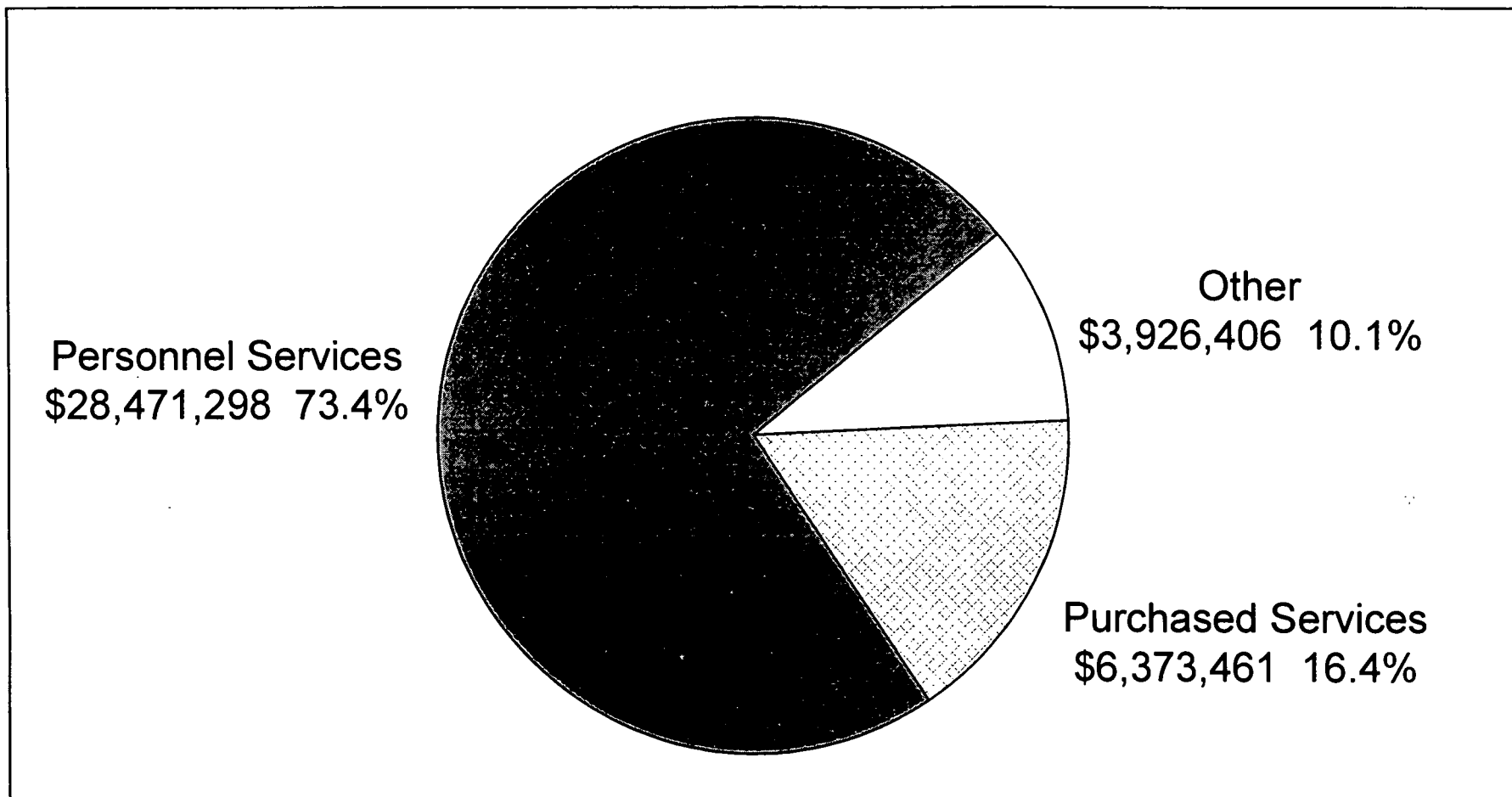
% Δ = Percentage change in budget over/under Current Fiscal Year 1996-97 Authorized Budget

**Major Changes in the Continuation Budget: None.**

Fiscal Research Division -- February 1997

# State Bureau of Investigations

FY 1997-98 Recommended Expenditures



1996-97 Total Recommended Expenditures is \$38,771,165

SPECIAL FUNDS INCLUDED IN THE CONTINUATION BUDGET  
Department of Justice

| <b>Total Special Funds</b> | 1995-96     | 1996-97     | 1997-98 rec | 1998-99 rec |
|----------------------------|-------------|-------------|-------------|-------------|
| requirements               | \$5,019,206 | \$2,465,893 | \$1,926,771 | \$1,926,771 |
| receipts                   | \$5,497,675 | \$2,378,530 | \$1,805,070 | \$1,805,070 |

| <b>Safe Neighborhoods Initiative</b> | 1995-96   | 1996-97   |
|--------------------------------------|-----------|-----------|
| requirements                         | \$241,555 | \$600,047 |
| receipts                             | \$250,923 | \$590,683 |

| <b>Private Protective Services</b> | 1995-96   | 1996-97     | 1997-98 rec | 1998-99rec  |
|------------------------------------|-----------|-------------|-------------|-------------|
| requirements                       | \$862,240 | \$1,012,707 | \$1,125,044 | \$1,125,044 |
| receipts                           | \$956,248 | \$1,012,707 | \$1,012,707 | \$1,012,707 |

| <b>Academy Training Notebooks</b> | 1995-96   | 1996-97  | 1997-98 rec | 1998-99 rec |
|-----------------------------------|-----------|----------|-------------|-------------|
| requirements                      | \$386,804 | \$75,000 | \$75,000    | \$75,000    |
| receipts                          | \$473,828 | \$75,000 | \$75,000    | \$75,000    |

| <b>Model Policy--Domestic Violence</b> | 1995-96 | 1996-97   | 1997-98 rec | 1998-99 rec |
|----------------------------------------|---------|-----------|-------------|-------------|
| requirements                           | \$5,356 | \$126,680 | \$126,680   | \$126,680   |
| receipts                               | \$0     | \$126,680 | \$126,680   | \$126,680   |

Lawyers have authority to settle up to certain amt  
Then bill SDPI for \$3 8328

## TORT CLAIMS

(SCHOOL BUS ACCIDENT PAYMENTS)

### COMPARISON OF PAYMENTS TO FUNDS APPROPRIATED BY FISCAL YEAR

| <u>YEAR</u>          | <u>BUDGETED<br/>FUNDS</u> | <u>ACTUAL<br/>EXPENDITURES<sup>1</sup></u> | <u>OVER(UNDER)<br/>BUDGET</u> |
|----------------------|---------------------------|--------------------------------------------|-------------------------------|
| 1975-76              | \$ 590,000                | \$ 842,744                                 | \$ (252,744)                  |
| 1976-77              | \$ 590,000                | \$ 880,254                                 | \$ (290,254)                  |
| <sup>1</sup> 1977-78 | \$ 790,000                | \$1,069,035                                | \$ (279,035)                  |
| 1978-79              | \$ 790,000                | \$1,060,495                                | \$ (270,495)                  |
| 1979-80              | \$ 790,000                | \$1,483,260                                | \$ (693,260)                  |
| 1980-81              | \$1,490,000               | \$1,763,559                                | \$ (273,559)                  |
| <sup>2</sup> 1981-82 | \$1,528,000               | \$1,497,026                                | \$ 30,974                     |
| 1982-83              | \$1,528,000               | \$1,863,697                                | \$ (335,697)                  |
| 1983-84              | \$1,528,000               | \$2,087,639                                | \$ (559,639)                  |
| 1984-85              | \$1,528,000               | \$2,366,526                                | \$ (838,526)                  |
| 1985-86              | \$2,128,000               | \$2,921,043                                | \$ (793,043)                  |
| 1986-87              | \$2,128,000               | \$2,692,920                                | \$ (564,920)                  |
| 1987-88              | \$3,100,000               | \$3,355,413                                | \$ (255,413)                  |
| 1988-89              | \$3,100,000               | \$2,388,002                                | \$ 711,998                    |
| 1989-90              | \$3,380,000               | \$1,913,411                                | \$1,466,589                   |
| 1990-91              | \$3,380,000               | \$1,789,375                                | \$1,590,625                   |
| 1991-92              | \$2,760,000               | 2,726,376                                  | \$ 33,624                     |
| 1992-93              | \$3,597,345               | \$3,596,986                                | \$ 359                        |
| 1993-94              | \$3,214,000               | \$3,144,946                                | \$ 69,054                     |
| 1994-95              | \$2,750,000               | \$2,720,053                                | \$ 29,947                     |
| 1995-96              | \$3,498,500               | \$3,498,004                                | \$ 496                        |
| 1996-97              | 2,750,000                 | 1,453,963 YTD                              |                               |

Special one-time appropriation of \$219,651 not included.

<sup>2</sup> Began making medical payments from \$38,000 appropriation for new payments.

<sup>3</sup> Appropriated funds transferred to DPI from DOJ. Payments offset by receipts beginning with 1984-85 FY and afterwards.



## LITIGATION DEFENDED BY THE CORRECTION SECTION OF THE ATTORNEY GENERAL'S OFFICE

### Number of Civil Rights Cases Filed by Inmates Against DOC Employees (All Forums)

|      |    |     |
|------|----|-----|
| 1994 | -- | 227 |
| 1995 | -- | 267 |
| 1996 | -- | 211 |

### Trends in Prisoner Litigation

- While the number of cases filed was down in 1996 as compared to the previous two years, the cases are becoming legally and factually more complex.
- More class actions are being filed.
- New federal laws (Religious Freedom Restoration Act, The Civil Rights of Institutionalized Persons Act, American's with Disabilities Act) are providing additional grounds for suit.
- There also is a trend for inmates to file more law suits in state court and more complaints with the Civil Rights Division of the US Department of Justice to avoid the limitations placed on their right to initiate federal civil actions by the Prisoner Litigation Reformation Act. Thus far, most cases filed in state court have been dismissed under the state frivolity review statute.

### Number of Personnel Actions Filed Against the DOC

|      |    |                         |
|------|----|-------------------------|
| 1994 | -- | No Statistics Available |
| 1995 | -- | 60                      |
| 1996 | -- | 81                      |

### Trends in Personnel Litigation

- The number of cases has increased significantly
- Most of the increase can be attributed to the rise in the number of frivolous sexual harassment / sex discrimination claims
- There ~~is~~ also has been an increase in litigation concerning what constitutes adequate accommodation under the Americans with Disabilities Act
- Claims of race discrimination have remained fairly constant both in number and percentage of all cases defended

## CITIZENS' RIGHTS DIVISION

### PERSONNEL

*+ 5 CVAP can*

#### CITIZENS' RIGHTS SECTION

|                             |                                  |                                                                               |
|-----------------------------|----------------------------------|-------------------------------------------------------------------------------|
| Wanda Bryant                | Sr. Deputy Attorney General      | Directs and oversees all activities of CRD                                    |
| Betsy Bare                  | Assistant AG                     | Juvenile issues                                                               |
| Gwynn Swinson               | Special Assistant AG             | Victim Rights Attorney/ Elder Abuse issues                                    |
| Brooks Skinner              | Associate AG                     | Sunshine Office / Hate Crimes                                                 |
| CJ (Grafton) Walters        | Victim Services Director         | Domestic & Family Violence/ Sexual Assault/ SAVIN                             |
| Jennifer Tisdale            | CVAP Director                    | CVAP/ Child Advocacy Centers                                                  |
| Christy Weaver              | Administrative Assistant         | Paralegal activities/ assists with special projects                           |
| <b>(Interviews pending)</b> | Liaison Officer                  | Liaison between CRD & other DOJ offices/ graphic assistance with all projects |
| <b>(Selection pending)</b>  | Program Assistant                | Support to all staff - legal & nonlegal                                       |
| <b>SNI</b>                  |                                  |                                                                               |
| Christopher Eaddy           | SNI Director                     | Oversees all activities of SNI                                                |
| Michael Holloman            | Community Development Specialist | Teaches/ trains police and community on community oriented policing issues    |
| Bryan Steen                 | Community Development Specialist |                                                                               |
| Elizabeth Kurzer            | Community Development Specialist |                                                                               |
| Edwin Skinner               | Publications Specialist          | Graphic & Technical assistance to CD specialists                              |
| Bridgette Harris            | Program Assistant                | Support to all SNI staff                                                      |

# DEPARTMENT OF JUSTICE VACANCIES

## More than 90 days

| #  | Position#          | Class Title                             | Grade | Date Vacant | Date Post | X posted |
|----|--------------------|-----------------------------------------|-------|-------------|-----------|----------|
| 1  | 3612-0000-0000-861 | Social Research Assist I                | 63    | 7/5/96      | 2/27/97   | 1        |
| 2  | 3612-0000-0000-335 | Paralegal II (R)                        | 67    | 11/30/96    | 11/22/96  | 1        |
| 3  | 3613-0000-0002-238 | Word Processor III                      | 57    | 10/11/96    | 2/26/97   | 3        |
| 4  | 3613-0000-0002-245 | Chemist I                               | 72    | 11/25/96    | 12/19/96  | 1        |
| 5  | 3613-0000-0002-246 | Forensic Imp Anal I                     | 70    | 7/25/96     | 2/26/97   | 3        |
| 6  | 3613-0000-0003-946 | Fingerprint ID Tech III                 | 66    | 9/1/96      | 2/26/97   | 2        |
| 7  | 3613-0000-0004-168 | Data Base Specialist                    | 76T   | 7/26/96     | 12/4/96   | 3        |
| 8  | 3613-0000-0004-205 | Criminal Info Train Spec                | 68    | 9/30/96     | 11/22/96  | 1        |
| 9  | 3613-0000-0004-220 | Computer Sys Admin II                   | 68    | 4/19/96     | 2/11/97   | 1        |
| 10 | 3623-0000-0008-358 | Admin Assistant II (R)                  | 65    | 4/1/96      | 3/3/97    | 1        |
| 11 | 3613-0000-0004-131 | 8 receipt supported<br>thru 138         |       |             |           |          |
|    |                    | Fingerprint ID Tech II                  | 64    | new         | 11/30/95  |          |
| 12 | 3613-0000-0004-141 | 4 receipt supported Proces.<br>thru 144 |       |             |           |          |
|    |                    | Assistant III                           | 57    | new         | 3/8/96    | 2        |

R indicates a receipt supported position

#3 -lack of qualified applicants who pass background check

#5-selected candidate withdrew; no other qualified applicants

#7--no qualified applicants; changed duties and reposted

#8-hiring letter being prepared now

#9-recently reclassified

## 60-90 Days

|   |                    |                       |    |          |          |   |
|---|--------------------|-----------------------|----|----------|----------|---|
| 1 | 3612-0000-0000-850 | Program Assist V      | 61 | 12/31/96 | 1/22/97  | 1 |
| 2 | 3612-0000-0000-369 | Paralegal II (R)      | 67 | 1/1/97   |          | 0 |
| 3 | 3613-0000-0002-004 | Research Tech III     | 66 | 12/27/96 | 11/22/96 | 1 |
| 4 | 3613-0000-0004-102 | Forensic Serologist I | 72 | 12/13/96 | 12/23/96 | 1 |
| 5 | 3625-0000-0008-430 | CJ Training Coord I   | 74 | 1/3/97   |          | 0 |
| 6 | 3625-0000-0008-431 | CJ Training Coord I   | 74 | 1/6/97   |          | 0 |

**VACANCY LIST**

Department of Justice

28-Feb-97

\* = Vacant at least 90 days

| POS# | NO#                | CLASS TITLE               | GRADE | DATE VACATED | POSTING DATE | X-POSTED |
|------|--------------------|---------------------------|-------|--------------|--------------|----------|
|      | 3611-0000-0000-076 | Personnel Assistant V     | 61    | 02-01-97     | 02-04-97     | 1        |
|      | 3612-0000-0000-251 | Attorney II               | 79    | 01-13-97     | 02-26-97     | 2        |
|      | 3612-0000-0000-850 | Program Assistant V       | 61    | 12-31-96     | 01-22-97     | 1        |
| *    | 3612-0000-0000-861 | Social Research Asst. I   | 63    | 07-05-96     | 02-27-97     | 1        |
|      | 3612-0000-0000-867 | Volunteer Services Coord. | 63    | 02-11-97     | 02-11-97     | 1        |
|      | 3612-0000-0000-303 | R Attorney III            | 82    | 02-01-97     | 02-11-97     | 1        |
| *    | 3612-0000-0000-335 | R Paralegal II            | 67    | 11-30-96     | 11-22-96     | 1        |
|      | 3612-0000-0000-369 | R Paralegal II            | 67    | 01-01-97     | --           | 0        |
|      | 3612-0000-0000-391 | R Attorney I              | 75    | 02-24-97     | 02-11-97     | 1        |
|      | 3612-0000-0008-034 | R Attorney II             | 79    | 01-13-97     | 01-01-97     | 1        |
|      | 3612-0000-0008-038 | R Paralegal II            | 67    | New Pos.     | 02-17-97     | 2        |
|      | 3613-0000-0002-003 | Research Technician III   | 66    | New pos.     | 11-22-96     | 1        |
|      | 3613-0000-0002-004 | Research Technician III   | 66    | 12-27-96     | 11-22-96     | 1        |
|      | 3613-0000-0002-181 | Office Assistant IV       | 59    | 01-31-97     | 02-04-97     | 1        |
| *    | 3613-0000-0002-238 | Word Processor III        | 57    | 10-11-96     | 02-26-97     | 3        |

R = Receipts Supported F = Federally Funded

|   | POS# NO#           | CLASS TITLE                | GRADE | DATE VACATED | POSTING DATE | X-POS |
|---|--------------------|----------------------------|-------|--------------|--------------|-------|
| * | 3613-0000-0002-245 | Chemist I                  | 72    | 11-25-96     | 12-19-96     | 1     |
| * | 3613-0000-0002-246 | Forensic Imp. Analyst I    | 70    | 07-25-96     | 02-26-97     | 3     |
|   | 3613-0000-0003-025 | SBI District Supervisor    | 77    | 01-31-97     | 01-31-97     | 1     |
|   | 3613-0000-0003-223 | Social Research Asst. I    | 63    | 02-15-97     | 02-06-97     | 1     |
|   | 3613-0000-0003-265 | Office Assistant III       | 57    | 01-24-97     | 12-19-96     | 1     |
| * | 3613-0000-0003-946 | Fingerprint ID Tech. III   | 66    | 09-01-96     | 02-26-97     | 2     |
|   | 3613-0000-0004-008 | Fingerprint ID Tech. II    | 64    | 02-10-97     | 02-17-97     | 1     |
|   | 3613-0000-0004-052 | Comp. Oper. Shift Supv.    | 70    | 02-14-97     | 02-28-97     | 1     |
|   | 3613-0000-0004-102 | Forensic Serologist I      | 72    | 12-13-96     | 12-23-96     | 1     |
|   | 3613-0000-0004-128 | Fingerprint ID Tech. II    | 64    | 02-28-97     | 02-17-97     | 1     |
| * | 3613-0000-0004-168 | Data Base Specialist       | 76T   | 07-26-96     | 12-04-96     | 3     |
| * | 3613-0000-0004-205 | Criminal Info. Trng. Spec. | 68    | 09-30-96     | 11-22-96     | 1     |
|   | 3613-0000-0004-215 | Crim. Info. Trng. Spec.    | 68    | 02-14-97     | 02-17-97     | 1     |
| * | 3613-0000-0004-220 | Computer Sys. Admin. II    | 68    | 04-19-96     | 02-11-97     | 1     |
| * | 3613-0000-0004-131 | R Fingerprint ID Tech II   | 64    | New pos.     | 11-30-95     | 1     |
|   | 3613-0000-0004-132 | R Fingerprint ID Tech II   | 64    | New pos.     | 11-30-95     | 1     |
|   | 3613-0000-0004-133 | R Fingerprint ID Tech II   | 64    | New pos.     | 11-30-95     | 1     |

R = Receipts Supported F = Federally Funded

| POS# NO#               | R | CLASS TITLE                  | GRADE | DATE VACATED | POSTING DATE | X-POSTED |
|------------------------|---|------------------------------|-------|--------------|--------------|----------|
| * { 3613-0000-0004-134 | R | Fingerprint ID Tech II       | 64    | New pos.     | 11-30-95     | 1        |
| 3613-0000-0004-135     | R | Fingerprint ID Tech II       | 64    | New pos.     | 11-30-95     | 1        |
| * { 3613-0000-0004-136 | R | Fingerprint ID Tech II       | 64    | New pos.     | 11-30-95     | 1        |
| 3613-0000-0004-137     | R | Fingerprint ID Tech II       | 64    | New pos.     | 11-30-95     | 1        |
| { 3613-0000-0004-138   | R | Fingerprint ID Tech II       | 64    | New pos.     | 11-30-95     | 1        |
| 3613-0000-0004-139     | R | Fingerprint ID Tech II       | 64    | 02-19-97     | --           | 0        |
| * { 3613-0000-0004-141 | R | Processing Assistant III     | 57    | New pos.     | 03-08-96     | 2        |
| 3613-0000-0004-142     | R | Processing Assistant III     | 57    | New pos.     | 03-08-96     | 2        |
| * { 3613-0000-0004-143 | R | Processing Assistant III     | 57    | New pos.     | 03-08-96     | 2        |
| { 3613-0000-0004-144   | R | Processing Assistant III     | 57    | New pos.     | 03-08-96     | 2        |
| 3623-0000-0008-352     | R | Processing Asst. III         | 57    | 01-27-97     | 01-31-97     | 1        |
| * 3623-0000-0008-358   | R | Administrative Asst. II      | 65    | 04-01-96     | 03-03-97     | 1        |
| 3625-0000-0008-430     | F | C. J. Training Coordinator I | 74    | 01-03-97     | --           | 0        |
| 3625-0000-0008-431     | F | C. J. Training Coordinator I | 74    | 01-06-97     | --           | 0        |

R = Receipts Supported F = Federally Funded

# DEPARTMENT OF JUSTICE VACANCIES

## More than 90 days

| #  | Position#          | Class Title              | Grade | Date Vacant | Date Post | X posted |
|----|--------------------|--------------------------|-------|-------------|-----------|----------|
| 1  | 3612-0000-0000-861 | Social Research Assist I | 63    | 7/5/96      | 2/27/97   | 1        |
| 2  | 3612-0000-0000-335 | Paralegal II (R)         | 67    | 11/30/96    | 11/22/96  | 1        |
| 3  | 3613-0000-0002-238 | Word Processor III       | 57    | 10/11/96    | 2/26/97   | 3        |
| 4  | 3613-0000-0002-245 | Chemist I                | 72    | 11/25/96    | 12/19/96  | 1        |
| 5  | 3613-0000-0002-246 | Forensic Imp Anal I      | 70    | 7/25/96     | 2/26/97   | 3        |
| 6  | 3613-0000-0003-946 | Fingerprint ID Tech III  | 66    | 9/1/96      | 2/26/97   | 2        |
| 7  | 3613-0000-0004-168 | Data Base Specialist     | 76T   | 7/26/96     | 12/4/96   | 3        |
| 8  | 3613-0000-0004-205 | Criminal Info Train Spec | 68    | 9/30/96     | 11/22/96  | 1        |
| 9  | 3613-0000-0004-220 | Computer Sys Admin II    | 68    | 4/19/96     | 2/11/97   | 1        |
| 10 | 3623-0000-0008-358 | Admin Assistant II (R)   | 65    | 4/1/96      | 3/3/97    | 1        |
| 11 | 3613-0000-0004-131 | 8 receipt supported      |       |             |           |          |
|    | thru 138           | Fingerprint ID Tech II   | 64    | new         | 11/30/95  |          |

R indicates a receipt supported position

#3 -lack of qualified applicants who pass background check

#5-selected candidate withdrew; no other qualified applicants

#7--no qualified applicants; changed duties and reposted

#8-hiring letter being prepared now

#9-recently reclassified

## 60-90 Days

|   |                    |                       |    |          |          |   |
|---|--------------------|-----------------------|----|----------|----------|---|
| 1 | 3612-0000-0000-850 | Program Assist V      | 61 | 12/31/96 | 1/22/97  | 1 |
| 2 | 3612-0000-0000-369 | Paralegal II (R)      | 67 | 1/1/97   |          | 0 |
| 3 | 3613-0000-0002-004 | Research Tech III     | 66 | 12/27/96 | 11/22/96 | 1 |
| 4 | 3613-0000-0004-102 | Forensic Serologist I | 72 | 12/13/96 | 12/23/96 | 1 |
| 5 | 3625-0000-0008-430 | CJ Training Coord I   | 74 | 1/3/97   |          | 0 |
| 6 | 3625-0000-0008-431 | CJ Training Coord I   | 74 | 1/6/97   |          | 0 |



Date \_\_\_\_\_

**VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK**

FIRM OR AGENCY AND ADDRESS

DOJ

Mike Barber

CC + PS

Chuck Crain

OSR



**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Tuesday March 11, 1997 – 8:30 a.m.  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley

Representative Larry Justus, Presiding  
Representative Gregg Thompson  
Representative Joe Kiser

**II. PRESENTATION**

- Overview of Department of Correction

Mack Jarvis, Secretary of Correction

- Review of Correction Budget and Governor's Recommended Budget Adjustments
- Review of DOC Budget – Departmental Management

Jim Mills, Fiscal Analyst

Correction Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

- Review of schedule for week of March 10

**IV. ADJOURNMENT**

## **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY**

March 11, 1997  
Room 415

**HOUSE MEMBERS PRESENT:** [8] Representatives Justus, Thompson, Kiser, McCrary, Kinney, Redwine, Sexton, and Smith

**Senate Members Present:** [4]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, March 11, 1997 in Room 415 of the Legislative Office Building. Representative Justus called the meeting to order at 8:35 AM and introduced House Pages Adrienne Jones and Courtney Jones.

- Overview of Department of Correction

Mr. Mack Jarvis, Secretary of the Department of Corrections, was introduced by Representative Justus to present the Department of Corrections Overview. Mr. Jarvis gave background on the Department of Corrections and the progress and changes made in recent years. He said that 10,000 new prison beds have been added in the last four years. In the Department of Corrections, he has made the following personnel changes:

Dan Steineke -- Director, Division of Prisons  
Robert Guy -- Director, Adult Probation and Parole  
Dan Lilley -- Director, Office of Staff Development and Training  
Charles Owens -- Internal Audit Manager

Secretary Jarvis reported that North Carolina has been housing prisoners in Rhode Island, Oklahoma, Tennessee, and Texas. This has allowed prisoners to serve longer sentences. He added that new prisons will be opening this year. Two of these units, Dan River and Terryll, were built with inmate labor. The "biggest" job the Department of Corrections had last year was responding to the five natural disasters. This resulted in a contribution to the State of 1.4 million hours.

Secretary Jarvis said that the Governor wants 144 new probation officers to monitor sex offenders and to place an additional 300 inmates to work in four road squads. There was

committee discussion as to the cost of road squads. The typical road squad has three officers and twelve inmates for a cost of \$100,000 per year. Jim Mills, Fiscal Staff, said the budget proposal is for \$80,000 per year. Representative Kiser asked if \$80,000 will cover the cost. Jim Mills said this is the amount in the Governor's budget.

Representative Kiser asked about the planting of tobacco plants after the storm. Secretary Jarvis said this task was coordinated with the Emergency Management staff. This job was performed in twelve counties with 900 inmates. Representative Kiser asked for a record of farms worked by inmates. **Joe Stewart, Department of Crime Control and Public Safety, will provide this information.**

Representative Kiser asked if correction employees who work road squads perform other duties, especially if it is raining or bad weather. Gregg Stahl, Deputy Secretary, Department of Corrections, said this personnel matter will be covered in this committee.

Senator East asked how the Department of Corrections could justify working on tobacco farms free and charging the Department of Transportation \$1.00 per day. Secretary Jarvis replied that the Governor had declared a state of emergency due to loss of revenue to the state.

**Representative Sexton asked that the Department of Corrections provide information on the need for extra personnel to work road crews.**

Representative Thompson asked Secretary Jarvis to update the committee on the status of private prisons. Secretary Jarvis replied that the Department had six questions to be resolved – now there are only two questions to be resolved. Lynn Phillips and Secretary Jarvis met with Dave Donahoe of United States Corrections Corporation concerning the United States Leasing Company vs. United States Corrections Corporation. He hopes to have this matter resolved in the next week to ten days.

**Representative Smith requested information on the DART Program.**

Representative Justus recognized Jim Mills, Fiscal Research, to proceed with the agenda.

#### Review of Correction Budget and Governor's Recommended Budget Adjustments

Jim Mills distributed Attachment 1 -- Department of Correction Overview of Budget. Mr. Mills said that the main programs in the Department of Corrections are prisons and community corrections (adult probation and parole, substance abuse, parole and post release supervision).

Representative Kiser asked how the out-of-state prisoners would be paid for after June 30. Jim Mills said lapsed salaries would be used to fund this item. Jim Mills added that

the General Assembly gave the Department of Corrections the authority to use lapsed salaries last year. The question this year, is can lapsed salaries be used again. Secretary Jarvis said that all inmates have been returned from out-of-state except in Tennessee and Oklahoma. These inmates could be home by December 30.

Representative Kiser asked how reimbursement to local law enforcement is being handled in this budget. Gregg Stahl, Deputy Secretary, replied that the department will ask the committee to approve a special provision to allow the Department of Corrections to use funds available. The payment for backlog will always exist.

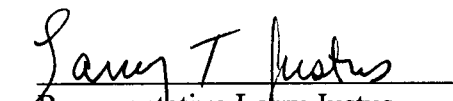
Representative Thompson asked for the amount of money in the Corrections fund in lapsed salaries. Julie Carpenter, Department of Corrections, reported that there is about 18 -20 million in this fund. Last year there was 50 - 60 million in lapsed salaries. Representative Smith said he did not believe that salary reserves should be used to balance the budget.

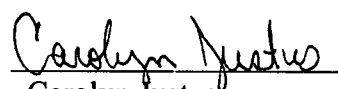
**Representative Redwine requested a chart be provided on the use of lapsed salaries and reserves during this budget process.**

The Span of Control Study, on page 12 of Attachment1, was covered. Secretary Jarvis said that the Department is looking at recurring cuts and is likely to see permanent cuts and other cuts. Representative Kiser asked about the 5 million dollar reduction in food costs. Julie Carpenter explained that this is a 5 million dollar reduction in the 10 million dollar increase that the department requested. **Representative Sexton requested a breakdown in the health care costs.**

Representative Kiser asked if anyone will lose their job or take a reduction in salary in these reductions. Buddy Humphrey, Office of State Budget and Management, said it is not known at this time if anyone would lose their job or have a salary reduction.

Representative Justus adjourned the meeting at 9:50 AM.

  
Representative Larry Justus  
Chairman

  
Carolyn Justus  
Committee Clerk

# **DEPARTMENT OF CORRECTION**

## Overview of Budget

Joint Appropriations Subcommittee on Justice and Public Safety  
March 10, 1997

ATT. 1  
3-11-97

## DEPARTMENT OF CORRECTION ORGANIZATION

The Department of Correction's major responsibilities include:

- 1) Confinement of criminal offenders
- 2) Providing appropriate levels of security and care for inmates
- 3) Offering opportunities for self-improvement
- 4) Supervising parolees and probationers

The Department is organized as follows:

- A. **Departmental Management** - Administration and Management of Department
- B. **Division of Prisons** - The Division of Prisons operates 88 correctional facilities. The Division is budgeted and organized by function: custody and security; inmate food and supplies; inmate health; inmate programs; inmate education; and, prison management.
- C. **Division of Adult Probation and Parole** - The Division of Adult Probation and Parole supervises adult offenders released to the community by the criminal courts (probationers) and by the Parole Commission (parolees). In addition to the regular probation/parole operations, the division administers intensive probation and parole programs and electronic house monitoring.
- D. **Division of Substance Abuse** - Manages in-prison substance abuse programs as well as community programs for probationers and parolees.
- E. **Parole and Post Release Supervision Commission** - The Parole Commission is housed within the Department of Correction for organizational and budgetary purposes but is managed by the parole commissioners. The Commission determines whether offenders should be allowed to return to society before they have served the full length of their sentence. Offenders convicted under Structured Sentencing will be released upon completion of their sentence, not paroled.
- F. **Grievance Resolution Board** - The Board is independent but is associated with the Department of Correction for administrative and functional purposes. The Board provides inmates an administrative forum for the objective review of and the seeking of an acceptable resolution to grievances.

# DEPARTMENT OF CORRECTION

GOAL: The goal of the Department of Correction is to protect society and promote public safety by carrying out criminal sentences imposed by the courts. The department promotes a coordinated, efficient, and effective correctional system through the use of appropriate correctional sanctions and through programs for work, education, treatment, and recreation which give offenders the opportunity to display lawful and responsible community behavior. The department strives to improve opportunities for staff growth and maximize use of management resources and technology.

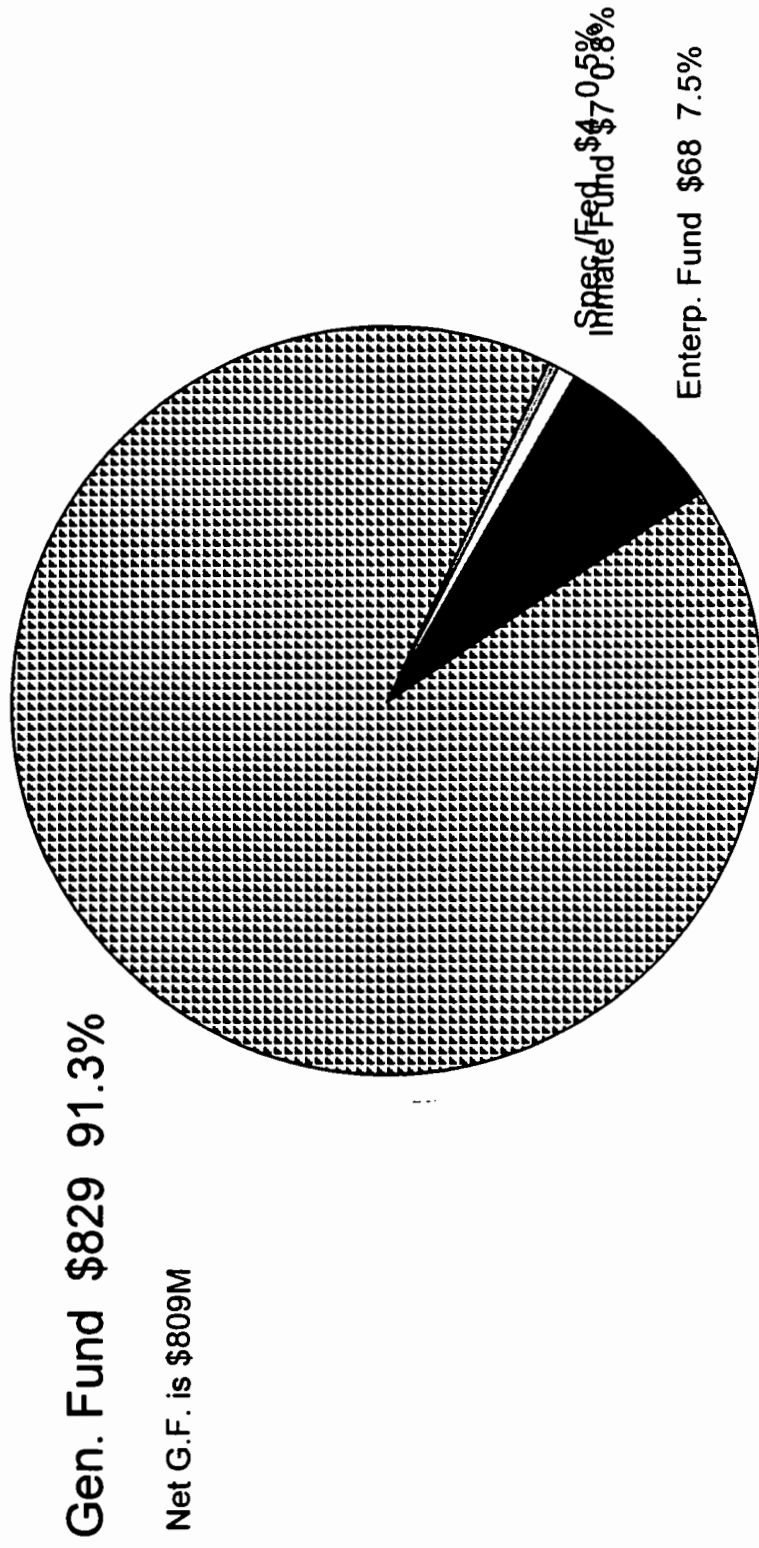
SUMMARY OF ALL BUDGET CODES:

| Description                    | 1995-96<br>Actual  | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|--------------------------------|--------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                                |                    |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| TOTAL REQUIREMENTS             | 842,893,222        | 908,781,559           | 8,543,452                  | 917,325,011          | 56,016,492                 | 964,798,051          |
| TOTAL ESTIMATED RECEIPTS       | 113,151,794        | 100,123,039           | -268,916                   | 99,854,123           | -1,462,463                 | 98,660,576           |
| BEGINNING CASH BALANCE         | 1,571,838          | 5,274,390             | 526,468                    | 5,800,858            | 1,969,704                  | 7,244,094            |
| ENDING CASH BALANCE            | 5,274,390          | 5,800,858             | 1,443,236                  | 7,244,094            | 2,875,551                  | 8,676,409            |
| INCREASE/DECREASE CASH BALANCE | 3,702,552          | 526,468               | 916,768                    | 1,443,236            | 905,847                    | 1,432,315            |
| <u>NET APPROPRIATION</u>       | <u>733,443,980</u> | <u>809,184,988</u>    | <u>9,729,136</u>           | <u>818,914,124</u>   | <u>58,384,802</u>          | <u>867,569,790</u>   |
| <u>NUMBER OF POSITIONS</u>     | <u>18,544.15</u>   | <u>19,015.20</u>      | <u>83.00</u>               | <u>19,098.20</u>     | <u>674.00</u>              | <u>19,689.20</u>     |

2

# Department of Correction Total Budget Requirements

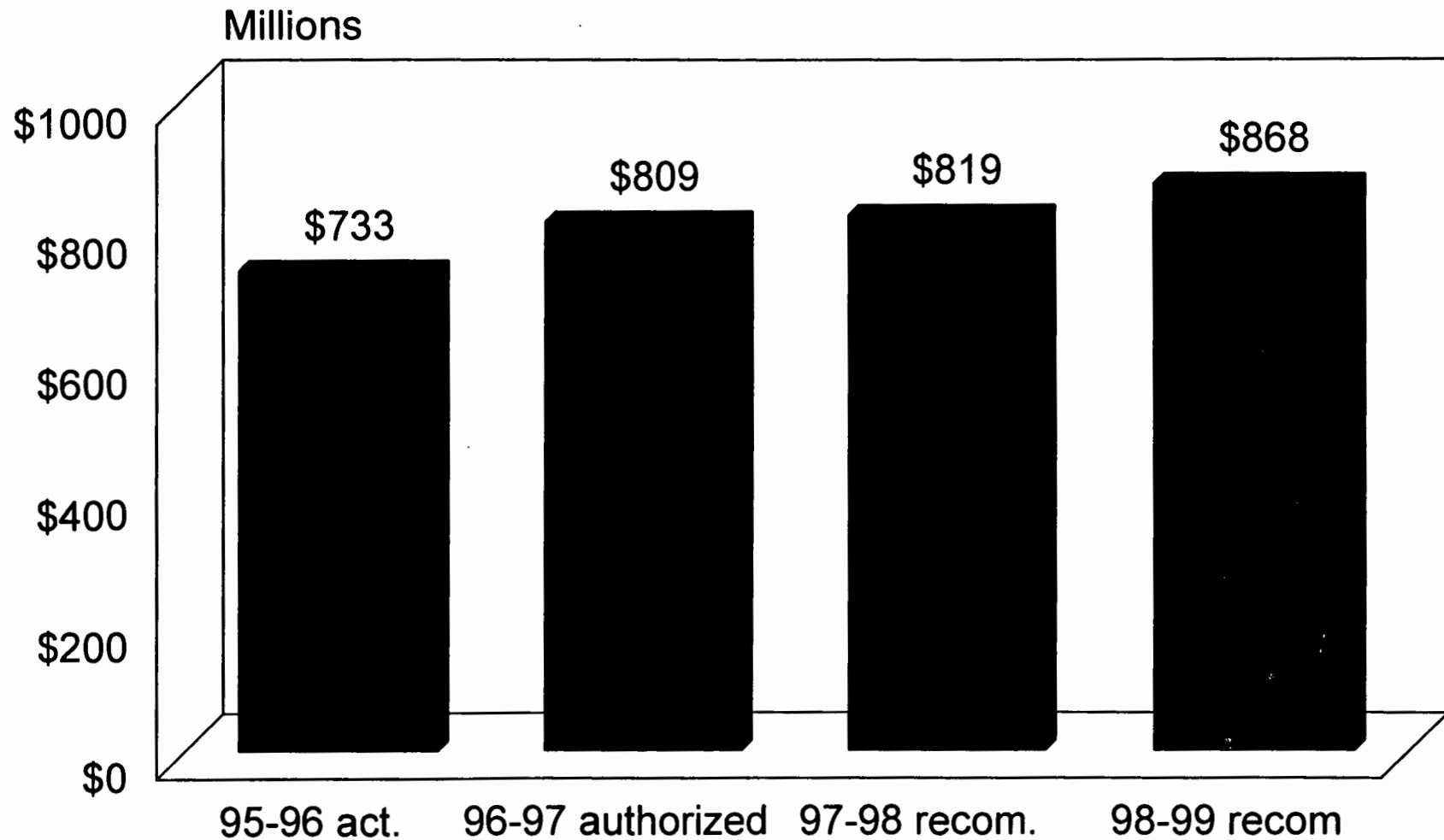
## 1996-97 Authorized Budget (in millions)\*



\*Total Budget Requirement: \$908.8 million (Vol. 4 J & PS)



# Department of Correction General Fund Continuation Budget Net State Appropriations\*



\*Source is Vol. 4 J & PS Budget Document (NOTE: 12/96 authorized budget for 96-97 is \$828 million due to leg. salary increase)

7

**14500 Department of Correction**GENERAL FUND BUDGET CODE SUMMARY:

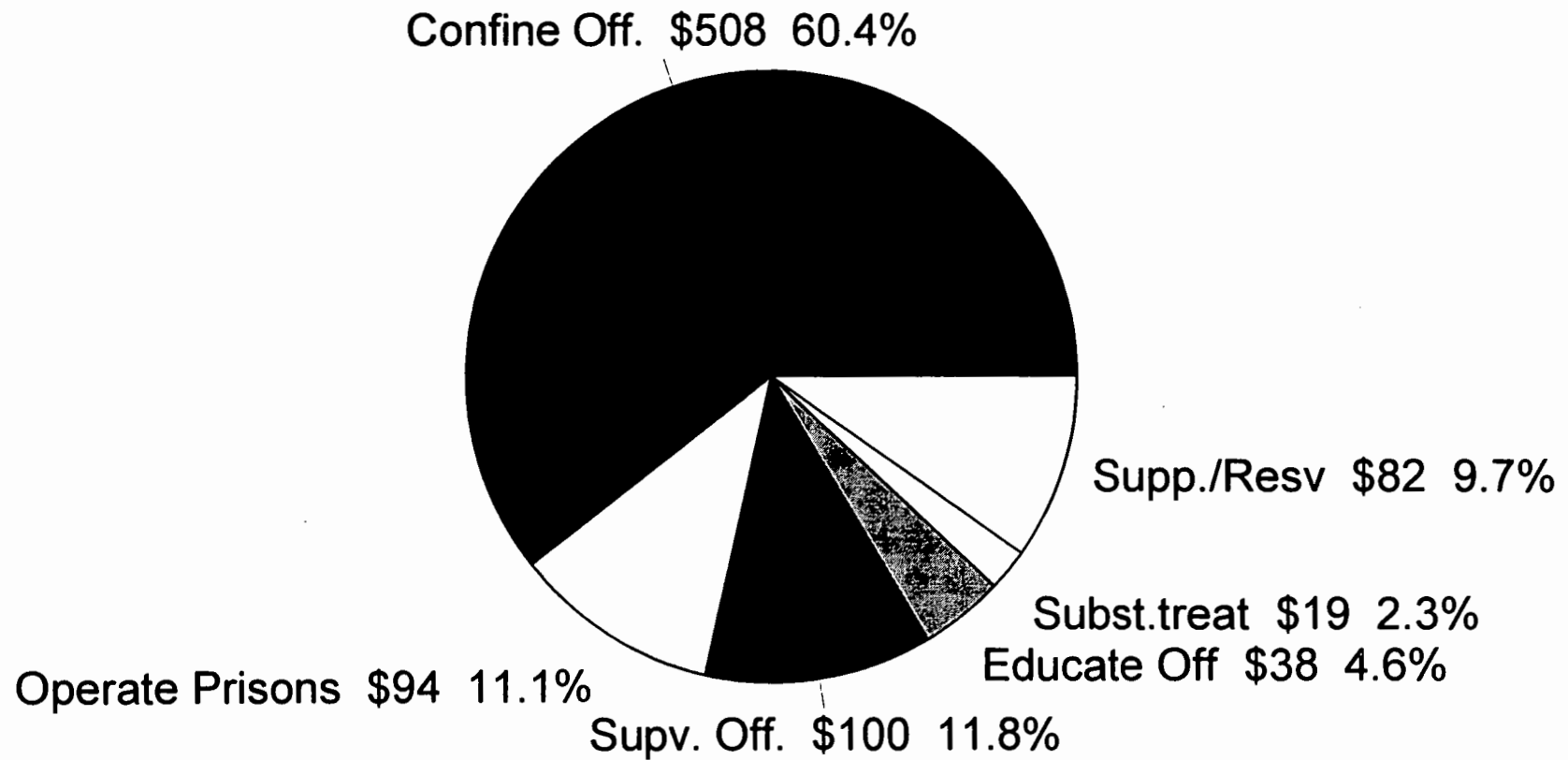
| Description              | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|--------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                          |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| TOTAL REQUIREMENTS       | 765,930,252       | 829,378,778           | 11,516,474                 | 840,895,252          | 60,172,140                 | 889,550,918          |
| TOTAL ESTIMATED RECEIPTS | 32,486,272        | 20,193,790            | 1,787,338                  | 21,981,128           | 1,787,338                  | 21,981,128           |
| NET APPROPRIATION        | 733,443,980       | 809,184,988           | 9,729,136                  | 818,914,124          | 58,384,802                 | 867,569,790          |

SUMMARY BY PURPOSE:

| Description                | 1995-96<br>Actual | 1996-97<br>Authorized | 1997-98                    |                      | 1998-99                    |                      |
|----------------------------|-------------------|-----------------------|----------------------------|----------------------|----------------------------|----------------------|
|                            |                   |                       | Inc/Dec From<br>Authorized | Total<br>Recommended | Inc/Dec From<br>Authorized | Total<br>Recommended |
| REQUIREMENTS               |                   |                       |                            |                      |                            |                      |
| 1110 DEPARTMENTAL MANAGEME | 35,098,586        | 32,459,471            | 867,503-                   | 31,591,968           | 146,593-                   | 32,312,878           |
| 1120 SUBSTANCE ABUSE       | 11,388,264        | 18,429,780            | 770,296                    | 19,200,076           | 775,911                    | 19,205,691           |
| 1210 PRISON MANAGEMENT     | 7,195,940         | 7,542,450             | 113,857                    | 7,656,307            | 128,870                    | 7,671,320            |
| 1310 CUSTODY AND SECURITY  | 417,477,379       | 456,375,740           | 23,469,877-                | 432,905,863          | 22,885,010-                | 433,490,730          |
| 1320 FOOD, CLOTHING PERSON | 58,661,376        | 61,279,536            | 5,912,575                  | 67,192,111           | 7,934,061                  | 69,213,597           |
| 1330 PRISON HEALTH SERVICE | 74,764,300        | 88,576,094            | 5,146,465                  | 93,722,559           | 5,833,683                  | 94,409,777           |
| 1340 PRISON EDUCATION SERV | 4,912,917         | 5,455,215             | 1,202,206-                 | 4,253,009            | 1,199,734-                 | 4,255,481            |
| 1350 PRISON CORRECTIVE PRO | 29,447,910        | 34,313,429            | 172,844-                   | 34,140,585           | 119,721-                   | 34,193,708           |
| 1410 PAROLE-PROBATION MANA | 2,410,392         | 2,653,367             | 65,221-                    | 2,588,146            | 63,380-                    | 2,589,987            |
| 1430 PAROLE PROBATION FIEL | 83,652,476        | 98,642,401            | 4,149,108-                 | 94,493,293           | 4,050,090-                 | 94,592,311           |
| 1500 PAROLE COMMISSION     | 2,286,468         | 2,440,992             | 44,113-                    | 2,396,879            | 40,876-                    | 2,400,116            |
| 1600 GRIEVANCE RESOLUTION  | 421,885           | 393,460               | 12,044                     | 405,504              | 12,544                     | 406,004              |
| 1800 RESERVES & OTHER ACCT | 38,212,359        | 20,816,843            | 29,532,109                 | 50,348,952           | 73,992,475                 | 94,809,318           |
| TOTAL REQUIREMENTS         | 765,930,252       | 829,378,778           | 11,516,474                 | 840,895,252          | 60,172,140                 | 889,550,918          |
| ESTIMATED RECEIPTS         |                   |                       |                            |                      |                            |                      |
| 1999 RECEIPTS              | 32,486,272        | 20,193,790            | 1,787,338                  | 21,981,128           | 1,787,338                  | 21,981,128           |
| TOTAL RECEIPTS             | 32,486,272        | 20,193,790            | 1,787,338                  | 21,981,128           | 1,787,338                  | 21,981,128           |
| NET APPROPRIATION          | 733,443,980       | 809,184,988           | 9,729,136                  | 818,914,124          | 58,384,802                 | 867,569,790          |

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# Department of Correction Recommended 1997-98 General Fund Program Budget (dollars in millions)\*



\*Total Gen. Fund Budget \$840.9/Net Approp. is \$818.9 million

6

**Corrections Program Area**  
**Continuation Budget Summary by Department**  
(in millions)

| 1997-98                                         |               |              |             |               |
|-------------------------------------------------|---------------|--------------|-------------|---------------|
| Program Area: Corrections                       | DOC           | DHR          | DEHNR       | Total         |
| <b>Control adult offenders</b>                  | <b>709.16</b> | <b>0.00</b>  | <b>0.00</b> | <b>709.16</b> |
| • Confine adult offenders                       | 609.10        | -            | -           | 609.10        |
| • Supervise adult offenders                     | 100.06        | -            | -           | 100.06        |
| <b>Rehabilitate adult offenders</b>             | <b>125.92</b> | <b>0.00</b>  | <b>0.60</b> | <b>126.52</b> |
| • Educate and train adult offenders             | 106.72        | -            | 0.60        | 107.32        |
| • Substance abuse treatment for adult offenders | 19.20         | -            | -           | 19.20         |
| <b>Control and reform juvenile offenders</b>    | <b>0.00</b>   | <b>51.25</b> | <b>0.00</b> | <b>51.25</b>  |
| • Training school services                      | -             | 40.58        | -           | 40.58         |
| • Detention center services                     | -             | 10.67        | -           | 10.67         |

|                                                |               |              |             |               |
|------------------------------------------------|---------------|--------------|-------------|---------------|
| Support services and administration            | 31.89         | 1.44         | -           | 33.33         |
| Reserves, transfers and other accounting funds | 50.35         | 0.03         | -           | 50.38         |
| <b>Total Requirements</b>                      | <b>917.33</b> | <b>52.72</b> | <b>0.60</b> | <b>970.65</b> |
| Receipts/Cash Balances                         | 98.42         | 4.87         | 0.00        | 103.29        |
| General Fund Appropriation                     | 818.91        | 47.85        | 0.60        | 867.36        |
| Highway Fund Appropriation                     | 0.00          | 0.00         | 0.00        | 0.00          |
| Number of Positions                            | 19,098.20     | 1,247.85     | 9.00        | 20,355.05     |

TOTAL

GEN. FUND

| 1998-99       |              |             |               |
|---------------|--------------|-------------|---------------|
| DOC           | DHR          | DEHNR       | Total         |
| <b>711.99</b> | <b>0.00</b>  | <b>0.00</b> | <b>711.99</b> |
| 612.41        | -            | -           | 612.41        |
| 99.58         | -            | -           | 99.58         |
| <b>125.69</b> | <b>0.00</b>  | <b>0.62</b> | <b>126.31</b> |
| 106.48        | -            | 0.62        | 107.10        |
| 19.21         | -            | -           | 19.21         |
| <b>0.00</b>   | <b>52.76</b> | <b>0.00</b> | <b>52.76</b>  |
| -             | 40.58        | -           | 40.58         |
| -             | 12.18        | -           | 12.18         |

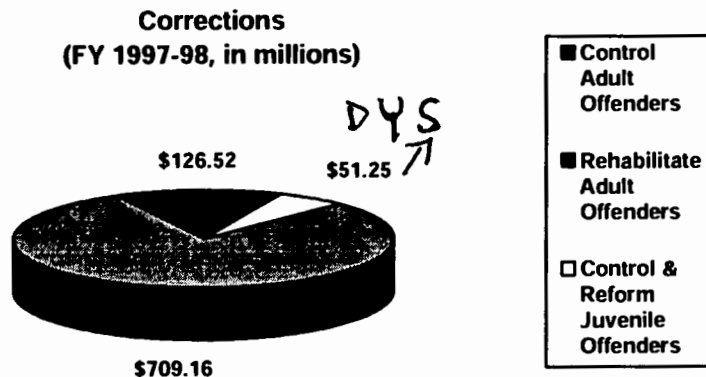
|               |              |             |                 |
|---------------|--------------|-------------|-----------------|
| 32.31         | 1.44         | -           | 33.75           |
| 94.81         | 0.03         | -           | 94.84           |
| <b>964.80</b> | <b>54.24</b> | <b>0.62</b> | <b>1,019.66</b> |
| 97.23         | 5.78         | 0.01        | 103.02          |
| 867.57        | 48.46        | 0.61        | 946.64          |
| 0.00          | 0.00         | 0.00        | 0.00            |
| 19,689.20     | 1,247.85     | 9.00        | 20,946.05       |

TOTAL

G.F.

# CORRECTIONS PROGRAM AREA

The Corrections Program Area, as defined for purposes of the Performance Planning Budget (P/PB) process, is comprised of the state agencies responsible for the implementation of court-imposed sanctions for adult and juvenile offenders.



The Corrections Program Area has three goals:

- control of adult offenders,
- rehabilitation of adult offenders, and
- control and reform of juvenile offenders.

**Control of adult offenders.** The primary purpose and expected outcome of this goal is the safety and protection of society. The realization of this outcome is facilitated through state-funded operations of correctional facilities as well as the provision of alternative modes of supervision through the adult probation and parole agencies.

**Rehabilitation of adult offenders.** Although rehabilitation may well depend upon the acceptance of such by the subject him/herself, it remains the responsibility of the state to provide reasonable means and opportunities for adjudicated persons to conform to the norms of society. Such opportunities are provided through programs

and efforts directed toward improvement of the offender's attitude, knowledge, skills and/or the alleviation of chemical dependency.

**Control and reform of juvenile offenders.** Through services provided by detention centers and training schools, a programmatic approach is used to address the educational and developmental needs of these children.

## Background and trends

North Carolina continues to experience significant overcrowding in its system of corrections. This problem is primarily attributable to the steady increase in the number of persons entering the system between 1989 and 1993, as prison admissions rose 35 percent (22,730 to 30,782) during that five year period. Although admissions have now declined (24,625 in 1995), the state is currently responsible for a prison population (29,495) that is 55 percent greater than that of five years earlier (19,048). This increase in population has necessitated the expansion of prison system capacity, as funding initiatives and other adjustments have added 14,000 beds since 1989.

The total aggregate population of probationers and parolees has increased more than 29 percent since 1990. Approximately 120,000 offenders (100,381 probationers and 19,410 parolees) were supervised as of December of 1995, as compared to a total of 89,319 at the end of 1990.

Juvenile offenders are entering the corrections system in greater numbers. Arrests of youth aged 17 and under increased 3 percent from 1994 to 1995. During FY 95-96, 4,940 juveniles were sent to detention centers and 935 entered training schools.

The state is required by North Carolina General Statute 148-22 to provide adequate opportunities for inmates to achieve personal improvements as a means toward rehabilitation. Education, vocational training and other activities are offered throughout the prison system in order to enable inmates to improve their ability to lead productive lives in society. Inmate education delivery services are enhanced through cooperation with the community colleges and other local agencies. In FY 95-96, 17 percent of adult prisoners and 64 percent of inmates under the age of 22 participated in these rehabilitation programs. However, 70 percent of the prisoners discharged from the North Carolina correctional system have no diploma or GED.

9

**GOVERNOR'S RECOMMENDED DOC GENERAL FUND  
CONTINUATION BUDGET**

|                                                                           | <u>1997-98</u>        | <u>1998-99</u>        |
|---------------------------------------------------------------------------|-----------------------|-----------------------|
| <b>Department of Correction <u>Baseline*</u></b>                          | <b>\$867,002,680</b>  | <b>\$903,358,346</b>  |
| <b>Governor's DOC Adjustments (<u>Volume 4, JPS</u>)*</b>                 |                       |                       |
| 1. Eliminate Funding of Out-of-State Housing of Inmates                   | \$(20,819,756)        | \$(20,819,756)        |
| 2. Eliminate funding for County Jail Contracts                            | (5,818,800)           | (5,818,800)           |
| 3. Reduce Reserve for Private Beds                                        | (2,900,000) NR        | -                     |
| 4. Reduce reserve for Operating New Facilities (Albemarle/Avery/Mitchell) | (9,500,000) NR        | -                     |
| 5. Reduction in Food Costs                                                | (5,000,000)           | (5,000,000)           |
| 6. Reduce Reserve for Repeal of Cap                                       | (500,000)             | (500,000)             |
| 7. Adjust Operating Budget of Probation/Parole                            | (3,500,000)           | (3,500,000)           |
| 8. Reduce Title VI Supervision                                            | <u>(150,000)</u>      | <u>(150,000)</u>      |
| <b>Subtotal Reductions*</b>                                               | <b>\$(48,188,556)</b> | <b>\$(35,788,556)</b> |
| <b>Baseline Subtotal (Vol. 4 JPS)</b>                                     | <b>\$818,914,124</b>  | <b>\$867,569,790</b>  |
| Criminal Justice Partnership Act**                                        | <u>5,000,000</u>      | <u>5,000,000</u>      |
| <b>New Baseline Subtotal</b>                                              | <b>\$823,914,124</b>  | <b>\$872,569,790</b>  |
| Reduce - -Span of Control Study***                                        | <u>(8,528,430)</u>    | <u>?</u>              |
| <b>TOTAL CONTINUATION BUDGET</b>                                          | <b>\$815,385,694</b>  | <b>\$872,569,790</b>  |

\* DOC Baseline was starting point for review of DOC budget by the Office of State Budget and Management (DOC had already reduced budget for all non-recurring 1996-97 expenditures); Adjustments 1-8 were made by OSBM and are included in DOC budget in Vol. 4 of JPS Continuation Budget and in Governor's Summary of Recommendations on page 72 and 73.

\*\*One-time reduction of \$5M in 96-97 was inadvertently carried over to 97-99.

\*\*\*Part of Governor's "Further Adjustments" to Budget, shown on page 83 of the Governor's Summary of Recommendations document.

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N.C. State Budget, 1997-99: Summary of Recommendations  
Adjustments to the Continuation Budget  
Volume 3, Human Resources - Continued

|                                                                                                                                                                                                                                                                   | <u>1997-98</u>  | <u>1998-99</u>  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| 5. <b>Division of Services for the Blind</b><br>Inflationary allowances for State/County Special Assistance, the Medical Eye Care Program and utilities were adjusted to more realistic level.                                                                    |                 |                 |
| Requirements                                                                                                                                                                                                                                                      | \$ (152,405)    | \$ (152,405)    |
| Receipts                                                                                                                                                                                                                                                          | <u>(12,408)</u> | <u>(12,408)</u> |
| Appropriation                                                                                                                                                                                                                                                     | \$ (139,997)    | \$ (139,997)    |
| 6. <b>Division of Mental Health, Substance Abuse, and Substance Abuse Services</b><br>Willie M. Program requirements, utilities for the state operated institutions and overtime pay for the state operated institutions were adjusted to a more realistic level. | (4,373,961)     | (4,394,250)     |

**Adjustments Reflected in Volume 4, Justice and Public Safety**

**Department of Correction**

|                                                                                                                                                                                                                                                          | <u>1997-98</u>  | <u>1998-99</u>  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| 1. <b>Out of State Housing of Inmates</b><br>Due to the increased availability of beds in North Carolina's prison system, funding for out of state housing of inmates was eliminated from the 1997-99 biennium continuation budget.                      | \$ (20,819,756) | \$ (20,819,756) |
| 2. <b>Funding for County Jail Contracts</b><br>Due to the increased availability of beds in North Carolina's prison system, funding for county jail contracts to house the state's inmates was eliminated from the 1997-99 biennium continuation budget. | (8,824,240)     | (8,824,240)     |

11

**N.C. State Budget, 1997-99: Summary of Recommendations**  
**Adjustments to the Continuation Budget**  
**Volume 4, Justice and Public Safety - Correction - Continued**

|                                                                                                                                                                                                                                   | <u>1997-98</u> | <u>1998-99</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| <b>3. Reserve for Private Beds</b><br>Due to delays in completing a lease and occupancy of a facility, funding for private beds was reduced in the 1997-98 fiscal year. This is a one time nonrecurring reduction.                | \$ (2,900,000) | \$ -           |
| <b>4. Reserve for Operating New Facilities</b><br>Due to delays in the completion of the new Albemarle and Avery/Mitchell facilities, the continuation budget for 1997-98 was reduced. This is a one time nonrecurring reduction. | (9,500,000)    | -              |
| <b>5. Reduction in Food Cost</b><br>The budget for food purchases in the department was reduced to a more realistic level for the cost per meal.                                                                                  | (5,000,000)    | (5,000,000)    |
| <b>6. Reserve for Repeal of Cap</b><br>Funds in this reserve were reduced due to a less than anticipated number of inmates that needed to be placed in private beds.                                                              | (500,000)      | (500,000)      |
| <b>7. Adjust Operating Budget of Probation/Parole</b><br>The operating budget for Probation/Parole was adjusted a more realistic level of need.                                                                                   | (3,500,000)    | (3,500,000)    |
| <b>8. Reduce Title VI Supervision</b><br>Two positions and support cost were eliminated from the area of Title VI supervision.                                                                                                    | (150,000)      | (150,000)      |



N.C. State Budget, 1997-99: Summary of Recommendations  
Further Adjustments - Continued

Agency Salary Line Reductions

1997-98

1998-99

1.

Salary Reductions/

Span of Control Study

The 1995 General Assembly under House Bill 229, Section 10.1 directed the Office of State Budget and Management to conduct an audit of the span of control in state government and submit that study to the 1996 General Assembly. The legislation stemmed from the report of the Government Performance Audit Committee (GPAC) which identified four specific areas of concern in state government including:

- Excessively narrow spans of control
- Excessive layers of management
- One-on-one reporting relationships
- Numerous units with small numbers of staff

With this as the framework and using data available as of August 31, 1995, the Office of State Budget and Management conducted the study and submitted its report to the General Assembly in May of 1996. The report points out that there are departments with considerable numbers of supervisors who have low spans of control and some department with many organizational levels. Using this report as the basis, cabinet agencies have been directed to implement internal studies to focus on issues identified in this report and have been given targets for salary reductions to their operating budgets effective July 1, 1997. The goal is to implement the findings of the report to the extent possible over an extended period of time with the first phase of the implementation impacting agencies as follows:

|                                         |            |   |
|-----------------------------------------|------------|---|
| Administration                          | \$ 572,185 |   |
| Crime Control & Public Safety           | 407,292    | ✓ |
| Commerce                                | 672,485    |   |
| Cultural Resources                      | 610,262    |   |
| Human Resources                         | 2,952,032  |   |
| Correction                              | 8,528,430  | ✓ |
| Revenue                                 | 592,976    |   |
| Environment, Health & Natural Resources | 2,335,425  |   |

The specific details on how each of the above agencies will make these reductions to their respective budgets will be provided to the General Assembly by May 15, 1997

|                                 |                       |                       |
|---------------------------------|-----------------------|-----------------------|
|                                 | \$ (16,671,086)       | \$ (16,671,086)       |
| Total Further Adjustments       | <u>\$ 131,419,350</u> | <u>\$ 145,627,345</u> |
| Total Adjustments to the Budget | <u>\$ 247,612,358</u> | <u>\$ 256,273,050</u> |

## VISITOR REGISTRATION SHEET

## APPROPRIATIONS/Subcommittee on Justice & Public Safety

**March 11, 1997**

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME**

**FIRM OR AGENCY AND ADDRESS**[illegible]

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE**  
**ON**  
**JUSTICE AND PUBLIC SAFETY**

Tuesday March 11, 1997 – 15 Minutes After Adjournment  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Presiding      Representative Larry Justus  
                                                                                 Representative Gregg Thompson  
                                                                                 Representative Joe Kiser

**II. PRESENTATIONS**

- Continue Review of the Department of Correction's Continuation Budget Requests

- Departmental Management
- Prison Substance Abuse Programs

Jim Mills, Fiscal Analyst

Correction Departmental Staff

- Community Corrections Substance Abuse Programs

Elisa Wolper, Fiscal Analyst

Correction Departmental Staff

- Reports on the DOC/DHR Pilot Substance Abuse Treatment Program for Parolees and the DWI Aftercare Program

Lattie Baker, Assistant Secretary, Division of Alcohol and  
Chemical Dependency

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

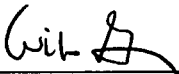
MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
MARCH 11, 1997

The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met 15 minutes after the Senate and House adjourned for the day on Tuesday, March 11, 1997 in Room 415 of the Legislative Office Building. Eight members were present. In Senator Wib Gulley's absence, Senator Frank Ballance presided.

Senator Ballance asked Jim Mills, Fiscal Analyst to go over the Department of Corrections handout Departmental Management (see attached). Mr. Joe Hamilton with the Department of Corrections answered questions about the Title VII program. The Subcommittee asked that this item be flagged.

Next, Lattie Baker, Assistant Secretary with the Division of Alcohol and Chemical Dependency, reviewed the DART Aftercare and Guilford/Alamance Substance Abuse Treatment Pilot Programs (see attached). Mr. Baker told the Subcommittee that 15% of those persons going through the DART program returned to prison. He also told the Subcommittee that 9,600 people went through the DART program in the past year.

Following A brief discussion about the DART program, the meeting was adjourned at 9:45 am.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

# **DEPARTMENT OF CORRECTION**

## **Budget Overview Departmental Management**

**Joint Appropriations Subcommittee on  
Justice and Public Safety**

**March 10, 1997**

## DOC DEPARTMENTAL MANAGEMENT (Program 1110/PPB 3998)

### Organization

The DOC departmental management program provides system-wide management oversight, technical assistance, and administration. Major functions are:

- Management (Office of the Secretary) (See attached organization chart)
- Data Processing
- Budget and Finance
- Purchasing
- Auditing
- Research and Planning
- Criminal Justice Partnership Program (CJPP)
- Human Resources/Personnel
- Title VII Program Administration

### Major 1995-97 Budget Actions

- Eliminate two positions in the Office of the Secretary (Assistant Secretary and Special Assistant to Secretary) -- (-\$96,553)
- Reduction in CJPP – one-time reduction in discretionary fund reserve (\$5M) and reduction of continuation budget discretionary fund (\$2.6 million) leaving approximately \$10.6 in continuation budget)
- Establish Title VII Office – Funds to provide positions for Title VII monitoring and compliance; 17 positions are allocated in departmental management and in the Prisons budget.

| <u>Title</u>         | <u>VII</u>     | <u>Funding</u> |
|----------------------|----------------|----------------|
|                      | <u>1995-96</u> | <u>1996-97</u> |
| <b>Recurring</b>     | \$504,290      | \$700,000      |
| <b>Non-Recurring</b> | \$145,710      |                |
| <b>Positions</b>     | 17             | 17             |

DOC DEPARTMENTAL MANAGEMENT BUDGET – NET  
APPROPRIATION

| Description   | 1995-96<br>Actual<br>Expenditures | 1996-97<br>Authorized<br>Budget | 1997-98<br>Gov. Recom. | 1998-99 Gov.<br>Recom. |
|---------------|-----------------------------------|---------------------------------|------------------------|------------------------|
| Appropriation | \$35,098,586                      | 32,459,471                      | \$31,591,968           | \$32,312,878           |
| Positions     | 419                               | 419                             | 419                    | 419                    |

**NET REDUCTION FROM 96-97 AUTHORIZED IS \$867,503 IN 97-98  
AND \$146,593 IN 98-99.**

**Major Changes to Continuation Budget**

1. **Equipment/Property** – Reduction of \$1.2 million in 1997-98 and \$529,130 in 1998-99 for automobiles by increasing replacement time for vehicles from 85,000 miles to 100,000 miles.
2. **Contractual Services** – Contractual Services budget reduced from the 1995-96 actual expenditures of \$3.578 million to \$303,500 in each year of biennium. Major reason is reduction in expense for consultants used to help implement new management and offender population automated system. (OPUS) *Possible Issue – Estimated Annual cost of OPUS contractual services is \$1.9 million; DOC, as allowed by Executive Budget Act, can use lapsed salaries but project cost is ongoing for two more years.*

**Governors Recommended Budget Adjustment – TITLE VII Program**

The Title VII program was funded by the General Assembly in response to a lawsuit brought by the federal government against the State and DOC (Filed December, 1993). The lawsuit charged that the State was in violation of Title VII of the Civil Rights Act. Generally, the DOC was charged with discriminating against females in recruitment, hiring and promotion in the prison system. The General Assembly funded \$5.5 million in a reserve for use in settling the lawsuit, depending on the outcome of the lawsuit, and \$700,000 annually to establish 17 positions to implement and monitor changes in personnel practices.

The Department feels it has made significant strides in the hiring and promotion of females, but is unclear of when settlement might be finalized. A negotiated agreement between the State and the Department of Justice has been under review by the federal judge.

1. There are now 17 positions allocated to the Title VII program – 9 in departmental management; 2 in prison management; and, 6 directly in the field offices in the prison system.
2. The Governor recommends reducing the Title VII program budget by \$150,000 – two of the 9 positions in departmental management and operating support. \_

***OTHER ISSUES FOR DISCUSSION --- Title VII***

***Can additional Title VII positions be reduced given level of compliance by the DOC.***

***Should \$5.5 million in reserve (tort claims) be carried over to 1997-98, reverted, or used for another purpose?***

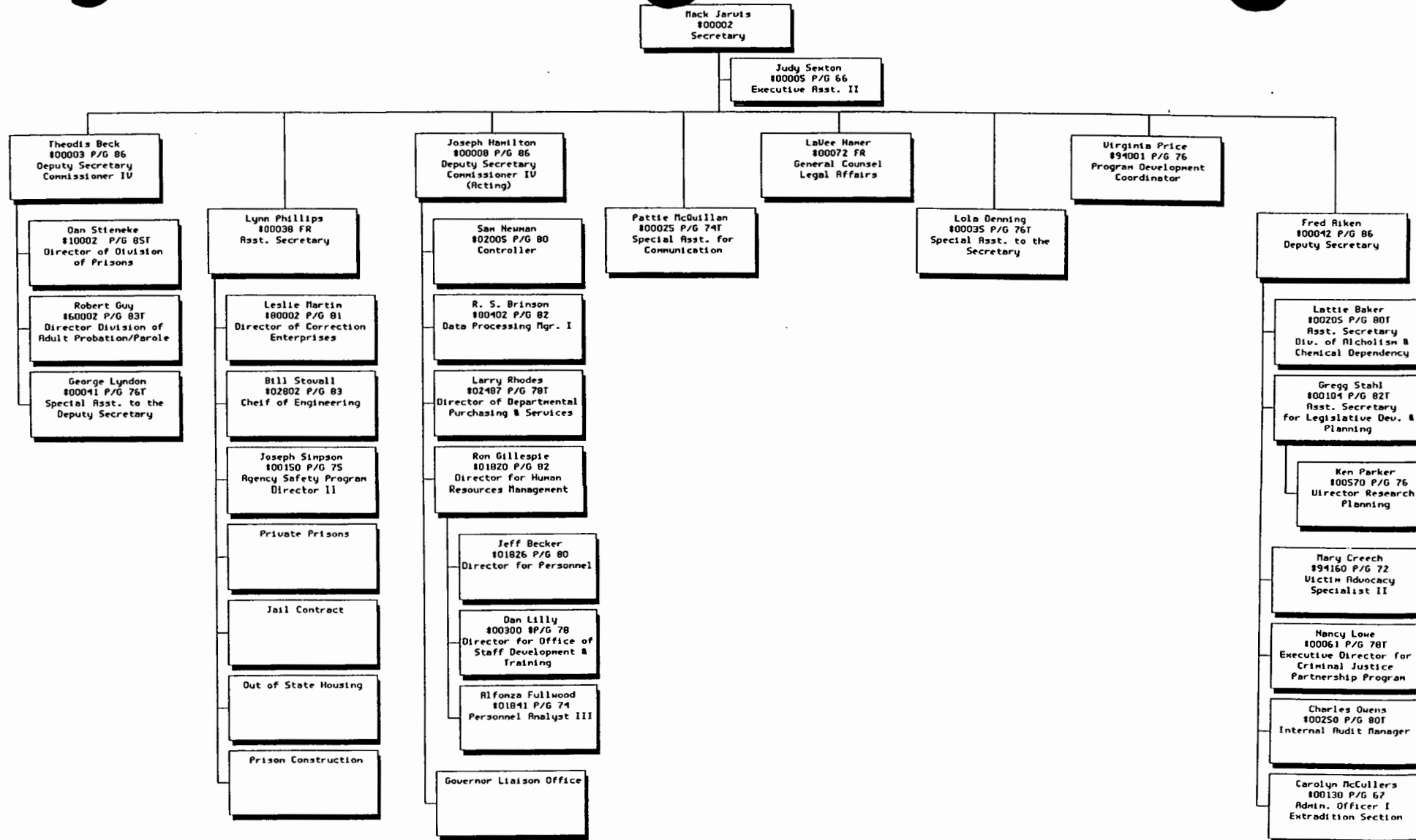


**Changes to Departmental Management since Recommended Budget**

Reorganization by the Secretary included adding new Deputy Secretary to manage various programs that had formerly reported directly to the previous Secretary or to the Deputy Secretary of Operations. (See attached organization chart) \_

DEPARTMENT OF CORRECTION  
STAFF  
January 1997

05



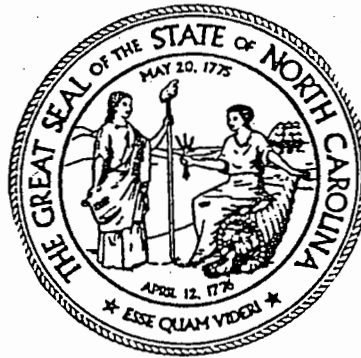
5

North Carolina Department of Correction  
Substance Abuse Program

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DART Aftercare  
and  
Guilford/Alamance  
Substance Abuse Treatment Pilot Programs

Executive Summary



Report to the 1997 General Assembly of North Carolina

Submitted By: R. M. Jarvis, Secretary  
Department of Correction

**DART AFTERCARE  
and  
GUILFORD-ALAMANCE  
SUBSTANCE ABUSE TREATMENT PILOT PROGRAMS**

**Executive Summary**

**Background**

In 1991 a U.S. Department of Justice Report of the National Task Force on Correctional Substance Abuse Strategies concluded "If the broader correctional system is to fulfill its role of affecting crime and substance abuse, it is imperative that each of the correctional components work in concert with others for the good of the broader system, the offender, and society." The development of community transition and aftercare services for inmates transitioning from corrections is an important linkage requiring interagency coordination, communication, and collaboration. Offenders are afforded the best chance to successfully avoid further criminal offenses and can reduce the potential for drug use when aftercare plans call for certain actions. These include: identify expectations of the supervising probation/parole officers; identify needs for ongoing treatment; and have community group support to include Alcoholics Anonymous, relapse prevention, and improvement of life and community living skills. Efficient and effective aftercare programming may be the most important systems linkage resulting in a positive impact upon offender community drug use and continued criminal involvement. The State of North Carolina has recognized the significant role of "aftercare" programs for the chemically dependent offender and has authorized a number of activities and programs.

This Executive Summary has been prepared to report on two pilot programs funded during the 1996 Legislative Session. \$125,000 was appropriated in 1995 for a Drug Alcohol Recovery Treatment (DART) Aftercare Pilot Program to provide aftercare services, counseling, and job referral services for DART DWI offenders and for offenders who had completed any other DART program in any of the prison facilities. During the 1996 Legislative Session, a special provision authorized the carryover of funds from the prior year to continue the program. The 1996 General Assembly also authorized the Secretary of the Department of Correction to transfer any balance of funds remaining in the Guilford/Alamance Pilot Program to the DART Aftercare Pilot. The Guilford/Alamance Pilot Program was originally authorized by 1994 legislation and was to be a substance abuse treatment pilot program for parolees and probationers. Funds for the Guilford/Alamance Pilot were to support establishment of two staff positions and to be used to provide services in both Guilford and Alamance Counties. Both pilot programs called for substance abuse treatment for offenders. Both programs required the full cooperation and involvement of social and human service agencies, Division of Adult Probation and Parole, other divisions within the Department of Correction, the Substance Abuse Section of the Department of Human Resources, and local public and private alcohol/chemical dependency treatment providers. Pursuant to the 1996 legislation the Department combined the balance of funds in the Guilford/Alamance Pilot Program and is recommending the merger of the two pilot programs into the DART Aftercare Pilot Program. Because of the combining of funds both pilot programs are being addressed in this consolidated summary report.

### **Guilford Alamance Pilot Program**

The Extra Session of the 1994 General Assembly appropriated to the Department of Correction \$583,000 to establish the Guilford/Alamance Pilot Program for substance abuse treatment services. The appropriation authorized \$97,166 for two positions and to cover associated operating expenses and equipment. The remaining \$485,834 was to be used to contract service providers for parolees and probationers with serious substance abuse histories. The purpose of the pilot program was to provide for the identification, appropriate assessment, intensive outpatient treatment, and case management supervision of parolees and high-risk probationers with a history of serious chemical dependency. Treatment services have been provided through two Treatment Accountability for Safer Communities agencies (TASC), which are Alcohol and Drug Services in Guilford County and the Judicial Services agency in Alamance County. An Interagency Task Force was established to provide oversight and guidance to the Guilford/Alamance Program.

A maximum capacity of 100 participants was established for the Guilford/Alamance Pilot Program. Since inception, a total of 78 parolees and probationers have participated in the program. An Interagency Task Force was convened with the purpose of providing pilot program direction and guidance to the Division. As experience has been gained during this pilot, the focus of the Task Force has shifted from an active participatory role to an increasingly advisory capacity. A major benefit of the pilot has been the increased communication among the various agencies and service providers. On September 30, 1996 a report was presented to the Joint Legislative Corrections Oversight Committee indicating the status of participants in the program. This pilot has continued in fiscal year 1996-97, by allowing for the completion of services for those current program participants. However, pursuant to the 1996 General Assembly legislation, approximately \$250,000 have been transferred to the DART Aftercare Pilot Program which is seen as a statewide effort which can provide adequate services to targeted offenders.

Since June 1996 a weekly reporting procedure has been used to monitor progress and program participation. These reports reflect client admissions and discharges. Case data are maintained by service providers and the Division of Adult Probation and Parole. Access to community programs is highlighted as a significant advantage to Probation Parole supervisors. A number of positive outcomes of the Guilford/Alamance Pilot Program have been identified. These include:

- Provision of needed treatment services to offenders
- Identification of state agencies involved in the service delivery process
- Identification of private agencies that can now provide services to offenders
- Coordination of agency efforts to reduce likelihood of duplication of effort
- The benefits to community-based programs and offenders

### **DART Aftercare Pilot Program**

The initial funding for the DART Aftercare Pilot Program was for \$125,000 and was carried forward through FY 1996-97. In addition, approximately \$250,000 is being transferred from the Guilford/Alamance Pilot Program pursuant to 1996 legislation. The pilot program has been established to provide for services for parolees and probationers using community interventions based upon the needs of the offender. The services represent an innovative way of assisting the Division of Adult Probation and Parole staff in their day-to-day supervision of the DWI and chemically dependent offender. Specialized interventions are designed to promote the parolee/probationer's compliance with special conditions of supervision, and will build upon the offenders achievements in a residential treatment program. The interventions also include steps to be taken to keep the offenders employed.

### **Pilot Program Participants**

The program has over 1900 parolee/probationer referrals. The DART/DWI Cherry has treatment capacity for 300 participants every 28-day cycle. As offenders complete the DART/DWI program they are reviewed for eligibility for the Aftercare Pilot. Through March 1, 1997 there have been 94 participants in the DART Aftercare Pilot Program, and 381 in the total community program referrals.

### **Quality of Services and Cost Effectiveness of Program**

The Pilot Program is currently gathering analytical data from a number of sources in order to access the quality of service and the effectiveness of the service. Reports are received from: the Offender Population Unified System (OPUS) which tracks inmate and parolee progression through the prison system; AA/NA local agencies; mental health center activity reports; service providers; and from components within the DART system. A reconciliation between the Aftercare Plan and the actual results experienced in the local community will result in better data and analysis. Long-term benefits of program participation are difficult to measure at this time. However, the measurement process has been initiated and will continue in order to gather reliable data for a detailed assessment of the treatment services and the overall program. The evaluation of this program will also include a measure of cost effectiveness. The current average per hour cost of services is \$25.00. The Aftercare Pilot Program has been successful in attracting treatment service providers at rates which are actually lower than the current market averages for the same services. There is a slight variance in the contract rate between different providers which results from the timing of the contract, whether group or individual sessions are used and based upon other pertinent data. It is felt that the quality of the services being provided compares favorably with other similar services available in the communities. The actual quality of service is determined by the service provider and by Department of Correction's ability to monitor client outcomes. The overall evaluation of this program will include both short and long-term measures. The most effective program analysis will be possible following long-term evaluation (five years and beyond) which would address subsequent arrests, convictions, employment, earnings, recidivism, and addiction status.

### **Benefits of Pilot Program**

1. Significant improvement in elimination of duplicated services for the substance abusing offender.
2. Provided high-risk inmates to immediate access to community based services by contracting with local providers for treatment services.
3. Resulted in combined case planning between treatment service provider and supervision officials (Division of Adult Probation and Parole staff).
4. Experienced a significant increase in the interagency communications concerning offenders and their treatment.
5. Recognized the need for improved and continued communications between divisions within the Department of Corrections and with other state agencies.

### **Recommendations To Achieve Statewide DART Aftercare**

1. The TASC agencies in Guilford and Alamance Counties along with other existing organizations can adequately provide substance abuse treatment services to that geographical area of the state and therefore the Guilford/Alamance Pilot Program could cease after the current fiscal year without negative impact.
2. Merge the two substance abuse treatment pilot projects into a single statewide DART Aftercare for inmates who have completed DART DWI and other DOC DART programs.
3. Both pilots demonstrate the importance of aftercare and support its positive impact upon: recidivism, continued recovery efforts by offenders, and on the health care, justice and other social systems and they support the continued need for aftercare.
4. Develop special community program incentives and punishments for treatment program non-compliance.
5. Improve techniques in continuing treatment in the community for inmates who experience difficulty in making a drug-free community transition.
6. Provide training across disciplines and agencies on criminal justice concerns, case management, assessment and a variety of the issues required for ongoing activity between agency staff working with the substance abusing offender.
7. Combine case planning between treatment providers and supervising officials (Probation and Parole Officers).

8. Continue to provide high-risk inmates immediate access to community based services by contracting with local service providers.
9. The Department of Correction, Division of Alcoholism and Chemical Dependency Programs should develop formal agreements, memoranda of understanding, contracts and other formal documents to provide aftercare services to DART/DWI offenders and other DART prison treatment program inmates.
10. State agencies should develop cooperative funding agreements, and secure appropriate federal funds to support the delivery of DART Aftercare.
11. DART Aftercare programs should be merged to form a single organization entity within the Division of Alcoholism and Chemical Dependency Programs.

mar1/aftcar01.wpd



## VISITOR REGISTRATION SHEET

3-11-97 PM

Name of Committee

Date

VISITORS: Please sign below and return to Committee Clerk.

NAME

FIRM OR STATE AGENCY AND ADDRESS

Buddy Humphrey  
Chuck CramOSBM  
OSPLTracy Herring  
Joe Hamilton

People + PRS Commission

Doc

Mike Carpenter

DOC

Mike [unclear]  
Joe Stewart[unclear]  
CCPS

# **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY**

March 12, 1997  
Room 415

**HOUSE MEMBERS PRESENT:** [9] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Kinney, Redwine, Sexton, Smith.

**Senate Members Present:** [5]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 12, 1997 in Room 415 of the Legislative Office Building. Representative Thompson called the meeting to order at 8:30 AM and introduced the pages: Erin Coffey, Wake County and Janel Walls, Yadkin County.

Representative Thompson introduced Jim Mills, Fiscal Analyst to continue with the review.

Jim Mills continued with Review of the Department of Correction's Continuation Budget Request. Jim Mills explained the Budget Overview Substance Abuse Program - Prison. Attachment A.

- **Background**
- **Primary Objectives -**
- **Components of the Program, Program Design - DART**
- **1995-96 Actions - DART in prison units and private prison units**
- **Funding of the DART programs.**

Discussion followed.

Representative Justus asked if there were any figures of total percentage of the prison population that had been through one of these programs. Jim explained on page 8 of the (Attachment A ), were some statistics.

Greg Stahl will try to get the percentage of prisoners in the program and those going through more than once. He also explained the process of tracking these people.

Representative Kiser asked if this program included crack cocaine users and what kind of success was there for these people. Lattie Baker commented on the figures of these programs and the success of 3 people.

Discussion followed regarding the Alamance/Guilford program. Representative Justus reported there should be some means for tracking these people to determine if a program is successful.

Gregg Stahl reported they can track their people by fingerprinting. There is no way on tracking what goes on in the aftercare treatment in the community. DHR and Community Services provide aftercare treatment after release.

Representative Justus asked if there could be some means of getting better figures on these programs. Representative Sexton asked if there was any comparison to other programs in the country with ours.

Lattie Baker reported there was some effort being done in trying to get this information.

Pete Martin, Substance Abuse Services, Mental Health Division reported that compared to 28 other states North Carolina has the more creative and innovative system than any other state.

Representative Redwine suggested that maybe a study committee should be used to help link Mental Health and the Prison Department in this effort.

Andrew Jarrel, North Carolina Parole Commission commented on the aftercare program and efforts are trying to be made in this respect.

Jim Mills continued with the report of the Guilford/Alamance Program.

Discussion followed. The exit testing of drugs - the large amount of money being spent for this purpose. Greg Stahl reported briefly on how inmates get drugs, etc.

Senator Wellons asked what number of prisoners tested positive. Greg Stahl will get this information for the committee.

Tom Covington a recovering alcoholic reported on the 28 day program and how important it was for an alcoholic.

Senator Ballance commented there was beginning to be some progress in the treatment of drug and alcohol. Representative Justus commented he was for the program and money being spent if it was working but if not working then try something else.

Jim Mills continued with discussion of - **1996 Evaluation Study - Key Findings - Private Prison Treatment Beds.**

Discussion followed.

Senator Gulley asked that the following items on page 14 be flagged.

- **150 Private Beds**
- **long-term Issue**
- **Treatment Issue.**

Representative Thompson explained the House will not meet on Thursday but will meet today 15 minutes after session today. The Senate will meet on Thursday morning.

Meeting adjourned at 9:50 AM.

  
Representative Gregg Thompson  
Chairman

  
Edna Sykes  
Committee Clerk

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**  
Wednesday March 12, 1997 – 8:30a.m.  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley

Representative Larry Justus  
Representative Gregg Thompson, Presiding  
Representative Joe Kiser

**II. PRESENTATIONS**

- Continue Review of the Department of Correction's Continuation Budget Requests

-- Prison Substance Abuse Programs

Jim Mills, Fiscal Analyst

Correction Departmental Staff

-- Community Corrections Substance Abuse Programs

Elisa Wolper, Fiscal Analyst

Correction Departmental Staff

- Update on Prison Population Projections and Prison Bed Capacity

Jim Mills, Fiscal Analyst

Correction Departmental Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

-- Follow-up on Members Requests for Information

**IV. ADJOURNMENT**

## VISITOR REGISTRATION SHEET

**APP. SUB. JUSTICE & PUBLIC SAFETY**

March 12, 1997

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

| NAME              | FIRM OR AGENCY AND ADDRESS |
|-------------------|----------------------------|
| Tom Chapple       | Summit House               |
| DEE MARTIN        | DM+DPD SAS                 |
| Robert Brown Jr   | DOC                        |
| John Carpenter    | DOC                        |
| Tommy R. Hays     | DOC                        |
| Gregg Stet        | DOC                        |
| Burke Humphrey    | OSBM                       |
| Denise A. Vescome | DOC                        |
| Andrew Lemell     | Parole Commission          |
| Jacq Herring      | Parole Commission          |
| ERIC ZIGBY        | Sentencing Commission      |
| Chuck Cronin      | OSPL                       |
| Lito Rumbaut      | CYRC                       |
| Tommy Cunningham  | Fiscal Research            |
| John Madler       | Sentencing Commission      |
| Paul Hubert       | "                          |

# **DEPARTMENT OF CORRECTION**

## **Budget Overview Substance Abuse Program - Prisons**

**Joint Appropriations Subcommittee on  
Justice and Public Safety**

**March 11, 1997**

**DEPARTMENT OF CORRECTION  
SUBSTANCE ABUSE PROGRAM  
DIVISION OF ALCOHOL AND CHEMICAL  
DEPENDENCY**

**BACKGROUND**

- 1987 GENERAL ASSEMBLY ESTABLISHED DEPARTMENT OF CORRECTION DRUG/ALCOHOL RECOVERY TREATMENT PROGRAM (DART) (G.S. 143B - 264)
  
- PRIMARY OBJECTIVES
  - (1) REDUCTION OF CHEMICAL DEPENDENCY AMONG OFFENDERS
  
  - (2) REDUCE LIKELIHOOD OF RECURRING CRIMINAL ACTIVITY AND RECIDIVISM
  
- THE DIVISION OF PRISONS CONDUCTS DRUG AND ALCOHOL SCREENING AT THE INTAKE AND DIAGNOSTIC PHASE. IN CONJUNCTION WITH THIS PROCESS, THE SUBSTANCE ABUSE PROGRAM ATTEMPTS TO APPROPRIATELY IDENTIFY THE POPULATION OF OFFENDERS IN NEED OF TREATMENT
  
- IN CY 1996, 63% OF OFFENDERS AT PRISON INTAKE WERE IDENTIFIED AS NEEDING TREATMENT.

## PROGRAM DESIGN

- PROGRAM GOAL IS A CONTINUUM OF CARE BASED ON NATIONAL RESEARCH INDICATING ONE-TIME TREATMENT NOT VERY EFFECTIVE WITHOUT FOLLOW-UP TREATMENT. THE THREE MAJOR DART PROGRAM COMPONENTS ARE:

- (1) **DART IN-PRISON BEDS** - DART IN-PRISON 28 DAY INTENSIVE TREATMENT PROGRAM AND 8 TO 12 WEEK STRUCTURED AFTERCARE. DART STAFFING IS A COMBINATION OF PERMANENT DOC SUBSTANCE ABUSE COUNSELORS; DOC CONTRACT COUNSELORS; AND PEER COUNSELORS.
- (2) **DART PRIVATE PRISON TREATMENT BEDS** - TRANSITION FOR INMATES AT RISK FOR SERIOUS SUBSTANCE ABUSE PROBLEMS — 6 TO 12 MONTHS TREATMENT PLAN INCLUDING COMMUNITY TRANSITION.
- (3) **DART COMMUNITY BEDS (PROBATION/PAROLE)** - COMMUNITY BASED PROGRAMS FOR PAROLEES AND PROBATIONERS (DWI UNIT IN GOLDSBORO USES 28 DAY DART MODEL); DWI AFTERCARE PILOT; ALAMANCE/GUILFORD)



**1995-97 ACTIONS - DART-IN-PRISON UNITS  
AND PRIVATE PRISON UNITS**

- EXPANDED FUNDING FOR DART IN-PRISON BEDS
- OPENED 350 OF 500 FUNDED PRIVATE PRISON TREATMENT BEDS -- ONE-TIME REDUCTIONS IN FUNDING IN 95-96 OF \$3.5 MILLION AND \$650,000 IN 96-97 DUE TO DELAYS IN OPENING BEDS.
- CLOSED WASHINGTON DART UNIT WHEN WASHINGTON CORRECTIONAL CENTER CLOSED (GPAC CLOSURE) – REDUCTION OF \$400,000
- FUNDED EVALUATION OF SUBSTANCE ABUSE PROGRAM (\$25,000) AND POSITION (\$50,000) TO TRACK OFFENDERS THROUGH PROBATION PRISON, PAROLE, AND POST RELEASE AND BEGIN DETERMINING SUCCESSFUL AND UNSUCCESSFUL OFENDERS.

**DEPARTMENT OF CORRECTION  
SUBSTANCE ABUSE TREATMENT PROGRAMS  
(FUND 1120-SUBSTANCE ABUSE)**

| <u>Program</u>                                     | <u>95-96 Expenditures</u> | <u>95-96 Beds</u> | <u>96-97 Estimated<br/>Budget*</u> | <u>96-97 Beds</u> |
|----------------------------------------------------|---------------------------|-------------------|------------------------------------|-------------------|
| 1. DART Administration                             | \$1,234,604               | 0                 | \$1,484,869                        | 0                 |
|                                                    | (16 positions)            |                   | (22)                               |                   |
| 2. DART Regional Offices                           | 505,717                   | 0                 | 793,348                            | 0                 |
|                                                    | (20)                      |                   | (23)                               |                   |
| 3. DART In-Prison<br>Treatment - <u>NC Prisons</u> | 2,246,235                 | 860               | 3,645,040                          | 1,036             |
|                                                    | (122)                     |                   | (114)                              |                   |
| 4. DART In-Prison<br>Treatment- <u>Private</u>     | 4,851,097                 | 275               | 9,731,916                          | 350               |
|                                                    | (3)                       |                   | (3)                                |                   |
| 5. DART - Community -<br>Probation/Parole          | 2,504,944                 | 500               | 4,028,991                          | 500               |
|                                                    | (73)                      |                   | (78)                               |                   |
| <b>TOTAL</b>                                       | <b>\$11,422,597</b>       | <b>1,635</b>      | <b>\$19,684,164</b>                | <b>1,886</b>      |
|                                                    | <b>(234)</b>              |                   | <b>(240)</b>                       |                   |

\*Excludes federal grant in 96-97 for "SARGE" Program of \$818,433; includes 19 positions.

**NOTE:** 1997-99 Recommended Continuation Budget is \$19.2 million – decrease from 96-97 primarily due to eliminating Community pilot programs – DWI Aftercare and Alamance/Guilford.

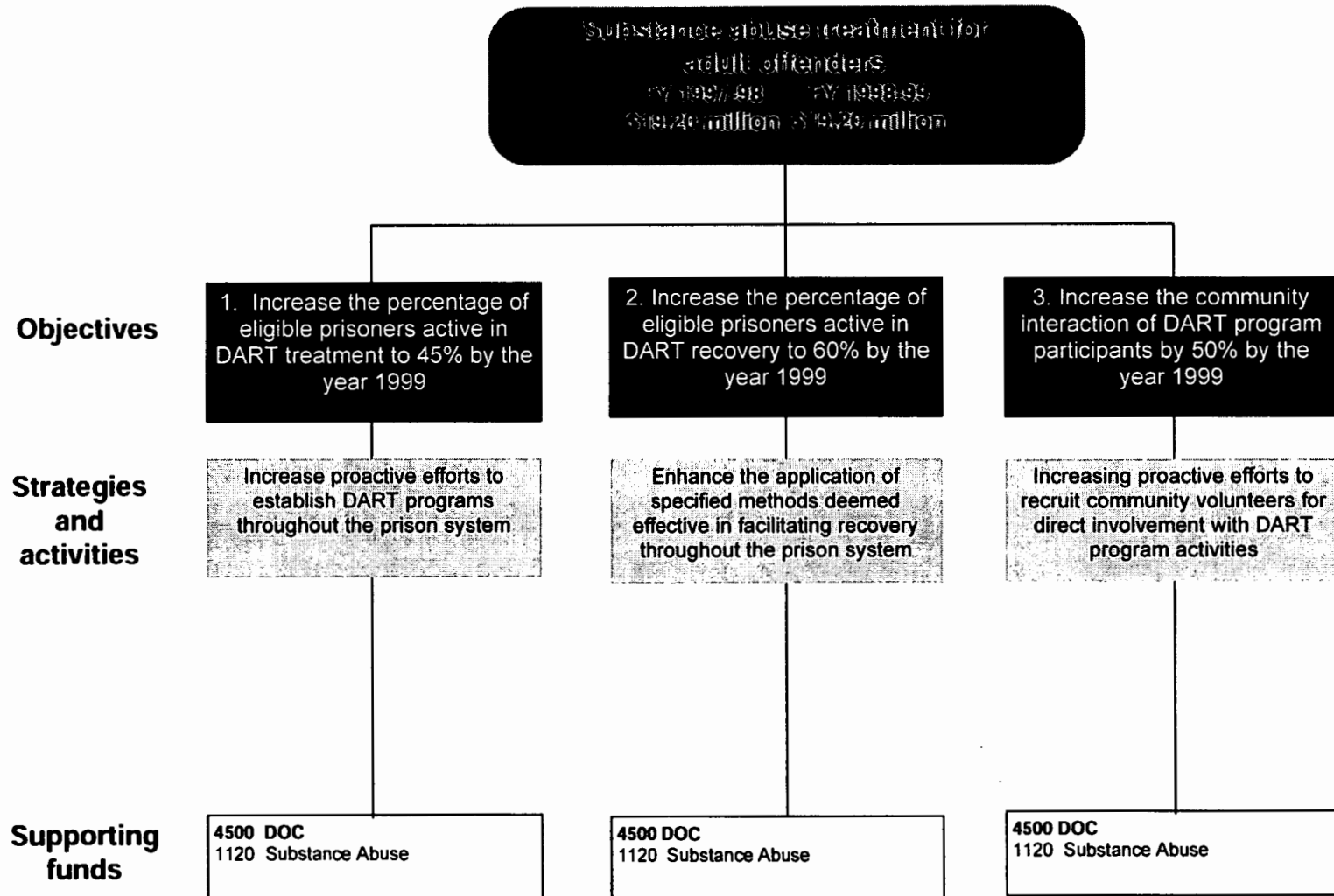
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## 1996 EVALUATION STUDY - KEY FINDINGS

- MOST NATIONAL RESEARCH ON EFFECTIVENESS OF SUBSTANCE ABUSE TREATMENT BASED ON COMMUNITY PROGRAMS NOT PRISON-BASED OFFENDERS. ISSUES PARTICULAR TO NORTH CAROLINA ARE BEING REVIEWED NATIONALLY – WHEN TO BEGIN TREATMENT; HOW BEST TO MATCH OFFENDER TO TREATMENT RESOURCES; AND THE OPTIMAL LENGTH OF TREATMENT.
- MOST NATIONAL RESEARCH ON OFFENDERS INDICATES THAT CRIMINAL BEHAVIOR AND DRUG USE IS SIGNIFICANTLY REDUCED WHILE THE INMATE IS IN TREATMENT.
- 28 DAY MODEL (Dart In-Prison) IS FOLLOWING APPROPRIATE PROCEDURES BUT 28 DAY MODEL ALONE HAS NO MEASURABLE LONG-TERM EFFECT WITHOUT FOLLOW-UP; 90 DAYS MORE LIKELY SUCCESS.
- TOO MANY STAFF VACANCIES IN DART IN-PRISON PROGRAMS.
- NORTH CAROLINA ON RIGHT TRACK WITH “CONTINUUM OF CARE”.
- PRIVATE PRISON TREATMENT PROGRAM -- TOO NEW TO EVALUATE’ MODEL SIMILAR TO SUCCESSFUL “THERAPEUTIC” PRISONS IN OTHER STATES. MAJOR ISSUE TO BE RESOLVED IS TO DETERMINE CRITERIA FOR SELECTING INMATES TO GO TO THESE PRISONS – PRIVATE PRISONS WERE GETTING REFERRALS OF INMATES CLOSE TO PAROLE OR RELEASE.
- LONGER TERM EVALUATION NEEDED TO DETERMINE TRUE EFFECTIVENESS OF DOC PROGRAMS. THE MOST EXPENSIVE, BUT EFFECTIVE EVALUATION PLAN WOULD INCLUDE TRACKING AND INTERVIEWING CONTROL

GROUPS OF INMATES DURING EACH PHASE OF THE  
CONTINUUM AND AFTER RELEASE ( ESTIMATE AT TIME  
WAS UP TO \$1.5 MILLION; OTHER OPTIONS AS LOW AS  
\$150,000).

## 3400 Substance abuse treatment for adult offenders



**Objective 1: Increase the percentage of eligible prisoners active in DART treatment to 45% by the year 1999.**

| Measure                                                      | Actual  |         |         |         |         | Estimated | Expected | Expected |
|--------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                              | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                     |         |         |         |         |         |           |          |          |
| Percentage of eligible prisoners active in DART treatment    | 16.6%   | 15.6%   | 14.7%   | 18.9%   | 32.0%   | 37.1%     | 43.2%    | 45.4%    |
| <b>Performance Measures:</b>                                 |         |         |         |         |         |           |          |          |
| Number of offenders treated in intensive residential program | 3,248   | 3,213   | 3,300   | 3,583   | 9,600   | 11,135    | 12,945   | 13,634   |
| Number of offenders treated in outpatient programs           | 1,624   | 1,537   | 1,650   | 1,642   | 7,840   | 9,000     | 10,350   | 12,213   |

**Current Situation:**

The state plans to accomplish this objective by maximizing the application of DART treatment services throughout the North Carolina prison system.

**Funds:**

4500 DOC  
1120 Substance Abuse

## 3400 Substance abuse treatment for adult offenders

**Objective 2: Increase the percentage of eligible prisoners active in DART recovery to 60% by the year 1999.**

| Measure                                                  | Actual  |         |         |         |         | Estimated | Expected | Expected |
|----------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                          | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                 |         |         |         |         |         |           |          |          |
| Percentage of eligible prisoners active in DART recovery | 22%     | 23%     | 23%     | 35%     | 45%     | 50%       | 55%      | 60%      |
| <b>Performance Measures:</b>                             |         |         |         |         |         |           |          |          |
| Number of offenders involved in self-help recovery       | 4,600   | 5,697   | 6,000   | 7,596   | 7,880   | 8,000     | 8,400    | 8,750    |

### Current Situation:

The state plans to accomplish this objective by maximizing the application of DART recovery services throughout the North Carolina prison system.

### Funds:

4500 DOC

1120 Substance Abuse

**Objective 3: Increase the community interaction of DART program participants by 50% by the year 1999.**

| Measure                                                                                                                      | Actual  |         |         |         |         | Estimated | Expected | Expected |
|------------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                                                                                              | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b><br>Number of participatory visits with DART volunteers<br>(comprehensive measure under development) | n/a     | n/a     | n/a     | n/a     | n/a     | n/a       | n/a      | n/a      |
| <b>Performance Measures:</b><br>Number of active DART volunteers<br>(comprehensive measure under development)                | n/a     | n/a     | n/a     | n/a     | n/a     | n/a       | n/a      | n/a      |

**Current Situation:**

The state plans to accomplish this objective by maximizing the application of DART volunteer services throughout the North Carolina prison system. It is assumed that furthering the involvement of DART participants with DART volunteers will serve to facilitate the development of self-help recovery skills. It is also assumed that such involvement serves to further the offender's positive reintegration into the community.

**Note:** *These measures remain under development pending clarification of operational definitions for "participatory visits" and categories of volunteers.*

**Funds:**

4500 DOC  
1120 Substance Abuse



## PRIVATE PRISON TREATMENT BEDS

### PURPOSE

- PROVIDE THERAPEUTIC LONG-TERM (6-12 MONTHS) RESIDENTIAL TREATMENT FOR NON-ASSAULTIVE OFFENDERS.
- PROVIDE TRANSITIONAL SERVICES TO OFFENDERS TO REDUCE RECIDIVISM.

### CHARACTERISTICS

- PROGRAM IS CONTRACTED WITH PRIVATE VENDORS – GOAL IS \$55 A DAY AVERAGE COST.
- PROGRAMS MUST MEET CORRECTIONAL STANDARDS FOR A MINIMUM SECURITY PRISON; BEDS ARE COUNTED IN PRISON BED CAPACITY.
- SELECTION PROCESS (1) IDENTIFIED AS NEEDING TREATMENT DURING DIAGNOSTIC/INTAKE. (2) SCREENED BY SUBSTANCE ABUSE PROGRAM STAFF.
- TREATMENT PLANS ARE 6 TO 12 MONTHS AND AFTERCARE.
- LAST PHASE OF TREATMENT PARTIALLY IN COMMUNITY -- WORK RELEASE, EDUCATION, ETC.
- 5-YEAR CONTRACTS; DOC GUARANTEES 90% OF CAPACITY.
- TO-DATE, 25% OF PARTICIPANTS HAVE BEEN UNFAVORABLY DISCHARGED AND TRANSFERRED TO ANOTHER PRISON (E.G. Drug use; disciplinary problems etc.)

### FUNDING HISTORY

#### (1) 1994 CRIME SESSION

- 50% OF FUNDS FOR 500 BEDS APPROPRIATED - \$5,173,367

#### (2) 1995 LONG SESSION

- CONTINUATION BUDGET WAS \$10,350,627 FOR 500 BEDS; ONE-TIME ONLY REDUCTION in 95-96 OF \$3,500,000 DUE TO DELAYS IN CONTRACTING PROCESS.

#### (3) 1996 SHORT SESSION

- 1996-97 BUDGET ALLOWED \$10.3 MILLION FOR 500 BEDS; ONE-TIME CUT OF \$650,000 TAKEN BASED ON 10/1/96 DATE FOR OPERATING ALL 500 BEDS

(4) 1997-99 CONTINUATION BUDGET

- RESTORES ONE-TIME CUT OF \$650,000 AND RE-ESTABLISHES \$10.3 MILLION FUNDING LEVEL.

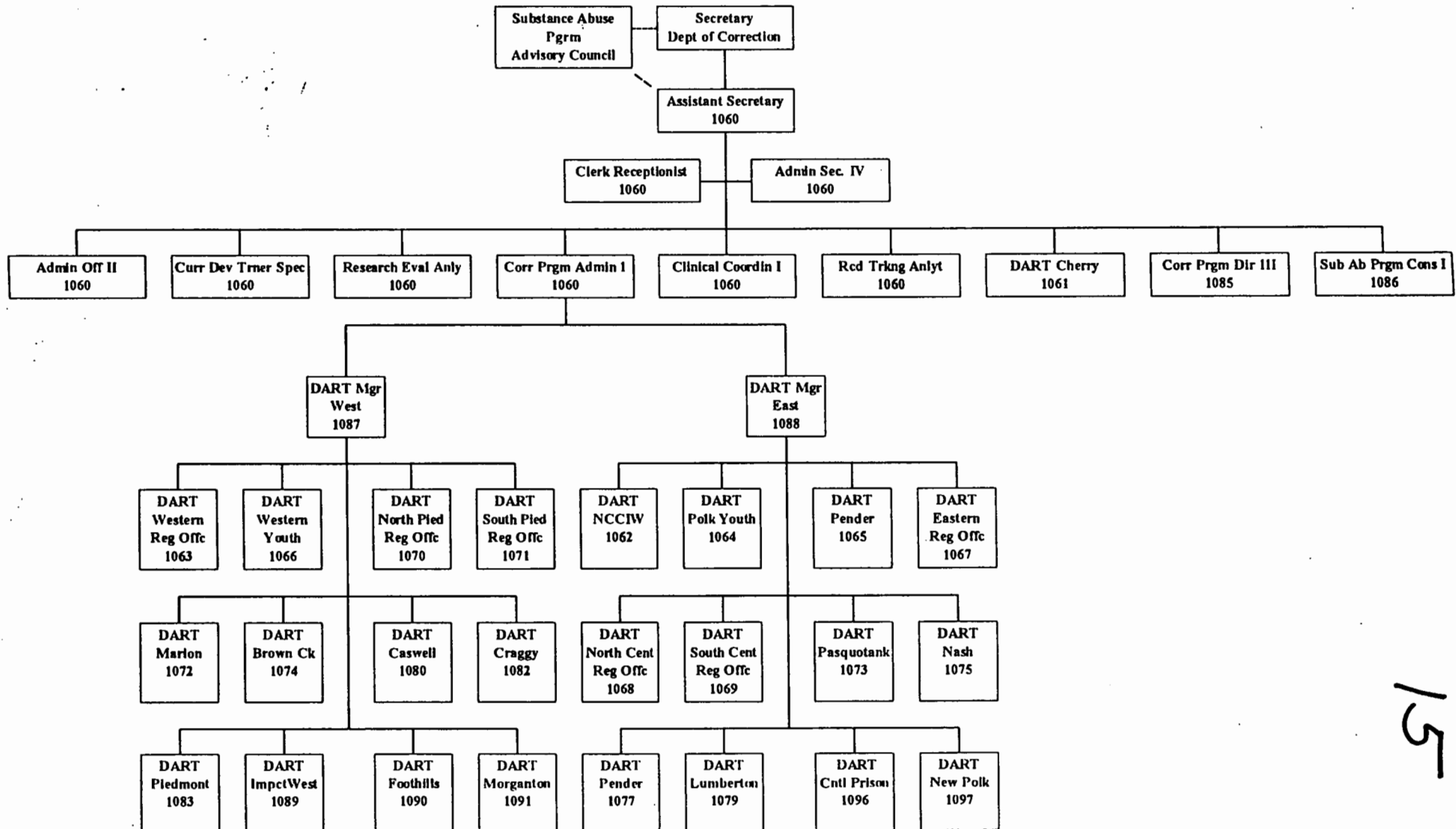
**North Carolina Department of Correction**  
**Division of Alcoholism and Chemical Dependency Programs**  
**Occupied Private Alcohol Treatment Beds**

| <b>Name<br/>Location</b>        | <b>Date<br/>Opened</b> | <b>Contracted<br/>Beds</b> | <b>Inmate Count<br/>02/28/97</b> | <b>Funding<br/>1996-97</b> | <b>Rate<br/>Per Day</b> |
|---------------------------------|------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|
| <b>Cornell<br/>Durham</b>       | <b>12/17/96</b>        | <b>75</b>                  | <b>75</b>                        | <b>\$943,488</b>           | <b>\$46.08</b>          |
| <b>Evergreen<br/>St Pauls</b>   | <b>03/15/95</b>        | <b>75</b>                  | <b>71</b>                        | <b>\$1,505,625</b>         | <b>\$55.00</b>          |
| <b>Mary Frances<br/>Tarboro</b> | <b>03/16/95</b>        | <b>100</b>                 | <b>89</b>                        | <b>\$2,628,000</b>         | <b>\$72.00</b>          |
| <b>Right Turn<br/>Charlotte</b> | <b>09/22/95</b>        | <b>100</b>                 | <b>98</b>                        | <b>\$1,998,375</b>         | <b>\$54.75</b>          |
|                                 |                        | <b>350</b>                 | <b>333</b>                       | <b>\$7,075,488</b>         | <b>\$55.39</b>          |

**PRIVATE PRISON TREATMENT BEDS --  
CURRENT ISSUES**

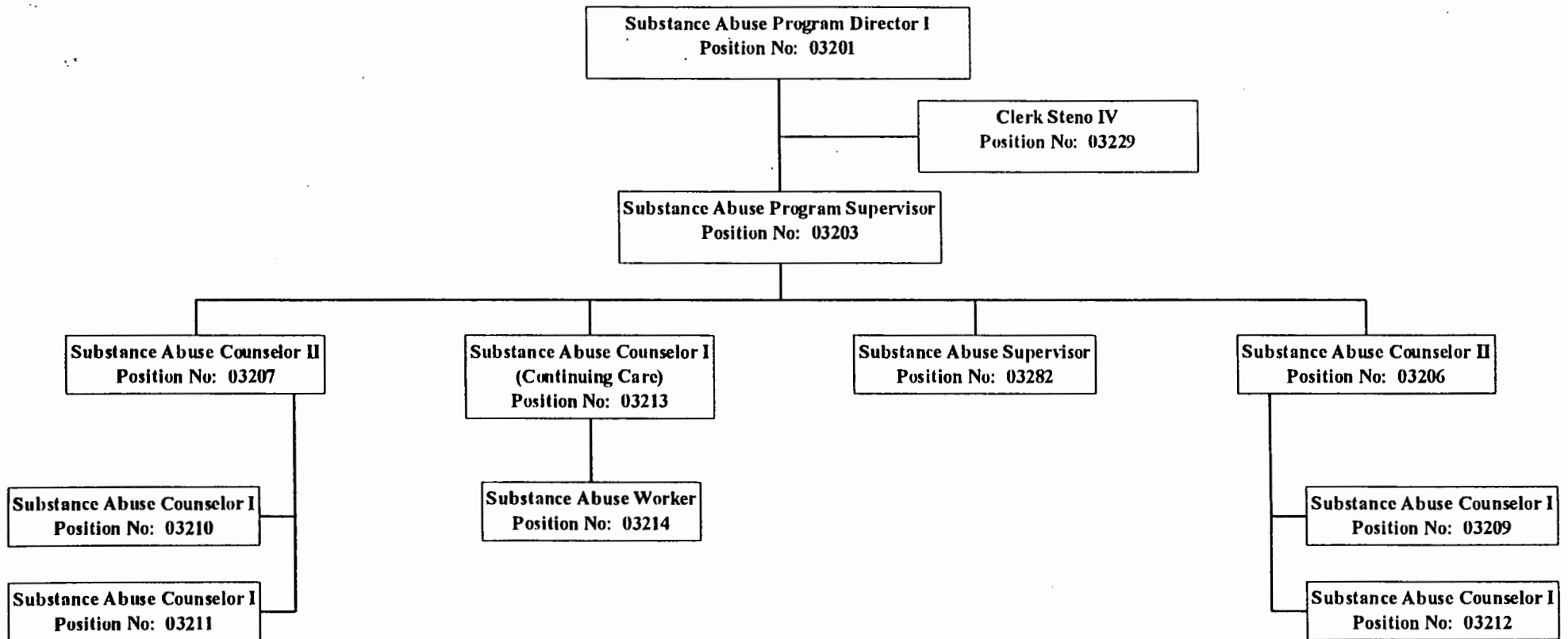
- **150 PRIVATE BEDS --** NEGOTIATIONS FOR FINAL 150 PRIVATE BEDS STALLED BY LAWSUIT SINCE AUGUST 1996. SCHEDULED COURT DATE IS JUNE, 1997. ***SHOULD ANOTHER ONE-TIME NON - RECURRING CUT BE CONSIDERED FOR PART OF 1997-98? (150 BEDS COSTS APPROXIMATELY \$3 MILLION ANNUALLY)***
- ***LONG -TERM ISSUE*** - DUE TO LONGER SENTENCES AND FEWER MINIMUM SECURITY INMATES. ***CAN DOC FILL 500 MINIMUM SECURITY SUBSTANCE ABUSE BEDS OVER THE LONG- TERM?***
- ***TREATMENT ISSUE*** – CONSULTANT STUDY INDICATED PROBLEMS WITH EARLY RELEASE OR PAROLE OF OFFENDERS ASSIGNED TO PRIVATE TREATMENT BEDS. HAS THIS ISSUE BEEN RESOLVED?

North Carolina Department of Correction  
**Division of Alcoholism and Chemical Dependency Programs (1120)**  
 FY 1996-97



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North Carolina Department of Correction  
**Division of Alcoholism and Chemical Dependency Programs**  
DART Marion Correctional Institution (1072)  
FY 1996-97



Revised Date: 12/31/96  
Total No of Positions: 12

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

16

**SENATE AND HOUSE APPROPRIATIONS SUB-COMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY**

Wednesday March 12, 1997 – 15 Minutes After Adjournment  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Presiding    Representative Larry Justus  
                                                                 Representative Gregg Thompson  
                                                                 Representative Joe Kiser

**II. PRESENTATIONS**

- Continue Review of the Department of Correction's Continuation Budget Requests

-- Community Corrections Substance Abuse Programs

Elisa Wolper, Fiscal Analyst

Correction Departmental Staff

- Update on Prison Population Projections and Prison Bed Capacity

Jim Mills, Fiscal Analyst

Correction Departmental Staff

- Update on Out-of-State and Jail Contracts

Jim Mills, Fiscal Analyst

Danny Thompson, Department of Correction

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

-- Follow-up on Members Requests for Information

**IV. ADJOURNMENT**

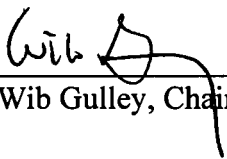
MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
MARCH 12, 1997

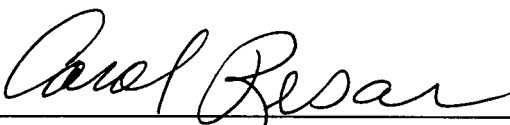
The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met 15 minutes after the Senate and House adjourned for the day on Wednesday, March 12, 1997 in Room 415 of the Legislative Office Building. Ten members were present. In Senator Wib Gulley's absence, Senator Wellons presided.

First, Elisa Wolper, Fiscal Analyst, review for the Subcommittee the handout on Probation, Parole and Community Based Substance Abuse Programs (see attached). Ms. Wolper went into detail about the four substance abuse programs: DART-Cherry Program, Guilford Alamance Pilot Project, DART Aftercare Pilot, and John A. Hyman Substance Abuse Project. Representative Smith asked Ms. Wolper to explain the FIRST STEP Program. Senator Ballance also made several comments regarding the substance abuse programs and the need for these programs.

Next, Jim Mills, Fiscal Analyst, gave an overview of the "Prison Population vs. Capacity" handout (see attached). He reminded the Subcommittee that the summary totals do not include the overflow in county jails. Mr. Mills also went over the Sentencing and Policy Advisory Commission Population Projections. Mr. Rob Lubitz of the Sentencing Commission, Mr. Gregg Stahl's with the Department of Corrections and Ms. Tracy Herring from the Parole Commission answered questions from the Subcommittee regarding this handout. Senator Wellons voiced the concern that when there is excess prison beds, the fiscal notes on bills show no impact. Mr. Mills replied that the cost of a prison bed could be included in the fiscal note to show how much the bill would cost even if there are excess prison beds.

The meeting was adjourned at 5:30 p.m.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk





# **PROBATION, PAROLE AND COMMUNITY BASED SUBSTANCE ABUSE PROGRAMS**

Overview, March 11, 1997

## FUNDING SUMMARY

### SUBSTANCE ABUSE PROGRAMS FOR PAROLEES AND PROBATIONERS

| PROGRAM                  | 1995-6 actual      | 1996-7 auth        | 1996-7 ytd         | 1997-98 rec        |
|--------------------------|--------------------|--------------------|--------------------|--------------------|
| DART-Cherry              | \$2,368,216        | \$3,219,857        | \$1,761,150        | \$3,219,857        |
| John Hyman               | \$100,000          | \$250,000          | \$125,000          | \$250,000          |
| DART-aftercare           | \$0                | \$375,000          | \$6,775            | \$0                |
| Guilford-Alama.<br>pilot | \$36,728           | \$184,134          | \$61,057           | \$0                |
| <b>TOTAL</b>             | <b>\$2,504,944</b> | <b>\$4,028,991</b> | <b>\$1,953,982</b> | <b>\$3,469,857</b> |

# Description of Programs

- ◆ **DWI facility in Goldsboro (DART-Cherry)** is a 300 bed facility providing 28 day residential substance abuse treatment to parolees and probationers. Its current year budget is \$3.6 Million
- ◆ **The Guilford-Alamance Pilot Project** was established in 1994 to provide for identification, appropriate assessment, 12 month intensive outpatient substance abuse treatment and case management supervision for 100 parolees and high risk probationers. The initial appropriation of \$583,000 has been carried over to the current fiscal year. The pilot ends this year.
- ◆ The 1995 General Assembly appropriated \$125,000 to establish **pilot programs for aftercare** for offenders leaving the Dart-Cherry facility or parolees who had participated in DART in prison. An additional \$250,000 was transferred from the Guilford-Alamance pilot for this year. These funds are used to contract with providers around the state to provide 90 days of outpatient treatment.
- ◆ **The John Hyman Foundation** provides outpatient substance abuse treatment and other prevention and tervention services in a 5 county area in northeastern North Carolina. Originally funded in 1994, their current budget is \$250,000 with an estimated capacity of 100 offenders. .

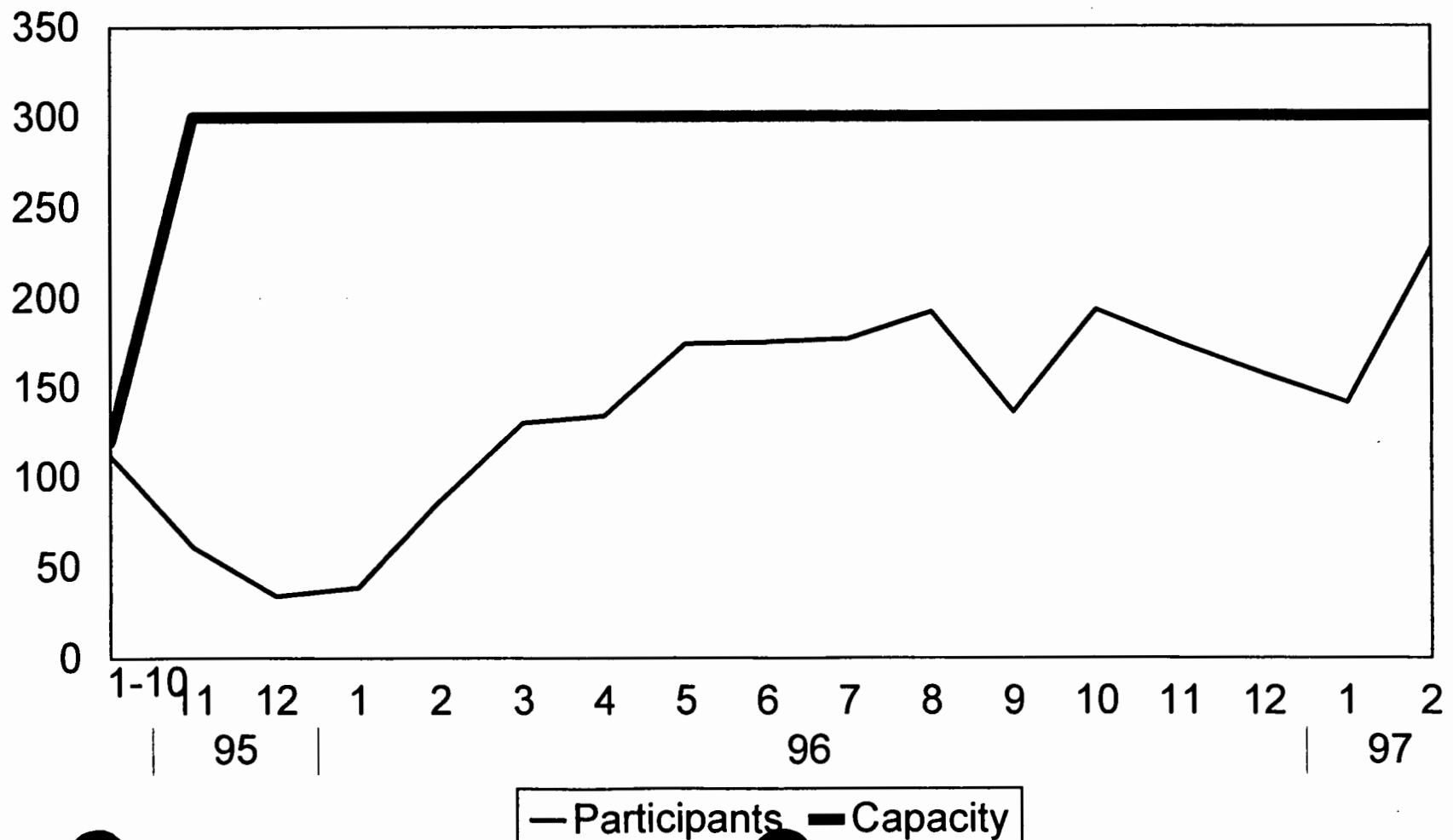
# KEY POINTS

## DART-Cherry Program

- ◆ First Participants July 1989
- ◆ Initial capacity 120, limited to DWI offenders with active sentences/eligible for parole and parolees in danger of revocation due to substance abuse. Referrals based on informal agreement with Parole Commission. Expanded capacity to 300 in November 1995 and began accepting probationers on split sentences
- ◆ Have recently expanded efforts to encourage referrals of probationers
- ◆ Program is 28-day Intensive Substance Abuse Counseling
- ◆ In 1996, 1,967 offenders went through the program; 750 probationers and 1,218 parolees.
- ◆ Current staffing includes 58 program staff, 9 administrative staff and 11 staff for food, maintenance and medical.
- ◆ DOC received \$100,000 this fiscal year from Repairs and Renovations for planning money to plan renovation of the administration building.

# Average Weekly Participants and Capacity

## DWI Facility in Goldsboro



# GUILFORD ALAMANCE PILOT PROJECT

- ◆ This program was established by the 1994 Special Session on Crime with a \$583,000 appropriation to provide 12 months of treatment for 100 offenders.
- ◆ The program included 78 offenders in 1996. Currently, 55 offenders are receiving treatment.
- ◆ Few funds were spent in the first two years and \$433,384 was carried over into the current fiscal year.
- ◆ Section 20.6 in HB53, 1996, allowed the Department to use these funds for other prison or community based substance abuse programs. This year, \$250,000 was transferred to the DART aftercare programs, leaving \$183,384 for the current year.
- ◆ Year to date, \$90,497 has been spent and the program is on target to exhaust these funds at the end of the fiscal year.

# DART AFTERCARE PILOT

- ◆ Originally funded at \$125,000 in 1995-6. Funds were not spent and carried over to this year
- ◆ An additional \$250,000 was transferred from the Guilford Alamance pilot this year.
- ◆ Supervision of the program is a substance abuse consultant included in the DART-Cherry budget.
- ◆ Original concept was to provide offenders returning to the community with vouchers for a set amount of treatment. Instead contracts are negotiated with providers for each offender.
- ◆ For the current year, 19 contracts have been approved for \$195,540 and an additional 8 are pending at \$151,620. These contracts provide 4 hours/week for 12 weeks of outpatient treatment. Currently, 70 offenders are enrolled with an additional 24 expected this month. Remaining funds are adequate to serve an additional 175 offenders leaving prison or DART-Cherry.
- ◆ The pilot ends at the end of this fiscal year.

# John A. Hyman Substance Abuse Project

- ◆ Began November 1993; first client February 1994
- ◆ Funded at \$175,000 (NR) for 1993-4 and at \$100,000 (NR) for 1994-5 and 1995-6 for work in Halifax and Warren County.
- ◆ An additional \$150,000 was appropriated (R) in 1996 to bring the continuation budget amount to \$250,000 per year and allow expansion to Hertford County.
- ◆ Estimated capacity of 100 parolee/probationers
- ◆ Provide quarterly reports to DOC. In the last quarter of 1996, they reported 84 participants. Current staffing is 5 part-time personnel; a director, a counselor, a consultant, a driver and an administrative assistant. Treatment is provided 4 nights a week for 3 hours
- ◆ The program has also contracted to provide up to \$10,000 of treatment to the Drug Treatment Court participants. This additional funding allowed them to expand treatment from 2 to 4 nights per week.



# ISSUES TO CONSIDER

- ◆ Both the Guilford-Alamance and DART aftercare pilots end on June 30th, 1997.
- ◆ There are no formal mechanisms to coordinate the referral of parolees to available slots at DART-Cherry.
- ◆ Pending legislation to increase the penalties for DWI may increase the size of the target population for DART-Cherry.

# Additional Substance Abuse Treatment Options

- ◆ In addition to these programs through DOC's Division of Alcoholism and Chemical Dependency, additional services are available for probationers and parolees.
- ◆ These include programs through the Criminal Justice Partnership Program (\$3 Million for this year), Drug Treatment Courts (\$590,000), and placements through Community Penalties Plans.
- ◆ Other special grant programs that pass through Department of Correction involve substance abuse treatment; Women at Risk, Harriet's House, Summit House.
- ◆ Additional services are available through Treatment Accountability for Safer Communities (TASC) in the Department of Human Resources.

# **DEPARTMENT OF CORRECTION**

## **Budget Overview Substance Abuse Program - Prisons**

**Joint Appropriations Subcommittee on  
Justice and Public Safety**

**March 11, 1997**

**DEPARTMENT OF CORRECTION  
SUBSTANCE ABUSE PROGRAM  
DIVISION OF ALCOHOL AND CHEMICAL  
DEPENDENCY**

**BACKGROUND**

- 1987 GENERAL ASSEMBLY ESTABLISHED DEPARTMENT OF CORRECTION DRUG/ALCOHOL RECOVERY TREATMENT PROGRAM (DART) (G.S. 143B - 264)
  
- PRIMARY OBJECTIVES
  - (1) REDUCTION OF CHEMICAL DEPENDENCY AMONG OFFENDERS
  
  - (2) REDUCE LIKELIHOOD OF RECURRING CRIMINAL ACTIVITY AND RECIDIVISM
  
- THE DIVISION OF PRISONS CONDUCTS DRUG AND ALCOHOL SCREENING AT THE INTAKE AND DIAGNOSTIC PHASE. IN CONJUNCTION WITH THIS PROCESS, THE SUBSTANCE ABUSE PROGRAM ATTEMPTS TO APPROPRIATELY IDENTIFY THE POPULATION OF OFFENDERS IN NEED OF TREATMENT
  
- IN CY 1996, 63% OF OFFENDERS AT PRISON INTAKE WERE IDENTIFIED AS NEEDING TREATMENT.

## PROGRAM DESIGN

2

- PROGRAM GOAL IS A CONTINUUM OF CARE BASED ON NATIONAL RESEARCH INDICATING ONE-TIME TREATMENT NOT VERY EFFECTIVE WITHOUT FOLLOW-UP TREATMENT. THE THREE MAJOR DART PROGRAM COMPONENTS ARE:
  - (1) **DART IN-PRISON BEDS** - DART IN-PRISON 28 DAY INTENSIVE TREATMENT PROGRAM AND 8 TO 12 WEEK STRUCTURED AFTERCARE. DART STAFFING IS A COMBINATION OF PERMANENT DOC SUBSTANCE ABUSE COUNSELORS; DOC CONTRACT COUNSELORS; AND PEER COUNSELORS.
  - (2) **DART PRIVATE PRISON TREATMENT BEDS** - TRANSITION FOR INMATES AT RISK FOR SERIOUS SUBSTANCE ABUSE PROBLEMS — 6 TO 12 MONTHS TREATMENT PLAN INCLUDING COMMUNITY TRANSITION.
  - (3) **DART COMMUNITY BEDS (PROBATION/PAROLE)** - COMMUNITY BASED PROGRAMS FOR PAROLEES AND PROBATIONERS (DWI UNIT IN GOLDSBORO USES 28 DAY DART MODEL); DWI AFTERCARE PILOT; ALAMANCE/GUILFORD)

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AND PRIVATE PRISON UNITS**

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**DEPARTMENT OF CORRECTION  
SUBSTANCE ABUSE TREATMENT PROGRAMS  
(FUND 1120-SUBSTANCE ABUSE)**

| <u>Program</u>                                     | <u>95-96 Expenditures</u>     | <u>95-96 Beds</u> | <u>96-97 Estimated<br/>Budget*</u> | <u>96-97 Beds</u> |
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| 2. DART Regional Offices                           | 505,717<br>(20)               | 0                 | 793,348<br>(23)                    | 0                 |
| 3. DART In-Prison<br>Treatment - <u>NC Prisons</u> | 2,246,235<br>(122)            | 860               | 3,645,040<br>(114)                 | 1,036             |
| 4. DART In-Prison<br>Treatment- <u>Private</u>     | 4,851,097<br>(3)              | 275               | 9,731,916<br>(3)                   | 350               |
| 5. DART - Community -<br>Probation/Parole          | 2,504,944<br>(73)             | 500               | 4,028,991<br>(78)                  | 500               |
| <b>TOTAL</b>                                       | <b>\$11,422,597<br/>(234)</b> | <b>1,635</b>      | <b>\$19,684,164<br/>(240)</b>      | <b>1,886</b>      |

\*Excludes federal grant in 96-97 for "SARGE" Program of \$818,433; includes 19 positions.

**NOTE:** 1997-99 Recommended Continuation Budget is \$19.2 million – decrease from 96-97 primarily due to eliminating Community pilot programs – DWI Aftercare and Alamance/Guilford.

4

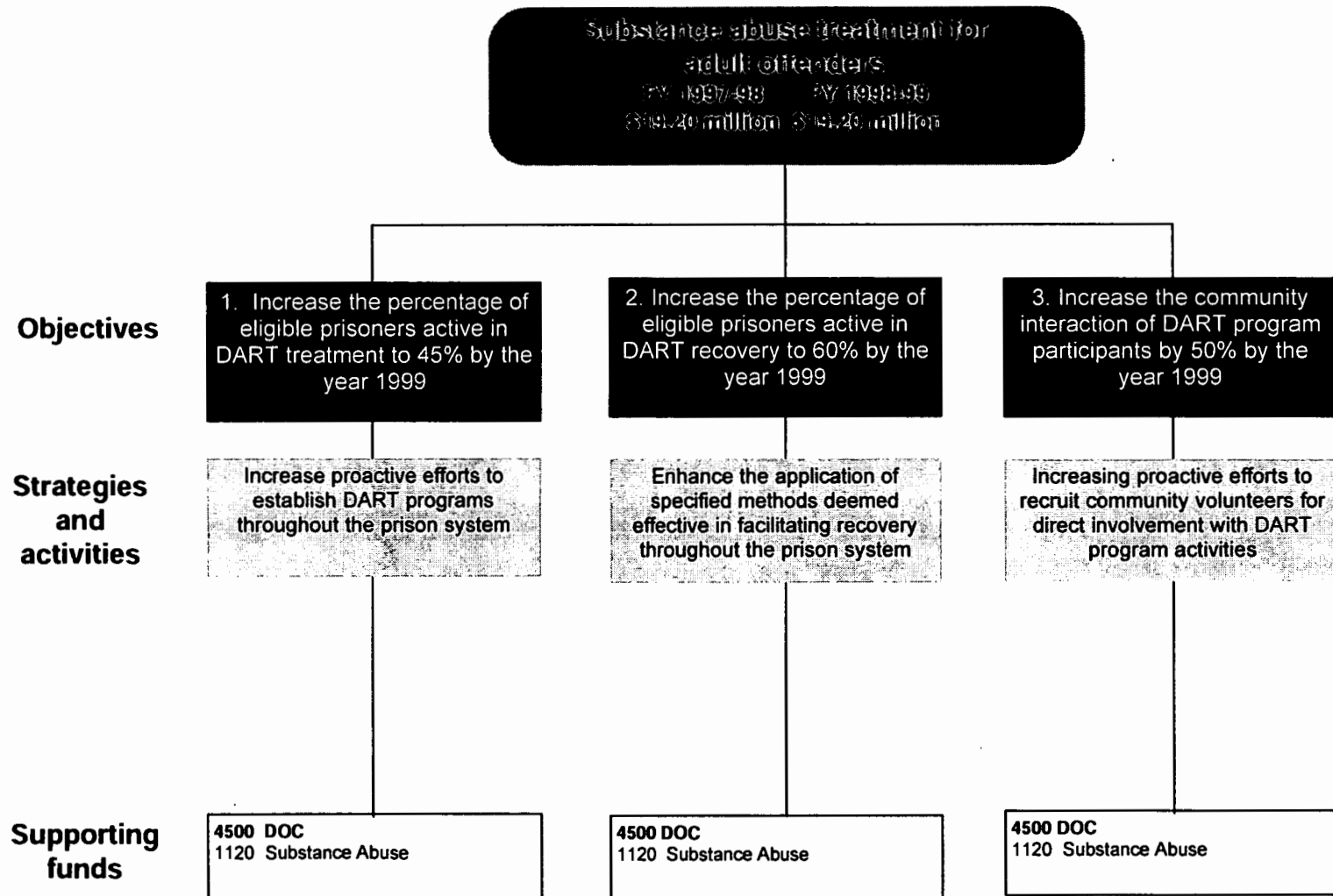
## 1996 EVALUATION STUDY - KEY FINDINGS

- MOST NATIONAL RESEARCH ON EFFECTIVENESS OF SUBSTANCE ABUSE TREATMENT BASED ON COMMUNITY PROGRAMS NOT PRISON-BASED OFFENDERS. ISSUES PARTICULAR TO NORTH CAROLINA ARE BEING REVIEWED NATIONALLY – WHEN TO BEGIN TREATMENT; HOW BEST TO MATCH OFFENDER TO TREATMENT RESOURCES; AND THE OPTIMAL LENGTH OF TREATMENT.
- MOST NATIONAL RESEARCH ON OFFENDERS INDICATES THAT CRIMINAL BEHAVIOR AND DRUG USE IS SIGNIFICANTLY REDUCED WHILE THE INMATE IS IN TREATMENT.
- 28 DAY MODEL (Dart In-Prison) IS FOLLOWING APPROPRIATE PROCEDURES BUT 28 DAY MODEL ALONE HAS NO MEASURABLE LONG-TERM EFFECT WITHOUT FOLLOW-UP; 90 DAYS MORE LIKELY SUCCESS.
- TOO MANY STAFF VACANCIES IN DART IN-PRISON PROGRAMS.
- NORTH CAROLINA ON RIGHT TRACK WITH “CONTINUUM OF CARE”.
- PRIVATE PRISON TREATMENT PROGRAM -- TOO NEW TO EVALUATE’ MODEL SIMILAR TO SUCCESSFUL “THERAPEUTIC” PRISONS IN OTHER STATES. MAJOR ISSUE TO BE RESOLVED IS TO DETERMINE CRITERIA FOR SELECTING INMATES TO GO TO THESE PRISONS – PRIVATE PRISONS WERE GETTING REFERRALS OF INMATES CLOSE TO PAROLE OR RELEASE.
- LONGER TERM EVALUATION NEEDED TO DETERMINE TRUE EFFECTIVENESS OF DOC PROGRAMS. THE MOST EXPENSIVE, BUT EFFECTIVE EVALUATION PLAN WOULD INCLUDE TRACKING AND INTERVIEWING CONTROL



GROUPS OF INMATES DURING EACH PHASE OF THE  
CONTINUUM AND AFTER RELEASE ( ESTIMATE AT TIME  
WAS UP TO \$1.5 MILLION; OTHER OPTIONS AS LOW AS  
\$150,000).

## 3400 Substance abuse treatment for adult offenders



**Objective 1: Increase the percentage of eligible prisoners active in DART treatment to 45% by the year 1999.**

| Measure                                                      | Actual  |         |         |         |         | Estimated | Expected | Expected |
|--------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                              | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                     |         |         |         |         |         |           |          |          |
| Percentage of eligible prisoners active in DART treatment    | 16.6%   | 15.6%   | 14.7%   | 18.9%   | 32.0%   | 37.1%     | 43.2%    | 45.4%    |
| <b>Performance Measures:</b>                                 |         |         |         |         |         |           |          |          |
| Number of offenders treated in intensive residential program | 3,248   | 3,213   | 3,300   | 3,583   | 9,600   | 11,135    | 12,945   | 13,634   |
| Number of offenders treated in outpatient programs           | 1,624   | 1,537   | 1,650   | 1,642   | 7,840   | 9,000     | 10,350   | 12,213   |

**Current Situation:**

The state plans to accomplish this objective by maximizing the application of DART treatment services throughout the North Carolina prison system.

**Funds:**

4500 DOC  
1120 Substance Abuse

## 3400 Substance abuse treatment for adult offenders

**Objective 2: Increase the percentage of eligible prisoners active in DART recovery to 60% by the year 1999.**

| Measure                                                  | Actual  |         |         |         |         | Estimated | Expected | Expected |
|----------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                          | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b>                                 |         |         |         |         |         |           |          |          |
| Percentage of eligible prisoners active in DART recovery | 22%     | 23%     | 23%     | 35%     | 45%     | 50%       | 55%      | 60%      |
| <b>Performance Measures:</b>                             |         |         |         |         |         |           |          |          |
| Number of offenders involved in self-help recovery       | 4,600   | 5,697   | 6,000   | 7,596   | 7,880   | 8,000     | 8,400    | 8,750    |

### Current Situation:

The state plans to accomplish this objective by maximizing the application of DART recovery services throughout the North Carolina prison system.

### Funds:

4500 DOC  
1120 Substance Abuse

**Objective 3: Increase the community interaction of DART program participants by 50% by the year 1999.**

| Measure                                                                                                                      | Actual  |         |         |         |         | Estimated | Expected | Expected |
|------------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                                                                                              | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b><br>Number of participatory visits with DART volunteers<br>(comprehensive measure under development) | n/a     | n/a     | n/a     | n/a     | n/a     | n/a       | n/a      | n/a      |
| <b>Performance Measures:</b><br>Number of active DART volunteers<br>(comprehensive measure under development)                | n/a     | n/a     | n/a     | n/a     | n/a     | n/a       | n/a      | n/a      |

**Current Situation:**

The state plans to accomplish this objective by maximizing the application of DART volunteer services throughout the North Carolina prison system. It is assumed that furthering the involvement of DART participants with DART volunteers will serve to facilitate the development of self-help recovery skills. It is also assumed that such involvement serves to further the offender's positive reintegration into the community.

**Note:** These measures remain under development pending clarification of operational definitions for "participatory visits" and categories of volunteers.

**Funds:**

4500 DOC  
1120 Substance Abuse

## PRIVATE PRISON TREATMENT BEDS

### PURPOSE

- PROVIDE THERAPEUTIC LONG-TERM (6-12 MONTHS) RESIDENTIAL TREATMENT FOR NON-ASSAULTIVE OFFENDERS.
- PROVIDE TRANSITIONAL SERVICES TO OFFENDERS TO REDUCE RECIDIVISM.

### CHARACTERISTICS

- PROGRAM IS CONTRACTED WITH PRIVATE VENDORS – GOAL IS \$55 A DAY AVERAGE COST.
- PROGRAMS MUST MEET CORRECTIONAL STANDARDS FOR A MINIMUM SECURITY PRISON; BEDS ARE COUNTED IN PRISON BED CAPACITY.
- SELECTION PROCESS (1) IDENTIFIED AS NEEDING TREATMENT DURING DIAGNOSTIC/INTAKE. (2) SCREENED BY SUBSTANCE ABUSE PROGRAM STAFF.
- TREATMENT PLANS ARE 6 TO 12 MONTHS AND AFTERCARE.
- LAST PHASE OF TREATMENT PARTIALLY IN COMMUNITY -- WORK RELEASE, EDUCATION, ETC.
- 5-YEAR CONTRACTS; DOC GUARANTEES 90% OF CAPACITY.
- TO-DATE, 25% OF PARTICIPANTS HAVE BEEN UNFAVORABLY DISCHARGED AND TRANSFERRED TO ANOTHER PRISON (E.G. Drug use; disciplinary problems etc.)

### FUNDING HISTORY

#### (1) 1994 CRIME SESSION

- 50% OF FUNDS FOR 500 BEDS APPROPRIATED - \$5,173,367

#### (2) 1995 LONG SESSION

- CONTINUATION BUDGET WAS \$10,350,627 FOR 500 BEDS; ONE-TIME ONLY REDUCTION in 95-96 OF \$3,500,000 DUE TO DELAYS IN CONTRACTING PROCESS.

#### (3) 1996 SHORT SESSION

- 1996-97 BUDGET ALLOWED \$10.3 MILLION FOR 500 BEDS; ONE-TIME CUT OF \$650,000 TAKEN BASED ON 10/1/96 DATE FOR OPERATING ALL 500 BEDS

(4) 1997-99 CONTINUATION BUDGET

- RESTORES ONE-TIME CUT OF \$650,000 AND RE-ESTABLISHES \$10.3 MILLION FUNDING LEVEL.

**North Carolina Department of Correction**  
**Division of Alcoholism and Chemical Dependency Programs**  
**Occupied Private Alcohol Treatment Beds**

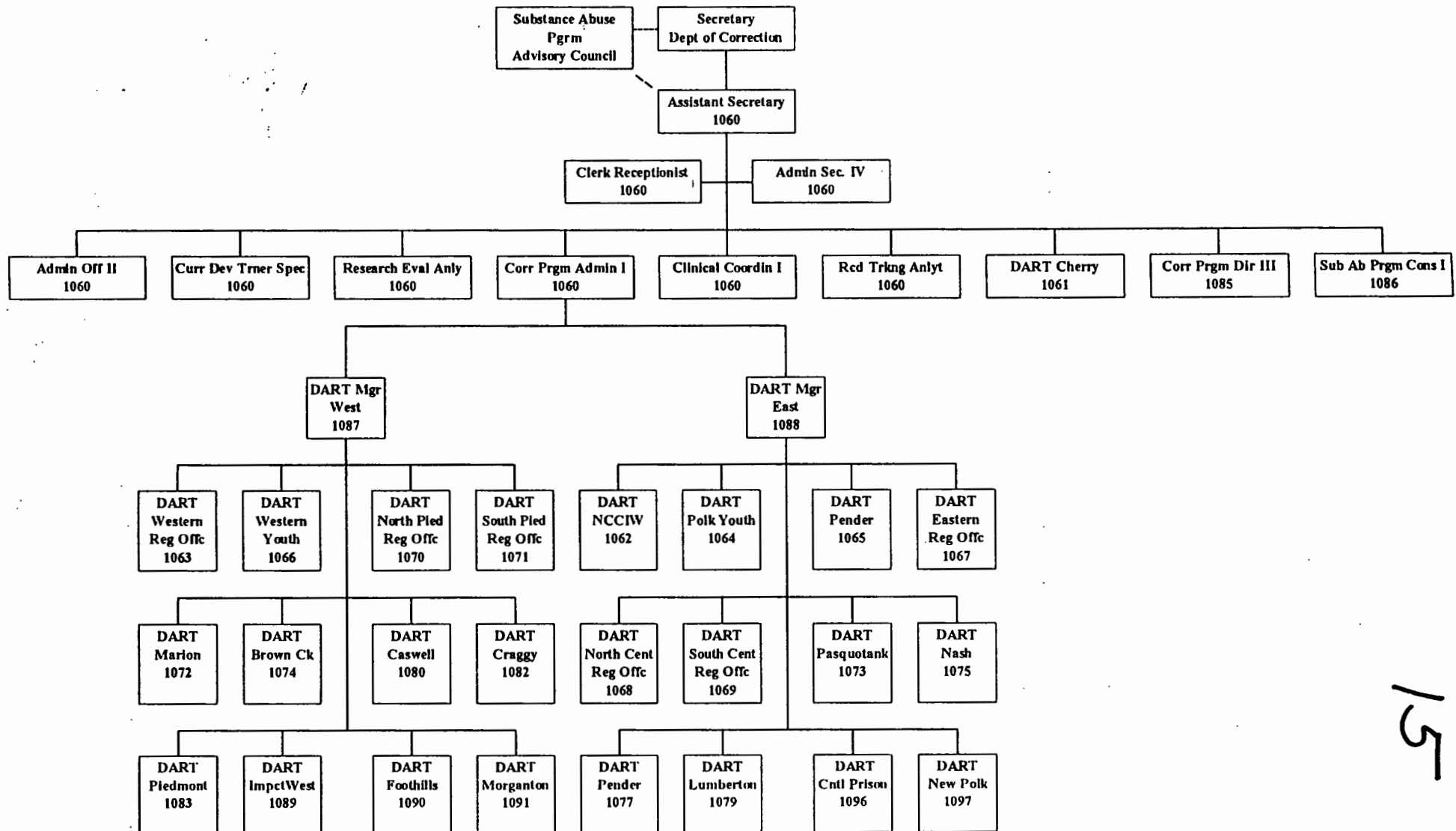
| <b>Name<br/>Location</b>        | <b>Date<br/>Opened</b> | <b>Contracted<br/>Beds</b> | <b>Inmate Count<br/>02/28/97</b> | <b>Funding<br/>1996-97</b> | <b>Rate<br/>Per Day</b> |
|---------------------------------|------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|
| <b>Cornell<br/>Durham</b>       | <b>12/17/96</b>        | <b>75</b>                  | <b>75</b>                        | <b>\$943,488</b>           | <b>\$46.08</b>          |
| <b>Evergreen<br/>St Pauls</b>   | <b>03/15/95</b>        | <b>75</b>                  | <b>71</b>                        | <b>\$1,505,625</b>         | <b>\$55.00</b>          |
| <b>Mary Frances<br/>Tarboro</b> | <b>03/16/95</b>        | <b>100</b>                 | <b>89</b>                        | <b>\$2,628,000</b>         | <b>\$72.00</b>          |
| <b>Right Turn<br/>Charlotte</b> | <b>09/22/95</b>        | <b>100</b>                 | <b>98</b>                        | <b>\$1,998,375</b>         | <b>\$54.75</b>          |
|                                 |                        | <b>350</b>                 | <b>333</b>                       | <b>\$7,075,488</b>         | <b>\$55.39</b>          |



**PRIVATE PRISON TREATMENT BEDS --  
CURRENT ISSUES**

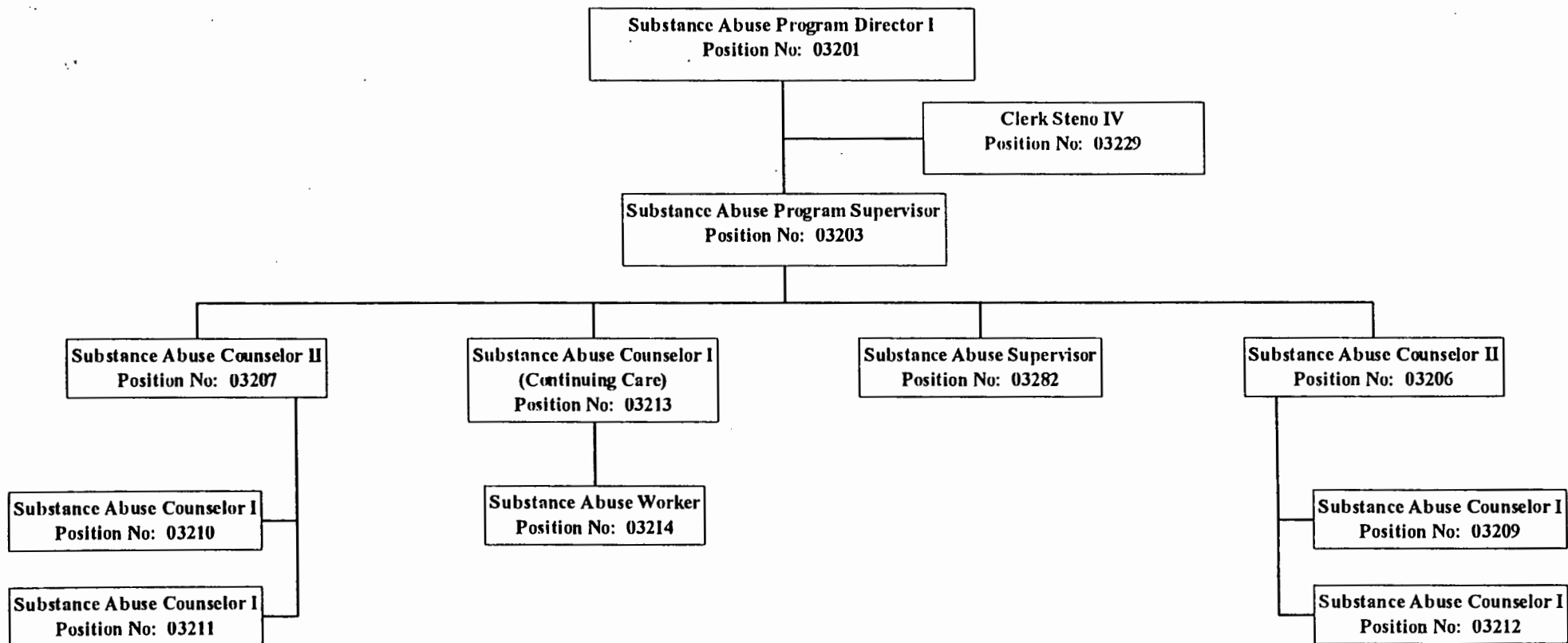
- **150 PRIVATE BEDS --** NEGOTIATIONS FOR FINAL 150 PRIVATE BEDS STALLED BY LAWSUIT SINCE AUGUST 1996. SCHEDULED COURT DATE IS JUNE, 1997. ***SHOULD ANOTHER ONE-TIME NON - RECURRING CUT BE CONSIDERED FOR PART OF 1997-98? (150 BEDS COSTS APPROXIMATELY \$3 MILLION ANNUALLY)***
- ***LONG -TERM ISSUE*** - DUE TO LONGER SENTENCES AND FEWER MINIMUM SECURITY INMATES. ***CAN DOC FILL 500 MINIMUM SECURITY SUBSTANCE ABUSE BEDS OVER THE LONG- TERM?***
- ***TREATMENT ISSUE*** – CONSULTANT STUDY INDICATED PROBLEMS WITH EARLY RELEASE OR PAROLE OF OFFENDERS ASSIGNED TO PRIVATE TREATMENT BEDS. HAS THIS ISSUE BEEN RESOLVED?

North Carolina Department of Correction  
**Division of Alcoholism and Chemical Dependency Programs (1120)**  
 FY 1996-97



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North Carolina Department of Correction  
**Division of Alcoholism and Chemical Dependency Programs**  
DART Marion Correctional Institution (1072)  
FY 1996-97



Revised Date: 12/31/96  
Total No of Positions: 12

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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# **DEPARTMENT OF CORRECTION**

## **OVERVIEW OF PRISON POPULATION VERSUS CAPACITY**

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE  
AND PUBLIC SAFETY**

**MARCH 12, 1997**

## DEPARTMENT OF CORRECTION

### PRISON POPULATION SUMMARY\*

| <b><u>TOTAL POPULATION</u></b>      | <b><u>5/15/95</u></b> | <b><u>3/1/96</u></b> | <b><u>9/1/96</u></b> | <b><u>12/1/96</u></b> | <b><u>3/3/97</u></b> |
|-------------------------------------|-----------------------|----------------------|----------------------|-----------------------|----------------------|
| 1. N. C. PRISONS                    | 24,922                | 29,053               | 28,396               | 28,686                | 29,489               |
| 2. Out-of-State Housing             | 989                   | 1,556                | 1,838                | 1,568                 | 1,041                |
| 3. County Jail Contracts            | 258                   | 418                  | 489                  | 496                   | 502                  |
| 4. Private Prison<br>Treatment Beds | 117<br>(150)          | 251<br>(275)         | 258<br>(278)         | 264<br>(278)          | 336<br>(350)         |
| 5. ECO Halfway House                | -                     | 20                   | 20                   | 20                    | 20                   |
| <b>TOTAL</b>                        | <b><u>26,286</u></b>  | <b><u>31,298</u></b> | <b><u>31,001</u></b> | <b><u>31,034</u></b>  | <b><u>31,388</u></b> |

\*SOURCE: DOC "PRISON DAILY POPULATION SUMMARY"

#### Notes

- Total excludes State prisoners backlogged in County Jails (backlog in county jails changes daily; March 3 figure was 775; with adequate prison capacity, backlog averages 200 to 400 offenders).
- DOC expanded prison capacity, or available beds on 3/3/97 was 29,219 versus population of 31,388.

FRD 3-7-97

**NORTH CAROLINA DEPARTMENT OF CORRECTION**  
**PRISON DAILY POPULATION SUMMARY FOR** 03/03/97  
as of time: 00:28:05

03/04/9  
00:28:0  
PAGE

|                              | SOC         | CNT         | OCC<br>RATE |
|------------------------------|-------------|-------------|-------------|
| <b>INSTITUTIONAL COMMAND</b> |             |             |             |
| CENTRAL PRISON CLO           | 947         | 1263        | 133         |
| CALEDONIA CI CLO             | 636         | 692         | 108         |
| ODOM CI CLO                  | 376         | 489         | 130         |
| TILLERY CC MIN               | 416         | 498         | 119         |
| EASTERN CI CLO               | 408         | 504         | 123         |
| SOUTHERN CI CLO              | 604         | 754         | 124         |
| MCCAIN HOSPITAL MIN          | 329         | 318         | 96          |
| NASH CI CLO                  | 582         | 685         | 117         |
| MARION CI CLO                | 726         | 951         | 130         |
| PASQUOTANK CI CLO            | 864         | 1009        | 116         |
| <b>TOTAL</b>                 | <b>5888</b> | <b>7163</b> | <b>121</b>  |

|                           |             |             |            |
|---------------------------|-------------|-------------|------------|
| <b>GEOGRAPHIC COMMAND</b> |             |             |            |
| <b>EASTERN AREA</b>       |             |             |            |
| CARTERET CC MIN           | 266         | 306         | 115        |
| CURRITUCK CC MED          | 56          | 88          | 157        |
| DUPLIN CC MIN             | 250         | 308         | 123        |
| GATES CC MIN              | 62          | 69          | 111        |
| GOLDSBORO CC MIN          | 64          | 84          | 131        |
| GREENE CC MIN             | 512         | 613         | 119        |
| MARTIN CC MIN             | 52          | 58          | 111        |
| NEW HANOVER CC MIN        | 348         | 439         | 126        |
| WAYNE CC MED              | 364         | 421         | 115        |
| HYDE CC MED               | 176         | 49          | 27         |
| <b>TOTAL</b>              | <b>2150</b> | <b>2435</b> | <b>113</b> |

|                            |             |             |            |
|----------------------------|-------------|-------------|------------|
| <b>GEOGRAPHIC COMMAND</b>  |             |             |            |
| <b>SOUTH PIEDMONT AREA</b> |             |             |            |
| CABARRUS CC MIN            | 164         | 194         | 118        |
| GASTON CC MIN              | 164         | 194         | 118        |
| IREDELL CC MED             | 60          | 120         | 200        |
| LINCOLN CC MED             | 160         | 181         | 113        |
| CHARLOTTE CC MIN           | 214         | 251         | 117        |
| MECKLENBURG CC MIN         | 76          | 136         | 178        |
| ROWAN CC MIN               | 208         | 255         | 122        |
| STANLY CC MED              | 64          | 115         | 179        |
| UNION CC MED               | 64          | 94          | 146        |
| CATAWBA CC MIN             | 164         | 184         | 112        |
| CLEVELAND CC MED           | 64          | 128         | 200        |
| ANSON CC MIN               | 264         | 332         | 125        |
| <b>TOTAL</b>               | <b>1666</b> | <b>2184</b> | <b>131</b> |

## DEFINITIONS

SOC: STANDARD OPERATING CAPACITY  
CNT: POPULATION COUNT  
OCC RATE: OCCUPANCY RATE

|                              | SOC         | CNT         | OCC<br>RATE |
|------------------------------|-------------|-------------|-------------|
| <b>MED INSTITUT. COMMAND</b> |             |             |             |
| CRAVEN CORR. INST MED        | 14          | 4           | 28          |
| PIEDMONT CI MED              | 640         | 816         | 127         |
| BROWN CREEK CI MED           | 832         | 842         | 101         |
| HARNETT CI MED               | 820         | 847         | 103         |
| PENDER CI MED                | 624         | 750         | 120         |
| HOKE CI MED                  | 424         | 566         | 133         |
| SAMPSON CI MED               | 352         | 451         | 128         |
| COLUMBUS CI MED              | 584         | 696         | 119         |
| LUMBERTON CI MED             | 624         | 631         | 101         |
| <b>TOTAL</b>                 | <b>4914</b> | <b>5603</b> | <b>114</b>  |

|                       |             |             |            |
|-----------------------|-------------|-------------|------------|
| <b>CENTRAL AREA</b>   |             |             |            |
| DURHAM CC MIN         | 144         | 169         | 117        |
| FRANKLIN CC MED       | 356         | 477         | 133        |
| JOHNSTON CC MED       | 484         | 636         | 131        |
| ORANGE CC MIN         | 142         | 171         | 120        |
| UMSTEAD CC MIN        | 106         | 140         | 132        |
| WAKE CC MIN           | 354         | 437         | 123        |
| WARREN CI SATELLI MIN | 56          | 55          | 98         |
| ROBESON CC MIN        | 210         | 281         | 133        |
| SCOTLAND CC MIN       | 44          | 66          | 150        |
| SANFORD CC MIN        | 242         | 293         | 121        |
| <b>TOTAL</b>          | <b>2138</b> | <b>2725</b> | <b>127</b> |

|                       |             |             |            |
|-----------------------|-------------|-------------|------------|
| <b>WESTERN AREA</b>   |             |             |            |
| ALEXANDER CC MIN      | 46          | 54          | 117        |
| AVERY CC MED          | 48          | 76          | 158        |
| CALDWELL CC MIN       | 148         | 179         | 120        |
| Craggy CORR. CENT MED | 312         | 404         | 129        |
| HAYWOOD CC MIN        | 34          | 40          | 117        |
| HENDERSON CC MIN      | 42          | 52          | 123        |
| RUTHERFORD CC MIN     | 190         | 236         | 124        |
| WATAUGA CC MIN        | 48          | 76          | 158        |
| WILKES CC MIN         | 206         | 259         | 125        |
| YANCEY CC MED         | 46          | 53          | 115        |
| BUNCOMBE CC MIN       | 104         | 128         | 123        |
| <b>TOTAL</b>          | <b>1224</b> | <b>1557</b> | <b>127</b> |

## DIVISION TOTALS

|                         | STD<br>TOT   | TOT<br>CNT   | OCC<br>RATE |
|-------------------------|--------------|--------------|-------------|
| <b>TOTAL POPULATION</b> | <b>24391</b> | <b>29489</b> | <b>120</b>  |

|                            | SOC         | CNT         | OCC<br>RATE |
|----------------------------|-------------|-------------|-------------|
| <b>SPECIAL/FEMALE COMM</b> |             |             |             |
| NC CI WOMEN CLO            | 754         | 1115        | 147         |
| FOUNTAIN CCW MIN           | 393         | 506         | 128         |
| RALEIGH CCW MIN            | 104         | 142         | 136         |
| BLACK MTN CCW UNK          | 51          | 63          | 123         |
| WILMINGTON RFW MIN         | 26          | 35          | 134         |
| NEUSE CI MIN               | 600         | 846         | 141         |
| EAST WORK FARM SA MED      | 72          | 99          | 137         |
| DAN RIVER PRISON MIN       |             | 17          |             |
| NORTH PIEDMONT CC MIN      |             |             |             |
| <b>TOTAL</b>               | <b>2000</b> | <b>2823</b> | <b>141</b>  |

|                            |             |             |            |
|----------------------------|-------------|-------------|------------|
| <b>NORTH PIEDMONT AREA</b> |             |             |            |
| ALAMANCE CC MIN            | 68          | 78          | 114        |
| CASWELL CC MED             | 354         | 475         | 134        |
| DAVIDSON CC MIN            | 240         | 288         | 120        |
| DAVIE CC MED               | 48          | 85          | 177        |
| FORSYTH CC MIN             | 182         | 221         | 121        |
| SANDY RIDGE CC MIN         | 66          | 72          | 109        |
| GUILFORD CC MIN            | 132         | 139         | 105        |
| RANDOLPH CC MED            | 176         | 220         | 125        |
| STOKES CC MIN              | 68          | 78          | 114        |
| YADKIN CC MIN              | 72          | 80          | 111        |
| <b>TOTAL</b>               | <b>1406</b> | <b>1736</b> | <b>123</b> |

|                       |             |             |            |
|-----------------------|-------------|-------------|------------|
| <b>YOUTH COMMAND</b>  |             |             |            |
| IMPACT YTH CTR-EA MIN | 180         | 157         | 87         |
| IMPACT WEST MIN       | 180         | 123         | 68         |
| FOOTHILLS CI CLO      | 664         | 674         | 101        |
| WESTERN YI CLO        | 676         | 784         | 115        |
| SANDHILLS YC MIN      | 270         | 301         | 111        |
| POLK YI MED           | 340         | 341         | 100        |
| MORRISON YI MED       | 407         | 554         | 136        |
| BLANCH YI CLO         | 80          | 110         | 137        |
| BLUE RIDGE YC MIN     | 64          | 56          | 87         |
| POLK YI(NEW) MED      |             |             |            |
| BLADEN YC MIN         | 144         | 163         | 113        |
| <b>TOTAL</b>          | <b>3005</b> | <b>3263</b> | <b>108</b> |

## ASSIGNED CUSTODY GRADE TOTALS

|         |       |
|---------|-------|
| CLOSE   | 3496  |
| MEDIUM  | 13908 |
| MINIMUM | 12073 |
| OTHER   | 12    |

2

IPTR307 (74)

NORTH CAROLINA DEPARTMENT OF CORRECTION  
 CONTRACTUAL PRISON POPULATION SUMMARY FOR 03/03/97  
 AS OF TIME: 00:26:38

03/04/97  
 00:26:38  
 PAGE 1

| HALF-WAY HOUSE CMD | SOC | CNT | OCC<br>RATE |
|--------------------|-----|-----|-------------|
|--------------------|-----|-----|-------------|

|                    |     |    |    |     |
|--------------------|-----|----|----|-----|
| ECO HALF-WAY HOUSE | MIN | 20 | 20 | 100 |
| CONTRACTUAL TOT    |     | 20 | 20 | 100 |

| IN-STATE JAIL CMD. | SOC | CNT | OCC<br>RATE |
|--------------------|-----|-----|-------------|
|--------------------|-----|-----|-------------|

|                    |     |     |     |     |
|--------------------|-----|-----|-----|-----|
| ALLEGHANY JAIL     | MIN | 45  | 46  | 102 |
| BURKE CATAWBA JAIL | MIN | 100 | 102 | 102 |
| CARTERET JAIL      | MED | 12  | 12  | 100 |
| CUMBERLAND JAIL    | MIN | 42  | 42  | 100 |
| DARE JAIL          | MIN | 69  | 68  | 98  |
| DUPLIN JAIL        | MIN | 38  | 44  | 115 |
| MCDOWELL JAIL      | MIN | 20  | 24  | 120 |
| NORTHAMPTON JAIL   | MIN | 40  | 40  | 100 |
| PERSON JAIL        | MIN | 31  | 30  | 96  |
| WILSON JAIL- MED   | MED | 40  | 31  | 77  |
| WILSON JAIL- MIN   | MIN | 64  | 63  | 98  |
| CONTRACTUAL TOT    |     | 501 | 502 | 100 |

| OUT-OF-STATE COMMAND | SOC | CNT | OCC<br>RATE |
|----------------------|-----|-----|-------------|
|----------------------|-----|-----|-------------|

|                    |     |      |      |     |
|--------------------|-----|------|------|-----|
| GREAT PLAINS CORR  | MED | 560  | 560  | 100 |
| WEST TENNESSEE DET | MED | 480  | 481  | 100 |
| CONTRACTUAL TOT    |     | 1040 | 1041 | 100 |

| PRV. SUB. ABUSE CMD. | SOC | CNT | OCC<br>RATE |
|----------------------|-----|-----|-------------|
|----------------------|-----|-----|-------------|

|                      |     |     |     |     |
|----------------------|-----|-----|-----|-----|
| CORNELL ALCOHOL/TC   | MIN | 75  | 75  | 100 |
| EVERGREEN REHAB CENT | MIN | 78  | 72  | 92  |
| MARY FRANCES CENTER  | MIN | 100 | 89  | 89  |
| RIGHT TURN OF NC     | MIN | 100 | 100 | 100 |
| CONTRACTUAL TOT      |     | 353 | 336 | 95  |

|              |  |      |      |    |
|--------------|--|------|------|----|
| FINAL TOTALS |  | 1914 | 1899 | 99 |
|--------------|--|------|------|----|

4

**NORTH CAROLINA SENTENCING AND POLICY  
ADVISORY COMMISSION**

**Prison Population Projections**

| <b><u>End of<br/>Fiscal<br/>Year</u></b> | <b><u>8/95<br/>Previous<br/>Projection of<br/>Inmates</u></b> | <b><u>2/96<br/>Revised<br/>Projection of<br/>Inmates</u></b> | <b><u>12/96<br/>Revised<br/>Projection of<br/>Inmates*</u></b> |
|------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------------------|
| 96                                       | 32,443                                                        | 33,408                                                       | N/A                                                            |
| 97                                       | 33,676                                                        | 35,522                                                       | 32,849                                                         |
| 98                                       | 33,301                                                        | 33,676                                                       | 31,762                                                         |
| 99                                       | 33,151                                                        | 32,814                                                       | 30,371                                                         |
| 00                                       | 33,434                                                        | 32,466                                                       | 30,060                                                         |
| 01                                       | 33,806                                                        | 32,600                                                       | 30,610                                                         |
| 02                                       | 34,131                                                        | 33,781                                                       | 31,259                                                         |
| 03                                       | 32,947                                                        | 35,163                                                       | 32,051                                                         |
| 04                                       | 36,486                                                        | 36,401                                                       | 32,847                                                         |
| 05                                       | -                                                             | 37,803                                                       | 33,741                                                         |
| 06                                       | -                                                             | -                                                            | 34,630                                                         |

**Source:** Sentencing and Policy Advisory Commission; (Prepared in conjunction with the Department of Corrections Research and Planning Office)

\* 12/96 population projection is the middle ground or "Most Likely Scenario" anticipated by the Sentencing Commission; the Commission also developed a high scenario ("worst case") and low scenario "best possible case" which includes assumption of no paroles.

FRD 3/7/97



SENTENCING COMMISSION POPULATION PROJECTIONS –  
December, 1996

Changes from Previous Projections

- Parole releases higher than expected (original assumption was that very few felons would receive early parole)
- Incarceration rates under Structured Sentencing have been lower than projected – previous assumption assumed 32 % of felons would receive prison sentences; figure is actually 29% in 1995 due to increased use of intensive probation.
- Growth rates for felonies have been adjusted downwards from 3% in the next ten years to 1% per year in the 1997-99 biennium and 2% in subsequent years.
- Misdemeanor rates have been adjusted downwards from 3% to 0% in 1997-98 and 1% in subsequent years.

Populations Projections – Most Likely Scenario

- Fair Sentencing Act (FSA) A-E felons serve entire sentence (less good time, gain time, and 90 days re-entry parole)
- Other Fair Sentencing felons (same as above except 270 days re-entry)
- Fair Sentencing misdemeanants, DWI offenders and other felons (in #2) serve same % of sentence as in 1986.
- Structured Sentencing Act (SSA) felons will serve 111.9 % of minimum sentences and SSA misdemeanants will serve 94.4% (matches first 18 months of SSA)
- Percentage of active (prison) for all SSA sentences will match 1995 rates (with upward adjustment for changes to SSA after 12/95)
- Probation revocation rates match first 6 months of 1996

**PRISON POPULATION VERSUS EXPANDED DOC CAPACITY - NO NEW BEDS  
USING "MOST LIKELY" PRISON POPULATION SCENARIO**

| End of Fiscal Year | Prison Population Projections - Best* | DOC Prison Beds Expanded Capacity** | <u>Beds</u> Over/Under Population | Population Projections Sent. Comm Bills *** | <u>Beds</u> Over/Under Population**** |
|--------------------|---------------------------------------|-------------------------------------|-----------------------------------|---------------------------------------------|---------------------------------------|
| 6-30-97            | 32,849                                | 31,661                              | (1,188)                           | 0                                           | (1,188)                               |
| 6-30-98            | 31,762                                | 34,133                              | +2,371                            | 0                                           | +2,371                                |
| 6-30-99            | 30,371                                | 35,599 (30,389)                     | +5,228                            | 930                                         | +4,298                                |
| 6-30-2000          | 30,060                                | 35,599                              | +5,539                            | 1,307                                       | +4,232                                |
| 6-30-01            | 30,610                                | 35,599                              | +4,989                            | 1,711                                       | +3,278                                |
| 6-30-02            | 31,259                                | 35,599                              | +4,340                            | 2,044                                       | +2,296                                |
| 6-30-03            | 32,051                                | 35,599                              | +3,548,                           | 2,302                                       | +1,246                                |
| 6-30-04            | 32,847                                | 35,599                              | +2,752                            | 2,497                                       | +255                                  |
| 6-30-05            | 33,741                                | 35,599                              | +1,858                            | 2,708                                       | (-850)                                |
| 6-30-06            | 34,630                                | 35,599                              | +969                              | 2,832                                       | (-1863)                               |

\*The Sentencing and Policy Advisory Commission projects three possible scenarios for population projections - low; best; and high; the "best" is the middle ground or most likely scenario.

\*\* Prison expanded capacity represents all prison beds available when currently funded prison construction is completed (also assumes approximately 130% of capacity as of February 19, 1997 as allowed by court consent decrees --100% is standard operating capacity which would be 30,389 on 6/30/99 while expanded capacity would be 35,599 on 6/30/99). The prison bed capacity numbers do not include out of state or jail contract beds or the 2,000 net new beds that would be established if all of the prison projects that received planning and design funds (\$2.3 million) in the 1996 session were fully funded. The planned, unfunded new beds would be primarily close custody for violent offenders.

\*\*\* The Sentencing Commission has recommended 18 bills for consideration by the General Assembly in the 1997 Session. The population numbers in this column reflect the cumulative impact on the prison population if all of these bills were ratified.

\*\*\*\* Assumes all Sentencing Commission bills are ratified as proposed.



**PRISON POPULATION VERSUS EXPANDED DOC CAPACITY - NO NEW BEDS**  
**USING “WORST CASE” PRISON POPULATION SCENARIO**

| End of Fiscal Year | Prison Population Projections - High* | DOC Prison Beds Expanded Capacity** | <u>Beds</u> Over/Under Population | Population Projections Sent. Comm Bills *** | <u>Beds</u> Over/Under Population**** |
|--------------------|---------------------------------------|-------------------------------------|-----------------------------------|---------------------------------------------|---------------------------------------|
| 6-30-97            | 34,073                                | 31,661                              | (2,412)                           | 0                                           | (2,412)                               |
| 6-30-98            | 33,731                                | 34,133                              | +402                              | 0                                           | +402                                  |
| 6-30-99            | 32,076                                | 35,599                              | +3,523                            | 930                                         | +2,593                                |
| 6-30-2000          | 31,361                                | 35,599                              | +4,238                            | 1,307                                       | +2,931                                |
| 6-30-01            | 31,636                                | 35,599                              | +3,963                            | 1,711                                       | +2,252                                |
| 6-30-02            | 32,090                                | 35,599                              | +3,509                            | 2,044                                       | +1,465                                |
| 6-30-03            | 32,752                                | 35,599                              | +2,847                            | 2,302                                       | 545                                   |
| 6-30-04            | 33,443                                | 35,599                              | +2,156                            | 2,497                                       | (-341)                                |
| 6-30-05            | 34,273                                | 35,599                              | +1,326                            | 2,708                                       | (1,382)                               |
| 6-30-06            | 35,125                                | 35,599                              | 470                               | 2,832                                       | (2,362)                               |

\* The Sentencing and Policy Advisory Commission projects three possible scenarios for population projections - low; best; and high; the “high” is the “worst case” scenario. (e.g. no parole and other factors).

\*\* Prison expanded capacity represents all prison beds available when currently funded prison construction is completed (also assumes approximately 130% of prison capacity as of February 19, 1997 as allowed by court consent decrees (100% is standard operating capacity which would be 30,389 on 6/30/99 while expanded capacity would be 35,599 on 6/30/99). The prison bed capacity numbers do not include out of state or jail contract beds or the 2,000 net new beds that would be established if all of the prison projects that received planning and design funds (\$2.3 million) in the 1996 session were fully funded. The planned, unfunded beds would be primarily close custody for housing violent offenders.

\*\*\* The Sentencing Commission has recommended 18 bills for consideration by the General Assembly in 1997 Session. The population numbers in this column reflect the cumulative impact on the prison population if all of these bills were ratified.

\*\*\*\* Assumes all Sentencing Commission bills are ratified as proposed.

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## SECTION I:

SUMMARY OF ALL HOUSING UNITS CONSTRUCTED AND OCCUPIED SINCE 1987 BY CALENDAR YEAR

## SECTION II:

SUMMARY OF ALL HOUSING UNITS UNDER CONSTRUCTION OR FUNDED, BY PLANNED OPENING DATE

| FACILITY NAME                                                                       | INMATE OCCUPANCY BEGINS |       | SECURITY LEVEL | STANDARD OPERATING CAPACITY HOUSING CONSTRUCTED OR FUNDED | ADJUSTMENTS TO CAPACITY | SOC CUMULATIVE CAPACITY INCREASE | EXPANDED CAPACITY PER JUDGE BRITT ORDER 3/28/95 |                     |
|-------------------------------------------------------------------------------------|-------------------------|-------|----------------|-----------------------------------------------------------|-------------------------|----------------------------------|-------------------------------------------------|---------------------|
|                                                                                     | year                    | month |                |                                                           |                         |                                  | CAPACITY ADDED                                  | CUMULATIVE INCREASE |
| SECTION II:                                                                         |                         |       |                |                                                           |                         |                                  |                                                 |                     |
| BLACK MOUNTAIN (add'l bldg)                                                         | 97                      | 3     | MINIMUM        |                                                           | 10                      | 25,089                           | 10                                              | 29,229              |
| a PRIVATE SUBSTANCE ABUSE FACILITIES                                                | 97                      | 3     | COMMUNITY      | 150                                                       |                         | 25,239                           | 150                                             | 29,379              |
| a WARREN CORR INST (GPAC CONSOLIDATION)                                             | 97                      | 3     | MEDIUM         | 312                                                       |                         | 25,551                           | 408                                             | 29,787              |
| Warren closes                                                                       | S/M                     | 97    | 3              | MINIMUM                                                   | (56)                    | 25,495                           | (56)                                            | 29,731              |
| a CRAVEN CORR INST                                                                  | 97                      | 3     | MEDIUM         | 584                                                       | (42)                    | 26,037                           | 670                                             | 30,401              |
| d N PIEDMONT CORR CENTER FOR WOMEN                                                  | 97                      | 3     | MINIMUM        | 104                                                       |                         | 26,141                           | 136                                             | 30,537              |
| MODULAR HOUSING (3units @ 36 SOC)                                                   | 97                      | 3     | MINIMUM        | 108                                                       |                         | 26,249                           | 138                                             | 30,675              |
| b DAN RIVER PRISON WORK FARM                                                        | 97                      | 3     | MINIMUM        | 500                                                       |                         | 26,749                           | 640                                             | 31,315              |
| b POLK (closes-Raleigh)                                                             | 97                      | 3     | MEDIUM         |                                                           | (340)                   | 26,409                           | (340)                                           | 30,975              |
| b POLK YOUTH INST-BUTNER (segregation space)                                        | 97                      | 3     | MEDIUM         | 496                                                       | (48)                    | 26,857                           | 512                                             | 31,487              |
| d POLK YOUTH INST                                                                   | 97                      | 6     | MEDIUM         | 352                                                       |                         | 27,209                           | 416                                             | 31,903              |
| REMAINING MOBILE HOME HOUSING CLOSED                                                | 97                      | 6     | MINIMUM        |                                                           | (242)                   | 26,967                           | (242)                                           | 31,661 ✓            |
| MODULAR HOUSING (20 units @ 28 SOC)                                                 | 97                      | 8     | MINIMUM        | 560                                                       |                         | 27,527                           | 720                                             | 32,381              |
| d IMPACT EAST - FEMALE                                                              | 97                      | 8     | MINIMUM        | 60                                                        |                         | 27,587                           | 60                                              | 32,441              |
| d WARREN CORR INST                                                                  | 97                      | 8     | MEDIUM         | 168                                                       |                         | 27,755                           | 168                                             | 32,609              |
| b TYRRELL PRISON WORK FARM                                                          | 97                      | 9     | MINIMUM        | 500                                                       |                         | 28,255                           | 500                                             | 33,109              |
| CLOSE E. WORK FARM SATELLITE                                                        | 97                      | 9     | MINIMUM        |                                                           | (72)                    | 28,183                           | (76)                                            | 33,033              |
| PRIVATE PRISON - PAMLICO                                                            | 98                      | 2     | MEDIUM         | 500                                                       |                         | 28,683                           | 500                                             | 33,533              |
| d POLK YOUTH INST                                                                   | 98                      | 3     | MEDIUM         | 100                                                       |                         | 28,783                           | 100                                             | 33,633              |
| d PRIVATE PRISON-AVERY/MITCHELL                                                     | 98                      | 5     | MEDIUM         | 500                                                       |                         | 29,283                           | 500                                             | 34,133 ✓            |
| d AVERY MITCHELL GPAC 624                                                           | 98                      | 12    | MEDIUM         | 624                                                       |                         | 29,907                           | 816                                             | 34,949              |
| d CLOSE 3 GPAC (Avery, Watauga, Yancey)                                             | S/M                     | 98    | 12             | MED/MIN                                                   | (142)                   | 29,765                           | (166)                                           | 34,783              |
| d ALBEMARLE 624                                                                     | 98                      | 12    | MEDIUM         | 624                                                       |                         | 30,389                           | 816                                             | 35,599 ✓            |
| a FUNDED BY 1994 SPECIAL SESSION                                                    |                         |       |                |                                                           |                         |                                  |                                                 |                     |
| b FUNDED BY \$87.5 MILLION BOND                                                     |                         |       |                |                                                           |                         |                                  |                                                 |                     |
| d FUNDED BY 1995 LONG SESSION (occupancy dates based on very preliminary estimates) |                         |       |                |                                                           |                         |                                  |                                                 |                     |

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## ISSUES TO CONSIDER IN REVIEWING EXTRA BED CAPACITY

1. Pending Criminal Penalty Bills – Figures showing extra bed capacity assume no additional criminal penalty bills affecting incarceration rates will be ratified, with the exception of Sentencing Commission bills. Realistically, other bills or changes to the Commission bills would use up a portion of the extra bed capacity. **The cumulative impact of any introduced bills should be tracked to ensure that all of the capacity is not used up and that the State has some margin for error.**
2. Type of Bed Needed Versus Type of Bed Available – Many of the extra beds are likely to be minimum security as more offenders are housed in close and medium security beds for longer periods of time because of the seriousness of their offenses. Although speculative, if a criminal penalty bill that significantly increases incarceration rates for more serious offenders were ratified this Session, the type of beds needed to house these offenders may not match the type of bed available in the prison system. The type of beds actually needed in the long-term are close custody – the General Assembly has appropriated planning and design funds, but not construction funds, for new close custody prisons.
3. Expanded capacity at 130% -- In line with court consent agreements, North Carolina is allowed to populate most dormitories at 130% (approx. 35 square feet) versus 100% standard operating capacity. Consideration may be given to operating some prisons now at 130% at a lower expanded capacity.
4. Closing or Converting GPAC Units or Other Older, High Cost Prisons -- Extra capacity may indicate an opportunity to revisit GPAC recommendations or review other older prisons; 14 of 30 GPAC units have not been recommended by the Governor, or the General Assembly for closing or conversion to other uses.
5. Reliability of Sentencing Commission Projections – Projections are based on best available data, but as noted, experience will change assumptions and population projections. Also, national experts are divided over the growth of the crime rate in early part of next century.

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However, the worst case scenario still indicates surplus beds would be available.

## VISITOR REGISTRATION SHEET

O JPS  
Name of Committee

Date

3/12/97 PM

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Chuck Craven

STATE PLANNING

Jacey Herring

Parole Commission

Jimmy Thompson

DOP

Lorey B. Smith

DOP

Mark Chapple

Summit House

# JUSTICE & PUBLIC SAFETY

March 18, 1997 Room 415

HOUSE MEMBERS PRESENT: [10] Representatives Justus, Thompson, Kiser, Redwine, McCrary, Hardy, Kinney, Sexton, Smith, and Crawford

Senate Members Present: [4]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, March 18, 1997 in Room 415 of the Legislative Office Building. Representative Kiser called the meeting to order at 8:35 AM and introduced House Page Leah McFarland, Guilford County, sponsored by Representative Jeffus and Senate Page Lauren Taylor, Duplin County, sponsored by Senator Albertson.

## **Presentations**

- Review of Prison Staffing Patterns  
Joe Hamilton, Acting Deputy Secretary  
Department of Correction
- Review of Inmate Support Budget and Governor's Recommended Budget Adjustment for Inmate food Costs
- Review of Prison Custody and Security Budget  
Jim Mills, fiscal Analyst  
Correction Department Staff

Jim Mills gave an overview of Inmate Support Budget. He reported budget for Department of Correction prison budget for 1997-98 was broken down as follows: Total budget rounded off for security, management, program, education, health and food is \$639.87 million. Total budget authorized versus recommended for laundry, personnel, food, clothing, linen and other for 1996-97 was \$61.3 million, 1997-98 \$67.2 million and 1998-99 \$69.2 million. Recommended budget for 1998-99 is 69.2 million.(See attachment I for breakdown and explanation)

Discussion by Members:

Representative Kiser asked for breakdown of Prison Enterprise Laundry. What kind of profit does it make, cost versus what we actually pay Prison Enterprises for laundry?

Greg Stahl, Department of Correction said report will be furnished of last year's profit.

Representative Redwine asked if there is an increase in cost for Prison Enterprises doing inmate laundry. How do they base cost compared to private business?

Jim Mills said it is an anticipation of growth and the volume of laundry they will do and their own labor cost. Department can elaborate.



Greg Stahl responded that cost per pound ran 25 - 26 cents, private laundry 60 cents to one dollar per pound. He said it may be due to cost of supplies, soaps, also inherited laundries at Broughton and other facilities that were old, may be some replacement of some antiquated laundry equipment. This area is capped and cannot do no more outside businesses than we did in 1977. Will confer with Prison Enterprises.

Greg Stahl reported that Prison Enterprises do as much as possible, do not make enough to provide everything in the full line of clothing for inmates, because of the size of population and are limited to how much they can produce.

Representative Redwine asked where are all the excess purchases that were made some years ago? Are they stored in warehouses and if so what is the cost.

Gregg Stahl responded he would get an answer and report back.

Representative Kiser questioned cost per meal now is .86 cents, had been \$1.04, reduction of 18 cents per meal. How much of this is coming out of Prison Enterprises profit? Will you report back on this?

Representative Thompson asked of the 33,000 inmates, how many require special diets? Is that included in these figures? Are the special diets requested by a physician?

Jim Mills said religious diets are 10% and therapeutic diets are 12%.

Audrey Edminsten said therapeutic is prescribed by physicians. No inmate has a choice to choose what they want. Do not offer selection.

Joe Hamilton gave a brief history on Staffing Patterns/Staffing Standards

As you recall in 1987 most of our facilities were under federal suit, and there was a real fear of federal takeover of Division Prisons because of over crowding and conditions of confinement. Three experts, Charlie Benson, Joe Rowan and Former Commissioner of South Carolina, were called in to review the system. They visited over 50 units where they reviewed custody staffing, programs, food service, medical and mental health areas. The following recommendations were made: Standardize our staffing patterns system wide; provide direct supervision to inmate population by correctional officers, Programs, Custody and Medical Care. Mr. Hamilton reported that staffing is guided by the Mental Health Standards Commission. He said in custody they have direct supervision of the inmate population, dormitory, medium 3-3-3, minimum 1-1-1. Appropriate relief formula adopted from the National Institute of Corrections is basically 1.76. Food Services now have supervisor and food service assistance to provide better supervision of the Inmates which handle food preparation. Adopted new formula for medical based on size with at least one full time RN, staffed at standard operating capacity. In the early 1990's adjusted staffing standards. In Custody reduced staffing in medium dormitories on first shift, reduced staffing in minimum dormitories by reducing first shift staffing,

eliminated supervision in modulars and combined with yard office. New construction purchased for electronic perimeter security systems rather than towers. Programs changed ratios to 1-50, eliminated positions.

Representative Thompson reported that in one of their prior sessions they had approved replacement of five facilities with electronic perimeter security systems, wanted to know if these had been completed.

Mr. Hamiton reported he would report back to committee.

Representative Justus reported that he and Representative Kiser had visited Marion and they were shown how the electronic fencing operated, how they could tell what hit the system such as dog, bear, or human, etc.

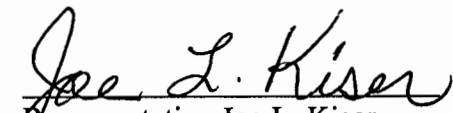
Mr. Hamilton said it was very sophisticated, sensitized to tell you what touches it. Considers it a state of the art. He said it was cost saving versus building towers. He said it shows you exactly where intrusion occurs and can respond immediately.

Representative Sexton said he would like to have an in depth presentation on the 94 million health care cost. Also a presentation on Education.

Jim Mills responded there is a separate line item for these programs, will walk through each of these before we review the budget.

Representative Kiser adjourned the meeting at 9:59 AM. The committee is to report back 15 minutes after today's session.

Attachment I & II

  
Representative Joe L. Kiser  
Chairman

  
Marilyn R. Holder  
Committee Clerk

# ATTENDANCE

March 18th

COMMITTEE: Appropriations Subcommittee on Justice and Public Safety

DATES

NAMES

AM

Sen. Wib Gulley, Chair

✓

Sen. Frank Ballance, Vice-Chair

✓

Sen. Don East, Ranking Minority

✓

Senator John Blust

Senator Tony Rand

Senator Allen Wellons

✓

**SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON**

**JUSTICE AND PUBLIC SAFETY**

Tuesday March 18, 1997 – 8:30 a.m.  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley

Representative Larry Justus  
Representative Gregg Thompson  
Representative Joe Kiser, Presiding

**II. PRESENTATIONS**

- Review of Prison Staffing Patterns

Joe Hamilton, Acting Deputy Secretary  
Department of Correction

- Review of Inmate Support Budget and Governor's Recommended Budget  
Adjustment for Inmate Food Costs

Jim Mills, Fiscal Analyst

Correction Department Staff

- Review of Prison Custody and Security Budget

Jim Mills, Fiscal Analyst

Correction Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

[illegible]

# **DEPARTMENT OF CORRECTION**

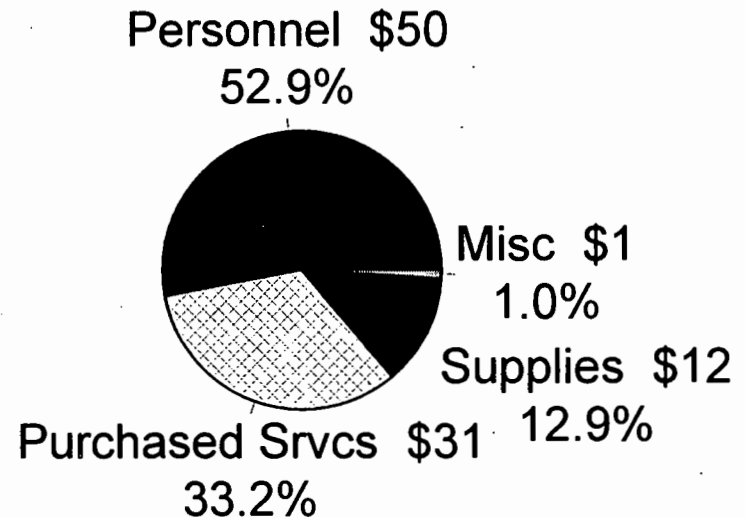
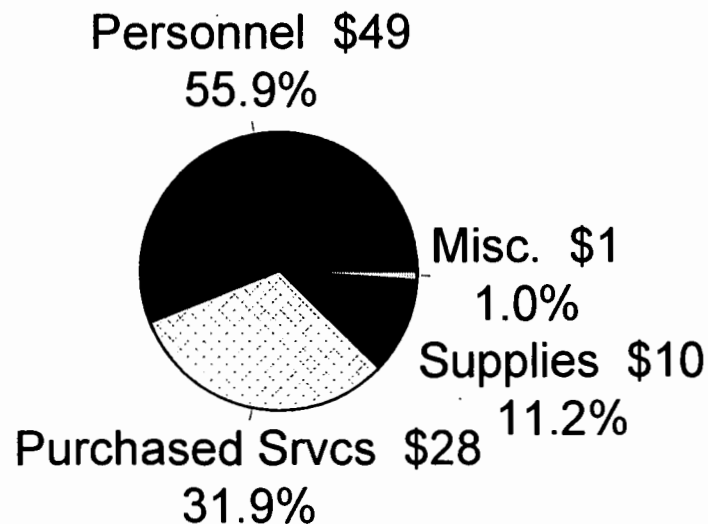
## **REVIEW OF INMATE HEALTH SERVICES BUDGET -- DIVISION OF PRISONS**

**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE  
AND PUBLIC SAFETY**

**March 18, 1997**

# Department of Correction Inmate Health Services Budget - Prisons

1996-97 Authorized versus 1997-98 Recommended (Dollars  
in millions)\*

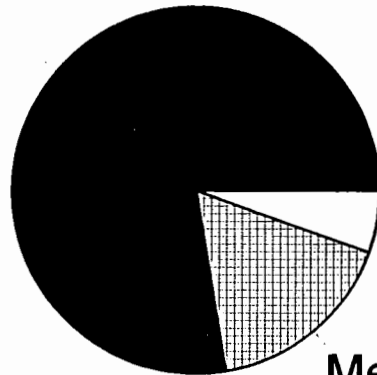


\*Total Budget-- 1995-96: \$74.76 M; 1996-97: \$88.57m; 1997-98: \$93.7m; 1998-99: \$94.4m (Source: VOL. 4 JPS Budget Document)

# Department of Correction Inmate Health Services Budget by Type

## 1995-96 Actual Expenditures versus 1996-97 Authorized\*

Gen Hlth \$59  
77.5%

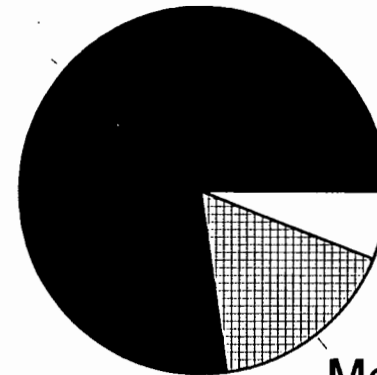


Dental \$4  
5.4%

Mental Hlth \$13  
17.1%

1995-96

Genl Hlth \$71  
77.2%



Dental \$5  
5.9%

Mental Hlth \$16  
16.9%

1996-97

\* (Dollars in millions) Total Budget is \$76.58M in 95-96; 1996-97 Authorized is \$92.06million as of 1/97 (with legislative salary increase)

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DEPARTMENT OF CORRECTION  
INMATE HEALTH SERVICES BUDGET

Program Overview

The Department of Correction provides inmates with General Medical Services; Mental Health Services; and Dental Services. The DOC is required to provide the level of health care necessary to diminish pain and suffering not elective surgery or treatment. The General Statutes direct DOC to prescribe standards for health services to prisoners including preventive, diagnostic and therapeutic measures and requires the Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services to adopt standards for delivery of mental health and mental retardation services to inmates (G.S. 148-19)

North Carolina Administrative Code charges the Director, Division of Prisons, with the responsibility of providing each prisoner "the services necessary to maintain basic health." (West vs. Atkins 487 U.S. 42, 108 S. Court (1988)) "The Department of Correction has a duty to provide adequate medical care to inmates in its custody" (Medley versus North Carolina (1992)).

Other basic information includes:

- There are five prisons with non-acute Mental Health Units with a total of 402 beds, 94 staff, and 28 contracts with private providers (see **Attachment**).
- Central (144 beds) and NCCIW (144 beds) operate acute care Mental Health Units. (See **Attachment**).
- Five prisons (including NCCIW and Central) operate Medical Units with a total 355 beds, 282 staff, and 178 individual contractors. Only McCain and Central provide "hospital" level services (See **Attachment**).
- There are 30 dental clinics spread system-wide.

- Admissions – Each inmate receives a physical; a mental health screening; HIV Risk Assessment; TB Test; and certain immunizations
- Average cost per inmate has remained stable even as population has grown – average of \$2,743 per inmate over last three years with actual decline in per inmate cost since 1994-95.

• **Actual Expenditures have grown from \$52,818,890 in 1992-93 to \$74,764,300 in 1995-96. Prison population has grown approximately 43% in this same time period.**

#### Major Budget Actions 1995-97

The General Assembly authorized a \$5,000,000 reduction in the Health Services Budget for each year of the biennium. The reduction was based partially on recommendations of a 1994 State Auditor Study which included:

- Develop a long-range Health Services Plan (**Completed**) and reorganize the Health Services function (**In Progress**)
- Upgrade and/or Expand certain prison medical facilities (e.g. Central and McCain); Develop new contract with Dorothea Dix for hospitalization of inmates certain services (**Being Negotiated**); eliminate staff at units with less than 100 inmates (**In progress**; cuts made at GPAC units closed or converted last year).
- Hire more full-time physicians rather than use numerous contractors (**In progress – See Attachment**)
- Use prison hospitals and infirmaries for all non-emergency inmate medical care and negotiate preferred provider contracts (**In progress** – some contracts negotiated and utilization review staff hired that must approve all special procedures and review inmate condition after emergency before determining whether to bring inmate back to prison system or go to outside hospital).

- 5
- Revise Pharmacy operations – close/expand and reduce at various units
  - Establish Inmate Co-Pay requirements (**Inmate co- pay starts April 1, 1997**).

The bulk of the \$5,000,000 reduction was in two areas: (1) Reduction in costs of general medical services provided by non-prison hospitals and special services (X-Rays Ambulance etc.) and (2) drug supplies (\$1.5 million reduction in 96-97)

In addition to the \$5 million reduction, another \$250,000 was reduced based on use of \$1.00 for inmate initiated general medical visits (sick call). In practice, the Division is planning to charge a \$3.00 co-pay in for general visits and \$5.00 for emergencies in order to generate the \$250,000 reduction. The primary purpose of the co-pay is to ensure health services are utilized by inmates who are truly sick.

#### DOC Long Range Health Services Plan

A consultant was hired to prepare a long-range DOC Health Plan. Key findings of the November, 1996 consultant study were:

1. Too much dependence on outside service providers for diagnostic and certain procedures
2. Cost of transporting inmates very expensive (\$125 staffing cost per occurrence) versus having services in-house)
3. Hire more full-time physicians and fewer contractors.
4. Lack of inpatient beds – at least 75 needed now; Central Prison Hospital always full and facility and equipment very dated. Other prison hospital beds often near capacity.
5. Organization structure should be flattened and regionalized.

6. Develop more regional medical centers (Major capital expenditures – estimated at \$96 million dollars based on previous population projections)

Major Changes to Continuation Budget for 1997-99

**Overall Change -- Increase of \$5.25 million** in 1997-98 over 1996-97 authorized budget.

1. Reduction of 7 positions and support costs (\$340,000) to implement GPAC unit reductions.
2. Drug/Pharmacy Supplies – Allowable inflation increases budget by \$2 million each year.
3. Hospital Provided Services – Increase of \$2.858 million in 97-98 and \$3.37 million in 1998-99 due to annualization of new facilities; inflation; and increases in some contract costs (primarily annualize contract with private medical provider for Pasquotank and Hyde Correctional Centers - \$733,000 in 1997-98 and \$1,168,243 in 1998-99).

***ISSUE – SHOULD HEALTH SERVICES BUDGET FOR 1997-99 BE REVIEWED IN RELATION TO (1) ADMISSIONS (2) ACTUAL AND PROJECTED POPULATION AND (3) TYPE OF POPULATION --***

Inmate admissions are down since peak in 1993, which may reduce the number of health screenings at intake. Also, prison population is likely to stabilize during biennium; however, more offenders will be in the system for longer periods of time.

**For FY's 1995-96, and Thru Dec. 31, of FY 1996-97**

[illegible]

**(2) 1330 PRISON HEALTH**

**6. Program Statistics**

|           |                                    | <b>(Calendar Years)</b> |                    |                          |
|-----------|------------------------------------|-------------------------|--------------------|--------------------------|
| <b>a.</b> | <b>Number of inmates treated -</b> | <b><u>1995</u></b>      | <b><u>1996</u></b> | <b><u>1997 (Est)</u></b> |
|           | Health Screenings                  | 80,493                  | 78,399             | 92,511                   |
|           | Intake Medical Exams               | 22,050                  | 21,567             | 25,449                   |
|           | Other Physical Exams               | 98,630                  | 102,428            | 120,865                  |
|           | Nurse Sick Call Assessments        | 338,198                 | 342,293            | 403,906                  |
|           | Visits to Physician Extender       | 42,417                  | 40,448             | 47,729                   |
|           | Visits to MD                       | 76,021                  | 79,284             | 93,555                   |

**b. Number Cases of AIDS and TB Treated:**

|      | <b><u>1995</u></b> | <b><u>1996</u></b> | <b><u>1997</u></b> |
|------|--------------------|--------------------|--------------------|
| AIDS | NR                 | 173                | 204                |
| TB   |                    | 11                 | 13                 |

**c. Average Cost per Inmate for all 1330 Services:**

| <b><u>1994/95</u></b> | <b><u>1995/96</u></b> | <b><u>96/97(Est)</u></b> |
|-----------------------|-----------------------|--------------------------|
| 2,757                 | 2,732                 | 2,740                    |

**Cost per Major Disease Entity:**

|                                                |         |         |         |
|------------------------------------------------|---------|---------|---------|
| TB                                             | 247,440 | 22,572  | 26,635  |
| HIV                                            | 172,241 | 229,400 | 270,692 |
| Hypertensive/Renal Disease                     | 98,394  | 15,932  | 18,800  |
| Acute MI                                       | 214,156 | 254,040 | 299,767 |
| Ischemic Heart Disease                         | 153,813 | 185,566 | 218,968 |
| Heart Disease                                  | 94,044  | 70,505  | 83,196  |
| Pneumonia                                      | 154,560 | 90,558  | 106,858 |
| Asthma                                         | NR      | 47,712  | 56,300  |
| Diseases of Stomach,<br>Esophagus and Duodenum | 155,610 | 53,212  | 62,790  |
| Acute Appendicitis                             | 62,985  | 92,400  | 109,032 |
| Hernia                                         | 29,160  | 25,691  | 30,315  |
| Diseases of Pancreas                           | 37,632  | 30,208  | 35,645  |
| Cholelithiasis                                 | 52,030  | 75,790  | 89,432  |
| Pregnancy Complications                        | 58,344  | 110,682 | 130,605 |
| Obstetrics                                     | 78,390  | 75,723  | 89,353  |

## MENTAL HEALTH UNITS WITH SPECIALIZED PROGRAMS

### 1330 PRISON HEALTH

#### 2. List of DOC Health Units by location with estimated budget, # beds, # staff at each unit or any regional staff

|                             | EASTERN CI                             | HOKE CI                                | FOOTHILLS CI                           | BROWN CREEK CI                         | PENDER CI                              |
|-----------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| # MH BEDS                   | 86                                     | 72                                     | 90                                     | 78                                     | 66                                     |
| #MH STAFF                   | 16                                     | 32                                     | 26                                     | 11                                     | 9                                      |
| # MH CONTRACTS              | 6                                      | 2                                      | 10                                     | 4                                      | 6                                      |
| MH CONTRACT<br>HRS PER WEEK | 8-40 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL |
|                             |                                        |                                        |                                        |                                        |                                        |
|                             |                                        |                                        |                                        |                                        |                                        |

**EASTERN CORRECTIONAL INSTITUTION** - Provides rehabilitative mental health care to inmates who have completed stabilization at the acute treatment unit at Central Prison and are not yet ready to return to the regular prison population.

**HOKE CORRECTIONAL INSTITUTION** - Provides rehabilitative mental health care to inmates who have completed stabilization at the acute treatment unit at Central Prison and are not yet ready to return to the regular prison population.

**FOOTHILLS CORRECTIONAL INSTITUTION** - Provides rehabilitative mental health care to inmates who have completed stabilization at the acute treatment unit at Central Prison and are not yet ready to return to the regular prison population.

**BROWN CREEK CORRECTIONAL INSTITUTION** - Provides long term care and social skills training to inmates with a history of severe persistent mental illness that are not capable of functioning in the regular prison population.

**PENDER CORRECTIONAL INSTITUTION** - Provides social skills and vocational training to inmates with low intellectual functioning.

## ACUTE CARE MENTAL HEALTH FACILITIES

1330 PRISON HEALTH2. List of DOC Health units by location with estimated budget, # beds, # staff at each unit or any regional staff.

|                                       | NC Correctional Institution for Women | Central Prison                     |
|---------------------------------------|---------------------------------------|------------------------------------|
| # Mental Health Beds                  | 28                                    | 144                                |
| # FT Mental Health Staff              | 45                                    | 82                                 |
| # Mental Health Contracts             | 6                                     | 7                                  |
| Mental Health Contract Hours Per Week | 8-20 Hrs. Per Week Per Individual     | 8-32 Hours Per Week Per Individual |
| Inmate Population                     | 1,100                                 | 1,215                              |
|                                       |                                       |                                    |

**North Carolina Correctional Institution for Women** - Provides acute stabilization and longer term rehabilitative services for female inmates requiring these levels of mental health services.

**Central Prison** - Provides acute mental health stabilization for male inmates.



## DOC MEDICAL UNITS

### 1330 PRISON HEALTH

#### 2. List of DOC Health units by location with estimated budget, # beds, # staff at each unit or any regional staff.

|                              | Piedmont Corr.<br>Institution          | N.C. Correctional<br>Center for Women                                  | Western Youth<br>Institution         | McCain<br>Correctional<br>Hospital              | Central Prison                                                                                         |
|------------------------------|----------------------------------------|------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Number of Medical<br>Beds    | 14                                     | 28                                                                     | 10                                   | 237                                             | 66                                                                                                     |
| Number FT Medical<br>Staff   | 22                                     | 71                                                                     | 15                                   | 82                                              | 92                                                                                                     |
| # Contract Medical<br>Staff  | 23                                     | 20                                                                     | 2                                    | 61                                              | 72                                                                                                     |
| # Contract Hours<br>Per Week | 8 - 32 Hrs, Per Week<br>Per Individual | 2-32 Hrs. Per Week<br>Per Individual                                   | 2-32 Hrs. Per Week<br>Per Individual |                                                 | 8-32 Hrs. Per Week<br>Per Individual                                                                   |
| Inmate Population            | 830                                    | 1100                                                                   | 783                                  |                                                 | 1215                                                                                                   |
| Comments                     | Includes Diagnostic<br>Center          | Diagnostic Center.<br>Infirmary serves all<br>female inmates<br>(1850) | Diagnostic Center                    | Serves all Minimum<br>Custody Males<br>(11,054) | Diagnostic<br>Center/Hospital<br>Services. All<br>Medium/Close/Max<br>Custody Male<br>Inmates (16,456) |

\* Actual expenditures reports for these sections are not available because Office of State Controller is revising on-line reports.

The Continuation Budget includes reserves for new Probation Parole staff due to structured sentencing. The amount included in the budget for officers for structured sentencing :

|  | 1997-8      | 1998-9       |
|--|-------------|--------------|
|  | \$9,549,573 | \$12,315,613 |

to fund 124 new regular officers, 46 new intensive teams, 16 Chief Probation Parole Officers and 16 Clerks in 1997-8 and an additional 9 intensive teams and 1 each of Chief Probation Parole Officers and Clerks would be added for 1998-9.

- This budget figure would allow officers supervising offenders with intermediate punishments to carry lower caseloads (1:60), a goal outlined in the Structured Sentencing Act.
- Officers would be phased in over the year, allowing adequate time for hiring and training and lowering the first year cost.
- This budget figure was based on 1996 projections of the supervised population, a joint effort of the Sentencing Commission and the Office of Research and Planning, Department of Correction
- New Sentencing Commission Projections available in January 1997 predicted *fewer* entries to *intermediate* punishment each year from now until 2003 and *greater* entries to community punishments until 2001.
- Department of Correction also revised their estimates of the length of time offenders spend on supervision and the share of offenders who are assigned to intensive. Their revised projections of the supervised population divided by supervision level (regular, high risk(=intermediate) intensive) is the most recent information to project staffing needs due to Structured Sentencing and shows a need for *fewer intensive* officers but more *regular and intermediate* punishment officers.

|                 | New Positions | New Totals |
|-----------------|---------------|------------|
| Regular         | 234           | 986        |
| Intensive Teams | 27            | 365        |
| High Risk       |               | 355        |
| Chiefs          | 33            | 183        |
| Clerks          | 33            | 183        |

Assuming new officers would be phased in between September 1997 and April 1998, the cost of this staffing pattern would be:

|                  | 1997-8       | 1998-9       |
|------------------|--------------|--------------|
| Request          | \$11,723,081 | \$15,189,462 |
| Increase over CB | \$ 2,173,508 | \$ 2,873,849 |

## OPTIONS FOR FUNDING STAFFING DUE TO STRUCTURE SENTENCING

OPTION #1 Increase funding to Division of Adult Probation and Parole by the amount of the original Continuation Budget request.(\$9.55 Million/\$12.31 Million) This would result in caseload averages of 25:1 intensive 90:1 regular but 77:1 High Risk in 1997-8 and 24:1 intensive 62:1 High Risk in 1998-9:

OPTION #2 Use the Division's revised staffing estimates based on latest population projections. Caseloads meet the targets of 1:60 high risk, 1:90 regular, 1:25 intensive for 1997-8 but averages for intensive fall to 24:1 and for high risk to 52:1 for High Risk in 1998-9.

OPTION #3 Modify funding to reflect revised population projections but maintain caseloads at 90:1 regular and 25:1 intensive. That is, do not fund the new Intermediate Punishment Officer Category. Since the projected population figures show a temporary surge next year followed by a substantial decrease, there could be officers available in 1998-9 to decrease caseloads for officers supervising intermediate punishment offenders. Caseloads would fall to 78:1 in 1998-9 and 73:1 in 1999-2000.

|                 | 1997-8      | 1998-9      |
|-----------------|-------------|-------------|
| Request         | \$8,110,743 | \$8,820,303 |
| Savings from CB | \$1,438,830 | \$3,495,310 |

## COMPARISON OF OPTIONS

| Option                | 1997-98<br>Cost | 1998-99<br>Cost | 1997-98<br>High<br>Risk<br>Average | 1998-99<br>High<br>Risk<br>Average |
|-----------------------|-----------------|-----------------|------------------------------------|------------------------------------|
| 1 Continuation Budget | \$ 9,549,573    | \$12,315,613    | 77:1                               | 62:1                               |
| 2 Full Fund High Risk | \$11,723,081    | \$15,189,462    | 60:1                               | 52:1                               |
| 3 Fund no High Risk   | \$ 8,110,743    | \$8,820,303     | 90:1                               | 78:1                               |

**SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY**

Tuesday March 18, 1997 – 15 Minutes After Session  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Presiding    Representative Larry Justus  
                                                                         Representative Gregg Thompson  
                                                                         Representative Joe Kiser

**II. PRESENTATIONS**

- Review of Prison Custody and Security Budget

Jim Mills, Fiscal Analyst  
Correction Department Staff

- Review Funding for Housing State Inmates in Out-of-State Facilities and in Local Jails

Jim Mills, Fiscal Analyst  
Correction Department Staff

- Review of Health Services Budget and Programs

Jim Mills, Fiscal Analyst  
Dr. Bert Rosefield, Director of Health Services,  
Department of Correction

- Review of IMPACT Program (Boot Camps)

Elisa Wolper, Fiscal Analyst  
Correction Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
MARCH 18, 1997

The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met 15 minutes after the Senate and House adjourned for the day on Tuesday, March 18, 1997 in Room 415 of the Legislative Office Building. Nine members were present. Senator Wib Gulley presided.

Senator Gulley asked Jim Mills, Fiscal Analyst to review the "Prison Custody and Security Budget" (see attached). Mr. Mills and Mr. Jim Smith of the Attorney General's office answered questions from the Subcommittee. Representative Kiser asked how many inmates were in the county jails. Mr. Gregg Stahl with the Department of Corrections replied that 744 were in the county jails as of that morning and this backlog of prisoners is the last to get moved to prison beds. On page 7 and 8 of the handout are the GPAC recommendations for which prison facilities should be closed. The Subcommittee asked that this item be flagged. Also, on page 9 of this handout a \$20 million operating expense was flagged.

Next, Mr. Mills went over the Department of Corrections' Continuation Budget (see attached). This handout dealt with the funding for housing state inmates in out-of-state beds and in local jails. Mr. Rob Lubitz with the Sentencing Commission and Ms. Julie Carpenter from the Controller's Office answered questions from the Subcommittee regarding this handout. Senator Gulley stated that the Subcommittee co-chairs do not want to use lapsed salaries to pay for the county jail backlog and out-of-state prisoners. Mr. Buddy Humphreys from the Office of State Budget and Management replied that his supervisors have told him the same thing.

The meeting was adjourned at 6:00 p.m.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

# **DEPARTMENT OF CORRECTION**

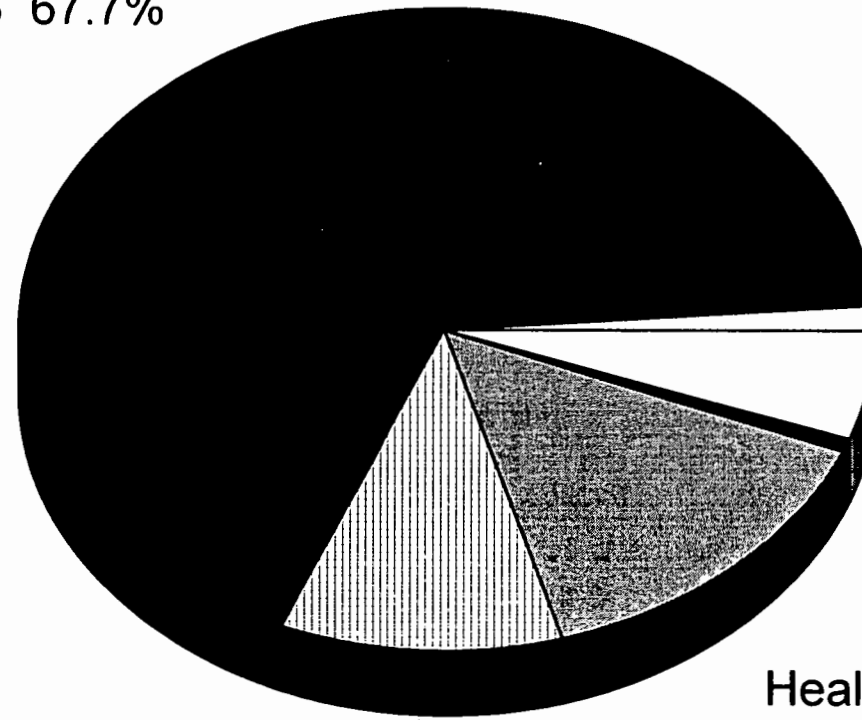
## **Overview of Prison Custody and Security Budget**

**Joint Appropriations Subcommittee on  
Justice and Public Safety**

**March 18, 1997**

# DOC Prisons Recommended General Fund Budget 1997-98\*

Secty. \$433 67.7%



Mgmnt \$8 1.2%

Prog \$34 5.3%

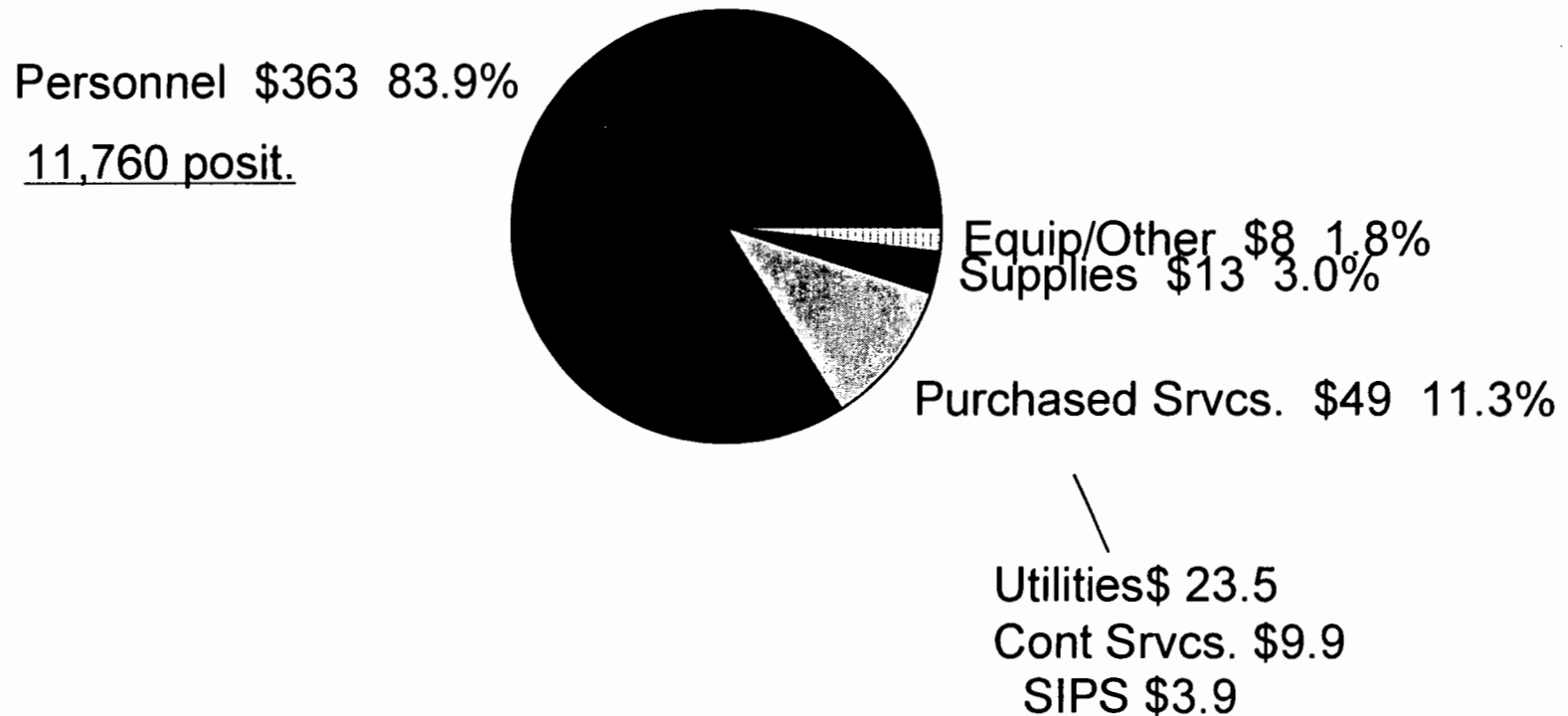
Educ. \$4 0.7%

Health \$94 14.6%

Food etc \$67 10.5%

(Dollars in Millions) Total is \$639.87 million; dollars are rounded off in chart

DEPARTMENT OF CORRECTION 1997-98 RECOMMENDED  
GENERAL FUND CUSTODY AND SECURITY BUDGET\*



\* Dollars in million; total is \$432.9

2



## DOC CUSTODY AND SECURITY BUDGET

### Major Budget Changes in 1995-97

1. Close Prisons -- Moore, Richmond, Polk Youth Center, Rockingham and Washington and the Southern Reception Center.
2. Convert Prisons – McDowell, Alexander, Yadkin, and Scotland
3. Reductions in Building Reserves due to changes in prison occupancy dates.
4. Fund out-of-state and jail beds.
5. Fund beds needed for additional inmates due to repeal of prison cap.
6. Fund beds due to revisions to Structured Sentencing
7. Fund/adjust funding for private prison beds
8. Fund additional community work crews

### CUSTODY AND SECURITY BUDGET

|                              | 1995-96<br>Expenditures | 1996-97<br>Authorized<br>Budget | 1997-98<br>Governors<br>Recommended<br>Budget* | 1998-99<br>Governors<br>Recommended<br>Budget* |
|------------------------------|-------------------------|---------------------------------|------------------------------------------------|------------------------------------------------|
| <b>Net<br/>Appropriation</b> | \$417,477,379           | \$456,375,740                   | \$432,905,863                                  | \$433,490,730                                  |
| <b>Positions</b>             | 12,112                  | 12,094                          | 11,760                                         | 11,760                                         |

\*Overall change in budget is a decrease of \$23,469,877 in 1997-98 and \$22,885,010 in 1998-99 and a reduction of 334 positions from 1996-97; this budget excludes funds in reserves to operate prisons.

### Major Changes to Custody and Security Budget

1. GPAC Prison Units – Reduction of 334 positions in the Custody and Security budget and 379 overall in the Prisons budget for closing or conversion of GPAC units. However, overall personnel costs increased by \$3,036,243 due to annualization of new positions as prison units come on-line. (NOTE: Personnel salary and benefit costs increased by \$6.2 million and decreased by \$3.2 million for reduction in GPAC positions so the net increase was \$3,036,243)

2. Contractual Services – Overall reduction of \$24,905,816,793

| <u>Program</u>                                                               | <u>1996-97<br/>Authorized<br/>Budget</u> | <u>1997-98<br/>Governors<br/>Recommended<br/>Increase/<br/>Decrease</u> | <u>1997-98 Total<br/>Recommended<br/>Budget</u> |
|------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------|
| <u>Prisoner Legal<br/>Services</u>                                           | \$1,194,435                              | \$509,015                                                               | \$1,703,450                                     |
| <u>Payments to<br/>Jails for State<br/>Misdemeanants<br/>(\$14.50 daily)</u> | \$6,712,181                              | \$1,223,725                                                             | \$7,935,906                                     |
| <u>County Jail<br/>Contracts (\$40<br/>daily)</u>                            | \$5,818,800                              | \$(-5,818,800)                                                          | -0-                                             |
| <u>Out of State<br/>Contracts</u>                                            | \$20,819,756                             | \$(-20,819,756)                                                         | -0-                                             |
| <u>Total</u>                                                                 | <u>\$34,545,172</u>                      | <u>\$(-24,905,816)</u>                                                  | <u>\$9,639,356</u>                              |

5

## OVERVIEW OF STAFFING IN NORTH CAROLINA PRISONS

| Custody Level      | Total Staff           | Total Staff                         | Custody Staff           | Custody Staff                         |
|--------------------|-----------------------|-------------------------------------|-------------------------|---------------------------------------|
|                    | SOC/Total Staff Ratio | Actual Population/Total Staff Ratio | SOC/Custody Staff Ratio | Actual Population/Custody Staff Ratio |
| Close              | 1:1.5                 | 1:1.77                              | 1:2                     | 1:2.4                                 |
| Medium             | 1:1.71                | 1:2                                 | 1:2.16                  | 1:2.6                                 |
| Minimum            | 1:2.46                | 1:2.97                              | 1:3.54                  | 1:4.24                                |
| <b>System-wide</b> | <b>1:1.83</b>         | <b>1:2.19</b>                       | <b>1:2.45</b>           | <b>1:2.93</b>                         |

**SOURCE:** DOC OPUS System and Prison Units – based on staffing and population January 1, 1997.

### NOTES:

1. Includes units under direct Divisions of Prisons control; excludes contracted facilities and private prison treatment beds.
2. Excludes staff for Warren and Polk Youth Correctional Units, which are in transition.
3. Many factors influence prison staffing—design of facility; programs; # of inmates working; custody level of inmate; court orders and so on. More precise review of staffing needs should be done by individual prison units.

**OPERATING  
COST PER DAY\***

| <b><u>Prisons</u></b> | <b><u>93-94</u></b> | <b><u>94-95</u></b> | <b><u>95-96</u></b> | <b><u>95-96<br/>Annual</u></b> |
|-----------------------|---------------------|---------------------|---------------------|--------------------------------|
| Close                 | \$71.52             | \$79.46             | \$75.79             | \$27,663                       |
| Medium                | 62.33               | 71.11               | 62.00               | 22,630                         |
| Minimum               | 49.50               | 50.12               | 47.87               | 17,473                         |
| <b>Average</b>        | <b>59.19</b>        | <b>63.53</b>        | <b>57.35</b>        | <b>20,933</b>                  |

**Probation and Parole**

|                       |         |         |         |         |
|-----------------------|---------|---------|---------|---------|
| Intensive Supervision | \$ 9.33 | \$10.75 | \$ 8.20 | \$2,933 |
| Regular Probation     | 1.28    | 1.35    | 1.47    | 536     |
| EHA                   | 6.70    | 6.02    | 5.52    | 2,015   |
| Regular Parole        | 1.55    | 1.24    | 1.47    | 536     |

\*Prison costs are total annual costs divided by # inmate days. Costs include all costs; for prisons this includes administration, security, programs, food, and health services. Costs will vary by individual prison units based on such factors as partial year funding; assignment of full staff compliment prior to opening a prison; variations in programs; or , in some cases inefficiencies due to prison designs in older prisons.

# DEPARTMENT OF CORRECTION

## A Report on GPAC Prison Consolidation Facilities

January 10, 1997

STATE AVE. 47.87

| GPAC Minimum Security Prison Facilities    |                             |                                           |
|--------------------------------------------|-----------------------------|-------------------------------------------|
| Facility                                   | Standard Operating Capacity | Daily Cost Per Inmate Fiscal Year 1995-96 |
| Alamance Correctional Center               | 68                          | \$ 47.86                                  |
| Gates Correctional Center                  | 62                          | \$ 56.92                                  |
| Goldsboro Correctional Center              | 64                          | \$ 37.47                                  |
| Granville Correctional Center <sup>1</sup> | 36                          | \$ 87.17                                  |
| Guilford Correctional Center               | 132                         | \$ 49.85                                  |
| Halifax Correctional Center <sup>2</sup>   | 40                          | \$ 60.60                                  |
| Haywood Correctional Center                | 56                          | \$ 61.53                                  |
| Henderson Correctional Center              | 42                          | \$ 70.45                                  |
| Martin Correctional Center                 | 54                          | \$ 51.85                                  |
| Mecklenburg Correctional Center            | 76                          | \$ 51.50                                  |
| Person Correctional Center <sup>3</sup>    | 44                          | \$ 79.48                                  |
| Richmond Correctional Center               | closed                      | n/a                                       |
| Sandy Ridge Correctional Center            | 66                          | \$ 51.59                                  |
| Stokes Correctional Center                 | 68                          | \$ 52.74                                  |
| Warren Correctional Center <sup>4</sup>    | 28                          | \$ 122.57                                 |
| Watauga Correctional Center <sup>5</sup>   | 48                          | \$ 66.38                                  |
| <b>Total</b>                               | <b>884</b>                  | <b>n/a</b>                                |

**NOTE:** The average cost for a Minimum Security Facility in FY 1995-96 was \$47.87 ranging from a high at Warren Correctional Center of \$122.57 and a low at Raleigh Correctional Center for Women at \$31.02. The \$47.87 average compares with an average of \$50.12 in FY 1994-95 a \$2.25 or 4.5% reduction in daily costs.

- <sup>1</sup> Warren GPAC - closed October 1, 1996
- <sup>2</sup> Warren GPAC - closed October 23, 1996; the Department has discussed leasing this facility to Halifax County for use as a jail
- <sup>3</sup> Warren GPAC - closed August 26, 1996 and converted to a vocational education center for Dan River Prison Work Farm
- <sup>4</sup> Warren GPAC - remains operational as a start-up facility and inmate work site for the new Warren Correctional Facility
- <sup>5</sup> Western GPAC

STATE AVG. 62.00

8

| GPAC Medium Security Prison Facilities       |                             |                                           |
|----------------------------------------------|-----------------------------|-------------------------------------------|
| Facility                                     | Standard Operating Capacity | Daily Cost Per Inmate Fiscal Year 1995-96 |
| Alexander Correctional Center <sup>6</sup>   | 46                          | \$ 103.83                                 |
| Avery Correctional Center <sup>7</sup>       | 48                          | \$ 96.82                                  |
| Currituck Correctional Center                | 56                          | \$ 69.78 ✓                                |
| Davie Correctional Center                    | 48                          | \$ 89.40 ✓                                |
| McDowell Correctional Center <sup>8</sup>    | n/a                         | n/a                                       |
| Moore Correctional Center                    | closed                      | n/a                                       |
| Rockingham Correctional Center <sup>9</sup>  | 52                          | \$ 96.12                                  |
| Scotland Correctional Center <sup>10</sup>   | 44                          | \$ 102.20                                 |
| Stanly Correctional Center                   | 64                          | \$ 75.26 ✓                                |
| Union Correctional Center                    | 64                          | \$ 76.70 ✓                                |
| Vance Correctional Center <sup>11</sup>      | 44                          | \$ 121.95                                 |
| Washington Correctional Center <sup>12</sup> | 44                          | \$ 90.54                                  |
| Yadkin Correctional Center <sup>13</sup>     | 48                          | \$ 102.29                                 |
| Yancey Correctional Center <sup>14</sup>     | 46                          | \$ 107.69                                 |
| <b>Total</b>                                 | <b>604</b>                  | <b>n/a</b>                                |

**NOTE:** The average cost for a medium security facility in FY 1995-96 was \$62.00 ranging from a high of \$121.95 at Vance Correctional Center to a low of \$47.81 at Craggy Correctional Center. The \$62.00 average compares with an average of \$71.11 in FY 1994-95, a \$9.11 or a 12.8% reduction in daily costs.

<sup>6</sup> Converted to Minimum Security effective October 1, 1996

<sup>7</sup> Western GPAC

<sup>8</sup> Consolidated with the Marion Correctional Institution

<sup>9</sup> Closed September 18, 1996 - Facility leased for 3 years to Rockingham County for use as a jail

<sup>10</sup> Converted to Minimum Security effective October 1, 1996

<sup>11</sup> Warren GPAC - closed November 4, 1996

<sup>12</sup> Closed November 1, 1996 (remains operational as start up site for Eastern Work Farm facility); the Department has discussed leasing this facility to Washington County for use as a jail

<sup>13</sup> Converted to Minimum Security effective October 1, 1996

<sup>14</sup> Western GPAC

DIVISION OF PRISONS

ANNUALIZED GPAC FACILITIES

EXCLUDES OVERHEAD/  
INDIRECT COSTS

| FACILITY<br>NUMBER | FACILITY NAME | SECURITY<br>LEVEL | EOC   | NUMBER OF<br>POSITIONS | OPERATING<br>COST | COST PER<br>DAY |
|--------------------|---------------|-------------------|-------|------------------------|-------------------|-----------------|
| 4410               | ALAMANCE      | MINIMUM           | 58    | 27                     | 991,972           | 50              |
| 4810               | ALEXANDER     | MINIMUM           | 54    | 27                     | 1,000,853         | 53              |
| 4120               | CURRITUCK     | MEDIUM            | 68    | 64                     | 2,090,674         | 87              |
| 4425               | DAVIE         | MEDIUM            | 60    | 59                     | 1,909,045         | 90              |
| 4130               | GATES         | MINIMUM           | 50    | 29                     | 1,058,454         | 60              |
| 4440               | GUILFORD      | MINIMUM           | 124   | 72                     | 2,569,798         | 59              |
| 4840               | HAYWOOD       | MINIMUM           | 40    | 30                     | 1,031,202         | 73              |
| 4845               | HENDERSON     | MINIMUM           | 52    | 28                     | 1,024,458         | 56              |
| 4145               | MARTIN        | MINIMUM           | 40    | 26                     | 921,763           | 65              |
| 4535               | MECKLENBURG   | MINIMUM           | 110   | 60                     | 2,106,862         | 54              |
| 4435               | SANDY RIDGE   | MINIMUM           | 50    | 27                     | 902,564           | 51              |
| 4350               | SCOTLAND      | MINIMUM           | 48    | 42                     | 1,243,305         | 74              |
| 4545               | STANLY        | MEDIUM            | 92    | 78                     | 2,220,755         | 69              |
| 4455               | STOKES        | MINIMUM           | 56    | 27                     | 907,355           | 46              |
| 4550               | UNION         | MEDIUM            | 94    | 64                     | 1,890,836         | 57              |
| 4460               | YADKIN        | MINIMUM           | 108   | 35                     | 1,283,014         | 34              |
|                    |               |                   | 1,100 | 695                    | 23,152,910        |                 |

NOTES: DEPLOY STAFF TO CONTINUE  
YADKIN-DOBSON SCHOOL (STAFF COUNT LESS FIVE POSITIONS)  
DAVIE-BED REPAIR  
GUILFORD-DIAGNOSTIC CENTER

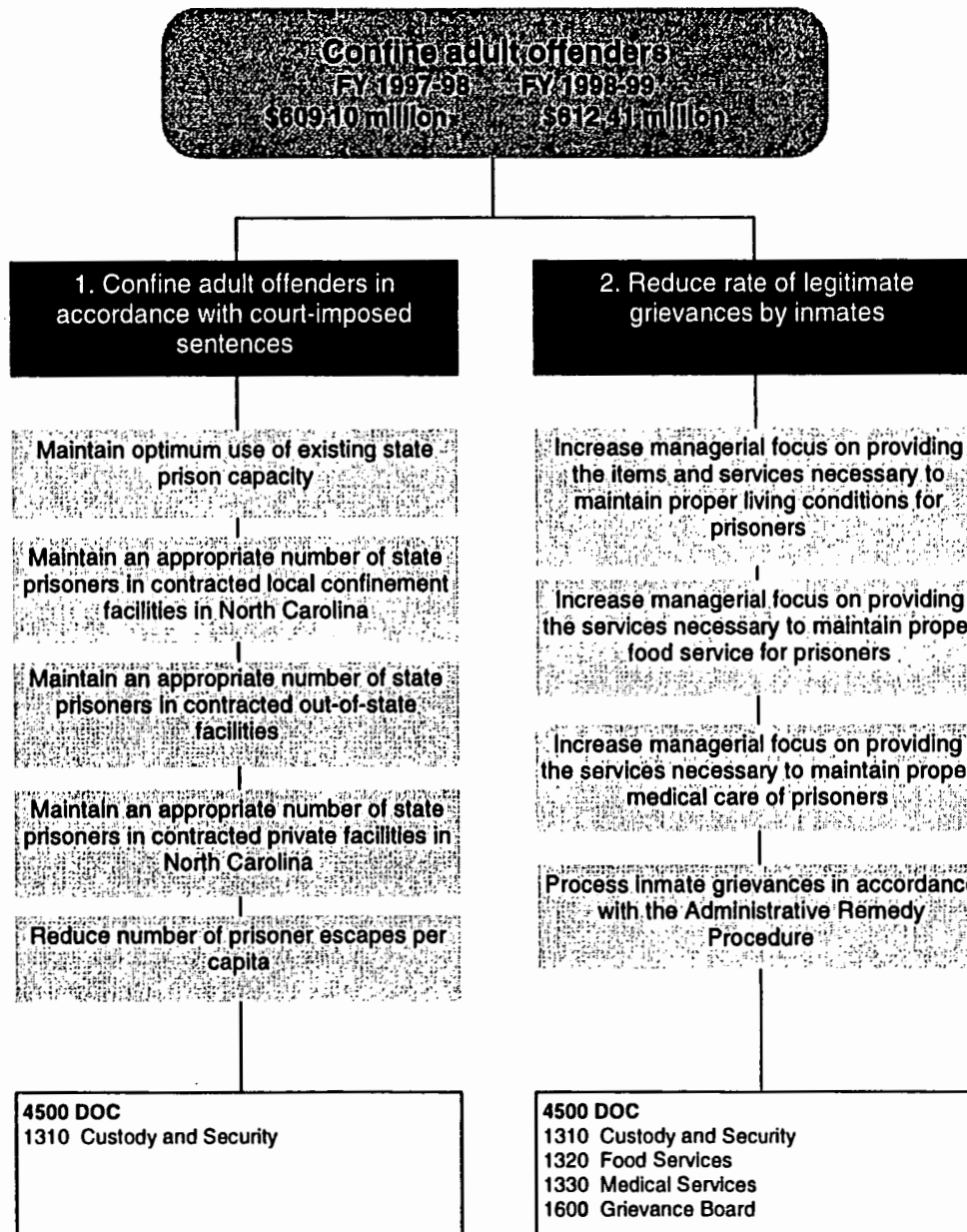
EOC CLOSED DOES NOT INCLUDE THREE MODULARS THAT WERE SCHEDULED  
TO BE CLOSED.

DOES NOT INCLUDE THREE MODULARS PLANNED FOR HAYWOOD, HENDERSON  
AND GATES.

Objectives

Strategies  
and  
activities

Supporting  
funds





## 3100 Confine adult offenders

### Objective 1: Confine adult offenders in accordance with court-imposed sentences.

| Measure                                                                                                                   | Actual  |         |         |         |         | Estimated | Expected | Expected |
|---------------------------------------------------------------------------------------------------------------------------|---------|---------|---------|---------|---------|-----------|----------|----------|
|                                                                                                                           | 1991-92 | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97   | 1997-98  | 1998-99  |
| <b>Outcome Measures:</b><br>Percentage confined in accordance with sentences<br>(comprehensive measure under development) | n/a     | n/a     | n/a     | n/a     | n/a     | n/a       | n/a      | n/a      |
| <b>Performance Measures:</b><br>Average inmate population                                                                 | 19,579  | 20,633  | 22,387  | 25,936  | 29,784  | 34,465    | n/a      | n/a      |
| Escapes from custody (per 1000 inmates)                                                                                   | 13      | 10      | 9       | 8       | 7       | 6         | 5        | 4        |

#### Current Situation:

The state hopes to accomplish this objective through the optimum use of existing state prison capacity, the appropriate use of other confinement facilities, and the continued reduction of per capita escapes.

#### Funds:

4500 DOC

1310 Custody and Security

DEPARTMENT OF CORRECTION  
CONTINUATION BUDGET REVIEW

OVERVIEW OF FUNDING FOR HOUSING STATE INMATES IN OUT  
OF STATE BEDS AND IN LOCAL JAILS

JOINT JUSTICE AND PUBLIC SAFETY  
APPROPRIATIONS SUBCOMMITTEE

MARCH 17, 1997

OUT OF STATE AND JAIL HOUSING FOR  
NORTH CAROLINA INMATES

KEY ISSUES

1. HOW SOON WILL NORTH CAROLINA HAVE THE FUNDED BED CAPACITY TO HOUSE INMATES THAT ARE NOW IN OUT OF STATE BEDS AND COUNTY JAILS ? (Estimate by DOC, as of March 10, 1997, is December, 1997 for all Out of State inmates and June 1998 for inmates in County Jails).
2. **SHOULD GOVERNOR'S RECOMMENDATION BE APPROVED?** REDUCE ALL CONTINUATION FUNDING FOR OUT OF STATE AND JAIL BED CONTRACTS AND GIVE DOC THE AUTHORITY TO USE LAPSED SALARIES FOR 97-98.? **OR, SHOULD FUNDS BE APPROPRIATED?** (Estimate by DOC, as of March 11, 1997 is \$13.04 million -- \$4.26 million for out-of-state and \$8.78 million for county jails).
3. SHOULD RELATED SUPPORT FUNDS IN CONTINUATION BUDGET BE REDUCED?
  - Prison Management -- This budget funds 17 positions for the "Out of State Classification and Custody Unit" (\$544,235 salaries and benefits) in 97-98 and 98-99. The unit oversees the out of state program but also performs a number of other duties and is anticipated to assume duties for oversight of private prisons -- *Should the portion of funding allocated to this Unit for out of state functions be reduced in 1997-98 and eliminated in 1998-99?*
  - Prison Support Funds (Inmate Food and Supplies) -- Prisons Support budget funds \$300,000 in 97-98 and 98-99 for travel costs in transporting inmates out of state and back to North Carolina. *Should funds be reduced in 1997-98 and eliminated in 1998-99?*

4. SHOULD DOC BE GIVEN CONTINUED AUTHORITY (Provided in 1996 Session) TO USE LAPSED SALARIES TO FUND JAIL BACKLOG? WHAT IS ANTICIPATED JAIL BACKLOG IN 1997-98 AND WHAT IS ESTIMATED AMOUNT TO BE PAID? (Based on State prison inmates in county jails 6 days or longer).
5. WHAT IS BASIS FOR \$1.2 MILLION INCREASE IN CONTINUATION BUDGET FOR JAILS THAT, BY STATUTE, HOUSE STATE MISDEMEANANTS FOR \$14.50 A DAY?

**FUNDING HISTORY FOR OUT OF STATE/JAIL CONTRACT BEDS SINCE 94-95 FY**

| <b>1994-95 FY:</b>                                                                               | <b>OUT OF STATE</b>      | <b>JAILS</b>            |
|--------------------------------------------------------------------------------------------------|--------------------------|-------------------------|
| 1. INITIAL APPROPRIATION                                                                         | \$22,521,665             | \$7,300,000             |
| 2. PER APPROPRIATIONS ACT,<br>TRANSFER TO FUND 144<br>EXPANDED CAPACITY POSITIONS<br>AND SUPPORT | (6,458,535)              |                         |
| 3. LAPSED SALARIES<br>APPROPRIATED                                                               | 6,174,614                |                         |
| <b>TOTAL - 94-95 BUDGET EXP.</b>                                                                 | <b><u>22,237,744</u></b> | <b><u>7,300,000</u></b> |
| <b>1995-96 FY:</b>                                                                               |                          |                         |
| 1. BEGINNING WORKSHEET I                                                                         | 16,063,130               | 7,300,000               |
| 2. ANNUALIZING CONTRACTS FOR<br>95-96 CONTINUATION BUDGET                                        | <u>5,962,016</u>         | <u>665,000</u>          |
| <b><u>SUBTOTAL</u></b> - PRESENTED IN 95-96<br>CONTINUATION BUDGET                               | 22,025,146               | 7,965,000               |
| RECOMMENDED REDUCTIONS PER<br>GOVERNOR HUNT                                                      | <u>(1,177,390)</u>       | <u>(2,146,200)</u>      |
| 95-96 CERTIFIED BUDGET                                                                           | 20,847,756               | 5,818,800               |
| LAPSED SALARY USED                                                                               | <u>7,515,000</u>         | _____                   |
| <b>TOTAL 1995-96 BUDGET EXP.</b>                                                                 | <b><u>28,362,756</u></b> | <b><u>5,818,800</u></b> |
| <b>1996-97 FY:</b>                                                                               |                          |                         |
| <b>TOTAL 1996-97 BUDGET APPROP.</b>                                                              | <b><u>20,847,756</u></b> | <b><u>5,818,800</u></b> |
| <b>Anticipated Lapsed Salary Needs</b>                                                           | <b><u>6,045,113</u></b>  | <b><u>1,669,721</u></b> |
| <b>TOTAL 1996-97 Anticipated Expend.</b>                                                         | <b><u>26,892,869</u></b> | <b><u>7,488,521</u></b> |

SOURCE: Department of Correction

# OUT OF STATE HOUSING

4

Requested by: Senators Ballance, Cooper, Rand, Representatives Justus, Thompson, Kiser

## FUNDS TO HOUSE PRISONERS OUT OF STATE

Sec. 20.16. In addition to appropriations needed to fund the existing 1,867 contracted beds in out-of-state facilities, the Department of Correction may use up to ten million dollars (\$10,000,000) of the funds appropriated to the Department for the 1996-97 fiscal year to contract to house up to 500 prisoners out of state.

1996

Requested by: Senators Ballance, Rand, Cooper, Representatives Justus, Thompson, Kiser

## ALTERNATIVES TO OUT-OF-STATE HOUSING

1996

Sec. 20.11. The Department of Correction shall investigate methods of housing inmates within the State rather than in out-of-state facilities, including the use of modular units and small units scheduled to be closed as a result of the recommendations made by the Government Performance Audit Committee. The Department shall report its findings and recommendations quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Correction Oversight Committee.

## DEPARTMENT OF CORRECTION

### PRISON POPULATION SUMMARY\*

| <u>TOTAL POPULATION</u>             | <u>5/15/95</u> | <u>3/1/96</u> | <u>9/1/96</u> | <u>12/1/96</u> | <u>3/3/97</u> |
|-------------------------------------|----------------|---------------|---------------|----------------|---------------|
| 1. N. C. PRISONS                    | 24,922         | 29,053        | 28,396        | 28,686         | 29,489        |
| 2. Out-of-State Housing             | 989            | 1,556         | 1,838         | 1,568          | 1,041         |
| 3. County Jail Contracts            | 258            | 418           | 489           | 496            | 502           |
| 4. Private Prison<br>Treatment Beds | 117<br>(150)   | 251<br>(275)  | 258<br>(278)  | 264<br>(278)   | 336<br>(350)  |
| 5. ECO Halfway House                | -              | 20            | 20            | 20             | 20            |
| TOTAL                               | 26,286         | 31,298        | 31,001        | 31,034         | 31,388        |

\*SOURCE: DOC "PRISON DAILY POPULATION SUMMARY" EXCLUDES JAIL BACKLOG (backlog in county jails changes daily; March 3 figure was 775; with adequate prison capacity, backlog averages about 350) DOC expanded prison capacity, or available beds on 3/3/97 was 29,219 ( DOC contracted private treatment beds are counted in the expanded prison capacity number).

5

**OUT OF STATE AND JAIL BEDS IN  
CORRECTION BUDGET**

|                                                                                                                                         | <b><u>Authorized<br/>96-97</u></b>                       | <b><u>Recommended<br/>97-98</u></b> | <b><u>Recommended<br/>98-99</u></b> |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. <u>Out of State Beds</u>                                                                                                             | \$26,892,869                                             | 4,262,500                           | 0                                   |
|                                                                                                                                         | (Lapsed Sal. Approx. \$6m)                               | (All Lapsed Salaries)               |                                     |
| 2. <u>Jail Contracts</u> - State Prisoners/<br>DOC Contracts with<br>County Jails (\$40 daily)                                          | \$7,488,521                                              | 8,780,440                           | 0                                   |
|                                                                                                                                         | (Approp --\$5,818,800;<br>Lapse Sal. (est.) \$1,669,721) | (All lapsed salaries)               |                                     |
| 3. <u>Jail Backlog</u> - State Prisoners<br>Awaiting Transfer to N.C.<br>Prison but Housed in<br>County Jails (\$40<br>daily in 96-97)* | 3,865,771                                                | 0                                   | 0                                   |
|                                                                                                                                         | (Lapsed Salaries)                                        |                                     |                                     |
| 4. <u>State Misdemeanants</u><br><u>Housed in County Jails</u><br>(\$14.50 daily; <u>30</u> -- <u>90</u> day<br>sentence)**             | \$6,712,781                                              | \$7,935,906                         | \$7,935,906                         |
|                                                                                                                                         | (Approp.)                                                | (Approp.)                           | (Approp.)                           |

**NOTE:** Recommended 1997-99 Budget assumes use of lapsed salaries for all items listed except #4 - state misdemeanants in county jails. Lapsed salary estimates as of 3/12/97 and subject to change upon further review by DOC and OSBM..

\* #3 Jail Backlog - Estimated Payments as of 3/4/97; backlog was 775 on March 3, 1997.

\*\*# 4 State Misdemeanants -- Authorized budget as of 3/13/97. Also includes State misdemeanor probationers being held for criminal contempt.



OVERALL

3. Number of anticipated contracted jail beds and out of state beds on 6/30/97 and projected date in 97-98 to have all N C inmates moved back to N C Prisons. If DOC is requesting special provision to use lapsed salaries, please estimate amount (up to X a, paint) and provide draft provisions.

NUMBER OF ANTICIPATED CONTRACTED JAIL BEDS ON 6/30/97:

611

NUMBER OF ANTICIPATED OUT OF STATE BEDS ON 6/30/97:

950

PROJECTED DATE IN 97-98 TO HAVE ALL N C INMATES MOVED BACK TO N C PRISONS:

DECEMBER, 1997

LAPSED SALARY REQUIREMENTS FOR JAIL CONTRACTS AND OUT OF STATE:

|               |     |   |          |           |
|---------------|-----|---|----------|-----------|
| <u>JAILS:</u> | 563 | @ | \$40/DAY | 8,219,800 |
|               | 48  | @ | \$32/DAY | 560,640   |

## SUBTOTAL JAILS

8,780,440

OUT OF STATE:

|     |   |          |      |           |
|-----|---|----------|------|-----------|
| 860 | @ | \$55/DAY | JULY | 1,466,300 |
| 680 |   |          | AUG  | 1,159,400 |
| 500 |   |          | SEPT | 852,500   |
| 320 |   |          | OCT  | 545,600   |
| 140 |   |          | NOV  | 238,700   |

SUBTOTAL OUT OF STATE

4,262,500

## TOTAL JAILS AND OUT OF STATE

13,042,940

DRAFT PROVISION FOR USE OF LAPSED SALARY:

OVERALL

3. Number of anticipated contracted jail beds and out of state beds on 6/30/97 and projected date in 97-98 to have all N C inmates moved back to N C Prisons. If DOC is requesting special provision to use lapsed salaries, please estimate amount (up to X a.paimt) and provide draft provisions.

NUMBER OF ANTICIPATED CONTRACTED JAIL BEDS ON 6/30/97:

530

NUMBER OF ANTICIPATED OUT OF STATE BEDS ON 6/30/97:

950

PROJECTED DATE IN 97-98 TO HAVE ALL N C INMATES MOVED BACK TO N C PRISONS:

DECEMBER, 1997

LAPSED SALARY REQUIREMENTS FOR JAIL CONTRACTS AND OUT OF STATE:  
AND JAIL BACKLOG

|                       |     |      |                  |
|-----------------------|-----|------|------------------|
| JAILS:                | 561 | JULY | 743,256          |
|                       | 530 | AUG  | 704,816          |
|                       | 530 | SEPT | 682,080          |
|                       | 530 | OCT  | 704,816          |
|                       | 530 | NOV  | 682,080          |
|                       | 530 | DEC  | 704,816          |
|                       | 530 | JAN  | 704,816          |
|                       | 530 | FEB  | 636,608          |
|                       | 530 | MAR  | 704,816          |
|                       | 509 | APR  | 716,880          |
|                       | 467 | MAY  | 626,696          |
|                       | 423 | JUNE | 570,600          |
| <b>SUBTOTAL JAILS</b> |     |      | <b>8,182,280</b> |

|                              |     |   |          |      |                  |
|------------------------------|-----|---|----------|------|------------------|
| OUT OF STATE:                | 860 | @ | \$55/DAY | JULY | 1,466,300        |
|                              | 680 |   |          | AUG  | 1,159,400        |
|                              | 500 |   |          | SEPT | 852,500          |
|                              | 320 |   |          | OCT  | 545,600          |
|                              | 140 |   |          | NOV  | 238,700          |
| <b>SUBTOTAL OUT OF STATE</b> |     |   |          |      | <b>4,262,500</b> |

|              |           |                |            |
|--------------|-----------|----------------|------------|
| JAIL BACKLOG | JULY-JUNE | 800 @ \$40/DAY | 11,680,000 |
|--------------|-----------|----------------|------------|

|                              |                   |
|------------------------------|-------------------|
| <b>SUBTOTAL JAIL BACKLOG</b> | <b>11,680,000</b> |
|------------------------------|-------------------|

|                                              |                          |
|----------------------------------------------|--------------------------|
| <b>TOTAL JAILS, OUT OF STATE AND BACKLOG</b> | <b><u>24,124,780</u></b> |
|----------------------------------------------|--------------------------|

DRAFT PROVISION FOR USE OF LAPSED SALARY:

8

## JAIL CONTRACTS

| County Jails  | Coordinating Jail Facility | Contract Expiration Date | Contracted Beds Minimum/Maximum |
|---------------|----------------------------|--------------------------|---------------------------------|
| Alleghany     | Wilkes                     | 5-97                     | 45-50                           |
| Burke/Catawba | Caldwell                   | 4-97                     | 100-104                         |
| Cumberland    | Kobeson                    | 5-97                     | 38-42                           |
| Carteret      | Carteret                   | 11-97 ✓                  | 12-16                           |
| Dare          | Gates                      | 4-97                     | 62-69                           |
| Duplin        | Duplin                     | 7-97 ✓                   | 38-44                           |
| Guilford*     | Guilford                   | 11-97 ✓                  | 40-50                           |
| McDowell      | Marion                     | 3-97                     | 20-28                           |
| Northampton   | Odom                       | 8-97 ✓                   | 20-40                           |
| Person        | Dan River                  | 8-97 ✓                   | 25-31                           |
| Wilson        | Greene<br>Wayne            | 7-97 ✓                   | 0-104                           |

\* While the Guilford contract has been negotiated, inmates have not been placed in this facility due to possible managerial changes in Guilford County. ✓

9

Requested by: Senators Ballance, Rand, Representatives Justus, Thompson, Kiser  
**REIMBURSE COUNTIES FOR EXTRAORDINARY MEDICAL COSTS FOR  
INMATES AWAITING TRANSFER TO STATE PRISON SYSTEM**

Sec. 19.4. Notwithstanding the provisions of G.S. 148-29, the Secretary of Correction may use funds appropriated to the Department of Correction for medical services to reimburse counties for extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by inmates housed in local confinement facilities awaiting transfer in the State prison system.

## JAIL BACKLOG

Requested by: Representatives Justus, Thompson, Kiser, Senators Ballance, Rand, Cooper  
**REIMBURSEMENT TO COUNTIES FOR HOUSING COSTS OF INMATES  
AWAITING TRANSFER TO STATE PRISON SYSTEM**

Sec. 20.2. (a) G.S. 148-29 reads as rewritten: 1996

"§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit; State not liable for maintenance expenses until convict received; affidavit.

The sheriff having in charge any prisoner to be taken to the Central Prison at Raleigh State prison system shall send him the prisoner to the Central Prison custody of the Department of Correction within five days after the adjournment of the court at which he was sentenced, sentencing and the disposal of all pending charges against the prisoner, if no appeal has been taken. Beginning on the sixth day after sentencing and disposal of all pending charges against the prisoner and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county a standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the prisoner awaiting transfer to the State prison system.

The sheriff shall file with the board of commissioners of his county a copy of his affidavit as to necessary guard, together with a copy of his itemized account of expenses, both certified to by him as true copies of those on file in his office. ~~The State is not liable for the expenses of maintaining convicts until they have been received by the State Department of Correction authorities, nor shall any moneys be paid out of the treasury for support of convicts prior to such reception."~~

(b) The Department of Correction may use funds available for the 1995-96 fiscal year to pay the sum of fourteen dollars and fifty cents (\$14.50) per day as reimbursement to counties for the cost of housing inmates convicted and awaiting transfer to the State prison system, as provided in G.S. 148-29.

(c) Of the funds appropriated to the Department of Correction for the 1996-97 fiscal year, the Department may use up to fourteen million six hundred thousand dollars (\$14,600,000) to raise the per diem reimbursement to counties from fourteen dollars and fifty cents (\$14.50) per day to forty dollars (\$40.00) per day for the cost of housing inmates convicted and awaiting transfer to the State prison system, as provided in G.S. 148-29. Counties shall send invoices to the Department no more than once monthly, and the Department shall make reimbursement within 30 days of receipt of the invoice.

(d) Subsections (a) and (b) of this section become effective January 1, 1996.

requested by:

**REIMBURSE COUNTIES FOR EXTRAORDINARY MEDICAL COSTS FOR INMATES AWAITING TRANSFER TO STATE PRISON SYSTEM**

Sec. G.S. 148-29 reads as rewritten:

"§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.

The sheriff having in charge any prisoner to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction within five days after sentencing and the disposal of all pending charges against the prisoner, if no appeal has been taken. Beginning on the sixth day after sentencing and disposal of all pending charges against the prisoner and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the ~~county~~ county:

(1) ~~a~~ A standard sum set by the General Assembly in its appropriations acts for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to the prisoner awaiting transfer to the State prison ~~system~~ system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1 (a), incurred by prisoners awaiting transfer to the State prison system.

The sheriff shall file with the board of commissioners of his county a copy of his affidavit as to necessary guard, together with a copy of his itemized account of expenses, both certified to by him as true copies of those on file in his office. This provision is effective on July 1, 1997.

Requested by:

**REIMBURSEMENT TO COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS OF INMATES AWAITING TRANSFER TO STATE PRISON SYSTEM**

Sec. (a) Of the funds appropriated to the Department of Correction for the 1997-98 and 1998-99 fiscal years, the Department may use up to fourteen million six hundred thousand dollars (\$14,600,000) each fiscal year to pay the sum of forty dollars (\$40.00) per day for the cost of housing for inmates convicted and awaiting transfer to the State prison system, as provided in G.S. 148-29.

(b) The Department may also use these funds to pay the sum of forty dollars (\$40.00) per day to the counties for the cost of providing food, clothing, personal items, supervision, and necessary ordinary medical services to parolees or post-release supervisees awaiting transfer to the State prison system beginning on the sixth day after preliminary hearings held pursuant to G.S. 15A-1368.6(b) and G.S. 15A-1376(b).

(c) The Department may use these funds to pay for extraordinary medical costs as defined in G.S. 148-32.1 (a) incurred by prisoners, parolees and post-release supervisees awaiting transfer to the State prison system.

(d) This provision is effective on July 1, 1997.

Requested by:

**LEASED BEDS FOR INMATES**

Sec. Of the funds appropriated to the Department of Correction for the 1997-98 and 1998-99 fiscal years, the Department may use up to fifteen million dollars (\$15,000,000) each fiscal year to contract to house prisoners in leased beds. This provision is effective on July 1, 1997.

## VISITOR REGISTRATION SHEET

Sub JBS

3-18-97 PM

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

|                   |                       |
|-------------------|-----------------------|
| James P. Thompson | Division of Prisons   |
| Greg Stahl        | DOC                   |
| Joe Hamilton      | DOC                   |
| Jim Smith         | AG                    |
| R.S. Lubitz       | Sentencing Commission |
| John Madler       | Sentencing Commission |
| Julie Carpenter   | DOC                   |
| Mike Murray       | CPS                   |
| H.A. Boyle        | DOA                   |
| Charles H. Crum   | OSPR                  |
|                   |                       |
|                   |                       |

**APPROPRIATIONS SUBCOMMITTEE  
ON  
JUSTICE & PUBLIC SAFETY**

March 19, 1997 PM  
Room 415

HOUSE MEMBERS PRESENT: [6] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Sexton

Senate Members Present: [3]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 19, 1997 in Room 415 of the Legislative Office Building. Representative Justus called the meeting to order at 4:28 PM and introduced House Pages Phil Wood and Shemika Hodge.

Jim Mills, Fiscal Staff, was recognized by Representative Justus. Mr. Mills distributed Attachment 1 - Review of Inmate Health Services Budget – Division of Prisons. Mr. Mills explained that the health services budget was seventy five million dollars in 95-96 and is projected to be eighty nine million for 97-98.

Representative Kiser asked about the fund held in reserves for new facilities coming on line. Jim Mills answered that the money for reserves will be held until authorized in the budget. Representative Kiser asked if mental health care service is provided in house or contracted. Dr. Bert Rosefield, Director of Health Services, Department of Correction, answered that all mental health services are done inside a prison unit. There are some contracts for services. Most of these contracts are with state employees.

Representative Sexton asked Dr. Rosefield if the state could provide services only for medical emergencies. Dr. Rosefield stated that it is required by the constitution to give community standard of care. Representative Sexton asked for the definition of community standard of care. Dr. Rosefield replied that it is very difficult to define community standard, but we do our best to mirror community health care. He added that any money spend for preventive care saves medical costs in the long run. Representative Sexton and Senator Blust expressed concerns about the level of health care provided to prisoners when working citizens cannot afford equal care.

Representative Kiser questioned whether a bad cavity would be capped or pulled. Dr. Rosefield said the bad cavity would be filled or pulled; not capped. He added that no inmate would receive partials unless it was done in order to eat.

Representative Justus asked if prisoners are placed in state mental institutions. Dr. Bert Rosefield said that mental health keeps pretrial and House Bill 95 prisoners (not tried because they can not participate in their defense). Dr. Rosefield explained that a person could be sent to mental health pre trial and if found to be insane; he could be held there until he was found competent to be tried.

Representative Kiser stated that Broughton Hospital had one inmate who killed again. He added that the mental hospitals had not wanted to make secure wards and removed the bars and made the units "look like home". Now Broughton Hospital wants to make two wards secure. Dr. Rosefield replied that Corrections is recommending that the Department be given the funding to keep these "patients" until they are ready to stand trial. This would also provide an incentive to "get better" so they could stand trial. **Representative Kiser said that the secure holding of these inmates (people who have committed crimes and should be retained somewhere) should be considered by this committee.** Senator Wellons asked if there was any pending legislation on this. Dr. Rosefield said that House Bill 95 inmates would require legislation to place them in secure housing under the Department of Corrections.

Jim Mills, Fiscal Analyst, proceeded with DOC Medical Units as covered on the last page of Attachment 1. Five prisons operate medical units with a total of 355 beds. Every inmate who enters the system must have a mental health screening, TB tests, a physical, HIV risk assessment, and certain immunizations. The average medical cost is 2700.00 dollars per inmate per year.

Jim Mills said that the General Assembly authorized a one dollar co-pay for basic sick call. It does not appear that a one dollar co-pay would generate \$250,000 in reductions but a three dollar charge would. The basis of this co-pay was not only for money reduction but also to reduce sick call.

## **DOC Long Range Health Services Plan**

A consultant was hired to prepare a long-range DOC Health Plan. Findings of the November, 1996 study were:

1. Too much dependence on outside service providers for diagnostic and certain procedures
2. Cost of transporting inmates very expensive (\$125 staffing cost per occurrence) versus having services in-house.
3. Hire more full-time physicians and fewer contractors.
4. Lack of inpatient beds - at least 75 needed now
5. Organization structure should be flattened and regionalized
6. Develop more regional medical centers (Major capital expenditures - estimated at \$96 million dollars based on previous population projections.



Representative Justus asked when an inmate is transferred out of correctional medical facilities to public facilities for health care. Dr. Rosefield said generally for advanced surgery or acute care (such as a heart attack). Senator Wellons asked about TB in prisons. Dr. Rosefield said TB is under control. There are proper rooms at McCain and Dix for TB.

Representative Sexton asked for the number of inmates who contract HIV while in prison. Dr. Rosefield said there is no way to determine this figure. Inmates who are HIV positive are not segregated. Inmates are encouraged to be tested for HIV. Representative Sexton expressed amazement at how this deadly disease is treated. Representative Sexton added that the military is tested for HIV. Representative Justus said that this committee will want to revisit this subject.

### **Major Changes to Continuation Budget for 1997-99**

Jim Mills reported that the overall change is an increase of \$5.25 million in 1997-98 over 1997-97 authorized budget.

1. Reduction of 7 positions and support costs (\$340,000) to implement GPAC unit reductions.
2. Drug/pharmacy Supplies - Allowable inflation increases budget by \$2 million each year.
3. Hospital Provided Services - Increase of \$2.858 million in 97-98 and \$3.37 million in 1998-99 due to annualization of new facilities; inflation; and increases in some contract costs.

Representative Kiser asked if any state has established health insurance for inmates. Jim Mills did not know of any. Dr. Rosefield said the Department looked at catastrophic health coverage and found it to expensive. Jim Mill will check with the Department of Human Resources on this matter.

Jim Mills said we are looking at a 90 million dollar budget for the health services program for Department of Corrections. Admissions in Corrections have peaked, but inmates are staying in prison longer. Representative Kiser asked if it would be more difficult to release an inmate under structured sentencing than it was under fair sentencing. Greg Stahl, Deputy Secretary, Department of Corrections, said commutations are still possible and parole could still be considered.

Senator Wellons asked if an inmate can get Medicaid or Medicare. Dr. Rosefield said inmates are excluded from these government programs. Corrections can collect from private insurance.

**Senator Wellons flagged the Medicaid/Medicare item.**

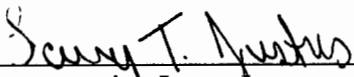
Senator East asked if the family of the inmate would be covered by Medicaid. Dr. Rosefield said the family could be covered. Senator East asked for additional information on the family benefits. Jim Mills will check on this.

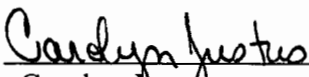
Jim Mills covered page 7 of the handout. The Department was given the authority to use salary reserve money to create positions for a savings of \$155,000. The percentage of saving has varied by position. Representative Kiser asked that any departments had used salary reserves to establish positions. Jim Mills replied that this is the only use by Corrections of salary reserves for positions. Representative Kiser asked if the contractual services have been reduced in the amount placed in these positions. Buddy Humphrey, State Budget Office, answered that the contractual services have not been reduced. Representative Kiser asked why? Buddy Humphrey answered that in looking at the budget, we take growth into consideration. These people will work more hours since they will be employees. Representative Kiser said he has a problem when you put more staff on and budget the same amount of money; "Buddy, you can't spend a dollar but one time".

Buddy Humphrey said we are reducing an equal amount in contractual services that has been appropriated. The amount of appropriation in total is remaining the same. We looked at this as trying to save money, said Buddy Humphrey. Representative Kiser said we put the same amount of money in contractual services after reducing the positions.

Dr. Rosefield remarked that costs are going up but not as much as the number of inmates. The current inmate per year cost has been going down for the last three years.

The meeting was adjourned at 5:30 PM.

  
Representative Larry Justus  
Chairman

  
Carolyn Justus  
Committee Clerk

**SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEE  
ON  
JUSTICE AND PUBLIC SAFETY**

Wednesday March 18, 1997 – 15 Minutes After Session  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley

Representative Larry Justus, Presiding  
Representative Gregg Thompson  
Representative Joe Kiser

**II. PRESENTATIONS**

- Review of Health Services Budget and Programs

Jim Mills, Fiscal Analyst  
Dr. Bert Rosefield, Director of Health Services,  
Department of Correction

- Review of IMPACT Program (Boot Camps)

Elisa Wolper, Fiscal Analyst  
Correction Department Staff

- Review of Prison Education Budgets and Programs

Jim Mills, Fiscal Analyst  
Correction Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

## VISITOR REGISTRATION SHEET

**APPROPRIATIONS/Subcommittee on Justice & Public Safety    March 19, 1997**  
**PM**

Name of Committee

Date \_\_\_\_\_

**VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK**

**NAME****FIRM OR AGENCY AND ADDRESS**

H A Rosefield

ERIC ZOBRY

NC DoA

SENTENCING Commission

Dr. Stahl

*[Handwritten signature]*

Dianne Parrish

## ENNR - Forest Resources

Keith Hester

## Division of Prisons

Barbara Baker

## Division of Prisons:

Buddy Henry

OSBM

Julie Carpenter

Doc

Wm Hamilton

Doc

# **DEPARTMENT OF CORRECTION**

## **REVIEW OF INMATE HEALTH SERVICES BUDGET -- DIVISION OF PRISONS**

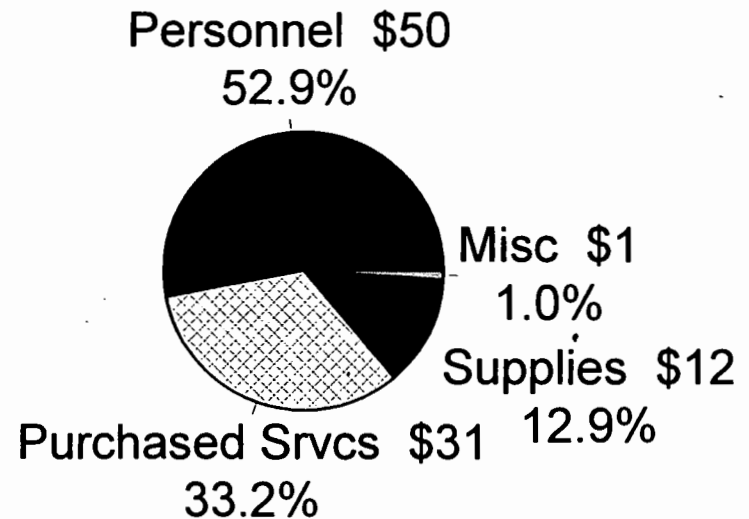
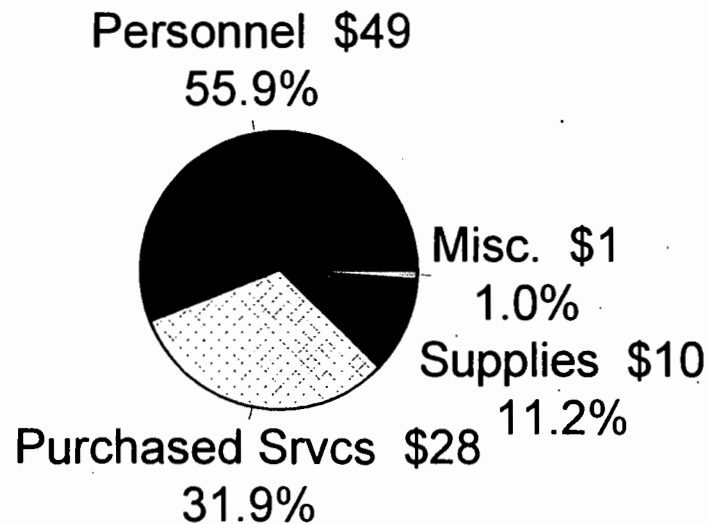
**JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE  
AND PUBLIC SAFETY**

**March 18, 1997**

Att: 1  
3-19-97 PM

# Department of Correction Inmate Health Services Budget - Prisons

1996-97 Authorized versus 1997-98 Recommended (Dollars in millions)\*

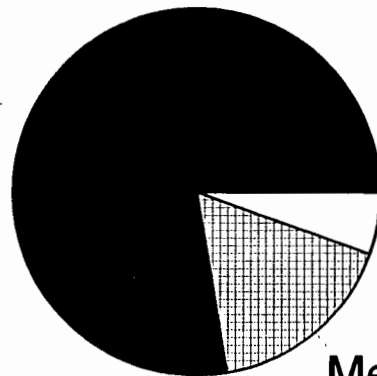


\*Total Budget-- 1995-96: \$74.76 M; 1996-97: \$88.57m; 1997-98: \$93.7m; 1998-99: \$94.4m (Source: VOL. 4 JPS Budget Document)

# Department of Correction Inmate Health Services Budget by Type

1995-96 Actual Expenditures versus 1996-97 Authorized\*

Gen Hlth \$59  
77.5%

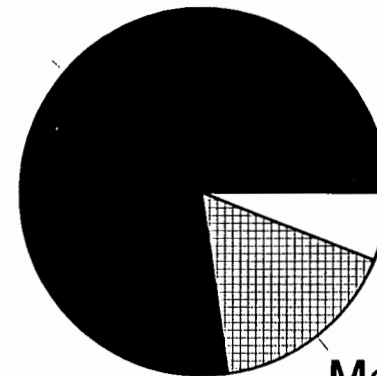


Dental \$4  
5.4%

Mental Hlth \$13  
17.1%

1995-96

Genl Hlth \$71  
77.2%



Dental \$5  
5.9%

Mental Hlth \$16  
16.9%

1996-97

\* (Dollars in millions) Total Budget is \$76.58M in 95-96; 1996-97 Authorized is \$92.06million as of 1/97 (with legislative salary increase)

20

DEPARTMENT OF CORRECTION  
INMATE HEALTH SERVICES BUDGET

Program Overview

The Department of Correction provides inmates with General Medical Services; Mental Health Services; and Dental Services. The DOC is required to provide the level of health care necessary to diminish pain and suffering not elective surgery or treatment. The General Statutes direct DOC to prescribe standards for health services to prisoners including preventive, diagnostic and therapeutic measures and requires the Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services to adopt standards for delivery of mental health and mental retardation services to inmates (G.S. 148-19)

North Carolina Administrative Code charges the Director, Division of Prisons, with the responsibility of providing each prisoner "the services necessary to maintain basic health." (West vs. Atkins 487 U.S. 42, 108 S. Court (1988) "The Department of Correction has a duty to provide adequate medical care to inmates in its custody" (Medley versus North Carolina (1992).

Other basic information includes:

- There are five prisons with non-acute Mental Health Units with a total of 402 beds, 94 staff, and 28 contracts with private providers (see **Attachment**).
- Central (144 beds) and NCCIW (144 beds) operate acute care Mental Health Units. (See **Attachment**).
- Five prisons (including NCCIW and Central) operate Medical Units with a total 355 beds, 282 staff, and 178 individual contractors. Only McCain and Central provide "hospital" level services (See **Attachment**).
- There are 30 dental clinics spread system-wide.



- Admissions – Each inmate receives a physical; a mental health screening; HIV Risk Assessment; TB Test; and certain immunizations
- Average cost per inmate has remained stable even as population has grown – average of \$2,743 per inmate over last three years with actual decline in per inmate cost since 1994-95.

• **Actual Expenditures have grown from \$52,818,890 in 1992-93 to \$74,764,300 in 1995-96. Prison population has grown approximately 43% in this same time period.**

#### Major Budget Actions 1995-97

The General Assembly authorized a \$5,000,000 reduction in the Health Services Budget for each year of the biennium. The reduction was based partially on recommendations of a 1994 State Auditor Study which included:

- Develop a long-range Health Services Plan (**Completed**) and reorganize the Health Services function (**In Progress**)
- Upgrade and/or Expand certain prison medical facilities (e.g. Central and McCain); Develop new contract with Dorothea Dix for hospitalization of inmates certain services (**Being Negotiated**); eliminate staff at units with less than 100 inmates (**In progress**; cuts made at GPAC units closed or converted last year).
- Hire more full-time physicians rather than use numerous contractors (**In progress – See Attachment**)
- Use prison hospitals and infirmaries for all non-emergency inmate medical care and negotiate preferred provider contracts (**In progress** – some contracts negotiated and utilization review staff hired that must approve all special procedures and review inmate condition after emergency before determining whether to bring inmate back to prison system or go to outside hospital).

- 5
- Revise Pharmacy operations – close/expand and reduce at various units
  - Establish Inmate Co-Pay requirements (**Inmate co- pay starts April 1, 1997**).

The bulk of the \$5,000,000 reduction was in two areas: (1) Reduction in costs of general medical services provided by non-prison hospitals and special services (X-Rays Ambulance etc.) and (2) drug supplies (\$1.5 million reduction in 96-97)

In addition to the \$5 million reduction, another \$250,000 was reduced based on use of \$1.00 for inmate initiated general medical visits (sick call). In practice, the Division is planning to charge a \$3.00 co-pay in for general visits and \$5.00 for emergencies in order to generate the \$250,000 reduction. The primary purpose of the co-pay is to ensure health services are utilized by inmates who are truly sick.

#### DOC Long Range Health Services Plan

A consultant was hired to prepare a long-range DOC Health Plan. Key findings of the November, 1996 consultant study were:

1. Too much dependence on outside service providers for diagnostic and certain procedures
2. Cost of transporting inmates very expensive (\$125 staffing cost per occurrence) versus having services in-house)
3. Hire more full-time physicians and fewer contractors.
4. Lack of inpatient beds – at least 75 needed now; Central Prison Hospital always full and facility and equipment very dated. Other prison hospital beds often near capacity.
5. Organization structure should be flattened and regionalized.

6. Develop more regional medical centers (Major capital expenditures – estimated at \$96 million dollars based on previous population projections)

Major Changes to Continuation Budget for 1997-99

**Overall Change -- Increase of \$5.25 million** in 1997-98 over 1996-97 authorized budget.

1. Reduction of 7 positions and support costs (\$340,000) to implement GPAC unit reductions.
2. Drug/Pharmacy Supplies – Allowable inflation increases budget by \$2 million each year.
3. Hospital Provided Services – Increase of \$2.858 million in 97-98 and \$3.37 million in 1998-99 due to annualization of new facilities; inflation; and increases in some contract costs (primarily annualize contract with private medical provider for Pasquotank and Hyde Correctional Centers - \$733,000 in 1997-98 and \$1,168,243 in 1998-99).

***ISSUE – SHOULD HEALTH SERVICES BUDGET FOR 1997-99 BE REVIEWED IN RELATION TO (1) ADMISSIONS (2) ACTUAL AND PROJECTED POPULATION AND (3) TYPE OF POPULATION --***

Inmate admissions are down since peak in 1993, which may reduce the number of health screenings at intake. Also, prison population is likely to stabilize during biennium; however, more offenders will be in the system for longer periods of time.

| Approval Date                | 606 #  | Position Title                 | Position # | Annual Budgeted Salary | Fringe on Salaries | Total Sal and Fringe | Annual \$ Cancelled Contracts | COST REDUCTION |
|------------------------------|--------|--------------------------------|------------|------------------------|--------------------|----------------------|-------------------------------|----------------|
| 18-Jun-96                    | 120067 | Nurse Clinician II             | 14023      | 36,728                 | 8,523              | 45,251               | 46,680                        | 1,429          |
| 01-Mar-96                    | 120042 | Pharmacy Technician            | 14217      | 18,735                 |                    |                      |                               |                |
| 01-Mar-96                    | 120042 | Pharmacist II                  | 14215      | 42,676                 |                    |                      |                               |                |
| 01-Mar-96                    | 120042 | Pharmacist II                  | 32598      | 42,676                 |                    |                      |                               |                |
| 01-Mar-96                    | 120042 | Pharmacy Technician            | 32599      | 18,735                 |                    |                      |                               |                |
| 01-Mar-96                    | 120042 | Pharmacy Services Mgr. I       | 32597      | 46,759                 |                    |                      |                               |                |
| 01-Mar-96                    | 120042 | Staff Psychologist II          | 22451      | 34,296                 |                    |                      |                               |                |
| <b>Total on 606 # 120042</b> |        |                                |            | 203,877                | 48,092             | 251,969              | 268,080                       | 16,111         |
| 29-Nov-95                    | 120031 | Physician III-B                | 31416      | 67,248                 | 14,163             | 81,411               | 95,960                        | 14,549         |
| 23-Oct-95                    | 120021 | Physician III-A (reallocation) | 31076      | 106,413                | 21,401             | 127,814              | 154,619                       | 26,805         |
| 04-Oct-95                    | 120019 | Pharmacist II                  | 31214      | 41,838                 |                    |                      |                               |                |
| 04-Oct-95                    | 120019 | Pharmacy Technician            | 31216      | 18,368                 |                    |                      |                               |                |
| <b>Total on 606 # 120019</b> |        |                                |            | 60,206                 | 14,598             | 74,804               | 78,028                        | 3,224          |
| 04-Oct-95                    | 120018 | Pharmacist II                  | 14212      | 41,838                 |                    |                      |                               |                |
| 04-Oct-95                    | 120018 | Pharmacist II                  | 14213      | 41,838                 |                    |                      |                               |                |
| <b>Total on 606 # 120018</b> |        |                                |            | 83,676                 | 18,935             | 102,611              | 109,484                       | 6,873          |
| 04-Oct-95                    | 120010 | Physician III-A                | 52087      | 94,444                 | 19,189             | 113,633              | 200,316                       | 86,683         |
| <b>GRAND TOTAL</b>           |        |                                |            |                        |                    |                      |                               | 155,672        |

## (2) 1330 PRISON HEALTH

### 6. Program Statistics

| a. | Number of inmates treated -  | (Calendar Years) |             |                   |
|----|------------------------------|------------------|-------------|-------------------|
|    |                              | <u>1995</u>      | <u>1996</u> | <u>1997 (Est)</u> |
|    | Health Screenings            | 80,493           | 78,399      | 92,511            |
|    | Intake Medical Exams         | 22,050           | 21,567      | 25,449            |
|    | Other Physical Exams         | 98,630           | 102,428     | 120,865           |
|    | Nurse Sick Call Assessments  | 338,198          | 342,293     | 403,906           |
|    | Visits to Physician Extender | 42,417           | 40,448      | 47,729            |
|    | Visits to MD                 | 76,021           | 79,284      | 93,555            |

#### b. Number Cases of AIDS and TB Treated:

|      | <u>1995</u> | <u>1996</u> | <u>1997</u> |
|------|-------------|-------------|-------------|
| AIDS | NR          | 173         | 204         |
| TB   |             | 11          | 13          |

#### c. Average Cost per Inmate for all 1330 Services:

|  | <u>1994/95</u> | <u>1995/96</u> | <u>96/97(Est)</u> |
|--|----------------|----------------|-------------------|
|  | 2,757          | 2,732          | 2,740             |

#### Cost per Major Disease Entity:

|                                                |         |         |         |
|------------------------------------------------|---------|---------|---------|
| TB                                             | 247,440 | 22,572  | 26,635  |
| HIV                                            | 172,241 | 229,400 | 270,692 |
| Hypertensive/Renal Disease                     | 98,394  | 15,932  | 18,800  |
| Acute MI                                       | 214,156 | 254,040 | 299,767 |
| Ischemic Heart Disease                         | 153,813 | 185,566 | 218,968 |
| Heart Disease                                  | 94,044  | 70,505  | 83,196  |
| Pneumonia                                      | 154,560 | 90,558  | 106,858 |
| Asthma                                         | NR      | 47,712  | 56,300  |
| Diseases of Stomach,<br>Esophagus and Duodenum | 155,610 | 53,212  | 62,790  |
| Acute Appendicitis                             | 62,985  | 92,400  | 109,032 |
| Hernia                                         | 29,160  | 25,691  | 30,315  |
| Diseases of Pancreas                           | 37,632  | 30,208  | 35,645  |
| Cholelithiasis                                 | 52,030  | 75,790  | 89,432  |
| Pregnancy Complications                        | 58,344  | 110,682 | 130,605 |
| Obstetrics                                     | 78,390  | 75,723  | 89,353  |

## MENTAL HEALTH UNITS WITH SPECIALIZED PROGRAMS

### 1330 PRISON HEALTH

#### 2. List of DOC Health Units by location with estimated budget, # beds, # staff at each unit or any regional staff.

|                             | EASTERN CI                             | HOKE CI                                | FOOTHILLS CI                           | BROWN CREEK CI                         | PENDER CI                              |
|-----------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| # MH BEDS                   | 86                                     | 72                                     | 90                                     | 78                                     | 66                                     |
| #MH STAFF                   | 16                                     | 32                                     | 26                                     | 11                                     | 9                                      |
| # MH CONTRACTS              | 6                                      | 2                                      | 10                                     | 4                                      | 6                                      |
| MH CONTRACT<br>HRS PER WEEK | 8-40 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL | 8-32 HRS PER<br>WEEK PER<br>INDIVIDUAL |
|                             |                                        |                                        |                                        |                                        |                                        |
|                             |                                        |                                        |                                        |                                        |                                        |

**EASTERN CORRECTIONAL INSTITUTION** - Provides rehabilitative mental health care to inmates who have completed stabilization at the acute treatment unit at Central Prison and are not yet ready to return to the regular prison population.

**HOKE CORRECTIONAL INSTITUTION** - Provides rehabilitative mental health care to inmates who have completed stabilization at the acute treatment unit at Central Prison and are not yet ready to return to the regular prison population.

**FOOTHILLS CORRECTIONAL INSTITUTION** - Provides rehabilitative mental health care to inmates who have completed stabilization at the acute treatment unit at Central Prison and are not yet ready to return to the regular prison population.

**BROWN CREEK CORRECTIONAL INSTITUTION** - Provides long term care and social skills training to inmates with a history of severe persistent mental illness that are not capable of functioning in the regular prison population.

**PENDER CORRECTIONAL INSTITUTION** - Provides social skills and vocational training to inmates with low intellectual functioning.

# ACUTE CARE MENTAL HEALTH FACILITIES

## 1330 PRISON HEALTH

2. List of DOC Health units by location with estimated budget, # beds, # staff at each unit or any regional staff.

|                                       | NC Correctional Institution for Women | Central Prison                     |
|---------------------------------------|---------------------------------------|------------------------------------|
| # Mental Health Beds                  | 28                                    | 144                                |
| # FT Mental Health Staff              | 45                                    | 82                                 |
| # Mental Health Contracts             | 6                                     | 7                                  |
| Mental Health Contract Hours Per Week | 8-20 Hrs. Per Week Per Individual     | 8-32 Hours Per Week Per Individual |
| Inmate Population                     | 1,100                                 | 1,215                              |
|                                       |                                       |                                    |

**North Carolina Correctional Institution for Women** - Provides acute stabilization and longer term rehabilitative services for female inmates requiring these levels of mental health services.

**Central Prison** - Provides acute mental health stabilization for male inmates.

## DOC MEDICAL UNITS

### 1330 PRISON HEALTH

**2. List of DOC Health units by location with estimated budget, # beds, # staff at each unit or any regional staff.**

|                              | Piedmont Corr.<br>Institution          | N.C. Correctional<br>Center for Women                                  | Western Youth<br>Institution         | McCain<br>Correctional<br>Hospital              | Central Prison                                                                                         |
|------------------------------|----------------------------------------|------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Number of Medical<br>Beds    | 14                                     | 28                                                                     | 10                                   | 237                                             | 66                                                                                                     |
| Number FT Medical<br>Staff   | 22                                     | 71                                                                     | 15                                   | 82                                              | 92                                                                                                     |
| # Contract Medical<br>Staff  | 23                                     | 20                                                                     | 2                                    | 61                                              | 72                                                                                                     |
| # Contract Hours<br>Per Week | 8 - 32 Hrs, Per Week<br>Per Individual | 2-32 Hrs. Per Week<br>Per Individual                                   | 2-32 Hrs. Per Week<br>Per Individual |                                                 | 8-32 Hrs. Per Week<br>Per Individual                                                                   |
| Inmate Population            | 830                                    | 1100                                                                   | 783                                  |                                                 | 1215                                                                                                   |
| Comments                     | Includes Diagnostic<br>Center          | Diagnostic Center.<br>Infirmary serves all<br>female inmates<br>(1850) | Diagnostic Center                    | Serves all Minimum<br>Custody Males<br>(11,054) | Diagnostic<br>Center/Hospital<br>Services. All<br>Medium/Close/Max<br>Custody Male<br>Inmates (16,456) |

\* Actual expenditures reports for these sections are not available because Office of State Controller is revising on-line reports.



**SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEE**  
**ON**

**JUSTICE AND PUBLIC SAFETY**

Thursday March 19, 1997 – 8:30am  
Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Presiding    Representative Larry Justus  
                                                                         Representative Gregg Thompson  
                                                                         Representative Joe Kiser

**II. PRESENTATIONS**

- Review of IMPACT Program (Boot Camps)

Elisa Wolper, Fiscal Analyst  
Correction Department Staff

- Overview of the Division of Adult Probation and Parole

Robert Guy, Director, Div. of Adult Probation and Parole

- Review of the Division of Adult Probation and Parole's Budget

Elisa Wolper, Fiscal Analyst  
Correction Department Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
MARCH 20, 1997

The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met at 8:30 a.m. on Thursday, March 20, 1997 in Room 415 of the Legislative Office Building. Thirteen members were present. In Senator Wib Gulley's absence, Senator Ballance presided.

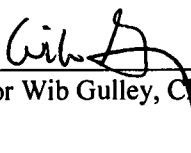
Senator Ballance asked Elisa Wolper, Fiscal Analyst, to go through the handout "IMPACT (Boot Camps) Update (see attached). Representative Kiser asked if there had been an increase in problems due to increasing the age of prisoners in this program to 30 years old. Mr. Gregg Stahl of the Department of Corrections answered that there had not been and that 60% of the inmates were under 18 years old. He also said that 84% of those inmates who enter the IMPACT program complete it. Mr. Robert Guy of the Probation and Parole Division also answered questions from the Subcommittee. Senator Ballance stated that many of the Boot Camp participants were involved in drugs and he felt the Boot Camp program needed a testing and treatment element.

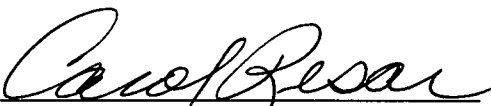
With regard to the IMPACT West program, Representative Thompson asked why it was only 48% full. Mr. Stahl responded that the program was running at full capacity and the Judges had to seek alternatives, but now there are empty beds and the Judges need to again think of IMPACT as an option. Representative Thompson asked that this item be flagged, and he asked for an exact breakdown of staff at IMPACT East and West.

Next, Mr. Robert Guy of the Probation and Parole Division gave a report on the Division of Adult Probation and Parole (see attached). Representative Thompson asked for the staff to get the dollar amount on what the State is paying for the equipment leases and a list of who the State leases from. In his handout, Mr. Guy went over the four areas of the intermediate punishment continuum from most to least restrictive: IMPACT (Boot Camp), house arrest, intensive supervision, and day reporting centers. Representative Justus asked if transportation was provided to the day reporting centers. Mr. Guy replied that the counties may provide transportation on a case by case basis. Representative Justus asked that this item be flagged. Representative Thompson asked for a further breakdown of Reallocations, Reinstatements and Reassignments from page 4 of the handout. Representative Kiser asked how many people were on probation or parole. Mr. Guy said 117,067.

Next, Elisa Wolper, Fiscal Analyst, went over the budget review for the Division of Adult Probation and Parole (see attached). There was a short question and answer time after this overview.

The meeting was adjourned at 10:00 a.m.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

# **IMPACT (Boot Camps) Update**

March 19, 1997

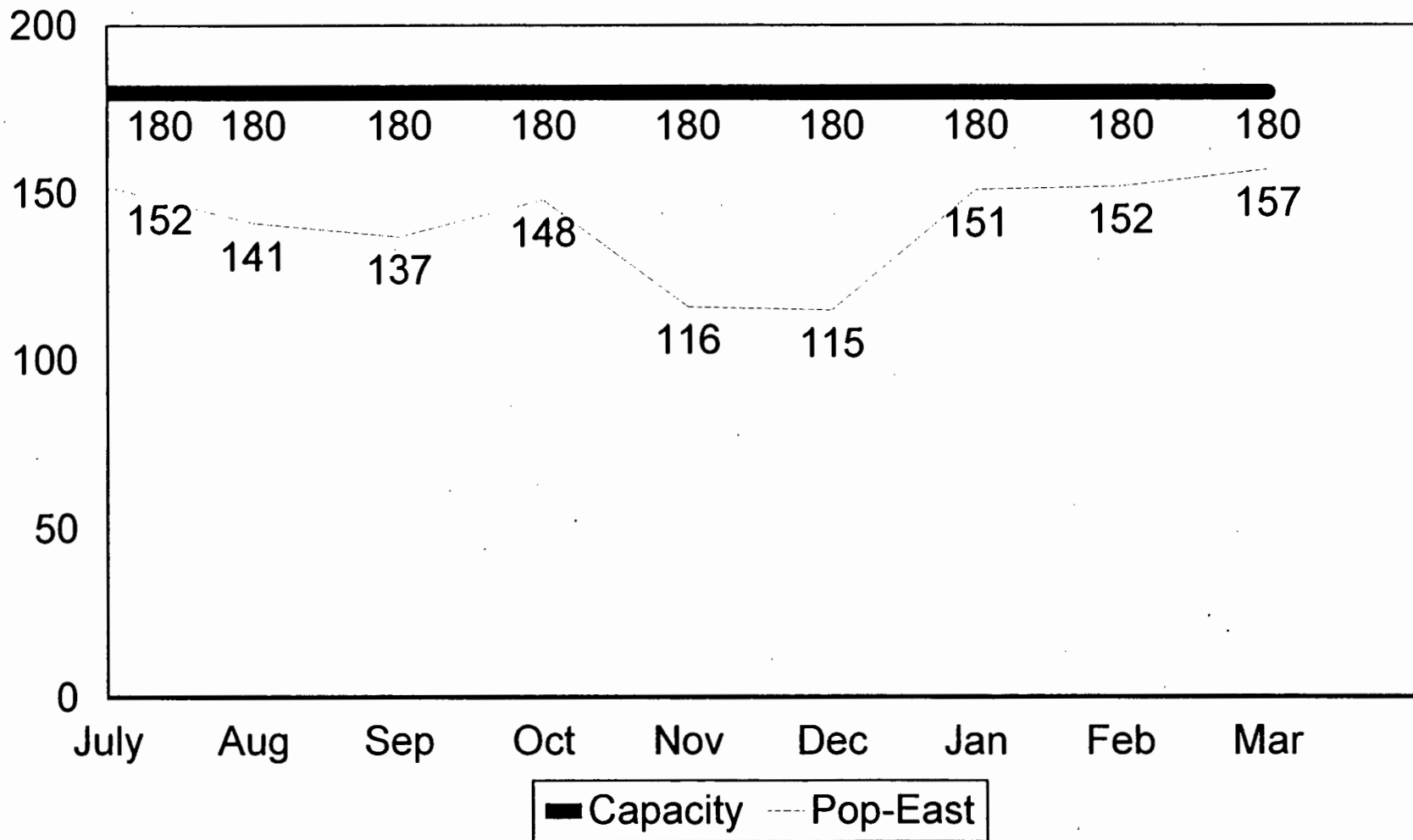
# IMPACT (Boot Camps)

## Intensive Motivational Programs of Alternative Correctional Treatment

- ◆ The first Boot Camp program began in 1989 as a parole/early release programs for non-violent male offenders ages 17-24. Boot Camp is a regimented schedule combining discipline, work and study/rehab.
- ◆ The program was changed in 1991 to a probation program for male offenders ages 16-25 with offenses punishable by prison sentences of at least a year and limits on prior incarcerations. Boot camp is a "split sentence"; 90-120 days in Impact followed by intensive probation in the community
- ◆ The program began with 90 beds at Impact East (Hoffman) and expansion at East to 180 beds in 1994. Impact West (Morganton) opened with 90 beds in late 1994 with an additional 90 beds in the spring of 1995. A 60 bed female facility at Hoffman will open in January 1998.
- ◆ Legislation in 1995 expanded the criteria for admission to IMPACT to include offenders up to age 30 and eliminated the limits on previous active sentences. Under current law the only restrictions are the age range(16-30), a medical evaluation and conviction for a Class1 misdemeanor or felony.

# Capacity vs. Population

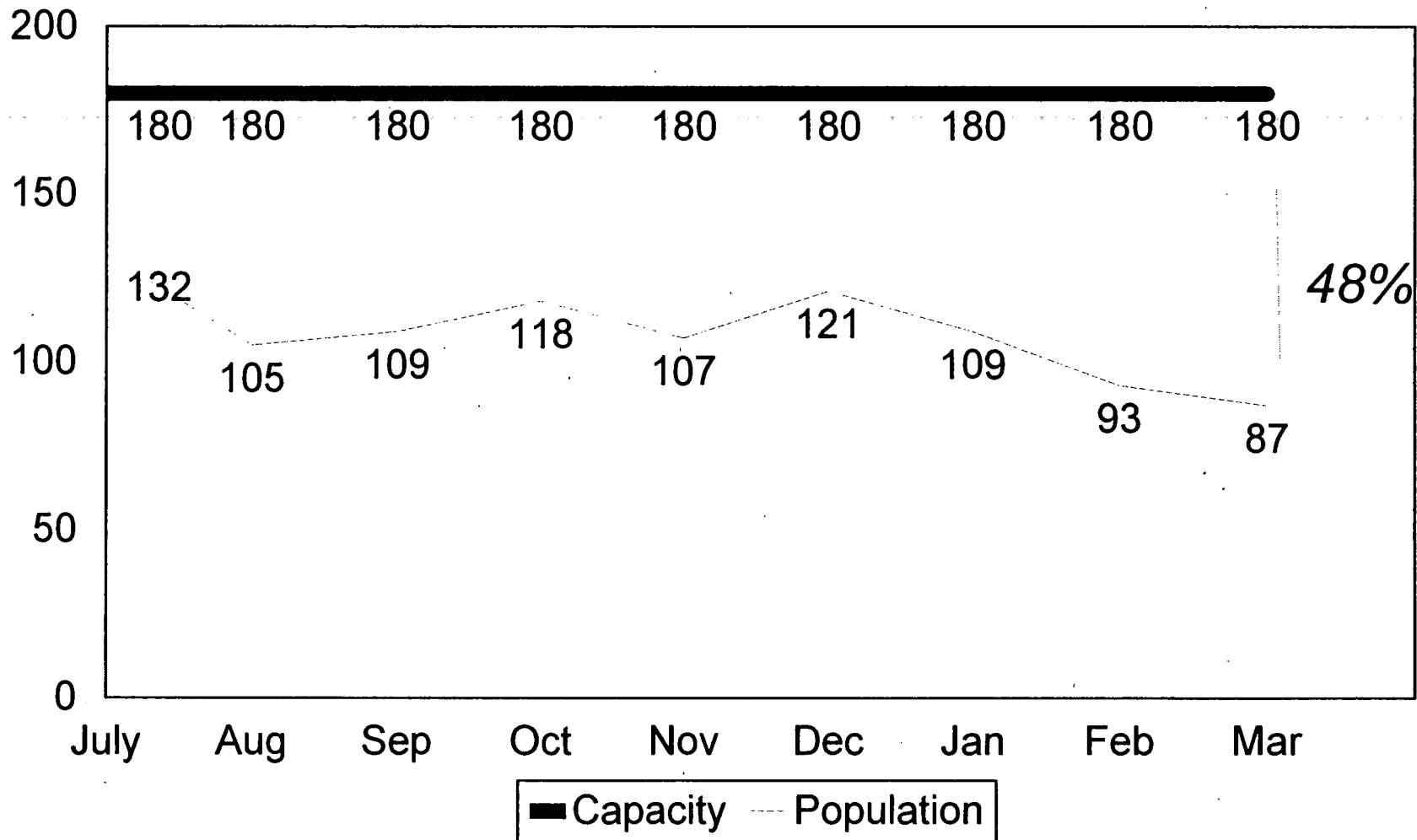
Impact East



population on 15th of month except March 3

# Population vs. Capacity

Impact West



15th of month except March 3

# IMPACT East and West

## East

## West

- Capacity of **180** beds.
- Estimated annual budget is **\$2,499,141**
- Staffing includes **31** drill instructors, **23** correctional officers, 70 total
- Daily per offender cost was **\$55.07** in 1995-6 compared to \$47.87 in all minimum security prisons and \$62 in medium security.
- Average daily population in 1995-6 was 137; average in 1996-7 has been **141**.

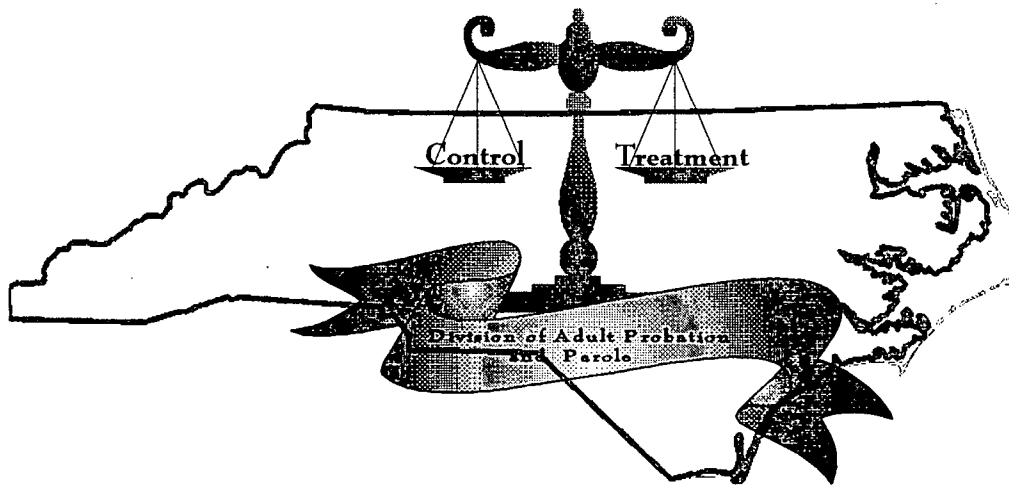
- Capacity of **180** beds.
- Estimated annual budget is **\$2,360,480**
- Staffing includes 29 drill instructors, **23** correctional officers, total 72.
- Daily per offender cost was **\$78.84** in 1995-6.
- Average daily population in 1995-6 was 87; average in 1996-7 has been **109**.

# IMPACT PROGRAM ISSUES

- ◆ *The programs have been under capacity since expansions in 1994 but are staffed assuming full enrollment. A 1996 audit report recommended assigning staff temporarily to other facilities during low enrollment periods. DOC has responded this is infeasible because new classes enter weekly and reassignments may be short.*
- ◆ An evaluation of the IMPACT program estimated that about 60% of offenders would have had active prison sentences averaging 6 months if not sent to IMPACT. For these 60%, IMPACT is a cost saving. For the other 40%, however, IMPACT costs \$5,050 more than intensive probation for a 90-day enrollment.
- ◆ Preliminary estimates of the effect of IMPACT on rearrests show a very slight effect relative to similar groups of incarcerated offenders or those on probation.
- ◆ National evaluations of boot camp programs emphasize the importance of aftercare. The 1994 General Assembly appropriated \$452,619 for pilot aftercare programs which began this year in 4 sites. These pilots end at the end of this fiscal year.



NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF ADULT PROBATION AND PAROLE



Report to the North Carolina General Assembly

March 1997

Mack Jarvis  
Secretary of Correction

Robert Lee Guy  
Division Director

## **North Carolina Department of Correction Division of Adult Probation and Parole**

### **Introduction:**

The Department of Correction is composed of two main operating Divisions - the Division of Prisons and the Division of Adult Probation and Parole. The Division of Adult Probation and Parole accepts the tremendous challenge of providing cost-effective supervision to all criminal offenders returned to our communities. "Structured Sentencing" and our "Community Correction Strategy" are steps that have been taken to aggressively overhaul a criminal justice system that was in a crisis in the 80's and early 90's. To improve our ability to protect society as sworn officers of the court, we strive to provide an equal balance of control and treatment over offenders serving out their sentences in the communities of North Carolina.

### **General Information:**

The Division's goal, as established in July 1993 is to implement a "Comprehensive Community Correction Strategy" aimed at restoring the public's confidence in our criminal justice system and enabling offenders under community supervision the opportunity to reform and become productive, law-abiding citizens. In addition to structured sentencing and additional prison resources there are several key changes that have been implemented which will have a tremendous impact on our achieving success. They are as follows:

- ▶ The Division's reorganization plan, 1993-96;
- ▶ The establishment of a true "continuum of community sanctions"; October 1994 The Revocation Task Force Report, "Impacting Probation and Parole Revocations," May 1995;
- ▶ Redefining and redesigning our case management system;
- ▶ Offender Population Unified System (OPUS) - DOC's new computer data base program;
- ▶ and the formation and maintenance of Community Correction Coalitions on the state and local level.

### ***Reorganization***

A major accomplishment in the past four years has been the Division's reorganization. The new organizational structure, aligned with the state's Judicial Divisions, consolidates the formerly separate Probation and Parole management structures. Four Judicial Division Office locations have been established in their respective areas: First Division - Greenville, Second Division - Smithfield, Third Division - Knersville, Fourth Division - Asheville. The Division's Field Operations now consists of four Judicial Division Chiefs, eight Assistant Judicial Division Chiefs, forty-three Judicial District Managers, and one-hundred sixty-five Chief Probation and Parole Officers. Reorganization has achieved the following results:

- ▶ Streamlined Management Structure
- ▶ Decentralized policy-making positions from Raleigh to the field, which established a more efficient and cost-effective management structure
- ▶ Merged Probation and Parole resources
- ▶ Developed a career ladder for field staff, with opportunity for specialization

#### **Fiscal Snapshot:**

| <b>Fiscal Year</b> | <b>93-94</b> | <b>94-95</b> | <b>95-96</b> | <b>96-97</b>   |
|--------------------|--------------|--------------|--------------|----------------|
| <b>Budget</b>      | \$66,275,339 | \$88,020,455 | \$97,083,753 | \$104,696,799* |

\* The Regular Probation Field Services (fund code 1430) and the Parole/Pre and Post-Release (fund code 1440) were consolidated in FY 96-97.

#### **Cost Saving Measures:**

Cost Savings have been realized over the past four years in the following areas:

- **Lease Management** - The Division of Adult Probation and Parole 's lease management strategies include consolidation of leases within the same county where operationally practical. The benefits of these consolidation efforts include: the promotion of competitive bidding; **less administrative oversight** is required; **shared telecommunication equipment** and data controllers; more efficient communications between various program staff; the **span of supervisory control** for line supervisors and field managers increases; and **common areas** such as storage, conference rooms, fax and copier rooms, and computer work areas can be shared.

| <b>Fiscal Year</b>                | <b>93-94</b> | <b>94-95</b> | <b>95-96</b> | <b>96-97(to date)</b> |
|-----------------------------------|--------------|--------------|--------------|-----------------------|
| Total # of Leases as of June 30th | 162          | 177          | 151          | 142                   |

**NOTE: The Division has accomplished our goal of reducing the total number of leases while experiencing the largest expansion of personnel in history.**

- **Electronic Monitoring Center** - The electronic monitoring operation began its streamlining process fiscal year 94-95 by consolidating the two Centers into one statewide facility. **Consolidation** improved the **cost effectiveness** and overall **efficiency of the operation**. The cost savings for fiscal year 1994-1995 was **\$365,374**, and the cost savings for FY 95-96 was **\$395,305**. Merging into one monitoring center also allowed the operation to set up a disaster recovery site. This is a backup facility that will become operational in the event a natural disaster or mechanical failure closes the primary facility. The new Monitoring Center is now a leader in the field, one of very few of its kind in existence, in either the public or private sector.

- **Drug Screening Program** - In the spring of 1995, the Division negotiated a new contract with Behring Diagnostics, Incorporated (formerly Syva Company) of California which resulted in a **net savings of \$193,686**. Further, the Division acquired the services of PharmChem of California as the confirmatory test vendor at a **savings of \$5.00 per sample** over the previous contractor (\$20 per sample, rather than \$25). This contract will be up for bid again this spring.
- **Telecommunications** - In FY 94-95 the Division purchased thirty-one sixteen-port control units from the Administrative Office of The Courts through State Surplus Properties at \$40 each, totaling \$1,240. This equipment would have cost approximately \$224,000 if purchased new from an outside vendor. There has also been an increased emphasis on the utilization of Electronic Mail by all staff.

| Telecommunication Requests | 94-95 | 95-96 | 96-97(to date) |
|----------------------------|-------|-------|----------------|
| Voice Requests Processed   | 202   | 134   | 95             |
| Data Requests Processed    | 96    | 104   | 108            |

#### **Motor Fleet Management:**

Our major source of transportation comes from the Department of Administration Motor Fleet Management Division, which has leased to Adult Probation and Parole 1,367 vehicles for the for the 96-97 fiscal year (to date).

#### **Program Costs:**

| PROGRAM                 | FY 93-94 COSTS    | FY 94-95 COSTS    | FY 95-96 COSTS                     |
|-------------------------|-------------------|-------------------|------------------------------------|
| Regular Probation       | \$1.38 per day    | \$1.35 per day    | (Consolidated) *<br>\$1.47 per day |
| Regular Parole          | \$1.51 per day    | \$1.24 per day    |                                    |
| Intensive               | \$9.43 per day    | \$10.75 per day   | \$8.20 per day                     |
| Electronic House Arrest | \$6.37 per day    | \$6.02 per day    | \$5.52 per day                     |
| Drug Screening          | \$7.91 per sample | \$5.68 per sample | \$4.11 per sample                  |

\* Regular Probation and Parole officers began carrying mixed caseloads

## **Personnel Snapshot:**

Division of Adult Probation and Parole Staff as of 3/11/97:

| <b>Gender</b> | <b>White</b>       | <b>Black</b>     | <b>Other</b>   | <b>Total</b>        |
|---------------|--------------------|------------------|----------------|---------------------|
| <b>Male</b>   | 951 - 43%          | 247 - 11%        | 28 - >1%       | 1,226 - 54%         |
| <b>Female</b> | 725 - 33%          | 260 - 12%        | 14 - <1%       | 999 - 46%           |
| <b>Total</b>  | <b>1,676 - 76%</b> | <b>507 - 23%</b> | <b>42 - 1%</b> | <b>2,225 - 100%</b> |

Personnel transaction activity is summarized in the following table:

| <b>Transaction</b>                  | <b>FY 93-94</b> | <b>FY 94-95*</b> | <b>FY 95-96*</b> | <b>FY 96-97</b> |
|-------------------------------------|-----------------|------------------|------------------|-----------------|
| <b>New Hires</b>                    | 91              | 270              | 253              | 90              |
| <b>Promotions</b>                   | 89              | 416              | 234              | 99              |
| <b>Reassignments</b>                | 4               | 16               | 18               | 8               |
| <b>Transfers</b>                    | 40              | 98               | 57               | 41              |
| <b>Demotions</b>                    | 2               | 0                | 0                | 0               |
| <b>Reallocations</b>                | 27              | 35               | 182              | 187             |
| <b>Reinstatements</b>               | 23              | 48               | 45               | 26              |
| <b>Retirements</b>                  | 14              | 13               | 27               | 8               |
| <b>Dismissals</b>                   | 4               | 4                | 3                | 1               |
| <b>Other Separations</b>            | 122             | 139              | 163              | 80              |
| <b>Total Personnel Transactions</b> | <b>416</b>      | <b>1,039</b>     | <b>982</b>       | <b>540</b>      |

\* Structured Sentencing Expansion

The Division of Adult Probation and Parole Field Officers by Fiscal Year:

| <b>POSITION</b>              | <b>93-94</b> | <b>94-95</b> | <b>95-96</b> | <b>96-97</b> |
|------------------------------|--------------|--------------|--------------|--------------|
| <b>Intensive Officers II</b> | 153          | 338          | 338          | 338          |
| <b>Probation Officers*</b>   | 802          | 872          | 1,104        | 1,107        |
| <b>Parole Officers</b>       | 146          | 146          | 0**          | 0            |
| <b>Surveillance Officers</b> | 153          | 338          | 338          | 338          |
| <b>Totals</b>                | <b>1,254</b> | <b>1,744</b> | <b>1,780</b> | <b>1,783</b> |

\* In 94/95, Probation Officers included 14 High Risk Officers. In 95/96, Probation Officers included 14 High Risk Officers and 141 Administrative Officers.

\*\* DAPP Reorganization was completed in 1995 which included combining probation and parole caseloads.

## **Offender Supervision:**

While imprisonment continues to be the most severe and visible form of punishment today, it is the Division's responsibility to provide quality supervision to the rapidly accelerating number of offenders ordered to serve out their sentences in the communities across North Carolina. The most important element to the many changes surrounding the North Carolina Criminal Justice System is the Division's Community Corrections Strategy. The five objectives established under this strategy are targeting, control, treatment, compliance and enforcement. They are realized by the utilization of a graduated continuum of community-based sanctions:

### **Intermediate Punishment Continuum (Most to Least Restrictive)**

#### **IMPACT (Boot Camp)**

Paramilitary style 90 to 120 day sanction for youthful offenders designed to instill a work ethic. Participants perform public service work six days a week and attend mandatory, individualized, evening academic classes. After graduation, they are discharged to a high level of probation supervision.

#### **House Arrest with Electronic Monitoring**

An Intermediate Punishment or Special Condition of probation, under which offenders are confined to their residences at all times, except to work, attend school or participate in treatment. The enhanced control techniques ensure heightened supervision and accountability through 24 hour surveillance and electronic monitoring, with immediate response to violations. The recommended duration is 90 days House Arrest followed by High Risk supervision.

#### **Intensive Supervision**

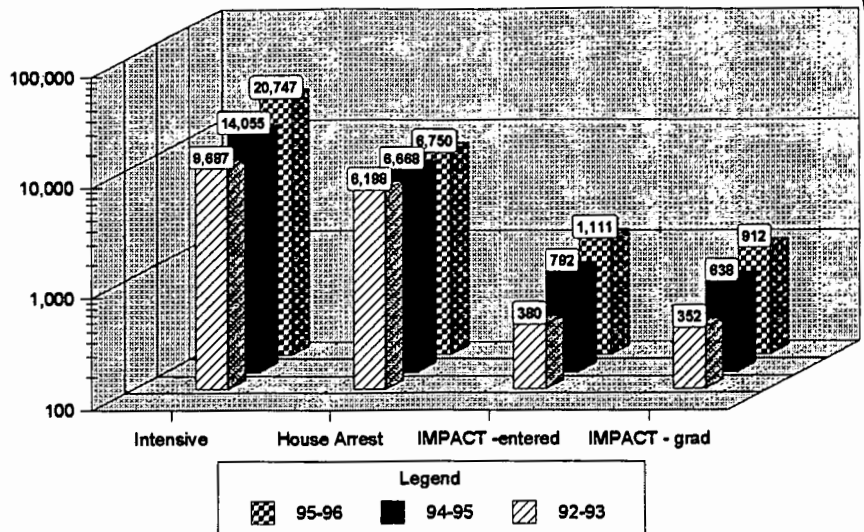
An Intermediate sanction reserved for higher risk offenders. The offender is provided with the proper balance of control and assistance through enhanced interaction with a Probation/Parole Team who supervises a limited caseload and addresses those factors which contribute to the likelihood of failure. There is a mandatory curfew 8 p.m. to 6 a.m., mandatory community service, mandatory employment or school attendance and random drug screens. Intensive Supervision has a duration of six (6) months unless otherwise specified by the Court. After successful completion, the offender will move to the High Risk level of supervision.

#### **Day Reporting Centers**

The centers provide a variety of services to meet the needs of the offenders, such as substance abuse counseling, educational and vocational guidance, etc. The offenders report to these centers on a daily basis. Duration may vary from program to program. DRCs are funded through the Criminal Justice Partnership Program.

## DAPP Intermediate Punishments

Fiscal Years' Utilization



**Note:** DRC statistics are compiled and maintained by the Criminal Justice Partnership Program.

### Offender Statistics for Calendar Year 1996:

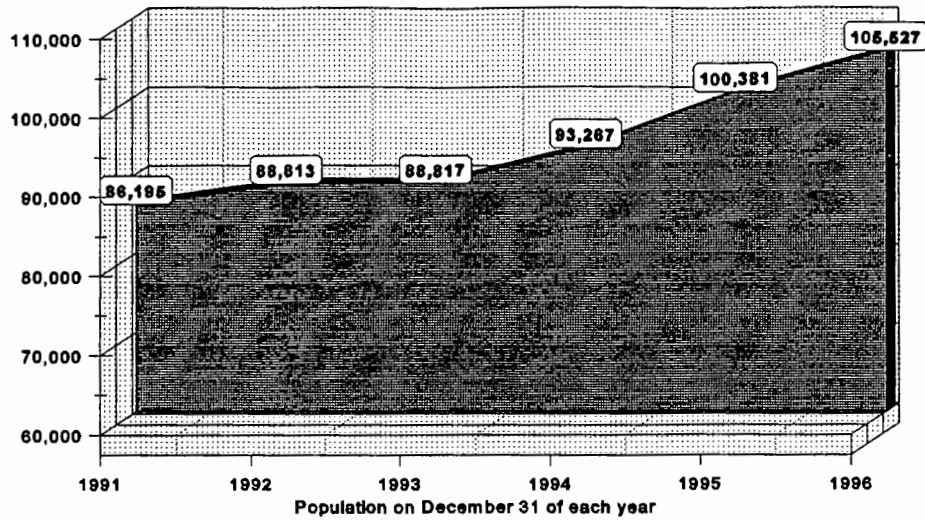
| Supervised on 12/31/96            | Probation (and Dual)                                                                                                                                               | Parole Only                                                                                                                                               |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Total Supervised = 117,067</b> | Probation/Dual Total: 105,527<br>Probation = 103,698 Dual = 1,829                                                                                                  | Parole Total: 11,540                                                                                                                                      |
| Gender Composition                | Male: 83,481<br>Female: 22,046                                                                                                                                     | Male: 10,429<br>Female: 1,111                                                                                                                             |
| Racial Composition                | White: 49,462<br>Black: 51,293<br>Other: 4,772                                                                                                                     | White: 3,848<br>Black: 7,290<br>Other: 402                                                                                                                |
| Supervised Felons                 | Total: 36,268<br>SS Intermediate Felons: 8,449<br>SS Community Felons: 7,686<br>Pre-SS Felons: 18,092<br>DWI Felons: 47<br>Non-NC (WFT) Felons: 1,977<br>Other: 17 | Total: 8,543<br>SS Intermediate Felons: N/A<br>SS Community Felons: N/A<br>Pre-SS Felons: 7,670<br>DWI Felons: 1<br>Non-NC (WFT) Felons: 813<br>Other: 59 |
| Supervised Misdemeanants          | Total: 68,059<br>SS Intermediate Misd: 3,496<br>SS Community Misd: 27,407<br>Pre-SS Misd: 15,431<br>DWI Misd: 19,918<br>Non-NC (WFT) Misd: 1,805<br>Other: 2       | Total: 1,702<br>SS Intermediate Misd: N/A<br>SS Community Misd: N/A<br>Pre-SS Misd: 1,032<br>DWI Misd: 620<br>Non-NC (WFT) Misd: 41<br>Other: 9           |
| Status Not Reported:              | 1,200                                                                                                                                                              | 1,295                                                                                                                                                     |

| Supervised on 12/31/96                                                                          | Probation (and Dual)                                                                                                     | Parole Only                                                                                                       |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Offenders Received in 1996</b><br>Total = 65,971                                             | Probation/Dual Total: 55,675<br>Probation = 54,963      Dual = 712                                                       | Parole Total: 10,296                                                                                              |
| Most Frequent Felony Crimes<br>(Committed by Offenders<br>Received in 1996):                    | Drugs-Non Trafficking - 6,446<br>Breaking and Entering - 1,810<br>Larceny - 1,454<br>Fraud - 974<br>Forgery - 682        | Drugs-Non Trafficking - 2,231<br>Breaking and Entering - 1,036<br>Larceny - 602<br>Robbery - 558<br>Assault - 428 |
| Most Frequent Misdemeanor<br>Crimes (Committed by<br>Offenders Received in 1996):               | DWI - 11,118<br>Assault - 5,776<br>Larceny - 5,773<br>Other Traffic Violations - 4,593<br>Drugs-Non Trafficking - 3,846  | DWI - 1,040<br>Larceny - 303<br>Other Traffic Violations - 289<br>Assault - 192<br>Breaking and Entering - 119    |
| Combined (Felony & Misd.) Most<br>Frequent Crimes (Committed by<br>Offenders Received in 1996): | DWI - 11,379<br>Drugs-Non Trafficking - 10,336<br>Larceny - 7,235<br>Assault - 6,358<br>Other Traffic Violations - 4,699 | Drugs-Non Trafficking - 2,347<br>Breaking and Entering - 1,156<br>DWI - 1,082<br>Larceny - 906<br>Assault - 620   |
| <b>Offenders Terminated</b><br>Total = 64,019                                                   | Probation/Dual Total: 50,317<br>Probation = 49,359      Dual = 958                                                       | Parole Total: 13,702                                                                                              |
| Revocations                                                                                     | Total: 11,978<br>New Crime: 994<br>Technical: 7,179<br>Absconding : 2,865<br>Not Reported: 940                           | Total: 3,995<br>New Crime: 495<br>Technical: 1,160<br>Absconding: 1,940<br>Not Reported: 400                      |
| Completion                                                                                      | 11,952                                                                                                                   | 8,130                                                                                                             |
| Termination                                                                                     | 20,412                                                                                                                   | 1,064                                                                                                             |
| Elect to Serve                                                                                  | 4,370                                                                                                                    | N/A                                                                                                               |
| Close out of State Cases                                                                        | 753                                                                                                                      | 231                                                                                                               |
| Other                                                                                           | 336                                                                                                                      | 186                                                                                                               |
| Offender Died                                                                                   | 516                                                                                                                      | 96                                                                                                                |

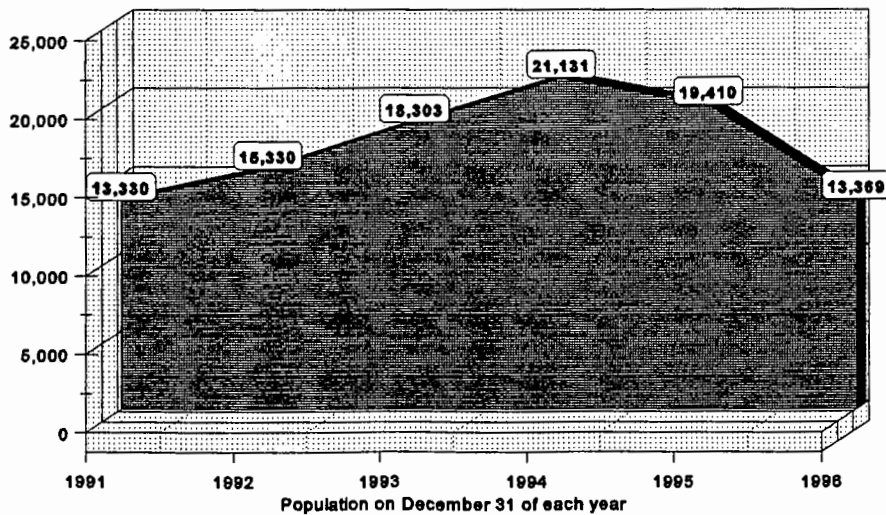
| Revocation Rates by Fiscal Year and Supervision Type |           |        |
|------------------------------------------------------|-----------|--------|
| Fiscal Year                                          | Probation | Parole |
| FY 91-92                                             | 42%       | 31%    |
| FY 92-93                                             | 27%       | 30%    |
| FY 93-94                                             | 24%       | 35%    |
| FY 94-95                                             | 22%       | 34%    |
| FY 95-96                                             | 23%       | 33%    |



# **PROBATION (Including Dual Cases) 91-96** **YEAR-END POPULATION TREND**



# **PAROLE (Including Dual Cases) 91-96** **YEAR-END POPULATION TREND**



**NOTE:** Both charts include 1,829 Dual Cases.  
 Total Probation, Parole and Dual cases = 117,067

## DAPP Special Projects Descriptions

The Division must continue to be progressive in its approach to providing **an equal balance of offender control and treatment services** to achieve its goal. This includes constantly striving to improve our efficiency through hard work, training, education, communication and changing the way we do business. It requires the effective utilization of available resources within the community, incorporating pertinent innovations in available technology, and the development of forward looking methods of dealing with a changing offender population.



To this end, the Division is involved with several special projects initiated through federally funded grants and/or collaboration with other state or criminal justice agencies. The following are brief descriptions of the special projects currently underway within the Division:

### **Post-Boot Camp Probation Program**

The Department of Correction has formed a partnership with the Substance Abuse Section, DMH/DD/SAS, Department of Human Resources to develop a demonstration aftercare program in four sites - Edgecombe/Nash Counties, Forsyth County, Mecklenburg County and New Hanover County. The Division of Adult Probation and Parole is contracting with

Local Treatment Alternatives to Street Crime (TASC) programs to provide these high risk offenders with specialized treatment and support services, in addition to Probation's

close monitoring and control of the offender in the community. The goal of the Post-Boot Camp Probation Program is to maintain public protection and safety, assure individual accountability by the offender, and provide needed treatment and support services.



### **Probation/Schools Community Partnership**

The first School Partnership was established in Carteret County in April 1993. The program's purpose is to increase officers' contacts with students, teachers, guidance counselors, assistant principals, and principals regarding students who are on supervised probation, and expand participation in prevention programs. The officers have weekly contacts with not only students, but also with school officials to obtain their opinions on each student's progress. To date, a **Probation/Schools Community Partnership program has been initiated in forty-five counties in this state.**

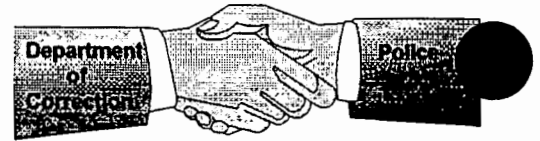


## **Wake County Community Policing/Probation Control Program**

The **Raleigh Police Department** and **Wake County Adult Probation/Parole** are initiating a project to foster greater inter-agency collaboration for dealing with offenders in the community.

**The Community Policing/Probation Control Program** has identified areas for combining resources to address structured sentencing offenders who are sentenced to **Intermediate**

**Punishment**, or those sentenced to Community Punishment who exhibit noncompliant behavior, with a special emphasis on sex offenders, drug offenders, and high school aged offenders. The main goal of the project is to develop a team concept of monitoring offenders by sharing pertinent information, coordinating surveillance efforts, and understanding each other's roles.



## **DAPP Victim Services Grant Pilot Project**

In July 1994, the Department of Correction received a two-year grant for a Victims' Services Planner position reporting directly to the Secretary. As an outgrowth of this grant, the Department has established two pilot sites within the Division of Adult Probation and Parole, each with a Victim Advocate position working under the Judicial District Manager to establish a structured services program for the victims of offenders being supervised in **Judicial Districts 3B and 10**. The Victim Advocate will coordinate and network with local community agencies, organizations, and other groups providing services to victims of crime to further develop an integrated system of victim assistance. It is this project's goal to expand the opportunities victims have to participate in the criminal justice process and to assure them that all due consideration of the impact the crime has upon their lives is given.

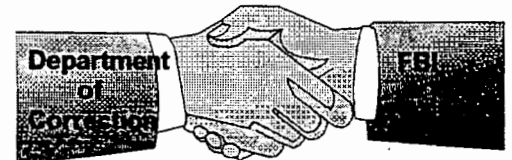
## **Automated Case Management - Federal Grant Project Description**

The Division of Adult Probation and Parole is engaged in a cooperative effort with the Henderson County Justice Wide Area Network (JWAN) involving the customization of computer hardware and software for case management through automated record keeping, and a pilot implementation project for field testing. This is a federally funded grant project through the North Carolina Department of Crime Control and Public Safety. The entire Henderson County criminal justice community is participating in this and the JWAN project to enhance the vital exchange of information between local criminal justice agencies.

## **Charlotte Violent Crimes Fugitive Task Force**

In 1994, the Charlotte Violent Crimes Fugitive Task Force became operational as part of the FBI's "Safe Streets Initiative." Its aim is to achieve maximum coordination and cooperation in bringing to bear combined resources of the participating agencies toward the location and apprehension of offenders. Investigations are conducted which focus on the most violent fugitives sought by Federal and North Carolina law enforcement organizations, plus investigations of other violent offenders involved with crimes such as bank robberies, armored car robberies, kidnaping and extortions where concurrent jurisdiction exists among participating agencies.

The law enforcement agencies involved are: Charlotte-Mecklenburg Police Department, NC Department of Correction - Division of Adult Probation and Parole, Mecklenburg County Sheriff's



Department, North Carolina State Bureau of Investigation, and the Federal Bureau of Investigation. This project is scheduled to expand to Raleigh, Greensboro and Winston-Salem in 1997

### **Specialized Domestic Violence Unit - Mecklenburg County Probation**

In mid-1994, the District Court in Mecklenburg County decided to provide specialized sessions for domestic violence cases, both civil and criminal. In contribution to this effort, in January 1995 the Division established a Specialized Domestic Violence Unit for criminal offenders placed on probation. The Probation/Parole Officer, working within this distinctive court setting, can be one of the most important components in de-escalating the domestic violence problem and minimizing the lethality of these encounters. The intervention of an officer, through good interpersonal skills and intuitive judgement, will enable the cycle to be broken before it escalates into another violent act.

### **Unified Reporting System Grant Description**

The Center for Alternative Sentencing and Employment Services in New York City, was awarded an Edna McConnell Clark Foundation Grant to develop a community corrections unified reporting system focused on the North Carolina Division of Adult Probation and Parole. The reporting system will make information available to managers, allowing them to gauge how well their initiatives are being implemented across the state, enabling them to identify weakness and innovate solutions, and thereby facilitating ongoing strategic planning. The application of the strategies will then become more consistent and resources will be more efficiently used.

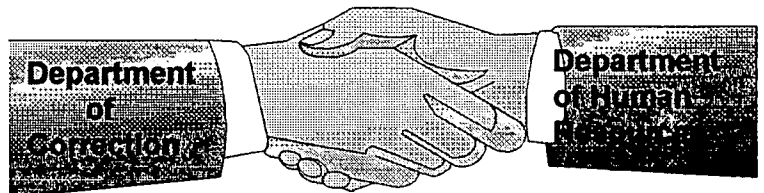
### **Pilot Drug Treatment Court Programs**

Drug Treatment Court is an innovative court-based intervention whereby the judge, the district attorney, and the public defender or private defense attorney work together in a non-adversarial fashion to help chemically dependent offenders obtain needed treatment and rehabilitation in the hopes of breaking the cycle of crime and addiction.

In the 1995 legislative session, the General Assembly authorized the expenditure of \$600,000 for pilot drug treatment court programs for fiscal year 1995-96 and \$800,000 for 1996-97, with funds to be used primarily to provide substance abuse treatment. The Division of Adult Probation and Parole's resources are supporting all of the drug court initiatives through our Probation/Parole Officer's participation.

### **Guilford/Alamance Pilot Project -Substance Abuse Treatment for Probationers and Parolees**

The Guilford/Alamance Project is a combined effort of the NC Department of Correction and the NC Department of Human Resources. The goal is to affect offender recidivism by furnishing a wide array of treatment services through collaboration and cost sharing. It is designed to provide coordinated probation/parole supervision and drug/alcohol treatment services for a duration of up to one year.



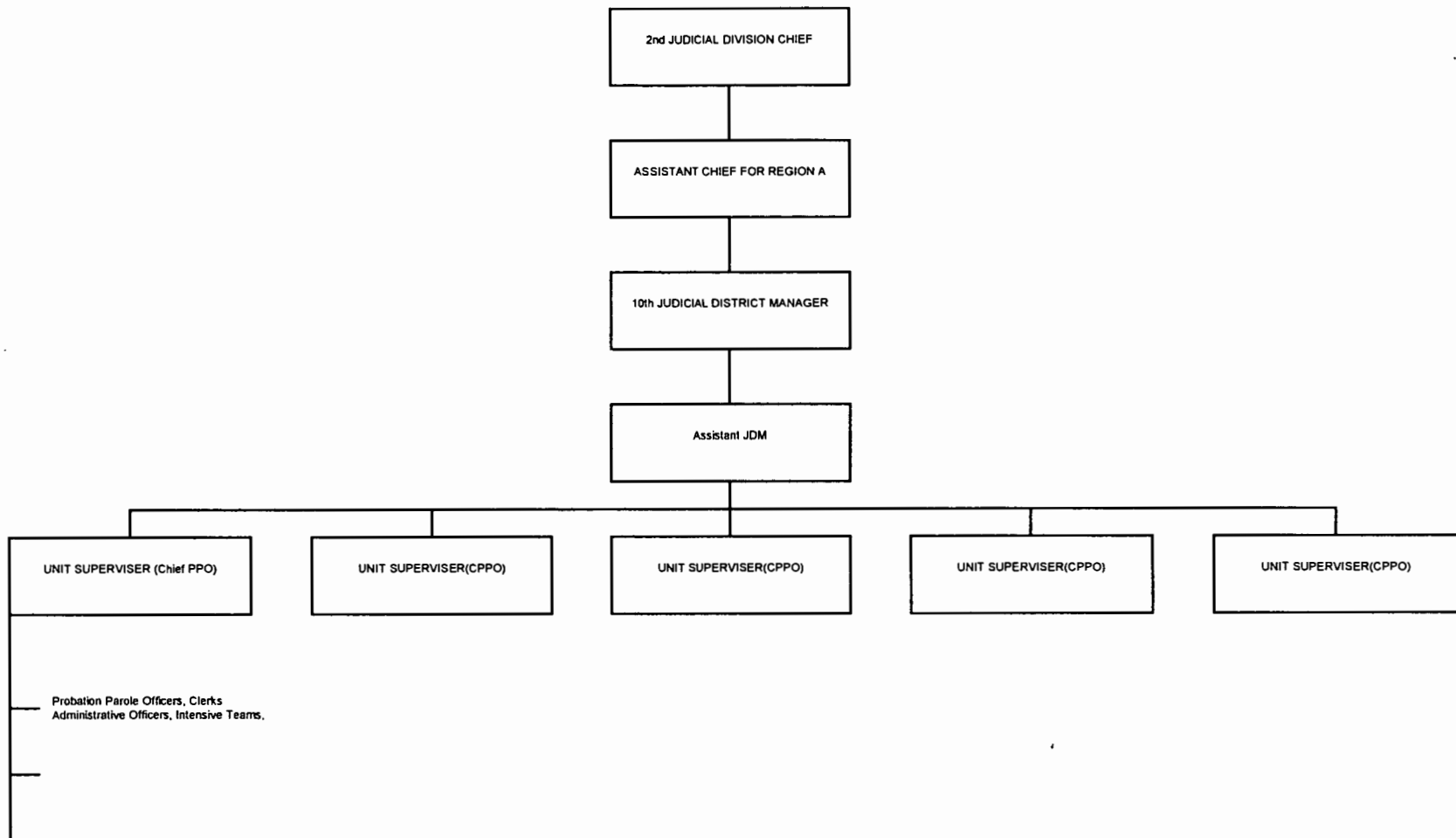
# **DIVISION OF ADULT PROBATION AND PAROLE**

Budget Review

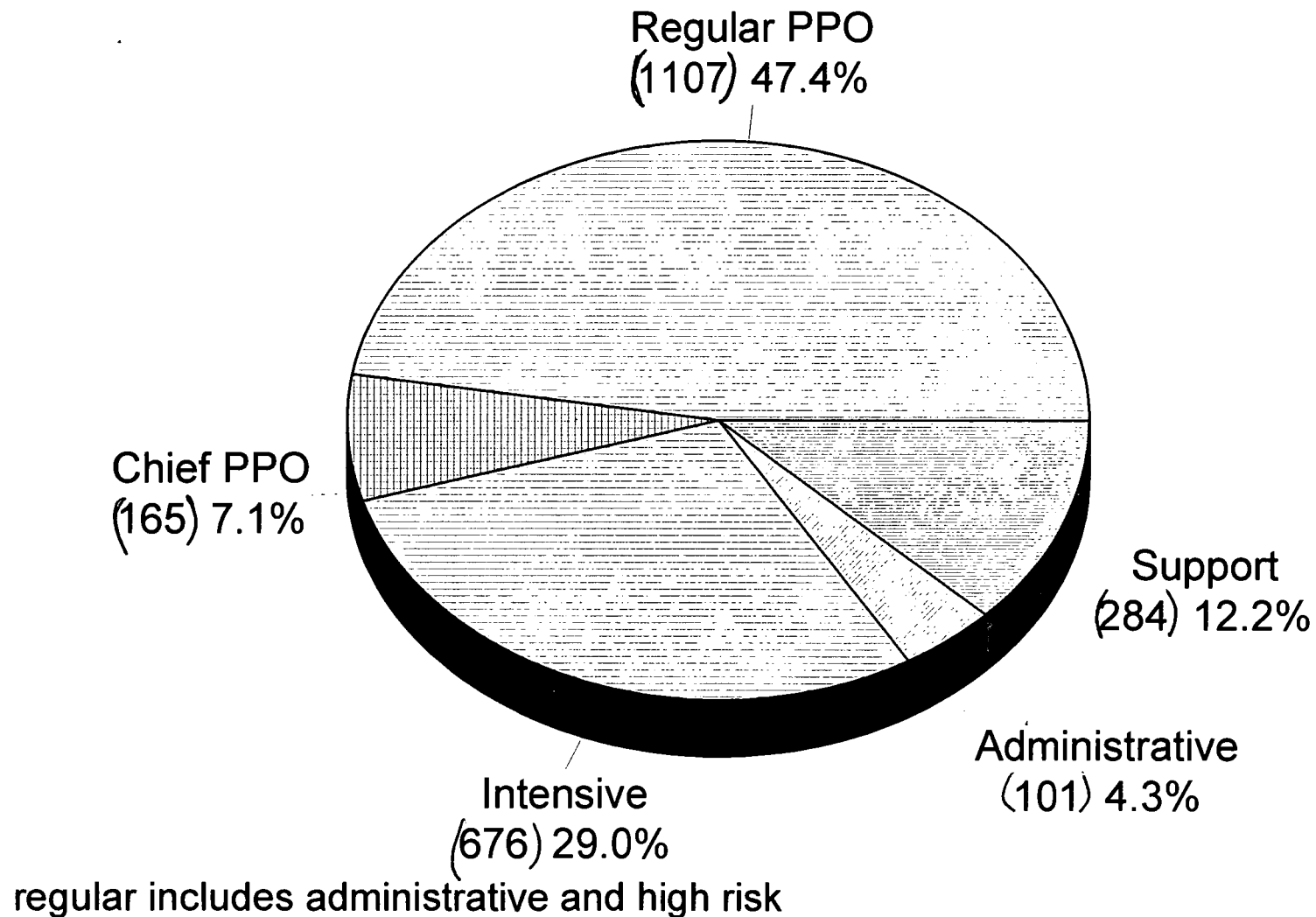
March 20, 1997

# Organizational Chart

## Example of 10th Judicial District

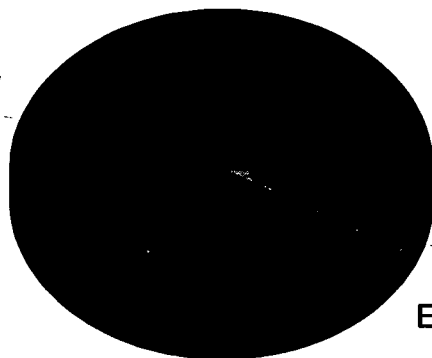


# Division of Adult Probation and Parole Staffing



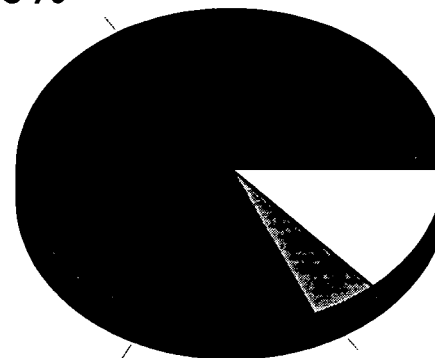
# Supervised Population January 31, 1997

Regular  
90.1%



Intensive  
8.9%  
EHA/Impact/DWI  
1.1%

Maximum  
40.0%



Minimum  
27.5%

Administrative  
5.3%

Suspended  
13.4%

High Risk  
13.8%

Total

includes inactive

Regular

By Supervision Level



# REGULAR PROBATION/PAROLE

- ◆ On January 31st there were 91,323 active regular probation and parole cases and 1107 officers for a statewide average caseload of 82:1. In the 43 judicial districts, the average ranged from 65 to 122 with 8 districts reporting averages over 90.
- ◆ In addition, there were 13,141 inactive cases. Including these, average caseloads rise to 92:1 and 21 districts have caseloads greater than 90.
- ◆ A regular probation parole officer is a grade 66 with personnel costs of \$48,870 first year, \$43,098 recurring.
- ◆ Probation and Parole officers were combined in 1996. The number of officers has grown from 608 in 1988 to 911 in 1993 to 1107 today.
- ◆ The 1107 officers today include 952 regular officers, 141 administrative officers and 14 High Risk/Intermediate Punishment officers.
- ◆ The average cost per offender day in 1995-6 was \$1.47 per offender per day.

# INTENSIVE PROBATION

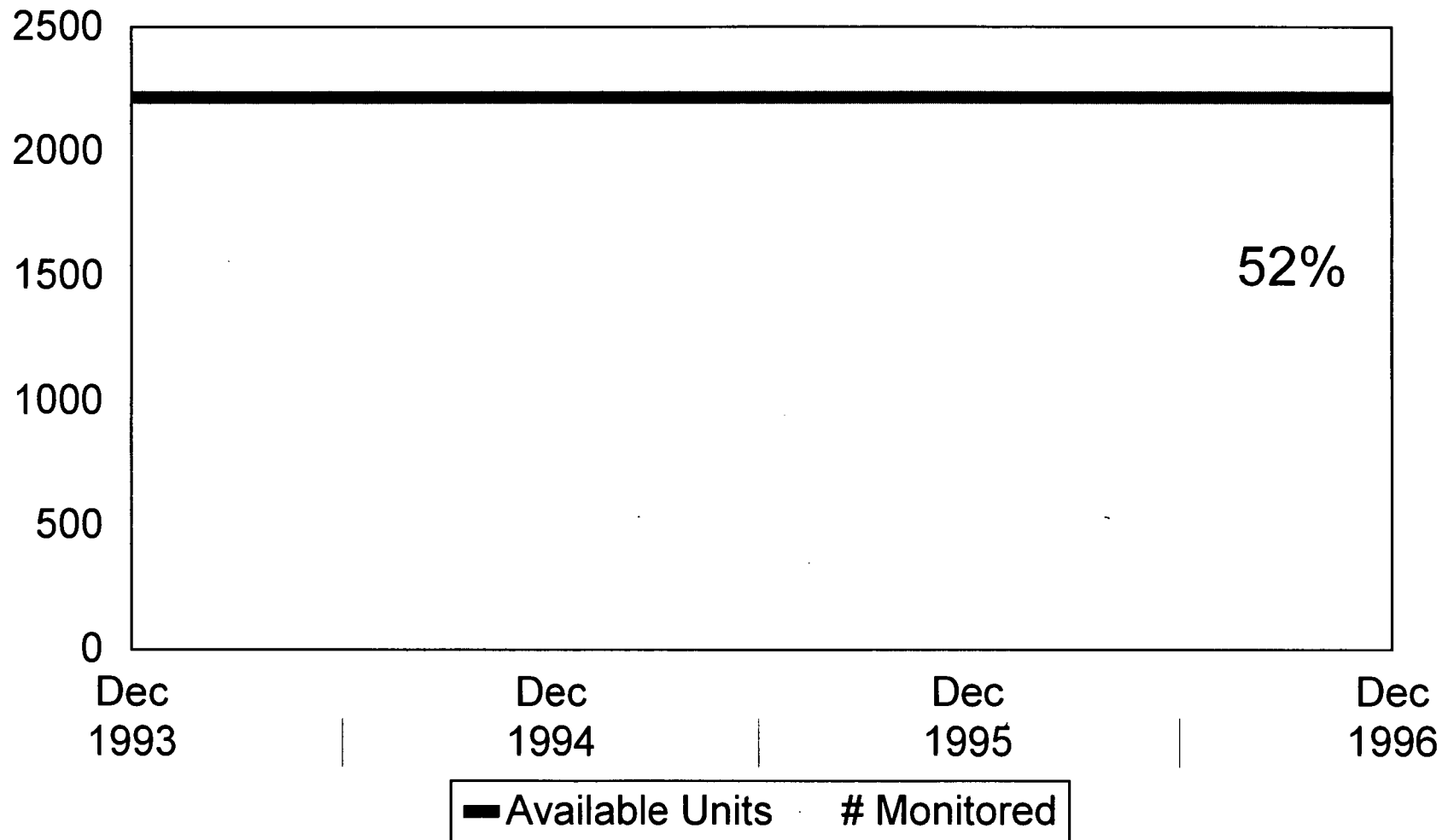
- ◆ On January 31st there were 8,568 active intensive probation/parole cases and 338 intensive teams for a statewide average caseload of 25.3:1. Looking at the 43 individual judicial districts, caseloads ranged from 14:1 to 43:1 with 15 districts reporting averages over 25.
- ◆ Statewide there were an additional 1,598 *inactive* cases Including these raises caseload averages to 30:1.
- ◆ An intensive team consists of an intensive officer(grade 68) and a surveillance officer(64); the personnel costs per team are \$99,519 first year and \$88,357 recurring.
- ◆ Pending legislation clarifies the definition of Intensive probation/parole to require multiple contacts by an officer, a specific period each day when the offender shall be at their residence and that the offender remain employed or pursuing training.
- ◆ The number of intensive teams has grown from 50 in 1988 to 153 in 1993 to 338 since the Crime Session in 1994.
- ◆ For 1995-6, the average cost per day per offender were \$8.20 .

# ELECTRONIC MONITORING

- ◆ House Arrest with Electronic Monitoring is an intermediate punishment confining the offender to their residence. Electronic monitoring can also be used to monitor offenders who are not confined to the home
- ◆ The Electronic Monitoring has the capacity (equipment and staffing) to monitor 2,217 offenders. On January 31, 1997, there were 1,068 offenders being monitored, most of them under EHA. Their average stay has been 2.45 months. The average daily population in 1995-96 was 1,020
- ◆ About 50% of the Electronic Monitoring budget is personnel costs and about 26% equipment repair and maintenance. The monitoring equipment is owned by the Division; maintenance contracts which may include upgrades are currently being reviewed.
- ◆ Offenders are assigned to regular officers while they are electronically monitored in a statewide facility. The monitoring center also maintains the division's DCI terminal and is staffed by 32.
- ◆ Monitoring is also provided for local sheriff's, Community Justice Partnership Programs and Juvenile Probation. For instance, on Feb 28, 1997, an additional 124 persons were monitored in those areas.
- ◆ The average cost per offender day for 1995-6 was \$5.52 and has fallen steadily from \$6.70 in 1992-3.

# EHA Population vs. Capacity

Dec 31st snapshot



# Highlights of 1994-97

- ◆ When Structured Sentencing was implemented, the General Assembly decided that funding would be provided to the Division of Adult Probation and Parole in the Continuation Budget for the increased workloads resulting from SSA.
- ◆ The 1995-7 original continuation budget included \$7.19 Million 1995-6 and \$7.015 Million 1996-7 in reserves to add more intensive teams, based on earlier projections. Since intensive caseloads were near target, \$1.19 Million 1995-6 and \$1.015 Million in 1996-7 were used to hire 153 regular officers and the remaining \$6 million reserve was cut.
- ◆ Probation and Parole were combined organizationally.
- ◆ In 1996, \$150,586 was appropriated to fund 3 additional officers to adequately supervise sex offenders.
- ◆ The Crime Session in 1994 appropriated \$452,619 for 1994-5 to provide a post boot camp program. Pilots began in the spring of 1996. Funding to continue this program is not included in the continuation budget.

# HIGHLIGHTS OF THE CONTINUATION BUDGET

- Operational Costs have been cut \$3.5 Million, a 60% cut for the affected objects.
- Reserves includes funding for the increased staffing as follows:

| 1997-8      | 1998-9       |                                        |
|-------------|--------------|----------------------------------------|
| \$9,549,573 | \$12,315,613 | officers for SSA                       |
|             | \$ 615,685   | for post release supervision           |
| \$ 103,679  | \$ 116,679   | for parole revocation hearing officers |
- The Continuation Budget includes \$1,103,758 each year for the Summit House program and \$200,000 for Harriet's House, specialized programs for female offenders on probation or parole.

### DAPP Operational Expenses

Year to Date Compared to Budget adjusted for Continuation Budget cuts

In developing the Continuation Budget, Office of State Budget cut the line items below for a total of \$3.5 Million.  
The cuts were to bring budgeted amounts in line with actual experience.

The table below shows what spending has been for the first 58% of the current fiscal year, relative to the adjusted budget amount

|                 |        | Authorized 1996-7 Amount (Jan 31 BD701) |           |           |             | Cut         | 1997-8      | Spent YTD   | % of 1997-8 |
|-----------------|--------|-----------------------------------------|-----------|-----------|-------------|-------------|-------------|-------------|-------------|
|                 | Code   | 1431                                    | 1432      | 1433      | Total       |             |             |             |             |
| emp phys        | 532133 | \$97,808                                | \$3,155   | \$838,351 | \$939,314   | \$600,000   | \$339,314   | \$233,438   | 68.8%       |
| misc contractu  | 2199*  | \$151,834                               |           | \$480,169 | \$632,003   | \$500,000   | \$132,003   | \$213,620   | 161.8%      |
| repair service  | 2333   | \$33,975                                | \$7,525   | \$170,770 | \$212,270   | \$2,000     | \$210,270   | \$17,572    | 8.4%        |
| travel          | 2700   | \$2,544,766                             | \$482,100 | \$15,201  | \$3,042,067 | \$1,900,000 | \$1,142,067 | \$300,808   | 26.3%       |
| communication   | 2800   | \$1,717,282                             | \$215,488 | \$148,185 | \$2,080,955 | \$360,000   | \$1,720,955 | \$647,433   | 37.6%       |
| facility supply | 3200   | \$116,889                               | \$1,060   | \$45,699  | \$163,648   | \$120,000   | \$43,648    | -\$1,926    | -4.4%       |
| other materials | 3900   | \$504,195                               | \$5,500   | \$5,554   | \$515,249   | \$18,000    | \$497,249   | \$30,497    | 6.1%        |
|                 |        | \$7,585,506                             |           |           |             | \$3,500,000 | \$4,085,506 | \$1,441,442 | 35.3%       |

\*the cut in this line item was to remove the Impact aftercare pilot which is actually included in #3900

Sentencing Commission  
Projections: Entries to  
community and intermediate  
punishment

DOC Research and Planning  
Supervised Population  
Projections

caseload  
targets

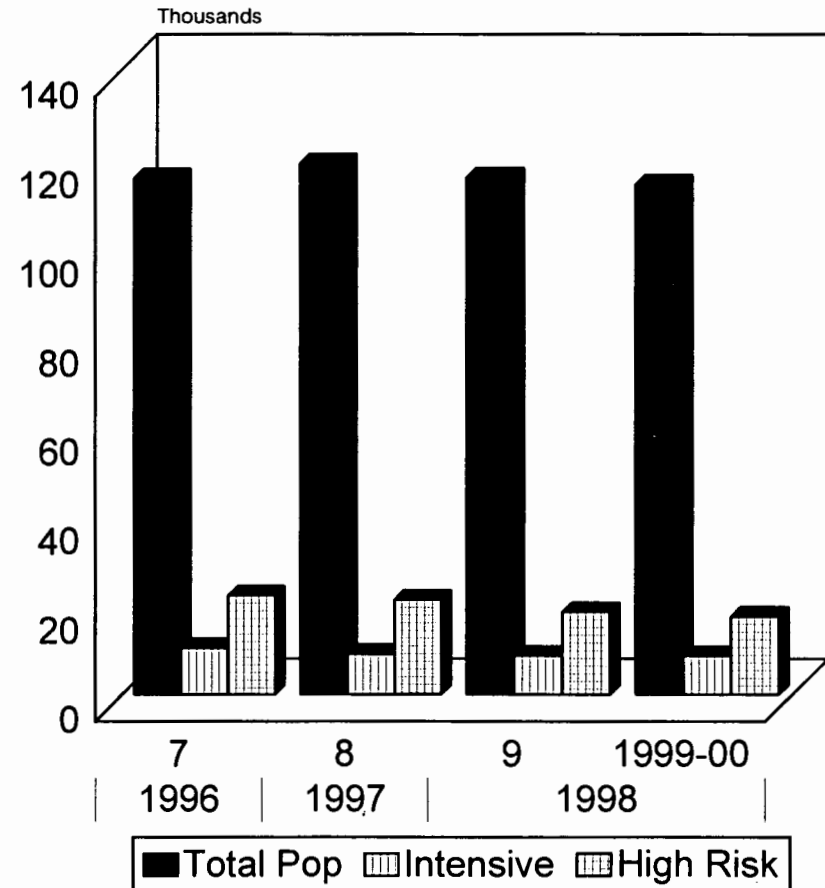
staffing needs



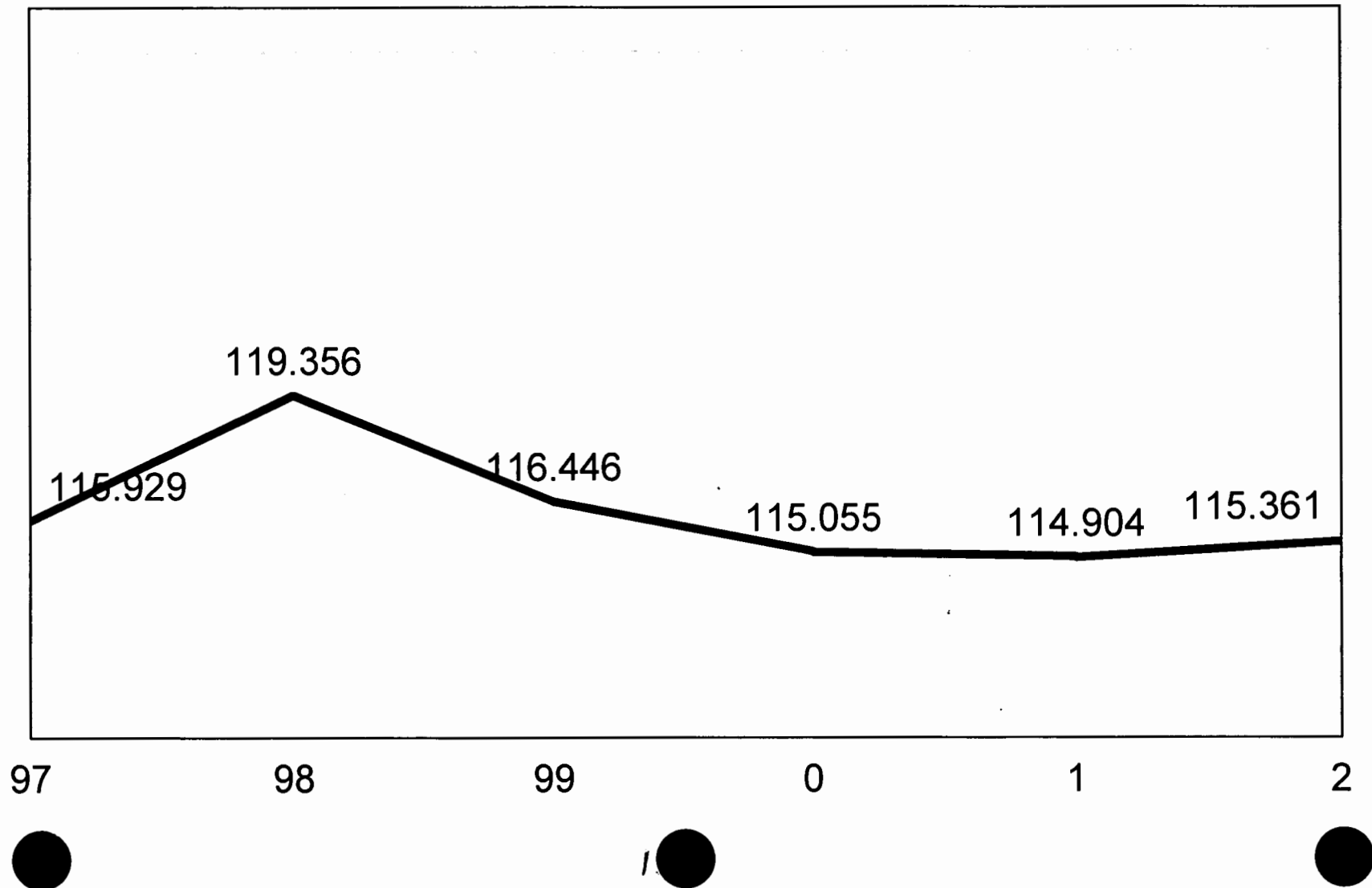


# Projected Population and Supervision Levels

- 1997 Sentencing Commission Projections show fewer entries to intermediate punishment but greater entries to community punishment through 2001.
- DAPP predicts the share of intermediate punishment offenders on intensive supervision will increase and that offenders will spend longer on community punishment.
- The result is a prediction that the supervised population will grow sharply for 1997-8 but then fall back to earlier levels and that the share of the population under regular supervision will increase steadily from 72% today to 78% in 2003.



# Population Including Post Release Supervision (thousands)



# Projected Population on Post Release Supervision

| <b>Fiscal Year</b> | <b>Total</b> |
|--------------------|--------------|
| 1997               | 108          |
| 1998               | 227          |
| 1999               | 359          |
| 2000               | 551          |
| 2001               | 713          |
| 2002               | 813          |

# Statute on Caseloads

- ◆ *GS 15A-1343.1 reads:* It is the goal of the General Assembly that, subject to the availability of funds, caseloads for probation officers supervising persons sentenced to community punishment should not exceed an average of 90 offenders per officer, and caseloads for offenders sentenced to intermediate punishments should not exceed an average of 60 offenders per officer by July 1, 1998.

# ISSUES RELATING TO COST FOR NEW OFFICERS

- FIREARMS-- By DOC policy, intensive and surveillance officers carry firearms. Regular PPO carry firearms only when serving on the electronic monitoring response teams (usually volunteers). Only 316 of 952 regular PPO (33%) in July 1996 were firearms certified. However, position costs for new officers include \$275 first year/\$41 recurring for a firearm for each regular PPO.
- RENT--Counties provide office space for regular parole-probation officers but not for the intensive teams. However, position costs for each regular officer include \$2,200 per year for rent.
- Adjusting for these items, positions costs for regular PPO would fall by \$2,475 first year, \$2,241 recurring.

**BUDGET TRENDS**  
**DIVISION OF ADULT PROBATION AND PAROLE**

|                             | <b>1995-6 Actual</b> | <b>1996-7 Author</b> | <b>1997-8 Rec</b> | <b>1998-9 Rec</b> |
|-----------------------------|----------------------|----------------------|-------------------|-------------------|
| <b>Management—Personnel</b> | \$ 1,867,409         | \$ 2,025,802         | \$ 2,029,581      | \$ 2,030,882      |
| <b>Management—Other</b>     | \$ 542,983           | \$ 627,565           | \$ 558,565        | \$ 559,105        |
| <b>Management Total</b>     | \$ 2,410,392         | \$2,653,367          | \$ 2,588,146      | \$ 2,589,987      |
| <b>Field –Personnel</b>     | \$68,435,291         | \$77,270,029         | \$77,819,374      | \$77,918,392      |
| <b>Field--Other</b>         | \$15,217,185         | \$21,373,372         | \$16,673,919      | \$16,673,919      |
| <b>Field--Total</b>         | \$83,652,476         | \$98,642,401         | \$94,493,293      | \$94,592,311      |
| <b>DAPP TOTAL</b>           | \$86,062,868         | \$101,295,768        | \$97,081,439      | \$97,182,298      |

In addition, the recommended reserves in the Department of Correction overall budget includes \$9,653,263 in 1997-8 and \$13,047,977 in 1998-9 for Structured Sentencing needs.

The DAPP recommended budget is roughly 82% personnel costs and 97.3% is for field services.

The Continuation Budget includes reserves for new Probation Parole staff due to structured sentencing. The amount included in the budget for officers for structured sentencing :

|  | 1997-8      | 1998-9       |
|--|-------------|--------------|
|  | \$9,549,573 | \$12,315,613 |

to fund 124 new regular officers, 46 new intensive teams, 16 Chief Probation Parole Officers and 16 Clerks in 1997-8 and an additional 9 intensive teams and 1 each of Chief Probation Parole Officers and Clerks would be added for 1998-9.

- This budget figure would allow officers supervising offenders with intermediate punishments to carry lower caseloads (1:60), a goal outlined in the Structured Sentencing Act.
- Officers would be phased in over the year, allowing adequate time for hiring and training and lowering the first year cost.
- This budget figure was based on 1996 projections of the supervised population, a joint effort of the Sentencing Commission and the Office of Research and Planning, Department of Correction
- New Sentencing Commission Projections available in January 1997 predicted *fewer* entries to *intermediate* punishment each year from now until 2003 and *greater* entries to community punishments until 2001.
- Department of Correction also revised their estimates of the length of time offenders spend on supervision and the share of offenders who are assigned to intensive. Their revised projections of the supervised population divided by supervision level (regular, high risk, intensive) is the most recent information to project staffing needs due to Structured Sentencing and shows a need for *fewer intensive* officers but more *regular and intermediate* punishment officers.

|                 | New Positions | New Totals |
|-----------------|---------------|------------|
| Regular         | 234           | 986        |
| Intensive Teams | 27            | 365        |
| High Risk       |               | 355        |
| Chiefs          | 33            | 183        |
| Clerks          | 33            | 183        |

Assuming new officers would be phased in between September 1997 and April 1998, the cost of this staffing pattern would be:

|                  | 1997-8       | 1998-9       |
|------------------|--------------|--------------|
| Request          | \$11,723,081 | \$15,189,462 |
| Increase over CB | \$ 2,173,508 | \$ 2,873,849 |

## OPTIONS FOR FUNDING STAFFING DUE TO STRUCTURE SENTENCING

OPTION #1: Use the Division's revised staffing estimates based on latest population projections. Caseloads meet the targets of 1:60 high risk, 1:90 regular, 1:25 intensive for 1997-8 but averages for intensive fall to 24:1 and for high risk to 52:1 for High Risk in 1998-9.

OPTION #2: Increase funding to Division of Adult Probation and Parole by the amount of the original Continuation Budget request. (\$9.55 Million/\$12.31 Million) This would result in caseload averages of 25:1 intensive 90:1 regular but 77:1 High Risk in 1997-8 and 24:1 intensive 62:1 High Risk in 1998-9:

OPTION #3: Modify funding to reflect revised population projections but maintain caseloads at 90:1 regular and 25:1 intensive. That is, do not fund the new Intermediate Punishment Officer Category. Since the projected population figures show a temporary surge next year followed by a substantial decrease, there could be officers available in 1998-9 to decrease caseloads for officers supervising intermediate punishment offenders. Caseloads would fall to 78:1 in 1998-9 and 73:1 in 1999-2000.

|                        | 1997-8             | 1998-9             |
|------------------------|--------------------|--------------------|
| Request                | \$8,110,743        | \$8,820,303        |
| <i>Savings from CB</i> | <i>\$1,438,830</i> | <i>\$3,495,310</i> |

## COMPARISON OF OPTIONS

| Option                | 1997-98<br>Cost | 1998-99<br>Cost | 1997-98<br>High<br>Risk<br>Average | 1998-99<br>High<br>Risk<br>Average |
|-----------------------|-----------------|-----------------|------------------------------------|------------------------------------|
| 1 Continuation Budget | \$ 9,549,573    | \$12,315,613    | 77:1                               | 62:1                               |
| 2 Full Fund High Risk | \$11,723,081    | \$15,189,462    | 60:1                               | 52:1                               |
| 3 Fund no High Risk   | \$ 8,110,743    | \$8,820,303     | 90:1                               | 78:1                               |



## VISITOR REGISTRATION SHEET

JPS

Name of Committee

March 20, 1997

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

|                 |                     |
|-----------------|---------------------|
| John Allen      | SAS                 |
| Bruce Humphrey  | OSBM                |
| John Carpenter  | DOE                 |
| Peg Dorer       | NCCDA               |
| Eric Zolner     | Sentence Commission |
| Gregg Hall      | DOR                 |
| Smith Brown     | Parole Commission   |
| Joanna A. Baker | 11 11               |
| Reba Lee Guy    | DOC - DAPP          |
| LAD Ruben       | LSPC                |
| Chuch. Crum     | OSR                 |
| Andrew Lewis    | Parole Commission   |
| John R. Rugg    | NCAADH              |

# VISITOR REGISTRATION SHEET

JPS

Name of Committee

March 20, 1997

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME

FIRM OR AGENCY AND ADDRESS

Howard Lange

Rob Lubitz

N.C. Bar

Sentencing Comm.

**SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEE**

**ON**

**JUSTICE AND PUBLIC SAFETY**

Wednesday March 26, 1997 – 9:00a.m.

Room 415, Legislative Office Building

***AGENDA***

**I. CALL TO ORDER**

Co-Chairmen: Senator Wib Gulley, Presiding    Representative Larry Justus  
                                                                         Representative Gregg Thompson  
                                                                         Representative Joe Kiser

**II. PRESENTATIONS**

- Overview of the Department of Crime Control and Public Safety

Richard Moore, Secretary, Crime Control and Public Safety

- Review of the Department of Crime Control and Public Safety's Budget

- General Administration
- Law Enforcement Agencies
- Public Safety Agencies

Andy Willis, Fiscal Analyst  
Crime Control and Public Safety Staff

**III. COMMITTEE DISCUSSION/OTHER BUSINESS**

**IV. ADJOURNMENT**

# **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY**

March 26, 1997  
Room 415

**HOUSE MEMBERS PRESENT:** [9] Representatives Justus, Thompson, Kiser, McCrary, Hardy, Redwine, Sexton, Smith, and Crawford

**Senate Members Present:** [5]

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday, March 26, 1997 in Room 415 of the Legislative Office Building. Representative Justus called the meeting to order at 9:05 AM and introduced House Pages Matthew Whited, John Criscitiello, and Robert Montgomery. Representative Justus recognized Secretary Moore, Department of Crime Control and Public Safety.

## **Overview of the Department of Crime Control and Public Safety**

Secretary Moore proceeded with the overview of the Department of Crime Control and Public Safety. He stated that thirty million dollars of the General Fund are appropriated for the Department Of Crime Control and Public Safety. Secretary Moore said that the National Guard has had their first major state mission in recent years this year. The guard has over 10,000 members and can be summonsed by the Governor. The National Guard is paid by the Federal Government except the 38 full time state employees and in the instances that the Governor calls the Guard to service. The immediate problems concerning the Guard are downsizing (done at the Federal level) and retention. The North Carolina General Assembly has helped with retention by providing tuition assistance.

Secretary Moore continued that the Highway Patrol, Alcohol Law Enforcement, and Butner Public Safety are the law enforcement agencies in the Department of Crime Control and Public Safety. The Highway Patrol ratio to registered drivers will be reduced by one half from 1975 to 2005.

Secretary Moore continued: Alcohol Law Enforcement has John Smith heading the agency. Secretary Moore added that this agency gives the state the biggest bang for the buck in dealing with the drug problem. He reported that the Butner Public Safety officers have helped out a great deal in the last year.

Secretary Moore said that the Victim and Justice program will expand when the General Assembly decides how the Constitutional Amendment for Victims Rights is dealt with. The victims funds provide for hospitalization and lost wages for victims of violent crimes.

Secretary Moore reported that the LESS program, under the direction of Neil Woodcock, provided over 30 million dollars of excess Department of Defense items to North Carolina last year. The Civil Air Patrol is the best kept secret in North Carolina, Secretary Moore added. This organization is all volunteer except for the two paid employees. The Civil Air Patrol helps with drug eradication, missing persons, and disasters.

Crime Prevention was covered by Secretary Moore. He said that this is the only state wide organization focused on crime prevention. One of the crime prevention programs is the Community Watch program. This year Community Watch was adapted to churches. The Governor's Crime Commission is a pass through for Federal money which is given as grants for a total of 20 - 30 million dollars.

Secretary Moore said that Emergency Management has taken over half of his time this year. Ninety one counties were declared disasters by the President last year. The Emergency Management Services has 40 employees. Governor Hunt created a task force on North Carolina Disaster Recovery. There are some eighty four recommendations resulting from this study. He recognized Billy Ray Cameron, Public Safety Director, and Eric Tolbert, Emergency Management Director.

Representative Redwine asked for the status of the task force report. Secretary Moore said the "common sense" recommendations will be implemented first. Representative Kiser asked that all committee members be provided with the task force reports. Secretary Moore said this would be done.

Representative Justus asked Secretary Moore to introduce the directors and section supervisors present. Secretary Moore recognized the following:

Mike Barham - Controller

Col. Everett Horton - Highway Patrol

Billy Ray Cameron - Assistant Secretary for Public Safety Coordination

Eric Tolbert - Emergency Management

Neil Woodcock - Administrative Officer II

Wayne Elms - Butner Public Safety Chief

Tony Queen - Crime Prevention Director

Gary Eichelberger - Victims & Justice Services

Col. Doug Phelps - National Guard

Randy Knight - Alcohol Law Enforcement

John Smith - Alcohol Law Enforcement

Representative Justus recognized the Doctor of the Day, Rich Potts, from Goldsboro and Senate page, Connie Fleming.

## **Review of the Department of Crime Control and Public Safety's Budget**

Representative Justus introduced Andy Willis, Fiscal Analyst, to present this report.

Attachment 1 -- Department of Crime Control and Public Safety  
1997-99 Budget Overview  
General Administration

was distributed by Andy Willis. Mr. Willis explained that *General Administration* covers the following areas: fiscal, personnel, staff development, information services section, and public affairs section for a total of 49 positions. This is no change in personnel from 1996-97. The recommended general administration continuation budget for 1997-98 is approximately \$2,674,457.

Mr. Willis explained the General Administration budget for *Law Enforcement Support Services*. He added that there are three positions within Law Enforcement Support Services for 1997-98. (No changes in personnel from 1996-97.) The recommended Law Enforcement Support Services Continuation Budget for 1997-98 is \$204,694.

Representative Justus asked Joe Stewart, Crime Control, to provide a list of money generated by the Department of Crime Control and Public Safety.

Andy Willis continued with the Span of Control Study. He said that \$407,292 has been identified in the Governor's Budget pertaining to the implementation of Span of Control Initiatives. The State Highway Patrol is excluded from the calculations. The department was asked to identify, from the General Fund appropriations \$272,532 on an annual basis. The State Budget Office will find the remaining \$134,760. Representative Kiser asked where this \$134,760 will be found. Buddy Humphrey, State Budget Office, said the money will be identified from another department. All agencies will be looked at to find this money. Representative Kiser asked how this money can be found with the Senate rushing toward the April 18<sup>th</sup> date. Buddy Humphrey said this would be done by Tuesday. Representative Redwine asked if additional reductions were found after the Senate deadline; would the House be able to use these reductions. Robert Powell, State Budget Office, said additional reductions would be held until next year.

Representative Thompson questioned Mr. Powell on the Span of Control. Mr. Powell explained that the Governor's office had asked for this reorganization to be done in six months. This was a May 15 deadline; then the Senate created an April 10 deadline for them. Because of this time frame a good plan cannot be done and there may be substitutions. Representative Thompson said this plan originally dealt with personnel and now includes equipment and travel. Mr. Powell said this is correct. He added that the reduction is 16 million state wide and 8 million in Corrections.

The meeting was adjourned at 9:53 AM.

Rep. Larry Justus  
Representative Larry Justus  
Chairman

Carolyn Justus  
Carolyn Justus  
Committee Clerk

# **Department of Crime Control and Public Safety**

1997-99 Budget Overview

**General Administration**

Joint Appropriations Subcommittee on Justice and Public Safety

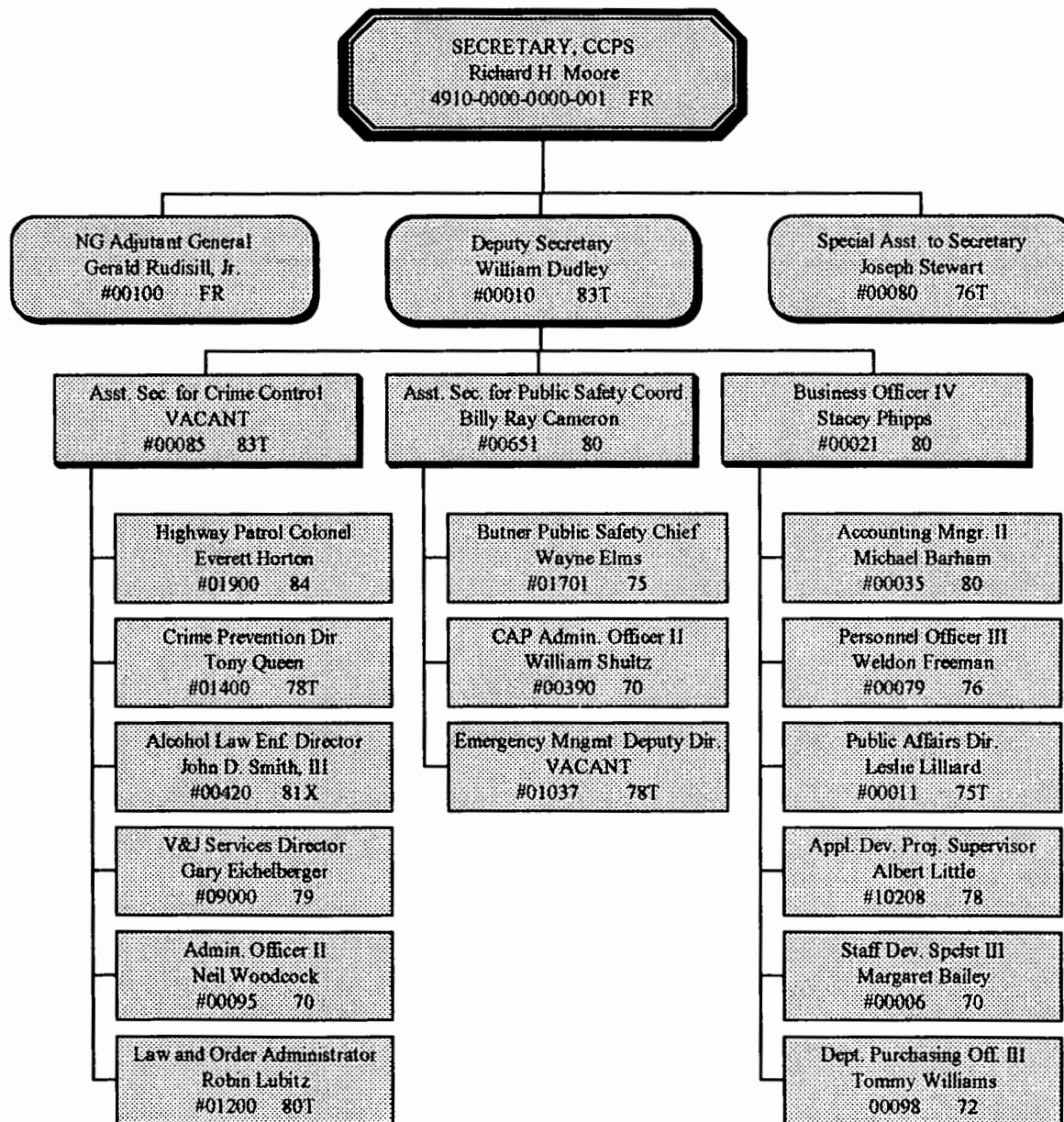
March 26, 1997

3-26-97  
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# DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

## DIVISION DIRECTORS/SECTION SUPERVISORS



# General Administration Budget

## Highlights

- General Administration includes the following functional areas:
  - Fiscal Section
  - Personnel Section
  - Staff Development
  - Information Services Section
  - Public Affairs Section
- There is a total of **49** positions within General Administration for 1997-98. (No changes in personnel from 1996-97.)
- The recommended General Administration Continuation Budget for 1997-98 is approximately 4% (**\$2,674,457**) of the total budget for the Department (\$74,721,234).

# General Administration Budget

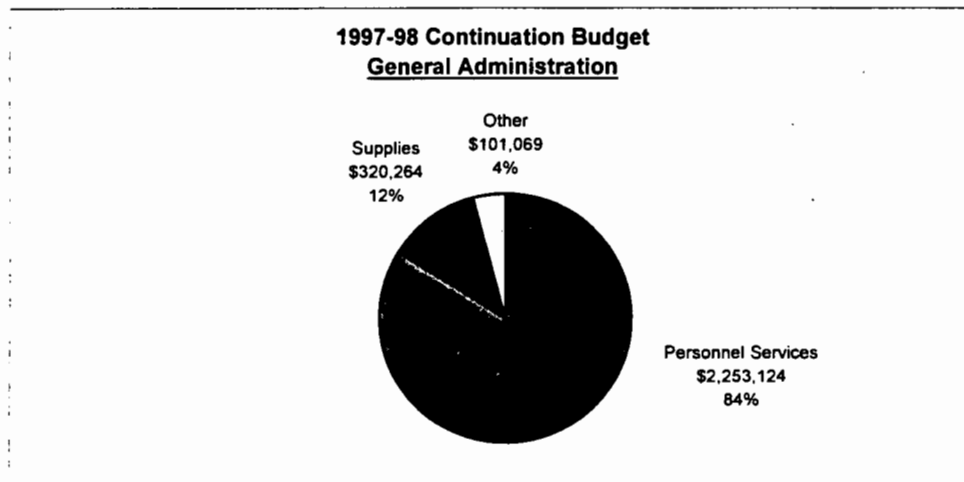
## Law Enforcement Support Services

- Programs Sponsored
  - Excess Property Program
  - Purchasing Program
  - Training Program
  - Police Corps Program (100% Federally Funded)
- There is a total of **3** positions within Law Enforcement Support Services for 1997-98. (No changes in personnel from 1996-97.)
- The recommended Law Enforcement Support Services Continuation Budget for 1997-98 is **\$204,694**. This is approximately 8% of the General Administration's Budget.

## DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

| General Administration (Includes Law Enforcement Support Services) |                   |                                                                   |                                 |      |                        |      |
|--------------------------------------------------------------------|-------------------|-------------------------------------------------------------------|---------------------------------|------|------------------------|------|
|                                                                    | 1995-96<br>Actual | Current Fiscal Year<br>1996-97<br>Authorized<br>(Budget Document) | Governor's Continuation Request |      |                        |      |
|                                                                    |                   |                                                                   | 1997-98<br>Recommended          | %Δ   | 1998-99<br>Recommended | %Δ   |
| Expenditures                                                       | 2,630,139         | 2,672,476                                                         | 2,674,457                       | 0.1% | 2,679,319              | 0.3% |
| Less Receipts                                                      | (665,676)         | (358,391)                                                         | (358,391)                       | 0.0% | (358,391)              | 0.0% |
| State Appropriations                                               | 1,964,463         | 2,314,085                                                         | 2,316,066                       | 0.1% | 2,320,928              | 0.3% |
| Positions                                                          | 48.00             | 49.00                                                             | 49.00                           |      | 49.00                  |      |

% Δ = Percentage change in budget over/under Current Fiscal Year 1996-97 Authorized Budget



**Major Changes in the Continuation Budget: None.**

**Other Issues for Consideration:**

### **Span of Control Study:**

- 1) \$407, 292 has been identified in the Governor's Budget pertaining to the "Implementation of Span of Control Initiatives."
- 2) The Department of Crime Control and Public Safety and the Office of State Budget and Management have noted that the State Highway Patrol should be excused from the calculations. The Department was asked to identify, from General Fund appropriations, \$272,532 on an annual basis.
- 3) The State Budget Office will find the remaining \$134,760.

## VISITOR REGISTRATION SHEET

**APPROPRIATIONS/Subcommittee on Justice & Public Safety    March 26, 1997**  
**am**

Name of Committee

Date \_\_\_\_\_

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

**NAME**

**FIRM OR AGENCY AND ADDRESS**[illegible]

# **Department of Crime Control and Public Safety**

## **1997-99 Budget Overview** **Law Enforcement Agencies**

Joint Appropriations Subcommittee on Justice and Public Safety

March 26, 1997

Att. 2  
3-26-97

# Alcohol Law Enforcement Budget

## Highlights

- **Programs Sponsored**
  - Retail/Wholesale ABC Permit Application Inspections
  - Sale to Minors
  - Cops N Shops
  - Sale to Intoxicated Persons
  - Nuisance Abatement
  - Various Educational Programs
- **There is a total of 129 positions within Alcohol Law Enforcement for 1997-98. (No changes in personnel from 1996-97.)**
  - Of the 129 positions, 114 are sworn law enforcement officers.

# Alcohol Law Enforcement Budget

## Highlights (Continued)

- The recommended Alcohol Law Enforcement Continuation Budget for 1997-98 is approximately 10% (\$6,949,599) of the total budget for the Department (\$74,721,234).



## Alcohol Law Enforcement Workload Statistics

### Arrest/Charges

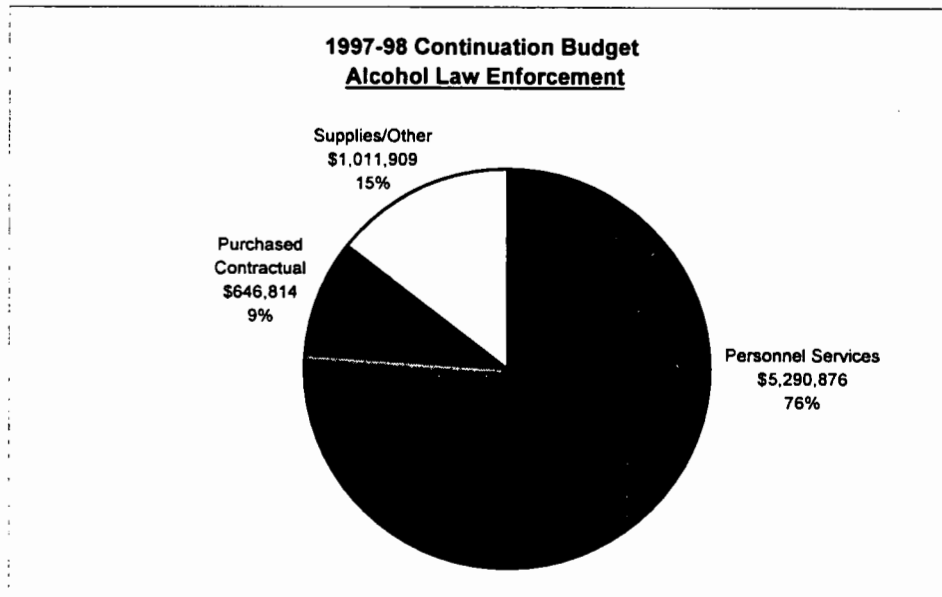
| Activity                              | 1993   | 1996   | % Changed |
|---------------------------------------|--------|--------|-----------|
| Written Inspections                   | 12,382 | 5,389  | -52.80%   |
| Admin. Violat. to ABC Comm.           | 541    | 840    | 55.20%    |
| Warnings Issued                       | 1,581  | 1,141  | -27.80%   |
| Arrests                               | 6,873  | 8,329  | 17.90%    |
| Total Arrest Charges                  | 9,325  | 12,535 | 34.60%    |
| Alcohol Related Charges               | 6,957  | 6,511  | -6.40%    |
| Alcohol Charges as % of Total Charges | 74.60% | 54.60% | -26.80%   |
| Drug Related Charges                  | 1,022  | 3,149  | 208.10%   |
| Drug Charges as % of Total Charges    | 11%    | 26.40% | 140%      |
| Misdemeanor Narcotic Arrest Charges   | 731    | 1,211  | 65.70%    |
| Felony Narcotic Arrest Charges        | 291    | 1,938  | 566%      |
| People Charged                        | 7,005  | 7,052  | 0.70%     |
| People Convicted                      | 4,915  | 5,649  | 14.90%    |
| Conviction Rate                       | 70.20% | 80.10% | 14.10%    |

Source: Governor's Crime Commission: Report on the North Carolina ALE's Administrative and Operational Performance Data, January, 1997.

## DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

| Alcohol Law Enforcement |                   |                                                                   |                                 |       |                        |        |
|-------------------------|-------------------|-------------------------------------------------------------------|---------------------------------|-------|------------------------|--------|
|                         | 1995-96<br>Actual | Current Fiscal Year<br>1996-97<br>Authorized<br>(Budget Document) | Governor's Continuation Request |       |                        |        |
|                         |                   |                                                                   | 1997-98<br>Recommended          | %Δ    | 1998-99<br>Recommended | %Δ     |
| Expenditures            | 7,675,991         | 6,676,988                                                         | 6,949,599                       | 4.1%  | 6,829,500              | 2.3%   |
| Less Receipts           | (1,085,809)       | (92,989)                                                          | (112,566)                       | 21.1% | (82,214)               | -11.6% |
| State Appropriations    | 6,590,182         | 6,583,999                                                         | 6,837,033                       | 3.8%  | 6,747,286              | 2.5%   |
| Positions               | 129.00            | 129.00                                                            | 129.00                          |       | 129.00                 |        |

% Δ = Percentage change in budget over/under Current Fiscal Year 1996-97 Authorized Budget



### Major Changes in the Continuation Budget:

Increases in the continuation budget can be attributed to the following:

- 1) 25 Vehicles being replaced (1997-98): \$475,708.
- 2) 18 Vehicles being replaced (1997-99): \$337,014.
- 3) Law Enforcement Separation Allowance: \$44,663 (1997-98)

### Other Issues for Consideration: None.

# State Highway Patrol Budget

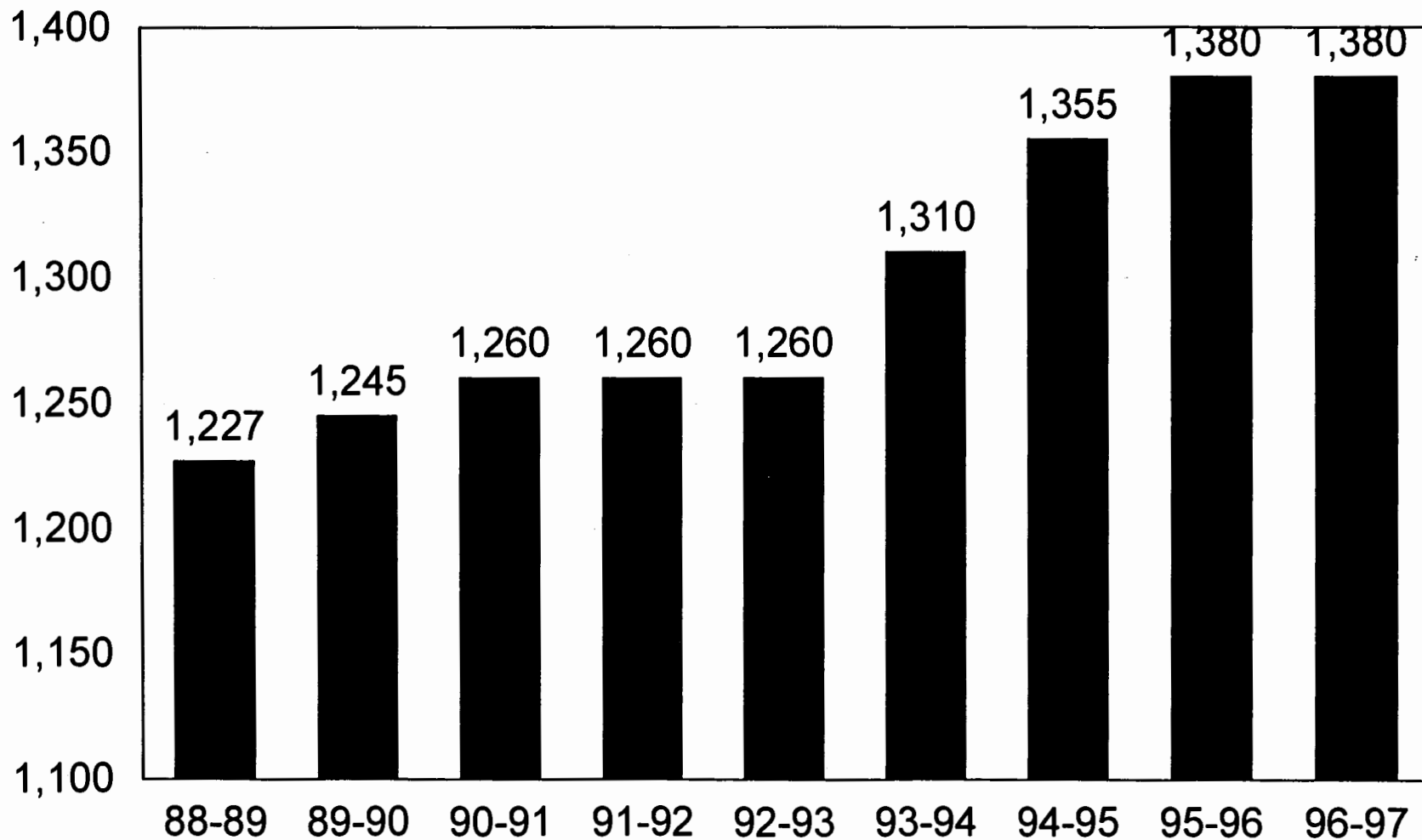
## Highlights

- There is a total of 1,764 positions within the State Highway Patrol for 1997-97. (No Changes in personnel from 1996-97.)
  - Of the 1,764 positions, 1,380 are sworn law enforcement officers.
- The recommended State Highway Patrol Continuation for 1997-98 is \$115,246,814.
  - 98% of these funds for the 1997-98 Continuation Budget are transferred from the Highway Fund to the State Highway Patrol.

6

# HIGHWAY PATROL

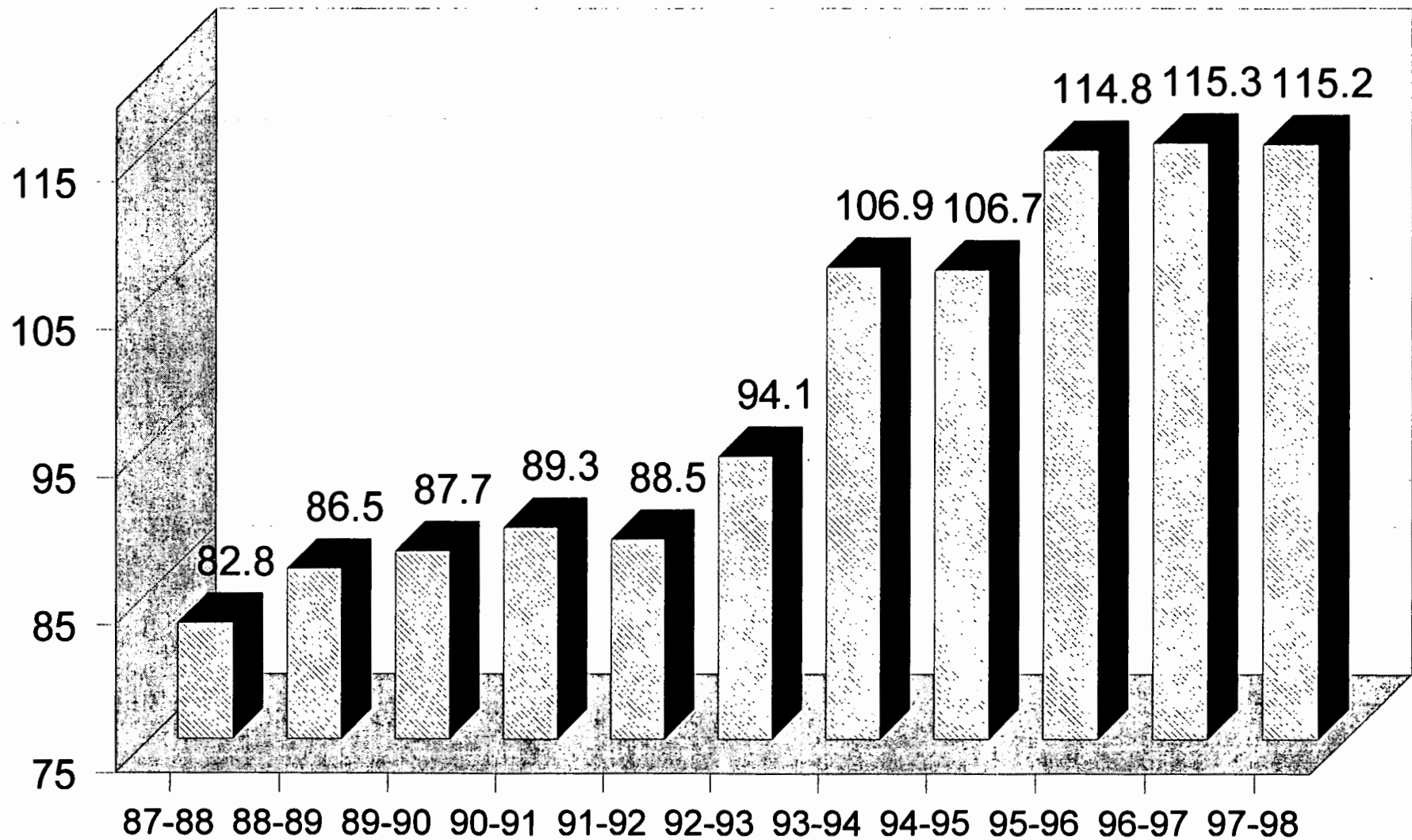
## AUTHORIZED TROOPER STRENGTH



# NORTH CAROLINA HIGHWAY PATROL

*(Highway Fund)*

OPERATING BUDGET FY 86-97



# State Highway Patrol Budget

## Highlights (Continued)

- Reserves of \$1,445,215 transferred from Highway Fund to pay for automatic merit increase of 5% for all Troopers below the rank of Master Trooper.
  - Approximately 1,000 Troopers will receive this merit increase in 1997-98.

**State Highway Patrol**  
**Selected Program Facts and Workload Statistics**

|                                |           |
|--------------------------------|-----------|
| Number of Registered Vehicles  | 6,314,599 |
| Number of Licensed Vehicles    | 5,138,594 |
| Number of Rural Accidents      | 96,916    |
| Number of Rural Fatalities     | 1,137     |
| Number of Rural Injuries       | 70,959    |
| Number of Speeding Charges     | 383,454   |
| Number of D.W.I. Charges       | 46,108    |
| Number of Drug Violations      | 4,226     |
| Number of Seat Belt Violations | 130,994   |
| Adult Seat Belt Violations     | 118,996   |
| Child Seat Belt Violations     | 11,998    |

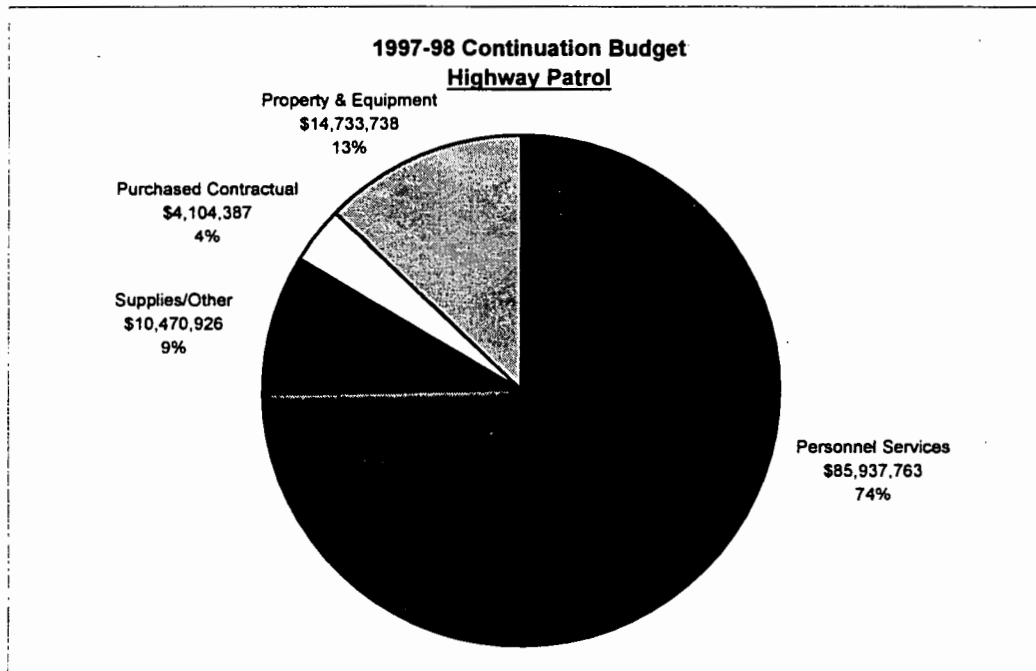
Source: North Carolina Highway Patrol, 1995 Statistics.

# DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

## State Highway Patrol (Highway Fund)

|                      | 1995-96<br>Actual | Current Fiscal Year<br>1996-97<br>Authorized<br>(Budget Document) | Governor's Continuation Request |      |                        |      |
|----------------------|-------------------|-------------------------------------------------------------------|---------------------------------|------|------------------------|------|
|                      |                   |                                                                   | 1997-98<br>Recommended          | %Δ   | 1998-99<br>Recommended | %Δ   |
| Expenditures         | 113,891,828       | 115,290,531                                                       | 115,246,814                     | 0.0% | 115,958,842            | 0.6% |
| Less Receipts        | (114,762,545)     | (115,290,531)                                                     | (115,246,814)                   | 0.0% | (115,958,842)          | 0.6% |
| State Appropriations | (870,717)         | -                                                                 | -                               |      | -                      |      |
| Positions            | 1,764.00          | 1,764.00                                                          | 1,764.00                        |      | 1,764.00               |      |

% Δ = Percentage change in budget over/under Current Fiscal Year 1996-97 Authorized Budget



**Major Changes in the Continuation Budget: None.**

**NOTE:** 1) Property & Equipment consists primarily of the replacement of 578 vehicles.

**Other Issues for Consideration: None.**



# JOINT APPROPRIATIONS

## TRANSPORTATION AND JUSTICE & PUBLIC SAFETY SUBCOMMITTEES

April 3, 1997

### Agenda

#### Criminal Justice Information Network (CJIN)

##### 1. Opening Remarks

Richard Moore, Secretary  
Dept. Crime Control & Public Safety

##### *Handout #1* 2. CJIN Overview

*Handout #2*  
Ron Hawley, Assistant Director  
State Bureau of Investigation

##### 3. Update on Highway Patrol CJIN Activities

Major George Ake  
Highway Patrol

##### *Handout #4* 4. Expansion Request

Highway Patrol  
Major George Ake

Dept. of Justice  
Ron Hawley

MINUTES  
SENATE AND HOUSE JOINT APPROPRIATIONS  
SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY  
APRIL 3, 1998

The Senate and House Joint Appropriations Subcommittee on Justice and Public Safety met with the Senate and House Joint Appropriations Subcommittee on Transportation at 8:30 a.m. on Thursday, April 3, 1997 in Room 1327 of the Legislative Building. Senator Wib Gulley and Representative Bowie presided.

After Representative Bowie's opening remarks on the Criminal Justice Information Network (CJIN), she asked Richard Moore, Secretary of the Department of Crime Control and Public Safety, to give an update about CJIN (see attached Handout #1).

Next, Mr. Ron Hawley, Assistant Director of the State Bureau of Investigation discussed the handout on the CJIN (see Handout #2). Representative Kiser asked about the cost to local governments that connect to CJIN. Secretary Moore stated that if the local governments decide to connect to CJIN there would be a monthly charge for them.

Senator Jordan asked if any other law enforcement agencies would be tied into CJIN besides the Highway Patrol, the SBI, the Department of Corrections and local law enforcement agencies. Mr. Hawley replied that anyone with a need would be able to link to the system.

Senator Gulley asked if there are system architecture standards developed and in place for the things that the Department is asking to be funded? Secretary Moore said yes. Senator Ballance asked if criminal record checks would be added to the system. Mr. Hawley replied that the system would have the ability to check warrants but not do criminal record checks. Representative Justus stated that North Carolina is a leader in the statewide CJIN. Representative Bowie asked if out-of-state people would be able to be pick up. Mr. Hawley replied yes.

Representative Saunders expressed some concern for the possible misuse of the information on CJIN, but stated that he supported this system. Senator Wellons asked how juvenile record would be protected on CJIN. Mr. Hawley replied that a policy needed to be in place before they on the data base. Secretary Moore added that the CJIN Board would not make that decision, but the General Assembly would make the decision. Representative Kiser stated that it might be a good idea to be able to see who asked for the information and why they asked for it. Mr. Hawley responded that every effort is made to do that.

Next, Major George Ake of the Highway Patrol gave an update of the Highway Patrol CJIN activities. He stated that I-85 and I-95 were funded last year and money could be saved because troopers could do the reports in their patrol cars. Wake County is in a pilot program and are using computers in the cars to enter accident reports. Major Ake also

stated that the system adds to a officer's safety because he/she can tell who they are stopping before he/she leaves the patrol car by doing a license plate check.

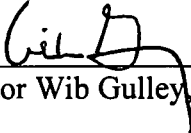
Captain Davis also gave the Subcommittees an update on the Mobile Data System (see attached Handout #3). Implementation of Phase I would allow coverage of 37% of North Carolina geographic area which impacts 13 counties and 66% of the state population. This phase was funded from a \$2 million appropriation last year and a \$500,000 grant from the Governor's Crime Commission. Phase II would extend the covered area to 71%. The requested funding for Phase II is \$2.4 million from the state and \$500,000 from the Crime Commission. A \$7.8 million appropriation over five years would give the Mobile Data System coverage in all 100 counties in North Carolina.

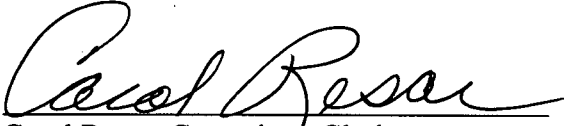
Senator Ballance asked if there would be a computer in every patrol car after five years? Secretary Moore replied that there would be 11,000 out of the 13,000 cars.

Representative Sexton asked how many towers there were right now. Captain Davis said there would be 154 towers in five years and each tower costs about \$75,000. Senator Rucho asked if the towers could be rented to private companies. Captain Davis replied no, but they have talked to other state agencies. Secretary Moore added that the Governor was very interested in private-public partnerships and if it was possible, they would pursue the possibility of renting the towers to private companies. Senator Gulley stated that the state agencies should be asked first, then they could be aggressive in the private sector.

Next, Major George Ake reviewed the expansion budge requests for the Subcommittees (see Handout #4).

The meeting was adjourned at 10:00 a.m.

  
\_\_\_\_\_  
Senator Wib Gulley, Chair

  
\_\_\_\_\_  
Carol Resar, Committee Clerk

# **The Criminal Justice Information Network Governing Board: A Report to the General Assembly**

## **Contents in Response to Legislative Request:**

- Long-term strategic plan and cost analysis
- Organization, operations, and expenditures of the Board, including
  - expenses incurred,
  - permanent staffing needs,
  - data sharing standards development, and
  - coordination and cooperation of State and local agencies.
- Implementation of the mobile data network system, including
  - funds spent on the system; and
  - long-term costs of statewide implementation

### **LONG-TERM STRATEGIC PLAN AND COST ANALYSIS**

At their initial meeting, the CJIN Governing Board agreed upon the following strategic plan: first, identify the current status of the various criminal justice information systems in the state; second, review the recommendations of the CJIN Study, conducted by Price Waterhouse in 1995; and third, establish a revised and updated plan of action. This three-step process facilitates the considerable learning curve of the Board members and provides a consensus roadmap for immediate and future implementation steps. Once this process has been completed, the Governing Board will be better equipped to make recommendations concerning logistic, administrative, and funding requirements of CJIN implementation.

To provide a long-term cost analysis, it is critical to first evaluate the expenditures made since the CJIN Study was completed. Two key areas of CJIN have developed significantly over the last two years: the Statewide Automated Fingerprint Identification System (SAFIS) and the Mobile Data Network System (discussed in a later section).

In most parts of the state, the positive identification of offenders can take several weeks, and it is possible that the offender will see a magistrate, be booked into jail and/or released on bond, be charged by the district attorney, meet with a public defender, and be through a first appearance in district court before information on previous criminal offenses is received.

The SBI's Division of Criminal Information (DCI) has responded to this problem, and North Carolina's SAFIS program, recognized as one of the best in the country, continues to be upgraded to expand the capabilities of the state's centralized automated fingerprint repository. At least 22 counties are now utilizing devices that capture and digitize fingerprint impressions and criminal

justice agencies in these counties can now electronically submit fingerprint impressions directly to DCI, producing a significant reduction in time and money spent on this process. Recognizing the superior value of capturing, submitting, and exchanging digitized fingerprints over manually submitting prints by mail (the CJIN Study Committee recommended positive offender identification in two hours or less), the SBI has taken a proactive role in preparing for the eventual implementation of the future statewide automated fingerprint system. This agency recently received a sizeable federal grant to continue implementing this technology, to establish a back-up SAFIS to expand the storage capacity of the repository, and to establish electronic connectivity to the FBI's national AFIS.

**Figure 1: Location of SAFIS and Livescan Equipment**

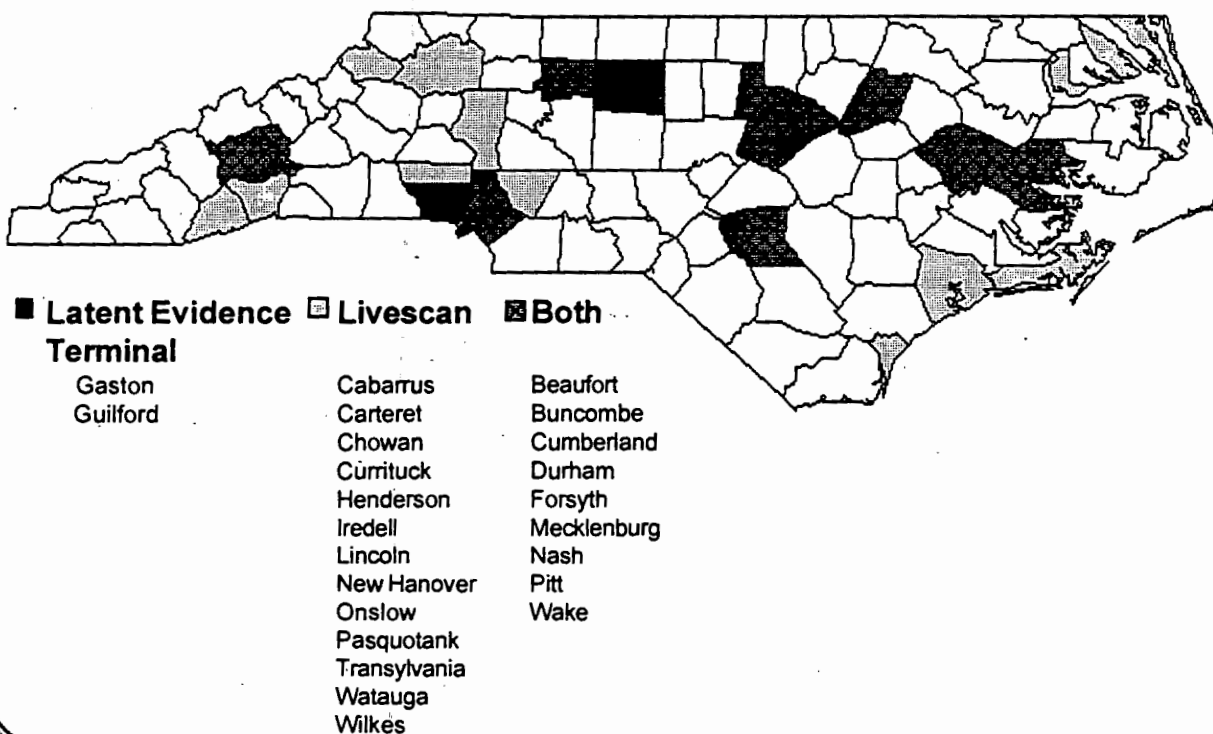


Figure 1 illustrates the counties that are in the process of or have been participating in the SAFIS. The figure indicates whether a county has a SAFIS latent evidence terminal, livescan device, or both a latent evidence terminal and a livescan. A livescan terminal allows for the capture and remote submission of livescan fingerprint cards to the SBI's SAFIS; whereas, a SAFIS latent evidence terminal allows for the remote search and verification of unsolved latent prints against the SBI's AFIS database. The counties with SAFIS-compatible livescans are already in the position to comply with the CJIN Study recommendation of having at least one livescan in each county capable of electronic submissions to DCI. The costs for these systems have come from local and federal sources.

Financial impact of a system that utilizes the most current technology is a major concern surrounding the development of this statewide information network. This is most pronounced among smaller agencies which are either completely unautomated or are in the early stages of incorporating information systems technology into the operations. The CJIN endeavor cannot succeed unless all local agencies, both large and small, are technologically compatible and capable of communicating and exchanging data in an automated fashion. Given the importance of making livescan technology more widely available, Governor Hunt's budget includes \$2,000,000 to continue the development of the Criminal Justice Information Network, particularly in the area of the SAFIS Project.

In part, state and local support for and commitment to CJIN will leverage federal block grant money for information technology throughout the state. The Information Systems Committee of the Governor's Crime Commission is committed to the CJIN project, and has diligently attempted to address the concerns of smaller agencies and reduce the financial and technological impediments that these agencies may encounter as they attempt to connect to a statewide criminal justice information network. Through this committee, over \$ 2 million Drug Control and System Improvement (DCSI) grant dollars has been awarded to more than 40 small law enforcement agencies during the past three years. These funds have enabled these agencies to acquire computers for either the first time or to upgrade their existing information systems. Numerous agencies have installed and implemented incident based crime reporting software and have used these grant funds to progress from paper based to automated record keeping systems that will place them in a more advantageous position for connectivity to CJIN as it continues to develop.

The CJIN Governing Board encourages the General Assembly to recognize that CJIN is a long-term investment, and that state and local agencies already are spending considerable funds on the issues addressed in the initial CJIN Study recommendations. The option, therefore, is not whether money will be spent on the criminal justice system, but whether the expenditures will be targeted, coordinated, and designed for the maximum benefit of users statewide. Delays in the implementation of the CJIN initiatives will only add to the fragmentation of the system, and make future connections even more difficult.

*The option, therefore, is not whether money will be spent on the criminal justice system, but whether the expenditures will be targeted, coordinated, and designed for the maximum benefit of users statewide.*

## ORGANIZATION, OPERATIONS, AND EXPENDITURES

### EXPENSES INCURRED

To date, \$1,250 has been spent on travel expenses for Board members; leaving a total balance of \$98,750 for the operations of the Governing Board. No expenditures have been made toward the data sharing standards project. The \$300,000 will be used to supplement and match a federal grant awarded this year from the Governor's Crime Commission. Only a small amount of money has been spent up to this point, due in part to the length of time needed to complete the Governing Board appointments. To date, all of the staffing functions have been conducted on a volunteer basis by state employees from CJIN affiliated agencies.

### PERMANENT STAFFING NEEDS

In future CJIN Governing Board meetings, specific recommendations for permanent staffing will be considered, but at the very least, it is anticipated that an Executive Director will be needed to direct Governing Board meetings, coordinate and conduct field research, prepare legislative reports, write grants, conduct public awareness campaigns, provide technical assistance to local agencies, and any other duties as directed by the Governing Board.

The Governing Board will make its final recommendations for permanent staffing needs during the second session of the 1997 General Assembly.

## DATA SHARING STANDARDS DEVELOPMENT

The CJIN Governing Board has just received a grant through the Information Systems Committee of the Governor's Crime Commission for \$559,860 to supplement the Data Sharing Standards Development Project funds provided by the North Carolina General Assembly last year.

A CJIN Governing Board committee comprised of representatives from local and state criminal justice agencies will be formed for data sharing standards development. The committee will establish a phased approach to compiling a data element dictionary and will solicit input from all concerned agencies. For adoption of the standards, participants in each phase must not only feel included, they must have confidence in the dictionary and recognize and understand the benefits that their organization will receive.

Once the committee is formed, a project manager and necessary staff will be retained to manage the progress of the data sharing standards project and to plan and facilitate the meetings of the committee. A consultant will be utilized to provide practical expertise and experience in the process of compiling a data dictionary and performance of the subsequent data audits that are necessary to measure effectiveness of processes, timeliness of disposition entry, and compliance of local agencies to reporting requirements. In order to avoid the view that data quality checks are a state mandate, local systems personnel will not only augment data sharing with exposure to other systems, but will drive the audit process.

This project forms the base from which all users will connect to CJIN. Today's telecommunications technology allows users to access disparate databases, but if the elements in these databases are not common, the information cannot be fully utilized by users from outside agencies. The subsequent stages of CJIN are dependent upon successful implementation of statewide standards. Dependent upon these standards are: Statewide Automated Fingerprint Identification System (SAFIS); Statewide Integrated Criminal History; Magistrate System; Statewide Identification Index; Statewide Warrant System; Courtroom Automation; and Statewide Juvenile Case Management System.

*Projects dependent upon successful implementation of data standards include:*

*SAFIS;  
Statewide Integrated Criminal History;  
Magistrate System;  
Statewide Identification Index;  
Statewide Warrant System;  
Courtroom Automation; and  
Statewide Juvenile Case Management  
System*

## COORDINATION AND COOPERATION OF STATE AND LOCAL AGENCIES

The data standardization is not easy, but benefits to the CJIN community outweigh all difficulties. To ensure and promote these benefits, the standardization committee will involve local agencies as a major contributor to the development of the data dictionary and audit procedures. The CJIN Governing Board believes that if the guidelines come from throughout the state and that standards have been cooperatively developed, the level of participation among local agencies will remain enthusiastic and supportive.

## FUNDS SPENT ON THE SYSTEM

The State Highway Patrol has utilized a logical, phased-in approach as it's method of deployment for expanding the Criminal Justice Information Network - Mobile Data Network (CJIN-MDN). A central site to house the CJIN-MDN message switch, radio network controller and telecommunication peripherals has been established at the State Highway Patrol Information Management Unit. This facility is located on state government property jointly occupied by the State Highway Patrol and State Bureau of Investigation in Raleigh, NC. The Patrol utilizes technical and logistical assistance from the Division of Criminal Information for network interface requirements to databases located at the Division of Criminal Information, National Crime Information Center, Administrative Office of the Courts, Department of Correction, Division of Motor Vehicles, State Information Processing Service, and local government computer assisted dispatch systems.

Full statewide coverage has begun with initial coverage on Interstate 85 and Interstate 95 from the South Carolina to the Virginia border. CJIN-MDN Phase One, funded through state appropriations and a federal grant (Drug Control and System Improvements - Byrne Grant # 130-196-15B-D038) from the North Carolina Governor's Crime Commission, provides an approximate 20 mile envelope around the two interstate highways and will provide mobile data access to approximately 41% of the state's population base. The total amount spent on Phase I was \$2.5 million.

The initial phases of CJIN-MDN have been built on the concept of "Shared Resources". Costs to all participating agencies are reduced by simply sharing available resources that constitute the network. In formulating partnerships, the State Highway Patrol shares resources such as engineering support, currently licensed 800 MHz frequencies (spectrum), a premier microwave communication system, and network administrative responsibilities with local government agencies in return for their sharing of resources such as tower sites, base station controllers, leased telecommunications lines, digital sending units, and 800 MHz RF infrastructures that are currently in operation. A standard Memorandum of Agreement is used to validate the sharing of resources, provides an itemized list of resources shared with the network, and identifies which agency is providing them.

## LONG-TERM COSTS OF STATEWIDE IMPLEMENTATION

CJIN-MDN Phase Two, as proposed, will be funded through state appropriations and a federal grant (Drug Control and System Improvements - Byrne Grant # 130-1-97-15B-D-080) from the North Carolina Governor's Crime Commission. It will provide mobile data access to an additional 36% of the state's population base and will cost \$3.0 million.

CJIN-MDN Phase One and Two combined will impact 77% of North Carolina's population base and provide mobile data coverage to approximately 71% of North Carolina's geographical area.

Subsequent Phases Three, Four, and Five will continue the expansion CJIN-MDN until a statewide communications blanket provides access for all criminal justice agencies. It is projected that these remaining three phases will cost \$7.8 million.

To insure full and long term satisfaction, the CJIN-MDN mobile data technology provides North Carolina with a complete solution to current requirements and provides a data communications road map that will grow with the state's changing needs well into the next century. The involvement of the public safety community is essential to the success of CJIN-MDN. The integrated mobile data network will provide services to criminal justice agencies, regardless of size. It provides a method for interagency networking and data communications utilizing advanced technology, while sharing basic resources.



## CJIN GOVERNING BOARD

4/2/97

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State of North Carolina

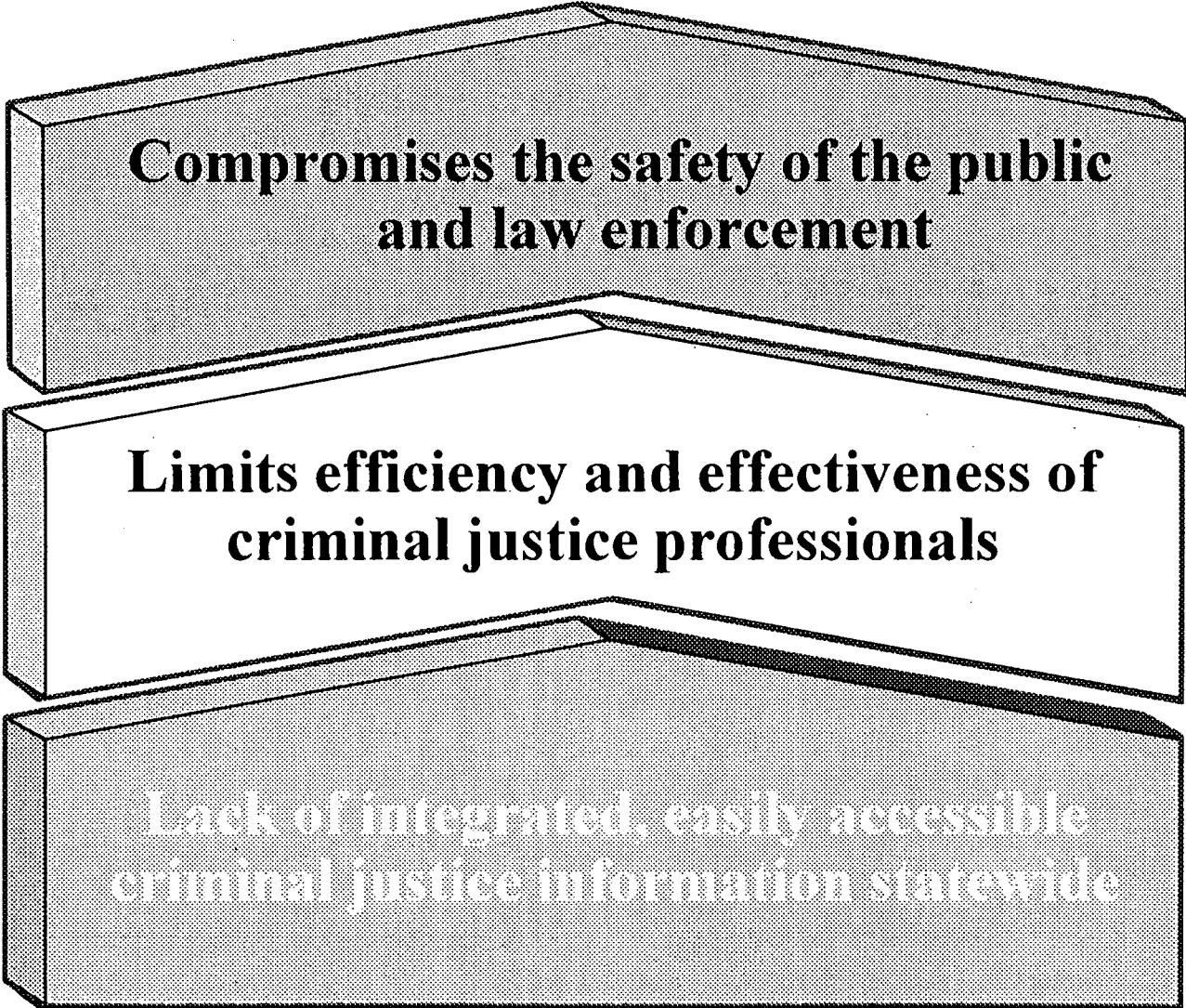
**Criminal Justice Information  
Network**

Ron Hawley, Assistant Director  
NC State Bureau of Investigation  
Vice Chairman, CJIN Governing Board

# Project Objective

“To identify alternatives for development of a statewide criminal justice information network that will enable a properly authorized user to readily access and effectively use information regardless of its location in national, state or local databases.”

# Summary of Findings



**Compromises the safety of the public  
and law enforcement**

**Limits efficiency and effectiveness of  
criminal justice professionals**

**Lack of integrated, easily accessible  
criminal justice information statewide**

# CJIN Findings

- Takes too long positively identify persons
- No single, comprehensive criminal history
- No single source of outstanding warrants
- Excessive redundant data entry
- No statewide, interagency mobile voice and data communications

# CJIN Recommendations

- ✓ Establish CJIN Governance Board
- ✓ Adopt system architecture standards
- ✓ Establish data sharing standards
- ✓ Implement livescan statewide with AFIS

# CJIN Recommendations (continued)

- ✓ Implement magistrate warrant system statewide
- ✓ Build statewide identification index
- ✓ Implement statewide mobile voice and data infrastructure



# What are the first steps?

**Implement  
TCP/IP**

**CJIN security  
pilots**

**Implement  
livescan systems**

# NORTH CAROLINA HIGHWAY PATROL COST BENEFIT ANALYSIS MOBILE DATA SYSTEM

## OFFICE TIME REDUCTION FOR STATE TROOPERS

Reports can be done in the field using this technology

In 1996 State Troopers spent 171,033 hours in office doing reports (Troopers only)

Patrol would expect time savings for supervisors

A twenty-five percent reduction in office time is a conservative estimate

$171,033 / 25\% = 42,758$  hours

42,758 hours @ Senior Trooper at midpoint = **\$82,330 SAVINGS PER YEAR**

**42,758 MORE HOURS ON PATROL**

## CLERK OF COURTS SAVINGS

Officer enters citation into court database electronically (no re-entry by clerk of court)

Savings of three minutes each citation to enter into the system.

In the fiscal year of 1995-1996, Officers issued 1,340,364 citations throughout the State

(Does not include entering judgment or correction of errors)

Citations are received by the court and other agencies in a timely manner.

Citations are more legible and accurate due to using the computer.

**PAY GRADE 59 = \$1,020,371 SAVINGS PER YEAR**

## DEPARTMENT OF MOTOR VEHICLES ACCIDENT RECORDS

Officer enters accident report into DMV database electronically

No re-entry by the Department of Motor Vehicles - Estimated saving of four minutes per report

1995 motor vehicle collisions - Total Statewide - 214,824

**Pay grade 59 = \$218,651 SAVINGS PER YEAR**

**ESTIMATED MEASURABLE BENEFIT TO THE CITIZENS OF NORTH CAROLINA**  
**\$1,321,352**

## OTHER BENEFITS TO THE STATE:

- \* Increased Officer Safety: *State Law Enforcement Officer Killed in Line of Duty*  
(Approximately \$300,000 in State funds; \$134,571 Federal funds)
- \* Increased apprehension of dangerous criminals
- \* Effective identification of suspects and stolen items
- \* Time savings for police telecommunicators
- \* Time savings for police support personnel
- Information does not need to be re-entered into the computer
- \* More timely and accurate information

## MOBILE DATA PILOT RESULTS IN WAKE COUNTY (36 Troopers)

| ACTIVITY                     | 1994  | 1996  | Percent of Increase |
|------------------------------|-------|-------|---------------------|
| Motor vehicle larceny        | 4     | 7     | 57%                 |
| Vehicle recovered            | 27    | 51    | 53%                 |
| No Driver's License          | 1,912 | 2,518 | 76%                 |
| Suspended or Revoked License | 1,539 | 2,007 | 77%                 |

# NORTH CAROLINA HIGHWAY PATROL COST BENEFIT ANALYSIS MOBILE DATA SYSTEM

## OFFICE TIME REDUCTION FOR STATE TROOPERS

Reports can be done in the field using this technology  
 In 1996 State Troopers spent 171,033 hours in office doing reports (Troopers only)  
 Patrol would expect time savings for supervisors  
 A twenty-five percent reduction in office time is a conservative estimate  
 $171,033 / 25\% = 42,758$  hours  
**42,758 hours @ Senior Trooper at midpoint = \$82,330 SAVINGS PER YEAR**  
**42,758 MORE HOURS ON PATROL**

## CLERK OF COURTS SAVINGS

Officer enters citation into court database electronically (no re-entry by clerk of court)  
 Savings of three minutes each citation to enter into the system.  
 In the fiscal year of 1995-1996, Officers issued 1,340,364 citations throughout the State  
 (Does not include entering judgment or correction of errors)  
 Citations are received by the court and other agencies in a timely manner.  
 Citations are more legible and accurate due to using the computer.  
**PAY GRADE 59 = \$1,020,371 SAVINGS PER YEAR**

## DEPARTMENT OF MOTOR VEHICLES ACCIDENT RECORDS

Officer enters accident report into DMV database electronically  
 No re-entry by the Department of Motor Vehicles - Estimated saving of four minutes per report  
 1995 motor vehicle collisions - Total Statewide - 214,824  
**Pay grade 59 = \$218,651 SAVINGS PER YEAR**

**ESTIMATED MEASURABLE BENEFIT TO THE CITIZENS OF NORTH CAROLINA**  
**\$1,321,352**

### OTHER BENEFITS TO THE STATE:

- \* Increased Officer Safety: *State Law Enforcement Officer Killed in Line of Duty*  
*(Approximately \$300,000 in State funds; \$134,571 Federal funds)*
- \* Increased apprehension of dangerous criminals
- \* Effective identification of suspects and stolen items
- \* Time savings for police telecommunicators
- \* Time savings for police support personnel  
 Information does not need to be re-entered into the computer
- \* More timely and accurate information

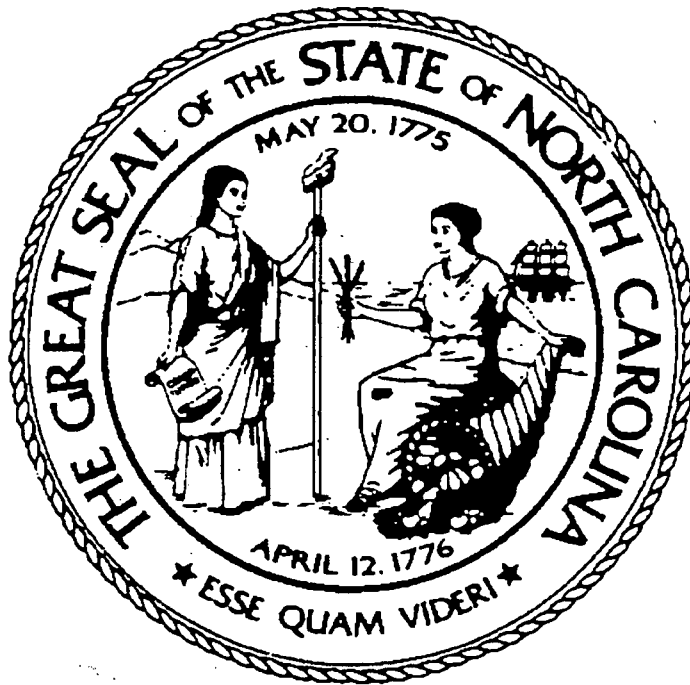
### MOBILE DATA PILOT RESULTS IN WAKE COUNTY (36 Troopers)

| ACTIVITY                     | 1994  | 1996  | Percent of<br>Increase |
|------------------------------|-------|-------|------------------------|
| Motor vehicle larceny        | 4     | 7     | 57%                    |
| Vehicle recovered            | 27    | 51    | 53%                    |
| No Driver's License          | 1,912 | 2,518 | 76%                    |
| Suspended or Revoked License | 1,539 | 2,007 | 77%                    |

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**The North Carolina  
Criminal Justice Information Network  
Governing Board:  
Fingerprint Capture & Electronic Transmission**

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April 3, 1997

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## THE PROBLEM

Every day, hundreds of individuals are arrested and fingerprinted in North Carolina and those fingerprints are submitted to the North Carolina State Bureau of Investigation's (SBI) Identification Division. Those fingerprints are mailed and it may take months before a response can be returned to the law enforcement agency. Therefore, law enforcement, magistrates and judges are unable to use criminal history record information (CHRI) based on positive fingerprint identification in their decisions. This has been the process relied on by law enforcement for years to support their need of positive identification.

Although most offenders are known, there are those instances when a person uses false identification at the time of arrest. We have all heard of cases where an individual was arrested, fingerprinted, released from custody only to learn they were wanted for other crimes. All too often, we learn of this when the individual has committed another crime, such as murder or rape. If the criminal record had been available to the magistrate at the time of the arrest, it is likely the person would not have been free to commit the subsequent crime. This flaw in the system should not continue.

This is further complicated by the fact fingerprint submissions to the SBI continue to rise. Law enforcement is responding to the need to identify all perpetrators and thus more and more misdemeanants are being fingerprinted. As an example, the SBI has seen close to a 500% increase in the fingerprint submission rate from one agency which began submitting all misdemeanors in February 1997.

In addition to the criminal fingerprint cards, we have seen unprecedented growth in non criminal justice work. The increased authorization for use of fingerprint-based record checks as a matter of public safety has greatly stressed the existing process.

## A NEED TO MOVE FORWARD

This problem does not have to continue. There is technology available that allows agencies to electronically submit fingerprint cards to the SBI in a matter of minutes. We have the ability to move forward and locate electronic fingerprint workstations in every county of North Carolina.

On April 7, 1995, the State of North Carolina released the comprehensive Criminal Justice Information Network Study (CJIN Study). This CJIN Study and the April 1, 1997, report of the CJIN Governing Board to the General Assembly detail the need for a statewide automated fingerprint identification system (SAFIS) that provides electronic submission of fingerprints.

As quoted in part from the State of North Carolina CJIN Study:

Establishment of a statewide automated fingerprint identification system (SAFIS) which supports the following goal:

- SAFIS will provide the user positive identification based on fingerprints in less than two hours.

SAFIS will consist of the following components:

- A centralized arrest intake facility in each county with a live scan device that is electronically linked to the State Bureau of Investigation's (SBI) Division of Criminal Information (DCI) to record fingerprints of all felons and misdemeanants.

The SBI's Division of Criminal Information (DCI) is responsible for the management of the SAFIS. In this role, DCI has recognized the need to continue SAFIS expansion by upgrading the SAFIS during the past three years. A planned business recovery upgrade in late 1997 will position the SAFIS to meet the CJIN and SBI goal of immediate and positive identification from the point of fingerprinting. The forthcoming upgrade will increase the fingerprint data base capacity from 900,000 to 1,700,000 sets of fingerprints and also provide disaster recovery capabilities at another site.

## RECOMMENDATIONS

North Carolina is positioned to take a significant step forward in the fight against crime. The solution, if implemented, would address this public safety need. The recommended solution is to provide each county with the ability to submit fingerprints electronically. Based on an individual agency's needs and requirements, one of several workstations would be used to allow for electronic submission to the SBI's Identification Division. Using these workstations, law enforcement agencies in North Carolina would receive positive identification of criminals during their initial contacts.

- **Live scan fingerprint workstation -**  
This device eliminates the need take any inked fingerprints by electronically capturing an individual's actual fingerprints on a scanner. The fingerprint image data along with descriptor and charge data entered at the live scan fingerprint workstation can be electronically transmitted to the SBI.

- **Fingerprint capture workstation -**  
This work station would utilize one set of inked fingerprint impressions which were scanned into electronic format. The fingerprint image data along with descriptor and charge data entered at the fingerprint capture workstation would be electronically transmitted to the SBI.
- **Data capture workstation -**  
The data capture workstation would generate a 2D Bar Code that contains descriptor and charge data. This would generate a fingerprint card which could then be scanned into electronic format.

## **SUPPORTING DATA**

With funds made available through the federal government and Governor Hunt's 1993 special crime session, the SBI has developed an AFIS that can now accept electronic fingerprint card submissions from different vendors. Agencies with live scan workstations in nineteen North Carolina counties have the capacity to submit electronic fingerprint cards. That leaves eighty-one counties without the ability to electronically submit fingerprints. The North Carolina Governor's Crime Commission is considering live scan funding for four agencies that would reduce to seventy-seven the number of counties without this capability. The projected costs reflect coverage for all counties in North Carolina.

Using the numbers of fingerprints submissions (See attachments A, B & C for fingerprint submissions by county), the CJIN Governing Board will work with the sheriffs and chiefs to develop a plan for deploying these workstations. This approach is scalable through the use of a phased implementation schedule.

## ESTIMATED COST

| <u>Requirement</u>                 | <u>Number</u> | <u>Cost Per</u> | <u>Total</u> |
|------------------------------------|---------------|-----------------|--------------|
| Fingerprint capture workstations   | 74            | \$ 20,000       | \$ 1,480,000 |
| Live scan fingerprint workstations | 3             | \$ 50,000       | \$ 150,000   |
| AFIS verification stations         | 4             | \$ 50,000       | \$ 200,000   |
| Communications hardware            | N/A           | \$ 160,000      |              |
| Network                            |               |                 |              |
| One time line installation         | 77            | \$ 1,600        | \$ 123,200   |
| One year recurring line charge     | 77            | \$ 9,625        | \$ 741,125   |
| Total Estimated Cost               |               |                 | \$ 2,854,325 |



Attachment A  
Fingerprint Submissions  
By the Number of Submissions<sup>1</sup>

| County           | No. of Submissions | County           | No. of Submissions |
|------------------|--------------------|------------------|--------------------|
| 1. Hyde          | 30                 | 51. Scotland     | 500                |
| 2. Clay          | 40                 | 52. Beaufort     | 510                |
| 3. Tyrrell       | 40                 | 53. Person       | 525                |
| 4. Alleghany     | 50                 | 54. Surry        | 525                |
| 5. Yancey        | 50                 | 55. Caldwell     | 550                |
| 6. Jones         | 70                 | 56. Granville    | 550                |
| 7. Camden        | 75                 | 57. Rockingham   | 550                |
| 8. Madison       | 75                 | 58. Vance        | 550                |
| 9. Mitchell      | 75                 | 59. Columbus     | 575                |
| 10. Washington   | 75                 | 60. Hertford     | 575                |
| 11. Warren       | 85                 | 61. Lee          | 600                |
| 12. Ashe         | 100                | 62. Nash         | 600                |
| 13. Graham       | 100                | 63. Richmond     | 600                |
| 14. Swain        | 100                | 64. Bladen       | 630                |
| 15. Avery        | 110                | 65. Lenoir       | 650                |
| 16. Macon        | 125                | 66. Rutherford   | 650                |
| 17. Pamlico      | 125                | 67. Burke        | 700                |
| 18. Polk         | 125                | 68. Rowan        | 700                |
| 19. Yadkin       | 125                | 69. Halifax      | 725                |
| 20. Cherokee     | 130                | 70. Cleveland    | 750                |
| 21. Transylvania | 150                | 71. Craven       | 825                |
| 22. Gates        | 175                | 72. Harnett      | 850                |
| 23. Greene       | 175                | 73. Johnston     | 900                |
| 24. Jackson      | 175                | 74. Moore        | 900                |
| 25. Caswell      | 180                | 75. Orange       | 900                |
| 26. Bertie       | 200                | 76. Cabarrus     | 1,000              |
| 27. Martin       | 200                | 77. Carteret     | 1,000              |
| 28. Northampton  | 200                | 78. Randolph     | 1,000              |
| 29. Alexander    | 250                | 79. Union        | 1,000              |
| 30. Hoke         | 250                | 80. Wilson       | 1,000              |
| 31. Perquimans   | 250                | 81. Iredell      | 1,150              |
| 32. Davie        | 275                | 82. Henderson    | 1,200              |
| 33. Watauga      | 275                | 83. Pasquotank   | 1,200              |
| 34. Anson        | 300                | 84. Robeson      | 1,300              |
| 35. Pender       | 300                | 85. Davidson     | 1,400              |
| 36. Chatham      | 325                | 86. Buncombe     | 1,700              |
| 37. Currituck    | 325                | 87. Edgecombe    | 1,800              |
| 38. Franklin     | 350                | 88. Onslow       | 1,900              |
| 39. Haywood      | 350                | 89. Wayne        | 1,900              |
| 40. Stanly       | 350                | 90. Catawba      | 2,000              |
| 41. Stokes       | 350                | 91. New Hanover  | 2,000              |
| 42. Wilkes       | 350                | 92. Gaston       | 2,400              |
| 43. Chowan       | 360                | 93. Durham       | 2,800              |
| 44. Brunswick    | 375                | 94. Forsyth      | 3,000              |
| 45. Duplin       | 400                | 95. Alamance     | 3,200              |
| 46. McDowell     | 400                | 96. Cumberland   | 3,300              |
| 47. Montgomery   | 400                | 97. Pitt         | 3,300              |
| 48. Lincoln      | 425                | 98. Guilford     | 5,700              |
| 49. Dare         | 450                | 99. Wake         | 6,700              |
| 50. Sampson      | 450                | 100. Mecklenburg | 30,000             |
|                  |                    | <b>Total</b>     | <b>110,060</b>     |

<sup>1</sup>These figures are based on a review of 1995 and 1996 submissions. These numbers represent the highest submission for those years.

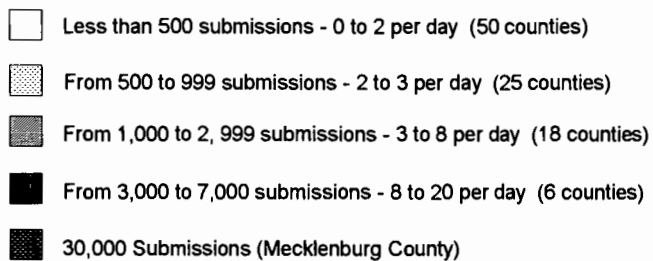
Attachment B  
Fingerprint Submissions  
By County<sup>1</sup>

| County         | No. Of Submissions | County           | No. of Submissions |
|----------------|--------------------|------------------|--------------------|
| 1. Alamance    | 3,200              | 51. Johnston     | 900                |
| 2. Alexander   | 250                | 52. Jones        | 70                 |
| 3. Alleghany   | 50                 | 53. Lee          | 600                |
| 4. Anson       | 300                | 54. Lenoir       | 650                |
| 5. Ashe        | 100                | 55. Lincoln      | 425                |
| 6. Avery       | 110                | 56. Macon        | 125                |
| 7. Beaufort    | 510                | 57. Madison      | 75                 |
| 8. Bertie      | 200                | 58. Martin       | 200                |
| 9. Bladen      | 630                | 59. McDowell     | 400                |
| 10. Brunswick  | 375                | 60. Mecklenburg  | 30,000             |
| 11. Buncombe   | 1,700              | 61. Mitchell     | 75                 |
| 12. Burke      | 700                | 62. Montgomery   | 400                |
| 13. Cabarrus   | 1,000              | 63. Moore        | 900                |
| 14. Caldwell   | 550                | 64. Nash         | 600                |
| 15. Camden     | 75                 | 65. New Hanover  | 2,000              |
| 16. Carteret   | 1,000              | 66. Northampton  | 200                |
| 17. Caswell    | 180                | 67. Onslow       | 1,900              |
| 18. Catawba    | 2,000              | 68. Orange       | 900                |
| 19. Chatham    | 325                | 69. Pamlico      | 125                |
| 20. Cherokee   | 130                | 70. Pasquotank   | 1,200              |
| 21. Chowan     | 360                | 71. Pender       | 300                |
| 22. Clay       | 40                 | 72. Perquimans   | 250                |
| 23. Cleveland  | 750                | 73. Person       | 525                |
| 24. Columbus   | 575                | 74. Pitt         | 3,300              |
| 25. Craven     | 825                | 75. Polk         | 125                |
| 26. Cumberland | 3,300              | 76. Randolph     | 1,000              |
| 27. Currituck  | 325                | 77. Richmond     | 600                |
| 28. Dare       | 450                | 78. Robeson      | 1,300              |
| 29. Davidson   | 1,400              | 79. Rockingham   | 550                |
| 30. Davie      | 275                | 80. Rowan        | 700                |
| 31. Duplin     | 400                | 81. Rutherford   | 650                |
| 32. Durham     | 2,800              | 82. Sampson      | 450                |
| 33. Edgecombe  | 1,800              | 83. Scotland     | 500                |
| 34. Forsyth    | 3,000              | 84. Stanly       | 350                |
| 35. Franklin   | 350                | 85. Stokes       | 350                |
| 36. Gaston     | 2,400              | 86. Surry        | 525                |
| 37. Gates      | 175                | 87. Swain        | 100                |
| 38. Graham     | 100                | 88. Transylvania | 150                |
| 39. Granville  | 550                | 89. Tyrrell      | 40                 |
| 40. Greene     | 175                | 90. Union        | 1,000              |
| 41. Guilford   | 5,700              | 91. Vance        | 550                |
| 42. Halifax    | 725                | 92. Wake         | 6,700              |
| 43. Harnett    | 850                | 93. Warren       | 85                 |
| 44. Haywood    | 350                | 94. Washington   | 75                 |
| 45. Henderson  | 1,200              | 95. Watauga      | 275                |
| 46. Hertford   | 575                | 96. Wayne        | 1,900              |
| 47. Hoke       | 250                | 97. Wilkes       | 350                |
| 48. Hyde       | 30                 | 98. Wilson       | 1,000              |
| 49. Iredell    | 1,150              | 99. Yadkin       | 125                |
| 50. Jackson    | 175                | 100. Yancey      | 50                 |
|                |                    | Total            | 110,060            |

<sup>1</sup>These figures are based on a review of 1995 and 1996 submissions. These numbers represent the highest submission for those years.

# State Bureau of Investigation <sup>1</sup>

## Fingerprint Submissions by County



<sup>1</sup> These figures are based on a review of 1995 and 1996 submissions. These numbers represent the highest submission for those years.

**April 3, 1997**