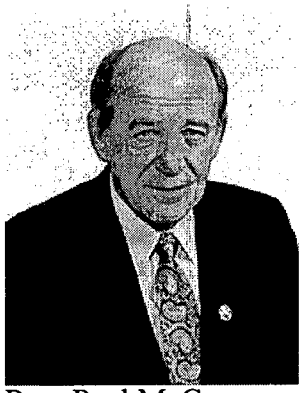
1999

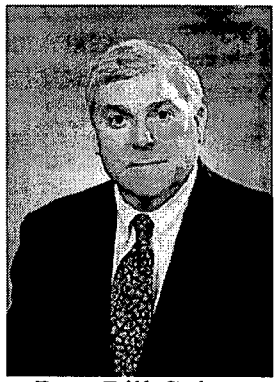
JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

MINUTES

APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY
COMMITTEE MEMBERS

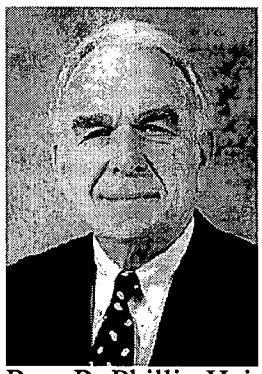

Rep. Paul McCrary
Co-Chair

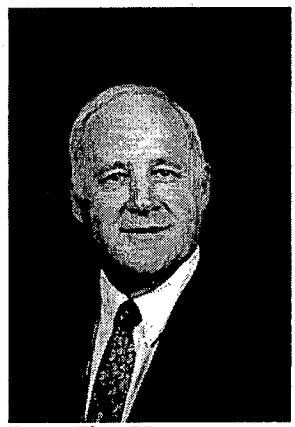
Rep. Ted Kinney
Co-Chair

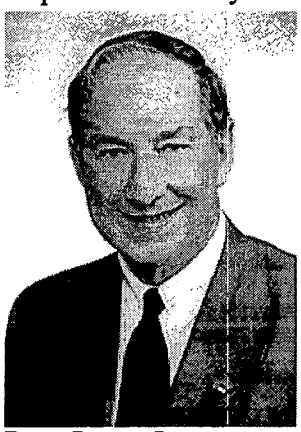

Rep. Bill Culpepper
Co-Chair

Rep. Scott Thomas
Vice Chair

Rep. Debbie Clary


Rep. R. Phillip Haire


Rep. Jim Horn


Rep. Larry Justus

Rep. Joe Kiser

Rep. Wayne Sexton

SENATE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

MEMBERS

Senator Luther Jordan, Chair
Senator Frank Ballance, Vice-Chair
Senator Anthony Rand
Senator John Carrington
Senator Don East, Ranking Minority

Fiscal Research Team

Elissa Wolper
Charles Perusse
Jim Mills
Room 619LOB – Telephone 733 4910

Committee Assistant
Gloria Haywood
Room 407 LOB
715 3034

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday, February 22, 1999 – 8:30 a.m.
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Paul McCrary
Representative Ted Kinney
Representative Bill Culpepper

II. PRESENTATIONS

- Introduction of Chairmen, Members and Clerks

  Chairmen, JPS Subcommittee

- Introduction of Fiscal Research and Bill Drafting Staff / Provide List of Staff Assignments

  Elisa Wolper, Fiscal Research Division

- Introduction of Agency Representatives

  Correction Staff
  Judicial Staff
  Justice Staff
  Crime Control Staff
  Juvenile Justice Staff
  State Budget Staff

- Comments by Co-Chairmen on Process / Schedule

  Chairmen, JPS Subcommittee

- Review of Fiscal Research Staff Responsibilities

  Jim Mills, Fiscal Research Division

- Overview of JPS Budgets

  Charles Perusse, Fiscal Research Division

- Review of JPS Reports

  Jim Mills, Fiscal Research Division

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY

The Joint Appropriations Subcommittee on Justice and Public Safety met on **February 23, 1999** at 8:30AM in room 612 LOB. Four Senators were present. The following members of the House were present:

Rep. Paul McCrary	Rep. William Culpepper
Rep. Scott Thomas	Rep. Phillip Haire
Rep. Jim Horn	Rep. Larry Justus
Rep. Joe Kiser	Rep. Wayne Sexton

Rep. William Cunningham

Senator Luther Jordan chaired the meeting. He began by introducing the pages and having all members, staff, and agency representatives introduce themselves. A handout was distributed titled Justice and Public Safety Appropriations Team Staff Assignments. It is attached.

Mr. Jim Mills, staff explained the appropriations committee process/role of staff (see handout). The committee will go through the continuation budget before the expansion budget.

Senator Jordan announced that the committee would meet again at 1:30PM on February 23, 1999.

Mr. Charles Perusse, staff, spoke about Justice and Public Safety key fiscal information, see handout.

Rep. Kiser asked how much money of the $131.7 million was transferred in from other agencies and were their budgets trimmed accordingly. Mr. Mills answer that $94.6 million was in the Division for Youth Services, $22.1 million was from Juvenile Probation and after care and $14.9 million was in the Juvenile Justice reserve.
In response to a question from Rep. Kiser, Mr. Mills said that $720,000 was allocated for the new Juvenile Information system. Staff will provide an overview of the Office of Juvenile Justice early in the meetings.

Sen. East requested a breakdown of Juvenile Justice positions.

Mr. Charles Perusse continued to discuss the Justice and Public Safety handout. In response to a question by Sen. Ballance, there has been some streamlining of the personnel size, see page 4 of handout. Again in response to Sen. Ballance, employees in private prisons are not on North Carolina's payroll. In response to Rep. Kiser, Mr. Perusse said the prison population continues to grow and has a result we have more employees in Corrections. In response to Rep. Sexton, the Tarheel Challenge Program maxes out in three years.

Mr. Mills then went through the expected budget related reports that would be received in the committee.

The meeting was adjourned at 9:40AM.

Senator Luther H. Jordan, Jr.
Senate Chair

Gloria Haywood
Senate Committee Clerk

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gregg Stokes	DOC
Lawrence C. Bergman	DOC
LARRY DIX	Office of Juvenile Justice
NANCY HOWE	Office of Juvenile Justice
Buddy Humphrey	OSBM
R. E. Betts	DOS
[illegible]	DOJ
George L. Sweat	Office of Juvenile Justice
Ed Taylor	" " "
Ken Foster	~~OP~~ DJJ
Melissa Lovell	DOJ

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Dwayne Patterson	OJJ
Michael Bryant	OJJ
James Bowden	OJJ

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  Charles Perusse, Fiscal Research Division

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  Jim Mills, Fiscal Research Division

JUSTICE AND PUBLIC SAFETY APPROPRIATIONS TEAM
STAFF ASSIGNMENTS

CRIME CONTROL AND PUBLIC SAFETY	Marilyn Chism
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 Crime Victims Compensation Fund Rape Assistance Fund Community Service Work Program	Elisa Wolper
DEPARTMENT OF JUSTICE	Marilyn Chism/Elisa Wolper
Legal Services (including Citizens Rights Division)	Elisa Wolper
Law Enforcement Services	Marilyn Chism
Division of Criminal Information	
State Bureau of Investigation	"
Criminal Justice Training and Standards	"
Justice Academies	
Sheriff's Standards Commission	
Criminal Justice Training and Standards Commission	

DEPARTMENT OF CORRECTION	Jim Mills/Elisa Wolper
Division of Prisons	Jim Mills
Division of Alcoholism and Chemical Dependency	Mills/Wolper
Division of Community Correction Adult Probation and Parole Criminal Justice Partnership Program IMPACT (Boot Camps)	Elisa Wolper
Parole Commission	Elisa Wolper
JUDICIAL SYSTEM **(Administrative Office of the Courts)**	Charles Perusse
Supreme Court	"
Court of Appeals	
Superior and District Courts	
Offices of Clerks of Superior Court	
Office - District Attorneys	
Public Defender Services	Charles Perusee
Appellate Defender Services	"
Custody Mediation Program	"
Dispute Settlement Centers	"
Indigent Persons Attorney Fee Fund	"
Arbitration Program	"
Judicial Standards Commission	"
Community Penalties & Drug Treatment Court	Elisa Wolper

OFFICE OF JUVENILE JUSTICE

Juvenile Institutions (Training Schools/Detention Centers)	Jim Mills
Juvenile Programs (CBA's; SOS; One on One; Eckerd)	Marilyn Chism
Juvenile Court System	Charles Perusse
RESEARCH ASSISTANT **FISCAL NOTE WRITER**	Tammy Lester

2/16/99

APPROPRIATIONS COMMITTEE PROCESS/ROLE OF STAFF

Continuation and Expansion Budget

- **Continuation Budget** is the recommended funding to carry on the operations of programs at the level of support previously approved by the General Assembly. Allowable increases from previous funding levels include inflation, annualization of programs funded part year in the previous fiscal year and operating funding for newly completed facilities.

- The Subcommittee reviews the continuation budget of each department and identifies areas for possible budget reduction/increase or policy change.

- Continuation budget process lasts approximately 6 to 8 weeks (1999 Schedule to be determined)

- **Expansion Budget** is normally reviewed by the Subcommittee after the Continuation budget – Expansion includes new programs; expansion of existing programs; or permanently funding programs originally funded as pilots or with one time funding.

- Expansion items include members bills or suggestions; Governor's recommendations; and, expansion requests by the Department of Justice and the Judicial Department, which are submitted separately from the Governors budget.

Role of Fiscal Staff

- **Budget and Policy Analysis** -- Review continuation and expansion budgets for each department with State Budget staff and departmental staff prior to Subcommittee review. Analysts will then highlight for Subcommittee discussion the following: (1) cost components of each major program (staffing, contracts etc); (2) recent reductions or expansion of these programs; (3) the details of the major budget changes proposed by the Governor for 1999-2001; and, (4) other budgetary or policy options. During this process, analysts will

conduct further analysis of budget and policy issues identified by members.

- **"Flagging "** of budget issues – Since votes on budget reductions or increases are generally not taken until later in the subcommittee process, Subcommittee members will **flag** budget items for further information and review. The fiscal staff will keep track of flagged items and go through a final **"Flag"** list when requested by the Subcommittee chairs, usually after all JPS Departments have been reviewed.

- **Special Budget Provisions** – As budget issues are discussed and decisions are considered, members may suggest special language that directs certain policy actions and/or specifies how budgeted monies are to be used. These **"special provisions"** are drafted by Bill Drafting staff in consultation with members and fiscal staff.

- **Coordination/ Followup** -- Fiscal staff also coordinate daily meetings and agenda with subcommittee chairs; develop and track subcommittee schedules for chairs; work with departments and State Budget to answer members' general information requests, both for individual members and for the Subcommittee; and, prepare the Subcommittee budget reports.

- **Fiscal Notes** --JPS Fiscal staff also prepare fiscal notes on all criminal penalty bills since these bills affect prison incarceration rates and on other criminal justice bills if requested

Role of Other Staff

- **General Assembly Bill Drafting Staff** – Assist members with research on legal issues affecting Subcommittee deliberations and assist members in writing special budget provisions. Two bill drafters are normally assigned to the JPS subcommittee.

- **Departmental Staff** – Departments will answer members questions during committee meetings and work with fiscal staff to obtain additional information if needed. Departments may also make

presentations on budget issues and on studies required by the General Assembly.

- **Office of State Budget and Management and Office of State Planning** – State Budget will assist members and fiscal staff with information on departmental budgets and programs. State Planning acts as a resource on program budgeting and departmental performance measures.

FRD 2/18/99

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25 **Women at Risk** Provide funds for the Women at Risk program to expand to Burke and Catawba counties. The program works with women on probation on substance abuse, psychological, family and employment issues.	$35,000	NR
26 **Inmate Food and Medical Costs** Provides one-time funding due to increased costs for food service delivery ($200,000) and medical care ($600,000) for inmates. (SB 1366, Sec. 17.8)	$800,000	NR
Budget Changes	**($9,081,965)**	
	($11,617,959)	NR
Total Position Changes	-158.00	
Revised Total Budget	**$847,117,548**	

5

"(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, ~~grant~~ appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the ~~1997-98 fiscal year~~ 1997-99 biennium shall be distributed to the counties as specified in G.S. 143B-273.15(2) only and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1)."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

PROGRESS REPORT/PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 17.6. The Division of Adult Probation and Parole shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Fiscal Research Division by January 1, 1999, on any actions taken or planned in response to the June 1, 1998, performance audit of the Division. The report shall include details on any changes in funding, classification, staffing levels, or organization structure that have occurred since the June 1 audit and should highlight those changes that are directly related to issues raised in the audit.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

FUNDING OF PRISON ROAD SQUADS

Section 17.7. In preparing the continuation budget, the Office of State Budget and Management shall adjust the estimated receipts from the Highway Fund to the Department of Correction for the use of prison road squads to reflect only those costs authorized for reimbursement by G.S. 148-26.5.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

INMATE COSTS

~~Section~~ 17.8. Section 19.20 of S.L. 1997-443 reads as rewritten:

"Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons ~~if:~~

~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and~~

~~(2) The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Office of State Budget and Management, in consultation with the Department of Correction, shall (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service and health care to inmates. The Office of State Budget and Management shall report on the results of this study to the

6

Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by February 15, 1999."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
TITLE VII FUNDS/REPORT

Section 17.9. Section 19.18 of S.L. 1997-443 reads as rewritten:

"Section 19.18. The Department of Correction may use funds available to the Department during the ~~1997-98 fiscal year~~ 1997-99 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 17.10. (a) Section 19.28 of S.L. 1997-443 reads as rewritten:

"Section 19.28. No later than ~~June 30, 1998,~~ November 15, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction."

(b) The Criminal Justice Education and Training Standards Commission shall report by ~~October 1, 1998,~~ November 15, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on its progress in complying with the provisions of this section.

(c) This section becomes effective June 30, 1998.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton
FEDERAL GRANT MATCHING FUNDS

Section 17.11. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of eight hundred seventy-five thousand dollars ($875,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Plyler, Kerr, Representatives Justus, Kiser, Thompson, Sexton
SUBSTANCE ABUSE FUNDS

Section 17.12. (a) The balance of the four hundred sixty-seven thousand eight hundred six dollars ($467,806) appropriated in S.L. 1997-443 to the Department of Correction for the 1997-98 fiscal year to be allocated to the DART/DWI aftercare program at Cherry Hospital shall not revert at the end of the fiscal year but shall remain available to the Department during the 1998-99 fiscal year to be used as authorized in this section.

Justice & Public Safety

Key 1997-99 Fiscal Information

Joint Appropriations Subcommittee on Justice & Public Safety
February 23, 1999

Justice and Public Safety Agencies

- Department of Correction
  - Prisons
  - Community Correction (Adult Probation & Parole, Criminal Justice Partnership)
  - Alcohol and Chemical Dependency
  - Parole and Post Release Supervision Commission

- Judicial Department
  - Administrative Office of the Courts
  - Court System (Superior & District at Trial Level, Crt of Appeals & Supreme at Appellate Level)
  - District Attorneys, Indigent Defense, Guardian Ad Litem
  - Arbitration / Mediation Programs, Community Penalties and Drug Treatment Court

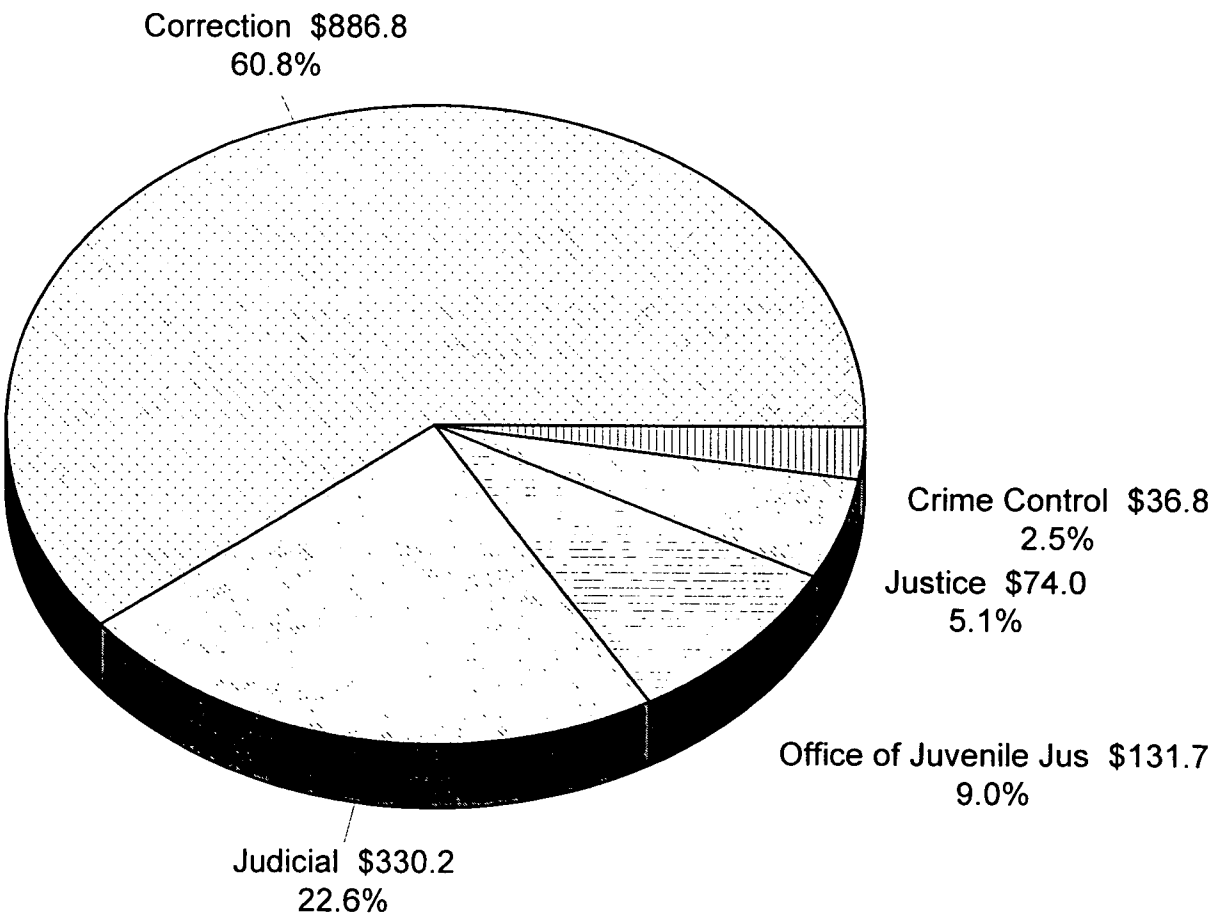
- Department of Justice
  - Attorney General's Office
  - State Bureau of Investigation
  - Criminal Justice Training & Standards (Justice Academies)

- Department of Crime Control & Public Safety
  - Law Enforcement/Crime Control: Highway Patrol, ALE, Butner Public Safety, Crime Prevention, GCC
  - Public Safety: Emergency Management, National Guard, Victim & Justice Services, Civil Air Patrol

- Office of Juvenile Justice
  - Juvenile Court Services
  - Institutions (Training Schools, Detention Centers)
  - Programs (Community Based Alternatives, Eckerd Wilderness Camps, SOS, Governor's One on One)

Justice & Public Safety

Total FY 1998-99 Authorized General Fund Budget By Department
(State Appropriations in Millions)

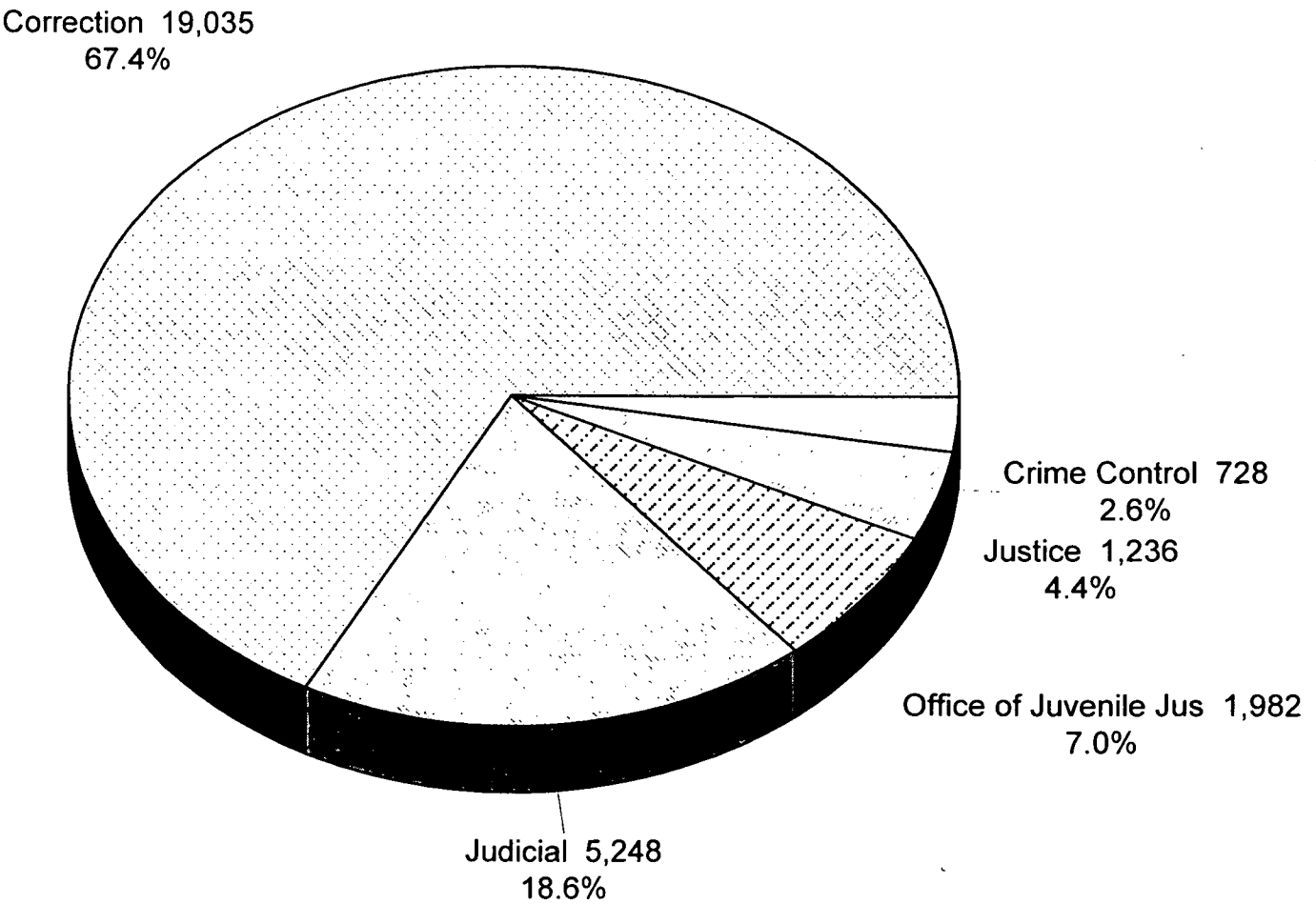


- Total JPS authorized General Fund Budget for FY 1998-99 is $1.46 billion.
- Office of Juvenile Justice includes DYS, AOC Juvenile Services & $14.9 m for Juvenile Justice Reserve.

Source: BD 701 Reports as of December 31, 1998

Justice and Public Safety

FY 1998-99 Authorized Positions By Department



- Total Number of Authorized Justice & Public Safety Positions for FY 1998-99 is **28,229.** Source: Worksheet 1's (OSBM)
- Office of Juvenile Justice includes DYS, AOC Juvenile Services and positions funded in Juvenile Justice Reserve

Major Budgetary Items in the 1997-99 Biennium

- Department of Correction
  - New Probation & Parole Officers, Supervisors & Clerks (239)
  - Continued Post Boot Camp Aftercare Program & Victim's Assistance Pilot through June 1999
  - Reduced Staff of Post Release Supervision and Parole Commission
  - Changed Status of Boot Camp From Split Sentence in Prisons to Residential in Comm Corr
  - Closed 5 Prisons and 1 Diagnostic Center/Converted 2 Prisons From Med to Min Security
  - Eliminated Funding for Housing NC inmates Out of State
  - Reduced Upper and Midlevel Supervisory Positions
  - Increased Payments to Counties for Housing Misdemeanants From $14.50 to $18/day/inmate
  - Add'l Medical Staff Positions for Central Prison and Women's Prison (51)
  - Contracted to House NC Inmates in Two 528 Bed Private Prisons
- Judicial Department
  - Additional Court Personnel Statewide (558)
  - Additional Computer & Office Equipment ($6m)
  - Expanded Dispute Resolution Programs
  - Expanded Community Penalties Program Statewide
  - Provided Permanent Authorization & 1-Year Funding for Drug Treatment Court

Major Budgetary Items in 1997-99 Biennium

- Department of Justice
  - Additional Attorneys (16)
  - New SBI Field Agents (16)
  - Increased Pay for SBI Agents ($2.7 million)
  - Western Justice Academy Opened October 1998
  - Division of Criminal Information Technology Improvements
  - Expanded AFIS (Automated Fingerprinting Identification System)
  - Established CJIN Coordinator Position
- Department of Crime Control and Public Safety
  - Provide State Matching Requirement for Tarheel Challenge Program
  - Additional Emergency Management Personnel (3)
  - National Guard Maintenance and Tuition Assistance Funds
  - Add'l Community Service Work Program Coordinators (5 & upgraded several clerical positions)
- Office of Juvenile Justice
  - Add'l Court Counselors (100) and Support Staff (26)
  - Provided funding for 48 Add'l Detention Beds
  - Expanded Programs/Sanctions for At-Risk and Court Involved Youth (CBA programs, EHA, Eckerd Wilderness Camps, Multipurpose Homes, Family Court)

BUDGET RELATED REPORTS ON JUSTICE AND PUBLIC SAFETY PROGRAMS DUE TO THE 1999 SESSION OF THE GENERAL ASSEMBLY

AGENCY	DUE DATE
CORRECTION	
1. Progress Report -- Probation and Parole Audit	1/1/99
2. Study of Inmate Food and Medical Costs (OSBM study)	2/15/99
3. Parole Commission Staffing Reductions	3/1/99
4. Substance Abuse funds	
a. Plans for tracking offenders and Evaluating Programs	3/15/99
b. Program Effectiveness	3/1/99
5. Boot Camp Evaluation Reports	3/1/99
6. Prison Work Release Pilots-Alamance and Union	3/1/99
7. Private Prison Standards for Out of State Inmates	3/15/99
JUDICIAL	
1. Technology Plan	
a. Use of Consultants for Plan	Prior to expending $
b. Plan	4/1 (interim) 5/1 final
2. Drug Treatment Court	3/1/99
3. Bad Check Pilot	4/1/99
4. District Court Civil Case Management System Pilot	4/1/99
5. Study of Public Defenders Program	4/1/99
6. Indigent Fund Study Commission	5/1/99

7. Capital Case Pilot (Indigent)	5/1/99
8. Study of Reorganization of Superior Court and of Pilot Circuit Courts	3/1/99

JUSTICE

1. Criminal Justice Information Network- Long range Budget & Plan and Operations and Budget of Board	3/1/99
2. Study of Fees for Criminal Record Checks	3/1/99
3. Settlement Reserve Fund	(If > $ 75,000)

CRIME CONTROL AND PUBLIC SAFETY

1. Victim's Assistance Network Report	12/1/98
2. Study of Cost of Victims Rights Bill (by District Attorneys)	3/1/99
3. Victims Compensation Fund – Update	3 /15/99
4. Disaster Relief Fund Study	3/1/99
5. Tarheel Challenge Study	4/1/99

ALL JPS DEPARTMENTS

1. Federal Grant Reports	12/1/98
2. Vacancy Reports	2/1/99

FRD 2/19/99

FREQUENTLY USED BUDGET TERMS

PREPARED BY

OFFICE OF STATE BUDGET AND MANAGEMENT

FEBRUARY 23, 1999

BUDGET CODE: A FIVE DIGIT IDENTIFYING NUMBER ASSIGNED TO BUDGETS MAINTAINED BY AGENCIES. TIES IN WITH NORTH CAROLINA ACCOUNTING SYSTEM, I.E., NCAS.

BUDGET PURPOSE OR PROGRAM FUND: A GROUPING OF REVENUES AND EXPENDITURES USED TO SUPPORT A SPECIFIC ACTIVITY WITHIN AN AGENCY. THESE PURPOSES OR FUNDS ARE IDENTIFIED BY A FOUR DIGIT NUMBER.

BUDGET OBJECT: A FOUR DIGIT NUMBER (ALSO REFERRED TO AS A LINE ITEM) USED TO IDENTIFY OR CLASSIFY EXPENDITURES OR REVENUES IN A BUDGET WITHIN A FUND. FOR EXAMPLE 1211 IS SALARIES AND WAGES-SPA AND ARE PAID FROM APPROPRIATION. IN NCAS THERE IS A PREFIX NUMBER OF 53 FOR EXPENDITURES AND 43 FOR REVENUES.

CHART OF ACCOUNTS- THE CHART OF ACCOUNTS IS A GROUP OF FUNDS AND OBJECTS SET UP BY AN AGENCY IN CONJUNCTION WITH AND APPROVED BY OSBM AND THE STATE CONTROLLER'S OFFICE TO ACCOUNT FOR THE FISCAL ACTIVITIES OF A PARTICULAR AGENCY.

AGENCY RECEIPTS: REVENUES COLLECTED BY AN AGENCY AND GENERALLY DEPOSITED BY THAT AGENCY IN ITS BUDGET TO OFFSET REQUIREMENTS OR REDUCE

NEED FOR GENERAL FUND APPROPRIATIONS. NOTE: JUDICIAL DOES NOT DEPOSIT COURT FEES TO THEIR BUDGET.

BUDGET APPROPRIATION BILL: THE BILL WHICH MAKES APPROPRIATIONS TO PROVIDE FOR CURRENT OPERATIONS OF AN AGENCY IN THE ENSUING BIENNIUM.

STATE AID BILL: THE BILL WHICH MAKES APPROPRIATIONS TO NON-STATE ENTITIES. MAY OR MAY NOT HAVE A STATE AID BILL.

CERTIFIED BUDGET: THE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

AUTHORIZED BUDGET: THE CERTIFIED BUDGET AS REVISED DUE TO INCREASES IN RECEIPTS AND OR REALIGNMENTS AS APPROVED BY THE OSBM.

AVERAGE DAILY POPULATION: AVERAGE POPULATION AS CALCULATED OVER A SPECIFIC PERIOD OF TIME. SOMETIMES TERMINOLOGY IS INTERCHANGED WITH CENSUS, "COUNT," "HEADCOUNT". OFTEN REFERRED TO IN RELATION TO CAPACITY. CAPACITY REFERS TO THE TOTAL NUMBER OF PATIENTS, INMATES, ETC. THAT A PROGRAM OR FACILITY IS DESIGNED TO ACCOMODATE.

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OTHER		1.5%	2.25%	3.25%	4.5%

SOURCE: NORTH CAROLINA GENERAL ASSEMBLY GOVERNMENT PERFORMANCE AUDIT COMMITTEE

PERFORMANCE AUDIT OF PERSONNEL SYSTEMS: PAGE 3.13.

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REVERSIONS: UNSPENT APPROPRIATIONS WHICH ARE RETURNED TO THE FUNDS FROM WHICH THE APPROPRIATIONS WERE ORIGINALLY MADE. REVERSIONS OCCUR AT THE END OF THE FISCAL YEAR. IN THE GENERAL FUND, TWENTY-FIVE PERCENT OF GENERAL FUND REVERSIONS ARE EARMARKED FOR THE STATE'S SAVINGS RESERVE FUND UNTIL THE FUND REACHES AN AMOUNT EQUAL TO FIVE PERCENT OF THE CURRENT ANNUAL GENERAL FUND APPROPRIATION AMOUNT.

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TOTAL REQUIREMENTS: GENERALLY REGARDED AS THE SUM TOTAL OF THE AMOUNT BUDGETED FOR ALL EXPENDITURES FOR A BUDGET CODE IN A FISCAL YEAR.. USUALLY LOOKED UPON AS REQUIREMENTS, RECEIPTS, APPROPRIATION.

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OSBM:BH

2/23/99 10:07 AM

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
February 23, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday, February 23, 1999 at 1:30PM in room 612 LOB. There were four Senate members attending. The following members of the House were present:

Rep. Paul McCrary	Rep. Bill Culpepper
Rep. Theodore Kinney	Rep. Scott Thomas
Rep. Phillip Haire	Rep. Jim Horn
Rep. Larry Justus	Rep. Joe Kiser

Rep. Wayne Sexton

Senator Luther Jordan chaired the meeting. Mr. Buddy Humphrey, Office of State Budget and Management was introduced. Mr. Humphrey made a presentation to the committee, see attached. Also attached is a budget sheet titled Department of Correction, which summarizes page 6 of the presentation handout. After Mr. Humphrey completed the handout, Rep. Kiser wondered if salary increases would be included in the JPS budget. Mr. Humphrey said no, but 3% salary increases will be in the Governor's budget. Rep. Kiser also wanted to know the criteria used by the Governor for cutting the budget. Mr. Humphrey replied that the criteria are probably; the amount of money needed, the amount of money not expended, and the greater priority need.

Mr. Chuck Graven, Office of State Planning was introduced to give an overview of Performance/Program Budget. Mr. Graven distributed a handout, titled Corrections Program Area Continuation Budget Summary by Department, from which he spoke. Mr. Graven also distributed a handout titled, Department of Crime Control and Public Safety, Butner Public Safety. The lower half of the handout shows areas of progress. More performance measures will be provided for the committee for their review.

Senator Ballance said the committee and the agencies need to look more at a program to enhance aid to juvenile substance abusers. Mr. Larry Dix from the office of Juvenile Justice agreed saying they have to develop a plan for that.

Senator Jordan requested further questions and/or comments. As there were none, he adjourned the meeting at 3PM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday, February 22, 1999 – 1:30 p.m..
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Paul McCrary
Representative Ted Kinney
Representative Bill Culpepper

II. PRESENTATIONS

- Overview of Continuation and Expansion Budget Process

  Buddy Humphrey, JPS Specialist, Office of State Budget and Management

- Overview of Performance/Program Budget

  Chuck Craven, Office of State Planning

III. COMMITTEE DISCUSSION/ OTHER BUSINESS

IV. ADJOURNMENT

PRESENTATION TO JUSTICE & PUBLIC SAFETY
SUB-COMMITTEE
CONTINUATION BUDGET OVERVIEW
FEBRUARY 23, 1999

1. RECOMMENDED CONTINUATION BUDGET-THE RECOMMENDATIONS FOR FUNDING TO CARRY ON STATE OPERATIONS AT THE CURRENT LEVEL AND APPROVED LEVEL. DOES NOT MEAN AT THE EXACT SAME DOLLAR LEVEL. WILL INCLUDE ALLOWANCES FOR:

-INFLATION

-ANNUALIZATION OF COST FOR NEW PROGRAMS FUNDED BY THE GENERAL ASSEMBLY FOR LESS THAN A YEAR IN THE BASE YEAR

-FUNDING TO OPERATE NEW FACILITIES SCHEDULED TO BE COMPLETED DURING THE BIENNUM SUCH AS IN THE DEPARTMENT OF CORRECTION

-ANY STATUTORY INCREASES SUCH AS SOCIAL SECURITY OR REQUIRED EXPENDITURE LEVEL SUCH AS RETIREMENT.

THE CONTINUATION BUDGET IS BASED UPON THE AUTHORIZED BUDGET OF THE YEAR IMMEDIATELY PRECEDING THE BIENNIUM. FOR THE 1999-01 BUDGET THE BASE YEAR IS 1998-99.

2. OSBM ATTEMPTS TO ASSURE UNIFORMITY. THE OFFICE OF STATE BUDGET AND MANAGEMENT SENDS OUT A BUDGET PACKAGE EACH BIENNIUM TO EACH AGENCY, DEPARTMENT, OFFICE, COMMISSION, ETC. WITH SPECIFIC INSTRUCTIONS FOR THE PREPARATION OF THE BUDGETS (CONT., EXPANSION, AND CI'S).

3. THE GENERAL FUND APPROPRIATION INCLUDED IN THE BASE YEAR BUDGET IS THE EXACT AMOUNT AS APPROVED OR AUTHORIZED BY THE GENERAL ASSEMBLY.

4. INFLATION ALLOWANCES-EACH BIENNIUM THE OSBM ISSUES INFLATION GUIDELINES TO AGENCIES TO USE IN DEVELOPING THE BUDGET FOR THE UPCOMING BIENNIUM. THESE GUIDELINES ALLOW INFLATION FOR:

-FOOD
-CLOTHING
-TESTBOOKS AND EDUCATIONAL SUPPLIES
-DRUGS
-MEDICAL SUPPLIES
-WATER AND SEWER
-MOTOR VEHICLES
-DOCUMENTED RENT INCREASES
-ELECTRICITY
-NATURAL GAS
-GASOLINE AND

-FUEL OIL.

NOTE: IN ADDITION TO INFLATION, AUTOMOBILES ARE ON A REPLACEMENT BASIS SCHEDULE.

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IF AN AGENCY HAS MORE THAN ENOUGH FUNDS AFTER APPLYING THE FACTORS, THEIR BUDGET WILL BE REDUCED.

PRESENTATION TO JUSTICE & PUBLIC SAFETY
SUB-COMMITTEE
EXPANSION BUDGET OVERVIEW
FEBRUARY 23, 1999

1. RECOMMENDED EXPANSION BUDGET: THE LIST OF ITEMS INCLUDED IN THE GOVERNOR'S RECOMMENDATIONS IS NORMALLY CONSIDERED THE RECOMMENDED EXPANSION BUDGET. THESE RECOMMENDATIONS INCLUDE NEW PROGRAMS, EXPANSION OF EXISTING PROGRAMS, PERMANENT FUNDING FOR EXISTING PROGRAMS THAT ARE NOT FUNDED WITH PERMANENT RECURRING FUNDS. ALSO, WOULD INCLUDE RECOMMENDATION FOR LEGISLATIVE INCREASES FOR THE STATE'S EMPLOYEES, IMPROVEMENTS OR MAINTENANCE OF THE STATE'S HEALTH INSURANCE CONTRIBUTION.

2. ITEMS RECOMMENDED OR PROPOSED BY MEMBERS OF THE GENERAL ASSEMBLY AND APPROVED BY THE GENERAL ASSEMBLY CAN BE CONSIDERED EXPANSION BUDGET ITEMS.

3. GOVERNOR'S RECOMMENDED EXPANSION BUDGET CAN INCLUDE REDUCTIONS IN SOME PROGRAMS TO EXPAND OTHER PROGRAMS.

4. ITEMS THAT ARE NOT NORMALLY IN AN EXPANSION BUDGET, BUT IN CONTINUATION BUDGET:

   A. ANNUALIZED OPERATIONS FROM PREVIOUS YEAR
   B. FUNDING TO OPERATE NEW FACILITIES COMING ON LINE IN THE BIENNIUM
   C. FUNDS FOR CERTAIN LEVELS OF OPERATION INDICATED AS DESIRABLE BY G.S. SUCH AS PROBATION OFFICER RATIOS
   D. INFLATION
   E. REPLACEMENT OF VEHICLES
   F. STATUTORY INCREASES (SOCIAL SECURITY RATE CHANGES, RETIREMENT RATE CHANGES)

FREQUENTLY USED BUDGET TERMS

PREPARED BY

OFFICE OF STATE BUDGET AND MANAGEMENT

FEBRUARY 23, 1999

BUDGET CODE: A FIVE DIGIT IDENTIFYING NUMBER ASSIGNED TO BUDGETS MAINTAINED BY AGENCIES. TIES IN WITH NORTH CAROLINA ACCOUNTING SYSTEM, I.E., NCAS.

BUDGET PURPOSE OR PROGRAM FUND: A GROUPING OF REVENUES AND EXPENDITURES USED TO SUPPORT A SPECIFIC ACTIVITY WITHIN AN AGENCY. THESE PURPOSES OR FUNDS ARE IDENTIFIED BY A FOUR DIGIT NUMBER.

BUDGET OBJECT: A FOUR DIGIT NUMBER (ALSO REFERRED TO AS A LINE ITEM) USED TO IDENTIFY OR CLASSIFY EXPENDITURES OR REVENUES IN A BUDGET WITHIN A FUND. FOR EXAMPLE 1211 IS SALARIES AND WAGES-SPA AND ARE PAID FROM APPROPRIATION. IN NCAS THERE IS A PREFIX NUMBER OF 53 FOR EXPENDITURES AND 43 FOR REVENUES.

CHART OF ACCOUNTS- THE CHART OF ACCOUNTS IS A GROUP OF FUNDS AND OBJECTS SET UP BY AN AGENCY IN CONJUNCTION WITH AND APPROVED BY OSBM AND THE STATE CONTROLLER'S OFFICE TO ACCOUNT FOR THE FISCAL ACTIVITIES OF A PARTICULAR AGENCY.

AGENCY RECEIPTS: REVENUES COLLECTED BY AN AGENCY AND GENERALLY DEPOSITED BY THAT AGENCY IN ITS BUDGET TO OFFSET REQUIREMENTS OR REDUCE

NEED FOR GENERAL FUND APPROPRIATIONS. NOTE: JUDICIAL DOES NOT DEPOSIT COURT FEES TO THEIR BUDGET.

BUDGET APPROPRIATION BILL: THE BILL WHICH MAKES APPROPRIATIONS TO PROVIDE FOR CURRENT OPERATIONS OF AN AGENCY IN THE ENSUING BIENNIUM.

STATE AID BILL: THE BILL WHICH MAKES APPROPRIATIONS TO NON-STATE ENTITIES. MAY OR MAY NOT HAVE A STATE AID BILL.

CERTIFIED BUDGET: THE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

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2/23/99 10:07 AM

14500 – Department of Correction
1110 – Department Management / PPB 3998 – Corrections Support Services and Administration

	1997-98 Actual	1998-99 Authorized	1999-00 Recommended	2000-01 Recommended
NUMBER OF POSITIONS	486.0	471.0	471.0	471.0
REQUIREMENTS				
1100 EPA SALARIES	92,378	92,379	92,379	92,379
1200 SPA SALARIES	15,497,257	16,764,265	16,764,265	16,764,265
1300 TEMPORARY SALARIES	839,344	1,156,321	1,156,321	1,156,321
1400 SUPPLEMENT TO REG. WAGES	538,256	473,820	545,712	545,712
1500 EMPLOYEE BENEFIT COSTS	3,697,219	3,929,704	4,125,427	4,125,427
2000 PURCHASED CONTRACTUAL SE	7,516,755	5,974,497	6,251,125	6,268,410
3000 SUPPLIES	1,238,025	1,227,563	1,227,563	1,227,563
4000 PROPERTY, PLANT & EQUIP.	2,033,800	2,602,507	5,279,338	3,461,916
5000 OTHER EXPENSES & ADJUST.	60,826	47,834	47,834	47,834
7151 RES-DEPT MGMT STAFF CUTS	0	-137,129	-137,129	-137,129
7163 RES-CJPP	0	2,500,000	500,000	500,000
7198 RES NON PERSONNEL LINES	0	-600,000	-600,000	-600,000
TOTAL REQUIREMENTS	31,513,860	34,031,761	35,252,835	33,452,698
ESTIMATED RECEIPTS				
TOTAL RECEIPTS	0	0	0	0
NET APPROPRIATION	31,513,860	34,031,761	35,252,835	33,452,698

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

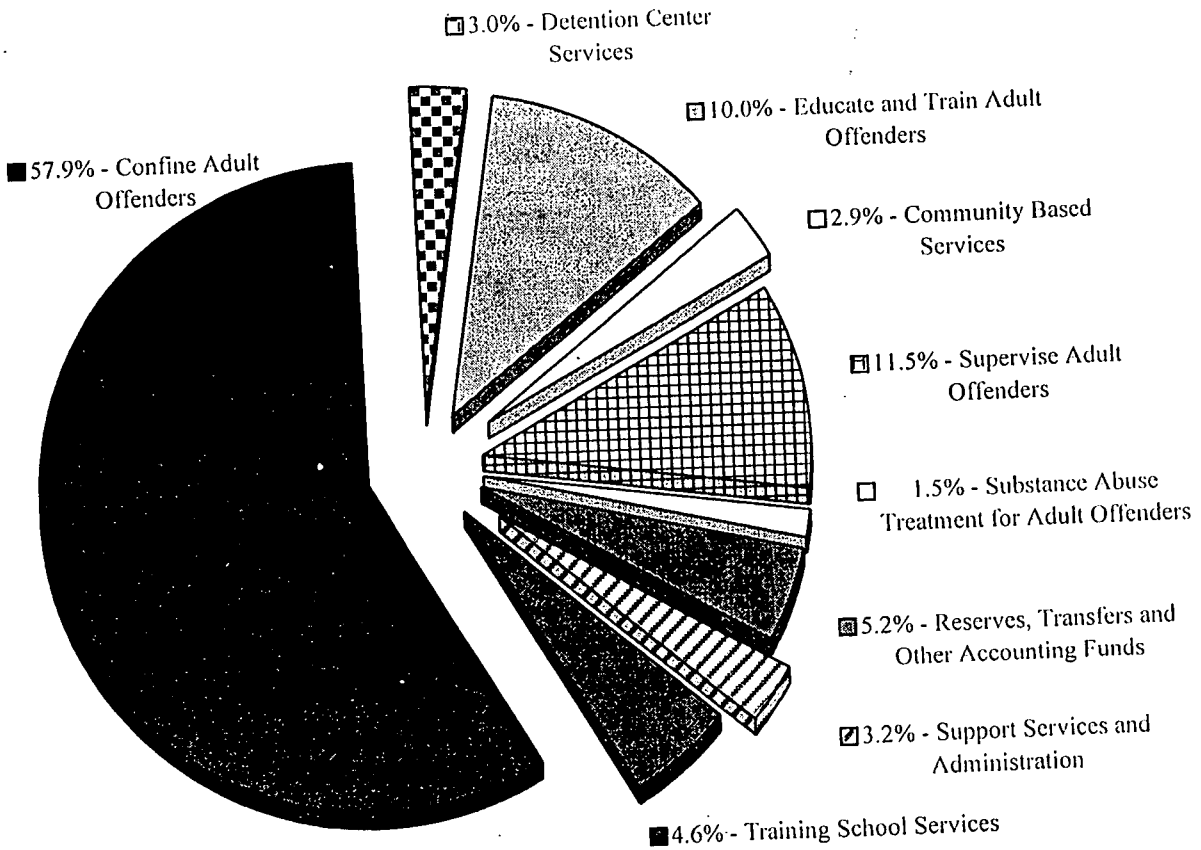
PPB #	DEPARTMENTS	FY 1999 - 00 DOC	FY 1999 - 00 GOV-OJJ	FY 1999 - 00 TOTAL	FY 2000 - 01 DOC	FY 2000 - 01 GOV-OJJ	FY 2000 - 01 TOTAL
3000	**CORRECTIONS**						
Goal	**Control adult offenders**	**800.55**	**0.00**	**800.55**	**801.44**	**0.00**	**801.44**
3100	Confine adult offenders	667.64	0.00	667.64	668.53	0.00	668.53
3200	Supervise adult offenders	132.91	0.00	132.91	132.91	0.00	132.91
Goal	**Rehabilitate adult offenders**	**133.17**	**0.00**	**133.17**	**133.17**	**0.00**	**133.17**
3300	Educate and train adult offenders	115.79	0.00	115.79	115.79	0.00	115.79
3400	Sustance abuse treatment for adult offenders	17.38	0.00	17.38	17.38	0.00	17.38
Goal	**Control and reform juvenile offenders**	**0.00**	**121.60**	**121.60**	**0.00**	**121.66**	**121.66**
3500	Training school services	0.00	53.44	53.44	0.00	53.51	53.51
3600	Detention center services	0.00	34.20	34.20	0.00	34.20	34.20
3700	Community based services	0.00	33.96	33.96	0.00	33.96	33.96
3998	Support services and administration	35.25	1.64	36.89	33.45	1.64	35.09
3999	Reserves, transfers and other accounting funds	47.09	13.08	60.18	47.41	13.92	61.33
	TOTAL REQUIREMENTS	**1,016.06**	**136.32**	**1,152.38**	**1,015.47**	**137.23**	**1,152.70**
	Receipts/Cash Balances	94.04	6.28	100.32	94.04	6.27	100.31
	General Fund Appropriation	922.02	130.04	1,052.06	921.43	130.95	1,052.38
	Highway Fund Appropriation	0.00	0.00	0.00	0.00	0.00	0.00

1999 - 2000 Recommended Continuation Budget
Corrections Program Area

Departments

CORRECTION	$ 1,016.06M	(88.2%)
GOV - OJJ	$ 136.32M	(11.8%)

Programs

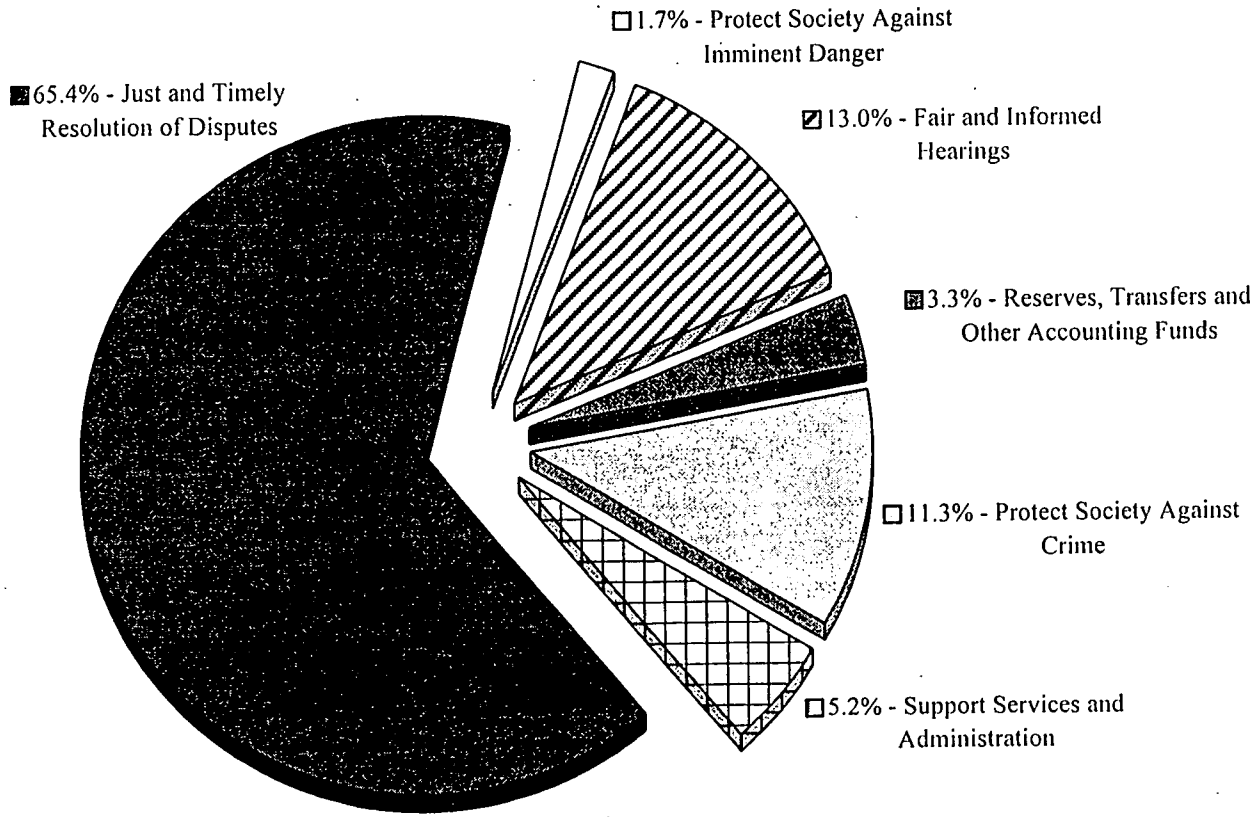


Justice and Public Safety Program Area
Continuation Budget Summary by Department
(in $ millions)

PPB #	DEPARTMENTS	FY 1999 - 00 AOC	CCPS	DOJ	OAH	TOTAL	FY 2000 - 01 AOC	CCPS	DOJ	OAH	TOTAL
4000	JUSTICE AND PUBLIC SAFETY										
Goal	**Protect / preserve rights & liberties**	**308.53**	**10.27**	**28.89**	**2.76**	**350.44**	**314.15**	**10.27**	**28.92**	**2.79**	**356.13**
4100	Just and timely resolution of disputes	186.40	0.00	0.00	2.76	189.16	186.76	0.00	0.00	2.79	189.55
4110	Trial court hearings	174.14				174.14	174.48				174.48
4120	Alternative dispute resolution	3.74			2.76	6.49	3.74			2.79	6.53
4130	Fair and timely appeals	8.53				8.53	8.55				8.55
4200	Fair and informed hearings	122.13	10.27	28.89	0.00	161.28	127.39	10.27	28.92	0.00	166.57
4210	District attorneys	49.24	0.00			49.24	49.44				49.44
4220	Services for victims		10.27			10.27		10.27			10.27
4230	Indigent defense	66.83				66.83	71.89				71.89
4250	Services for state agencies			28.89		28.89			28.92		28.92
4260	Sentencing and Policy Advisory Commission	0.52				0.52	0.52				0.52
4270	Community penalties	5.54				5.54	5.54				5.54
Goal	**Protect public safety**	**0.00**	**190.44**	**54.59**	**0.00**	**245.03**	**0.00**	**188.27**	**53.68**	**0.00**	**241.95**
4300	Protect society against crime	0.00	165.92	54.59	0.00	220.51	0.00	163.51	53.68	0.00	217.19
4310	Prevent crime		155.40			155.40		152.99			152.99
4320	Investigate crime		10.52	54.59		65.11		10.52	53.68		64.20
4400	Protect society against imminent danger	0.00	24.52	0.00	0.00	24.52	0.00	24.76	0.00	0.00	24.76
4998	Support services and administration	24.36	3.00	3.50	0.00	30.86	24.59	3.00	3.50	0.00	31.09
4999	Reserves, transfers and other accounting funds	3.75	3.17	0.09	0.00	7.01	5.42	4.82	0.09	0.00	10.33
	TOTAL REQUIREMENTS	**336.64**	**206.88**	**87.07**	**2.76**	**633.34**	**344.16**	**206.36**	**86.19**	**2.79**	**639.50**
	Receipts/Cash Balances	6.53	171.15	14.80	0.07	192.55	6.53	170.46	14.67	0.07	191.73
	General Fund Appropriation	330.11	35.72	72.27	2.69	440.79	337.63	35.90	71.52	2.72	447.77
	Highway Fund Appropriation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

1999 - 2000 Recommended Continuation Budget
Justice and Public Safety Program Area

Programs



Departments

JUDICIAL	$	336.64M	(53.2%)
CCPS	$	206.88M	(32.7%)
JUSTICE	$	87.07M	(13.7%)
OAH	$	2.76M	(0.4%)

Department of Crime Control and Public Safety

Butner Public Safety — **Budget Codes: 14900**

Mission Statement

Provide police and fire protection for state and federal institutions, businesses, and residents in the Butner jurisdiction.

Operations

- Police protection for state and federal institutions, businesses, and residents in the Butner jurisdiction.
- Fire protection for state and federal institutions, businesses, and residents in the Butner jurisdiction.

Objectives and Key Performance Measures	1997-98 Actual	1998-99 Authorized	1999-00 Target	2000-01 Target
Increase rate of resolving reported crimes. *PPB: 4320*				
• Percentage of crimes solved	36%	38%	39%	41%
Increase rate of recovery of stolen property. *PPB: 4320*				
• Percentage of property recovered	28%	29%	31%	32%

Judicial Department

Alternative Dispute Resolution — **Budget Codes: 12000**

Mission Statement

Resolve disputes in ways that can be faster, less expensive, and more satisfying to the parties than traditional, adversarial court litigation.

Operations

- Provide for mediation of contested custody and visitation issues.
- Resolve disputes between citizens through mediation.
- Implement court-ordered arbitration programs for civil actions in which claims do not exceed $15,000.
- Provide for an alternative to traditional litigation procedures for certain superior court civil cases.
- Provide for an alternative to traditional processing for certain juvenile offenders.
- Provide necessary staff, training, and other resources for alternative dispute resolution.

Objectives and Key Performance Measures	1997-98 Actual	1998-99 Authorized	1999-00 Target	2000-01 Target
Resolve 70 percent of arbitrated cases without a request for trial. *PPB: 4120*				
• Percentage of arbitrated cases having no request for trial	67.8%	70%	70%	70%
Achieve a mediation resolution rate of 50 percent for mediated custody and visitation cases. *PPB: 4120*				
• Percentage of mediated custody and visitation cases that result in a parenting agreement or other resolution after mediation	59%	50%	50%	50%
Resolve through mediation or conciliation 90 percent of cases in which dispute settlement centers attempt mediation or conciliation. *PPB: 4120*				
• Percentage of dispute settlement center cases that are resolved through mediation or conciliation	84.4%	90%	90%	90%
Develop and implement teen court programs as authorized by the General Assembly. *PPB: 4120*				
• Number of sentences imposed as a result of teen court hearings	609			

VISITOR REGISTRATION SHEET

Justice and Public Safety — 2/23/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	Office of Juvenile Justice
Marland Garrett	Gov. Office
Ken D Howell	Gov. Office
Mark Gleason	Capital Group
Maxine Troy	Dept of Justice
Ryan E. Beatty	DOJ
Denise A. Seasoms	DOJ
Wendy Mills	SEANC
Walter Price	Charlotte Chamber
Joe Stewart	CCPS
Reagan C. Schofield	Pre Paid Legal Services

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Ann Schofield	Pro-Paid Legal Services Inc.
Joanne M. Bonds	AOC

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday, February 24, 1999 – 8:30am and 2:30 p.m..
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Ted Kinney
Representative Bill Culpepper

II. PRESENTATIONS

MORNING

- Overview of Department of Justice

  Elisa Wolper, Fiscal Staff

- Overview of Department of Crime Control and Public Safety

  Marilyn Chism, Fiscal Staff

- Overview of Department of Correction

  Jim Mills and Elisa Wolper, Fiscal Staff

AFTERNOON

- Overview of Structured Sentencing

  The Honorable Judge Thomas Ross
  Chair, NC Sentencing and Policy Advisory Commission

III. COMMITTEE DISCUSSION/ OTHER BUSINESS

IV. ADJOURNMENT

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on **Joint APPROPRIATIONS/Justice and Public Safety** will meet as follows:

DAY & DATE:	**Wednesday, February 24, 1999** **Thursday, February 25, 1999**
TIME:	**Wednesday at 8:30 AM-10:00 AM and 2:30 PM** **Thursday at 8:30 AM**
LOCATION:	**Room 612 LOB**

The following bills will be considered (Bill # & Short Title):

Respectfully,

Representatives McCrary, Kinney, Culpepper
Chairmen

I hereby certify this notice was filed by the committee clerk at the following offices at **5:45 PM February 23, 1999.**

___Principal Clerk
___Reading Clerk - House Chamber

Barbara Berry, Committee Assistant

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Wednesday, February 24, 1999 – 8:30am
Room 612, Legislative Office Building

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 612 in the Legislative Office Building at 8:30 a.m.

The members of the committee are Representatives Paul McCrary, Co-Chair, Presiding; Ted Kinney Co-Chair; Representative Bill Culpepper, Co-Chair; Phillip Haire, Debbie Clary, Wayne Sexton, Larry Justus, Joe Kiser, Scott Thomas and Jim Horn. In the Senate, Senators Luther Jordan, Chairmen; Tony Rand, John Carrington, Frank Balance and Don East. Also in attendance was Representative Andy Dedmon, Majority Whip.

Co-Chairman McCrary recognized the pages in attendance and the members of the Sergeant at arms staff assisting the committee. The Co-Chairman then welcomed the members of the committee, other members in attendance, staff and visitors.

The co-chairman then stated the purpose of the meeting and recognized Elisa Wolper, from Fiscal .to give an Overview of Department of Justice. Elisa advised the committee that they would go over three of the five agencies and give an overview of key Fiscal Trends starting with the Department of Justice (See Attached).,

Co-Chairman McCrary then recognized Marilyn Chism with fiscal staff to give an overview of Crime Control and Public Safety. Marilyn stated that The Department of Crime Control and Public Safety is responsible for implementing a state wide crime control program and also preparing for and responding to natural and man made disasters. Marilyn also state that there are eleven divisions within the department and the total budget for the department including federal, state and highway funds is four hundred and seventy one point nine million dollars. Of this amount three hundred and twenty six point six million is general fund and the remaining one forty five point three million are highway funds. Only thirty six point eight million of the general fund is state appropriations. Marilyn then continued on with the trend data in the hand out. (See Attached).

The Co-Chairman then recognized Jim Mills with fiscal staff to give an overview of Budgetary and Policy Trends for the Department of Correction/Community Corrections starting with the net state appropriation fund budget. (See Attached) Jim Mills stated

that there are a lot of positions but the growth had been relatively flat the last four years and that the Budget numbers are driven by the Prison System.

Elisa Wolper followed up on the other major piece of the Department with the Division of Community Corrections, which was formerly the Adult Probation and Parole. The Key Budget Issues of 1997-1999 and 1999-2001 (See Attached).

Following questions by the members Representative Wayne Sexton requested that the Committee visit a Boot Camp.

The meeting adjourned until 2:30

Respectively submitted,

Paul McCrary — Representative Paul McCrary, Co-Chairman

Barbara A. Berry — Barbara A. Berry, Committee Assistant

Department of Justice

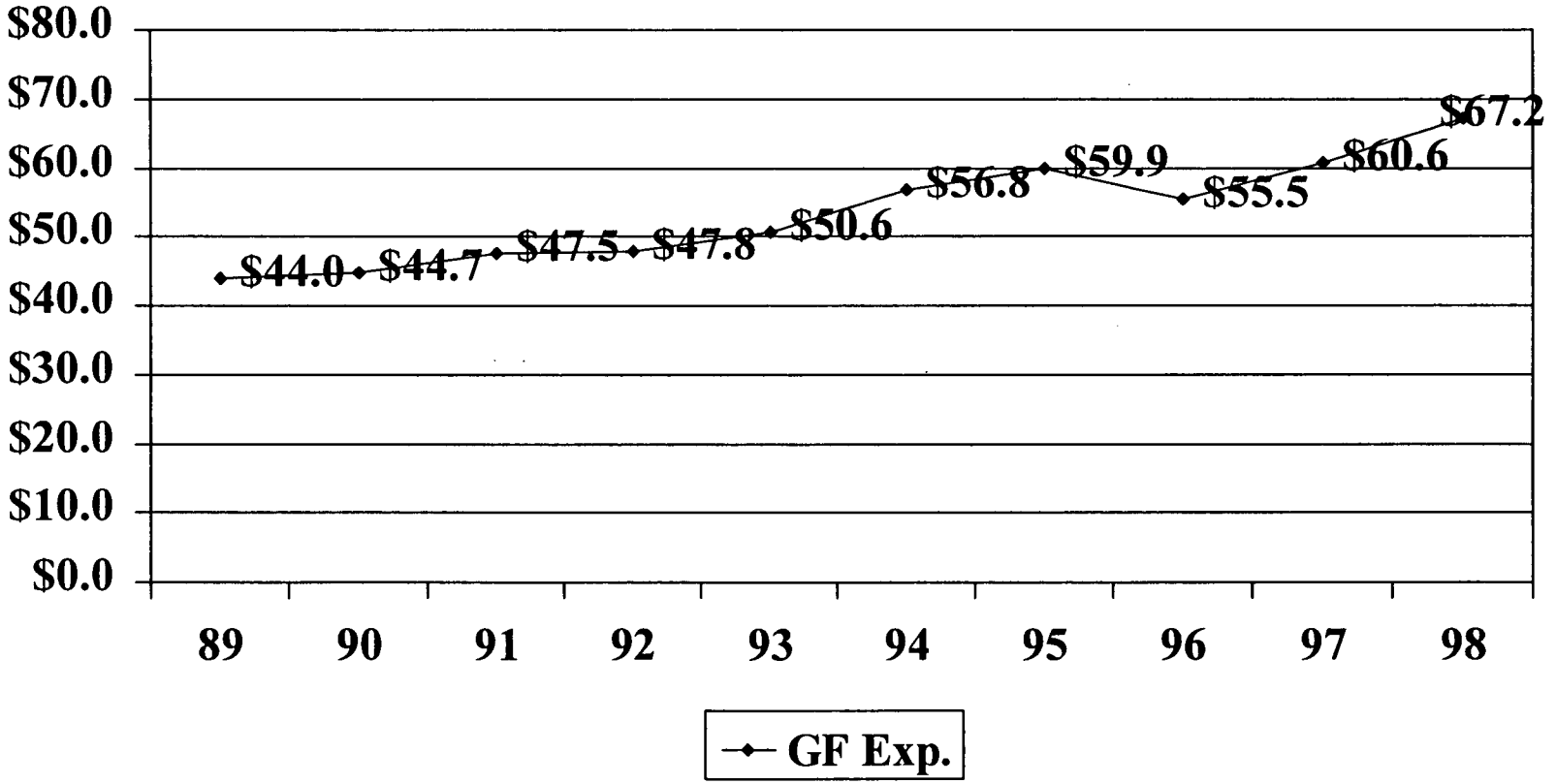
Overview of Key Fiscal Trends

Joint Appropriations Subcommittee on Justice and Public Safety
February 24, 1999

Department of Justice

Trends in General Fund Expenditures for Fiscal Years 1989 - 1998

($ in Millions)



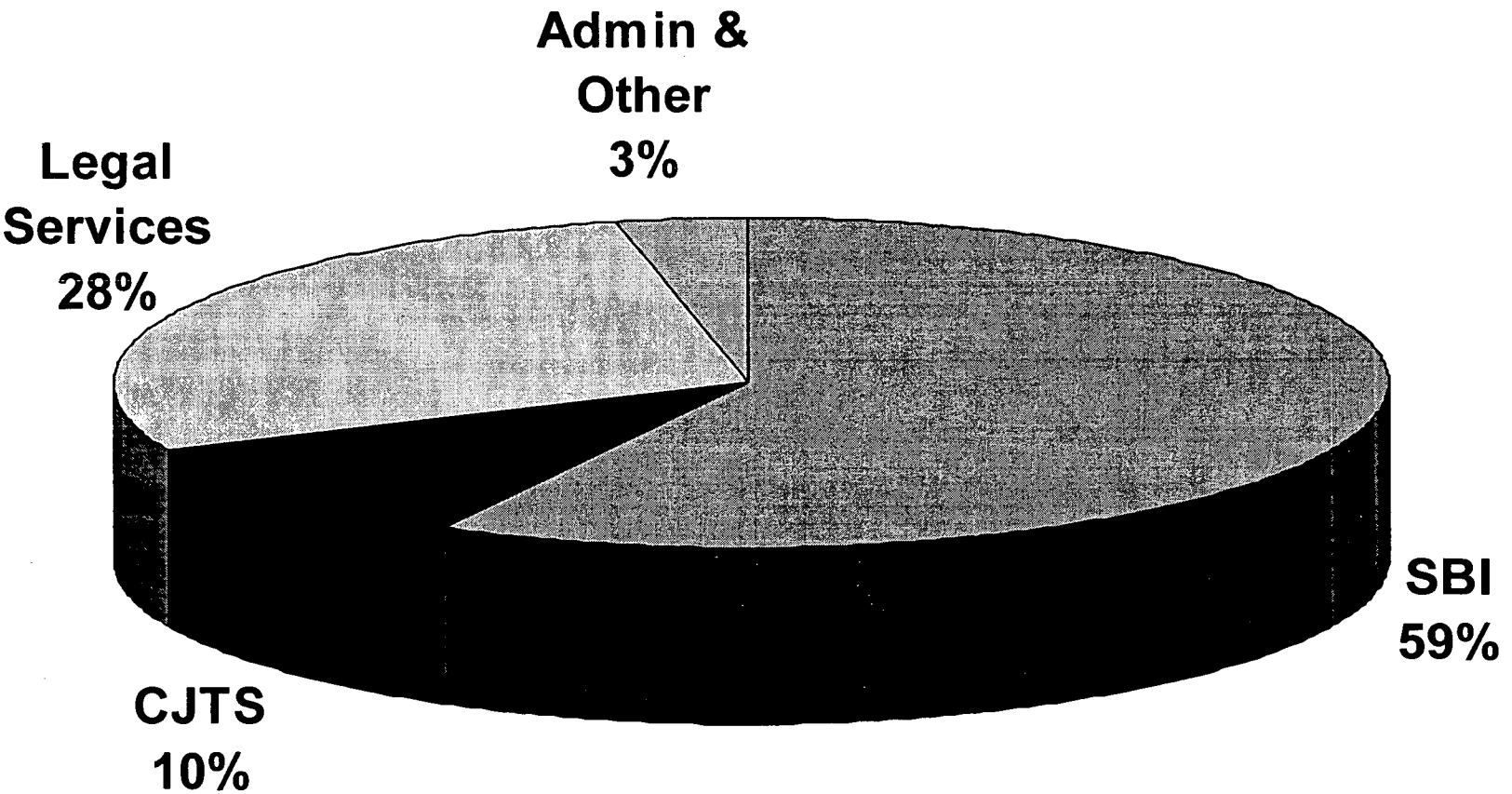
Source: FRD Database

Department of Justice
Budget By Division

Division	1998-99 Requirements	1998-99 Receipts	1998-99 GF Appropriation	1998-99 Positions
SBI-Law Enforcement	$49,459,878	$6,540,995	$42,918,883	635
Criminal Justice Training & Standards	$9,257,703	$1,494,834	$7,762,869	141.75
Legal Services	$31,244,680	$10,434,114	$20,810,566	416.75
Administration	$2,368,029	$ 1,679	$2,366,350	42
Total	$92,523,904	$18,479,059	$74,044,845	1235.5

Source: BD 701 12/31/98 and Wksheet 1 (1/28/99)

Department of Justice
General Fund Appropriation by Division (1998-99)



Department of Justice
Key Elements of the Budget

- Law Enforcement Divisions (SBI and Criminal Justice Training and Standards) comprise 69 % of the total General Fund Appropriation.

- General Fund Expenditures have increased 33% in 5 years.

- The General Fund provides 80% of funding for the Department. Other funding includes; federal funds, transfers from other state agencies for receipt-supported attorneys ($4.8 Million) ; fees for Criminal Record and Fingerprint Checks ($0.9 Million) ; and fees paid by Local Law Enforcement for DCI access ($2.3 Million)

- DOJ receives federal funds ($1.4 Million) to support the Medicaid Fraud Investigation section in Legal Services. Additional federal funds flow to special projects, primarily in the law enforcement areas.

Legal Services Divisions

- Legal Services Divisions include Administrative and Civil (represent various state agencies and handle Tort Claims), Criminal (handles criminal appeals and Justice and Public Safety issues), Environmental, Special Litigation/Education, and Citizens Rights.

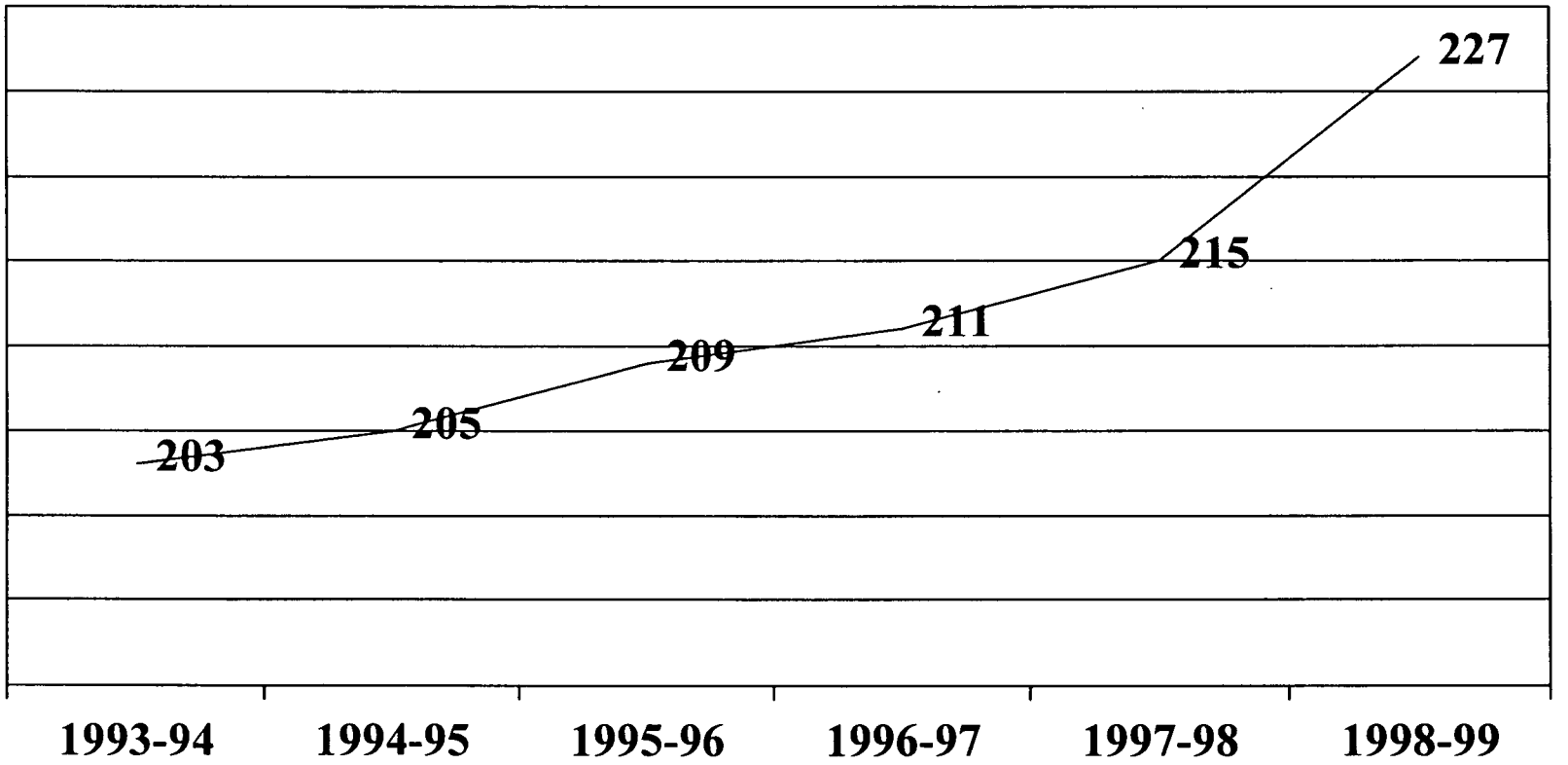
- Citizens Rights Division includes Consumer Protection, the Child Victim Assistance Program and the Safe Neighborhoods Initiative.

- The 1997 and 1998 Legislatures added 16 attorneys, bringing the total within the Department to 227. A total of 24 attorneys have been added since 1994.

- The 1997 Legislature also established a 9 person Office of the Inspector General as part of Welfare Reform.

- The 1998 Legislature also set up a Settlement Reserve to allow legislative control of disbursement of non-encumbered settlement funds and eliminated 3.5 vacant positions in the Safe Neighborhoods Initiative.

Growth in DOJ Attorneys



Law Enforcement Services

- State Bureau of Investigation
  - Division of Criminal Information -- maintains criminal history records and criminal statistical information and serves as a statewide telecommunication center.
  - Field Investigations -- conducts criminal investigations where SBI has original jurisdiction
  - Crime Laboratory -- conducts forensic analysis of evidence in criminal investigations

- Training and Standards Division
  - NC Justice Academy -- provides the major resource for criminal justice professional training and development; operates 2 campuses in Salemburg and Edneyville.
  - Criminal Justice/Sheriffs' Training Standards Sections -- administer the programs of the NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs' Education and Training Standards Commission, respectively.

- Major Budgetary Action in the 1997-99 Biennium
  - 16 field agents & funding for salary equity adjustments for sworn law enf. officers.
  - DCI technology improvements and staff
  - CJIN coordinator & funding to expand AFIS (Automatic Fingerprinting Id. System)
  - Start-up cost for the Western Campus in Edneyville which opened in 1998

Crime Control and Public Safety

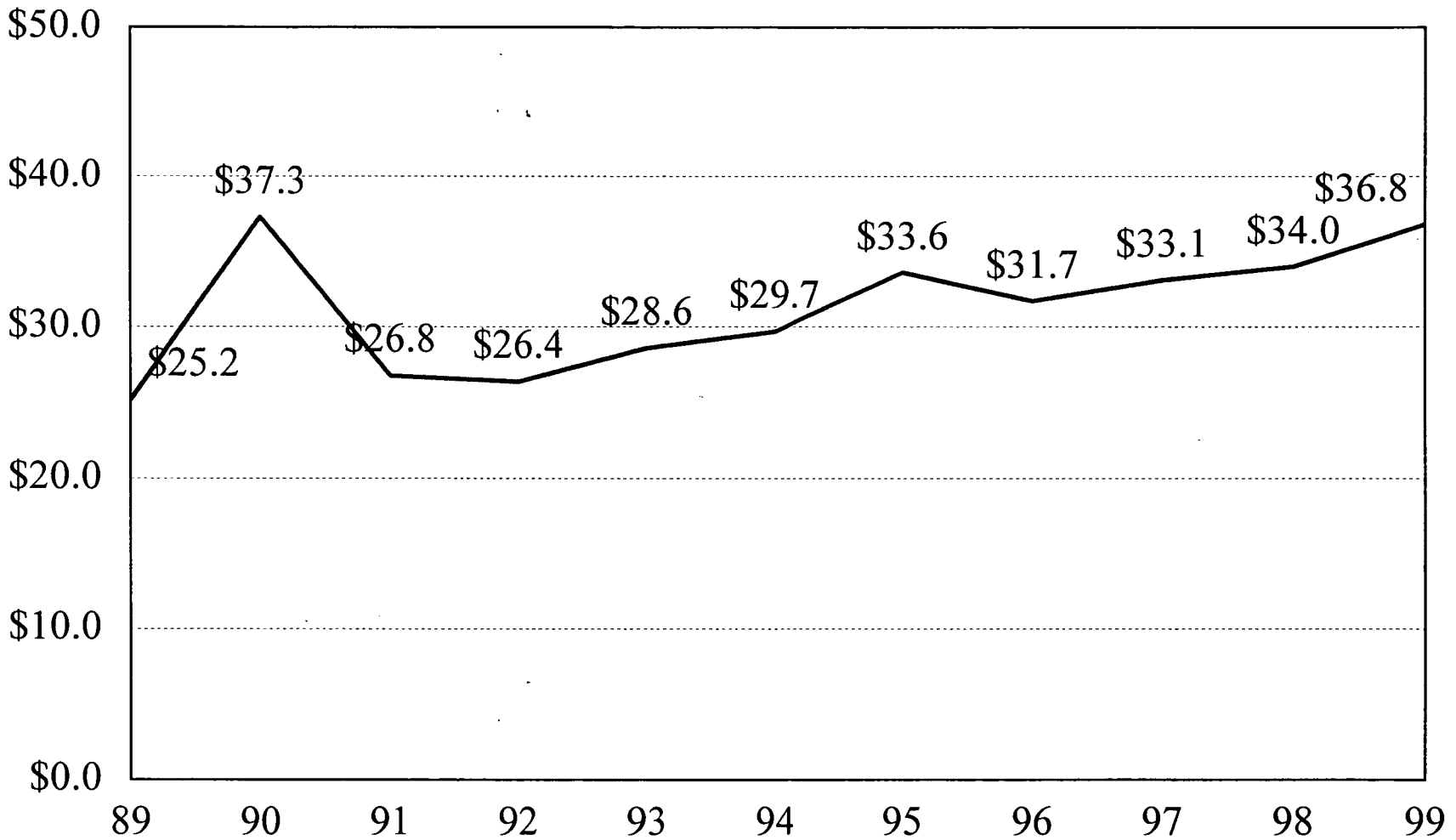
Overview of Key Fiscal Trends

Joint Appropriations Subcommittee on Justice and Public Safety
February 24, 1999

Crime Control and Public Safety

General Fund State Appropriations for Fiscal Years 1989-1999

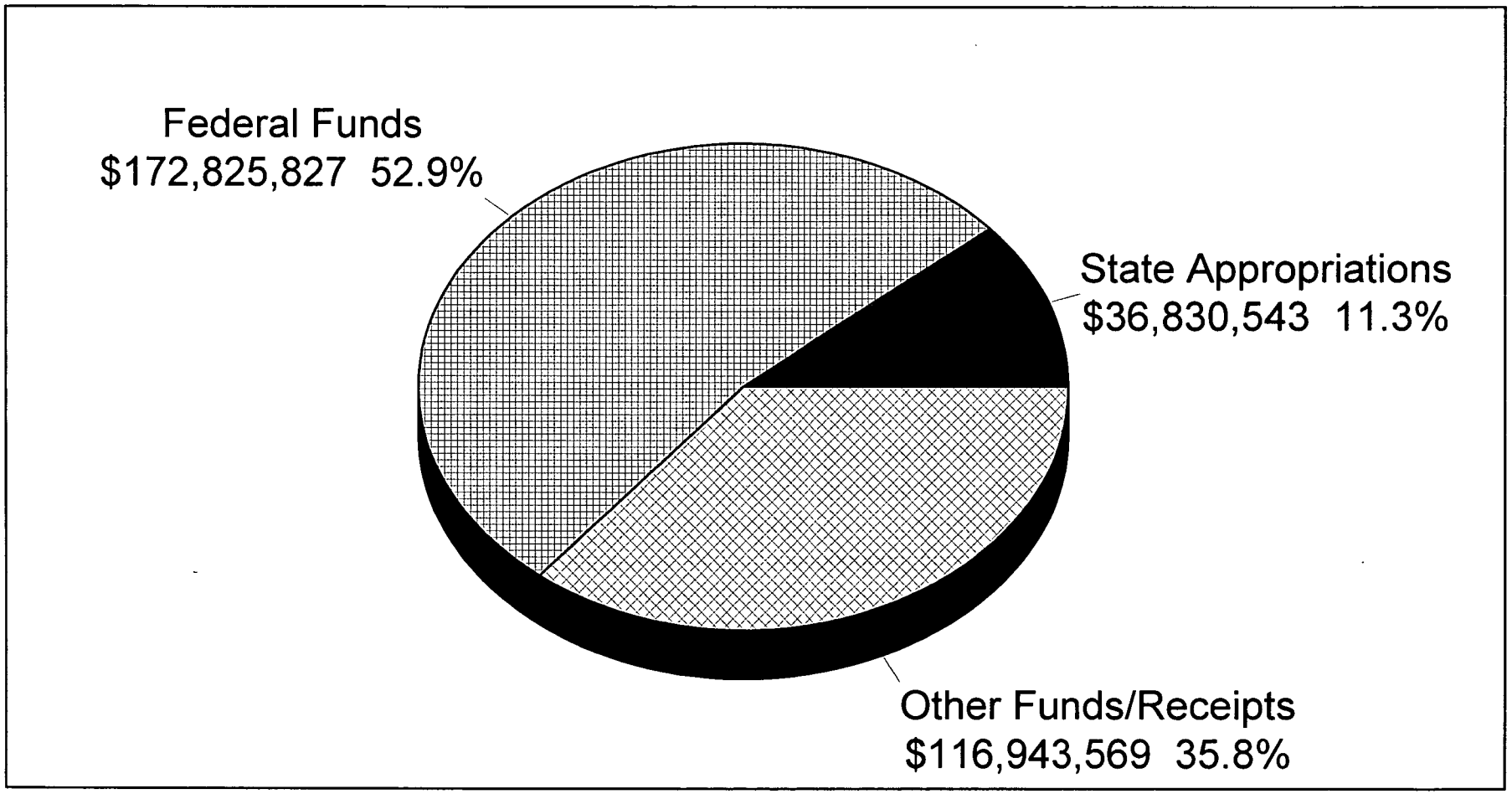
$ in Millions



(Source: FYs 1989-1998 = Actual GF Expenditures; FY 1999 = Authorized Budget per 12/31/98 BD701)

Crime Control and Public Safety

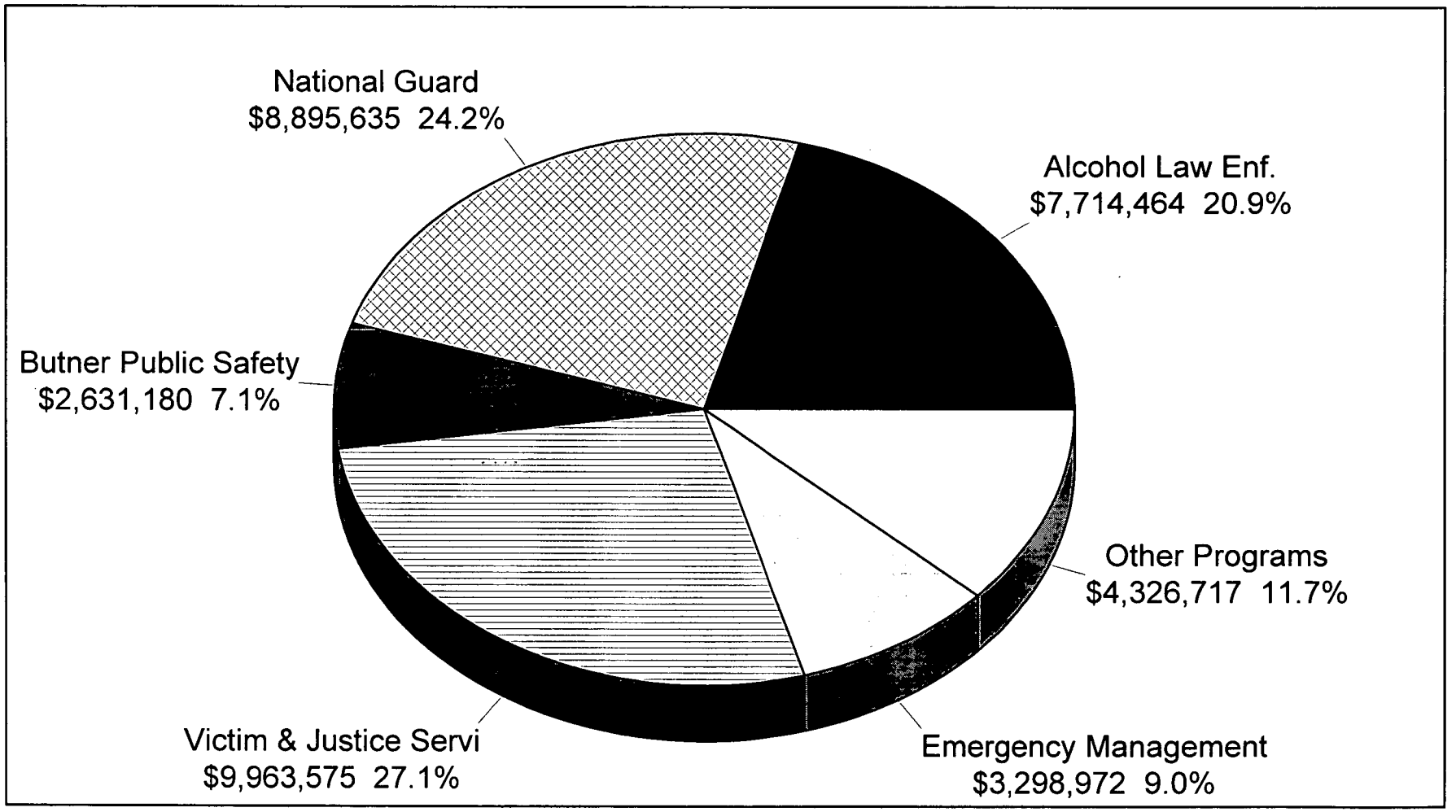
1998-99 General Fund Budget By Funding Source



1998-99 Authorized Budget (excluding the State Highway Patrol) = $326,588,140
(Source: 12/31/98 BD 701)

Crime Control and Public Safety

1998-99 Authorized General Fund State Appropriations By Major Program

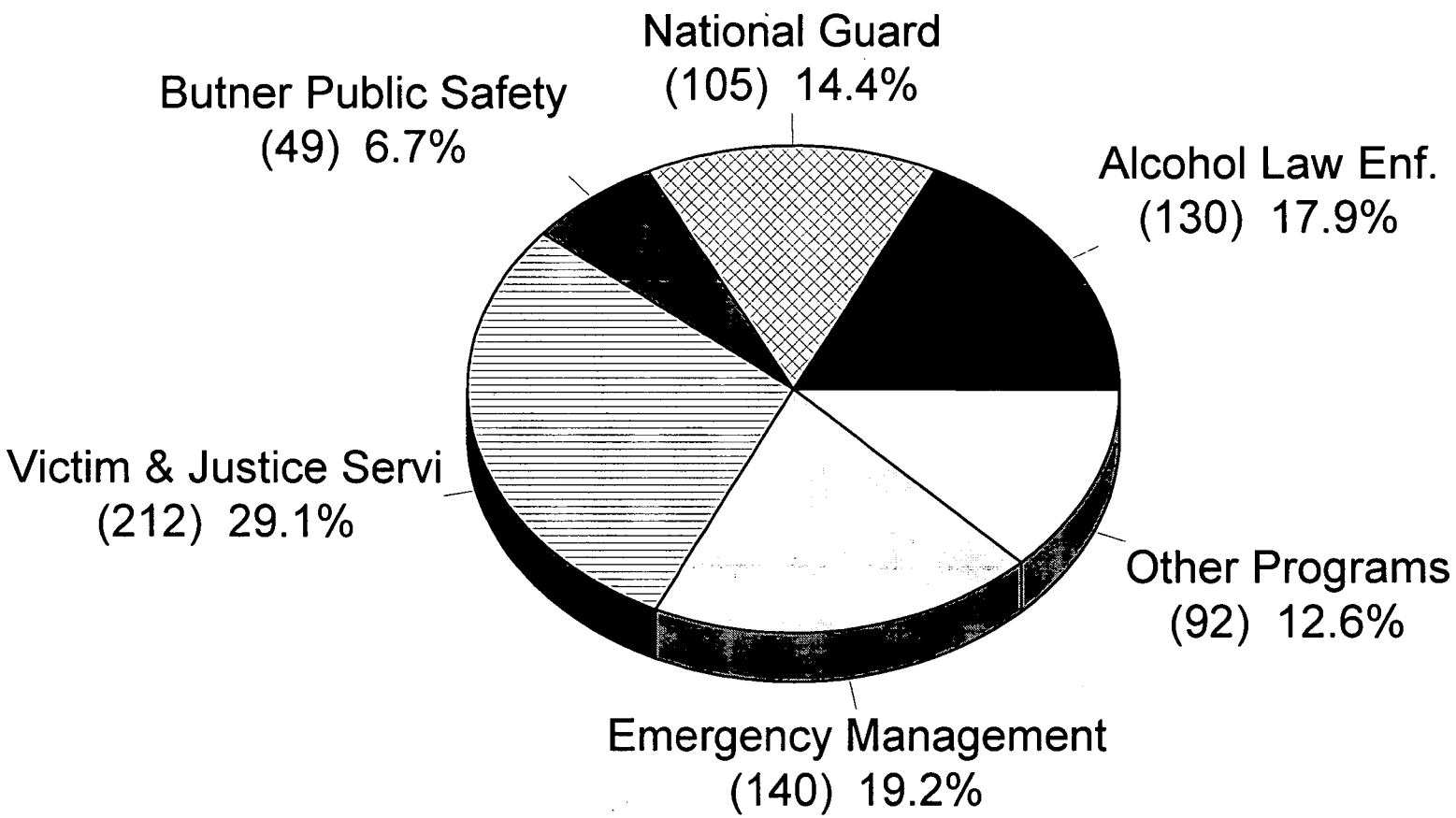


1998-99 Authorized General Fund Appropriations = $36,830,543

(Source: 12/31/98 BD 701)

Crime Control and Public Safety

1998-99 Positions by Major Program



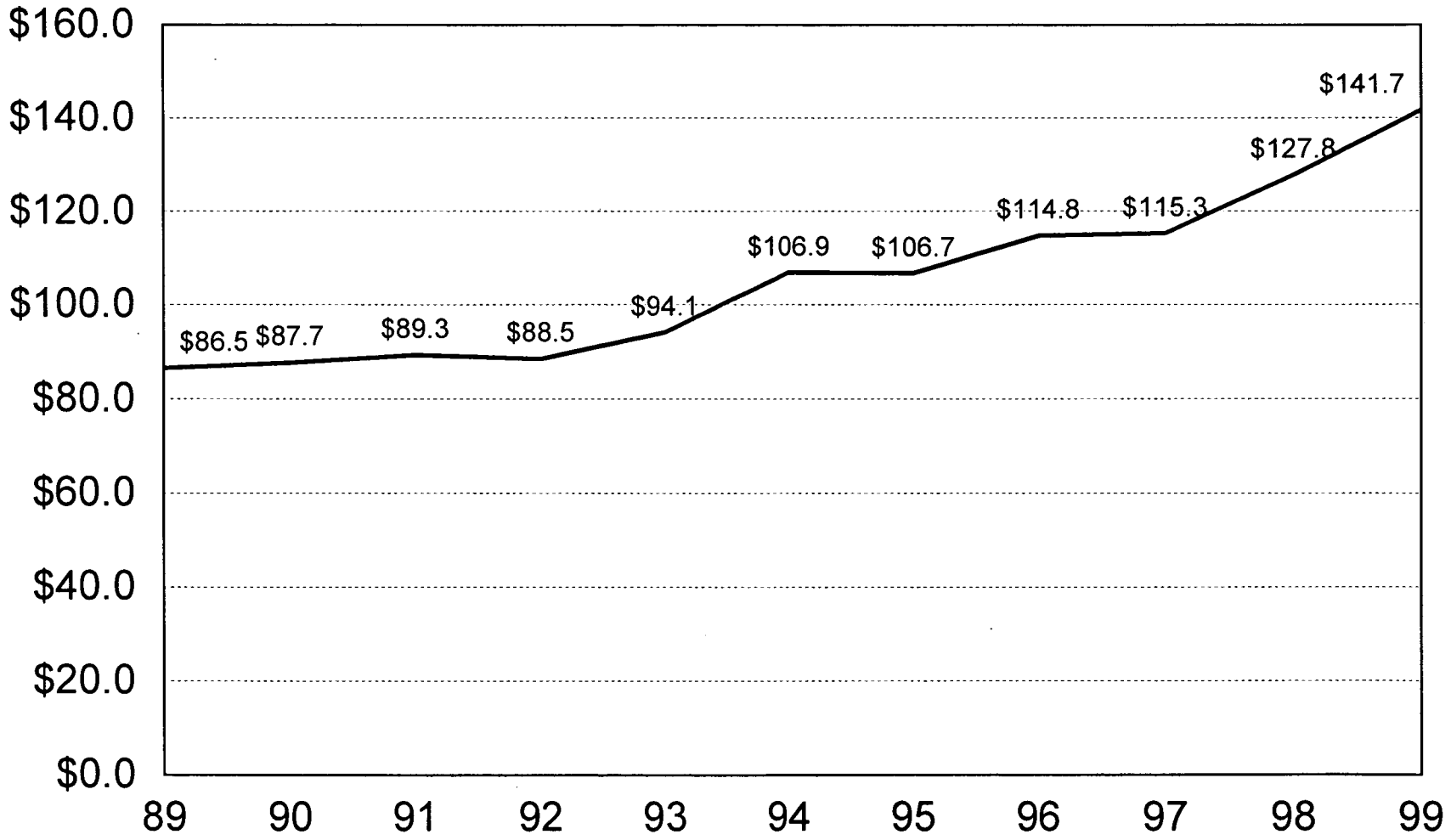
Total Number of Positions (excluding Highway Patrol) in 1998-99 = 728

(Source: Worksheet 1's Dated 1/28/99)

Crime Control and Public Safety

State Highway Patrol

Highway Fund Operating Budget for Fiscal Years 1989 - 1999 ($ in millions)



Source: FYs 1989-98 Actual Expenditures; FY 1999 = Authorized Budget per 12/31/98 BD701

Crime Control and Public Safety

State Highway Patrol

(Highway Fund)

- 1998-99 Authorized Budget -- $145,337,951
  - Highway Fund Budget -- $141,708,868 (97%)
  - Federal/Private Grants -- $3,629,083 (3%)
    - Highway Safety Programs
- Number of Positions 1,820
  - Number of Uniformed Officers -- 1,417 (an increase of 157 since FY 94)

(Source: 12/31/98 BD 701 and 1/28/99 Worksheet 1's)

Crime Control and Public Safety

Highlights of Budget Activity for the 1997-99 Biennium

- **Victim & Justice Services**
  - Community Service Work Program
    - In 1997-98, 73,689 offenders entered the Community Service Program, 2.3 Million hours of work were completed and 75% of offenders successfully completed their sanction.
    - The number of Coordinators increased from 120 in 1996-97 to 141 in 1998-99 through new positions and reallocation of clerical and supervisory positions.
    - The Legislature funded 5 of these new coordinators in 1997 and provided $15,000 to upgrade clerical positions in 1998.
  - Crime Victims Compensation Fund
    - The Victims Compensation Fund expended $3.56 Million in 1996-97 and $2.94 Million in 1997-98; the Rape Victims Assistance Fund expended $91,026 and $136,961 in those years.
    - The Victims Compensation Fund has $6.9 Million available for 1998-99 from General Fund Appropriation ($2 M) anticipated DOC receipts ($.94 M), VOCA receipts ($1.88 M) and carry-over from 1997-98 ($2.1 M)
    - 1998 Legislation increased the limits on certain kinds of compensation for victims.

Crime Control and Public Safety

Highlights of Budget Activity for the 1997-99 Biennium

- National Guard
  - Maintenance funds for armories
  - Additional funds for the Tuition Assistance Program
  - State match for maintenance positions for expanded Air National Guard Facilities
  - State match for Tarheel Challenge Program

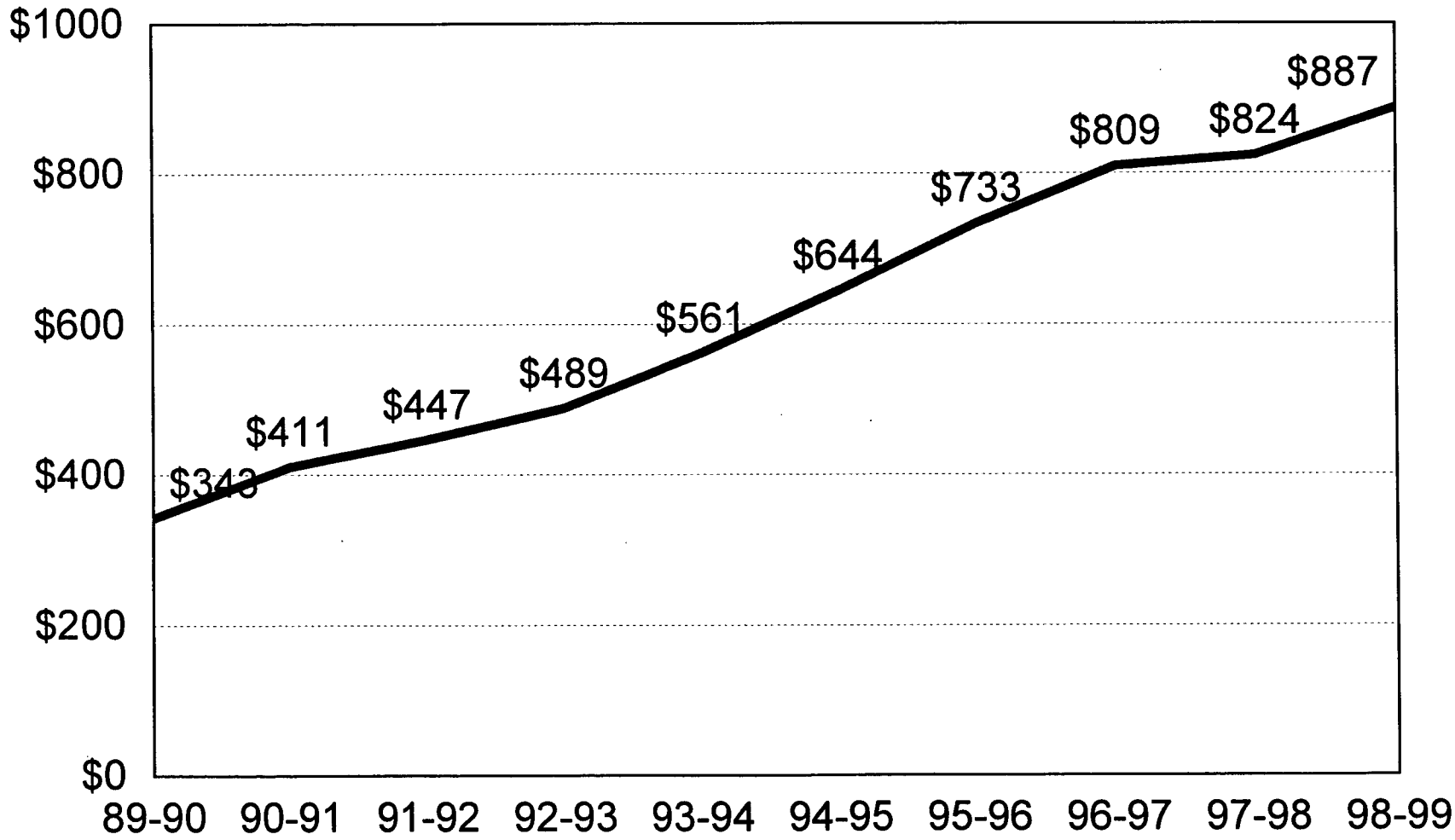
- State Highway Patrol (Highway Funds)
  - Funding for 40 additional troopers
  - Mobile Data Computers for Patrol Cruisers (approx. 430 @ $3.9 m)
  - Mobile Data Network Project ($4.7m for 2nd and 3rd phases)

DEPARTMENT OF CORRECTION/COMMUNITY CORRECTIONS

OVERVIEW OF BUDGETARY AND POLICY TRENDS

Joint Appropriations Subcommittee on Justice and Public Safety
Februrary 24, 1999

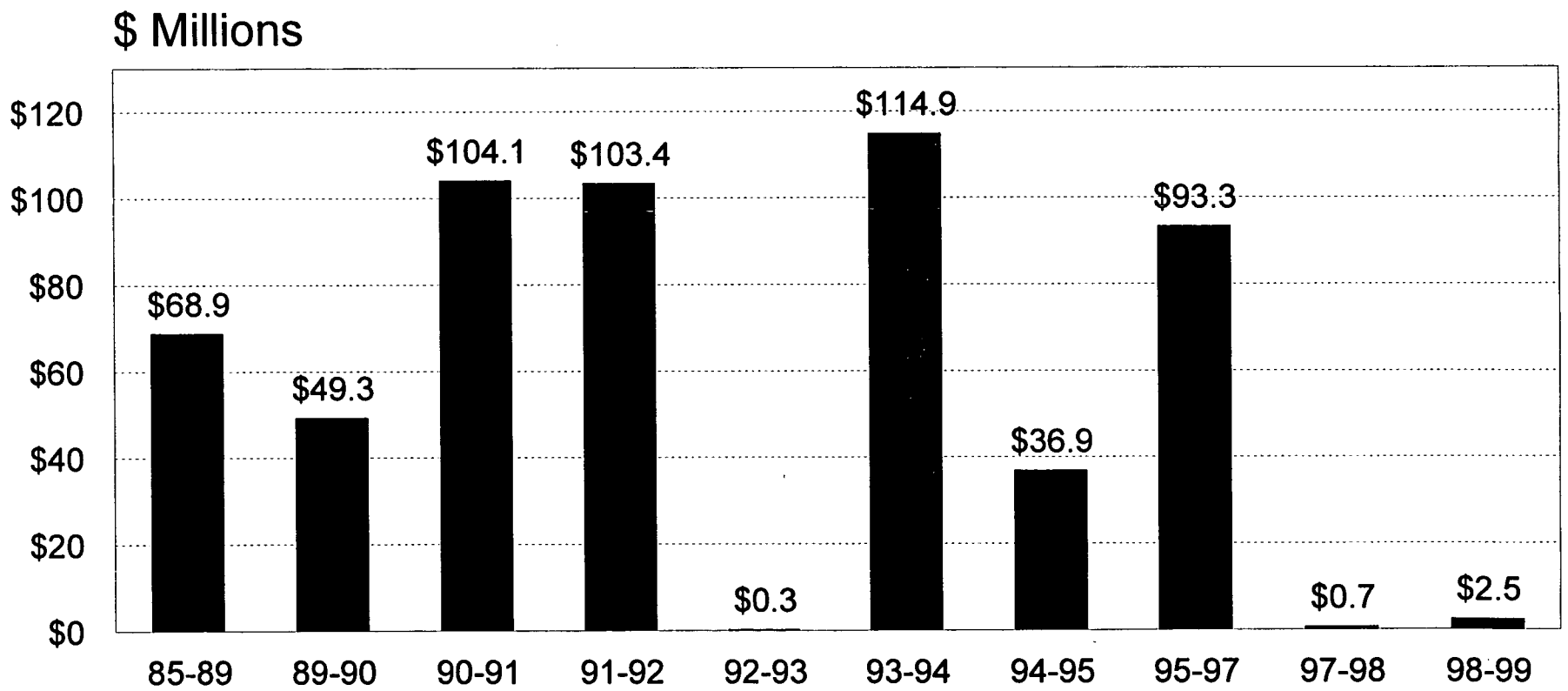
Department of Correction General Fund Budget
Net State Appropriations (in Millions)*



*Dollars are actual expenditures except 98-99 which is authorized budget (BD 701 12/31/98 with leg salary increase)

Department of Correction Capital Appropriations

Total FY 85-86 through 98-99 = $574.3 million*



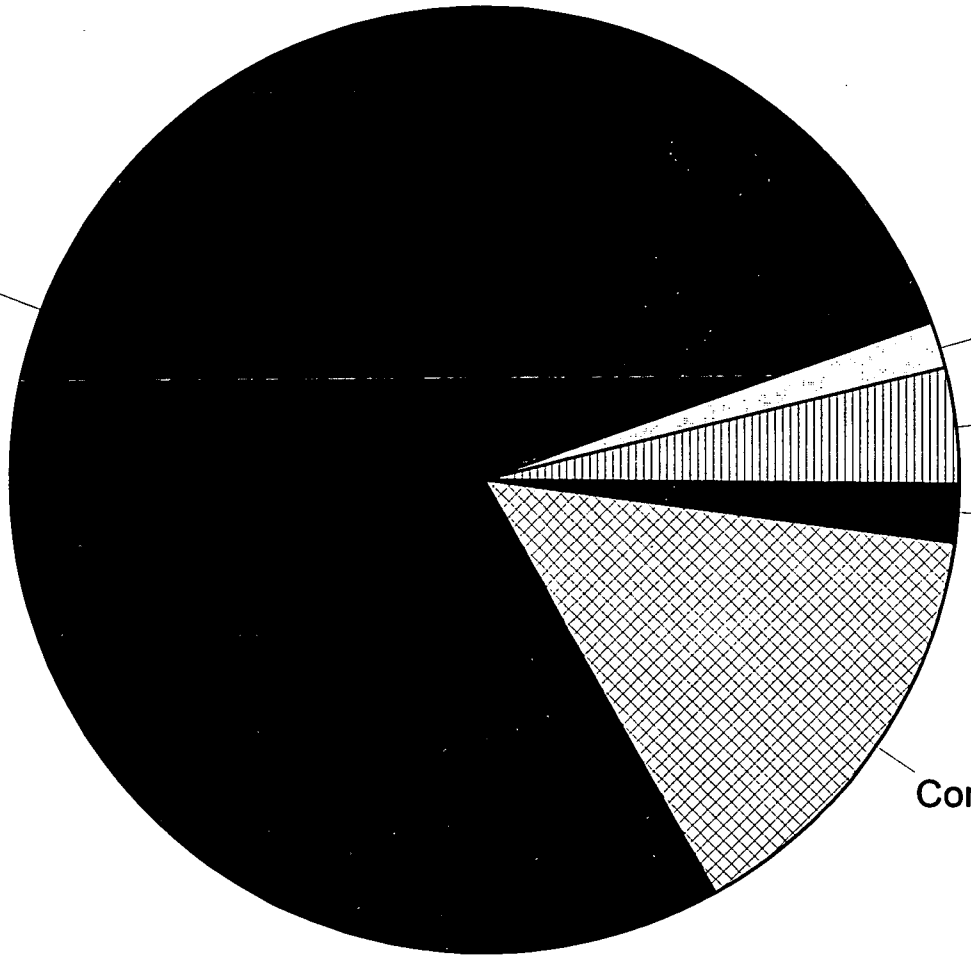
*Capital funding for new or modified prison facilities; excludes debt service on bonds and purchase of modular units (used nonrecurring funds from general fund budget)

Department of Correction --- Key Facts and Cost Drivers

- **Prison Population: 32,004 (1/2/99) 17,513 (12/30/85)**
- **Prison Bed Capacity: 32,705 (12/98) 12,082 (12/30/85)**
  (Expanded)
- **New Prison Beds: 7,166 funded for construction/operation since Jan. 1, 1994**
- **Probationers/Parolees: 114,410 (6/98) 60,784 (12/31/85)**
- **Major Policy Initiatives**
  - **Close small, inefficient prisons/ expand larger medium custody prisons/ibuild larger, more efficient medium and close custody prisons**
  - **Structured Sentencing -- non-violent offenders to communities; violent offenders in prison for longer periods of time. Results: expand intensive and intermediate probation and parole and develop community sanctions (Criminal Justice Partnership Act); short-term slowdown of prison bed growth/long term need for more single cells**

Department of Correction General Fund Budget 1998-99 Authorized*

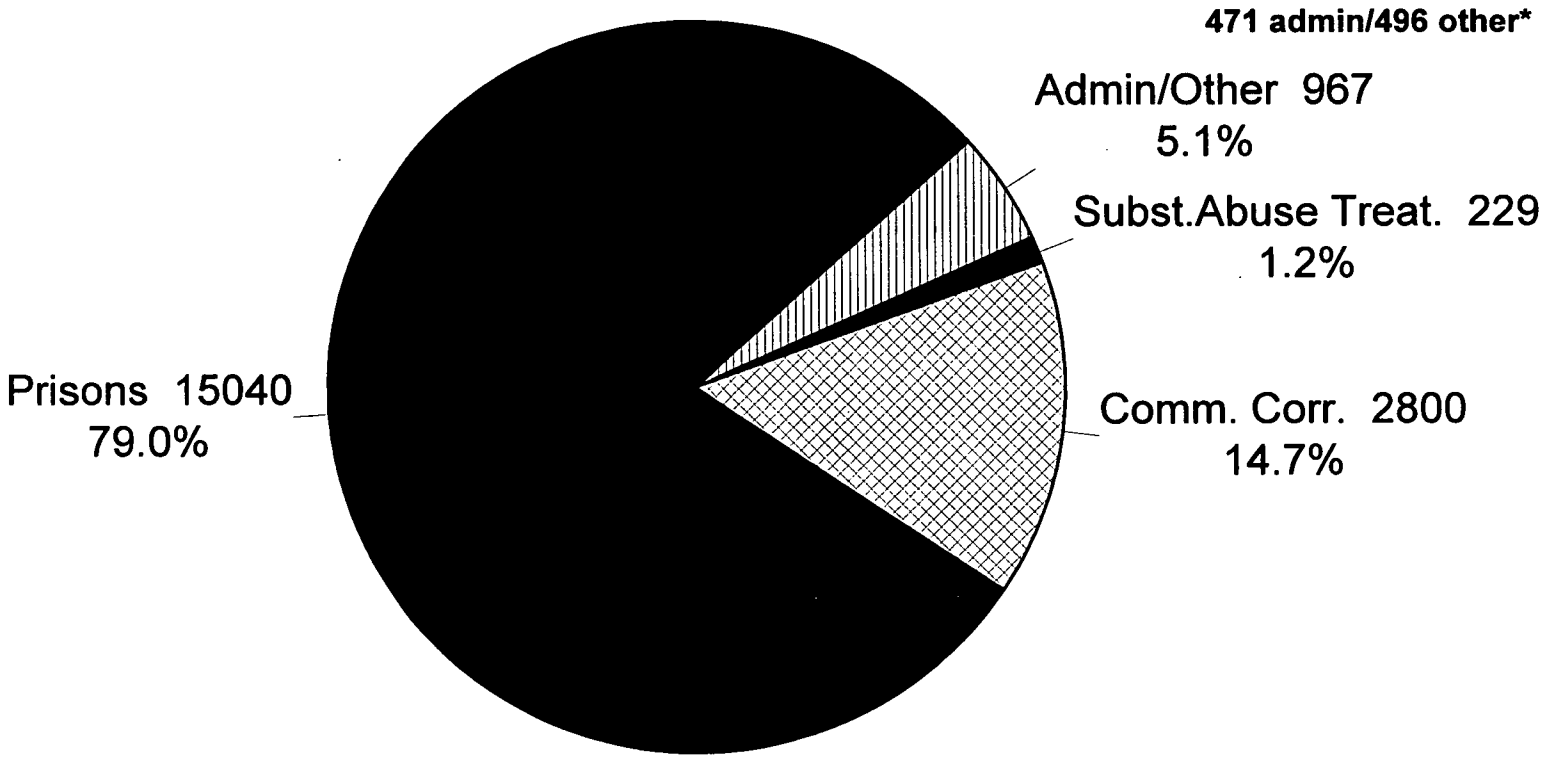
Dollars in Millions (rounded off)



*Authorized (12/31/98) total budget is $921 million incl. receipts/$886.8 net state appropriation; does not include special funds which brings total budget to $1.016 billion

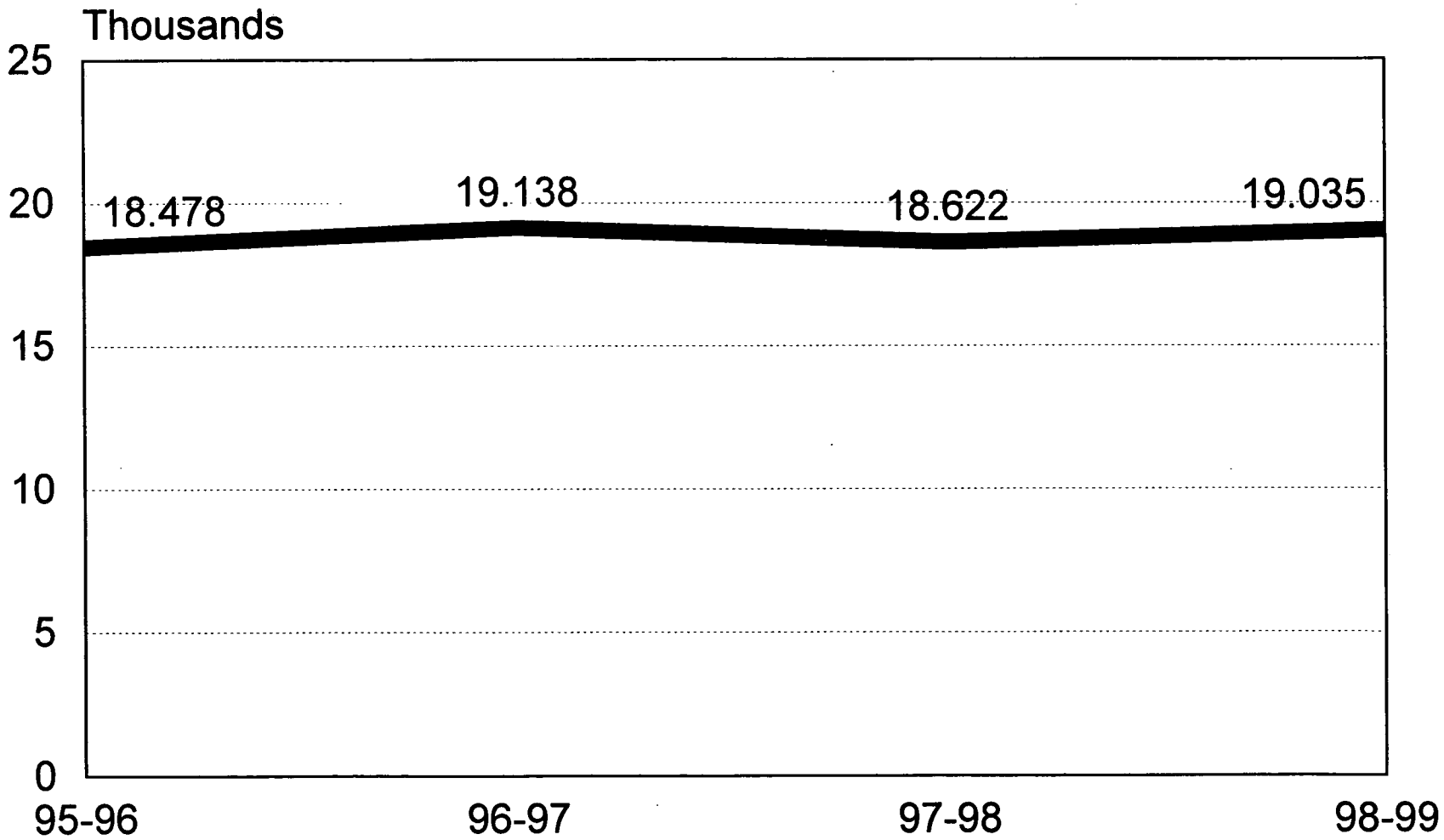
Department of Correction 1998-99 Authorized Positions*

Total Positions: 19,035



*Source: OSBM Worksheet 1's 1/28/99. Other includes 488 positions in reserve for prisons opening in 98-99

Department of Correction -- Trends in General Fund Positions*

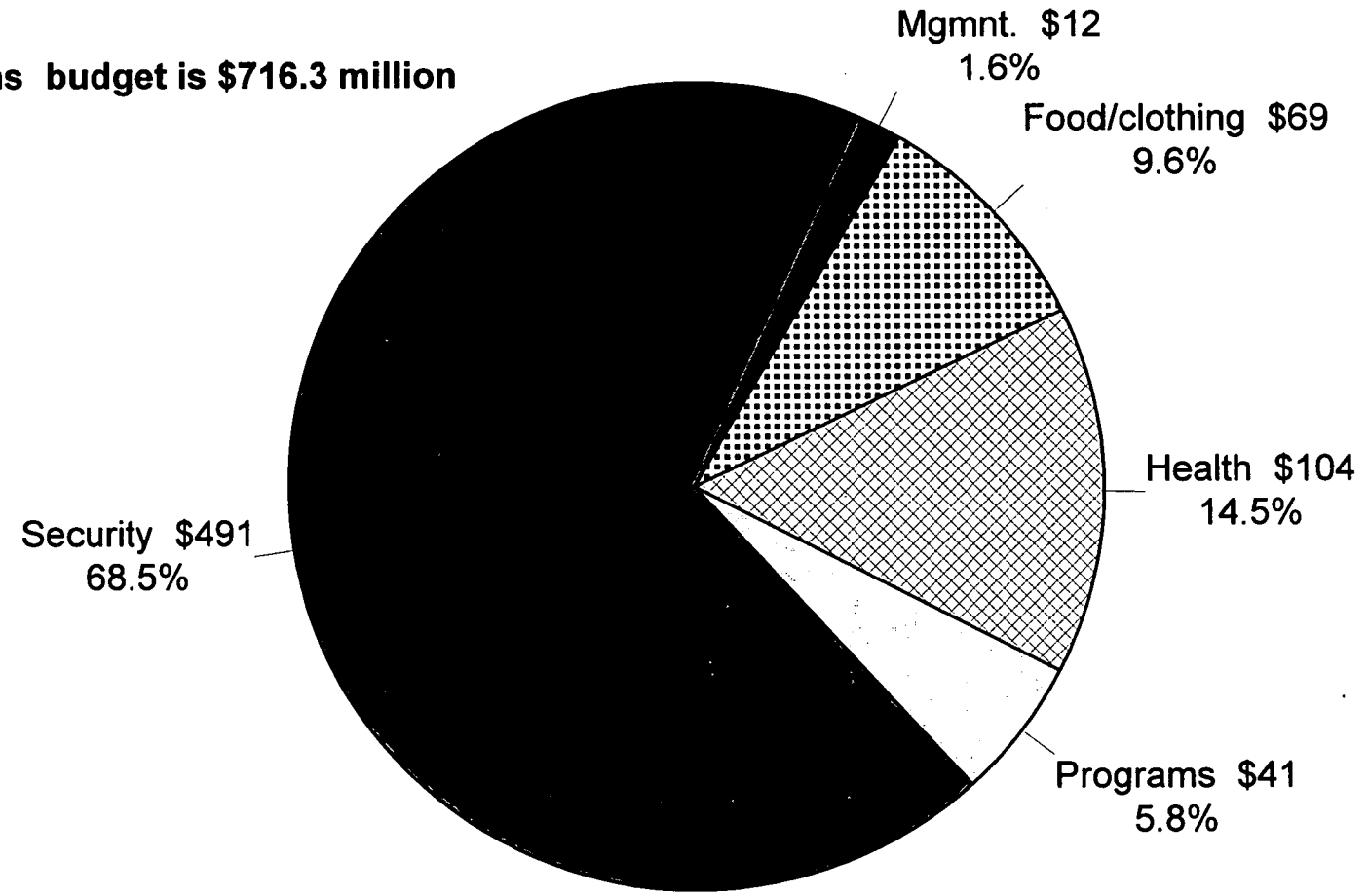


*Figures are certified budget except for 98-99; 98-99 is authorized figures from OSBM worksheet 1's dated 1/28/99 (certified 11/98 was 19,023)

Department of Correction General Fund 1998-99 Authorized Budget*

Prisons Budget by Purpose (Dollars in millions rounded off)

Total Prisons budget is $716.3 million



* Authorized Total G.F. Budget 12/31/98

Division of Community Corrections

(Adult Probation and Parole)

- *The Supervised Population today includes 99,726 regular probationers, 4,501 regular parolees, 8,943 intensive probationers and parolees, 137 Post Release Supervision and 601 dual supervision for a total of 113,908.*

- Probation and Parole Field Officers--Intensive(363) , Regular (1,004), Intermediate (129), Administrative (123)

- IMPACT (Boot Camp)--Hoffman(180), Morganton(180) and Female Boot Camp(60) :($6.8 M budget

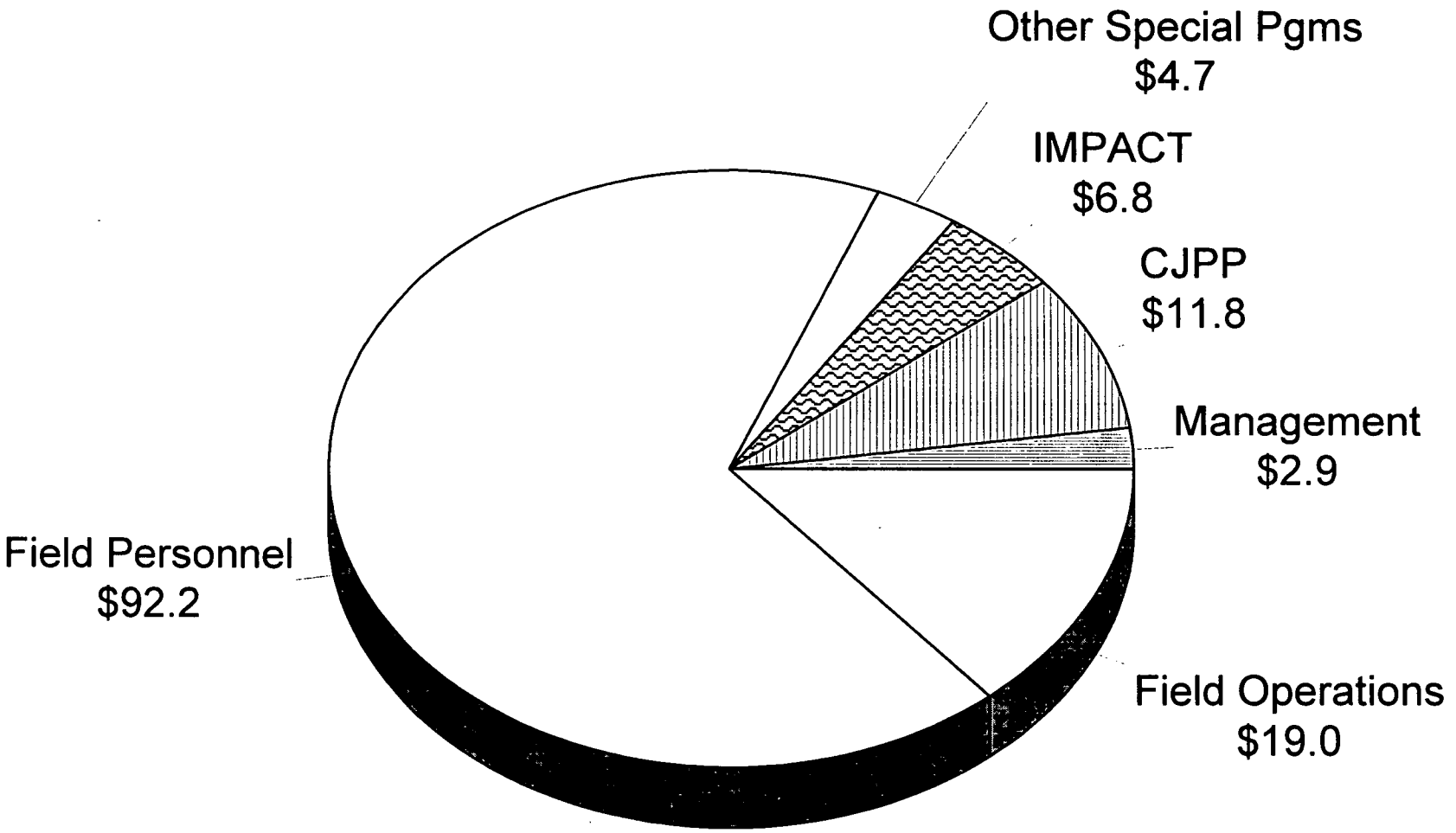
- IMPACT Aftercare --Joint with TASC(DHHS); Non-Recurring Funding--Forsyth, New Hanover, Nash-Edgecombe, Mecklenburg, Buncombe ($515,782 annualized)

- Criminal Justice Partnership Program--$7.1 Million in grants to 85 counties; transferred July 1998

- Electronic House Arrest, Victims Assistance Pilot, Developmentally Disabled Pilot, Drug Testing Lab

Community Corrections Budget by Purpose

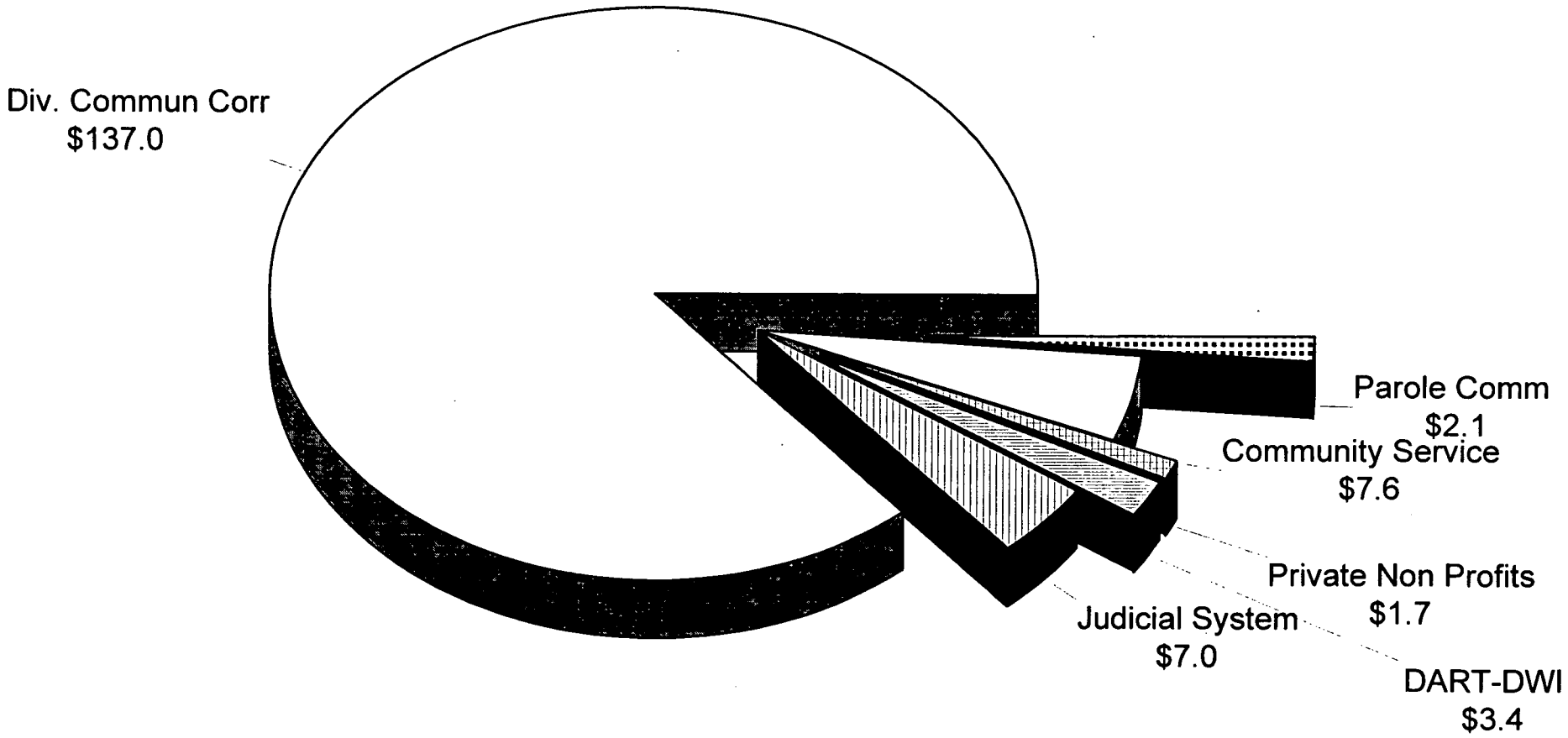
($ Millions)



Total Authorized Total General Fund Budget 12/31/98: $137 M

Community Corrections System

JPS Agencies 1998-99 Authorized



(Total General FundBudget in Millions--12/31/98 Authorized--$158.8 M)

Key Budget Issues 1997-99

Division of Community Corrections

- Added 239 new officers in 1997 along with clerks and chiefs
- Cut $4.34 Million from operational expenses over two years
- Cut 12 Central and Supervisory Positions through Span of Control and Reorganization
- Changed Name in 1998
- IMPACT shifted from Prisons to DCC in 1997
- IMPACT redefined as residential program in 1998
- CJPP shifted to DCC 1998
- Began reclassification of Officer positions July 1998
- 1998 Budget continued IMPACT aftercare for 1 year and added 5th site; continued Victims pilot for 1 year

Key Budget Issues 1999-2001

Division of Community Corrections

- Revised Population Projections (2/99) suggest the need for new officers to meet caseload targets ($7.7 Million in Continuation Budget for 110 Intermediate Officers, 11 Clerks and 11 Chiefs as well as 10 planners and 13 administrative assistants for JDMs; latest population projections show need for 44 intensive teams and 176 Intermediate)

- Merging female Boot Camp with IMPACT-WEST (both are underutilized)

- Restoring full Criminal Justice Partnership Implementation Grant funding ($4.7 Million in CB, including inflationary increase)

- Pilots of new telecommuting and transportation policies

- Continued reclassification of probation parole officers

Judicial Department

Major Continuation Budget Issues to Follow-Up on for 1999 Session

- **Issue #1: Indigent Defense Fund**
  - included increase of $8m for FY 1999-00 and $13m for FY 2000-01 (based on percentage annual increase over 5 year period)
  - appears to be a slight slowdown in FY 1998-99 - will continue to monitor expenditures
  - increase management of fund?
- **Issue #2: Software Agreements for Information Technology Systems**
  - included increase of $2.2m for each year of biennium
  - gathering information to better understand increases - due to new systems, expansion of existing systems, or increases in costs for software licenses?
  - department will provide additional information to committee
- **Issue #3: Replacement Equipment / Other Reserves**
  - will continue to monitor replacement schedules, salary reserve funds, and funds designated for pay plans

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES	2/24 2/24													
Rep. Kinney, Chair	✓	✓												
Rep. McCrary, Chair	✓	✓												
Rep. Culpepper, Chair														
Rep. Thomas, Vice Chair	✓	✓												
Rep. Clary	✓													
Rep. Haire	✓	✓												
Rep. Horn	✓	✓												
Rep. Justus	✓	✓												
Rep. Kiser	✓	✓												
Rep. Sexton	✓													
Senate Members														
Sen. Luther Jordan	✓	✓												
Sen. Frank Ballance	✓	✓												
Sen. Tony Rand														
Sen. John Carrington	✓	✓												
Sen. Don East	✓	✓												
Rep. Baddour-ex-officio														
Rep. Cunningham-ex-officio														
Rep. Dedmon-ex-officio	✓													
Rep. Earle-ex-officio														
Rep. Hackney-ex-officio														
	I	II												

VISITOR REGISTRATION SHEET

Appropriations Justice & Public Safety — 2-24-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Lenny Dix	Office of Juvenile Justice
Tom Ross	Judge of Sup Ct
Sam Chapple	FIRST
Barry Smith	Freedom Newspapers
Mike Pearson	The Capitol Group
Chuck Crum	Office of State Planning
John Madler	Sentencing Commission
Lorrin Freeman	Sentencing Commission
Juli Kim	Sentencing Commission
Susan Katzenelson	Sentencing Comm.
Joe McCha	Leg Law Enf Comm of N C

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Wednesday, February 24, 1999 – 2:30
Room 612, Legislative Office Building

The meeting of the Joint Appropriations Subcommittee on Justice and Public Safety was held in Room 612 in the Legislative Office Building at 2:30 p.m.

The members of the Committee are Representatives Paul McCrary, Co-Chairman, presiding Ted Kinney Co-Chair; Representative Bill Culpepper; Co-Chair also included in the meeting was Representative Phillip Haire, Representative Debbie Clary, Representative Wayne Sexton, Representative Larry Justice, Representative Joe Kiser, Representative Scott Thomas and Representative Jim Horn. On the Senate side Senators Luther Jordon Chairman; Frank Balance, John Carrington, and Don East.

Co-Chairman McCrary recognized The Honorable Judge Thomas Ross to give an overview of Structured Sentencing. Judge Ross is the Chairman of the NC Sentencing and Policy Commission. He shared with the Committee where we are today in structure sentencing. That the Criminal Sentencing Policy is now in balance, because of adequate prison resources. Judge Ross also stated that the system is stable.

Judge Ross shared with the Committee the Philosophy of structured sentencing and how it works. (See Attached). He also shared with the Committee the percentages of sentences served for felonies using *slides,* **distribution of Felons by prior record level, impact/average percentage of sentence served, Scale/structured sentencing,** he noted that the average months served in prison is 24 months and that it has dropped to 16 months.

With *slides* Judge Ross shared with the Committee s the role of the Sentencing Commission, through monitoring, impact analysis, recommending modifications and Juvenile Justice Issues.

Judge Ross followed up by giving his opinion and statement about what the **keys of Structured Sentencing** have been 1) **By-Partisan Support** 2)**Use of Computer Simulation model** 3) **Preservation of Discretion** 4)**That the program of Structured Sentencing has been Nationally Recognized**.

Judge Ross stated that they are an Independent Agency that monitors the system and collects a lot of data about what is happening in the Court System, what is happening in Sentencing and what is happening with Offenders. That the Commission puts out Monitoring Reports every year about how the system is functioning.

The last item that Judge Ross shared with the Committee that is new to the Advisory Commission is the Juvenile Justice Reform Act as well as the Budget Documents. They will be using the same kind of projections they have been using for the adults.

Representative Kiser was recognized by the Chairman and shared his concerns regarding that he has been told that there are enough prison beds at this time, that we have 75 of our prisons that are operating over prison capacities over 4,000 inmates above standard operating capacities in February. This bothers him that we float the number so we can make it match what ever the prison population might be. Judge Ross shared with Rep. Kiser that this is true from the reports and will get some more information for him.

The meeting adjourned until Thursday February 25, at 8:30 a.m.

Respectively Submitted,

Paul McCrary — Representative Paul McCrary, Co-Chairman

Barbara A. Berry — Barbara A. Berry, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday, February 24, 1999 – 8:30am and 2:30 p.m..
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Ted Kinney
Representative Bill Culpepper

II. PRESENTATIONS

MORNING

- Overview of Department of Justice

  Elisa Wolper, Fiscal Staff

- Overview of Department of Crime Control and Public Safety

  Marilyn Chism, Fiscal Staff

- Overview of Department of Correction

  Jim Mills and Elisa Wolper, Fiscal Staff

AFTERNOON

- Overview of Structured Sentencing

  The Honorable Judge Thomas Ross
  Chair, NC Sentencing and Policy Advisory Commission

III. COMMITTEE DISCUSSION/ OTHER BUSINESS

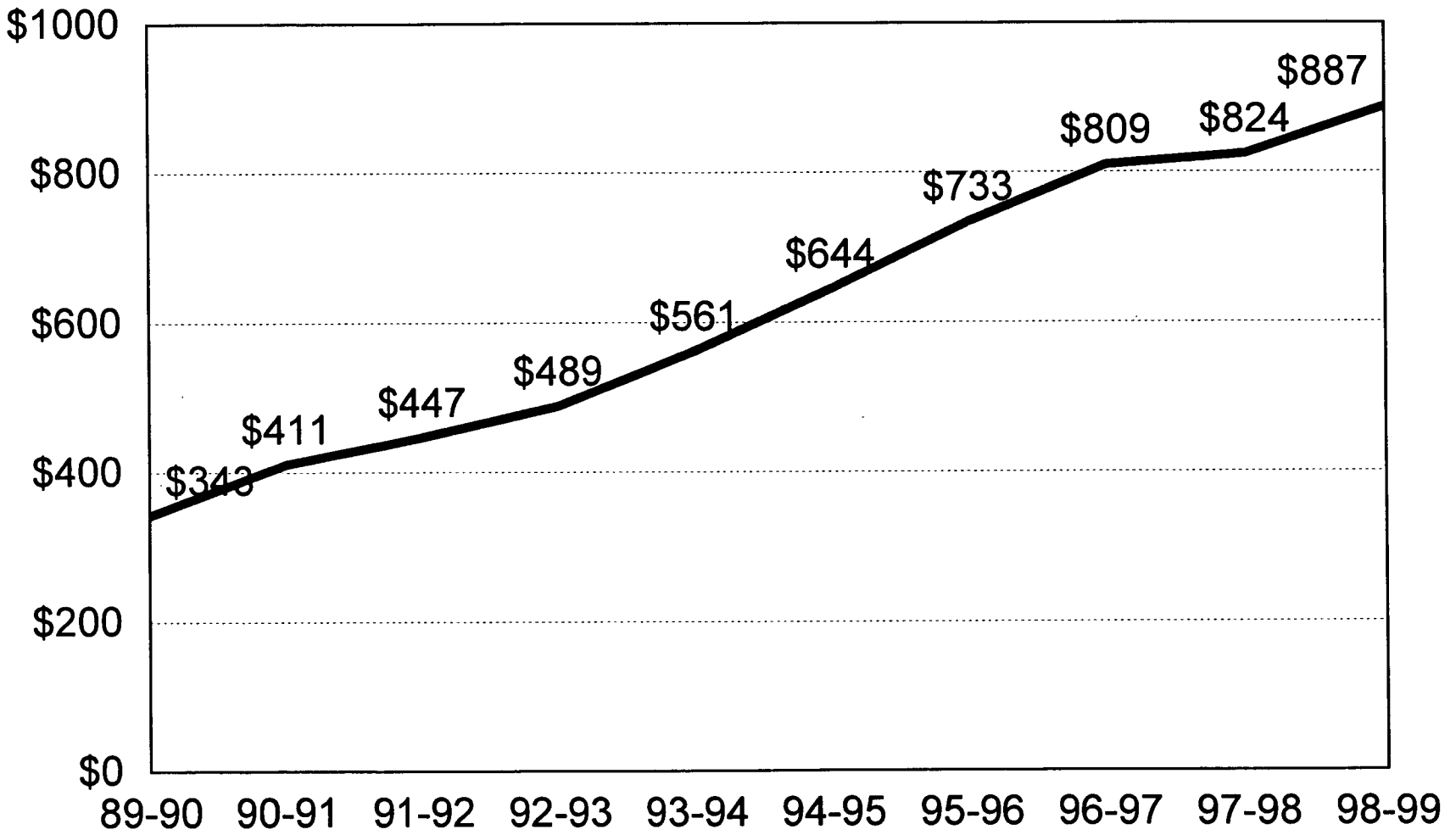
IV. ADJOURNMENT

DEPARTMENT OF CORRECTION/COMMUNITY CORRECTIONS

OVERVIEW OF BUDGETARY AND POLICY TRENDS

Joint Appropriations Subcommittee on Justice and Public Safety
Februrary 24, 1999

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

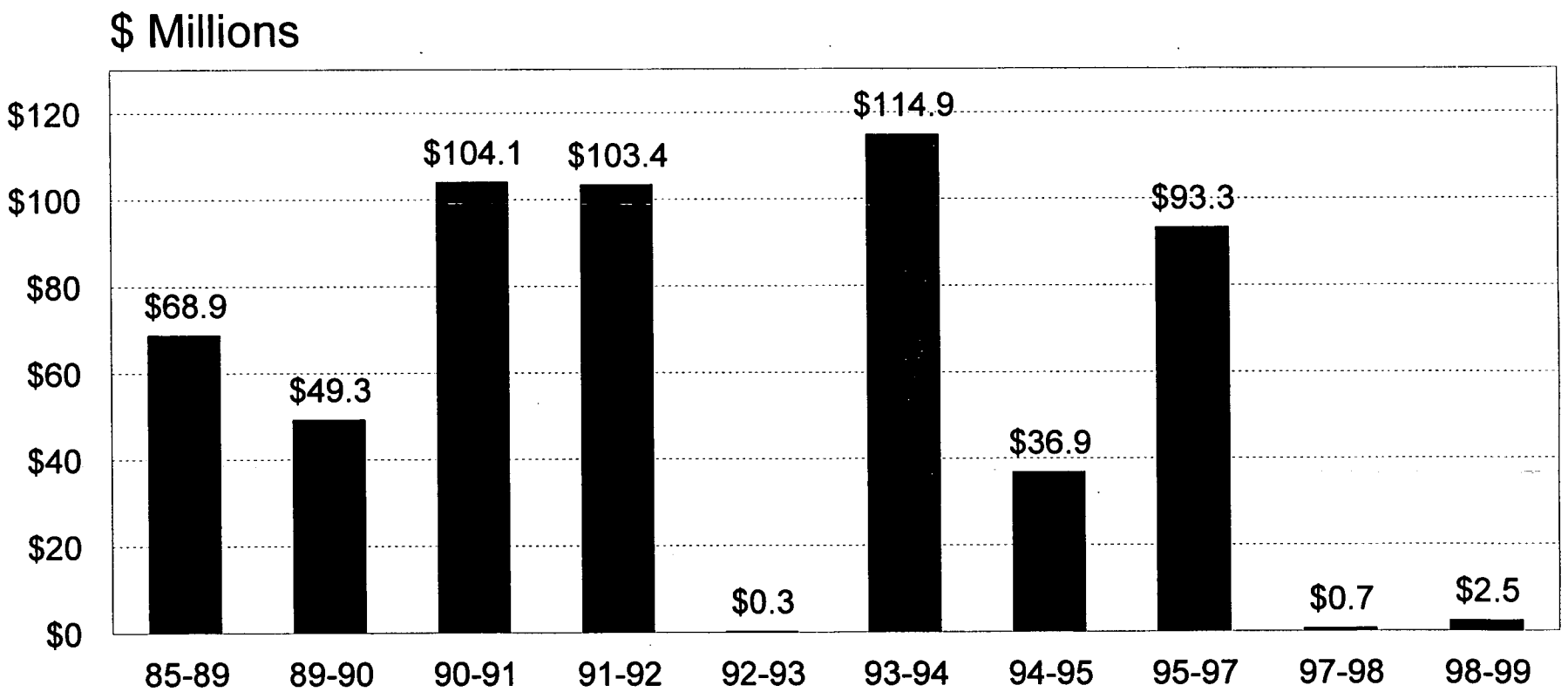


*Dollars are actual expenditures except 98-99 which is authorized budget (BD 701 12/31/98 with leg salary increase)

2

Department of Correction Capital Appropriations

Total FY 85-86 through 98-99 = $574.3 million*



*Capital funding for new or modified prison facilities; excludes debt service on bonds and purchase of modular units (used nonrecurring funds from general fund budget)

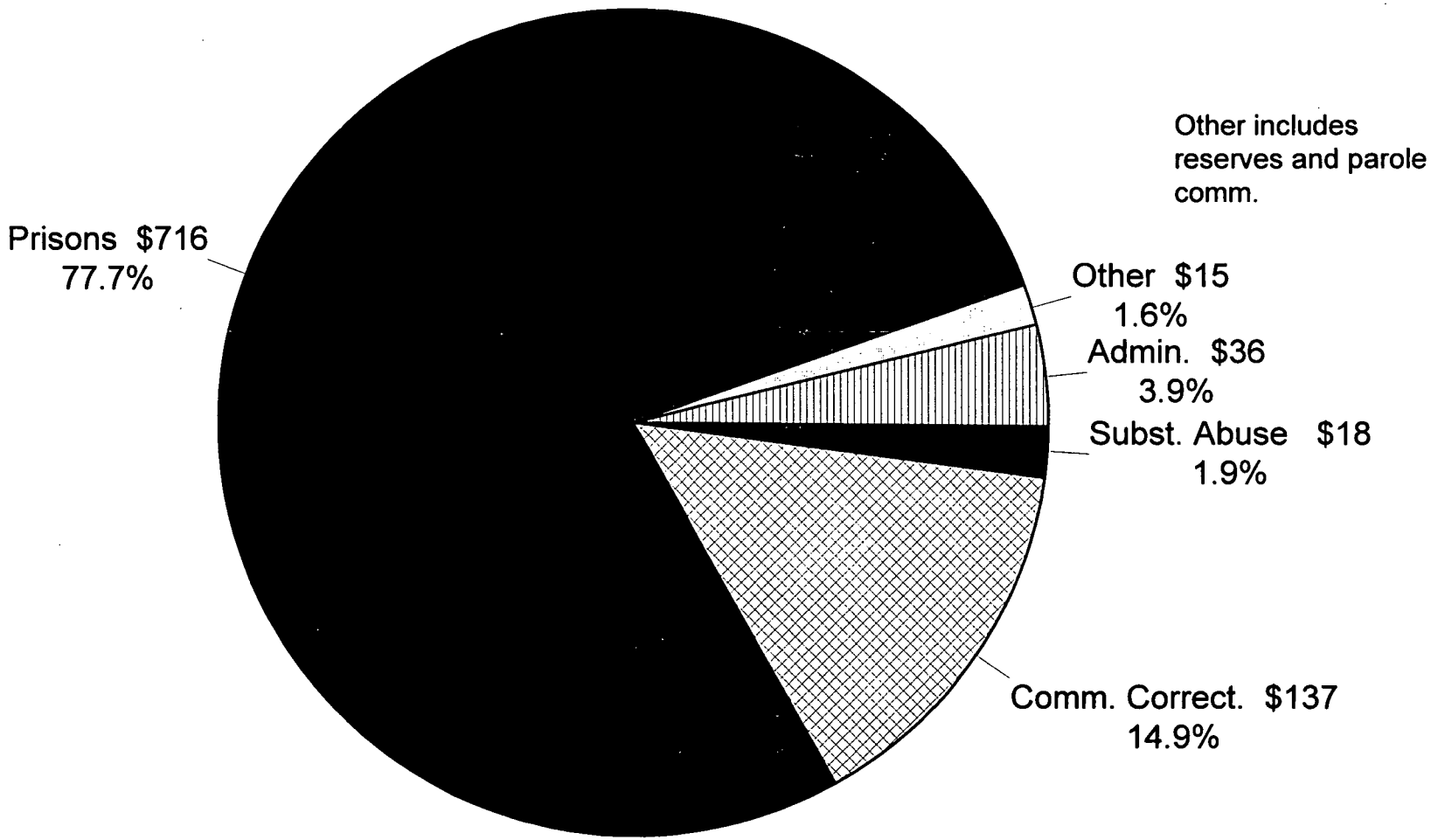
Department of Correction --- Key Facts and Cost Drivers

- **Prison Population: 32,004 (1/2/99) 17,513 (12/30/85)**
- **Prison Bed Capacity: 32,705 (12/98) 12,082 (12/30/85)**
  (Expanded)
- **New Prison Beds: 7,166 funded for construction/operation since Jan. 1, 1994**
- **Probationers/Parolees: 114,410 (6/98) 60,784 (12/31/85)**
- **Major Policy Initiatives**
  - **Close small, inefficient prisons/ expand larger medium custody prisons/ibuild larger, more efficient medium and close custody prisons**
  - **Structured Sentencing -- non-violent offenders to communities; violent offenders in prison for longer periods of time. Results: expand intensive and intermediate probation and parole and develop community sanctions (Criminal Justice Partnership Act); short-term slowdown of prison bed growth/long term need for more single cells**

4

Department of Correction General Fund Budget 1998-99 Authorized*

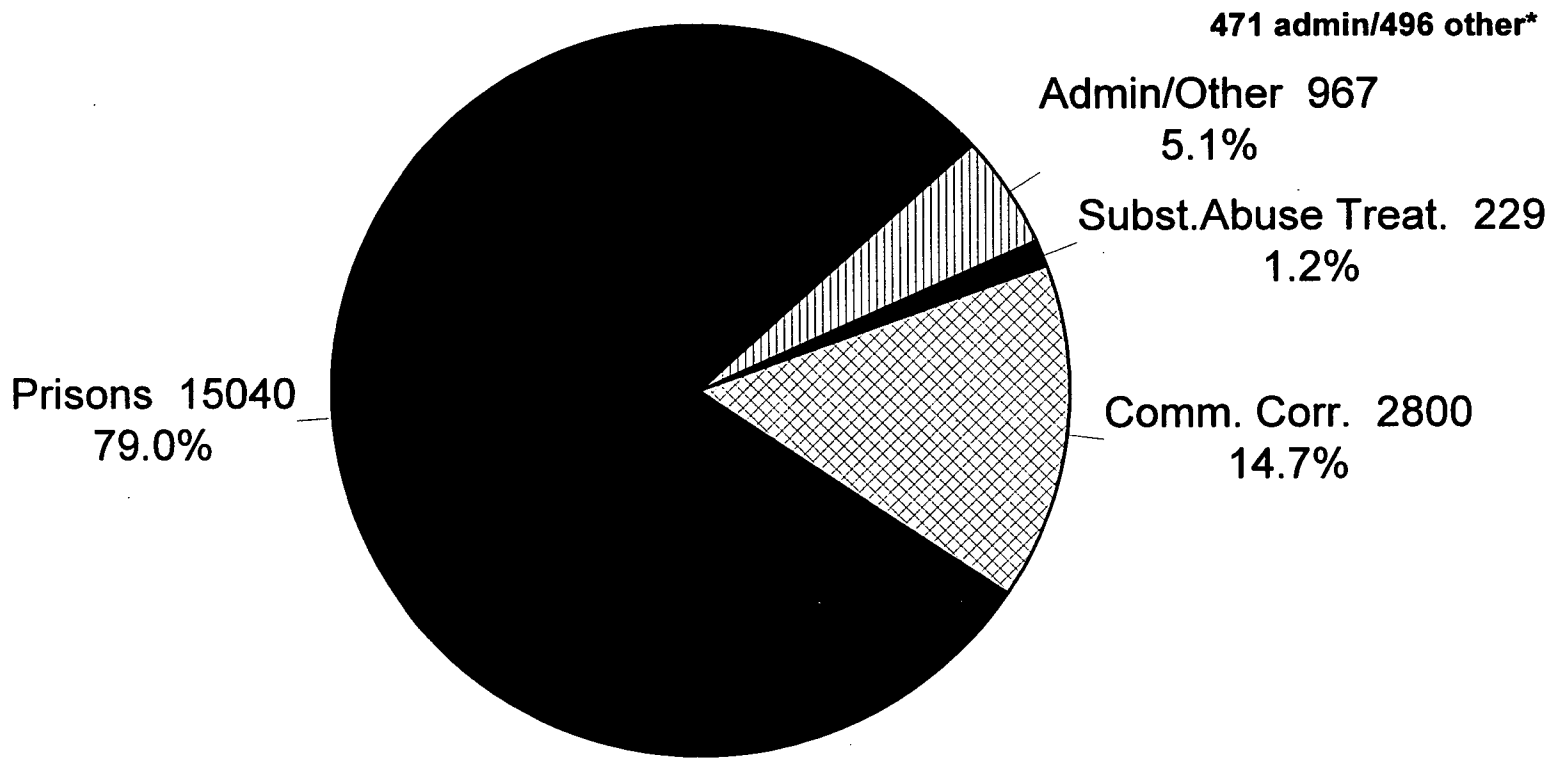
Dollars in Millions (rounded off)



*Authorized (12/31/98) total budget is $921 million incl. receipts/$886.8 net state appropriation; does not include special funds which brings total budget to $1.016 billion

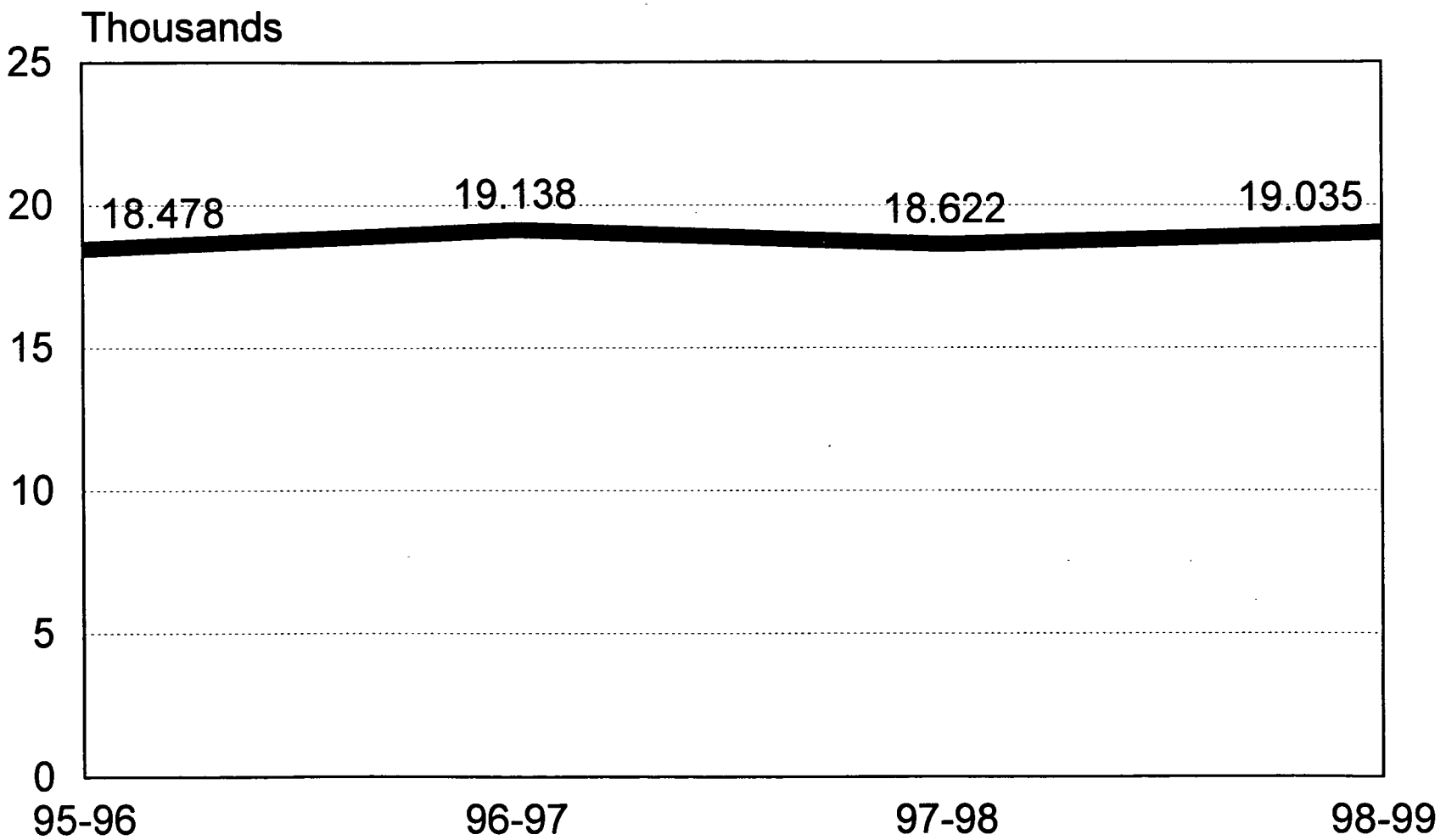
Department of Correction 1998-99 Authorized Positions*

Total Positions: 19,035



*Source: OSBM Worksheet 1's 1/28/99. Other includes 488 positions in reserve for prisons opening in 98-99

Department of Correction -- Trends in General Fund Positions*

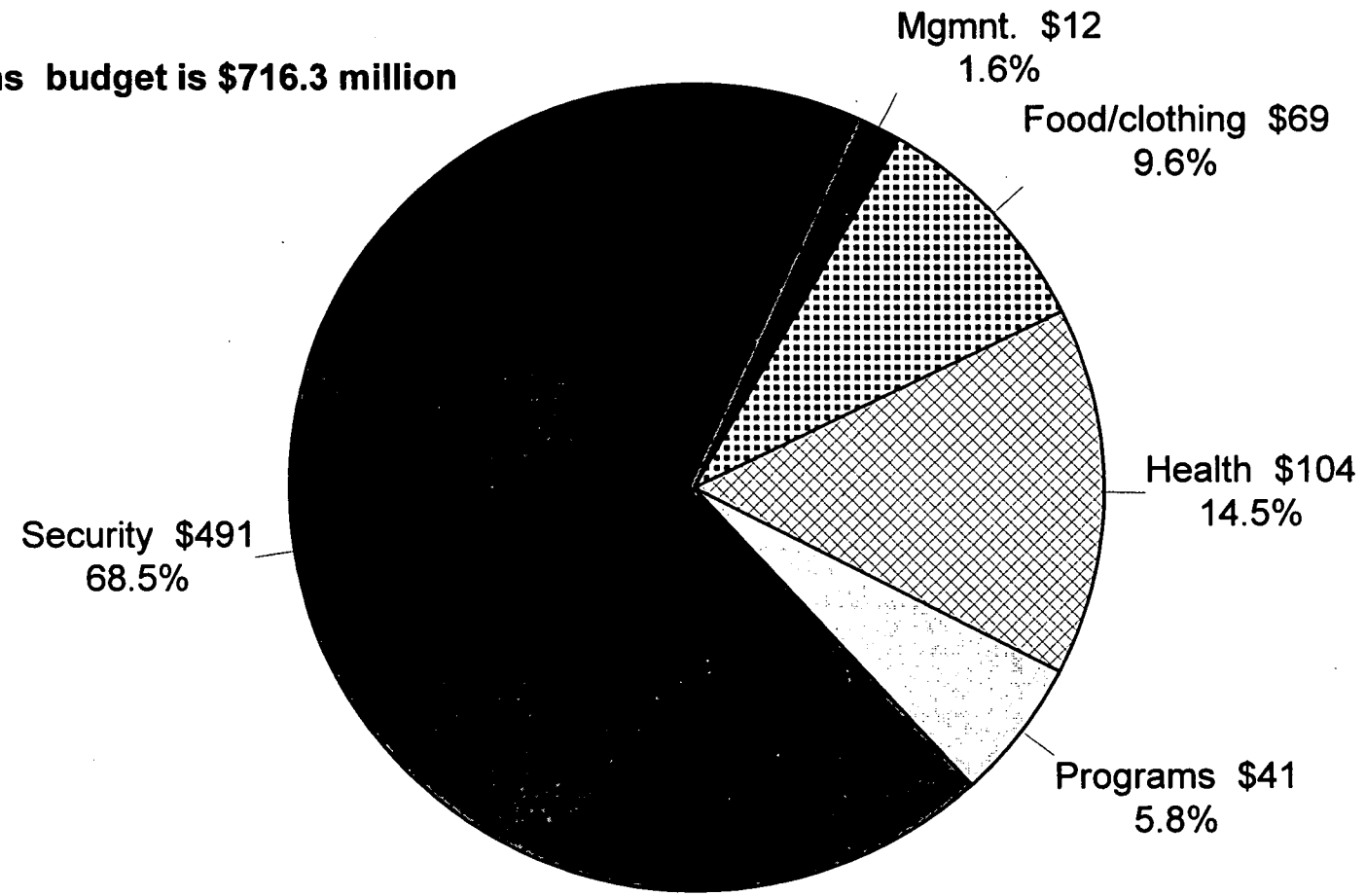


*Figures are certified budget except for 98-99; 98-99 is authorized figures from OSBM worksheet 1's dated 1/28/99 (certified 11/98 was 19,023)

Department of Correction General Fund 1998-99 Authorized Budget*

Prisons Budget by Purpose (Dollars in millions rounded off)

Total Prisons budget is $716.3 million



* Authorized Total G.F. Budget 12/31/98

Division of Community Corrections

(Adult Probation and Parole)

- *The Supervised Population today includes 99,726 regular probationers, 4,501 regular parolees, 8,943 intensive probationers and parolees, 137 Post Release Supervision and 601 dual supervision for a total of 113,908.*

- Probation and Parole Field Officers--Intensive(363) , Regular (1,004), Intermediate (129), Administrative (123)

- IMPACT (Boot Camp)--Hoffman(180), Morganton(180) and Female Boot Camp(60) :($6.8 M budget

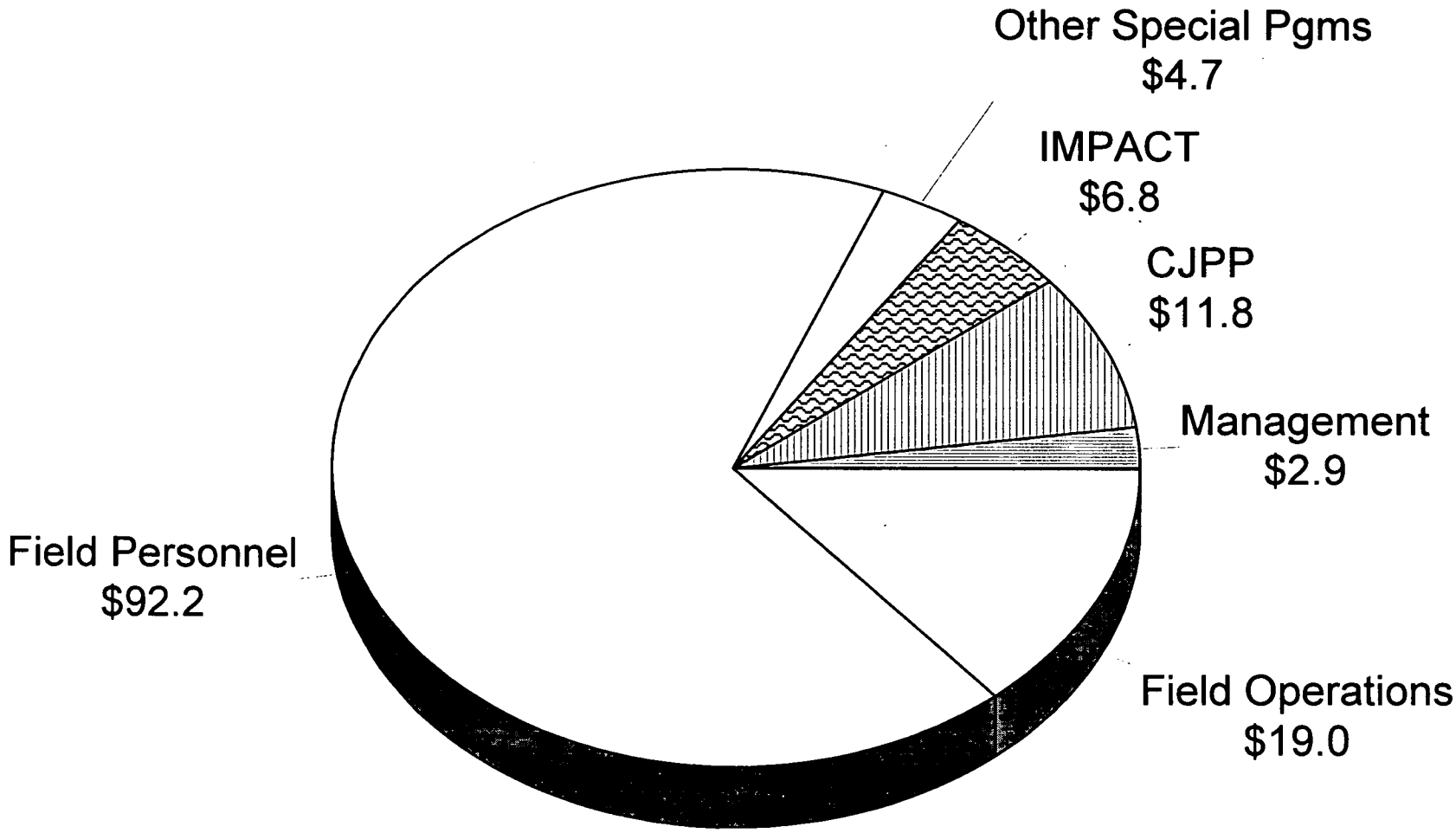
- IMPACT Aftercare --Joint with TASC(DHHS); Non-Recurring Funding--Forsyth, New Hanover, Nash-Edgecombe, Mecklenburg, Buncombe ($515,782 annualized)

- Criminal Justice Partnership Program--$7.1 Million in grants to 85 counties; transferred July 1998

- Electronic House Arrest, Victims Assistance Pilot, Developmentally Disabled Pilot, Drug Testing Lab

Community Corrections Budget by Purpose

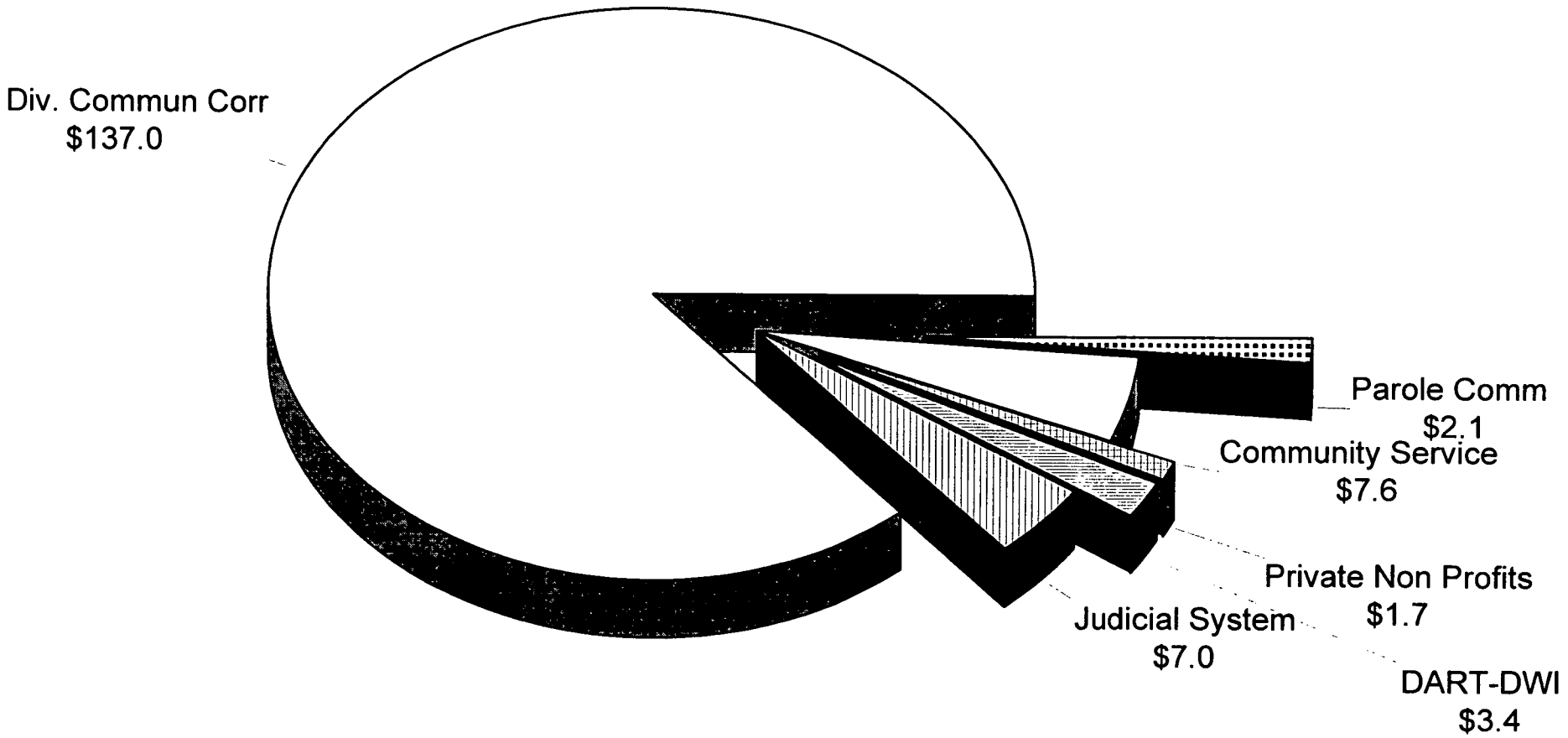
($ Millions)



Total Authorized Total General Fund Budget 12/31/98: $137 M

Community Corrections System

JPS Agencies 1998-99 Authorized



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Crime Control and Public Safety

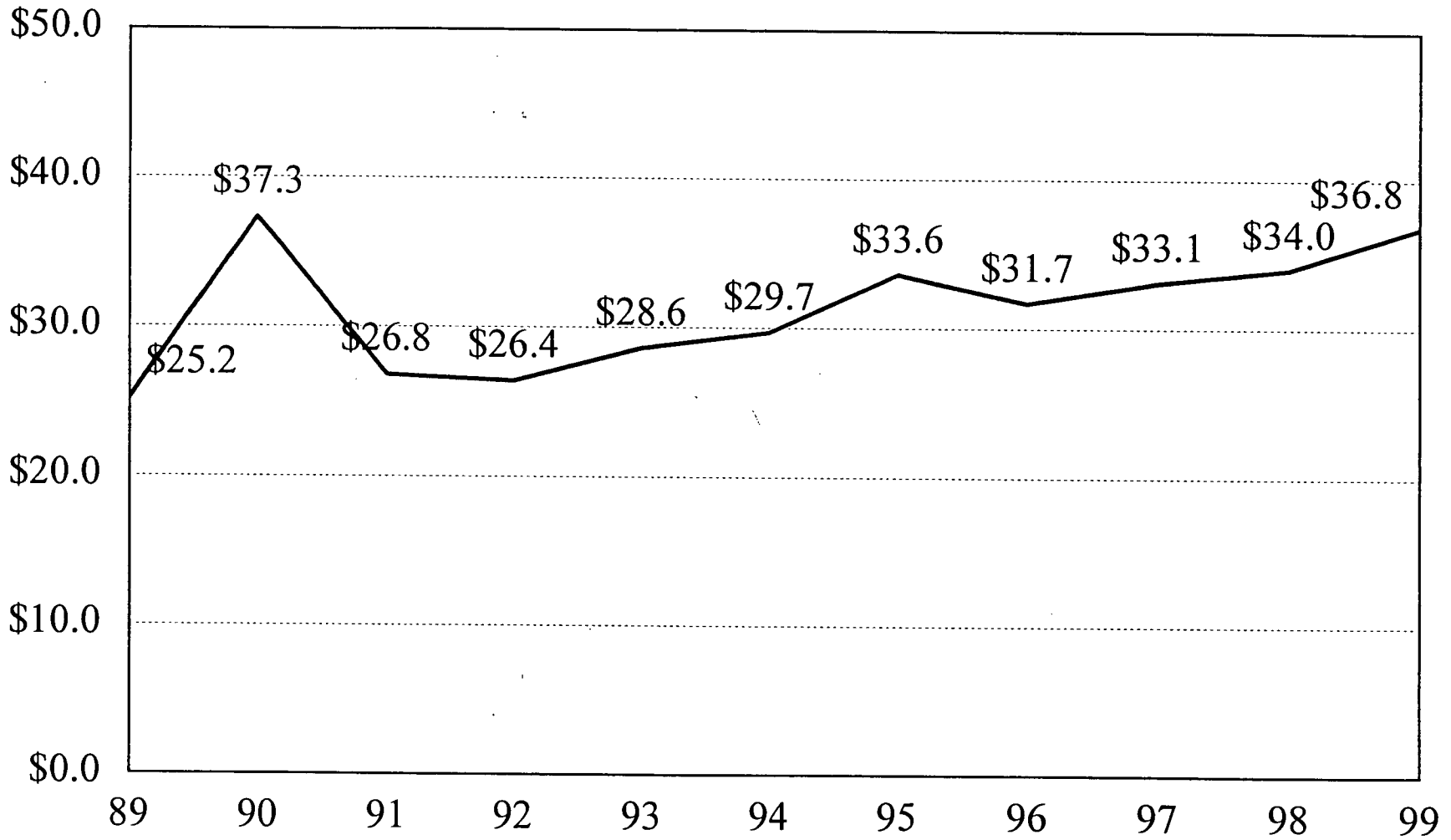
Overview of Key Fiscal Trends

Joint Appropriations Subcommittee on Justice and Public Safety
February 24, 1999

Crime Control and Public Safety

General Fund State Appropriations for Fiscal Years 1989-1999

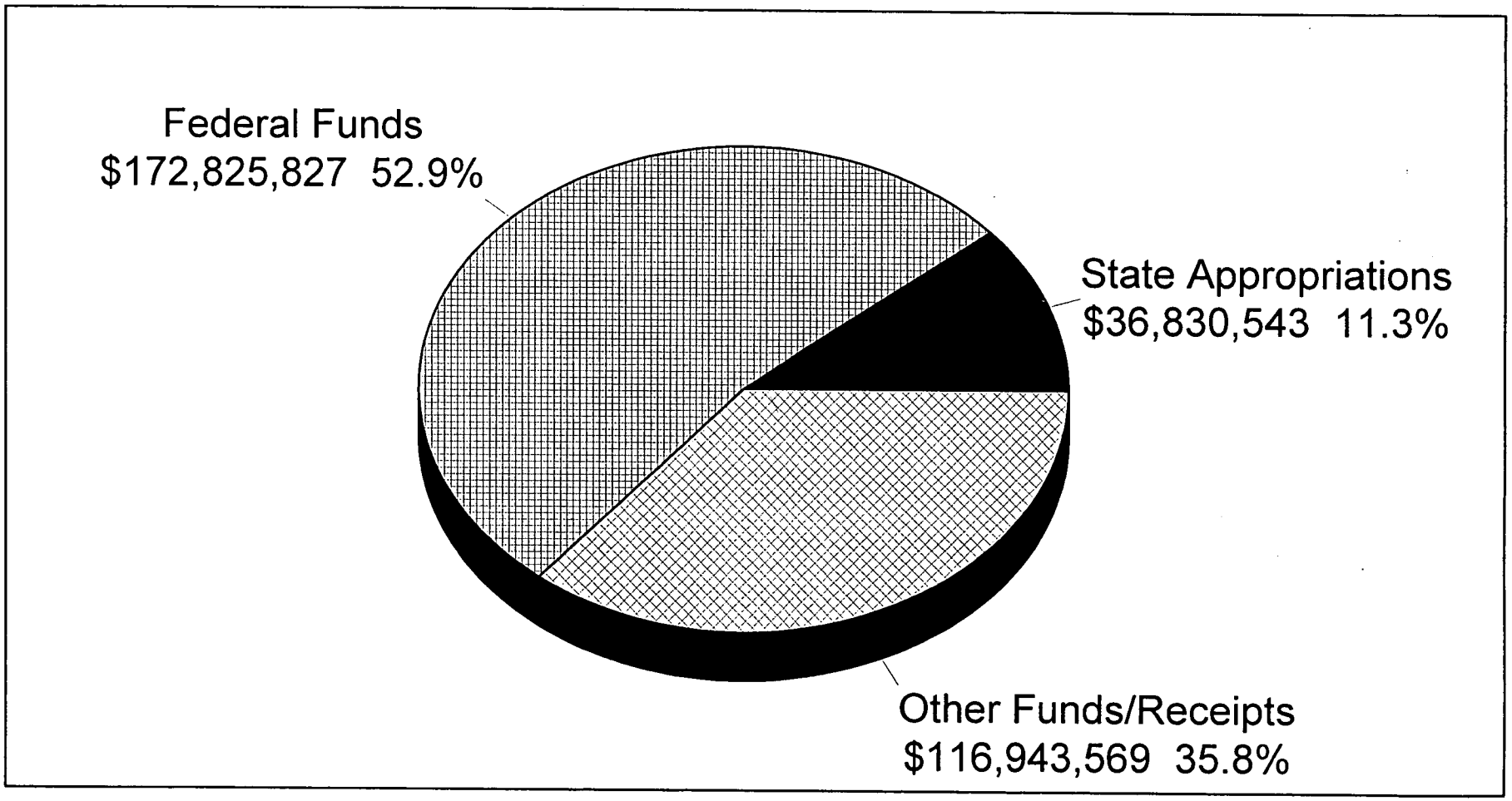
$ in Millions



(Source: FYs 1989-1998 = Actual GF Expenditures; FY 1999 = Authorized Budget per 12/31/98 BD701)

Crime Control and Public Safety

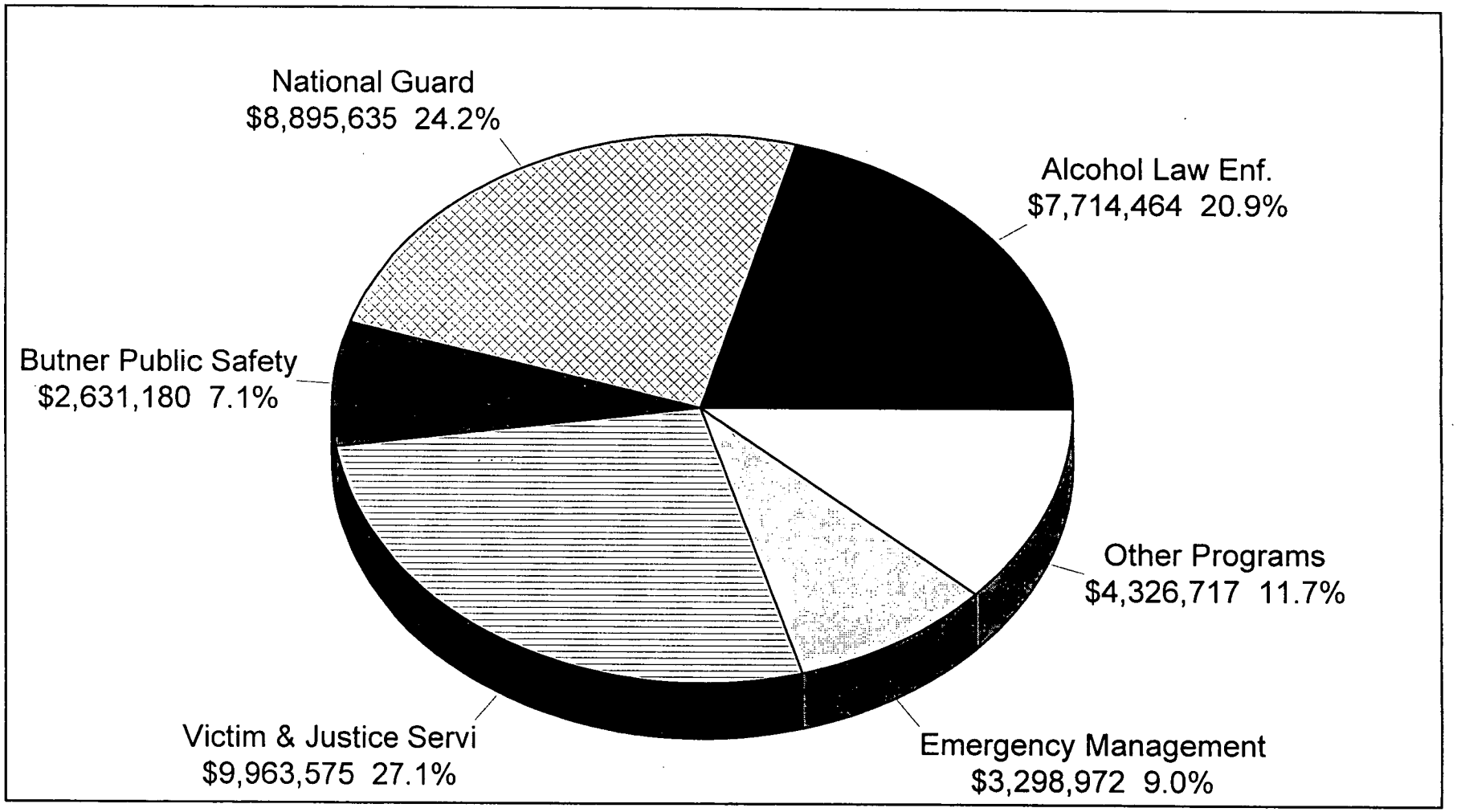
1998-99 General Fund Budget By Funding Source



1998-99 Authorized Budget (excluding the State Highway Patrol) = $326,588,140
(Source: 12/31/98 BD 701)

Crime Control and Public Safety

1998-99 Authorized General Fund State Appropriations By Major Program

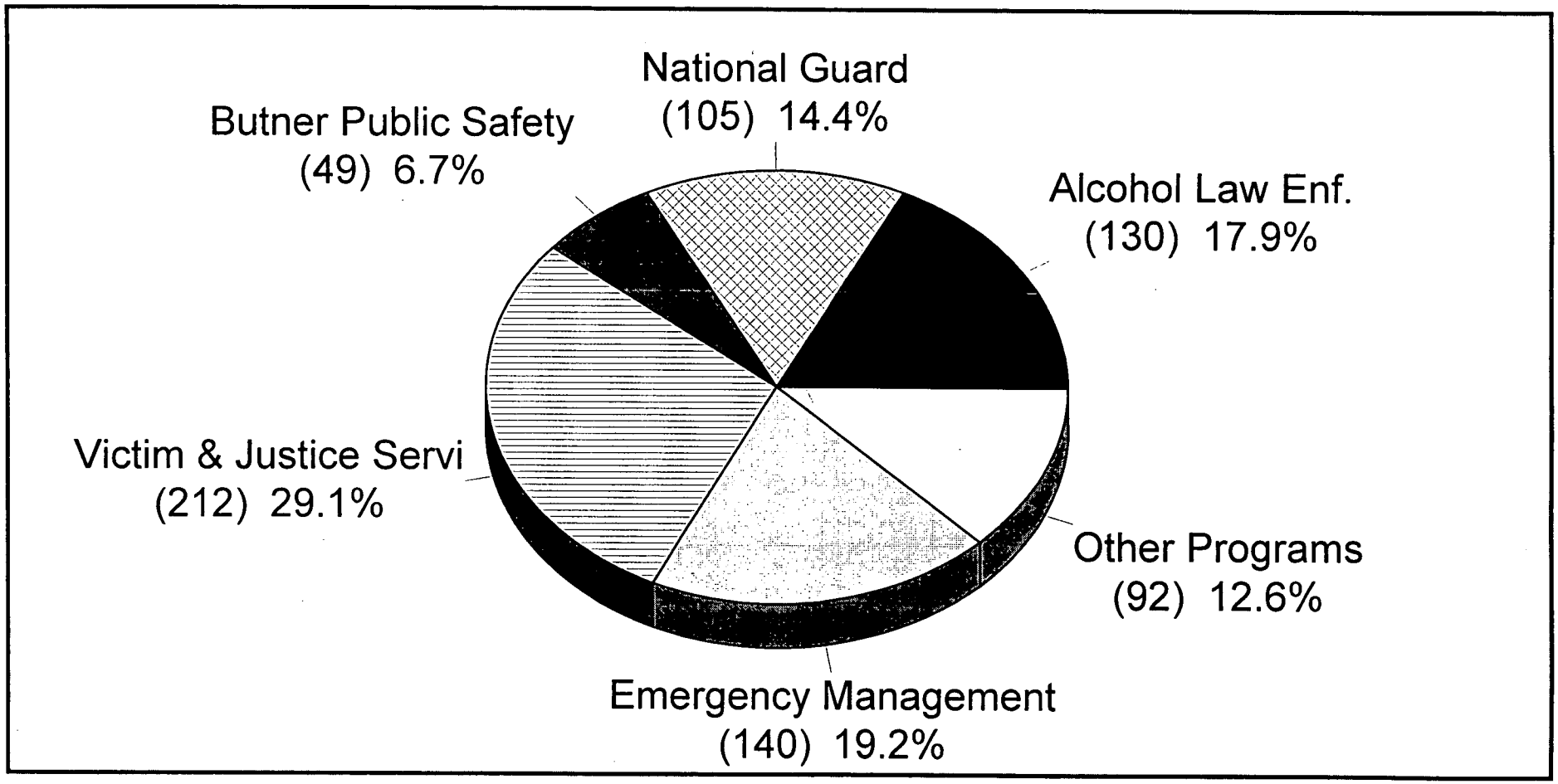


1998-99 Authorized General Fund Appropriations = $36,830,543

(Source: 12/31/98 BD 701)

Crime Control and Public Safety

1998-99 Positions by Major Program



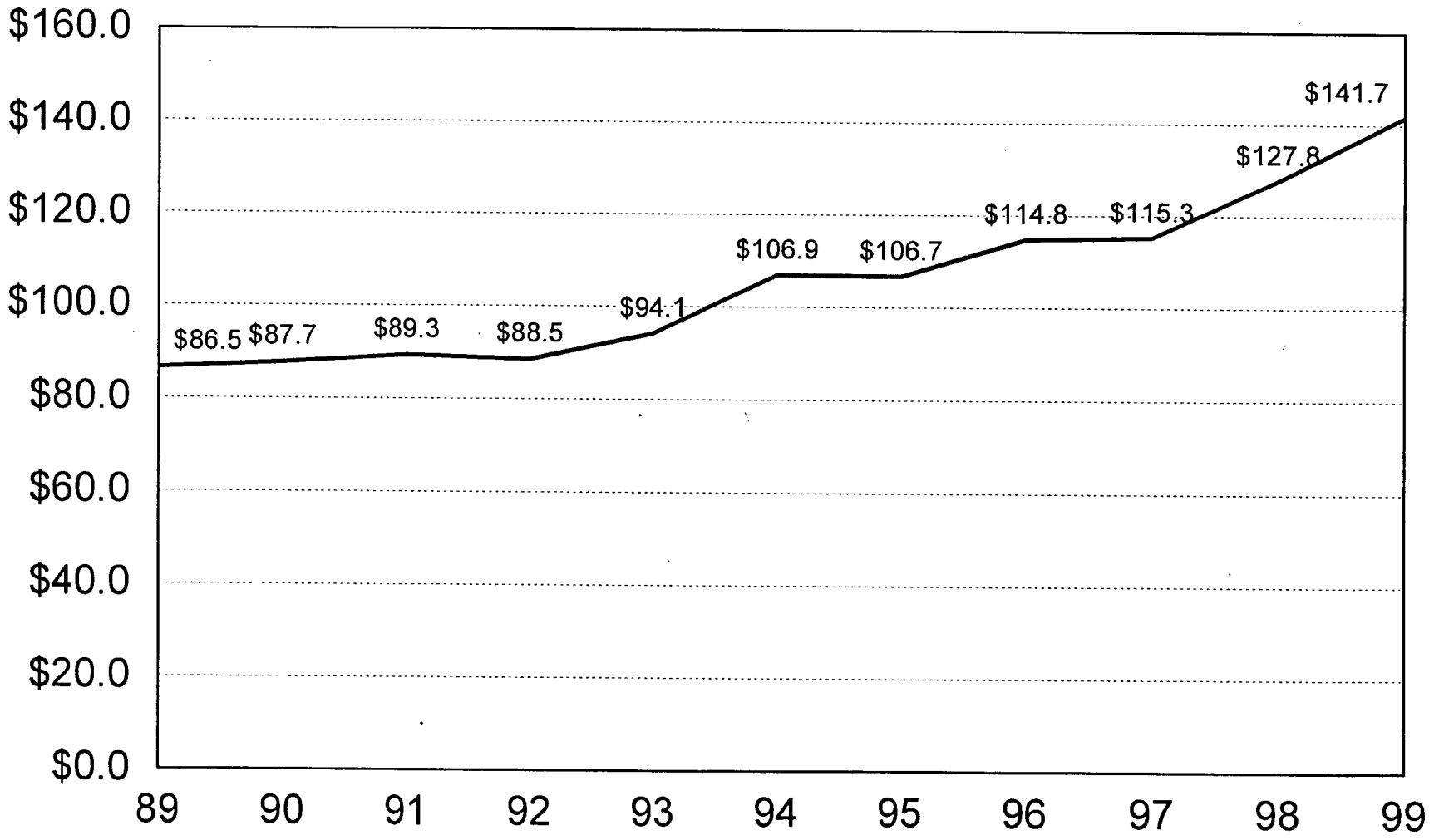
Total Number of Positions (excluding Highway Patrol) in 1998-99 = 728

(Source: Worksheet 1's Dated 1/28/99)

Crime Control and Public Safety

State Highway Patrol

Highway Fund Operating Budget for Fiscal Years 1989 - 1999 ($ in millions)



Source: FYs 1989-98 Actual Expenditures; FY 1999 = Authorized Budget per 12/31/98 BD701

Crime Control and Public Safety

State Highway Patrol

(Highway Fund)

- 1998-99 Authorized Budget -- $145,337,951
  - Highway Fund Budget -- $141,708,868 (97%)
  - Federal/Private Grants -- $3,629,083 (3%)
    - Highway Safety Programs
- Number of Positions 1,820
  - Number of Uniformed Officers -- 1,417 (an increase of 157 since FY 94)

(Source: 12/31/98 BD 701 and 1/28/99 Worksheet 1's)

Crime Control and Public Safety

Highlights of Budget Activity for the 1997-99 Biennium

- **Victim & Justice Services**
  - Community Service Work Program
    - In 1997-98, 73,689 offenders entered the Community Service Program, 2.3 Million hours of work were completed and 75% of offenders successfully completed their sanction.
    - The number of Coordinators increased from 120 in 1996-97 to 141 in 1998-99 through new positions and reallocation of clerical and supervisory positions.
    - The Legislature funded 5 of these new coordinators in 1997 and provided $15,000 to upgrade clerical positions in 1998.
  - Crime Victims Compensation Fund
    - The Victims Compensation Fund expended $3.56 Million in 1996-97 and $2.94 Million in 1997-98; the Rape Victims Assistance Fund expended $91,026 and $136,961 in those years.
    - The Victims Compensation Fund has $6.9 Million available for 1998-99 from General Fund Appropriation ($2 M) anticipated DOC receipts ($.94 M), VOCA receipts ($1.88 M) and carry-over from 1997-98 ($2.1 M)
    - 1998 Legislation increased the limits on certain kinds of compensation for victims.

Crime Control and Public Safety

Highlights of Budget Activity for the 1997-99 Biennium

- National Guard
  - Maintenance funds for armories
  - Additional funds for the Tuition Assistance Program
  - State match for maintenance positions for expanded Air National Guard Facilities
  - State match for Tarheel Challenge Program

- State Highway Patrol (Highway Funds)
  - Funding for 40 additional troopers
  - Mobile Data Computers for Patrol Cruisers (approx. 430 @ $3.9 m)
  - Mobile Data Network Project ($4.7m for 2nd and 3rd phases)

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday, February 25, 1999 – 8:30am
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan , Presiding

Representative Paul McCrary
Representative Ted Kinney
Representative Bill Culpepper

II. PRESENTATIONS

- Revised Prison Population Projections 1998- 2008

  Susan Katzenelson, Director, Sentencing and Policy Advisory Commission

- DOC Prison Capacity

  Jim Mills, Fiscal Staff

- Governor's Proposed Prison Budget Reductions

  Gregg Stahl, Assistant Secretary, Department of Correction
  Dan Stieneke, Director, Division of Prisons, DOC

III. COMMITTEE DISCUSSION/ OTHER BUSINESS

IV. ADJOURNMENT

NORTH CAROLINA SENTENCING and POLICY ADVISORY COMMISSION

REVISED POPULATION PROJECTIONS
FISCAL YEAR 1998/1999 to FISCAL YEAR 2007/2008

Prepared in Conjunction with
the Department of Correction's Research and Planning Office
RELEASED: FEBRUARY 1999

INTRODUCTION:

The attached table shows ten year prison population projections by fiscal year. The prison population projections were completed in two parts. The Sentencing Commission prepared projections of prison populations for all offenders sentenced on or after July 1, 1998 (new population). The Department of Correction prepared projections for all offenders in prison as of June 30, 1998 (stock population). The final combined projections take into account the decline of the stock population (structured sentence releases, parole releases, and "max-outs") and the buildup of the new inmate population (new sentences, probation revocations, parole revocations, and post-release supervision revocations). Added to these figures is the estimated number of "safekeepers" and DWI offenders held in the state prison system.

ASSUMPTIONS:

- All Fair Sentencing Act (FSA) felons in Offense Classes A through I and pre-Structured Sentencing misdemeanants will serve the same percentage of their active sentence as the percentage served by comparable FSA felons paroled in Fiscal Year 1997/1998.

- All Structured Sentencing Act (SSA) felons will serve 113 percent of their minimum active sentences, and all SSA misdemeanants will serve 96 percent of their active sentences (the actual percentages served by offenders released during FY 1997/1998).

- Rates of active sentences will match the rates during Fiscal Year 1997/1998 for all SSA offenders.

- Probation revocation rates will match rates during Fiscal Year 1997/1998.

CHANGES FROM PREVIOUS PROJECTIONS:

The 1999 revised population projections are somewhat higher than the population figures projected in 1998 due to a variety of reasons. The lowest prison population is projected to be in Fiscal Year 2000.

- Short-term projections were adjusted upward due to a higher projected growth rate in North Carolina's population and felony convictions. Projected growth rates in the volume of felony and misdemeanor convictions have been reviewed by the Sentencing Commission's *Forecasting Advisory Group* to reflect the following rates (compiled annually):[1]

---

[1]The *Forecasting Advisory Group* consists of representatives from the Sentencing Commission, AOC, DOC, SBI, Governor's Crime Commission, and Office of State Planning. The group forecasts growth rates after

TIME PERIOD	FELONY *Previous Growth Rate*	FELONY *Adjusted Growth Rate*
1998 to 1999	1%	2%
1999 to 2000	2%	2%
2000 to 2001	2%	2%
2001 to 2002	2%	2%
2002 to 2003	2%	2%

TIME PERIOD	MISDEMEANOR *Previous Growth Rate*	MISDEMEANOR *Adjusted Growth Rate*
1998 to 1999	1%	1%
1999 to 2000	1%	1%
2000 to 2001	2%	2%
2001 to 2002	2%	2%
2002 to 2003	2%	2%

- The rate of probation revocations has increased somewhat (driven possibly by Intermediate offenders on intensive probation), and the lag-time between the imposition of a probation sentence and its revocation has been increased from six months to 13 months, to reflect actual practices.

- The rate of Active sentences (and admissions) increased in some felony offense categories, such as habitual DWI's, due to legislative changes in penalties.

- Overall projections are and will continue to be affected by parole practices, due to a still-sizeable inmate population of FSA offenders (presently an approximated 14,000 of the state's inmates).

The Sentencing Commission's projections for the year 1999, as calculated in the past three years, varied only within a narrow range: 30,371; 31,177; and 31,624. The population projected for June 30, 1998 was **33,021**; the actual population on that date was **32,865**, a difference of **156** (or less than one half of one percent) prison beds.

PRISON CAPACITY:

Updated prison capacity projections were provided by the Department of Correction's Division of Prisons in February, 1999. These projections include both the Expanded Operating Capacity (EOC) and the Standard Operating Capacity (SOC) of all prison facilities. Based on these figures, the projected prison population will not supercede prison capacity until the year 2006 (*see* attached chart).

---

reviewing recent crime trends, arrest trends, court filing trends, state demographic trends, prison admission trends in other states, and various statistical forecasting models.

NORTH CAROLINA SENTENCING AND POLICY
ADVISORY COMMISSION

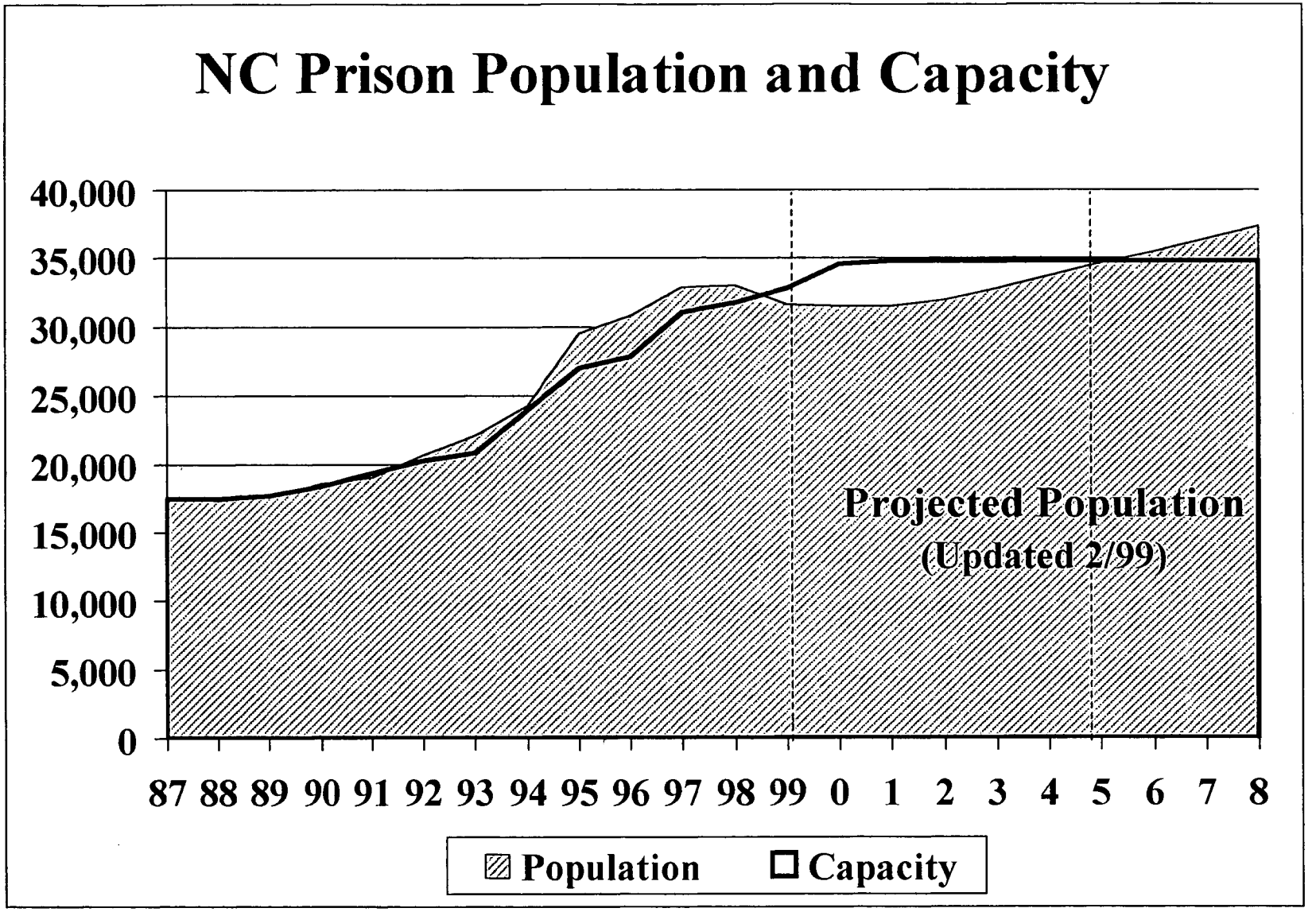
PRISON POPULATION PROJECTIONS:
UPDATED FEBRUARY 1999

PREPARED IN CONJUNCTION WITH THE DEPARTMENT OF
CORRECTION'S RESEARCH AND PLANNING OFFICE

FISCAL YEAR	PREVIOUS PROJECTION as of June 30	**REVISED PROJECTION as of June 30**	*ESTIMATE OF EXPANDED OPERATING PRISON CAPACITY*[1]	*ESTIMATE OF STANDARD OPERATING PRISON CAPACITY*[2]
99	31,177	**31,624**	32,825	28,345
00	30,475	**31,467**	34,493	29,629
01	30,743	**31,472**	34,717	29,885
02	31,228	**31,936**	34,717	29,885
03	31,828	**32,750**	34,717	29,885
04	32,469	**33,685**	34,717	29,885
05	33,199	**34,600**	34,717	29,885
06	33,937	**35,474**	34,717	29,885
07	34,617	**36,425**	34,717	29,885
08	---	**37,268**	34,717	29,885

[1] Expanded Operating Capacity (EOC) is the bed space count yielded by calculating the number of general population single cells with one inmate per cell, the number of cells that house two inmates, and the number of inmates in dormitories operating at varying percentages beyond their Standard Operating Capacity (SOC) which is rounded up to the closest double bunk configuration.

[2] Standard Operating capacity (SOC) is the bed space count yielded by calculating the number of general population single cells with one inmate per cell plus the number of inmates who can be housed in dormitories by dividing the gross square feet of each dormitory by 50 square feet and rounding to the closest double bunk configuration.



SOURCE: NC Sentencing and Policy Advisory Commission and NC Department of Correction

Notes: Prison population and capacity figures were prepared in conjunction with the NC Department of Correction's Research and Planning Office. Prison capacity figures reflect Expanded Operating Capacity, as revised by the DOC effective February 1999.

DEPARTMENT OF CORRECTION PRISON BED CAPACITY

WHAT IS PRISON BED CAPACITY?

Prison bed capacity is the number of prison beds funded and constructed for inmate occupancy. The two types of capacity are:

Standard Operating Capacity (SOC) – The SOC is the number of beds available to house inmates under these criteria: (1) 50 square feet of housing space per inmate in dormitories and, (2) one inmate per cell in single general population cells. **When operating at the SOC, a prison is 100% of capacity.**

Expanded Operating Capacity (EOC) – Each prison is also assigned an EOC bed space count. In some cases, the EOC is also 100% (primarily prisons with single cells and one inmate per cell). For the most part, however, prisons are allowed to operate at greater than 100% capacity. The best example is in prison dormitories -- the EOC for most dormitories is based on providing less than 50 square feet per inmate as established in the SOC, which in effect allows an increase in the number of inmates that can be housed. For example, housing inmates at 35 square feet per inmate allows a prison to operate at 130% of the SOC.

Prisons that operate at the EOC level do so by DOC policy or as allowed by court consent decrees. Settlement of the Small V. Hunt lawsuit originally required operation of 49 prisons at the SOC (100%) but modification of the consent decree over time allowed these 49 prisons to operate up to 130% of capacity (35 square feet).

Overall, the Department's EOC is calculated by determining:

(1) The number of single cells with one inmate;
(2) The number of single cells with two inmates; and,
(3) The number of inmates in dormitories operating at varying percentages beyond the SOC of 100%.

WHAT DOES DOC INCLUDE IN PRISON BED CAPACITY FIGURES?

DOC prison capacity policies are a combination of guidance from the Special Committee on Prisons in the 1980's, other legislative committees, the courts, and DOC internal policies. Capacity figures traditionally include:

- All standard prison beds
- hospital and mental health beds at prison units with hospitals (not infirmary beds)
- DART in-prison beds and private substance abuse beds (classified as minimum security).

The premise has been that these beds were permanent, fixed prison beds. IMPACT beds (boot camp) were included in capacity figures until transfer of the program to Probation and Parole was authorized by statute by the 1997 General Assembly.

Segregation beds have not been included in prison capacity because their primary purpose is control of inmate behavior, not to create extra bed space. The need for wardens and correctional superintendents to have these beds available as a behavior control tool, not just as a place to put any inmate for population control, has been long standing State and DOC policy.

Other beds not included in capacity are infirmary (sick call) beds, any beds set up as temporary beds in prison day rooms, and any temporary contract beds such as contracts with county jails.

Examples of Prison SOC and EOC

Private Prison:	SOC = 528	EOC = 528
Avery /Mitchell:	SOC = 624	EOC = 816
Tyrrell:	SOC = 500	EOC = 500

WHAT FACTORS DRIVE CHANGES IN CAPACITY FIGURES?

Capacity changes are based on **the date inmate occupancy will begin or end**, not the date of prison construction completion. Changes in capacity are due to:

- Construction of new prisons, new dorms or cellblocks at existing institutions, or renovation of existing space to add or subtract bed space

- Closing of prisons, dorms, or cell blocks

- Adjustments to individual prison bed counts (up or down) based on review and reassessment of existing space.

- Changes in estimated completion dates of prisons under construction and thus inmate occupancy dates.

- Staff Expansion -- additional security and program staff to provide for the supervision of additional inmates (In 1995, the General Assembly funded 422 positions so that EOC could be increased at Small V. Hunt prison units and various other units).

MAJOR CHANGES IN PRISON CAPACITY IN 1998

- Two Private Prisons opened, adding 1,056 beds to capacity
- Five GPAC prisons closed, reducing beds by 306
- Inmate Occupancy dates were pushed back for two prisons under construction. – dates are now 8/99 for Avery/Mitchell and 11/99 for Albemarle
- New modular dorms were opened/old modular dorms were closed.

MAJOR CHANGES IN PRISON CAPACITY SINCE 1998 SESSION

The last official change in the SOC and EOC during the 1998 short session was in July, 16 1998; DOC updated capacity figures on 2/19/99. The following capacity figures do not include proposed reductions in prison beds by the Governor. These figures are the starting point for discussion of the Governor's proposal in 1999.

End of Year	**7/16/98**	**2/19/99**
6/30/99	34,021	32,825 (-1196)
6/30/2000	34,837	34,493 (-344)

Why the difference between 7/16/98 and 2/19/99? The date for opening Avery Mitchell prison (816 beds) moved from 6/99 to 8/99 pushing bed availability into the 99-2000 fiscal year; there were also reductions from EOC to SOC for several minimum security modular prison dorms.

NORTH CAROLINA PRISON POPULATION VERSUS EXPANDED BED CAPACITY*

TIME PERIOD	INMATE POPULATION PROJECTIONS 1/98	1998 DOC *EXPANDED* CAPACITY** 7/16/98	PRISON BEDS OVER/ UNDER	INMATE POPULATION PROJECTIONS 1/99	1999 DOC *EXPANDED* CAPACITY 2/19/99***	PRISON BEDS OVER/ UNDER
6/30/1997 (Projected)	**33,021**	**31,631**	**-1,390**	-	-	-
(Actual)	**32,865**		**-1,234**	-	-	-
6/30/1999	31,177	***34,021***	**+2,844**	31,624	***32,825***	**+1,201**
6/30/2000	30,475	***34,837***	**+4,362**	31,467	***34,493***	**+3,026**
6/30/2001	30,743	34,837	**+4,094**	31,472	34,717	**+3,245**
6/30/2002	31,228	34,837	**+3,609**	31,936	34,717	**+2,781**
6/30/2003	31,828	34,837	**+3,009**	32,750	34,717	**+1,967**
6/30/2004	32,469	34,837	**2,368**	33,685	34,717	**+1,032**
6/30/2005	33,199	34,789	**+1,590**	34,600	34,717	**+117**
6/30/2006	33,937	34,789	**+582**	35,474	34,717	**-757**
6/30/2007	34,617	34,789	**+172**	36,425	34,717	**-1,708**
6/30/2008	-	-	-	37,268	34,717	**-2,557**

*Population projections are by Sentencing and Policy Advisory Commission 1/98 and 1/99.

**Expanded Operating Capacity (EOC) - - where allowed by policy, DOC will house more prisoners than the StandardCapacity of 100%. Beds must be funded and constructed or under construction to be included in official capacity figures.

***EOC as of 2/19/99 does not include beds contracted with county jails, beds funded for planning only or beds proposed to be closed by Governor in 99-2000 or 2000-01.

FRD 2/99

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NORTH CAROLINA PRISON POPULATION VERSUS EXPANDED AND STANDARD BED CAPACITY

	INMATE POPULATION PROJECTIONS 1/99*	DOC *EXPANDED* CAPACITY** 2/19/99	PRISON BEDS OVER/ UNDER	INMATE POPULATION PROJECTIONS 1/99*	DOC *STANDARD* CAPACITY 2/19/99 ***	PRISON BEDS OVER/ UNDER
6/30/1999	31,624	32,825	+1,201	31,624	28,345	-3,279
6/30/2000	31,467	34,493	+3,026	31,467	29,629	-1,838
6/30/2001	31,472	34,717	+3,245	31,472	29,885	-1,587
6/30/2002	31,936	34,717	+2,781	31,936	29,885	-2,051
6/30/2003	32,750	34,717	+1,967	32,750	29,885	-2,865
6/30/2004	33,685	34,717	+1,032	33,685	29,885	-3,800
6/30/2005	34,600	34,717	+117	34,600	29,885	-4,715
6/30/2006	35,474	34,717	-757	35,474	29,885	-5,589
6/30/2007	36,425	34,717	-1,708	36,425	29,885	-6,540
6/30/2008	37,268	34,717	-2,557	37,268	29,885	-7,383

*Population projections by Sentencing and Policy Advisory Commission released 1/99

**Expanded Operating Capacity (EOC) - - where allowed by policy, DOC will house more prisoners than the standard capacity of 100%. Beds must be funded and constructed or under construction to be included in official capacity figures. EOC as of 2/19/99 does not include beds contracted with county jails, beds funded for planning only or beds proposed to be closed by Governor in 1999-2000 or 2000-01.

***Standard Operating Capacity (SOC) – Assumes each prison operates at 100% of capacity.

FRD 2/99

CAPACITY AND BUDGET ISSUES

1. **Criminal Penalty Bills** – Capacity figures assume no additional criminal penalty bills will be ratified by the General Assembly. The cumulative impact of criminal penalty bills must be tracked each session to ensure members are aware of impact of all bills affecting prison incarceration.

2. **Type of Bed Needed versus Type Available** – The potential "surplus" beds in the out years are a mix of minimum and medium security. However, implementation of Structured Sentencing to-date has resulted in the need for more close custody cells and fewer medium and minimum cells.

3. **Lowering Expanded Capacity** – Certain prisons, although allowed to operate at a high EOC, could potentially operate more safely and effectively at a lower EOC or at 100%, thus using up bed capacity.

4. **Closing or Converting GPAC or other prison units**

5. **Population Projections** – Population projections are estimates; actual population figures are likely to vary by a small percentage. Consideration of the need for a safety margin (X % above projections?) should be part of the budget discussion.

DEPARTMENT OF CORRECTION

GPAC Prison Facilities

February 1999

GPAC Minimum Security Prison Facilities			
Facility	Standard Operating Capacity	Expanded Operating Capacity	Daily Cost Per Inmate FY 1997-98
Alamance Correctional Center (proposed to be closed)	46	56	$ 52.55
Gates Correctional Center (proposed to be closed)	76	96	$ 45.19
Goldsboro Correctional Center (consolidated - proposed to be closed)	64	86	$ 37.81
Granville Correctional Center closed	n/a	n/a	n/a
Guilford Correctional Center	110	124	$ 60.05
Halifax Correctional Center closed	n/a	n/a	n/a
Haywood Correctional Center	106	122	$ 54.94
Henderson Correctional Center	114	134	$ 49.13
Martin Correctional Center (closed 12/98)	n/a	n/a	n/a
Mecklenburg Correctional Center (closed 12/98)	n/a	n/a	n/a
Person Correctional Center closed	n/a	n/a	n/a
Richmond Correctional Center closed	n/a	n/a	n/a
Sandy Ridge Correctional Center (closed 12/98)	n/a	n/a	n/a
Stokes Correctional Center (proposed to be closed)	46	56	$ 56.05
Warren Correctional Center closed	n/a	n/a	n/a
Watauga Correctional Center (closed 12/98)	48	54	$ 71.24

NOTES

- SOC's and EOC's were updated 2/24/99
- The average daily cost per inmate for all minimum security prison units was $51.27 in fiscal year 1997 - 98
- The most cost efficient minimum security prison unit in fiscal year 1997 - 98 was the Rutherford Correctional Center at a daily cost per inmate of $33.86

GPAC Medium Security Prison Facilities			
Facility	Standard Operating Capacity	Expanded Operating Capacity	Daily Cost Per Inmate FY 1997-98
Alexander Correctional Center (closed 12/98)	n/a	n/a	n/a
Avery Correctional Center (closed - operating with A/M staff)	n/a	n/a	n/a
Currituck Correctional Center (proposed to be converted)	56	68	$ 85.87
Davie Correctional Center closed	n/a	n/a	n/a
McDowell Correctional Center consolidated	n/a	n/a	n/a
Moore Correctional Center closed	n/a	n/a	n/a
Rockingham Correctional Center closed	n/a	n/a	n/a
Scotland Correctional Center (converted to min)	44	48	$ 89.46
Stanly Correctional Center (proposed to be closed)	64	92	$ 81.58
Union Correctional Center (converted to min)	64	94	$ 80.43
Vance Correctional Center closed	n/a	n/a	n/a
Washington Correctional Center closed	n/a	n/a	n/a
Yadkin Correctional Center (converted to min - proposed to be closed)	72	106	$ 60.69
Yancey Correctional Center (closed - operating with A/M staff)	n/a	n/a	n/a

NOTES:

- The SOC's and EOC'S were updated 2/24/99
- The Scotland and Yadkin units were converted to minimum custody during the 1996-97 fiscal year
- The average daily cost per inmate for all medium security prison units was $67.44 in fiscal year 1997 - 98
- The most cost efficient medium security prison unit in fiscal year 1997 - 98 was the Craggy Correctional Center at a daily cost per inmate of $51.08

Department of Correction

Projected Prison Populations Compared to Prison Capacities

February 1999

Projected Prison Populations Compared to Prison Capacities					
Fiscal Year	Standard Operating Capacity without proposed adjustments	Expanded Operating Capacity without proposed adjustments	Sentencing Commission Population Projection as of June 30	Expanded Operating Capacity with proposed adjustments	Standard Operating Capacity with proposed adjustments
99	28,345	32,825	31,624	32,825	28,345
00	29,629	34,493	31,467	32,159	28,973
01	29,885	34,717	31,472	32,383	29,229
02	29,885	34,717	31,936	32,383	29,229
03	29,885	34,717	32,750	32,383	29,229
04	29,885	34,717	33,685	32,383	29,229
05	29,885	34,717	34,600	32,383	29,229
06	29,885	34,717	35,474	32,383	29,229
07	29,885	34,717	36,425	32,383	29,229
08	29,885	34,717	37,268	32,383	29,229

Department of Correction
Division of Prisons
Planned and Proposed Adjustments to Capacity
February 1999

Planned and Proposed Adjustments to Prison Capacity					
Facility	Inmate Occupancy Date	System-wide Standard Operating Capacity (SOC) Adjustment	System-wide Standard Operating Capacity (SOC) Cumulative	System-wide Expanded Operating Capacity (EOC) Adjustment	System-wide Expanded Operating Capacity (EOC) Cumulative
Beginning Capacities	1/99		27,935		32,463
Adjust EOC for four openned modulars	2/99		27,935	(40)	32,423
Modular Housing opens - 3 units	2/99	108	28,043	118	32,541
Modular Housing opens - 10 units	3/99	360	28,403	360	32,901
Modular Housing opens - 1 unit	4/99	36	28,439	36	32,937
Close Avery and Yancey Units	4/99	(94)	28,345	(112)	32,825
Avery/Mitchell unit opens	8/99	624	28,969	816	33,641
Proposed EOC Adjustments - 16 units	8/99		28,969	(830)	32,811
Proposed close Alamance & Goldsboro	8/99	(110)	28,859	(142)	32,669
Proposed close Gates & Nash min	9/99	(160)	28,699	(204)	32,465

Planned and Proposed Adjustments to Prison Capacity					
Facility	Inmate Occupancy Date	System-wide Standard Operating Capacity (SOC) Adjustment	System-wide Standard Operating Capacity (SOC) Cumulative	System-wide Expanded Operating Capacity (EOC) Adjustment	System-wide Expanded Operating Capacity (EOC) Cumulative
Proposed close Blanch	9/99	(80)	28,619	(88)	32,377
Proposed close Stanly & Stokes	10/99	(110)	28,509	(148)	32,229
Proposed close Iredell	10/99	(60)	28,449	(92)	32,137
Proposed eliminate dbl celling 3 units	10/99		28,449	(624)	31,513
Propose close Yadkin & Cleveland	11/99	(136)	28,313	(206)	31,307
Albemarle unit opens	11/99	624	28,937	816	32,123
Modular housing opens	11/99	36	28,973	36	32,159
Central Prison new death row	4/01	196	29,169	196	32,355
Central Prison close K&O dorm	4/01	(148)	29,021	(244)	32,111
NCCIW new dormitory	4/01	208	29,229	272	32,383

Department of Correction
Division of Prisons
Proposed Adjustments to Capacity
February 1999

Proposed Adjustments to Prison Capacity				
Facility	Annual Budget	Staff	SOC	EOC
Alamance Correctional Center	$ 878,640	28	46	56
Wayne Correctional Center (min)	721,740	23	64	86
Blanch Correctional Institution	4,236,300	135	80	88
Stokes Correctional Center	876,640	28	46	56
Gates Correctional Center	910,020	29	76	96
Stanly Correctional Center	1,349,340	43	64	92
Yadkin Correctional Center	1,273,870	39	72	106
Iredell Correctional Center	2,479,020	79	60	92
Cleveland Correctional Center	1,976,940	63	64	100
Nash Correctional Institution (min)	413,130	15	84	108
Marion Correctional Facility (dbl cells)	1,569,000	50	n/a	208
Pasquotank Correctional Facility (dbl cells)	1,569,000	50	n/a	208
Central Prison (dbl cells)	1,412,100	45	n/a	208
EOC Adjustments at 16 minimum units	3,059,618	108	n/a	830
TOTALS	**$22,725,358**	**735**	**656**	**2,334**

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
February 25, 1999
Minutes

The Joint Appropriations subcommittee on Justice and Public Safety met on February 25, 1999 at 8:30AM in room 612 LOB. Attending the meeting were three Senate members and the following House members:

Rep. Paul McCrary	Rep. William Culpepper
Rep. Debbie Clary	Rep. Scott Thomas
Rep. Phillip Haire	Rep. Jim Horn
Rep. Larry Justus	Rep. Joe Kiser

Rep. Wayne Sexton

Senator Luther Jordan chaired the meeting. He introduced the pages and Ms. Susan Katzenelson, Director of the Sentencing and Policy Advisory Commission. Ms. Katzenelson distributed a handout titled Revised Population Projections, from which she spoke. The handout is attached. Because of structured sentencing, projections regarding the number of prisoners can be made. A large number of prisoners, about 4,000 will be eligible for parole. These prisoners were sentenced prior to structured sentencing. Revocation of probation takes about 13 months. In response to a question by Rep. Justus, the recidivism rate is currently unknown but is over 40% which is pretty much as the national average. Rep. Kiser asked Ms. Katzenelson about prior revisions. She stated that projections were made available in December 1998 and the numbers have not changed. Rep. Kiser wanted to know if it is true that projections were revised upward about 400 and he wondered how Standard Operating Capacity goes down as projections rise. Rep. Kiser further commented that crimes are not decreasing in North Carolina and property crimes are rising. He stated it would be a mistake to transfer money out of Justice and Public Safety into other programs.

Mr. Jim Mills, fiscal staff, passed out a handout titled Department of Correction Prison Bed Capacity. Mr. Mills explained Standard Operating Capacity and Expanded Operation Capacity. SOC means a prison is occupied at 100% of capacity. EOC means it is operating at 130%, which allows 35 square feet per prisoner. Segregation beds, nor infirmary beds, are included in prison capacity. The handout explains factors which drive changes in capacity figures as well as 1998 changes in capacity. Closing GPAC units reduced capacity permanently. If all is the same now (Feb. 1999) the SOC is under by 3,279 beds. In response to a question by Rep. Kiser, Mr. Mills said the SOC for dormitory style prisons is 50 sq. ft. per inmate. The Department of Corrections determines safety and sets EOC accordingly. It could be 35 sq. ft. or less.

In response to a question by Rep. Haire, Avery prison will take 400+ to staff. Rep. Sexton said the committee needs to consider how far out of kilter it is going with the need for more close custody beds.

In response to a question by Re. Justus, Mr. Mills said we cut from the Department of Corrections $65 million in 1997 and $21 to $22 million in 1998.

Mr. Gregg Stahl, Department of Corrections was introduced. Mr. Stahl distributed a handout titled DOC, GPAC Prison Facilities. (GPAC = Government Performance Audit Committee). North Carolina has a high staff to prisoner ratio. It has been recommended that prisons housing less that 100 prisoners be closed. Five units in Warren County were closed. One larger facility will open in Avery, which will allow for closing some smaller less efficient units in the western part of the state. Mr. Stahl continued to discuss the handout, mentioning that the Rutherford Correctional Center operated most efficiently at a cost of $33.86 per inmate. The average daily cost per inmate for minimum security units was $51.27 per inmate. 85% of costs is staffing. In response to Rep. Sexton, Mr. Stahl said less efficient units drive average up. A closing of 2100 beds is planned. In response to Rep. Kiser, road gangs do drive the costs up. Costs are actually not a measure of efficiency.

Mr. Stahl also distributed another handout titled DOC Projected Prison Populations Compared to Prison Capacities. He discussed that handout. By the year 2003, the prisons are projected to be over populated. The next handout by Mr. Stahl is titled DOC Division of Prisons Planned and Proposed Adjustments to Capacity, February 1999. After discussing that handout, Mr. Stahl distributed a final handout Proposed Adjustments to Prison Capacity. This handout shows staff, SOC and EOC. The total savings amount to $22,725,358.

In response to Senator East, in the private prisons, the staff to inmate ratio is about 140/528 or 1 to 4 or 5. We think the ration should be about 200 to 528. In response to Rep. Sexton, we are fairly comfortable with the opening dates of Avery Mitchell though construction is not in hands of DOC.

In response to Rep. Sexton, most minimum security facilities have a work release program. Funding is based on receipts of $14 per day to inmate for room and board but this does not decrease the cost of the unit. A report regarding work release will be given to the committee.

At 10 AM Senator Jordan adjourned the meeting.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

VISITOR REGISTRATION SHEET

Justice and Public Safety — 2/25/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Buddy Humphrey	OSBM
Larry Dix	Office of Juvenile Justice
Jimmy Hevener	NC Sentencing Commission
John Madar	Sentencing Commission
[illegible]	DOC
Peg [illegible]	NC Conference of D.A.s
Chuck Crann	OSPL
Jarrett Jackson	Legislative Intern - Sen Jordan
Marylinn Schofield	Pre-Paid Legal Services, Inc
Lloyd C. Sugg	PRE PAID LEGAL SERVICES INC
Barry Smith	Freedom Newspapers

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
EDDIE CALDWELL	NC Sheriffs Assn / NC Law Enf Off Assn
[illegible]	NCAC
Patrice Reeder	NCACC
Dennis Patterson	AP
DAVID RICE	W-S JOURNAL
Joe McCleos	Legislative Lawyer Com of N.C.
A.A. Adams	Victim Advocate
[illegible]	[illegible]

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES	AM 3/2	PM 3/2													
Rep. Kinney, Chair	✓	✓													
Rep. McCrary, Chair	✓	✓													
Rep. Culpepper, Chair	A	A													
Rep. Thomas, Vice Chair	A	A													
Rep. Clary	A	✓													
Rep. Haire	✓	A													
Rep. Horn	✓	✓													
Rep. Justus	✓	✓													
Rep. Kiser	✓	✓													
Rep. Sexton	✓	A													
Senate Members															
Sen. Luther Jordan	✓	✓													
Sen. Frank Ballance	✓	A													
Sen. Tony Rand	A	A													
Sen. John Carrington	A	A													
Sen. Don East	✓	A													
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday, March 2, 1999 – 8:30 am and 2:30 pm
Room 612, Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Ted Kinney, Presiding
Representative Paul McCrary
Representative Bill Culpepper

II. PRESENTATIONS

- Overview of SB 1260 – Juvenile Justice Reform Act

  Susan L. Hayes, Staff Attorney, General Assembly Research Division

- Overview of Juvenile Budget

  Jim Mills, Fiscal Research Staff
  Marilyn Chism, Fiscal Research Staff

Afternoon

- Comments by Judge William Arnold, Director Administrative Office of the Courts

- Overview of Judicial Department Budget

  Charles Perusse, Fiscal Research Staff

III. COMMITTEE DISCUSSION/ OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

MARCH 2, 1999

MINUTES

HOUSE MEMBERS PRESENT: [8] Representatives Kinney, McCrary, Clary, Haire, Horn, Justus, Kiser, and Sexton

Senate Members Present: [3] Senators Jordan, Ballance, and East

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday March 2 at 8:30 a.m. and 2:30 p.m. in room 612. Representative Kinney, presiding, called the first meeting to order. Representative Kinney let the pages introduce themselves, then introduced Susan Hayes, staff attorney, for a presentation.

Jim Mills informed the committee that today would complete the overviews of the various departments' budgets. For the rest of the week, staff will cover each budget in detail.

Susan Hayes explained the Juvenile Justice Reform Act (See Attachment A). Ms. Hayes reminded members of some key term words. A 'delinquent' juvenile is one who has committed a crime, either a felony or a misdemeanor. An 'undisciplined' juvenile is one who is out of his/her parents' control, such as skipping school or running away from home; where an actual crime has not yet been committed. Instead of using terms such as found guilty, in the juvenile system, they use 'adjudication'. And instead of using punishment or sentence they use the words 'disposition' or 'disposition alternative'.

Representative Kiser asked if the local Juvenile Council replaces the CBA Board, and will that occur in all the councils.

Mr. George Sweat, Director of the (newly formed) Department of Juvenile Justice answered yes, it does replace the Youth Services Council and over 60 counties have submitted applications according to the new law.

Representative Kiser indicated concern over services funded by the CBA, will that be affected by the change?

Mr. Sweat replied that the funding issue at the local level should be coordinated through that Juvenile Crime Prevention Council.

Representative Kiser asked if the local agencies would be required to give a larger portion to the cost share.

Mr. Sweat said, at this point, the answer to that is undetermined.

Representative Kiser asked if there was a six-month minimum stay at the Training Schools in cases when that disposition is selected.

Ms. Hayes answered yes. Exceptions may apply if age presents a conflict.

Representative Kiser asked how the 90-day post supervision requirement affects the minimum stay requirement; could the 90 days be part of the six-month disposition?

Ms. Hayes answered that each is independent of the other.

Representative Haire asked if the counties would be reimbursed for office space provided for juvenile court council and staff.

Ms. Hayes replied that it is existing law to require counties to provide office space, and it was simply restated in the new code.

Senator Jordan asked how court council is appointed and employed. He explained that the reason for his question was because he has noticed a lack in sensitivity to minority needs and the lack of African American juvenile court counselors.

Ms. Hayes referred the question to Ms. Jeanne Bonds from the Administrative Office of the Courts (AOC). Ms. Bonds answered that typically they are appointed by the chief court counselor in each district, supervised by them and overseen by the central staff of the AOC. She mentioned that there has been sensitivity training for court officials as well as court counselors.

Senator Jordan followed up with stressing the importance of Black role models, and that this matter should be a high priority.

Mr. Sweat agreed with Senator Jordan's point, and acknowledged that he is in the process of addressing that issue.

Senator Jordan expressed the desire to have current statistics and a later follow-up to show improvement in the areas of concern.

Representative Justus wanted to know how the total budget drops while the number of positions increased.

Jim Mills replied that details on the budget would be given later.

Representative Justus asked how much of a county mandate are we putting on the county in increased office space and other expenses.

It was stated that, that information is not available at this time.

Representative Horn asked if it is required to have pre-sentencing investigations on all juvenile cases.

Ms. Hayes answered that a predisposition report is not required under current law, in juvenile court. If a report is done prior to adjudication, there must be consent given by either a parent or the juvenile. Under the new code it is required, but only after adjudication. There is a provision for a judge to proceed with the disposition without a report if he feels that sufficient information has been provided. Generally it has be required to have a predisposition report considered at the time of disposition.

Representative Horn restated his question, and asked what specifically is the predisposition report.

The report includes the child's social history; if the parents are divorced; if one of the parents has been in jail; if a sibling has been in trouble with the law; if the child has ever been suspended from school; any prior offenses that the child has had. Prior offenses must be given to determine the level of disposition.

Rep Horn asked if a study had been done in setting up the system to determine the cost of requiring a predisposition report.

Ms. Hayes referred the question to Larry Dix of the Office of Juvenile Justice.

Mr. Dix said that although it is not a requirement, most offices across the state do an intake assessment summary. The new law would also require a risk assessment to be done to go along with any information that has been collected.

Representative Horn asked if there was any kind of study done, regarding not keeping a juvenile sentenced past his/her 21st birthday.

Ms. Hayes replied that several different fiscal notes have been prepared to see how much it would cost to retain a child after that time. Keeping a juvenile much past the age of 18 require a great expense.

Representative Horn asked if there was a study to determine who or why some are kept after 21 and others are not.

The decisions have been fiscally/financially driven, responded Ms. Hayes.

Jim Mills and Marilyn Chism gave an overview of the juvenile budget (See Attachment B). Mr. Mills at the end of his presentation, entertained questions.

Representative Haire asked if there is a breakdown in how many positions would be needed to service parent involvement for this area.

Mr. Mills acknowledged that fiscal analysts working with the judicial department, did produce a fiscal note that addressed necessary staff increases for different areas, including what would be needed to stimulate parent involvement.

Senator Ballance asked why there is disparity in the funding of Training Schools and Detention Centers versus Eckerd programs.

Mr. Mills answered that it is due to staffing and programming. Eckerd Programs and Multi-purpose homes do not require as many staff, and the programs are more cost effective.

Senator Ballance commented that later he'd like legislative staff to go over the different expenses in detail to possibly reduce overall costs.

Representative Kiser asked if there would be more cost allocated to the local governments.

Mr. Mills replied that to his knowledge, the allocation has not changed.

Representative Kiser followed with asking if a juvenile is sent to a state detention center, does the county have to pay for that.

Mr. Mills answered that the county where the offender is charged pays 50%.

Representative Justus noted that the handout shows an 80% domestic completion rate. He wanted to know how that rate was computed.

Mr. Mills did not have that information at this time, but he will try to get it.

Representative Justus requested that the questions asked by committee members be bolded in the minutes.

Representative Kinney promised to look into the matter.

Marilyn Chism gave her portion of the presentation, then asked for questions.

There being no questions at that time, Representative Kinney adjourned the meeting until the afternoon, to reconvene at 2:30. Senator Jordan noted that tomorrow's meeting would be held in room 415.

Representative Kinney called the second meeting to order. In the absence of Judge Arnold, Deputy Jeanne Bonds was introduced to give a presentation.

Ms. Bonds stated that Judge Arnold was called away to meet with some court officials in Cumberland County. On his behalf, they are appreciative of the support the Subcommittee has given to them in the past. She offered herself and Chris Marks to be available for any questions regarding their department.

Charles Perusse was then introduced to present the overview of the Judicial Department Budget. Mr. Perusse discussed the handout Overview of Key Fiscal and Policy Trends (See Attachment C).

Representative Justus pointed out a disparity in funding listed on two different charts.

Mr. Perusse informed Representative Justus that there were some smaller programs that he did not include, such as the special council for the mentally ill, and money that goes to the State Bar.

Representative Clary noted that more money is being spent on the Indigent Defense Fund than the District Attorneys' Office.

Mr. Perusse acknowledged that as true.

Representative Justus asked for an average caseload for each superior court judge and the details of each case.

Mr. Perusse answered that there are tables and they will be presented to the committee tomorrow morning.

Representative Justus asked to also be given how each district counts their court cases.

Mr. Perusse answered that he can later provide that information.

Representative Kiser noted that there have been more case filings but crime has been indicated as dropping.

Mr. Perusse believes that the difference is due to the growth of the total state population raising the number of actual filings. The rate is still falling.

Representative Kiser asked how many Victim Rights/District Attorney Assistants the General Assembly funded last year?

The answers was: two years ago, the General Assembly funded 60 then 45 became available when the Victims Right Act was passed, so 105 were funded during the last two years.

At 2:30 p.m. Representative Kinney called the second meeting to order.

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The answers was: two years ago, the General Assembly funded 60 then 45 became available when the Victims Right Act was passed, so 105 were funded during the last two years.

Representative Kiser asked if the two were to be separated again, as in the past, which would fund each area.

Mr. Perusse admitted that he didn't have the answer to that question. If it were to happen, the committee would solve the problem if faced with that dilemma.

Representative Kiser asked if we have a total of the money collected in court filing fees and how much revenue was returned to the state?

Chris Marks from the Administrative Office of the Courts answered that $90 million is the total state revenue that goes to the General Fund.

Representative Justus asked staff to find out how productive the Legislative Assistants are compared to Victims Assistants prior to the change and how their time is utilized.

Senator Jordan asked to have some information put together regarding domestic violence. Apparently it is operating under three areas: Department of Administration, Human Resources and the Judicial Department. Would money be saved if all were combined?

There being no further business, the meeting was adjourned and members were reminded of the room change starting tomorrow.

Paul R. McCrary
Rep. Ted Kinney
(Signed by Rep. McCrary due to the illness of Rep. Kinney)

Eryn Gee
Eryn M. Gee
Committee Assistant

Attachment A

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October 22, 1998

MEMORANDUM: SUMMARY OF SENATE BILL 1260 - JUVENILE JUSTICE REFORM*

PART I. TRANSFER OF EXISTING JUVENILE SERVICES FUNCTIONS TO THE OFFICE OF THE GOVERNOR AND CREATION OF STATE AND LOCAL ADVISORY COUNCILS.

Office of Juvenile Justice. Effective January 1, 1999, the Office of Juvenile Justice (Office) is established within the Office of the Governor. Juvenile justice responsibilities and all personnel, funds, duties, and facilities relative to juvenile justice currently split between the Division of Youth Services in DHHS and the Division of Juvenile Services in the Administrative Office of the Courts will be merged within the Office of Juvenile Justice. Counties will be required to provide office space for juvenile court counselors and support staff as assigned by the new Office of Juvenile Justice. Placement of the Office of Juvenile Justice within the Office of the Governor is intended to be a temporary measure which will facilitate consolidation of the existing agencies while allowing the Governor time to study the best options for permanently locating the consolidated entity within an existing or new principal State department. On or before April 1, 2000 the Governor must submit the plan to the General Assembly for its approval. In the meantime, on or before May 1, 1999 the Governor must report his recommendations regarding the proposed organizational structure and staffing of the Office to the Co-chairs of the Joint Legislative Commission on Governmental Operations and to the Co-chairs of the Appropriations Committees of the Senate and the House of Representatives.

Juvenile Crime Prevention Councils. Effective January 1, 1999, each board of county commissioners must appoint a Juvenile Crime Prevention Council as a prerequisite for receiving funding for juvenile court services and delinquency prevention programs. Each Council may include up to 25 persons representing specified local educational, human services, court and law enforcement interests and other public interests. Each council will annually review the needs of troubled juveniles within the county and examine the assets and resources available to address those needs. Small or rural counties within the same judicial district may establish a multi-county council to examine the benefits of joint program development. The Office of Juvenile Justice will develop a funding mechanism to ensure that guidelines for the state/local partnership funding process will support effective programs that will allow for and encourage local flexibility and will maximize the efficient combination of resources.

State Advisory Council on Juvenile Justice and Delinquency Prevention. Effective January 1, 1999, a new State Advisory Council on Juvenile Justice and Delinquency Prevention will be established in the Office of the Governor. The Governor and Chief Justice will co-chair the Council, which must meet at least four times a

year. The Council will advise the Office of Juvenile Justice and other state agencies serving juveniles, and will develop recommendations about priorities and needed improvements within those agencies. The Advisory Council will review and comment on the proposed budget for the Office of Juvenile Justice and will report its recommendations to the General Assembly by March 1 of each year.

PART II. REVISION OF NORTH CAROLINA JUVENILE CODE AND OF RELATED LAWS REGARDING JUVENILES.

Effective July 1, 1999, existing provisions of the General Statutes governing juveniles are revised and recodified into a new Juvenile Code which encompasses many current provisions related to abuse, neglect, and dependency as well as other statutes related to supervision and control of minors. Portions of the Juvenile Code governing delinquent and undisciplined juveniles are substantially rewritten to place a stronger emphasis on punishment and protection of the public. The Office of Juvenile Justice, The Administrative Office of the Courts, and the Department of Justice shall provide training for all necessary personnel on the provisions of the revised Juvenile Code. The major changes are outlined herein.

Jurisdiction Over Delinquent And Undisciplined Juveniles. When a juvenile is adjudicated of an offense that if committed by an adult would be first degree murder, first degree rape, or a first degree sex offense, jurisdiction may be retained until the juvenile reaches the age of 21 years. If the juvenile is adjudicated of any other offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, jurisdiction may be retained until the juvenile reaches the age of 19 years. Under prior law, the court's jurisdiction over any delinquent juvenile would have terminated when the juvenile reached the age of 18. Jurisdiction over undisciplined juveniles is extended to include 16- and 17-year-olds who are beyond the disciplinary control of their parent, guardian, or custodian.

Fingerprints And Photographs. A law enforcement officer or agency is required to fingerprint and photograph a juvenile 10 years of age or older, when the juvenile is in custody and alleged to have committed a nondivertible offense. The fingerprints and photograph must be destroyed when a petition is not approved for filing, when the court does not find probable cause, or when the juvenile is not adjudicated delinquent.

Appeal of Transfer Decision. A district court order of transfer to superior court may be appealed to superior court for a hearing on the record. Failure to appeal the order to superior court will waive appeal of the issue to the Court of Appeals upon final disposition of the case. Upon appeal of the order to superior court, the judge must within a reasonable time review the record of the transfer hearing and upon a finding of abuse of discretion relating to the transfer decision may remand the case for adjudication. If the case is remanded, the district court judge must determine whether the juvenile should be in secure custody. The issue of transfer may be appealed to the Court of Appeals only after the juvenile is convicted in superior court.

Disposition Options for Undisciplined and Delinquent Juveniles. Three offense classifications are established. "Violent" offenses include Class A through Class E felonies; "serious" offenses include Class F through Class I felonies or Class A1 misdemeanors; and "minor" offenses include all other misdemeanors. Before the dispositional hearing, the intake counselor is required to compute the juvenile's "delinquency history level," based on points assigned for prior adjudications and for probation status at the time of the offense. Three levels of disposition are established: Level 1 (community), Level 2 (intermediate), and Level 3 (commitment). A disposition chart indicates which level or levels of disposition are available in a particular case, depending

upon the offense classification and the juvenile's delinquency history level. When a juvenile is adjudicated delinquent for more than one offense at a given time, the court must consolidate the offenses for disposition and must base the disposition upon the class of the offense and the delinquency history level for the most serious offense. Additional provisions are added regarding the application of the chart in the case of probation violators and habitual juvenile offenders.

With some exceptions, a juvenile committed to training school may not remain committed for longer than an adult could be committed for the same offense. Requirements for the post-release supervision planning process for juveniles committed to training school are set out and every juvenile released from training school is required to complete at least 90 days of post-release supervision.

Juvenile Court's Authority Over Parents; Employment Protection. Upon appropriate motion, the court may issue a show cause order directing a parent to appear and show cause why the parent should not be found in civil or criminal contempt for willful failure to comply with an order of the court. The court may order a parent to attend parental responsibility classes if available in the judicial district in which the parent resides, and may order the parent to cooperate with and assist in the enforcement of probation or other court orders. To the extent the parent is able to do so, the court may order the parent to provide the juvenile with necessary transportation, support, supervision or residential facility costs, private medical insurance coverage, and court-appointed attorney fees. Employers are prohibited from discharging or demoting any employee who is required to attend a hearing involving an undisciplined or delinquent juvenile for which the employee is the parent, guardian or custodian.

Juvenile Records and Disclosure of Information. The revised Juvenile Code may direct the clerk to "seal" any portion of a juvenile's record, so that it may be examined only by court order. Any portion of the record which is not sealed may be examined and copies may be obtained by the juvenile or one acting on behalf of the juvenile, or by an appropriate court officer. The prosecutor may share with a sworn law enforcement officer any information obtained from a juvenile's record, but the law enforcement officer may not photocopy any part of the record. With respect to records and information concerning juveniles under jurisdiction of the court, the Office of Juvenile Justice may authorize designated agencies to share information in order to protect the juvenile. Shared information remains confidential among the agencies involved. Information acquired by a school pursuant to Juvenile Code provisions requiring disclosure of certain information to a juvenile's school may not be the sole basis for a decision to suspend or expel a student. The Criminal Justice Information Network is expanded to include the sharing of juvenile justice information among law enforcement, judicial, and corrections agencies.

Expunction of Records. A juvenile's record may be expunged when the juvenile reaches the age of 18 and has been released from the juvenile court's jurisdiction for a minimum period of 18 months. Under no circumstances may an adjudication for a felony Class A- Class E be expunged.

PART III. SENTENCING COMMISSION DIRECTIVES.

The North Carolina Sentencing and Policy Advisory Commission is directed to evaluate juvenile dispositional laws and policies in relation to stated purposes of the revised Juvenile Code and the availability of dispositional alternatives. The Sentencing Commission will develop a facilities population simulation model for the Office of Juvenile Justice and determine long-range needs of the juvenile justice system by identifying critical

problems in the system, assessing the cost-effectiveness of state and local funding for the system, and recommending priorities for the allocation of juvenile justice funds. A representative of the Office of Juvenile Justice will serve on the Commission.

PART IV. DIRECTIVES, STUDIES, REPORTS AND TRAINING.

Minority Sensitivity Training. Not later than May 1, 1999 the Department of Justice will develop and annually conduct minority sensitivity training for all law enforcement personnel. The training will be designed to enhance communication between law officers and minority juveniles, and to identify and address the needs of officers with regard to minority juveniles. The training will also serve as a means of assessing on an annual basis the degree to which race is a factor influencing dispositions within the juvenile justice system. Within Department guidelines, local law enforcement agencies may develop and implement training at the local level. The Office of Juvenile Justice shall ensure that all juvenile court counselors and other Office personnel receive training.

Study of Abuse, Neglect, and Dependency. The Legislative Research Commission is authorized to study findings of the Court Improvement Project and to report to the 1999 General Assembly its recommendations regarding abused, neglected, and dependent juveniles.

Juvenile Justice Information Plan and System. The governing board of the Criminal Justice Information Network will plan and develop a comprehensive juvenile justice information system to collect specified data and information about alleged delinquent juveniles. The board will also study the fingerprinting and photographing of juveniles alleged to be delinquent and the expunction of juvenile records, and will report its findings and recommendations by May 1, 1999 to the Chairs of the House and Senate Appropriations Committees and the Fiscal Research Division of the General Assembly.

Community-Based Alternatives. The Office of Juvenile Justice will establish two probation option pilot programs - GRASP and On Track. The Office will also develop a cost-effective plan to establish statewide community-based dispositional alternatives for delinquent juveniles along with a funding strategy to encourage communities to provide local resources, services, and treatment options to meet the physical, emotional, and mental needs of juveniles and their families. The Office will examine judicial districts that experience high crime rates and will make recommendations with regard to which of those districts should have non-residential day reporting centers for juveniles assigned to intensive supervision. The report must be made by April 1, 2000 to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and to the Fiscal Research Division of the General Assembly.

Blended Sentencing and Direct Filing Study. The Office of Juvenile Justice, in consultation with the North Carolina Sentencing and Policy Advisory Commission, will study blended sentencing and direct filing in certain juvenile cases. Blended sentencing is a combination of adult and juvenile sentencing under specific circumstances. Direct filing would allow a prosecutor to charge a juvenile as an adult absent a juvenile court hearing. The Office will report the results of the study, along with any legislative recommendations, to the General Assembly not later than March 15, 2000.

Family Courts. The Administrative Office of the Courts (AOC) will establish family court pilot programs in selected district court districts. The pilot programs will follow published guidelines and will be assigned to hear

all matters involving intrafamily rights. AOC will submit a report regarding the success and impact of the programs not later than March 1, 2000 to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and to Fiscal Research Division of the General Assembly.

Miscellaneous Matters Assigned to Office of Juvenile Justice. The Office of Juvenile Justice is assigned the following tasks:

- Develop a risk and needs assessment instrument which it will present to the Joint Legislative Commission on Governmental Operations by May 1, 1999
- Study funding for delinquency and substance abuse prevention in cooperation with the Department of Health and Human Services and report by May 1, 1999
- Evaluate juvenile delinquency programs and report on case management and services study with the Department of Public Instruction. by April 1, 2000
- Report on apparent effectiveness of Juvenile Justice Reform Act by October 1, 2000.
- Study overrepresentation of racial minorities in the juvenile justice system and report annually, final report by May 1, 2002.
- Study use of detention facilities and report by May 1, 1999, and again by January 15, 2001

Alternative Education Study. Requires the Department of Public Instruction to study and recommend by May 1, 1999 methods the State might use to provide alternative educational programs for students suspended or expelled from school.

PART XII. FACILITIES CONSTRUCTION.

The Office of State Construction in the Department of Administration will supervise construction, renovation, and demolition of juvenile facilities during 1998-99 and to report by May 1, 1999 any changes in projects and allocations for 1998-99.

*Adapted from summaries contained in The Daily Bulletin, published by The Institute of Government

BUDGET OVERVIEW -- TRENDS FOR JUVENILE PROGRAMS AND CURRENT BUDGET FOR OFFICE OF JUVENILE JUSTICE

Joint Appropriations Subcommittee on Justice and Public Safety

FRD 3/2/99

Attachment B

Office of Juvenile Justice

January 1, 1999

1. Juvenile Services (Court Services-- Judicial Department)

    - Intake
    - Adjudication
    - Post Release

2. Youth Services (DHHS)

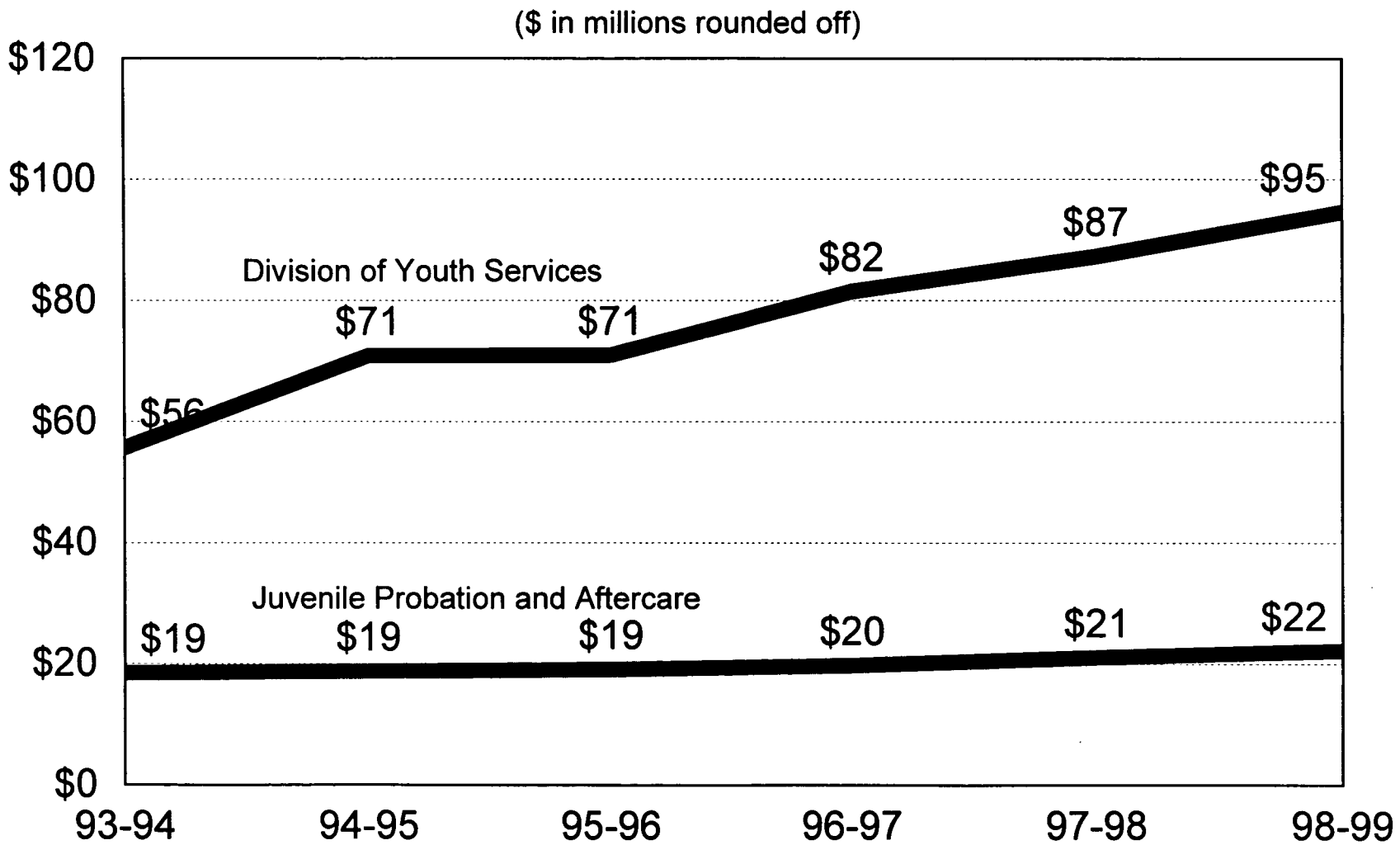
    - Local Community Based Programs (CBA's)
    - Eckerd Wilderness Camps
    - Governor's One on One
    - Support our Students
    - Detention Centers
    - Training Schools
    - Multi-purpose Homes

→ Office of Juvenile Justice, Office of the Governor

Final Organizational Placement -- Report by April, 2000

2

Trends in Juvenile Program Budget -- Net State Appropriations*



* Figures are actual expenditures each year through 97-98 and authorized budget for 98-99. Does not include 98-99 Juvenile Justice Reserve (total $17.3 M of which $14.9M is to be allocated to new Office of Juvenile Justice or $600,000 in transfers to OJJ)

Office of Juvenile Justice

Major Programs and Key Facts

- **Institutions**

  - ***Training Schools***
    - Provide treatment, education, and rehabilitative services for committed juveniles ages 10-15

    - 5 schools with a maximum workable treatment population of 811 (825 beds on 2/99, based on 43 new beds minus 18 beds at JEC due to roof problem). Cost per bed $48,000 annual
    - 1,118 admissions with an avg. daily population of 836 and avg. stay of 8.6 mos.

  - ***Detention Centers***
    - Provide secure, safe custody for juveniles/Provide a dispositional alternative

    - 10 state operated schools and 4 county operated schools w/ 314 beds (4/99)
    - 5,546 admissions with an average daily population of 220 and avg. stay of 14 days for regular admittees and 68.6 days for boundovers to adult court
    - Operating cost per bed was $47,000 Avg 18 – 24 beds in each

Source: DYS Sourcebook for 1997 (96-97 figures) unless otherwise noted

Office of Juvenile Justice

Major Programs and Key Facts

- **Community Services**
  - ***Local Grants (formerly Community Based Alternatives)***
    - Established in 1977
    - Provides treatment, intervention, and prevention servies designed to keep troubled youth in their home commnities.
    - 590 programs (treatment-444, intervention-124, and prevention-22)/35,000 youth served
    - Total funding (federal, state, local funding) = $32.3 million
  - ***Governor's One on One***
    - Eestablished in 1982
    - Matches adult volunteers who spend at least 4 hour per week in a one on one relationship with a troubled youth.
    - 61 programs/1,823 youth served
    - Total Funding (including state and local contribution) = $3 million
  - ***Support Our Students***
    - Established in 1994
    - Provides after-school enrichment activities for at risk students in grades K-9
    - 170 after school programs in 64 counties/over 10,000 school students served.
    - Total funding including local cash and in-kind match = $9.1 million

Source: DYS Sourcebook for 1997 (96-97 figures) unless otherwise noted

Office of Juvenile Justice

Major Programs and Key Facts

- **Community Services (Continued)**

  - ***Eckerd Camps***
    - Established in 1977
    - Year-round residential treatment program that addresses the individual needs of adolescents with behavior problems
    - 6 camps operated under contract with Eckerd Youth and Family Alternatives, Inc.
    - 281 youth admitted w/ an avg daily population of 273 and an 84.8% completion rate
    - Average stay is 325 days with annual cost of $24K per youth.

  - ***Multipurpose Homes***
    - Established in 1993
    - Provides secure non-institutional alternatives to training schools and secure detention
    - Six 8 bed homes are operated under contract by private providers
    - 238 youth admitted w/ an 86% occupancy rate and an 80% successful completion rate.
    - Average stay is 59 days with annual cost of $8,510 per juvenile.

Source: DYS Sourcebook for 1997 (96-97 figures) unless otherwise noted

Juvenile Program Budgets -- Key Trends*

- Crime Session Funding for Youth Services (94-95)
  - $7.2 Million operating funds for 147 training school beds (224 positions to staff new or renovated cottages funded with 1990 Prison Bond Funds -- brought beds from 664 to 811, the current bed count
  - $5 Million for Community-Based Alternatives program
  - $2.5 Million for two Eckerd Wilderness Camps
  - $1.15 Milion for Gov One-on-One Program

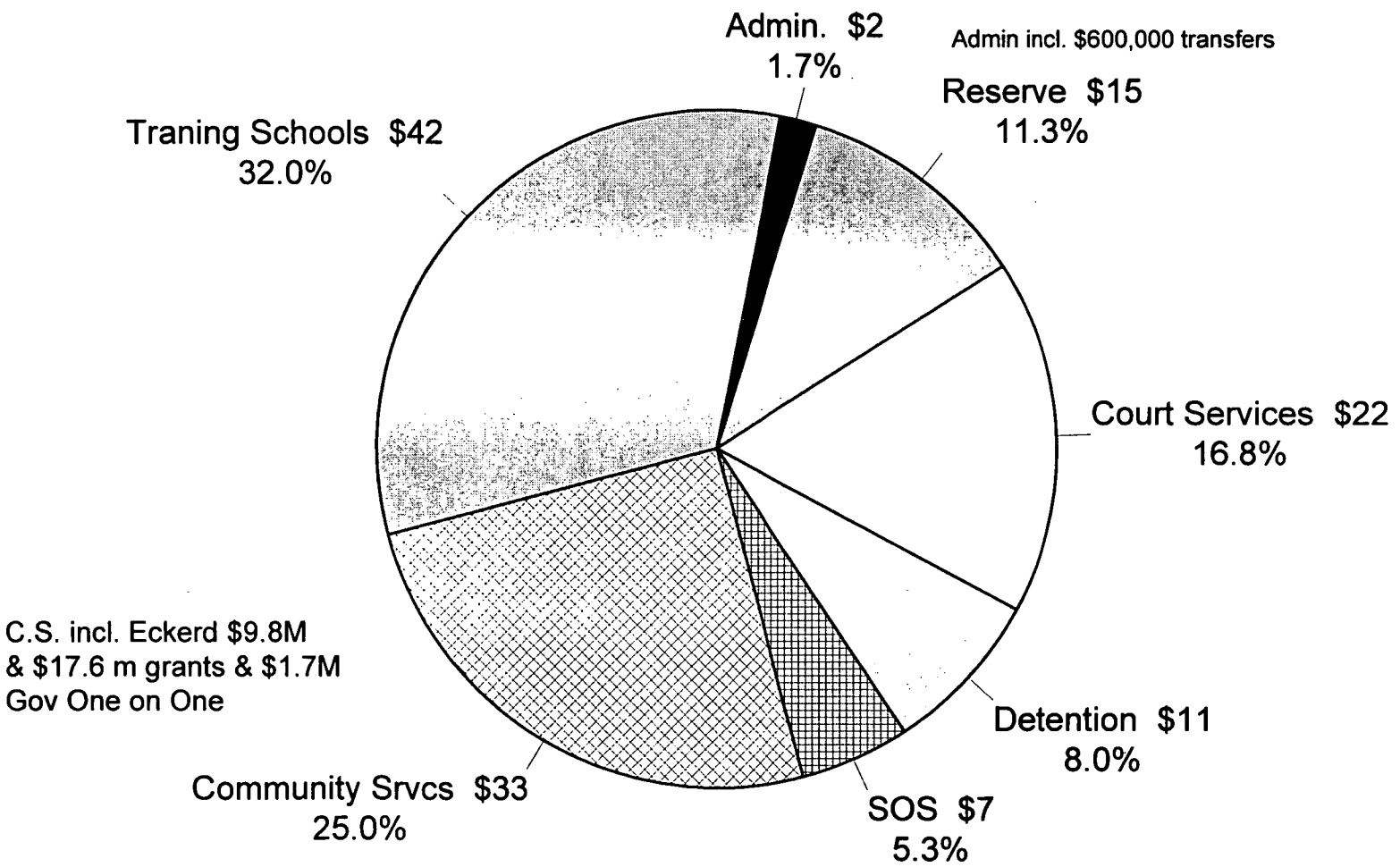
- Youth Services Expansion 96-97 and 97-98
  - $2.7 Million (estimate) for detention center operations and staffing to support new beds
  - 1995 -- 191 Det Beds (108 state/83 local); 1999 -- 314 Det. Beds (211 state/103 local 4/99)
  - $1.25 Million Community-Based Alternatives program
  - $1 Million Expansion for Support our Students Program (SOS) (NOTE: SOS originally under Office of DHR Secretary/program transferred to DYS in July, 1996.

- Juvenile Probation and Aftercare
  - Court Counselors in 97-98 (25 positions)

*Budget growth in Division of Youth Services (DYS) and AOC- Juvenile Probation and Aftercare (Court Services)

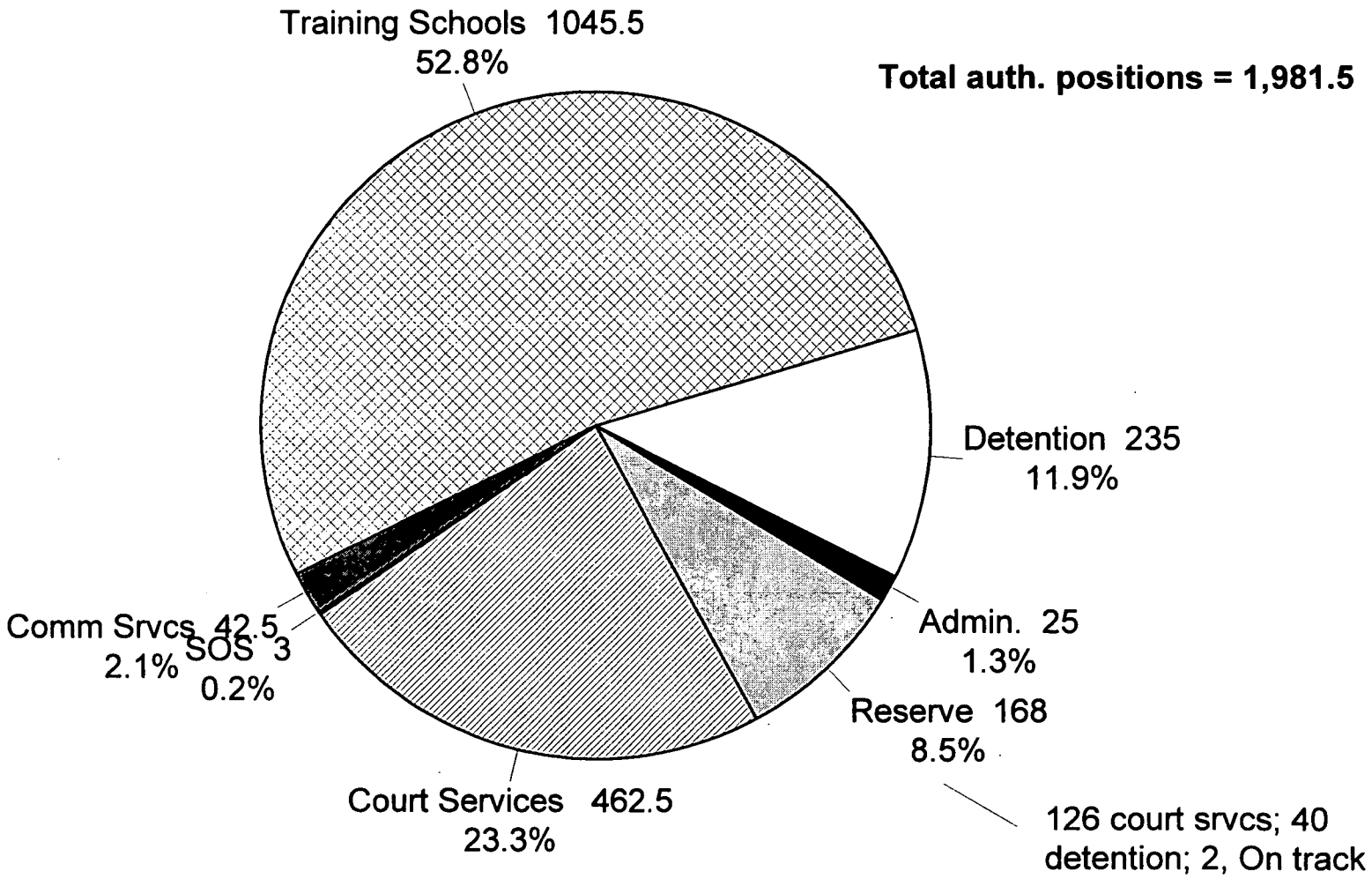
Office of Juvenile Justice -- 1998-99 Authorized Budget

Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Sources: (1) BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services, (2) Juvenile Justice Reserve ($14.9 M), (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

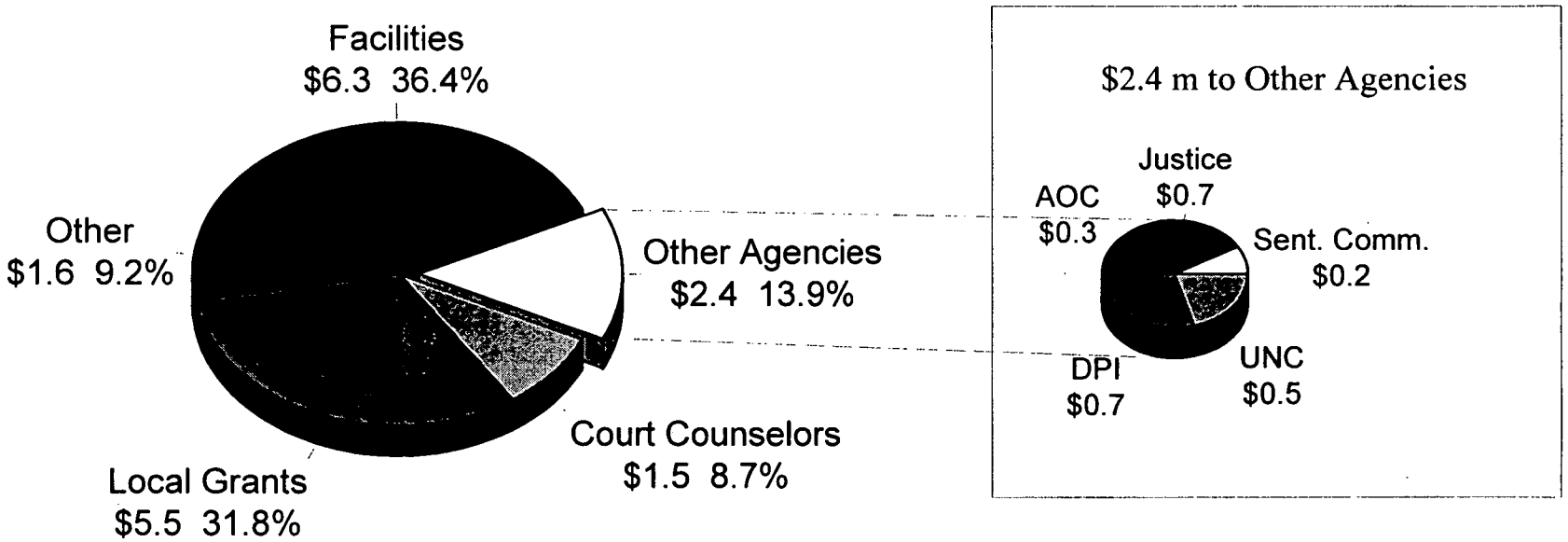
Office of Juvenile Justice Authorized 98-99 Positions*



Authorized positions for OJJ from Worksheet 1 1/28/99; certified positions on 11/19/98 were 1,976.35 (5.15 fewer)

Juvenile Justice Reserve

1998-99 State Appropriations By Areas



Total Reserve is $17.3.

Office of Juvenile Justice will receive $14.9; $2.4 million will go to other agencies.

1998-99 Juvenile Justice Reserve

Major Funding Initiatives

- **Office of Juvenile Justice**

  - **Facilities ($5.8 million nonrecurring/$484K recurring)**
    - $1 million for planning and designing 208 training school beds
    - $4.8 million to construct 2 -24 bed detention centers
    - $484K to operate 32 beds converted from temporary beds

  - **Court Services ($563K nonrecurring/$930K recurring)**
    - $1.5 million for 100 court counselors/26 support staff effective 4/1/99 and 6/1/99.

  - **Programs/Sanctions ($4.6 million nonrecurring/$2.5 million recurring)**
    - $5.5 million for local grants with priority to day reporting, substance abuse treatment and family services
    - $1.2 million for an Eckerd Wilderness Camp and 4 -8 bed Multipurpose Homes
    - $226K for 3 GRASP sites, 2 On-Track pilots, and Electronic House Arrest devices
    - $150K for at-risk study and development of substance abuse prevention plan

1998-99 Juvenile Justice Reserve

Major Funding Initiatives

- **Other Agencies**

  - **Department of Justice:**
    - $720K to begin development of the Juvenile Information System (JNet)

  - **Administrative Office of the Courts:**
    - $318K for 3 family court pilots to begin March 1.

  - **UNC Board of Governors**
    - $500K for the Center for the Prevention of School Violence

  - **Sentencing Commission**
    - $120K for Research Analysts & Contractual Services to support juvenile data collection and simulation model

  - **Department of Public Instruction**
    - $700K for Communities in Schools

Office of Juvenile Justice

Key Issues for the 1999 Long Session

- **Continuation**
  - Governor's budget proposes $13-$14 million to continue/annualize 1998-99 initiatives
  - 71% is for court counselors ($5m) and local programs ($5m)

- **Expansion**
  - SB 4 and HB 4 propose $9.3 m and $11.7 m in 1999-2000 and 2000-2001, respectively
  - Appropriate Sanction and Treatment Programs
  - Juvenile Information System (JNet)

- **Capital**
  - 250 Training School Beds needed within next 5 years
  - Minimum of 48 Detention Beds needed within next 3 years
  - Updated projections (prelim in 4/99) may affect capital needs

- **Availability of Federal Funds**
  - Grants administered by Governor's Crime Commission
    - Juvenile Accountability Incentive Block Grant ($4.4 million)
    - Drug Control and System Improvements (Byrne Grant) ($11.8 million)
    - Juvenile Justice Delinquency Prevention Grant ($2.0 million)

Judicial Department

Overview of Key Fiscal and Policy Trends

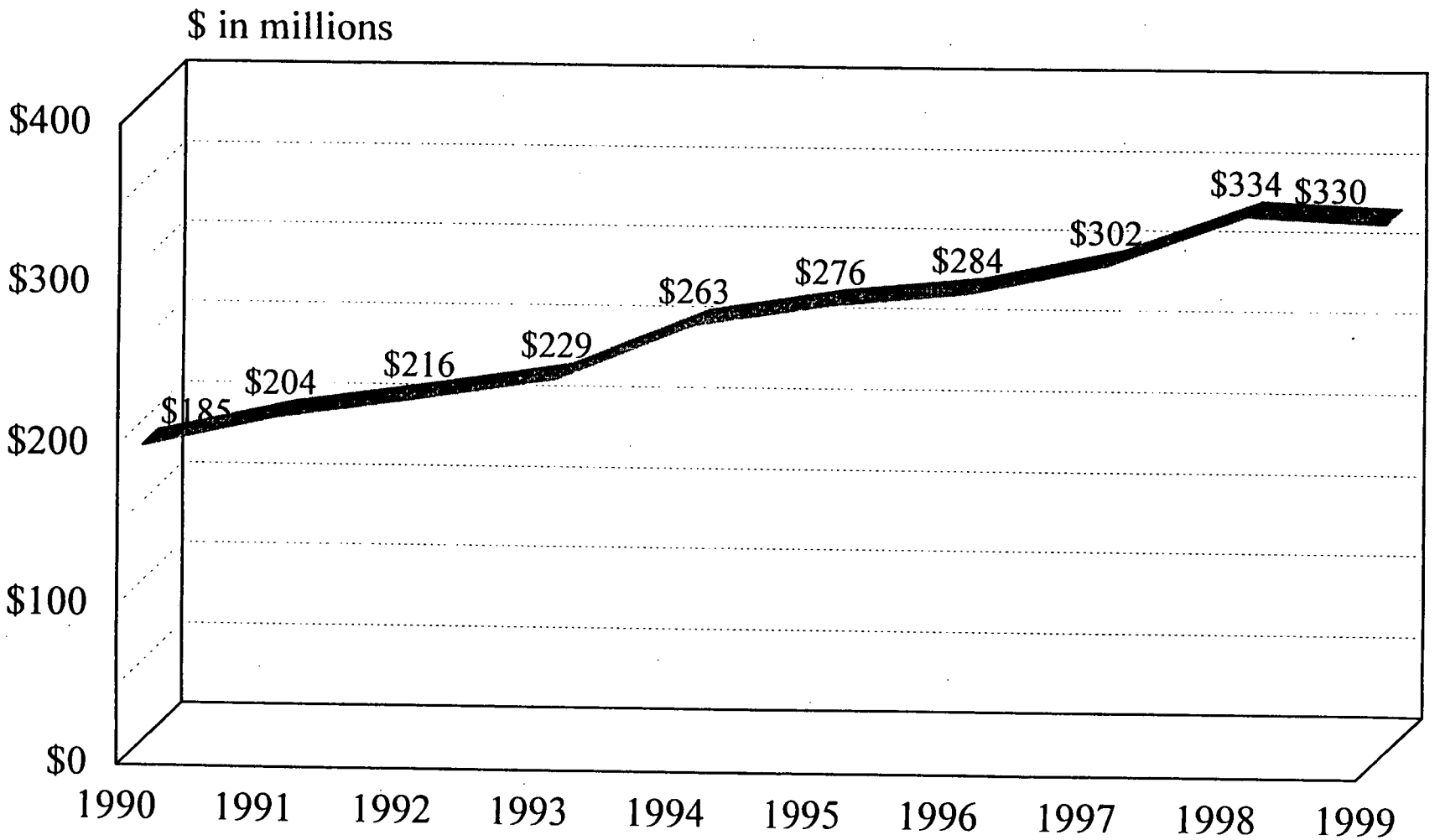
Joint Appropriations Subcommittee on Justice and Public Safety
March 2, 1999

2:30

Attachment C

Judicial Department

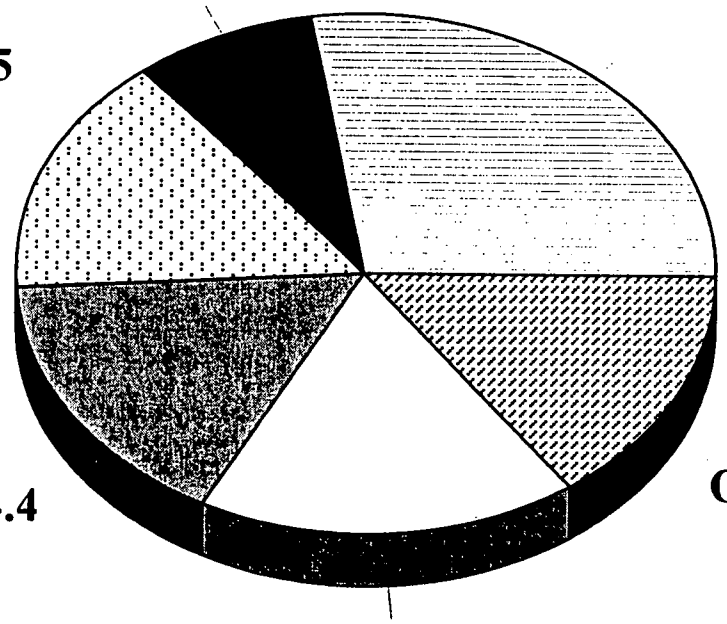
General Fund Expenditures FY 1990 - 1999



*FY 1998-99 figure based on authorized budget as of 12/31/98 excluding Juvenile Services ($22.2m) - Total State General Fund Budget has Increased Approximately 69% Over Same Period ($7.4 to $12.5 Billion)

Judicial Department

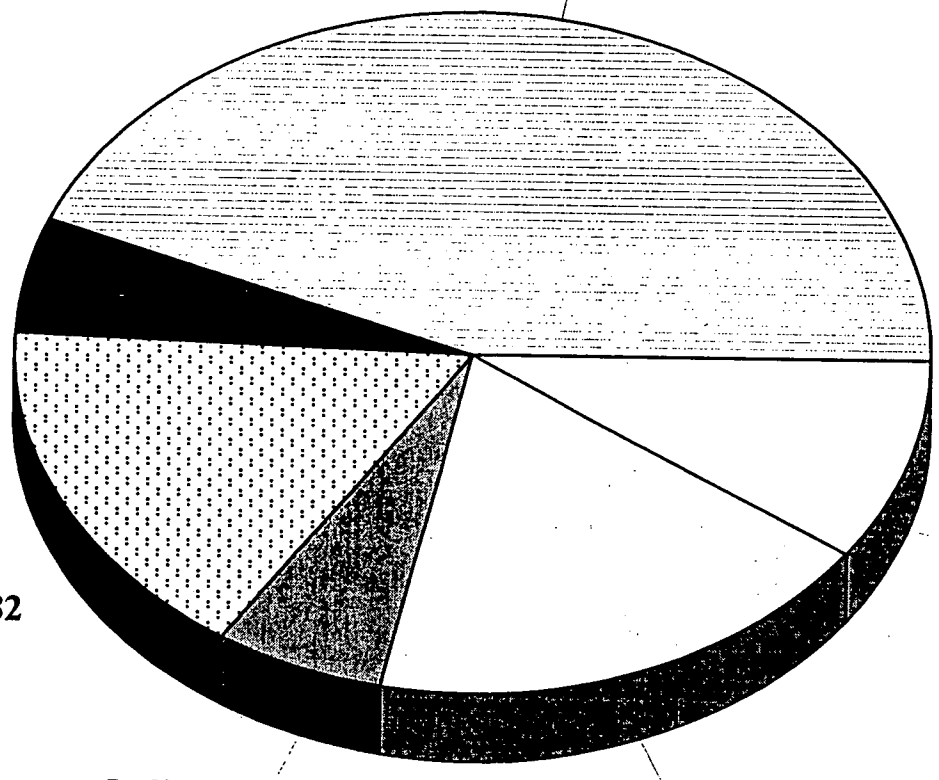
FY 1998-99 Authorized General Fund Budget by Program ($ in millions)



*Total Authorized General Fund Budget (excluding Juvenile Services) is $330m
Source: BD 701 Report as of 12/31/98

Judicial Department

FY 1998-99 Authorized Positions by Major Program



Total State Funded Positions in 1998-99 is 5,249 (excludes Juvenile Services Division)

Judicial Department

Growth in Personnel - - FY 1989-90 through 1998-99

	89-90	90-91	91-92	92-93	93-94	94-95	95-96	96-97	97-98	98-99
# of Prosecutors	287	294	304	325	338	338	346	406	460	464
# of Clerks	1,820	1,825	1,864	1,914	2,025	2,022	2,049	2,078	2,180	2,329
# of District Court Judges	164	179	179	179	180	192	194	198	204	217
# of Superior Court Judges	77	82	82	82	92	93	95	99	99	100
# of Magistrates	654	659	653	658	659	676	679	687	696	701
TOTALS	**3,002**	**3,039**	**3,082**	**3,158**	**3,294**	**3,321**	**3,363**	**3,468**	**3,639**	**3,811**

Percentage increase in number of positions since FY 1994-95:

Prosecutors	37%
Clerks	15%
District Court Judges	13%
Superior Court Judges	8%
Magistrates	4%

Judicial Department

Review of Major Budget Increases Since 1995 Session

- Additional Court Personnel Statewide
  - 126 Assistant District Attorneys and 108 Support staff
  - 314 Deputy Clerks of Court
  - 7 Superior Court and 25 District Court Judges
  - 14 Court Reporters and 26 Magistrates
- Technology - $15.2 m
  - DA / PD Case Management System
  - Magistrates Criminal Information System
  - Additional Intelligent Workstations / Upgrade Mainframe
- Alternative Dispute Resolution / Case Management Programs - $5.1 m
  - Arbitration and Custody Mediation
  - Dispute Settlement Centers
  - Criminal / Civil Case Management / Bad Check Programs
- Indigent Defense for Private Attorneys - $11.1 m
- Legislative Salary Increases - Approximately $35 m Annualized

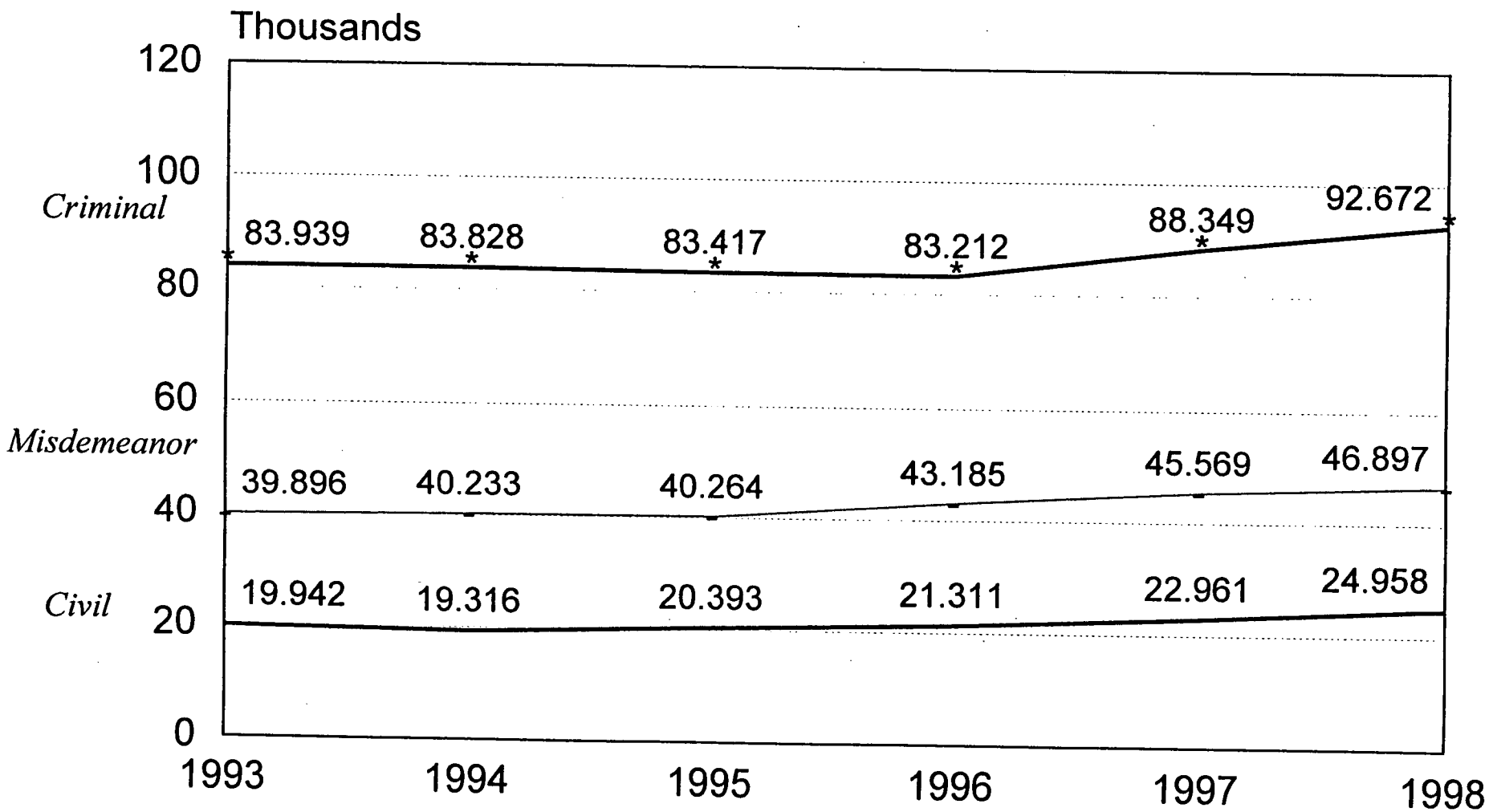
Filings and Dispositions

	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98
Superior Court Filings:										
Felonies	62,752	69,810	73,908	85,748	83,939	83,823	83,417	83,212	88,349	92,672
Misdemeanors	37,835	38,974	41,191	40,925	39,896	40,233	40,264	43,185	45,569	46,897
Subtotal: All Criminal	100,587	108,784	115,099	126,673	123,835	124,056	123,681	126,397	133,918	139,569
Civil	17,601	19,431	20,320	20,546	19,942	19,316	20,393	21,310	22,960	24,958
Total Superior Court Crim & Civil	118,188	128,215	135,419	147,219	143,777	143,372	144,074	147,707	156,878	164,527
Estates	46,992	46,832	46,735	47,634	49,621	50,338	54,197	53,561	53,952	54,768
Special Proceedings	46,405	47,742	49,689	51,634	50,888	51,940	55,651	54,860	59,270	64,991
Total All Superior Court	211,585	222,789	231,843	246,487	244,286	245,650	253,922	256,128	270,100	284,286
Superior Court Dispositions:										
Felonies	58,453	63,920	69,813	79,680	83,305	80,133	87,453	82,911	82,773	88,702
Misdemeanors	36,172	35,938	39,759	39,576	38,768	37,422	40,915	42,358	44,564	46,877
Subtotal: All Criminal	94,625	99,858	109,572	119,256	122,073	117,555	128,368	125,269	127,337	135,579
Civil	16,653	17,929	19,730	19,455	19,794	19,596	19,474	20,769	22,898	24,598
Total Superior Court Crim & Civil	111,278	117,787	129,302	138,711	141,867	137,151	147,842	146,038	150,235	160,177
Estates	44,609	45,330	45,920	46,987	49,315	48,727	51,744	51,668	53,888	57,224
Special Proceedings	41,203	39,171	42,783	42,208	44,573	46,964	49,774	50,559	54,431	58,342
Total All Superior Court	197,090	202,288	218,005	227,906	235,755	232,842	249,360	248,265	258,554	275,743
District Court Filings:										
Criminal Non-Motor Vehicle	556,890	603,328	610,286	629,589	607,989	620,977	632,836	634,291	657,933	656,479
Criminal Motor Vehicle	467,644	496,658	493,974	493,342	473,764	502,330	584,729	634,834	658,273	669,753
Subtotal: Criminal	1,024,534	1,099,986	1,104,260	1,122,931	1,081,753	1,123,307	1,217,565	1,269,125	1,316,206	1,326,232
Infractions	678,189	669,667	651,728	693,396	682,087	717,086	734,665	705,530	701,034	697,134
Small Claims (Magistrate)	308,029	292,572	279,209	260,289	237,729	239,540	253,902	263,392	271,994	281,133
Domestic Relations	72,151	77,140	85,331	93,224	96,648	103,894	103,680	112,431	112,905	112,805
Gen.Civil & Mag.App./Trans.	57,786	63,175	62,709	58,584	49,188	45,857	45,256	45,923	50,245	55,406
Civil License Revocations*	63,054	67,916	70,111	66,264	59,766	65,738	65,863	64,229	65,683	58,361
Total All District Court	2,203,743	2,270,456	2,253,348	2,294,688	2,207,171	2,295,422	2,420,931	2,460,630	2,518,067	2,531,071
District Court Dispositions:										
Criminal Non-Motor Vehicle	535,502	586,438	605,286	624,649	613,209	607,598	618,649	621,737	636,681	652,448
Criminal Motor Vehicle	447,517	459,612	486,812	498,951	489,621	484,601	571,231	613,002	645,356	669,199
Subtotal: Criminal	983,019	1,046,050	1,092,098	1,123,600	1,102,830	1,092,199	1,189,880	1,234,739	1,282,037	1,321,647
Infractions	664,603	674,665	660,847	681,614	678,183	708,962	737,244	703,140	694,159	696,065
Small Claims (Magistrate)	300,856	293,055	278,385	268,706	239,229	239,061	255,054	262,681	271,977	281,152
Domestic Relations	69,379	72,890	81,195	90,706	96,530	99,791	98,825	105,851	113,029	111,637
Gen.Civil & Mag.App./Trans.	54,389	59,850	63,344	61,279	54,914	47,929	47,170	45,185	49,294	55,040
Total All District Court	2,072,246	2,146,510	2,175,869	2,225[illegible]	2,171,686	2,187,942	2,328,173	2,351,596	2,410,4[illegible]	2,465,541

*Civil license rev[illegible]ons are counted only at filing.

Judicial Department

Changes in Superior Court Filings Since FY 1992-93



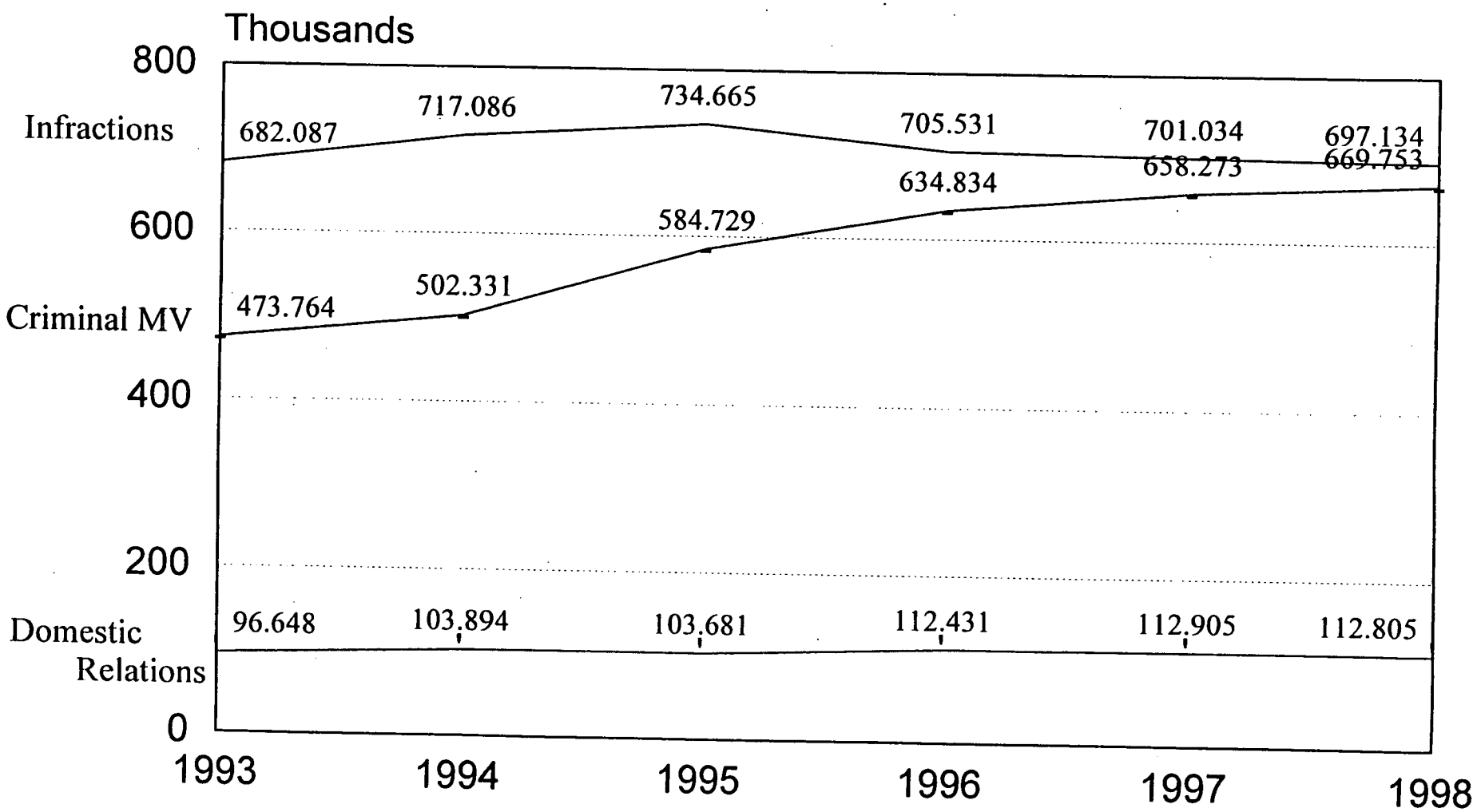
*Data Provided by AOC Research & Planning Office

Filings by Type of Case: Superior Court Criminal

	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98
Felonies:										
Murder	589	677	790	929	898	967	792	747	712	774
Percent of Felony Caseload	0.94%	0.97%	1.07%	1.08%	1.07%	1.15%	0.95%	0.90%	0.81%	0.84%
Manslaughter	124	111	100	206	104	89	92	104	101	103
Percent of Felony Caseload	0.20%	0.16%	0.14%	0.24%	0.12%	0.11%	0.11%	0.12%	0.11%	0.11%
Rape & First Degree Sex	1,500	1,632	1,717	1,814	1,992	1,620	1,710	1,551	1,493	1,779
Percent of Felony Caseload	2.39%	2.34%	2.32%	2.12%	2.37%	1.93%	2.05%	1.86%	1.69%	1.92%
Other Sex Offenses	2,136	2,090	2,084	2,382	2,847	3,092	2,738	2,603	2,879	2,649
Percent of Felony Caseload	3.40%	2.99%	2.82%	2.78%	3.39%	3.69%	3.28%	3.13%	3.26%	2.86%
Robbery	2,519	2,625	3,115	3,989	3,897	3,969	4,071	4,236	4,353	4,530
Percent of Felony Caseload	4.01%	3.76%	4.21%	4.65%	4.64%	4.73%	4.88%	5.09%	4.93%	4.89%
Assault	2,231	2,608	3,147	3,548	3,726	3,797	3,444	3,269	3,446	3,509
Percent of Felony Caseload	3.56%	3.74%	4.26%	4.14%	4.44%	4.53%	4.13%	3.93%	3.90%	3.79%
Burglary/Breaking or Entering	12,626	13,311	14,881	17,421	17,297	15,116	15,180	14,649	14,266	15,901
Percent of Felony Caseload	20.12%	19.07%	20.13%	20.32%	20.61%	18.03%	18.20%	17.60%	16.15%	17.16%
Larceny	7,337	8,443	7,863	8,156	6,817	6,473	6,679	6,831	7,460	7,765
Percent of Felony Caseload	11.69%	12.09%	10.64%	9.51%	8.12%	7.72%	8.01%	8.21%	8.44%	8.38%
Arson & Burning	461	505	429	458	461	401	384	368	482	490
Percent of Felony Caseload	0.73%	0.72%	0.58%	0.53%	0.55%	0.48%	0.46%	0.44%	0.55%	0.53%
Forgery & Uttering	7,898	7,863	7,632	8,462	7,681	8,898	8,568	8,147	9,016	8,489
Percent of Felony Caseload	12.59%	11.26%	10.33%	9.87%	9.15%	10.62%	10.27%	9.79%	10.20%	9.16%
Fraudulent Activity	5,996	5,606	5,377	6,663	5,906	6,799	6,775	7,453	7,344	9,027
Percent of Felony Caseload	9.56%	8.03%	7.28%	7.77%	7.04%	8.11%	8.12%	8.96%	8.31%	9.74%
Controlled Substances	15,505	20,272	21,888	26,855	26,367	26,137	26,532	26,940	28,987	28,208
Percent of Felony Caseload	24.71%	29.04%	29.62%	31.32%	31.41%	31.18%	31.81%	32.38%	32.81%	30.44%
Other	3,830	4,067	4,885	4,865	5,946	6,465	6,452	6,314	7,810	9,448
Percent of Felony Caseload	6.10%	5.83%	6.61%	5.67%	7.08%	7.71%	7.73%	7.59%	8.84%	10.20%
Misdemeanors:										
DWI Appeal	6,470	6,473	6,978	6,391	6,286	6,399	6,674	7,178	6,865	6,402
Percent of Misdem. Caseload	17.10%	16.61%	16.94%	15.62%	15.76%	15.90%	16.58%	16.62%	15.07%	13.65%
Other Motor Vehicle Appeal	6,577	6,655	6,676	6,650	6,737	6,971	7,212	7,558	7,312	7,385
Percent of Misdem. Caseload	17.38%	17.08%	16.21%	16.25%	16.89%	17.33%	17.91%	17.50%	16.05%	15.75%
Non-Motor Vehicle Appeal	20,130	19,759	20,416	18,921	18,891	18,808	17,743	18,850	19,731	20,333
Percent of Misdem. Caseload	53.20%	50.70%	49.56%	46.23%	47.35%	46.75%	44.07%	43.65%	43.30%	43.36%
Misdemeanor Originating in Superior Court	4,658	6,087	7,121	8,963	7,982	8,055	8,635	9,599	11,661	12,777
Percent of Misdem. Caseload	12.31%	15.62%	17.29%	21.90%	20.01%	20.02%	21.45%	22.23%	25.59	27.24%

Judicial Department

Changes in District Court Filings Since 1992-93



* Data Provided by AOC Research & Planning Office

Judicial Department

Budget and Policy Issues for 1999-01 Biennium

- Underlying Issue: Nature of Judicial Workload
  - Effect of more law enforcement personnel
  - More complex cases (family, DWI, capital, drugs)
  - Implementation of Victims' Rights Legislation
  - Effect of additional court personnel
- Issue #1 - Continued Growth in Indigent Defense Expenditures
  - Study of Indigent Fund Due by May 1, 1999
  - Nature of increase (# of indigents, complexity of cases)
  - Efficiency and effectiveness of current forms of representation (private counsel, public defenders, capital case pilot)
  - Need for more management of Indigent Fund?
- Issue #2 - Court Information Technology
  - Age of current systems and equipment
  - New Criminal Information System (Magistrates System)
  - Replacement Equipment Funding Included in Continuation Budget

VISITOR REGISTRATION SHEET

JUSTICE & PUBLIC SAFETY — 3-2-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Pat Dover	Conference of DAs
Steve Shaber	Poyner & Spruill
Jeanne M. Bonds	AOC
Buddy Humphrey	OSBM
Debbie Meagher	Sentencing Commission
Juli Kim	Sentencing Commission
George Sweat	Office of Juvenile Justice
Larry Dix	Office of Juvenile Justice
James Bowden	Office of Juv Justice
Janice Jackson	Leg. Intern
Howard Lange	Tan
Mike Beason	The Capitol Group
John Madler	Sentencing Commission
Wendy Mills	SEANC
A.A. Adams	Victim Advocate

VISITOR REGISTRATION SHEET

JUSTICE & PUBLIC SAFETY — Name of Committee

3-2-99 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Lovell	DOJ
HAROLD H. Webb	New millennium
[illegible]	AOC
[illegible]	Gen Assem.
Patrice [illegible]	NCACC
Lao Rinehart	CJPL
Chuck Crann	OSPL

2:30

VISITOR REGISTRATION SHEET

JUSTICE & PUBLIC SAFETY — 3-2-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Chuck Crown	Office of State Planning
Scott Bradley	Mediation Network
Kimberly Jokis	Fight Crime: Invest in Kids NC
Jeanne Bonds	AOC
[illegible] Marks	AOC
Frederick T. Miller	Sen. Frank Ballance
[illegible] Jackson	Legislative Action
Peg Jones	Conference of D.As
Larry Dix	Office of Juvenile Justice
Bill Scogin	NC BAR ASSOC
Denise Winer	NCAOCR
Buddy Humphrey	OSJA
[illegible]	Pre Paid Legal
Mary Ann Schofield	Pre-Paid Legal

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday March 3, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding
Representative Paul McCrary
Representative Ted Kinney
Representative Bill Culpepper

II. PRESENTATIONS

Morning

- Judicial Department Continuation Budget

  Court Programs (District and Superior Court; District Attorneys; Clerks)

  Charles Perusse, Fiscal Research Staff

- Judicial Federal Grants

  Jeannie Bonds, Deputy Director
  Administrative Office of the Courts

Afternoon

- Judicial Department Continuation Budget

  1. AOC Technology Programs and Long Range Plan

  Jeannie Bonds, Deputy Director
  Administrative Office of the Courts

  2. AOC Technology Budget

  Charles Perusse, Fiscal Research Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 3, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 3, 1999 in room 415 LOB at 8:30AM. Attending the meeting were four senators. The following House members were in attendance:

Rep. Paul McCrary	Rep. Scott Thomas
Rep. Debbie Clary	Rep. Phillip Haire
Rep. Jim Horn	Rep. Larry Justus
Rep. Joe Kiser	Rep. Wayne Sexton

Rep. Andrew Dedmon

Senator Luther Jordan chaired the meeting. He introduced Mr. Charles Perusse, staff, regarding the continuation budget. Mr. Perusse distributed a handout, Judicial Department, from which he spoke (see attached). The authorized budget is not really larger than the recommended budget because it does not include salary increases which are in a reserve fund. One time expenses are also not included. Purchased services include witness fees, contractual service fees and transportation and lodging. Emergency Judges get $300 per day. Mr. Perusse continued through the handout. On page 7 is the weighted caseload table for district judges. More complex changes are weighted higher.. Page 10 reflects that 25 of 39 districts have DA investigators.

In response to a question by Rep. Haire, Ms. Jeanne Bonds replied that regarding page 7 in the handout, district court judges apply weights to cases without separation of civil and criminal. The table will be done again to break down jury/civil/criminal cases. Again in response to Rep. Haire, regarding a district being ranked as 44 when we only have 39, actually there are 45 or 46 districts as the are broken down by A, B, and C in some cases. In response to a question by Rep. Kiser, Ms. Bonds said there is no dramatic backlog in district or superior court. Again to Rep. Kiser, more superior court judges and district judges will be requested. In response to Senator Ballance, Ms. Bonds stated the courts are considering more magistrates to address issues such as getting traffic ticket dispositions, and like issues out of the courtroom.

Ms. Jeanne Bonds, Administrative Office of the Courts distributed a handout, Grant Funding to the Administrative Office of the Courts, which includes all active grants as of March 1999. Ms. Bonds walked the committee through the handout. Rep. Sexton asked if we are getting reports on the numerous studies that are in process. Ms. Bonds replied yes, and most studies will be complete by the end of June and will be woven into the budget request.

Senator Jordan adjourned the meeting at 9:45AM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

Judicial Department

Overview of District Court, Superior Court, District Attorney's Office & Clerks of Court

Joint Appropriations Subcommittee on Justice and Public Safety
March 3, 1999

JUDICIAL DEPARTMENT

GENERAL FUND BUDGET GROWTH

SUPERIOR COURT AND DISTRICT COURT

	1994-95	1995-96	1996-97	1997-98	Authorized 1998-99	Recomm. 1999-00	Recomm. 2000-01
General Fund							
Superior Court Expenditures	$24,222,685	$24,442,784	$25,344,585	$26,712,847	$28,360,034	$27,810,995	$27,927,790
District Court Expenditures	$47,430,820	$47,858,955	$50,297,974	$53,479,988	$58,153,947	$56,676,486	$56,839,699

*Percentage increase in superior court budget is 17% since 1994-95

**Percentage increase in district court budget is 23% since 1994-95

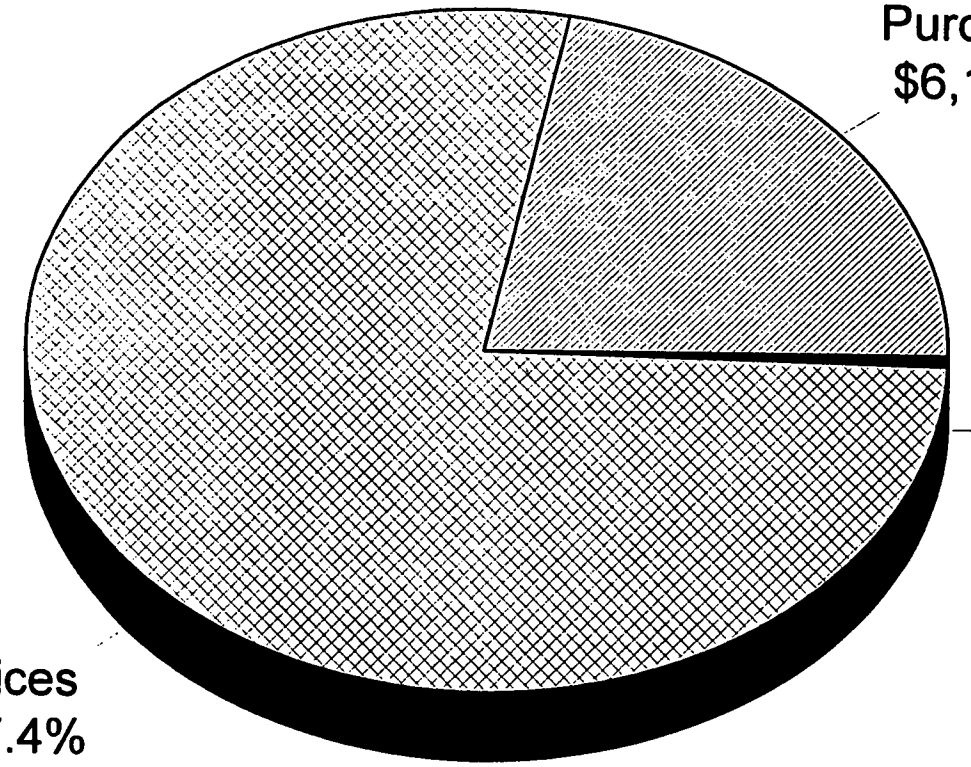
Recommended Increases in Budget Include:

1. Annualization of new positions - $600,000

2. Increases for longevity / retirement / social security - $500,000

Judicial Department

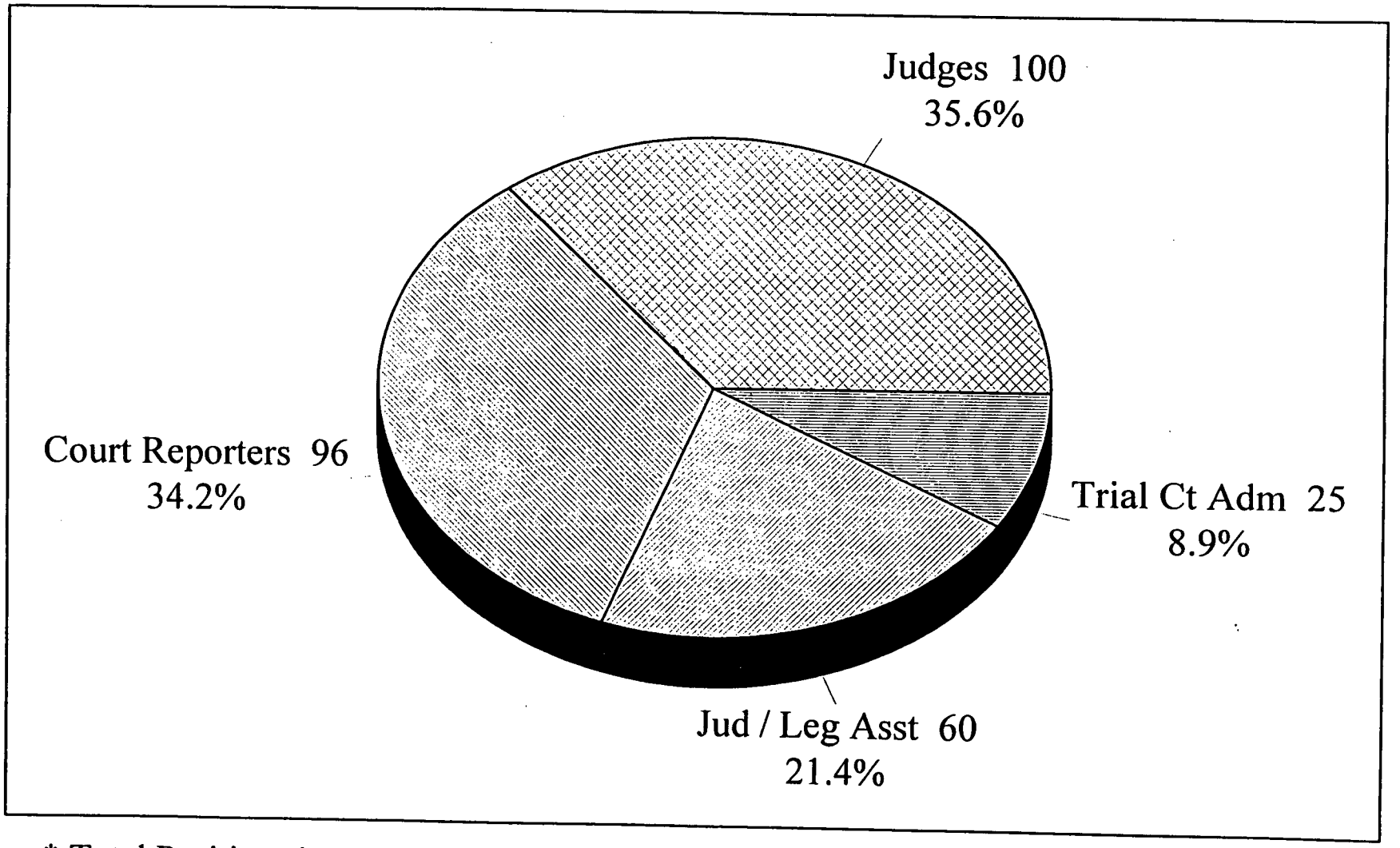
FY 1999-00 Recommended Expenditures for Superior Court



*Total Recommended Expenditures is $27,810,995

Judicial Department

Allocation of Positions in Superior Court



* Total Positions is 281

Superior Court Districts Ranked by Weighted Caseload and Population FY97/8

District	Number Judges	Caseload: Civil: Filings Total	Filings per Judge	Jury Trials Total	Jury Trials per Judge	Rank	Criminal: Defendants Total	Defendants per Judge	Jury Trials Total	Jury Trials per Judge	Capital Trials Total	Capital Trials per Judge	Rank	Rank	Population Total	Population per Judge	Rank
1	2	338	169.0	14.3	7.2	35	1,199	599.7	55.7	27.8	0.0	0.0	19	28	121,982	60,991.0	39
2	1	223	223.0	6.3	6.3	29	849	849.3	81.0	81.0	0.0	0.0	1	3	91,017	91,017.0	17
3A	2	382	191.0	7.7	3.8	36	1,255	627.3	29.0	14.5	0.0	0.0	31	39	123,155	61,577.5	38
3B	2	460	230.0	19.7	9.8	22	949	474.3	37.7	18.8	0.7	0.3	37	32	161,464	80,732.0	22
4A	1	253	253.3	6.7	6.7	24	821	820.7	29.3	29.3	2.3	2.3	6	6	107,056	107,056.0	11
4B	1	314	313.7	10.7	10.7	9	722	722.0	44.3	44.3	0.3	0.3	9	5	148,324	148,324.0	3
5	3	826	275.4	12.3	4.1	27	1,718	572.8	54.0	18.0	1.0	0.3	30	31	188,399	62,799.7	35
6A	1	148	148.3	4.0	4.0	39	562	562.3	32.0	32.0	1.0	1.0	16	25	55,182	55,182.0	44
6B	1	131	131.3	1.3	1.3	45	649	649.3	23.0	23.0	1.3	1.3	13	34	62,623	62,623.0	36
7A	1	326	325.7	10.7	10.7	8	840	840.3	4.0	4.0	0.7	0.7	18	17	88,469	88,469.0	19
7B/7C	2	519	259.5	24.3	12.2	11	1,314	656.8	51.7	25.8	1.7	0.8	15	16	124,005	62,002.5	37
8A	1	200	199.7	8.7	8.7	26	920	920.3	27.7	27.7	1.7	1.7	5	7	77,095	77,095.0	26
8B	1	320	319.7	7.7	7.7	15	1,126	1,126.0	40.7	40.7	1.0	1.0	2	2	114,246	114,246.0	8
9	2	285	142.7	7.7	3.8	41	1,642	820.8	15.7	7.8	0.0	0.0	21	36	147,682	73,841.0	29
9A	1	82	81.7	1.0	1.0	46	621	620.7	11.3	11.3	0.3	0.3	33	44	55,726	55,726.0	42
10	6	1,932	322.0	48.7	8.1	14	2,188	364.6	127.3	21.2	4.3	0.7	40	24	575,696	95,949.3	16
11A	1	396	395.7	17.7	17.7	2	876	875.7	28.3	28.3	3.3	3.3	3	1	132,867	132,867.0	5
11B	1	360	360.0	8.0	8.0	10	534	533.7	12.3	12.3	1.0	1.0	32	21	106,918	106,918.0	12
12	4	738	184.5	13.3	3.3	37	1,584	396.1	25.7	6.4	4.0	1.0	44	43	295,053	73,763.3	30
13	2	573	286.3	16.7	8.3	18	1,019	509.5	25.3	12.7	1.0	0.5	39	27	150,253	75,126.5	28
14	4	750	187.5	32.7	8.2	30	1,262	315.5	46.0	11.5	0.7	0.2	45	42	200,219	50,054.8	45
15A	2	289	144.5	8.0	4.0	40	1,733	866.5	32.7	16.3	0.7	0.3	11	23	121,937	60,968.5	40
15B	1	397	397.3	17.7	17.7	1	535	535.0	21.0	21.0	0.7	0.7	28	10	154,915	154,915.0	2
16A	1	148	147.7	2.3	2.3	42	681	680.7	6.0	6.0	1.3	1.3	24	38	64,820	64,820.0	34
16B	2	558	279.0	10.3	5.2	25	876	438.0	23.3	11.7	3.7	1.8	34	30	113,682	56,841.0	41
17A	2	185	92.5	7.3	3.7	44	950	475.0	23.7	11.8	0.3	0.2	42	45	89,510	44,755.0	46
17B	2	241	120.7	6.0	3.0	43	762	380.8	6.3	3.2	0.7	0.3	46	46	111,258	55,629.0	43
18	5	1,536	307.2	41.7	8.3	16	3,076	615.1	93.7	18.7	3.7	0.7	20	20	388,519	77,703.8	25
19A	1	226	226.0	5.7	5.7	32	963	962.7	34.0	34.0	1.0	1.0	4	8	119,494	119,494.0	7
19B	2	440	219.8	22.3	11.2	20	1,452	726.0	29.7	14.8	1.3	0.7	17	19	219,944	109,972.0	10
19C	1	270	270.0	9.7	9.7	17	693	693.3	22.7	22.7	2.0	2.0	10	12	124,687	124,687.0	6
20A	1	232	232.3	9.0	9.0	23	886	886.0	22.7	22.7	1.7	1.7	8	11	69,685	69,685.0	32
20B	2	342	170.8	7.7	3.8	38	1,104	552.0	36.3	18.2	1.0	0.5	29	40	165,747	82,873.5	20
21	4	958	239.5	19.7	4.9	31	1,630	407.6	84.7	21.2	2.7	0.7	38	37	290,790	72,697.5	31
22	2	657	328.5	26.3	13.2	6	1,812	906.2	61.3	30.7	2.0	1.0	7	4	317,557	158,778.5	1
23	1	314	314.0	15.7	15.7	4	409	408.7	23.0	23.0	2.0	2.0	22	14	133,100	133,100.0	4
24	1	261	261.0	8.3	8.3	21	423	423.0	34.7	34.7	0.7	0.7	25	22	106,537	106,537.0	13
25A	2	370	185.2	14.7	7.3	33	1,332	665.8	31.3	15.7	0.7	0.3	26	29	159,274	79,637.0	23
25B	2	411	205.7	29.7	14.8	13	993	496.5	13.0	6.5	0.3	0.2	43	33	131,256	65,628.0	33
26	6	2,714	452.3	58.3	9.7	3	3,429	571.5	149.7	24.9	2.3	0.4	23	13	624,464	104,077.3	14
27A	2	579	289.7	31.0	15.5	5	1,126	562.8	87.3	43.7	0.3	0.2	12	9	181,028	90,514.0	18
27B	2	345	172.5	19.3	9.7	28	939	469.7	45.7	22.8	0.0	0.0	36	35	150,531	75,265.5	27
28	2	575	287.5	29.3	14.7	7	871	435.7	57.0	28.5	2.0	1.0	27	18	192,459	96,229.5	15
29	2	504	251.8	25.0	12.5	12	1,287	643.3	69.0	34.5	0.3	0.2	14	15	225,475	112,737.5	9
30A	1	151	151.3	9.0	9.0	34	346	346.3	26.0	26.0	0.0	0.0	41	41	78,984	78,984.0	24
30B	1	190	190.3	13.0	13.0	19	384	384.3	27.3	27.3	0.3	0.3	35	26	81,276	81,276.0	21
Totals	90	22,449	249.4	727.0	8.1		51,341	570.5	1,864.0	20.7	58.0	0.6			7,544,360	83,826.2	
Weights:			15.2%		15.2%			22.3%				22.3%				25.0%	

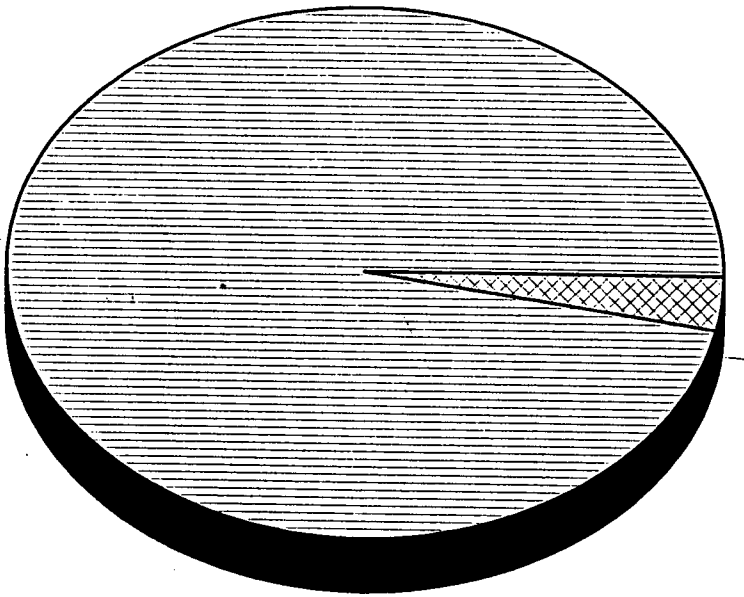
Number of Judges is the number of resident superior court judges authorized as of January 5, 1999. Civil filings are three-year averages of all superior court civil filings less those dismissed for lack of service. Criminal defendant are all superior court criminal defendants whose cases were filed during the time period less the number whose cases were dismissed by district attorneys during the time period. Population is a projection from the NC Office of State Planning on web page: http://www.ospl.state.nc.us/demog/cpb1998p.html (Last update July 9, 1998). Total jury trials is the three-year average of the number of cases disposed by jury trial in superior court. Capital trials is three-year average of the number of superior court capital murder trials.

After normalizing the workload per judge in each category by dividing by its inter-quartile range to adjust for scale (43,518.0 population for judge compared to 0.7 capital murder trials per judge) we multiply it by the weights listed across the bottom of the table for each category for each district, sum the weighted workload for each district, and rank the weighted workload for each district from high to low workload per judge.

The weights are 25% for population and 75% for caseload. Within total caseload, civil and criminal weights reflect the relative proportion of regularly scheduled and special superior court assigned as criminal and criminal priority (45%) and proportion assigned as civil and civil priority (30%). Within criminal and civil caseload, we give half the weight to trials, and half to total filings. Within criminal trials, capital trials are weighted ten times as heavily as other trials.

Judicial Department

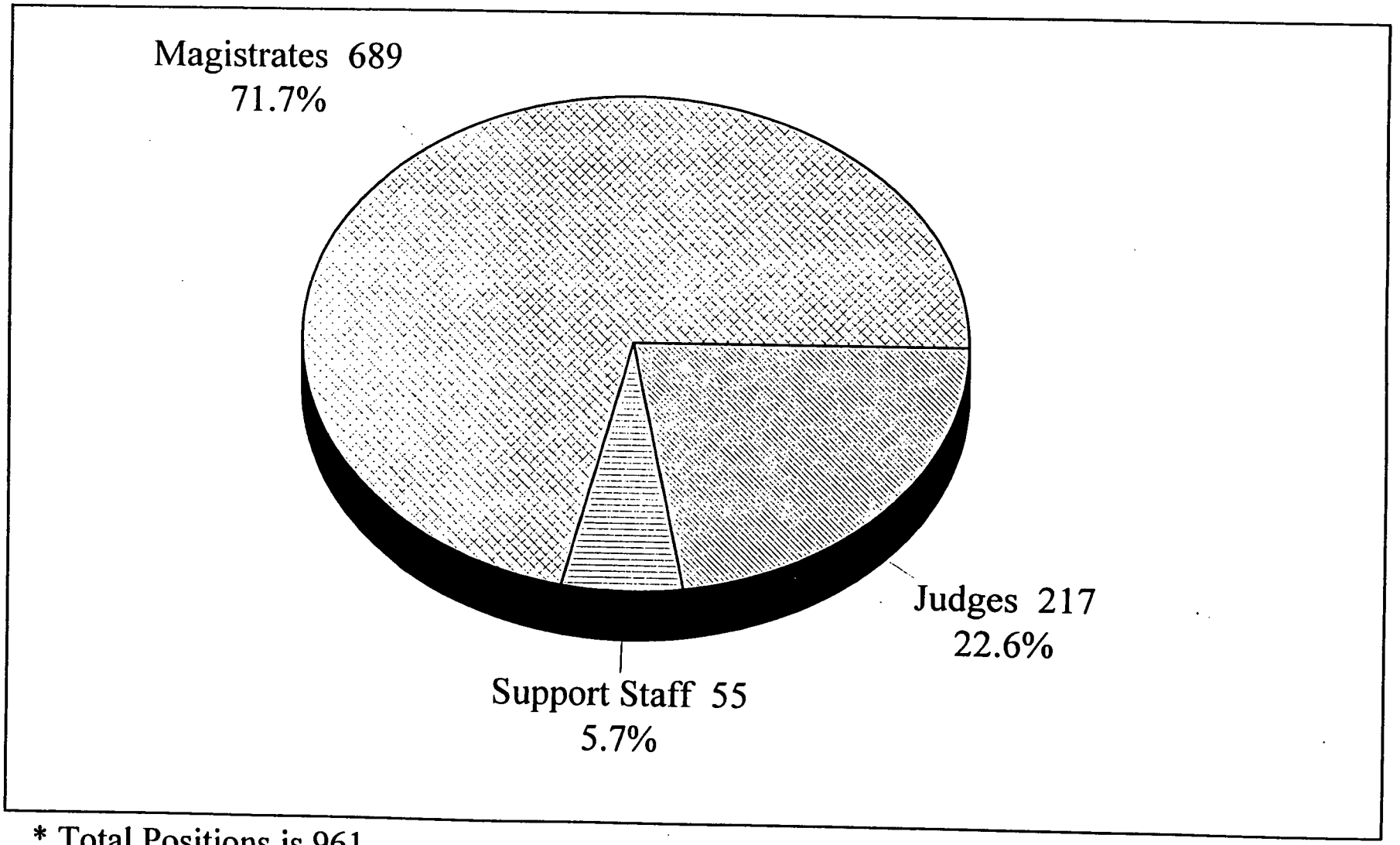
FY 1999-00 Recommended Expenditures for District Court



*Total Recommended Expenditures is $56,676,486

Judicial Department

Allocation of Positions in District Court



* Total Positions is 961

Rankings of Judicial Districts on Population and Weighted Caseload per District Judge--FY97/8
(With New 1998 weights)

Judicial District	Number Judges	Population: District Total	Population: Per Judge	Net Filings: District Total	Net Filings: Per Judge	Weighted Caseload per Judge	Ranks: Population	Ranks: Weighted Caseload	Ranks: Combined Rank
1	4	121,982	30,496	19,993	4,998	14,347	28	33	34
2	3	91,017	30,339	19,044	6,348	16,922	30	15	18
3A	5	123,155	24,631	27,304	5,461	12,727	36	36	36
3B	5	161,464	32,293	31,741	6,348	16,664	24	17	20
4	7	255,380	36,483	43,949	6,278	17,631	14	9	10
5	6	188,399	31,400	34,316	5,719	17,128	26	14	15
6A	2	55,182	27,591	9,861	4,931	15,035	34	29	32
6B	3	62,623	20,874	11,690	3,897	11,292	39	38	38
7	7	212,474	30,353	39,379	5,626	17,742	29	8	13
8	6	191,341	31,890	35,113	5,852	15,213	25	27	28
9/9B	5	147,682	29,536	27,433	5,487	14,986	32	31	29
9A	2	55,726	27,863	12,287	6,144	16,406	33	19	23
10	13	575,696	44,284	109,999	8,461	18,652	2	2	1
11	7	239,785	34,255	50,576	7,225	17,581	19	11	12
12	9	295,053	32,784	56,032	6,226	18,117	23	5	9
13	5	150,253	30,051	28,338	5,668	14,820	31	32	30
14	6	200,219	33,370	37,648	6,275	15,432	21	25	26
15A	3	121,937	40,646	19,950	6,650	17,236	4	13	8
15B	4	154,915	38,729	25,332	6,333	13,782	8	35	31
16A	3	64,820	21,607	13,263	4,421	12,127	38	37	37
16B	5	113,682	22,736	25,068	5,014	15,261	37	26	35
17A	2	89,510	44,755	14,220	7,110	18,184	1	4	2
17B	3	111,258	37,086	18,024	6,008	14,987	12	30	27
18	11	388,519	35,320	83,705	7,610	18,324	18	3	5
19A	3	119,494	39,831	21,659	7,220	18,014	6	6	4
19B	6	219,944	36,657	38,994	6,499	16,119	13	21	21
19C	4	124,687	31,172	22,109	5,527	16,000	27	22	24
20	7	235,432	33,633	41,788	5,970	16,582	20	18	17
21	8	290,790	36,349	51,608	6,451	17,594	15	10	11
22	8	317,557	39,695	56,410	7,051	17,774	7	7	6
23	4	133,100	33,275	19,935	4,984	14,267	22	34	33
24	4	106,537	26,634	14,548	3,637	9,639	35	39	39
25	8	290,530	36,316	41,156	5,145	16,203	16	20	19
26	15	624,464	41,631	93,900	6,260	17,440	3	12	7
27A	5	181,028	36,206	36,012	7,202	19,037	17	1	3
27B	4	150,531	37,633	21,385	5,346	15,792	10	24	22
28	5	192,459	38,492	24,091	4,818	16,765	9	16	14
29	6	225,475	37,579	31,177	5,196	15,156	11	28	25
30	4	160,260	40,065	21,216	5,304	15,866	5	23	16
Total	217	7,544,360	34,767	1,330,254	6,130	16,421			

Number of judges is the number authorized as of 1/5/1999. Population is a projection from the NC Office of State Planning on web page: http://www.ospl.state.nc.us/demog/cpb1998p.html (Last update July 9, 1998). Net filings are 3 year averages of total case filings less cases those disposed by clerk or magistrate, dismissed by plaintiff or district attorney, superseded by indictment, or in which probable cause hearing was waived. It also includes juvenile hearings and child support enforcement hearings for fiscal year 1997/98. Weighted caseload per judge compensates for variation in time needed to handle different cases by weighting different types of cases according to this formula.

Weighted caseload per judge in a district equals net traffic filings per judge times 1 plus
net non-traffic criminal filings per judge times 2.76 plus
net domestic relations filings per judge times 10.30 plus
net general civil filings times 15.88 plus
child support filings times 6.97 plus
juvenile hearings times 8.50 plus

Combined rank gives 25% weight to population per judge, and 75% weight to weighted caseload per judge, after normalizing by the interquartile range in weighted caseload per judge (the 75th percentile is 17,587 and the 25th percentile is 15,011), and the interquartile range in population per judge (a 75th percentile of 37,456 and a 25th percentile of 30,343).

JUDICIAL DEPARTMENT

GENERAL FUND BUDGET GROWTH

OFFICE OF THE DISTRICT ATTORNEY

	1994-95	1995-96	1996-97	1997-98	Authorized 1998-99	Recomm. 1998-99	Recomm. 1998-99
General Fund							
Expenditures	$33,085,579	$33,487,283	$36,499,586	$42,227,907	$48,680,157	$49,098,682	$49,300,155
Positions							
DA / ADA's	338	346	406	460	464		
Staff	287	292	307	357	417		
TOTAL	**625**	**638**	**713**	**818**	**881**		

* Percentage increase in budget is 47% since 1994-95
** Percentage increase in positions is 41% since 1994-95

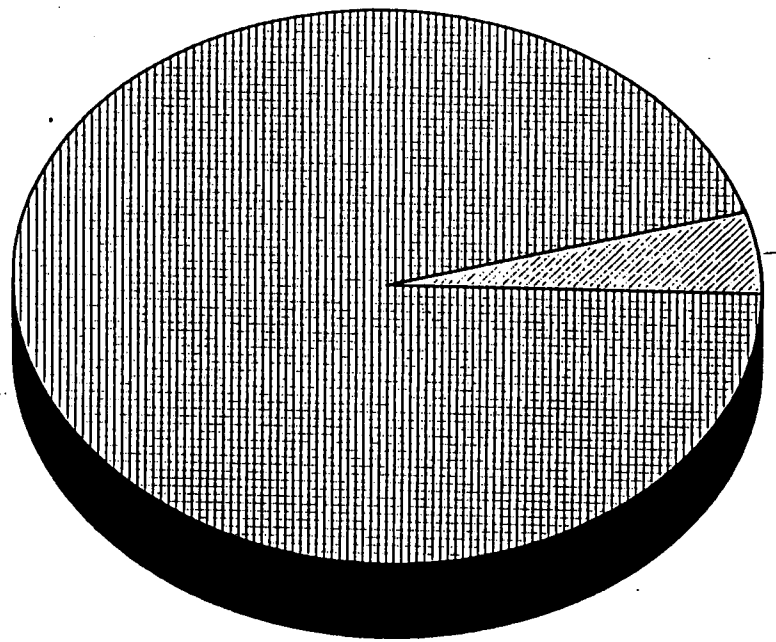
Recommended Increases in Budget Include:

1. Annualization of new positions - $120,000
2. Retirement / longevity, social security contributions - $200,000
3. Legal services - $230,000 (adjust to actual in FY 1997-98)

Judicial Department

1999-2000

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



Personnel Services
$46,798,700 95.3%

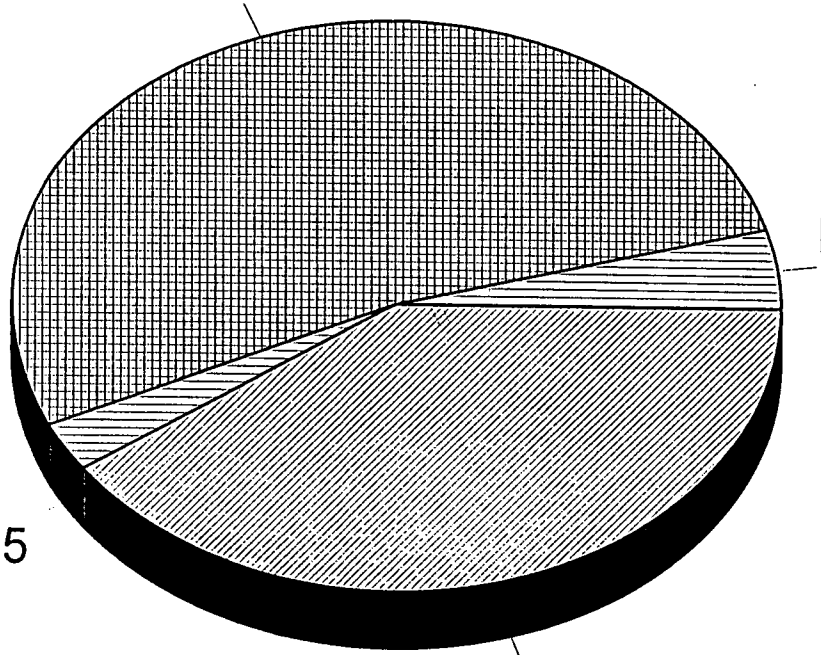
Purchased/Other Svcs.
$2,299,982 4.7%

Transportation $596 K
Legal Services $576 K
Telephone $367 K

*Total Recommended Budget is $49,098,682

Judicial Department

Allocation of Positions in District Attorney's Office



*Total Positions is 882

Prosecutor Workload Measures (Not Including Four Mecklenburg Drug Prosecutors)

Prosecutorial District	Number DAs	Net Criminal Non-Motor Vehicle	Net Motor Vehicle	Number Defendants Charged with Felonies (Total)	Number Defendants Charged with CRS Felonies	Number Defendants Charged with Homicide	Court Sites	Court Sessions	Population	Rank
1	10	9,851	12,309	1,331	1,000	11	7	62	121,982	37
2	6	7,136	10,996	919	616	14	5	41	91,017	15
3A	10	14,505	18,968	1,853	1,052	28	3	40	123,155	18
3B	11	14,991	21,919	1,613	853	16	4	46	161,464	26
4	15	18,841	29,315	2,371	1,623	49	4	120	255,380	12
5	14	18,953	24,973	2,429	1,787	23	2	75	188,399	22
6A	5	5,885	5,206	749	349	12	1	57	55,182	36
6B	5	5,636	6,766	814	564	21	3	38	62,623	28
7	16	24,787	28,656	3,477	2,246	56	4	74	212,474	4
8	12	15,555	22,324	2,102	1,658	41	4	96	191,341	6
9	11	13,328	15,993	1,843	1,436	41	4	48	147,682	29
9A	5	4,551	7,506	662	494	8	2	25	55,726	39
10	29	37,870	79,826	6,145	2,103	56	4	144	575,696	8
11	15	18,821	34,705	2,640	1,393	55	6	73	239,785	13
12	18	21,956	38,666	3,136	1,747	54	1	128	295,053	16
13	10	13,574	19,924	1,866	1,082	36	4	82	150,253	5
14	14	17,153	23,344	3,190	1,332	37	1	88	200,219	27
15A	8	10,449	12,412	1,741	1,685	21	1	54	121,937	1
15B	8	9,173	18,943	1,276	616	20	3	34	154,915	23
16A	6	7,515	7,472	886	691	23	2	29	64,820	35
16B	10	13,230	12,891	1,399	1,004	37	7	74	113,682	24
17A	6	5,613	9,279	718	570	12	1	31	89,510	38
17B	6	7,903	11,602	916	553	8	2	29	111,258	19
18	27	41,568	58,498	5,998	3,549	81	2	135	388,519	2
19A	6	7,389	14,454	1,004	756	12	1	27	119,494	9
19B	12	15,295	26,101	2,308	1,292	37	3	44	219,944	14
19C	6	7,809	12,790	925	525	17	1	42	124,687	11
20	15	17,110	25,200	2,427	1,526	45	4	80	235,432	30
21	18	19,321	36,003	3,105	1,496	31	2	88	290,790	34
22	17	24,889	37,399	3,242	1,379	37	6	59	317,557	10
23	6	6,687	12,501	776	329	11	4	25	133,100	25
24	5	5,962	10,533	656	377	10	5	45	106,537	3
25	15	16,528	28,872	2,816	1,913	41	4	73	290,530	17
26	33	44,772	68,757	6,615	4,321	75	1	188	624,464	7
27A	13	18,829	26,400	2,431	1,162	32	1	56	181,028	21
27B	9	9,092	14,651	1,299	1,013	25	2	55	150,531	31
28	11	15,200	12,650	1,782	941	24	1	50	192,459	33
29	12	15,735	19,362	2,158	910	26	5	77	225,475	20
30	9	9,643	13,024	1,116	681	20	8	47	160,260	32
Statewide	464	593,105	891,191	82,733	48,625	1,205	125	2,580	7,544,360	

District Attorney Workload Formula

We measure district attorney caseload in terms of caseload, district population, and number of sites and number of sessions of court. The district attorneys assigned these percentage weights:

Felony Caseload:	32.7%
Other Caseload:	23.8%
District Population:	19.6%
Number of District Court Sites:	10.4%
Number of Weeks of Superior Court:	15.5%

The relative weights of district and superior court caseload are proportional to the average number of district attorneys assigned to the two courts. The other percentages are averages of the district attorneys' subjective assessments of the relevance and importance of each measure.

Number of district attorneys is the number authorized as of 1/5/1999. Caseload data are three-year averages. Population is the N.C. Office of Budget and Management estimate as of July 1998, published July 9, 1998. District court sites and superior court weeks are as of FY97/8. Superior court weeks include regularly scheduled and special weeks of court for criminal cases or mixed weeks with criminal priority. We divide population, court sites, and court sessions by the number of prosecutors (including the district attorney) in the district, and then adjust for differences in scale (by dividing by the interquartile range) before applying the percentage weights.

We measure felony caseload per district attorney as the three-year average of the number of persons charged with felonies. We assume that if the same name appears in the index to criminal actions in the same county during the same month, then it is the same person. We weight persons charged with felonies in superior court as 3.78 times as labor intensive as a person charged only in district court. We weight persons charged with homicide as 19.89 times as labor intensive. We measure other caseload as the three-year average number of criminal and infraction cases filed in district court, less the number disposed without involvement by the district attorney. We weight non-motor vehicle cases as 2.64 times as labor intensive as a motor vehicle misdemeanor or infraction. The relative weights of different types of cases are the averages of the district attorneys' assessments. We also adjust felony and other caseload per district attorney for scale before applying the percentage weights.

We then add the factors together to produce the measure of workload per district attorney, on which we rank the districts in terms of relative, need for new positions.

Allocation of Assistant DA's and District Court Judges Since 1995 Session

District	Counties	1995 Session		1996 Session		1997 Session		1998 Session	
		ADA's	DC Judges	ADA's	DC Judges	ADA's	DC Judges	ADA's	DC Judges
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	1		1					
2	Beaufort, Hyde, Martin, Tyrrell, Washington			1					
3A	Pitt	1		1		1			1
3B	Carteret, Craven, Pamlico			2		2	1		1
4	Duplin, Onslow, Jones, Sampson			2		2			
5	New Hanover, Pender			2		2			
6A	Halifax			1					
6B	Bertie, Hertford, Northampton			1					
7	Edgecombe, Nash, Wilson			2		3			1
8	Greene, Lenoir, Wayne			2		1			
9	Franklin, Granville, Vance	1		1		1			
9A	Person, Caswell			1		1			
9B	Warren		1						
10	Wake	1		3		5			1
11	Harnett, Johnston, Lee	1		1		3			1
12	Cumberland			2	1	3			1
13	Bladen, Brunswick, Columbus			2		1	1		
14	Durham			1		2		1	1
15A	Alamance			1					
15B	Orange, Chatham			1		1	1		
16A	Scotland, Hoke			1	1	1			
16B	Robeson			1		1			

17A	Rockingham			1					
17B	Stokes, Surry			1					
18	Guilford	1		4		4			
19A	Cabarrus			1					
19B	Montgomery, Moore, Randolph			4	1	2			1
19C	Rowan			1					1
20	Anson, Richmond, Stanly, Union	1				2	1		
21	Forsyth			1		2		2	1
22	Alexander, Davie, Davidson, Iredell			2		3	1		
23	Alleghany, Ashe, Wilkes, Yadkin			1	1				
24	Avery, Madison, Mitchell, Yancey, Watauga			1			1		1
25	Burke, Caldwell, Catawba			1		2			
26	Mecklenburg	1		5		3			1
27A	Gaston			2		2			
27B	Cleveland, Lincoln			1		2			
28	Buncombe			1		1			
29	Henderson, McDowell, Polk, Rutherford, Transylvania		1	2		1			1
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain			1					
	Total	***8***	***2***	***60***	***4***	***54***	***6***	***3***	***13***

JUDICIAL DEPARTMENT

GENERAL FUND BUDGET GROWTH

CLERK OF SUPERIOR COURT

	1994-95	1995-96	1996-97	1997-98	Authorized 1998-99	Recomm. 1999-00	Recomm. 2000-01
General Fund							
Expenditures	$76,853,832	$75,857,051	$80,009,035	$85,574,307	$90,972,947	$88,621,308	$88,677,946
Positions							
Clerks, Assistant Clerks, and Deputy Clerks	2,022	2,049	2,078	2,180	2,329		

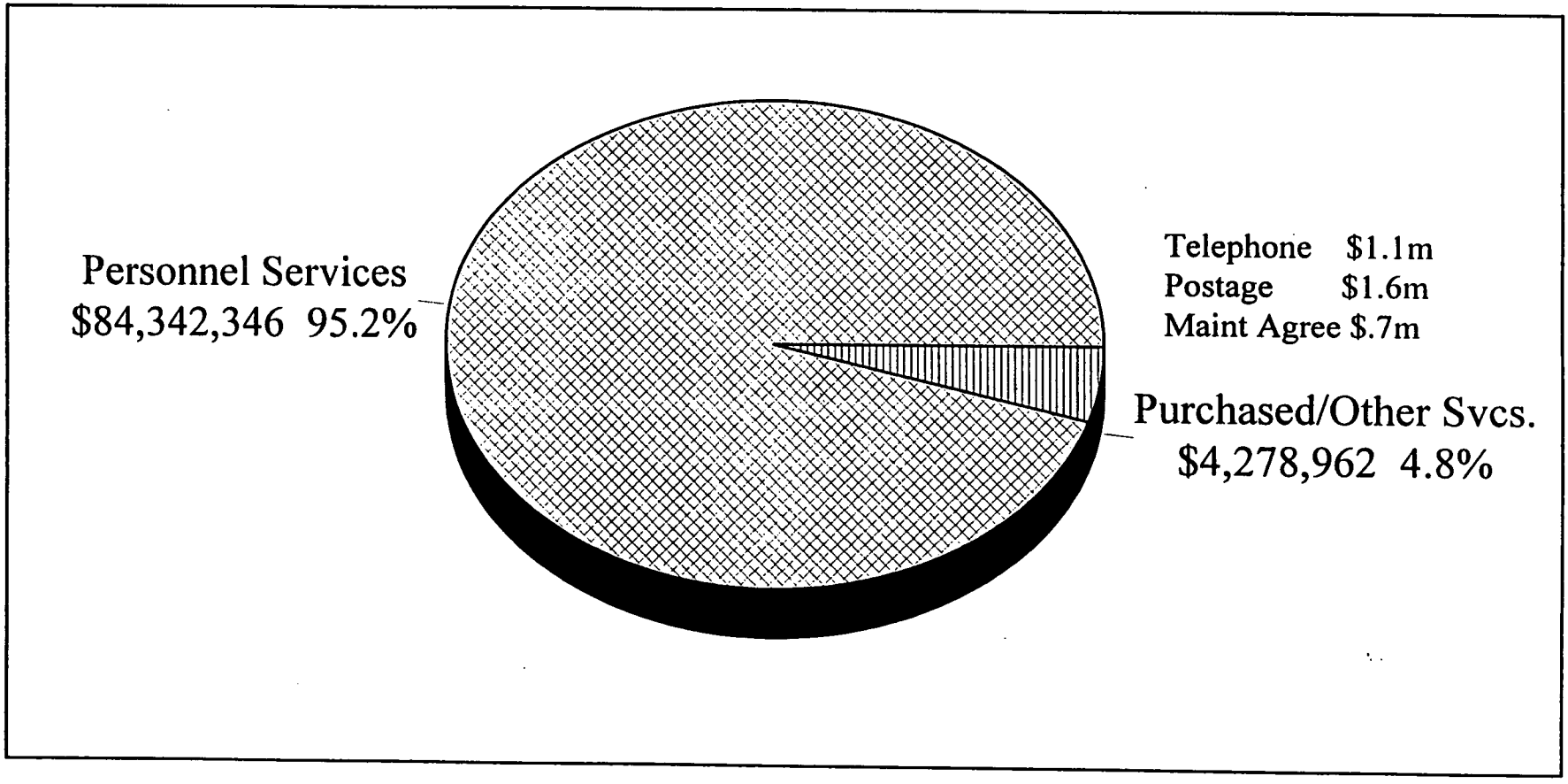
Recommended Increases in Budget Include:

1. Annualization of 149 new positions - $1.5m

2. Telephone and Postage - $75,000

Judicial Department

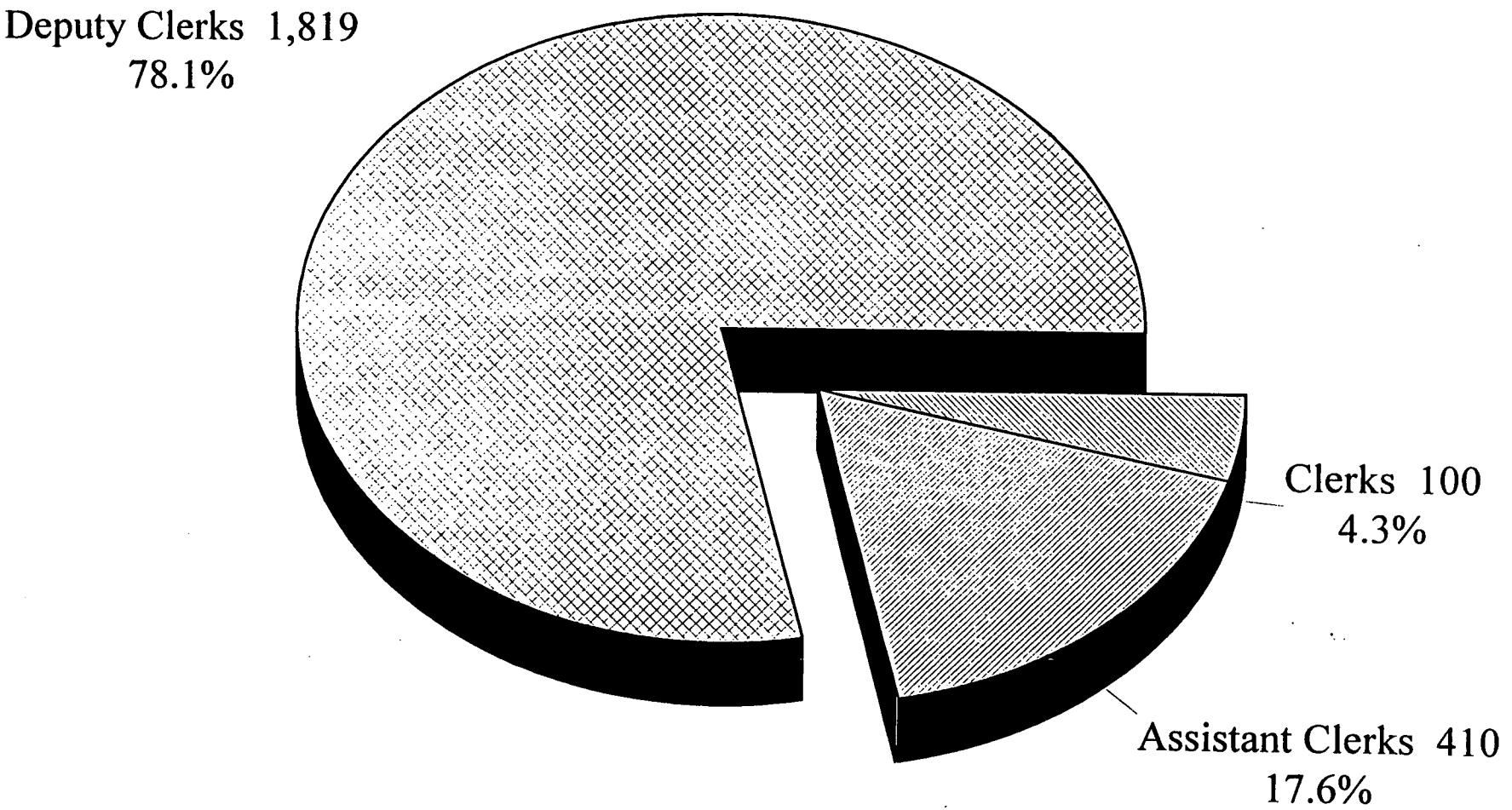
FY 1999-00 Recommended Budget for Clerks of Superior Court



*Total Recommended Budget is $88,621,308

Judicial Department

Allocation of Positions in Clerk of Superior Court



*Total Positions is 2,329

Counties Ranked by Clerk Weighted Caseload FY97/8

County	Clerks Authorized	Weighted Caseload Rank	Estates Filed	Special Pro-ceedings Filed	Juvenile Petitions Filed	Superior Courtroom Dispositions	District Court Room Dispositions	Superior Criminal Filings	District Criminal and Infraction Filings	Civil Superior Filings	Civil District Filings	Small Claims Filings	Child Support Filings	Receipts Written	Total Case Filings
Alamance	38.00	22	898	1,143	588	2,725	5,570	4,738	29,666	339	2,134	3,471	576	173,158	42,389
Alexander	10.00	72	176	170	98	313	1,131	507	7,220	58	471	502	145	37,339	9,104
Alleghany	4.75	80	150	90	44	119	542	203	2,428	28	407	391	42	12,022	3,697
Anson	11.75	59	142	130	189	324	1,684	822	7,262	57	670	536	378	52,753	9,619
Ashe	7.75	78	347	179	170	67	700	116	4,142	55	469	511	72	24,890	5,819
Avery	8.00	93	152	97	59	132	576	183	3,249	68	469	323	91	17,376	4,541
Beaufort	19.75	57	478	414	340	693	3,315	1,217	13,236	106	913	1,306	323	87,217	17,670
Bertie	11.00	74	298	118	59	209	1,083	364	6,809	47	359	763	150	60,720	8,758
Bladen	16.00	40	246	223	93	454	2,120	970	14,010	83	922	5,086	265	70,670	21,540
Brunswick	19.00	27	743	459	315	593	2,622	1,213	15,375	218	1,488	1,525	433	80,956	21,021
Buncombe	57.00	37	1,546	2,137	808	2,253	9,124	3,051	40,030	658	4,985	4,596	1,267	219,362	57,003
Burke	26.00	36	637	715	422	649	2,985	1,623	17,100	249	1,622	1,954	513	124,430	23,900
Cabarrus	33.00	10	865	803	535	1,438	5,349	2,344	34,708	288	2,395	2,567	503	205,985	43,970
Caldwell	26.00	65	535	406	428	789	2,805	1,901	13,537	200	1,577	1,762	376	123,894	19,918
Camden	5.00	98	73	29	13	56	226	100	2,477	13	95	111	45	14,443	2,898
Carteret	20.00	31	646	352	270	528	3,062	915	23,036	159	1,256	1,332	369	81,002	27,696
Caswell	9.00	54	183	153	253	476	1,237	808	6,671	44	333	554	93	39,160	8,746
Catawba	36.00	5	998	1,061	927	960	6,724	2,620	31,091	429	3,540	3,267	1,268	229,654	43,006
Chatham	14.00	75	398	278	199	270	1,314	396	11,011	125	674	722	102	50,827	13,604
Cherokee	9.00	84	238	175	356	234	803	490	4,611	49	429	416	45	22,874	6,408
Chowan	9.00	88	181	111	166	151	704	296	4,639	26	238	387	96	35,435	5,878
Clay	4.75	99	84	58	16	50	196	124	1,121	13	104	117	23	6,183	1,621
Cleveland	31.00	45	708	756	436	728	4,013	1,543	21,308	281	2,176	3,673	519	170,641	30,445
Columbus	22.00	67	433	347	250	583	2,411	1,141	14,198	294	1,316	1,460	363	89,821	19,189
Craven	28.00	25	626	675	502	975	5,434	1,321	29,133	217	1,708	2,895	454	151,138	36,575
Cumberland	70.00	1	1,468	3,406	3,330	2,690	13,865	2,998	75,627	793	7,968	12,971	1,807	406,696	105,231
Currituck	8.00	76	144	93	142	170	681	268	7,210	41	303	242	93	33,476	8,301
Dare	16.00	73	273	324	122	462	1,455	881	14,778	127	619	467	86	63,686	17,469
Davidson	36.75	19	1,091	1,049	703	1,438	6,453	1,959	32,452	264	2,857	3,517	856	173,720	43,189
Davie	11.75	69	290	253	120	273	1,147	401	8,915	97	640	603	138	52,193	11,199
Duplin	16.00	11	385	204	134	669	1,955	1,305	15,202	124	1,087	1,475	554	92,929	19,782
Durham	61.25	9	1,401	2,828	913	1,685	9,660	2,972	61,041	835	4,897	16,172	1,071	283,095	90,146
Edgecombe	26.00	16	495	400	249	590	4,540	1,533	21,582	180	1,495	7,718	673	152,459	33,403
Forsyth	84.00	21	1,908	2,673	1,447	2,624	12,952	3,398	73,641	973	9,121	17,054	1,417	372,806	108,768
Franklin	14.00	55	340	295	136	471	2,078	1,078	8,718	102	881	1,079	291	54,190	12,493
Gaston	53.00	7	1,328	1,458	1,173	2,390	9,085	4,356	52,884	644	4,391	6,477	1,094	265,092	71,538
Gates	4.75	91	77	29	33	106	299	134	2,456	19	117	247	43	19,297	3,079
Graham	4.00	96	72	30	51	75	261	172	1,771	23	137	127	16	7,234	2,332
Granville	16.75	34	292	588	259	552	1,975	886	11,332	59	795	1,661	251	69,621	15,613
Greene	7.00	64	146	58	46	194	586	409	4,945	34	337	439	176	[illegible]	6,368
Guilford	123.00	12	2,567	4,294	2,712	5,665	17,6[illegible]	8,514	119,011	1,709	9,231	19,018	2,026	[illegible]	164,344

Counties Ranked by Clerk Weighted Caseload FY97/8

County	Clerks Authorized	Weighted Caseload Rank	Estates Filed	Special Pro-ceedings Filed	Juvenile Petitions Filed	Superior Courtroom Dispositions	District Court Room Dispositions	Superior Criminal Filings	District Criminal and Infraction Filings	Civil Superior Filings	Civil District Filings	Small Claims Filings	Child Support Filings	Receipts Written	Total Case Filings
Halifax	23.75	47	523	277	375	793	3,563	1,331	17,574	141	1,119	1,853	461	134,389	22,818
Harnett	23.00	23	560	690	338	761	4,163	1,506	20,708	321	1,554	2,159	493	108,016	27,498
Haywood	16.00	20	481	342	278	500	2,017	742	18,173	144	1,105	1,047	261	93,826	22,034
Henderson	23.00	53	857	879	273	604	3,148	781	17,462	200	1,381	1,094	268	93,006	22,654
Hertford	12.75	82	219	137	188	442	1,508	656	7,862	47	497	771	32	58,655	10,189
Hoke	11.00	66	178	227	146	339	1,283	588	7,415	50	476	767	167	56,352	9,701
Hyde	4.00	95	73	45	20	93	289	244	1,719	19	63	104	19	10,058	2,267
Iredell	32.75	17	865	743	521	1,008	5,543	1,809	35,149	355	2,191	2,710	588	187,078	43,822
Jackson	9.00	68	267	176	108	229	923	483	5,735	68	719	314	130	31,209	7,762
Johnston	30.00	18	788	745	278	1,075	4,608	1,378	27,428	460	2,306	3,096	852	141,895	36,201
Jones	6.75	92	106	33	13	62	348	137	4,714	15	194	246	77	25,138	5,445
Lee	19.00	51	386	268	293	562	2,711	1,081	19,132	145	1,066	1,326	152	94,858	23,404
Lenoir	24.00	42	521	380	293	721	3,812	1,242	19,809	184	1,346	2,816	426	130,739	26,298
Lincoln	14.50	30	495	347	257	683	1,733	927	9,886	136	1,099	1,248	303	70,430	14,138
Macon	7.75	56	243	163	73	217	761	640	6,075	53	497	353	111	31,813	8,024
Madison	7.75	87	197	75	63	96	392	163	5,521	36	316	196	68	28,136	6,504
Martin	12.00	79	242	165	190	305	1,398	539	6,359	64	395	1,003	113	58,286	8,767
McDowell	14.00	62	305	319	185	360	1,514	764	11,167	99	774	774	194	66,986	14,202
Mecklenburg	141.25	3	3,454	6,590	4,425	4,921	23,135	10,689	145,072	2,955	14,802	34,723	2,278	759,434	218,285
Mitchell	7.00	94	170	74	113	142	396	247	2,229	34	270	234	98	13,138	3,258
Montgomery	11.75	85	211	154	255	240	1,219	589	7,532	35	514	431	96	35,570	9,466
Moore	21.75	13	759	557	379	899	3,046	2,165	21,238	220	1,218	1,317	377	109,918	27,474
Nash	33.00	14	618	838	505	1,119	5,229	2,419	29,279	326	2,096	8,254	685	166,492	43,830
New Hanover	46.75	6	972	1,805	1,330	2,339	9,354	4,588	48,551	775	3,949	6,692	645	234,805	67,332
Northampton	11.00	86	235	105	62	336	1,026	412	5,164	50	313	571	110	47,743	6,850
Onslow	39.00	28	530	1,594	663	1,284	6,688	1,871	33,112	334	3,488	4,991	992	177,329	45,920
Orange	25.00	41	564	1,332	352	500	2,759	651	26,058	307	1,516	1,859	337	120,691	32,287
Pamlico	4.75	81	103	39	24	135	584	161	2,246	19	254	294	120	15,079	3,116
Pasquotank	13.00	44	286	204	175	498	2,111	803	8,832	96	828	1,348	328	59,632	12,397
Pender	12.75	24	252	221	195	525	1,460	1,138	12,968	148	827	793	291	66,802	16,347
Perquimans	7.00	89	122	54	64	74	398	170	4,560	25	224	268	118	25,877	5,423
Person	15.00	63	273	257	310	544	2,053	824	10,089	41	811	1,018	320	66,591	13,313
Pitt	41.00	26	794	786	693	1,785	7,584	4,238	43,880	401	2,484	5,882	571	141,780	58,465
Polk	6.00	70	244	86	79	112	645	171	4,570	35	247	225	78	21,468	5,578
Randolph	30.75	32	813	688	749	1,056	4,519	1,860	27,315	251	1,988	2,105	543	156,424	35,020
Richmond	18.75	29	368	398	426	775	3,172	1,855	11,032	171	1,290	1,626	550	84,886	16,740
Robeson	46.00	39	842	907	937	1,446	8,576	2,285	36,220	626	2,997	3,731	1,030	221,018	47,608
Rockingham	30.00	52	716	855	349	1,202	3,721	2,118	22,403	197	1,827	3,652	353	129,247	31,768
Rowan	32.00	4	1,116	1,064	596	779	6,244	1,254	32,456	299	2,763	2,987	1,156	212,581	41,939
Rutherford	21.00	43	651	433	345	1,005	3,513	1,154	15,432	179	1,294	2,153	232	94,751	21,296
Sampson	20.75	35	510	398	218	597	3,007	855	19,813	119	1,221	1,525	475	120,885	24,441

Counties Ranked by Clerk Weighted Caseload FY97/8

County	Clerks Authorized	Weighted Caseload Rank	Estates Filed	Special Pro-ceedings Filed	Juvenile Petitions Filed	Superior Courtroom Dispositions	District Court Room Dispositions	Superior Criminal Filings	District Criminal and Infraction Filings	Civil Superior Filings	Civil District Filings	Small Claims Filings	Child Support Filings	Receipts Written	Total Case Filings
Scotland	17.75	60	340	302	343	500	2,519	953	11,464	110	819	1,668	288	90,444	15,656
Stanly	17.75	46	464	381	161	513	2,490	1,022	12,973	93	1,272	980	397	88,770	17,185
Stokes	12.75	50	350	228	252	591	1,609	854	10,391	75	660	571	229	51,300	13,129
Surry	20.75	48	477	502	295	822	3,200	1,333	15,681	209	1,450	1,964	219	86,831	21,616
Swain	6.75	97	83	40	31	109	346	181	3,807	27	217	82	3	19,507	4,437
Transylvania	10.00	77	309	124	185	199	1,085	175	6,093	83	572	324	156	36,289	7,680
Tyrrell	5.50	100	49	22	8	37	196	74	2,321	7	57	83	19	14,044	2,613
Union	28.00	38	544	628	766	1,126	4,047	2,092	24,095	249	1,600	2,265	416	144,575	31,473
Vance	20.00	33	388	331	350	1,054	3,720	1,956	17,407	133	848	2,329	315	88,641	23,392
Wake	114.00	2	2,823	5,132	2,270	3,534	22,706	6,271	139,248	2,426	12,205	17,966	2,178	617,641	186,071
Warren	9.00	71	272	126	60	269	924	440	4,752	33	333	609	152	41,182	6,565
Washington	8.00	83	131	102	15	189	779	307	4,188	26	281	519	128	40,382	5,554
Watauga	12.00	58	279	233	91	333	1,078	621	11,330	108	736	697	174	48,827	14,004
Wayne	35.75	15	779	1,057	731	1,365	5,448	2,227	27,962	337	2,447	4,590	774	188,324	39,399
Wilkes	21.75	49	454	393	562	353	3,603	557	14,849	207	1,880	2,805	421	98,258	21,145
Wilson	27.00	8	565	647	511	671	5,056	2,129	23,996	404	1,912	4,926	683	155,004	34,579
Yadkin	10.75	61	267	162	363	190	1,441	384	7,354	87	699	509	192	48,114	9,462
Yancey	7.00	90	227	70	110	128	508	195	3,883	36	278	196	55	16,903	4,885
State Totals	2,338.75		54,768	64,991	43,346	78,969	351,314	139,569	2,023,366	24,958	168,211	281,133	42,400	11,221,313	2,756,996

Weighted caseload is based on a projected staffing level (including the Clerk of Superior Court), of:

One position for every	287	estate filings
plus one for every	661	special proceeding filings
plus one for every	659	juvenile petitions
plus one for every	690	superior court "in-court" dispositions
plus one for every	1,804	district court "in-court" dispositions
plus one for every	994	criminal superior filings
plus one for every	4,855	criminal and infraction district filings
plus one for every	277	civil superior filings
plus one for every	1,005	civil district filings
plus one for every	2,398	small claim filings
plus one for every	222	child support filings
plus one for every	27,396	receipts written
plus one for every	20,614	total filings, all divided by the number of authorized clerk positions.

Counties are ranked 1 to 100, highest to lowest weighted caseload. Filings and dispositions are FY97/8 data. Courtroom dispositions are trials, in-court pleas, probable cause hearings, and dispositions of other civil cases by judge's order. Child support enforcement actions are post-disposition actions such as orders to show cause in child support cases. Special proceedings in the Burke, Granville, Wake, and Wayne regional hospitals are weighted as if they were district court room dispositions. Staffing levels are as of January, 1999, and include the elected clerk, permanent positions, and 10.25 continuing full-time temporary positions.

Allocation of New Deputy Clerk Positions

County	Authorized Clerks 12/31/98	New Positions 12/1/98
Alamance	38.00	2.00
Alexander	10.00	1.00
Alleghany	4.75	0.00
Anson	11.75	1.00
Ashe	7.75	0.00
Avery	8.00	1.00
Beaufort	19.75	2.00
Bertie	11.00	0.00
Bladen	16.00	2.00
Brunswick	19.00	1.00
Buncombe	57.00	3.00
Burke	26.00	1.00
Cabarrus	33.00	2.00
Caldwell	26.00	1.00
Camden	5.00	0.50
Carteret	20.00	1.00
Caswell	9.00	1.00
Catawba	36.00	1.25
Chatham	14.00	1.00
Cherokee	9.00	1.00
Chowan	9.00	1.00
Clay	4.75	0.00
Cleveland	31.00	2.00
Columbus	22.00	1.00
Craven	28.00	1.00
Cumberland	70.00	9.00
Currituck	8.00	1.00
Dare	16.00	1.00
Davidson	36.75	3.00
Davie	11.75	1.00
Duplin	16.00	0.00
Durham	61.25	1.00
Edgecombe	26.00	1.00
Forsyth	84.00	5.00
Franklin	14.00	0.00

County	Authorized Clerks 12/31/98	New Positions 12/1/98
Gaston	53.00	1.00
Gates	4.75	0.00
Graham	4.00	0.00
Granville	16.75	0.00
Greene	7.00	0.00
Guilford-Greensboro	123.00	8.00
Guilford-High Point	0.00	3.00
Halifax	23.75	1.00
Harnett	23.00	1.00
Haywood	16.00	1.00
Henderson	23.00	1.00
Hertford	12.75	1.00
Hoke	11.00	1.00
Hyde	4.00	0.00
Iredell	32.75	2.00
Jackson	9.00	0.25
Johnston	30.00	2.00
Jones	6.75	1.00
Lee	19.00	1.00
Lenoir	24.00	1.00
Lincoln	14.50	0.00
Macon	7.75	0.00
Madison	7.75	1.00
Martin	12.00	1.00
McDowell	14.00	1.00
Mecklenburg	141.25	11.00
Mitchell	7.00	1.00
Montgomery	11.75	1.00
Moore	21.75	2.00
Nash	33.00	3.00
New Hanover	46.75	2.00
Northampton	11.00	1.00
Onslow	39.00	2.00
Orange	25.00	2.00
Pamlico	4.75	0.75
Pasquotank	13.00	1.00
Pender	12.75	1.00

Counties	Authorized Clerks 12/31/98	New Positions 12/1/98
Perquimans	7.00	1.00
Person	15.00	1.00
Pitt	41.00	3.00
Polk	6.00	0.25
Randolph	30.75	2.00
Richmond	18.75	1.00
Robeson	46.00	2.00
Rockingham	30.00	1.00
Rowan	32.00	2.00
Rutherford	21.00	1.00
Sampson	20.75	1.00
Scotland	17.75	1.00
Stanly	17.75	2.00
Stokes	12.75	1.00
Surry	20.75	0.00
Swain	6.75	1.00
Transylvania	10.00	1.00
Tyrrell	5.50	0.75
Union	28.00	2.00
Vance	20.00	1.00
Wake	114.00	12.00
Warren	9.00	0.00
Washington	8.00	0.25
Watauga	12.00	1.00
Wayne	35.75	1.00
Wilkes	21.75	1.00
Wilson	27.00	1.00
Yadkin	10.75	1.00
Yancey	7.00	1.00
Total	***2338.75***	***149***

General Assembly Funding for Court Personnel Since 1995

Clerks:

- 1995 Session: 25
- 1996 Session: 40
- 1997 Session: 100
- 1998 Session: 149

314 (total of 2,229)

Assistant District Attorneys:

- 1995 Session: 8
- 1996 Session: 60
- 1997 Session: 54
- 1998 Session: 4

126 (total of 425 ADA's)

Victim / Witness Assistants:

- 1995 Session: 3
- 1996 Session: 0
- 1997 Session: 60 plus 45 in reserve upon passage of victims bill

108 (total of 351 victim and legal assistants)

District Court Judges:

- 1995 Session: 2
- 1996 Session: 4
- 1997 Session: 6
- 1998 Session: 13

25 (total of 217 judges)

Superior Court Judges:

- 1995 Session: 2
- 1996 Session: 4
- 1998 Session: 1

7 (total of 100 judges)

GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS

Reports includes all active grants as of March 1999

Fund No.	Project Title	Grantor Award Amount	State Match (If Required)	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be requested?
2161	Business Court Technology Project	$105,000	$0	98/99	Private Sources	To develop and purchase technology to create a state-of-the art business court.	None	State or Federal money would be needed to implement if successful.
2164	CASA NC Guardian Ad Litem (Program Div.)	$8,582	$0	98/99	National CASA	To develop and implement a strategic Volunteer Recruiting Plan to represent in court abused and neglected children. Brady bill.	None	Project will be complete
2169	Comprehensive Protection & Prosecution for Juvenile Offenders and Victims (Dist. 27B)	$148,174	$0	98/99	Governor's Crime Commission	To develop prosecutorial procedures to better handle cases involving juvenile victims and offenders in Prosecutorial District 27B.	1 full-time ADA, 1 part-time ADA	Project will be complete
2201	Victim's Rights Implementation Training (Conf. Of DA's)	$26,824	$5,777	98/99	Governor's Crime Commission	The Conference of District Attorneys will develop a victims services training program for prosecutors and Victims /Witness Assistants.	None	Project will be complete
2203	Judicial Training (Policy, Planning & Comm. Div.)	$82,740	$16,666	98/99	Governor's Crime Commission	To provide travel and registration costs for specialized training for judges, districit attorneys, clerks, magistrates, public defenders, trial court adminis. and AOC staff.	None	Project will be complete
2205	Safety Manual (Program Div.)	$6,600	$0	98/99	Governor's Crime Commission	To create a document that outlines best-practice approaches to staff safety. The manual will consolidate current policies, procedures and practices.	None	Project will be complete

GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS

Reports includes all active grants as of March 1999

Fund No.	Project Title	Grantor Award Amount	State Match (If Required)	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be requested?
2207	Prosecutor Training Prog. (Conf. Of DA's)	$75,514	$16,640	98/99	Governor's Crime Commission	To provide prosecutor training in technology, testing, and litigation issues.	None	Project will be complete
2208	Victims First Program (VOCA) - Dist. 20	$125,930	In-kind match	98/99	Governor's Crime Commission	Prosectorial District 20 will coordinate a community-based approach to domestic violence, & develop a protocol to ensure professional investigations, arrests, prosecutions, convictions, and support for victims.	2 Vic. wit. asst.	Project will be complete
2209	Alternations to Incarceration (Program Div.)	$54,987	$0	98/99	Governor's Crime Commission	To evaluate existing programs that provide alternatives to training schools for juveniles offenders, and to develop new programs.	1 Proj. Dir,; 1 part-time tech.	Project will be complete
2211	Interagency Contraband Enforcement	$67,198	$0	98/99	Johnson County	To establish assistance for vigorously investigating and prosecuting drug cases.	1 ADA	Project will be complete
2212	Domestic Violence Eradication	$54,216	$0	98/99	Harnett County	To establish assistant district attorney position to assist in prosecuting domestic violence cases.	1 ADA	Project will be complete
2213	Criminal Justice Intervention Program for Domestic Violence (Dist. 14)	$215,619	In-kind match	98/99	Governor's Crime Commission	Prosectorial District 14 will establish a specialized domestic violence court and improve coordination with other agencies involved with domestic violence cases.	2 vic. asst.; 1 dep. clerk	Project will be complete

GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS

Reports includes all active grants as of March 1999

Fund No.	Project Title	Grantor Award Amount	State Match (If Required)	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be requested?
2214	ADALA Program (Dist 15 B)(Orange/ Durham Colatition for Battered Women)	$154,895	In-kind match	98/99	Governor's Crime Commission	To evaluate existing programs that provide alternatives to training schools for juveniles offenders, and to develop new programs.	1 Legal Asst. II	Project will be complete
2216	Victims Response Team (Dist. 7)	$78,947	In-kind match	98/99	Governor's Crime Commission	to recruit and train volunteer to assist victims on court dates and establish a protocol with local agencies to assist victims with such issues as payment of medical bills, and gathering restitution info in prosecutorial dist. 7	3 Vic. Asst.	Project will be complete
2217	Child & Elderly Victims Relief Program (Dist. 9A)	$52,298	In-kind match	98/99	Governor's Crime Commission	to improve services offered to elderly and child victims in prosecutorial dist. 9a and to provide a liaison between law enforce. social services, victims, and the court	1 Vic. Asst.	Project will be complete
2218	Custody & Visitation Mediation Study (Legal Serv. Div.)	$64,663	$0	98/99	Governor's Crime Commission	to collect and analyze empirical data on the program to determine whether the program benefits litigants and the courts	.75 Res. Tech. I , 1 Res. Tech. II	Project will be complete
2221	Forsyth DA Legal Asst.	$125,131	$0	98/99	Forsyth County	To provide 4 legal assistants to the Districit Attorney's Office in Forsyth County.	1 Legal Asst. III, 3 Legal Asst. I	Project will be complete
2222	Forsyth DA Adm. Asst. and Investigator	$61,227	$0	98/99	Forsyth County	To provide an administrative assistant and an investigator position for the District Attorney's Office in Forsyth County.	1 Admin. Asst. I, 1 ADA Invest.	Project will be complete

GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS

Reports includes all active grants as of March 1999

Fund No.	Project Title	Grantor Award Amount	State Match (If Required)	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be requested?
2226	Simulating/Impact of Changing Juv. Just. Policy (NC Sentencing Comm)	$5,010	$0	98/99	Governor's Crime Commission	To establish reliable information to assist in the restructure of the Juvenile Justice System.	none	Project will be complete
2228	Durham Co. ADA Program	$123,840	$0	98/99	Durham City Police Department	To provide 2 Assistant District Attorneys for the District Attorney's Office in Durham County.	2 ADA	Project will be complete
2250	Structured Sentencing (NC Sentencing Comm)	$77,232	$0	98/99	Ford Foundation	To provide assistance in the implementing the structure sentencing policy.	none	Project will be complete
2301	Youth Crime Response Project	$54,190	$0	98/99	Governor's Crime Commission	To establish 1 Assistant District Attorney dedicated to juvenile court matters.	1 ADA	Project will be complete
2302	Child Abuse Prosecution Advocate	$38,564	$0	98/99	Governor's Crime Commission & Rowan Cty.	To establish 1 Legal Assistant that would be dedicated to Rowan Cty. As a Child Abuse Prosecution Advocate.	1 Legal Asst II	Project will be complete
2303	Domestic Violence Coordinator	$37,842	$0	98/99	Governor's Crime Commission	To establish 1 Legal Assistant that would be dedicated to District 10 as a Domestic Violence coordinator.	1 Legal Asst III	Project will be complete

GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS

Reports includes all active grants as of March 1999

Fund No.	Project Title	Grantor Award Amount	State Match (If Required)	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be requested?
2304	LSI-R Risk Assessment (Programs Div.)	$47,730	$15,910	98/99	Governor's Crime Commission	To assess the risk & needs of criminal offenders & improve the quality of data presented to judges in their Sentencing Plan. Level of Services Inventory Revised (LSI-R)	1 Proj. Coor.	Project will be complete
2305	Courts on the Internet	$66,288	$22,318	98/99	Governor's Crime Commission	To establish a web page for each judicial district.	1 Web Page Editor	Yes
2306	Public Education/ Awareness Project (Conf. Of DA's)	$63,000	$21,000	98/99	Governor's Crime Commission	To develop victim's rights educational tools and materials.	None	Project will be complete
2307	Victims Rights Impact Study (Conf. Of DA's)	$16,947	$5,649	98/99	Governor's Crime Commission	To provide District Attorneys' assistance of the 1996 Victims' Rights Constitutional Amendment.	None	Project will be complete
2308	In-State Training Assistance (Conf. Of DA's)	$77,613	$25,871	98/99	Governor's Crime Commission	To provide computer training and other training for prosecutors and support staff.	None	Project will be complete
2309	Clerk of Superior Court Resource Analysis	$42,969	$14,323	98/99	Governor's Crime Commission	To analyze the resource needs of the Clerk of Superior Court Offices.	None	Project will be complete

GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS

Reports includes all active grants as of March 1999

Fund No.	Project Title	Grantor Award Amount	State Match (If Required)	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be requested?
2310	Wake Juvenile Drug Treatment Court (Programs Div.)	$105,870	$35,290	98/99	Governor's Crime Commission	To develop & implement a pilot for Juvenile Drug Treatment Court.	None	Project will be complete
2311	Domestic Violence/ Sexual Assault ADA	$40,337	$0	98/99	Governor's Crime Commission	To provide Assistant District Attorney be dedicated to Alamance Cty. To the needs of victims of sexual assaults & domestic violence.	1 ADA	Project will be complete
2312	4th Prosecutorial Dist. Domestic Violence Unit	$87,151	$0	98/99	Governor's Crime Commission	To protect victims from additional acts of violence committed by the defendant.	2 Vict. Asst.	Project will be complete
2313	Child Abuse Victims/ Witness -Legal Asst.	$37,091	$0	98/99	Governor's Crime Commission	To address the problems in the investigation 7 prosecution of child sexual and physical abuse cases.	1 Legal Asst.II	Project will be complete
2314	Domestic Violence Court Judge	$60,000	$0	98/99	Governor's Crime Commission	Project provides funds for a judge in the Wake County Domestic Violence Court.	none	Project will be complete
2315	Victims First Program (VOCA) - Dist. 20	$132,339	$0	98/99	Governor's Crime Commission	Prosectorial District 20 will coordinate a community-based approach to domestic violence, & develop a protocol to ensure professional investigations, arrests, prosecutions, convictions, and support for victims.	1 Legal Asst. I, 2 ADA	Project will be complete

GRANT FUNDING TO THE ADMINISTRATIVE OFFICE OF THE COURTS

Reports includes all active grants as of March 1999

Fund No.	Project Title	Grantor Award Amount	State Match (If Required)	Grant Period	Grantor	Purpose	Grant-funded Positions	Will state funding for continuation be requested?
2341	Court Improvement Program (Programs Div.)	$239,971	$79,991	98/99	DHHS	To address the problems in the cases involving abused children in family related cases.	1 Proj. Mgr., 1 Proj. Coor., 1 Juv. Cs. Mgr.	Funding depends on success of program.
2346	Improving Case Processing in Prosecutors Offices	$56,381	$0	98/99	U.S. Dept. Justice	To provide funds non-urban DA Offices with technical assistance, training, workshop and conferences.	1 Proj. Mgr.	Project will be complete
2347	Mecklenburg Drug Court Position	$24,224	$0	98/99	Mecklenburg County	Grant position to oversee the child care subsidy program of Drug Treatment Clients.	1 Child Care Resou. Spec.	Project will be complete
2348	Sentencing Commission Contract (NC Sentencing Comm)	$79,235	$0	98/99	Governor's Crime Commission	To develop a simulation model for juv. records, to know how many juv. Are charged with offenses, what the offenses are, and to make projections about juv. involved in the NC Criminal Justice Sys.	1 Res. Tech. II	Project will be complete
2349	Automated Magistrate System No. 2 Award (Court Mgt. Info. Mgt.Sys.)	$4,000,000	$0	98/99	U.S. Dept. Justice	To implement an Automated Magistrate System that will be used as a front-end to the NC Judicial Criminal System.	None	operational cost requested in judicial budget
2350	Automated Magistrate System (Court Mgt. Info. Mgt.Sys.)	$396,702	$0	98/99	U.S. Dept. Justice	To implement an Automated Magistrate in the counties across the state.	3 Bus. Sys. An., 3 Ct. Serv. Trainers	operational cost requested in judicial budget

VISITOR REGISTRATION SHEET

Justice and Public Safety — 3/3/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	Office of Juvenile Justice
G. Arnold	AOC
Jeanne Bonds	AOC
Jane Lus K	A.O.C.
[illegible]	AOC
Peg Bowen	Conference of D.A.s
Buddy Humphrey	OSBM
Anne Winner	NCAOCR
Chuck Crawn	OSPL
Ken Howell	Gov's office
Ed Taylor	OJJ

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday March 3, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding
Representative Paul McCrary
Representative Ted Kinney
Representative Bill Culpepper

II. PRESENTATIONS

Morning

- Judicial Department Continuation Budget

  Court Programs (District and Superior Court; District Attorneys; Clerks)

  Charles Perusse, Fiscal Research Staff

- Judicial Federal Grants

  Jeannie Bonds, Deputy Director
  Administrative Office of the Courts

Afternoon

- Judicial Department Continuation Budget

  1. AOC Technology Programs and Long Range Plan

  Jeannie Bonds, Deputy Director
  Administrative Office of the Courts

  2. AOC Technology Budget

  Charles Perusse, Fiscal Research Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 3, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met at 2:30PM, in room 415, LOB. There were two Senators attending. The following House members attended:

Rep. Paul McCrary	Rep. Bill Culpepper
Rep. Scott Thomas	Rep. Phillip Haire
Rep. Jim Horn	Rep. Larry Justus
Rep. Joe Kiser	Rep. Wayne Sexton

Senator Luther Jordan chaired the meeting. He called on Ms. Jeanne Bonds. Ms Bonds distributed a handout, Courts' Information Technology, from which she spoke. On hand is $35 million worth of data processing equipment. Magistrates are receiving laptops (703_ at a cost of about $9million. Each month 5 or 6 additional counties will be on line. They have no way of recovering data in a disaster. In response to Sen. Jordan, they are buying rather than leasing because it is more cost effective. In response to a question by Rep. Justus, they will look into the life of a computer vis a vis data complexity to determine the feasibility of leasing. They will also look at partnering with vendors. They cannot however consider leasing if they do not have continuing funding. In response to Rep. Sexton, there are sufficient funds for YK2 replacement.

Mr. Perusse distributed a handout, Information Services Division / Reserve for Computer and Office Equipment. Major changes in the continuation budget requests are $2.2 million increase for software maintenance and $500,000 in telecommunications lines. There is a newly established reserve for office and computer equipment replacement. Page 3 of the handout shows ages, types of equipment, and replacement costs. Proposed items for replacement 1999-2000 are circled. The equipment to be replaced is in the range of 5 to 6 years old. AOC has been provided funds on a one time basis rather than recurring. AOC is coming under the aegis of Information resource Management Commission as other state agencies are.

Rep. Haire has a petition from Cleveland County, which he asked to be entered as part of the record. See attached.

Senator Jordan adjourned the meeting at 3:30PM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

Courts' Information Technology

- Criminal System/Infractions
- Civil System
- Financial System
- Support Enforcement System
- Estates

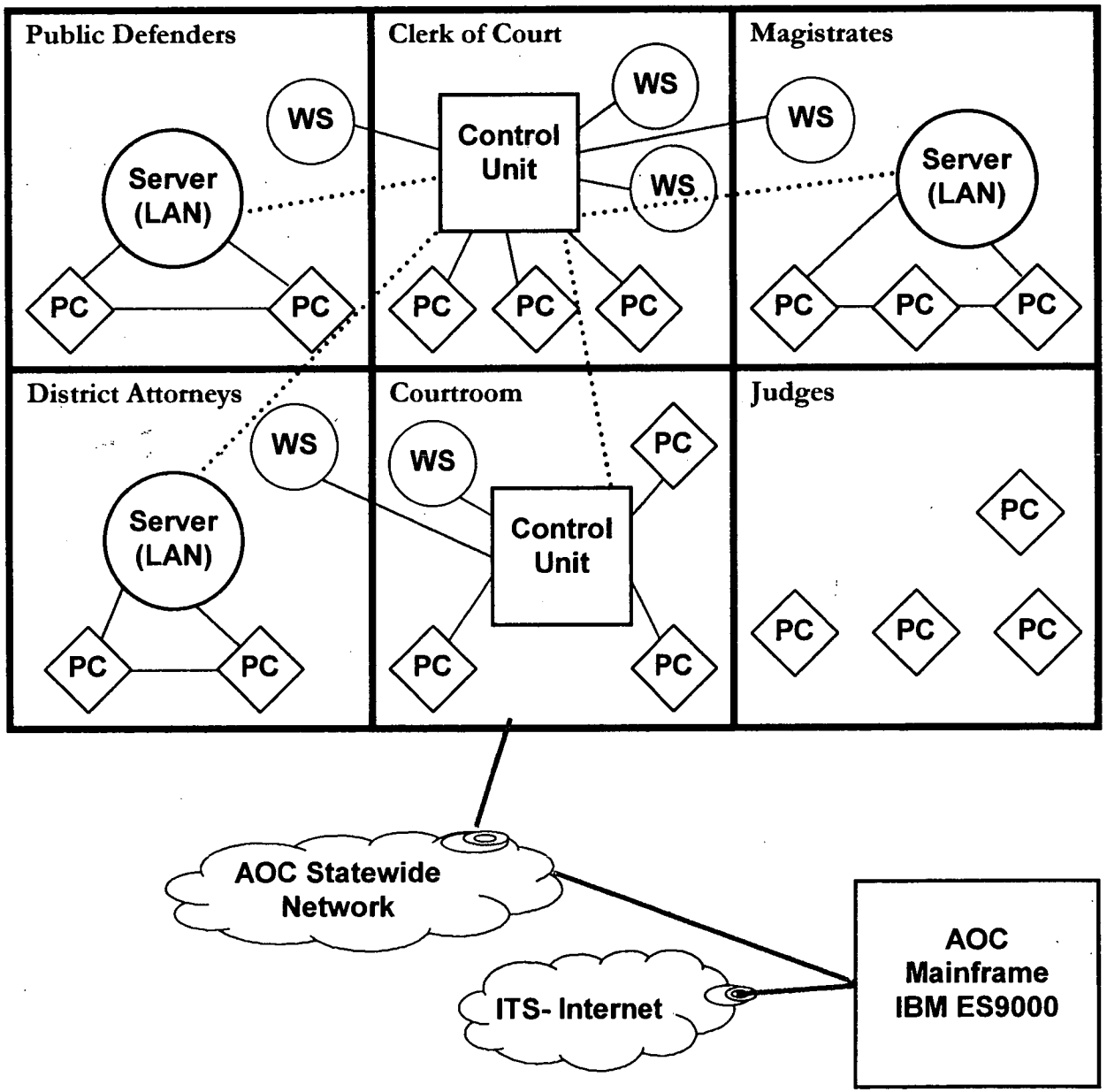
Equipment Statewide

- $35 million data processing equipment statewide (servers, control units, printers, computers, etc.)

Transition from Mainframe

- Local Area Networks
  - Repeat data entry
  - Data sharing
  - Other agency data sharing
  - Time/resource management

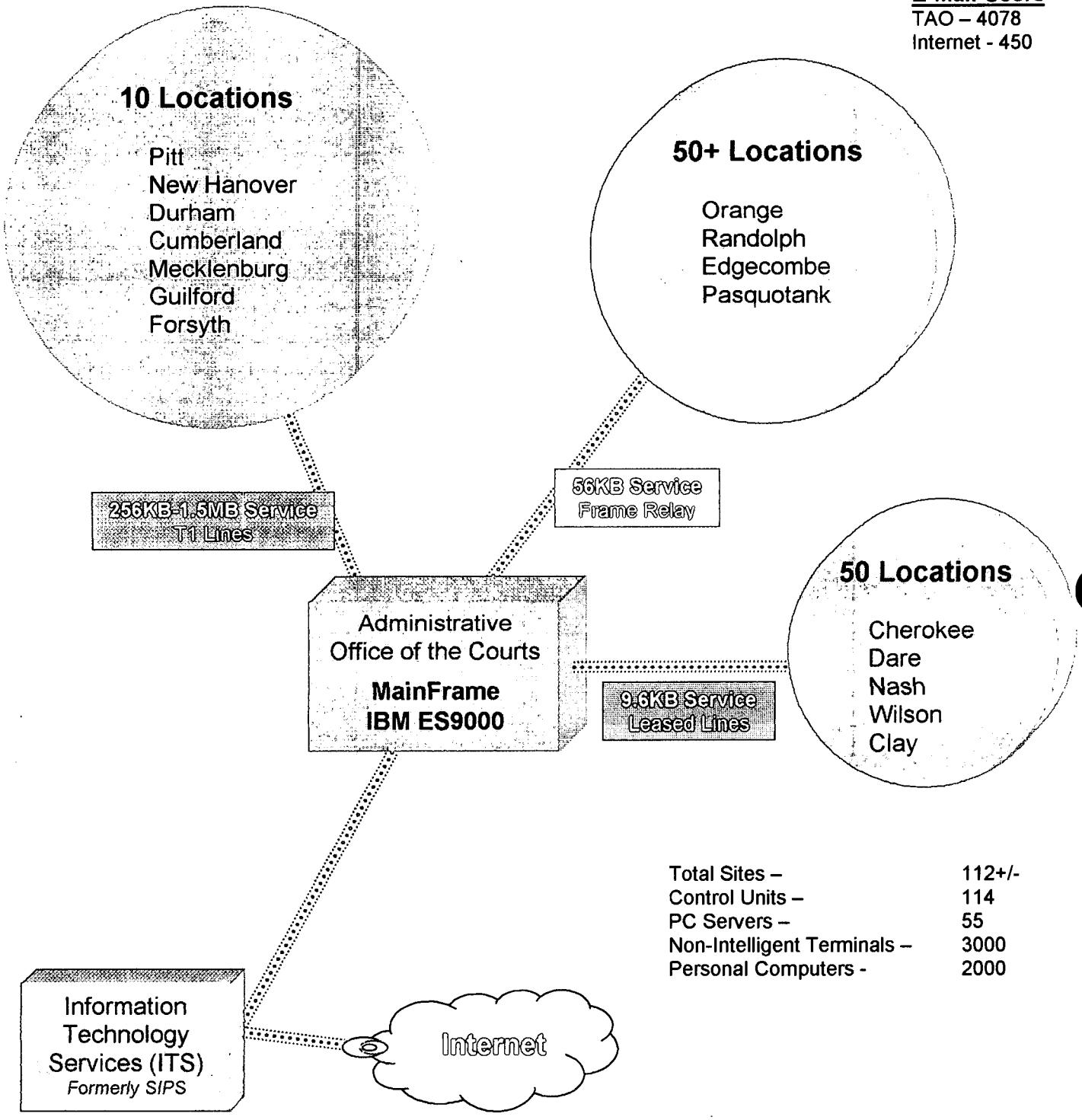
TYPICAL HARDWARE ENVIRONMENT – REMOTE LOCATIONS



Data Transmission

- Upgrade of existing lines to improve the transmission of data
- Improve speed of data transmission

E-Mail Users
TAO – 4078
Internet - 450



Total Sites –	112+/-
Control Units –	114
PC Servers –	55
Non-Intelligent Terminals –	3000
Personal Computers -	2000

Personnel

- Local Area Network/Wide Area Network Staff
- Mainframe Operations
- Specific Project Personnel - programmers, support, implementation
- Telephone Systems

PC/Network Administration

- Computer Equipment Coordinator
- Help Desk Specialists
- Software Specialist
- LAN/WAN Specialists
- PC Specialist

Applications Development and Database Operations

- Applications Analyst Programmers (*Levels I, II, and III*)
- Senior Systems Programmers (*mainframe*)
- Data Control Specialists

- Telecommunications

On-Going Major Projects

- Y2K
- Federal and State Mandates
- Magistrate Segment - Criminal Tracking System

Year 2000 Compliance

- Support Enforcement System
- Financial Management System
- Cash Receipting System
- Highway Patrol Systems
- Administrative Support Systems
- PC Estates Systems
- Set-Off Debt System
- Civil Case Processing System
- Bond Forfeiture System
- Magistrate System

✔ Statistical Reporting System
✔ Community Penalties
✔ Criminal Infractions System
✔ AOC Local Interface
✔ DA/PD Case Management System
✔ CourtFlow Systems

Compliance with Statutory Mandates

- Statewide Automated Victim Assistance and Notification (SAVAN)
  - Expanded victim notification system
- Financial Management System -- VCAP Set-Off Debt System
  - Tax refunds held to offset judgements for indigent defense fees
- Child Support Case Registry
  - Registry of all parties involved in child support matters
- Child Support Centralized Collectionsand Disbursements
  - Single point of contact for cases subject to wage withholding
- DWI Reporting to DMV

Magistrate Segment Criminal Tracking System

- Current funding to date:
  - FY97 Federal (one time) $396,702
  - FY97 State Appropriation (one time) $2,000,000
  - FY98 Federal (one time) $4,000,000
  - FY99 Federal (expected) $2,500,000

- Pilot sites:
  - Pitt, Cumberland, Brunswick, Durham, Henderson,Wilson

- After acceptance testing is complete, implement 5 to 6 counties per month

Last Session Funding

- Data center upgrade -- $1.7 million
- Up to $500,000 (emergency) computer upgrade
- Up to $500,000 long-range information technology plan

Major Challenges

- Replacement of existing equipment and new equipment
- Transition to local area networks for data sharing and to enable court officials to manage their time and resources better
- Upgrade of data transmission lines from statewide offices to the AOC mainframe
- Disaster Recovery
- Improved systems for court officials (i.e. DA/PD case management, judgment abstracting)

Information Services Division / Reserve for Computer and Office Equipment

Description of ISD

- Provides statewide development, implementation, and support of computer systems for the Judicial Branch

- Support systems including:

    - New Criminal Tracking system (Magistrates System)
    - Infraction module of CIS
    - Civil case indexing system
    - Child support enforcement module
    - Financial management system
    - DA / PD case management system

Fiscal Information

	1997-98 Actual	1998-99 Authorized	1999-00 Recommended	2000-01 Recommended
General Fund Expenditures	$10,938,503	$12,268,073	$15,100,795	$15,324,206
Positions	91	91	91	91

Major Changes in Continuation Budget Requests:

- $2.2m increase for software maintenance agreements (see page 2)
- $500,000 in telecommunications lines

Description of Reserve for Office and Computer Equipment Replacement

- For the first time, the Office of State Management and Budget has allowed the AOC to include replacement computer and office equipment in the continuation budget.

	1999-00 Recommended	2000-01 Recommended
Office Equipment	$1,050,000	(special provision to use available funds?)
Computer Equipment	$3,950,000	(use available funds?)
Total	**$5,000,000**	

** See pages 3 and 4 for proposed replacement schedules

Software Maintenance / License Agreements for 1999-2001 Biennium

Appilcation Covered	Vendor	1999-2000	2000-01
Financial Management System (Clerks Accounting System)	GEAC	$159,609	$163,994
Magistrate Warrant Control Module	Vision	$590,155	$609,761
Executive Advisory Services	Gardner	$24,390	$25,790
Mainframe Support / Operational Leases			
	IBM	$1,270,524	$1,321,345
	Non-IBM	$1,099,615	$1,141,435
	Total**	***$3,144,293***	***$3,262,325***

** $2.2m increase in continuation budget for each fiscal year

Major Drivers of Software Maintenance Increases:

1. Funding recent recurring upgrades with nonrecurring monies?
2. Increases in software license costs for existing systems
3. Additional software costs for new systems (ie, magistrates module)

* The AOC and Fiscal Research staff are acquiring more detailed information for the committee so they can better understand the proposed increases.

1999-20[illegible] REPLACEMENT SCHEDULE
DATA PROCESSING EQUIPMENT

EQUIPMENT TYPE:	98-99 Less Than One Year Old	97-98 One Years Old	96-97 Two Years Old	95-96 Three Years Old	94-95 Four Years Old	93-94 Five Years Old	92-93 Six Years Old	91-92 even or More Years Old	
	YEAR PURCHASED								
CONTROL UNITS QUANTITY: 140 REPL. COST: $2,800,000	0 $0	3 $60,000	25* $500,000	20 $400,000	36 $720,000	22 $440,000	5 $100,000	29 $580,000	56 Units (40%) $1,120,000
SCREEN PRINTERS QUANTITY: 633 REPL. COST: $117,105	0 $0	37 $6,845	52 $9,620	48 $8,880	244 $45,140	0 $0	0 $0	252 $46,620	252 Units (40%) $46,620
SYSTEM PRINTERS QUANTITY: 319 REPL. COST: $733,700	0 $0	21 $48,300	48 $110,400	40 $92,000	39 $89,700	23 $52,900	18 $41,400	130 $299,000	171 Units (54%) $393,300
					1999-2000 Replacement	0 $0	0 $0	81 $186,300	81 Units (25%) $186,300
TERMINALS QUANTITY: 2895 REPL. COST: $2,026,500	0 $0	603 $422,100	306 $214,200	63 $44,100	676 $473,200	257 $179,900	453 $317,100	537 $375,900	1247 Units (43%) $872,900
FILE SERVERS QUANTITY: 66 REPL. COST: $1,650,000	12 $300,000	32 $800,000	0 $0	16 $400,000	6 $150,000	0 $0	0 $0	0 $0	0 Units $0
DESKTOP PC'S QUANTITY: 1870 REPL. COST: $6,840,460	46 $168,268	693 $2,534,994	272 $994,976	160 $585,280	440 $1,609,520	256 $936,448	3 $10,974	699 Units (37%) $2,556,942	
				1999-2000 Replacement	440 $1,609,520	256 $936,448	3 $10,974	699 Units (37%) $2,556,942	
LAPTOP PC'S QUANTITY: 363 REPL. COST: $1,714,449	3 $14,169	48 $226,704	84 $396,732	25 $118,075	103 $486,469	95 $448,685	4 $18,892	1 $4,723	203 Units (56%) $958,769
				1999-2000 Replacement	103 $486,469	95 $448,685	4 $18,892	1 $4,723	203 Units (56%) $958,769

proposed to be replaced in 1999-2000

REPLACEMENT STRATEGY	PRIOR YEARS CARRYOVER	1999-2000 SCHEDULED	BUDGETED REPLACEMENT	CARRYOVER TO FUTURE YEARS
SCHEDULED NEEDS:	$3,179,742	$2,768,789	$3,702,011	($2,246,520)
NONSCHEDULED NEEDS:	N/A	$299,028	$297,989	N/A
COMBINED REPLACEMENT:	$3,179,742	$3,067,817	$4,000,000	($2,246,520)

(3)

* *All Control units and terminals listed above are being reserved to be replaced by file servers and personal computers; faster, more efficient technology.*

* *This does not include request for new equipment due to new courtrooms or offices being moved from courthouses to annex offices by the counties.*

1999-2000 REPLACEMENT SCHEDULE
OFFICE EQUIPMENT

3/2/99

YEAR PURCHASED

EQUIPMENT TYPE:	98-99 Less Than One Year Old	97-98 One Years Old	96-97 Two Years Old	95-96 Three Years Old	94-95 Four Years Old	93-94 Five Years Old	92-93 Six Years Old	91-92 Seven Years Old	90-91 Eight or More Years Old	89-90 Nine Years Old	88-89 Ten Years Old	81-88 Eleven or More Years Old	
MAILING MACHINES QUANTITY: 50 REPL. COST: $304,850	3 $18,291	0 $0	0 $0	0 $0	9 $54,873	2 $12,194	0 $0	2 $12,194	3 $18,291	4 $24,388	21 $128,037	6 $36,582	31 Units (62%) $189,007
									1999-2000 Replacement	0 $0	20 $121,940	6 $36,582	26 Units (52%) $158,522
COPIERS QUANTITY: 693 REPL. COST: $3,303,531	15 $71,505	118 $562,506	98 $467,166	69 $328,923	129 $614,943	108 $514,836	103 $491,001	53 $252,651	156 Units (23%) $743,652				
						1999-2000 Replacement	79 $376,593	53 $252,651	132 Units (19%) $629,244				
MICROFILM EQUIPMENT: CAMERA QUANTITY: 106 REPL. COST: $450,780	5 $20,490	15 $61,470	13 $53,274	0 $0	26 $106,548	43 $176,214	4 $16,392	4 Units (4%) $16,392					
					1999-2000 Replacement	0 $0	4 $16,392	4 Units (4%) $16,392					
PRINTERS QUANTITY: 108 REPL. COST: $787,968	1 $7,296	5 $36,480	10 $72,960	0 $0	18 $131,328	25 $182,400	26 $189,696	23 $167,808	49 Units (45%) $357,504				
						1999-2000 Replacement	0 $0	14 $102,144	14 Units (13%) $102,144				
COURTROOM REC. EQUIPMENT QUANTITY: 273 REPL. COST: $725,634	14 $37,212	28 $74,424	39 $103,662	192 $510,336	0 $0	0 $0	0 $0	0 $0	0 Units (0%) 0%				

will be replaced in 1999-2000

JUDICIAL DEPARTMENT EQUIPMENT REPLACEMENT STRATEGY	PRIOR YEARS CARRYOVER	1999-2000 SCHEDULED	BUDGETED REPLACEMENT	CARRYOVER TO FUTURE YEAR
SCHEDULED NEEDS:	($585,078)	$721,477	$906,302	($400,253)
NONSCHEDULED NEEDS:	N/A	$93,698	$93,698	N/A
COMBINED REPLACEMENT:	($585,078)	$815,175	$1,000,000	($400,253)

(f)

* *The normal replacement cycle of all office equipment listed above has been lengthened one additional year to extend usage and prolong replacement.*

* *This does not include request for new equipment due to new courtrooms or offices being moved from courthouses to annex offices by the counties.*

differ[illegible] between what AOC would prefer to replace [illegible] do not have enough money.

a. State fiscal year 1997-98 program activities, objectives, and accomplishments;
b. State fiscal year 1997-98 itemized expenditures and fund sources;
c. State fiscal year 1998-99 planned activities, objectives, and accomplishments including actual results through December 31, 1998; and
d. State fiscal year 1998-99 estimated itemized expenditures and fund sources including actual expenditures and fund sources through December 31, 1998.

(3) Provide to the Fiscal Research Division a copy of each grant recipient's annual audited financial statement within 30 days of issuance of the statement."

PART XVA. DEPARTMENT OF LABOR

Requested by: Senators Martin of Pitt, Jenkins, Weinstein, Albertson, Representatives Mitchell, Baker, Carpenter, Hunter

DEPARTMENT OF LABOR/BUDGET OVER-REALIZED INDIRECT COST RECEIPTS

Section 15A.1. The Department of Labor may budget over-realized indirect cost receipts in the 1998-99 fiscal year to fund the following:

(1) Departmental technology needs, and
(2) Costs to relocate selected Divisions of the Department of Labor to the Old Revenue Building.

PART XVI. JUDICIAL DEPARTMENT

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

IRMC REVIEW OF AOC INFORMATION TECHNOLOGY PLANS/LONG-RANGE REPORT

Section 16. (a) G.S. 143B-472.41 reads as rewritten:

"**§ 143B-472.41. Information Resource Management Commission.**

(a) Creation; Membership. -- The Information Resource Management Commission is created in the Department of Commerce. The Commission consists of the following members:

(1) Four members of the Council of State, appointed by the Governor.
(1a) The Secretary of State.
(2) The Secretary of Administration.
(3) The State Budget Officer.
(4) Two members of the Governor's cabinet, appointed by the Governor.
(5) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
(6) One citizen of the State of North Carolina with a background in and familiarity with information systems or telecommunications, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

5.

(7) The Chair of the Governor's Committee on Data Processing and Information Systems.
(8) The Chair of the State Information Processing Services Advisory Board.
(9) The Chair of the Criminal Justice Information Network Governing Board.
(10) The State Controller.
(11) The Director of the Administrative Office of the Courts or the Director's designee.

Members of the Commission shall not be employed by or serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State of North Carolina.

The two initial cabinet members appointed by the Governor and the two initial citizen members appointed by the General Assembly shall each serve a term beginning September 1, 1992, and expiring on June 30, 1995. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Governor's cabinet shall be disqualified from completing a term of service of the Commission if they are no longer cabinet members.

The appointees by the Governor from the Council of State shall each serve a term beginning on September 1, 1992, and expiring on June 30, 1993. Thereafter, their successors shall be appointed for four-year terms, commencing July 1. Members of the Council of State shall be disqualified from completing a term of service on the Commission if they are no longer members of the Council of State.

Vacancies in the two legislative appointments shall be filled as provided in G.S. 120-122.

The Commission chair shall be elected in the first meeting of each calendar year from among the appointees of the Governor from the Council of State and shall serve a term of one year. The Secretary of Commerce shall be secretary to the Commission.

No member of the Information Resource Management Commission shall vote on an action affecting solely his or her own State agency.

(b) Powers and Duties. -- The Commission has the following powers and duties:

(1) To develop, approve, and publish a statewide information technology strategy covering the current and following biennium that shall be updated annually and shall be submitted to the General Assembly on the first day of each regular session.
(2) To develop, approve, and sponsor statewide technology initiatives and to report on those initiatives in the annual update of the statewide information technology strategy.
(3) To review and approve biennially the information technology plans of the executive agencies and ~~to review and comment biennially on the information technology plans of~~ the Administrative Office of the Courts. This review shall include plans for the procurement and use of personal computers and workstations.
(4) To recommend to the Governor and the Office of State Budget and Management the relative priorities across executive agency and Administrative Office of the Courts information technology plans.
(5) To establish a quality assurance policy for all agency information technology projects, information systems training programs, and information systems documentation.
(6) To establish and enforce a quality review and expenditure review procedure for major agency information technology projects.

6.

(7) To review and approve expenditures from appropriations made to the Office of State Budget and Management for the purpose of creating a Computer Reserve Fund.

(8) To develop and promote a policy and procedures for the fair and competitive procurement of information technology consistent with the rules of the Department of Administration and consistent with published industry standards for open systems that provide agencies with a vendor-neutral operating environment where different information technology hardware, software, and networks operate together easily and reliably.

(c) Meetings. – The Information Resources Management Commission shall adopt bylaws containing rules governing its meeting procedures. The Information Resources Management Commission shall meet at least monthly."

(b) The Administrative Office of the Courts shall develop a strategic information systems and technology plan to both serve the courts in the present and assist the courts in adapting to future changes. The plan shall:

(1) Identify and document the information technology goals and objectives of the Judicial Department;

(2) Review and evaluate the findings and recommendations outlined in the Maddox and Ferguson report completed in September 1996;

(3) Provide an inventory of existing hardware and software in the court system statewide, including the age of and proposed replacement schedules, for personal computers, laptop computers, mainframe and midrange computers, servers, terminals, printers, and communications infrastructure devices;

(4) Assess the effectiveness of existing computer-based applications, including the district attorney and public defender case management system, courtroom automation, the civil case processing system, and the financial management system, and outline any changes that may be needed to meet the future needs of the court system;

(5) Develop an architectural strategy and quality assurance review that is consistent with existing State standards;

(6) Identify areas where the use of information technology would improve the efficiency and effectiveness of the court system in providing services to the public;

(7) Develop a long-term implementation plan and cost analysis for the new Magistrates Criminal Information System; and

(8) Recommend alternative five-year proposals for implementing the court system's technology plan, including a cost analysis of each alternative that specifies the order of priority in which various projects should be implemented.

The Administrative Office of the Courts shall report on the strategic information systems and technology plan developed pursuant to this section to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety. The Administrative Office of the Courts shall make an interim report by April 1, 1999, and a final report by May 1, 1999.

(c) The Judicial Department may use up to the sum of five hundred thousand dollars ($500,000) in funds appropriated to the Department for the 1998-99 fiscal year to contract for consultant services in the development of the strategic information systems and technology plan required by this section. Prior to expending these funds, the Department shall report to the Joint Legislative Commission on

7.

Special Budget Provision for Funds to Develop Long-Term Information Technology Plan

Process:

AOC developed a Draft Information Technology Plan and sought comment from user groups (i.e. Judges, DAs, PDs, Magistrates, Clerks of Court)

AOC worked with State Purchasing to develop Request for Proposal to hire a professional consultant

Bids submitted by three consulting firms - Gartner, Maximus, McGladden

A review team met and developed criteria to evaluate proposals - AOC staff, IRMC staff, SIPS staff, a representative from each court user group; Gartner was the top choice because of the following: their understanding of the technical environment in which we currently operate and their experience with transition strategies; their experience and success in developing long-term strategic plans; their detailed workplan with specific timelines; and their experience with review of similar operations.

Gartner was selected by review committee; Gartner specified cost statement $441,082 (provision provided up to $500,000); permission obtained from Appropriations Chairs to contract with Gartner

Status:

Contract with Gartner in place

Gartner will provide assistance in long-term planning by performing the following tasks:

- specific project evaluation (cost and budgeting, training, priority, effectiveness);
- analysis of plans to change from mainframe environment to local area network environment, and increasing use of personal computers for personnel workload efficiency;
- Review inventory of existing computer and replacement schedule for cost and planning purposes; and,
- Development of complete disaster recovery plan

VISITOR REGISTRATION SHEET

Justice and Public Safety — 3/3/99 PM

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barbara Moore	Conf. of DA's
Peg Dorer	Conference of D.A.s
Mark Gleason	Capital Group
Basil McVey	N.C. AOC
Richard Little	AOC
Gerald Arnold	AOC
Chuck Crum	OSPL
Chris Marlin	AOC
Bill Moss	Hendersonville
Rusty Hampton	OSBM
Dennis Patterson	AP

February 23, 1999

Robert Phillip Haire, Representative
419B LB
Raleigh, North Carolina 27601-2808

Dear Representative Haire:

Enclosed are petitions signed by concerned citizens of Cleveland and surrounding counties, to show support in keeping Cleveland Correctional Center and its educational program open.

Enclosed are 269 signatures of citizens and fifty signatures of inmates in our Comprehensive Educational Program. We hope these petitions will show the communities support for our efforts and beliefs.

Elected officials of the city, county and surrounding areas of Shelby townships will show their support by sending resolutions. Mayor boards and committees form the same area will also send resolutions in support of our efforts.

Thank you for your support in our support in our effort to keep our unit and school open.

Sincerely,

Rosaline Hunt

Rosaline Hunt

"Cleveland County Grows Greater"

NUMBER 04-99

Resolution

IN SUPPORT OF CLEVELAND CORRECTIONAL CENTER

WHEREAS, the Cleveland Correctional Center in Shelby, North Carolina, has been identified, due to budget cuts, for possible closure. We, the Cleveland County Board of Commissioners, go on record as opposing the closure of Cleveland Correctional Center. The loss of sixty-three (63) full-time Department of Correction employees, plus five (5) full-time faculty members from Cleveland Community College, not to mention the impact on local businesses, would be a major loss in the community. The Cleveland County Board of Commissioners supports the prison facility in its current capacity and the educational program offered in conjunction with Cleveland Community College, which teaches inmates vocational skills, as well as providing educational opportunities.

WHEREAS, in the event that it can be proven that the prison facility is no longer cost effective to operate in the current state, then the Cleveland County Board of Commissioners recommends converting the Cleveland Correctional Center from a medium custody prison unit to a minimum custody prison unit. The conversion to minimum custody would reduce the operating costs; thus making it more practical to remain open. This conversion would also provide the Western Region of the Division of Prisons with twenty-eight (28) man minimum custody lock-up facility.

WHEREAS, for the long range, the Cleveland County Board of Commissioners supports the building of a larger, centralized prison facility in Shelby to serve all the neighboring counties that have smaller prison facilities to be impacted in the near future by the trend toward primarily larger prisons. A new, larger centralized prison would be a sound economic investment for the community, creating additional jobs for people in both immediate and surrounding areas.

ADOPTED THIS THE 16 DAY OF FEBRUARY 1999.

BOARD OF COUNTY COMMISSIONERS · CLEVELAND COUNTY · NORTH CAROLINA

Jim Crawley, Chairman
CLEVELAND COUNTY BOARD OF COMMISSIONERS

ATTEST:

Wanda Crotts, CMC, Clerk
Cleveland County Board of Commissioners

CLEVELAND CORRECTIONAL CENTER
AND
CLEVELAND COMMUNITY COLLEGE
COMPREHENSIVE EDUCATION PROGRAM

We the undersigned citizens of Cleveland and surrounding counties, do hereby support our community in its efforts to maintain the current status of the above named correctional unit and educational programs. We support the idea of building a larger centrally located unit to accommodate not only our prison but surrounding counties who also have small field units.

These signatures will be used only for the presentation to our State Representatives to help support reasons why our unit and programs should not be closed in November.

NAME	ADDRESS	TELEPHONE
1. Robert Putnam	260 Kemper Rd Shelby	480-5427
2. Gregory Austin	260 Kemper Rd Shelby	
3. Mark Morgan	260 Kemper Rd. Shelby	
4. PATRICK HARRIS	260 KEMPER ROAD, SHELBY, NC	
5. Mike Harris	260 Kemper Road, Shelby, N.C	
6. SEAN D. BROWN	260 Kemper Rd. Shelby N.C	
7. Darrell L. Davis	260 Kemper Rd. Shelby NC	
8. Eric Williams	260 KEMPER RD SHELBY, N.C	
9. #0150790 Harry E. Grier	260 Kemper Rd. Shelby N.C.	
10. Craig H. Little	260 Kemper Rd. Shelby N.C.	
11. Dimitri Jackson	260 Kemper Rd Shelby, N.C.	
12. Lonnie Allen	260 Kemper Rd Shelby N.C	
13. Jason Gomillion	260 Kemper Rd. Shelby N.C.	
14. Joel B. Kale	260 Kemper Rd. Shelby N.C.	
15.		

CONTACT: ROSALINE J. HUNT

TELEPHONE: 471-0593

CLEVELAND CORRECTIONAL CENTER
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NAME	ADDRESS 260 Kemper rd. Shelby	TELEPHONE
1. Sammy Lee Henslay	260 Kemper rd Shelby, NC 28150	
2. Thomas Conrad Fitts	260 Kemper Rd. Shelby, NC 28150	
3. George Lipscomb	260 Kemper Rd Shelby NC. 28150	
4. Craig Holder	260 Kemper Rd Shelby N.C. 28150	
5. William McRae	260 KEMPER RD. SHELBY N.C. 28150	
6. Joseph Henderson	260 Kemper Rd. Shelby N.C 28150	
7. Paul Horsepatt	260 Kemper Rd. Shelby, N.C 28150	
8. Nolan R Pack	260 Kemper Rd Shelby, N.C. 28150	
9. Raythaniel Hopper	260 Kemper Rd Shelby N.C 28150	
10. Henry Lockhart	260 Kemper Rd Shelby N.C. 28150	
11. Eugene Thompson	260 KEMPER RD. SHELBY N.C 28150	
12. Tracy Lilly Jr.	260 Kemper Rd Shelby N.C. 28150	
13. Johnny Epps	260 Kemper Rd Shelby N.C. 28150	
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NAME	ADDRESS	TELEPHONE
1. Toraïl Drake	260 Kemper Rd. Shelby, NC 28150	
2. Clyde Byers	260 Kemper Rd Shelby NC 28150	
3. [illegible]	260 Kemper Rd Shelby NC 28150	
4. [illegible]	260 Kemper Rd Shelby NC 28150	
5. Earl Wright	260 Kemper Rd Shelby NC 28150	
6. Jonathan Wray	260 Kemper Rd Shelby NC 28150	
7. Shawn T. Williams	260 Kemper Rd. Shelby, N.C. 28150	
8. Bobby E. Dameron	260 Kemper Rd. Shelby, N.C 28150	
9. Chuck Sumrell	260 Kemper Rd. Shelby N.C. 28150	
10. Richard E. Simpson	P.O. Box 104 East Spencer, NC	(704) 637-6844
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CONTACT: ROSALINE J. HUNT

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NAME	ADDRESS	TELEPHONE
1. Harold A. Collins	260 Kemper Road 28150	
2. Richard A. Jones	260 Kemper Rd Shelby, N.C. 28152	
3. David Winstead	260 Kemper rd Shelby, NC. 28152	
4. Frederick Lee	260 Kemper Rd. Shelby N.C. 28150	
5. Rodney L. Hampton Sr.	260 Kemper Rd, Shelby N.C. 28150	
6. Lennie B. Briggs	260 Kemper Rd Shelby N.C. 28150	
7. Michael Dubin	260 Kemper Rd. Shelby N.C. 28152	
8. James H. P. Peeler Jr	260 kemper rd, Shelby NC. 28150	
9. Ronnie D. Queen	260 Kemper Rd. Shelby N.C. 28150	
10. Jerome Spruill	260 " " " " "	
11. Alvin A. Rashood	260 KEMPER Rd. Shelby, N.C. 28150	
12. Kevin Riley	260 Kemper Rd Shelby " " "	
13. Mark Lowe	260 Kemper Rd Shelby NC.	
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NAME	ADDRESS	TELEPHONE
1. Sally Shepherd	P.O. Box 128 Earl, NC 28038	704-484-3916
2. Maline H Conway	Box 833 Ellenboro 28040	704-454-4048
3. [illegible] Brandell	234 Pleasureview Ch. Rd	704-538-0239
4. Regina Ruff	118 Cheyenne Dr. K.M. 28086	704-734-1264
5. Robert L. Scism	146 Lazy Drive Cherryville, NC 28020	704-538-3304
6. Kelly Beason	1609 Range Rd Kings Mtn 28086	704-739-7678
7. Tammy Saunders	706 Kings Road Shelby NC 28150	
8. Diana Hicks	962 Hwy 18 N Lawndale, NC 28090	704-276-2671
9. Jason Falls	150 Mike Ledford Rd. Kings Mtn. 28086	704-730-1586
10. Julius Ross	609 Sterling Dr. Kings Mtn., N.C. 28086	704-734-0163
11. Dawn M. Cole	3427 Gin Rd Shelby, NC 28150	704-434-6843
12. Charles Smith	201 S. Washington St. Apt 406 Shelby NC 28150	704-484-2468
13. Lisa Cooper	304 S. Pauline St Lawndale N.C. 28090	704-538-8050
14. Sharon Corpening	1526 Eaves Rd, Apt G-4, Shelby	
15. Kareen Dover	[illegible] Ch. Rd [illegible]	[illegible]

CONTACT: ROSALINE J. HUNT

TELEPHONE: 471-0593

Cover.

16. Jonya Buchanan
17. Amanda Stroup
18. Ronnie C Engholt
19. Heather Thompson

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NAME	ADDRESS	TELEPHONE
1. Kay Allen	404 Washburn Sw. Rd, Shelby	487-8037
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NAME	ADDRESS	TELEPHONE
1. TODD PUTNAM	1403 BUCK FORD SHELBY	487-0226
2. Calvin Walton	210 New Hope Rd. Lawndale	538-7755
3. Nicholas Hurst	211 Press Sweezy Rd. Kings Mtn	
4. Jacob Wiggins	2824 S. Lafayette St	482-3698
5. Chalai Nanney	307 TREMONT PL SHELBY, NC	487-0850
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NAME	ADDRESS	TELEPHONE
1. Elizabeth Power	100 Lake St. Apt. 1	no phone
2. Angela Moore	[illegible]	
3. Lisa Thyne		
4. Cylee Hastings	Shelby	
5. Jeneka Chappell	Shelby	
6. Andre' Thompson		
7. Patricia Parsley		
8. Jennifer D. Poole	1067 Hendricks Rd. Shelby	
9. Dorothy Jenkins		
10. Nicole Rudisill	Shelby	
11. Helen Pearson	Shelby	
12. Barbara Cox	Shelby	
13. Brooke Morgan	Shelby	
14. Heather Proctor	Lawndale	
15. Jamie Bull	Lawndale	
16. Pauline Spillers	Shelby	
17. Willie E. Cockerham	Shelby	
18. Vanessa Crawford	Shelby	
19. Angela Wilson	Shelby	
20. Felicia Bell	516 Monroe St, Shelby, NC 28150	482-5139
21. Laura Rhodes	Shelby	
22. Donna Foster	Shelby	
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NAME	ADDRESS	TELEPHONE
1. [illegible]	4137 [illegible] Rd Shelby	482-0993
2. Adam Whitaker	229 Westie St Lattimore	434-5786
3. Elmo Howard		
4. Joan Street	218 Random Mooresboro	434-9255
5. Charles L Gamble	P.O. Box 83 Mooresboro	434-0426
6. Hugh Hand	PO Box 55 Lattimore NC	28089
7. Sam Tolley	PO Box 41 Mooresboro NC	28011X
8. Hugh Boyd	3601 Kiser Rd Shelby NC	
9. Ronnie Blanton	434 NC 120 Hwy Mooresboro NC	28114
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NAME	ADDRESS	TELEPHONE
Karen Webb	532 Gantts Grove Ch Rd Mooresboro	
2. Roy Whitaker	322 Whitaker Rd Shelby	28152
3. [illegible]	319 Whitaker Rd Mooresboro	28114
4. [illegible]	269 Westlee St. Shelby N.C.	28150
5. [illegible]		
6. Lisa [illegible]	337 Davis St. Shelby	28150
7. Melba Mauldin	232 Dover Rd Mooresboro	28114
8. Angel Mountcastle	269 Westlee St Shelby	28150
9. Raymond P. Horton	P.O. Box 377 Boiling Springs N.C.	28017
10. Derek Morgan	3328 Bridges Ch. Rd	28150
11. Kayla Deaton	6042 Mooresboro Rd, Shelby N.C.	28150
12. Jeremy Hamrick	P.O. Box 1121 Ellenboro N.C.	28040
13. Andrea Byers	P.O. Box 55 Mooresboro N.C.	
14. Ethan Hills	P.O. Box 1017 Ellenboro N.C.	28040
15. Tim Hedrick	P.O. Box 292 Mooresboro N.C.	28114
16. Aaron Doney	3417 W. Zion Ch. Rd. Shelby N.C.	28150
17. Wayne Yelton	225 Spring St. Ellenboro N.C.	28040
18. Lucas Puckett	3573 Elk Rd Ellenboro N.C.	28040
19. Alicia Bright	P.O. Box 246 Ellenboro, N.C.	28040
20. Amy Whitaker	P.O. Box 63, Mooresboro N.C.	28114
21. Kate [illegible]	146 [illegible] Farm Rd. Ellenboro N.C.	28040
22. Dawn Williams	P.O. Box 51 Mooresboro NC	28114
23. Samuel E. Stanfield	P.O. Box 277 Mooresboro NC	28114
24. Renee Dellinger	337 Grice St Shelby NC	28150 4806677
25. Joan [illegible]	634 Mooresboro rd Shelby NC	28150
26. Tina Collings	317-1 Whitaker Rd Shelby, NC	28150 434-2072
27. Jessica L Bridges	124 Lucas Ln Mooresboro NC	28114 434-7621
28. Susan Dobbins	P.O. Box 282 Mooresboro NC	28114
29. Ronald Dobbins	" " "	
30. Ronnie Ruppe	5402 Canterbury Rd. Shelby N.C.	28152 484-3732

CONTACT: ROSALINE HUNT

TELEPHONE: 471-0593

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NAME	ADDRESS	TELEPHONE
1. ALEX SEAGLE	907 DUKE ST., SHELBY, NC	704-471-0176
2. Robert Parker	PO Box 576 Forest City	286 4694
3. Polly Roberson	411 Arlington St Forest City	247-1880
4. Doris Tish		
5. Donald Tish		
6. Gracy R. Patton	1700 Old Rose Rd Forest City	287 0915
7. Keith Griffin	166 Deer Ridge Rd Rutherfordton	287-0319
8. Jimmy Byers	P.O. Box 44 Bostic NC	248-3174
9. Edna Wilkins	PO Box 26064 Marion NC	738-4783
10. Johnny Rose	P.O. Box 196 Rutherfordton, N.C.	28139
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CONTACT: ROSALINE HUNT

TELEPHONE: 471-0593

CLEVELAND CORRECTIONAL CENTER
AND
CLEVELAND COMMUNITY COLLEGE
COMPREHENSIVE EDUCATION PROGRAM

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NAME	ADDRESS	TELEPHONE
1. Beverly Dawson	2008 DOGWOOD TRAIL	480-8505
2. Regina Lail	116 Forest Park Dr	482-6376
3. Amy English	102 Austin	434-4433
4. Al Whatley	144 Briarcliff Rd.	482-8204
5. Hazel Brooks	1105 Frederick St	487-7655
6. Therman E Brooks	1105 Frederick St	487-7652
7. Debra Scott	923 Lake Dr. Shelby	482-2109
8. Ornilla Sinkler	516 Monroe St Shelby	482-0759 482-7491
9. Helen W. Love	518 April Dr - Shelby, N.C.	28152
10. Glenn Walthrow	796 Kenmore St Shelby NC	
11. Rebecca Alexander	2408 Elizabeth Ave. Shelby, N.C.	487-9801
12. J. L. Alexander	2408 Elizabeth Ave. Shelby, N.C.	487-9801
13. Florence G. Hawkins	Sterling House of Shelby	482-2355
14. Hallie P. Quinn	819 Quinn Dr. Shelby	482.3306
15. John Huskey	431 Oakland Drive Shelby	481-0107

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NAME	ADDRESS	TELEPHONE
1. Kenneth Hunt	1108 Hemlock Dr Shelby	482-4140
2. EDGAR J WILLIAMS	214 Maple St Shelby	480-6489
3. Martha Johnson Lattimore	PO Box 154	4897424
4. Joshua Borders	908 Logan St Apt Shelby	
5. Valerie Haynes	1328 Concord St	482-6924
6. Jacquelin Hey	448 Monroe St.	471-9466
7. Rosa Borders	1402 Frederick St	482-3980
8. Helen Whitesides	411 Atlantic Ave Shelby	482-4394
9. Jennie B. Camp	410 Atlantic Ave. Shelby, NC.	484 2514
10. Dorra Wilson	410 Atlantic Ave, Shelby NC	484-2514
11. Lizzie J. Poston	501 Atlantic Ave Shelby NC	482-4678
12. Suzette Poso	1000 Hemlock Dr. Shelby N.C.	482-9058
13. Caroline Dedmon	1406 June Rd Shelby NC 28150	484-2580
14. Sandy W. Borders	434 Monroe St. Shelby NC 28150	471-0697
15. Lori A Hardin	3117 Suffolk Drive Shelby, NC. 28152	

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NAME	ADDRESS	TELEPHONE
1. Susan McCallister	PO Box 1271 Rutherfordton NC	828-287-8805
2. David Richards	647 Whitesides Rd Rutherfordton NC	287-1275
3. Karen Wilson	224 Smith St. Alexander Mills, NC	245-6546
4. Ric Bailey	336 E. High Rd. Bostic, N.C. (28018)	
5. Tony Heffner	404 Oak Springs Rd. Rutherford N.C. 28139	
6. Joel Armour	261 Mannaytown Rd Union Mills NC 28167	
7. Mike Benfield	PO Box 998 Ellenboro NC 28040	
8. Eugene Tan	570 Bennis Mill Rd Ellenboro NC 28040	
9. Joseph Cheyanne	PO Box 387 Cordeen, NC 28019	6574233
10. John Bradford	221 Thompson NC	287-5709
11. Jimmy Bryant	224 Pl. Hill ch. Rd. Rutherfordton, NC	287-5[illegible]
12. Dean Bright	136 Brass Court Rutherfordton, N.C.	286-9686
13. Larry M. Thompson	491 North Washington St., Rutherfordton, NC 28139	(828)286-0125
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NAME	ADDRESS	TELEPHONE
1. Reverend Calvin J. Lynch	P.O. Box 2704 Shelby, NC 28150	(704) 487-5693
2. Loyd W. Quinn, Jr.	819 Quinn Dr., Shelby, N.C. 28152	(704) 482-3306
3. Wanda N. Hunt	2302 Eliz. Ave. Shelby, N.C.	
4. Laura Roberts	422 E. Warren St. Shelby N.C.	
5. Charlie Jones	831 N. Morgan St.	482-5156
6. Dawn Withrow	412 Atlantic Ave. Shelby	487-8977
7. K.G. Withrow	412 Atlantic Ave. Shelby	487-8977
8. Peggy L. McDowell	601 Armstrong Park Rd. Kannapolis NC	868-3488
9. Yvonne Beam	2407 Elizabeth Ave Shelby NC	28150
10. Rev. Roger L. Hunter	1015 Mark Dr., Shelby, NC	28152
11. Damuel B. Shian, Sr.	P.O. Box 54, Shelby, NC	28151
12. Isaac W. Strain	P.O. Box 54, Shelby N.C.	28151
13. John B. Hartsell	84 Rhodes Dr. Shelby, NC	28152
14. Deborah London	1565 Longbranch Rd. Grover, NC	28073
15. J.D. Boldrey	708 Brenton Dr	Shelby NC 28152

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NAME	ADDRESS	TELEPHONE
1. Tommie Waller	PO Box 91 Lattimore N.C.	
2. Mary E Roberts	Shelby N.C.	482-7778
3. Charlotte W. Byers	100 Lake St. Apt. 4	487-1987
4. Vanessa Crawford	100 Lake St. Apt 4	487-1987
5. Samantha Brooks	Shelby nc	4829086
6. Stella Boyce		
7. Willie T. Hall		
8. Betty G. Young		(704) 487-5443
9. David L. Lee	Mooresboro, N.C.	28114
10. Nellena Lee		
11. Dana Dorffney	125 Victory Dr. Shelby N.C.	434-8050
12. Joyce George	132 Shady Dr. Mooresboro	434-6032
13. Shelby Fall	Mooresboro N.C.	434-5130
14. Willette Moore	Mooresboro NC	434-6676
15. Don Gulley		

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NAME	ADDRESS	TELEPHONE
1. [illegible]	164 George Porter Dr Rutherfordton	828-287-9739
2. [illegible]	150 Evergreen Ln, Ruth.	828-287-9666
3. [illegible]	759 Wards Ross Shelby	704-482-0873
4. Ronnie Hensley	839 Poors Ford Rd Rutherfordton	828-287-2835
5. Tommy McKelvey	751 Piedmont Rd Rutherfordton	828-287-8773
6. Lynn Baynard	150 Evergreen Ln, Ruth.	828-286-4333
7. Stanley Thomas	144 Allington Street Forest City	828 286-4006
8. Alton S Thomas	144 Rod Goin Rd Rutherfordton	828-286-4011
9. Ann B. Thompson	491 N. Washington St R'ton	828-286-0125
10. Al Hardin	612 Colonial Dr. Spindale	(828) 286-2720
11. Lori Snyder	399 Green St. Rutherfordton	(828)-286-9276
12. David Solano	P.O. Box 1952 Rutherfordton	453-8583
13. Frances Howell	521 Railroad Ave, Rutherfordton, N.C.	828.287-3879
14. Ron McKinney	135 Commonwealth Ct. Rutherfordton, NC.	28135 287-9273
15. Gina McKinney	135 Common Wealth Court Rutherfordton NC 28139	828-287-9273
16. Steve Metcalf	300 OLD Ball Park Rd Forest City NC 28043	8282876105
17. Mike Ogburn	1083 Hollis Rd. Ellenboro NC 28040	828-453-8414
18. Roger A. Bellman	170 Justice Dr., Rutherfordton, NC 28139	828-287-2038
19. Alexa J Mathews-Mitchell	300 Old Ballpark Rd. Forest City NC	8282875552
20. Jared Matthews	1018 Old Ballpark Rd Forest City, NC	28043
21. Robert S Jordan	216 Green St Spindale NC 28160	828-287-7312
22. Mike Marlowe	203 Roberson Rd Forest City NC	245-5336
23. [illegible]	314 Starview Dr, Rutherfordton, N.C. 28139	828-287-4355
24. Mike Sparlin	1977 Poors Ford Rd Rutherfordton NC	828 245 5185
25. Donna Sparlin	1977 Poors Ford Rd Rutherfordton NC	828 245-5189
26. Ronnie Lane	171 Gu-Tim Rd Forest City NC	828-245-5695
27. Tuey Lane	171 Griffin Rd Forest City NC	828-245-5095
28. [illegible]	252 Baber Rd. Rutherfordton NC	28139 828-286-3205
29. Patsy H. Owens	252 Baber Rd. Rutherfordton, NC 28139	828-286-3205
30. Deb Ruffin	330 BELT CT RUTHERFORDTON	

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NAME_____ADDRESS_____TELEPHONE

1.

2. Lou Ann Bridges PO Box 144 R.Springs, NC 28017 434-4783

3. Jody Sedford 137 S. Post Rd. Shelby, NC. 704-484-4111

4. Vlesia Melton 431 Corvair Ln. Shelby N.C. 484-0707

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NAME	ADDRESS	TELEPHONE
1. David Smith	306 New Hope Rd Lawndale	
2. Matt Clay		
3. Leja Ford	C. Dixon Blvd	
4. [illegible]	Shelby, NC	
5. Jimmie Shelby	Casar NC	
6. David Spiker	300 Windsor Dr.	484-0806
7. Tony Hutchinson	412 Leander St.	481-8338
8. [illegible]	[illegible] Drive Rd	1-[illegible]
9. [illegible]	504 Country Club Acres, Shelby	482-0914
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NAME	ADDRESS			TELEPHONE
1. Linda Tisdale	740 Skinner Rd.	Shelby, N.C.	28152	434-7565
2. Patsy Costner	106 Twin Lake Dr.	Shelby, NC	28152	434-6250
3. Sharon Strickland	318 Dellinger Rd.	Shelby, NC	28152	480-1841
4. Freda McSwain		Shelby N.C.		
5. Beth Manning	122 Clinton St.	Boiling Spgs.	28017	434-2256
6. Karen Bell		Shelby, NC	28152	
7. Sherry Davis		Shelby NC	28152	
8. Mary Whitaker	3612 Packard Rd	Shelby NC	28150	434-6930
9. Martha Blackburn		Boiling Springs	NC 28017	
10. Jo Rolling	1309 Lackey St	Shelby NC	28152	481-8666
11. Jena Blaston	P.O. Box 61	Lattimore, N.C.	28089	434-6719
12. Juanita Surratt	1151 Cherryville Rd.	Shelby, NC	28150	482-8006
13. Martha Brown		Boiling Springs	N.C.	
14. Tina Petty	1113 Windover Dr.	Shelby N.C.	28150	482-4990
15. Anna Whitaker	404 Belaire St	Mooresboro	NC 28114	434-2595
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NAME	ADDRESS	TELEPHONE
1. LaKeisha Sanders	1402 Frederick St Shelby	482-3980
2. Kristal Madden	PO Box 182 Lawndale, NC	538-8060
3. Jacqueline Robinson	1112 N. Morgan St. Shelby, NC	482-7140
4. Donnie Bynum	6021 Deep Green Drive, Shelby	
5. Robert Bynum	1401 Forest Wehunt Rd. Cherryville NC 28021	
6. Carey Hinson	307 Toney St Shelby N.C	434-5192
7. Ruby Sessoms	PO Box 801 Lattimore, NC	
8. Melissa Bohler	2940-2 Old Cliffside Rd Shelby NC	434-7806
9. Harold Sims	2755 Philadelphia Rd. Lawndale, N.C.	538-8198
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NAME	ADDRESS	TELEPHONE
1. Valerie T. Brooks		
2. Tony Whitworth		
3. Danielle Ledbetter		
4. Wanda Walker	122 Dillard Cir Shelby	482-6808
5. Jessie Humphries		
6. Brad Ledford		
7. Tom Brooks		
8. Kelle Mauney	Kings Mtn	731 1435
9. Dawn Fowler		
10. Denise Washburn	101 Whitehorn Ct. Shelby, N.C.	434-0261
11. Jerene Earhart		
12. Shannon Linderman		
13. Michelle Santos		
14. Keith C. Fulbright	286 Schoolhouse Rd Casar NC 28020	(704) 538-9321
15. Vanita Cross		
16. [illegible]	103 Colonial Dr. Kings Mtn	730-8174
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NAME	ADDRESS	TELEPHONE
1.		
2.	004 Corvair Ln Shelby NC	484-0045
3. Barbara L. Spencer	2602 Elizabeth Ave Shelby	482-8190
4. Gene Lail	837 Stony Pt Rd Kings Mountain NC 28086	
5. Jessie James Litt	1742 New Prospect Ch Rd Shelby NC	482-7070
6. Lucille Wilson.	1346 N Lafayette St Shelby NC	481-9259
7. Dorothy L. Black	115 Chestnut Shelby NC	482-9027
8. Jim Farris	606 East Marion St Shelby NC 28150	482-9010
9. Bob Farris	1237-C Hwy 226 Branch Rd Grover, NC 28086	937-3804
10. Dorothy J. Durant	1302 Corncord St Shelby NC 28150	482-2385
11. Patricia Wilson	704 W. Warlick St Shelby, NC	484-1017
12. Nancy Mintz	120 Foothill Dr Kingstown, NC 28150-9057	484-1841
13. Emanuel Campbell		
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NAME	ADDRESS	TELEPHONE
1. MICHAEL DURANT	741 OLD POST RD CHERRYVILLE NC	704-435-2463
2. NETTIE DURANT	741 OLD POST RD	435-4540
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NAME	ADDRESS	TELEPHONE
1. LEE HARDIN	3117 SUFFOLK DR. SHELBY N.C.	704-482-1664
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NAME	ADDRESS	TELEPHONE
1. Libby Stone	137 S. Post Rd Shelby	484-4042
2. Shirley K. Anthony	137 S. Post Rd Shelby	484-4086
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TELEPHONE: 471-0593

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday March 4, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper, Presiding
Representative Paul McCrary
Representative Ted Kinney

II. PRESENTATIONS

- Judicial Department Continuation Budget

Indigent Defense Fund

Charles Perusse, Fiscal Research Staff

Department Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

March 21, '99 (Name of Committee)

DATES															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair	✓														
Rep. Thomas, Vice Chair	✓														
Rep. Clary	✓														
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan	✓														
Sen. Frank Ballance	✓														
Sen. Tony Rand															
Sen. John Carrington	✓														
Sen. Don East	✓														
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

VISITOR REGISTRATION SHEET

Justice and Public Safety — March 4, 1999

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Buddy Humphrey	OSBM
[illegible] Arnold	AOC
Jeanne Bonds	AOC
[illegible]	AOC
Melissa Lovelle	DOJ
Chuck Crann	OSPL
[illegible]	Conference of DAs
Larry Sex	Office of Juvenile Justice
Bill Scoggin	NC BAR ASSOC
[illegible]	OSBM
[illegible]	Capitol Group

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Patrice Rowley	NACC
[illegible]	Porter + Spinell
Leo Rubert	CJPC

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Thursday, March 4, 1999-8:30
Room 415 – Legislative Office Building

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending are Representative Bill Culpepper, Co-Chairman; presiding; also attending Rep. Paul McCrary, Co-Chairman; Rep. Ted Kinney, Co-Chairman; Rep. Thomas, Vice –Chairman, Rep.Haire, Rep. Horn; Rep. Kiser;Rep. Justus; Rep. Clary; and Rep. Sexton. On the Senate side Senator Luther Jordon, Chairman; Frank Balance; Don East and John Carrington.

Co-Chairman Culpepper stated that the meeting will continue on the **Judicial Departments Continuation Budget,** focusing on the **Indigent Defense Fund.**

Co-Chairman Culpepper turned the meeting over to Charles Perusse from Fiscal Research. Starting with the Overview of Indigent Defense Funds. This morning Charles stated that they would be looking at **Private Attorneys Fees**, this is the biggest area that the Committee has to gravel with. Looking at the first page (See Attachment) is a broad overview of some of the **Indigent Defense Programs** that receive State Appropriations. 1) **Private Attorneys Fees** 2) **Guardian AD Litem** 3) **Appellate Defender Services** 4) **Resource Center** 5) **Public Defender** 6) **Special Counsel** 7) **Grant to NC State Bar.** There were questions on the Public Defender program on private council and the conflict of interest with the Public Defenders Office. On the Judicial Chart the question was raised by Rep. Haire why was there a dip in 1998-1999? Charles stated that it was based on an authorized budget that they spent more money last year than what was provided by the General Assembly which its generally covered by lapsed salaries. Senator East was recognized by the Chair asking the question how do you know what the appropriations for the Indigent Defense is going to be in the year 2000 and 2001? Charles replied that the numbers are based on five year projections.

On page 3 of the **Indigent Defense Expenditures** Charles stated that looking at what is recommended in the Governors Continuation Budget for Private Attorneys Fees is an increase of 8 million dollars over which was authorized in 1998-1999 and 13 million dollars in fiscal year 2000-2001.(See Attachment) Charles stated that this is where the major increases are.

Charles continued on page four with The Judicial Department State Appropriations for Indigent Defense - (Private Attorney Fees Only) Charles stated that the Lines are going

up (See Attached)) Page 5 Charles shared with the Committee the **Five-Year Analysis of Rates of increase in Funds**(Attorney Fee Fund) (See Attachment) Chairman Culpepper recognized Rep. Kiser; asking the question why is more money being spent and he had heard that crime is dropping? *Charles stated that the number of individuals being convicted each year requiring representation has been going up.* Charles also stated *the stakes are higher, the folks that are going to prison requiring representation need more time to be spent on there representation.*

Page 6 Charles showed the **Judgement Collections** (See Attached) and on page 7 Charles showed the Committee the summary breakdown of what is included in the Governors Continuation Budget for the Indigent Defense Fund as it relates to Private Attorneys Fees. Charles stated that these were Projections made by the Department based on the five year expenditure history that was shown to the Committee on the previous two pages.(See Attached)

Page 8 Charles continued, sharing with the Committee the (Indigent Defense Requirements) **Potential Savings in Continuation Budget Based on Revised Projections** Charles stressed that these are only projections.(See Attached))

Page 9 Other Indigent Defense Issues for Committee Discussion Charles pointed out that the Committee should look at **Uniform Fee Schedules**, especially for District Court, managing the flow of cases could be improved to public defenders and private attorneys and **Uniform/policies/procedures for determining indigency**. Charles addressed the issue of whether or not a more defined structure be put in place to determine what defendants are actually indigent at this point and also for the Committee to look at what the anticipated growth in conviction rates will be in the next several years, also the continued growth in the number of capitol murder cases.(See Attachment)

Charles stated to finish up on the Indigent Defense Issues on page 10 and 11 that the General Assembly passed a special provision last year that required the **AOC** to do an in depth analysis of the indigent fund and also the money for Public Defenders and that is due to the Committee by May 1, 1999.(See Attachment)Charles informed the Committee that they should be receiving the report in the next couple of months.

The second handout Charles shared with the Committee was the **Schedule of Basic Court Cost and Fees** (How money goes into State treasury)(See Attached)) Charles shared with the Committee the **Fee description** and **History, the Judicial Department estimated increase and Judicial Collections.**

The Meeting adjourned, to meet again on Tuesday March 9, 1999.

Respectively Submitted,

Paul McCrary

Rep. Paul McCrary, Co-Chairman

Barbara A. Berry

Barbara Berry, Committee Assistant

Judicial Department

Overview of Indigent Defense Expenditures

Joint Appropriations Subcommittee on Justice and Public Safety
March 4, 1999

OVERVIEW OF JUDICIAL DEPARTMENT INDIGENT DEFENSE PROGRAMS WITH STATE APPROPRIATIONS

1. **PRIVATE ATTORNEY FEES**
   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**
   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**
   Provides criminal defense to indigents appealing their convictions.

4. **RESOURCE CENTER**
   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.

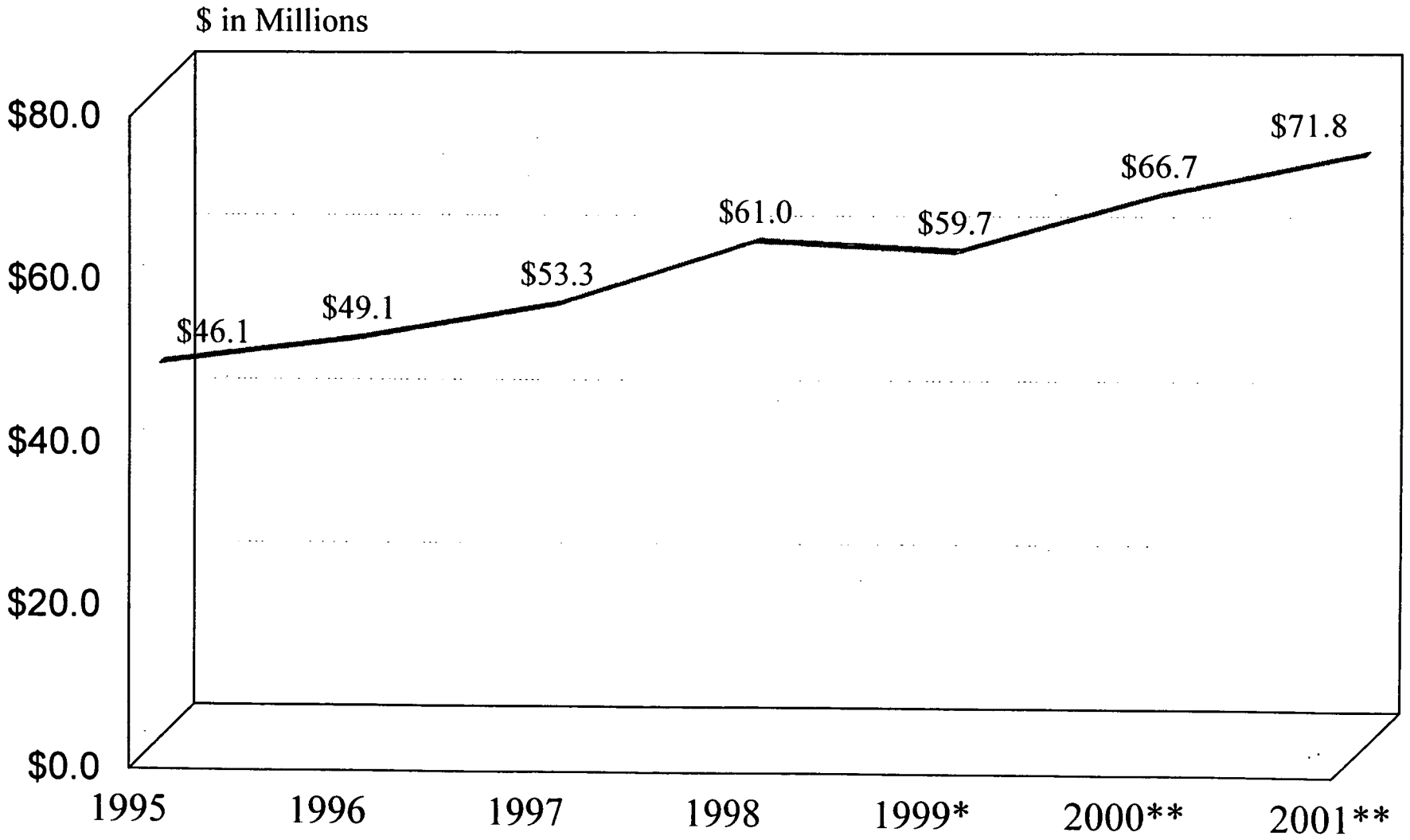
5. **PUBLIC DEFENDER**
   Program in 11 districts to provide representation for indigents by State-paid attorneys. Public defenders are sometimes supplemented by private counsel.

6. **SPECIAL COUNSEL**
   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**
   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.

Judicial Department

State Appropriations for Indigent Defense FY'S 1995-2001



*FY 1998-99 Authorized Budget as of 12/31/98; **FY'S 1999-00 and 2000-01 figures are in the Governor's 1999-01 Continuation Budget Requests

7

JUDICIAL DEPARTMENT -
State Appropriations For Indigent Defense*

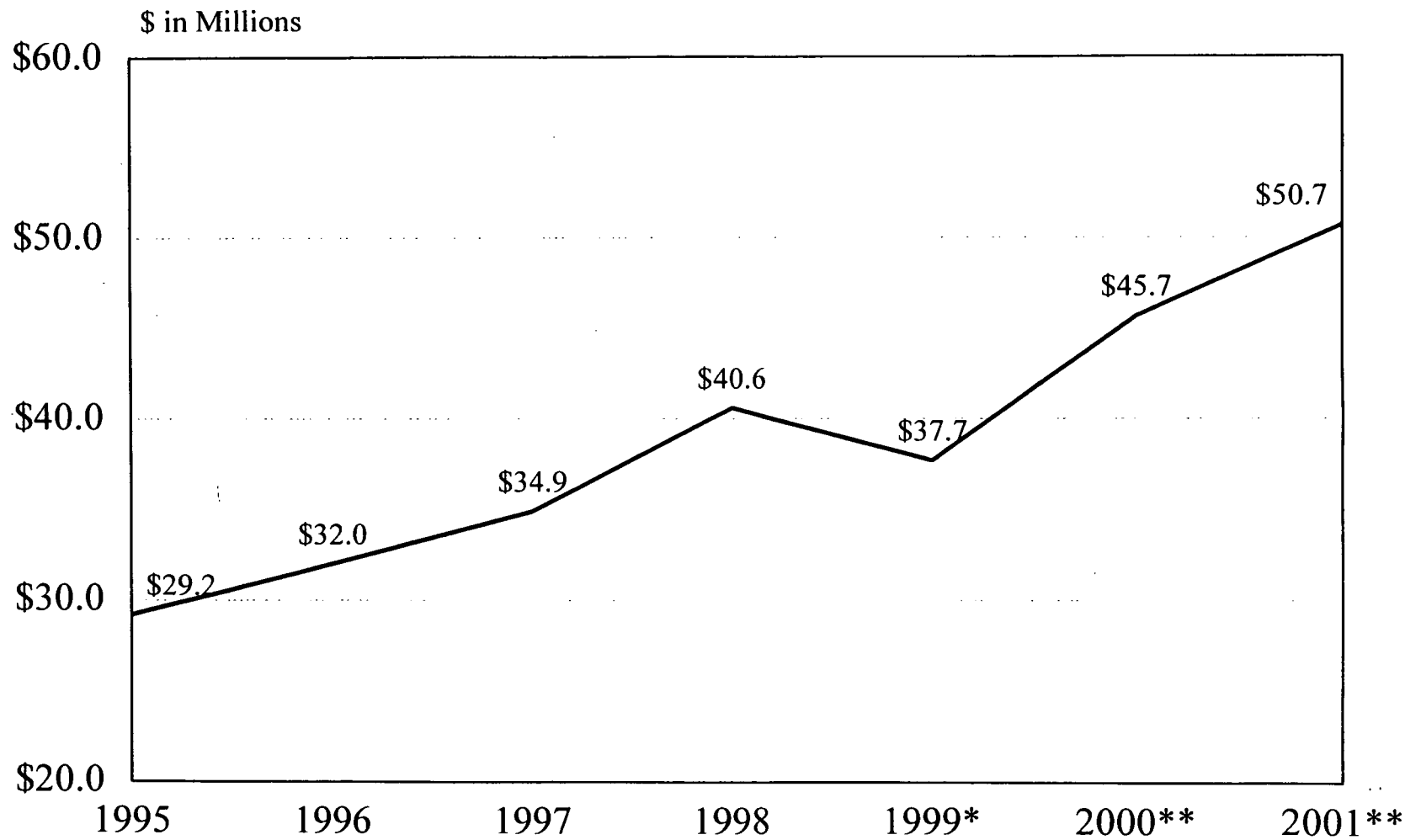
	95-96 Actual	96-97 Actual	97-98 Actual	98-99 Athorized	98-99 Pos.	99-00 Recomm.	00-01 Recomm.
1. Private Attorney Fees	$32,008,751	$34,883,335	$40,630,276	$37,748,366	0	$45,674,425	$50,701,185
2. Guardian Ad Litem	5,082,159	5,459,625	5,791,424	6,097,533	97	5,949,465	5,949,465
3. Appellate Defender Services	908,537	971,558	897,049	1,024,882	17	1,008,068	1,008,068
4. Resource Center**	191,011	187,341	35,579	0	0	0	0
5. Public Defender Services	9,364,670	10,325,898	10,673,623	12,130,873	194	12,293,264	12,328,288
6. Special Counsel-Mentally Ill	415,996	455,201	476,501	509,143	11	522,583	522,583
7. Grant to N.C. State Bar	1,250,000	1,250,000	2,500,000	2,160,000		1,250,000	1,250,000
TOTAL	**$49,065,702**	**$53,345,617**	**$60,968,873**	**$59,720,797**	**318**	**$66,697,805**	**$71,759,589**

* General Fund appropriations directly related to defense of adult and juvenile indigents. Includes receipts of approximately $6m 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.

Judicial Department

State Appropraitions for Indigent Defense - Private Attorney Fees Only*



*FY 1998-99 Authorized Budget as of 12/31/98; **FY's 1999-00 and 2000-01 figures are in the Governor's 1999-01 Continuation Budget Requests

THE JUDICIAL DEPARTMENT OF NORTH CAROLINA 2/10/99

INDIGENT PERSONS' ATTORNEY FEE FUND

FIVE-YEAR ANALYSIS OF RATES OF INCREASE IN FUND 1310 (Old Fund 2110) FROM 1992-93 THROUGH 1997-98

	FISCAL YEARS	FISCAL YEAR TOTALS COSTS	AMOUNT OF INCREASE	% RATE OF INCREASE	TOTAL FY TRANSACTIONS	AMOUNT OF INCREASE	% RATE OF INCREASE
	ALLOCATED COUNSEL FEE CASES						
	1992-93	$17,395,176	BASE YEAR	BASE YEAR	74,299	BASE YEAR	BASE YEAR
	1993-94	$18,093,884	$698,708	4.02%	75,608	1,309	1.76%
	1994-95	$20,937,442	$2,843,558	15.72%	82,328	6,720	8.89%
N =	1995-96	$22,324,055	$1,386,613	6.62%	90,595	8,267	10.04%
	1996-97	$24,998,096	$2,674,041	11.98%	97,955	7,360	8.12%
	1997-98	$28,452,088	$3,453,992	13.82%	108,877	10,922	11.15%
	TOTALS:	$114,805,565	$11,056,912		455,363	34,578	
	5-YEAR AVG.'S	$22,961,113	$2,211,382	9.63%	91,073	6,916	7.59%
	CAPITAL FEE CASES						
	1992-93	$3,997,633	BASE YEAR	BASE YEAR	954	BASE YEAR	BASE YEAR
	1993-94	$5,189,722	$1,192,089	29.82%	1,049	95	9.96%
	1994-95	$6,301,341	$1,111,619	21.42%	1,028	-21	-2.00%
N =	1995-96	$7,798,303	$1,496,962	23.76%	1,310	282	27.43%
	1996-97	$7,453,782	($344,521)	-4.42%	1,083	-227	-17.33%
	1997-98	$9,589,186	$2,135,404	28.65%	1,154	71	6.56%
	TOTALS:	$36,332,334	$5,591,553		5,624	200	
	5-YEAR AVG.'S	$7,266,467	$1,118,311	15.39%	1,125	40	3.56%
	SUPPORTING SERVICES						
	1992-93	$1,074,047	BASE YEAR	BASE YEAR	1,686	BASE YEAR	BASE YEAR
	1993-94	$1,245,241	$171,194	15.94%	1,722	36	2.14%
	1994-95	$1,619,574	$374,333	30.06%	1,944	222	12.89%
N =	1995-96	$1,886,393	$266,819	16.47%	2,377	433	22.27%
	1996-97	$2,431,457	$545,064	28.89%	2,023	-354	-14.89%
	1997-98	$2,591,432	$159,975	6.58%	2,274	251	12.41%
	TOTALS:	$9,774,097	$1,517,385		10,340	588	
	5-YEAR AVG.'S	$1,954,819	$303,477	15.52%	2,068	118	5.69%

(1) Private Investigator Fees added to Supporting Services for the first time in 1994-95.

5.

THE JUDICIAL DEPARTMENT OF NORTH CAROLINA 2/10/99

INDIGENT PERSONS' ATTORNEY FEE FUND

FIVE-YEAR ANALYSIS OF RATES OF INCREASE IN FUND 1310 (Old Fund 2110) FROM 1992-93 THROUGH 1997-98

FISCAL YEARS	FISCAL YEAR TOTALS COSTS	AMOUNT OF INCREASE	% RATE OF INCREASE	TOTAL FY TRANSACTIONS	AMOUNT OF INCREASE	% RATE OF INCREASE

JUDGMENT COLLECTIONS

	1992-93	$4,167,574	BASE YEAR	BASE YEAR
	1993-94	$3,998,163	($169,411)	-4.06%
	1994-95	$4,050,153	$51,990	1.30%
N =	1995-96	$4,569,280	$519,127	12.82%
	1996-97	$5,181,992	$612,712	13.41%
	1997-98	$5,518,626	$336,634	6.50%
	TOTALS:	$23,318,214	$1,351,052	
	5-YEAR AVG.'S	$4,663,643	$270,210	5.79%

6.

INDIGENT DEFENSE REQUIREMENTS
BREAKDOWN OF FY 1999-01 CONTINUATION BUDGET REQUESTS

(Based on October 1998 Projections)

Indigent Fund Description	1997-98 Actual Expenditures	Current Annual % Increase	Projected 1999-00 Requirements	Projected 2000-01 Requirements
Non Capital Cases	$28,452,088	9.50%	$32,100,000	$35,150,000
Capital Cases	$9,589,186	15%	$10,800,000	$12,400,000
Supporting Services	$2,591,432	15%	$3,500,000	$4,000,000
Total Requirements	**$40,632,706** (includes laps)		**$46,400,000**	**$51,550,000**
Indigent Fund Resources				
Appropriation	$31,216,614		$39,682,925	$44,709,685
Judgments	$5,518,626		$6,000,000	$6,000,000
Lapsed Salary	$3,897,466		$717,075	$840,315
Total Availability	**$40,632,706**		**$46,400,000**	**$51,550,000**

Indigent Defense Requirements

Potential Savings in Continuation Budget Based on Revised Projections

(Estimated Expenditures for 1998-99 Based on Expenditures as of 1/31/99)

Indigent Fund Description	1997-98 Actual Expenditures	Estimated % Growth Over 97-98	Estimated Expenditures in 1998-99	Revised Annual % Increase	Projected 1999-00 Requirements	Projected 2000-01 Requirements
Non Capital Cases	$28,452,088	3.90%	$29,600,000	7%	$31,672,000	$33,889,040
Capital Cases	$9,589,186	5.80%	$10,000,000	10%	$11,000,000	$12,100,000
Supporting Services	$2,591,432	10%	$2,850,000	12%	$3,192,000	$3,575,040
Total Requirements	**$40,632,706** (includes laps)				**$45,864,000**	**$49,564,080**
Indigent Fund Resources						
Appropriation	$31,216,614				$39,682,925	$44,709,685
Judgments	$5,518,626				$6,000,000	$6,000,000
Lapsed Salary	$3,897,466				$717,075	$840,315
Total Availability	**$40,632,706**				**$46,400,000**	**$51,550,000**
	Potential Reductions Based on Revised Projections				*$536,000*	*$1,985,920*

***Note: These are only projections and expenditures will continued to be monitored over next several weeks.**

8

Other Indigent Defense Issues for Committee Discussion

- Need for More Management of the Indigent Fund?
  - Uniform fee schedules, especially for District Court
  - Manage flow of cases to public defenders and private attorneys
  - Uniform policies / procedures for determining indigency
- Continue to Evaluate Cost Effectiveness of Existing Methods of Representation
  - Should be included as part of report required by the General Assembly
- Reasonable Growth in Indigent Expenditures Inevitable?
  - Anticipated growth in conviction rates for next several years:
    - felony - 2%
    - misdemeanor - 2%
    - juvenile - 3%
  - Continued growth in the number of capital murder cases

INDIGENT FUND STUDY COMMISSION

Section 16.5. (a) The Administrative Office of the Courts shall establish a Study Commission on the Indigent Persons' Attorney Fee Fund. The Commission shall consist of seven voting members as follows:

(1) One member appointed by the Speaker of the House of Representatives;
(2) One member appointed by the President Pro Tempore of the Senate;
(3) One member appointed by the Chief Justice of the Supreme Court;
(4) One member appointed by the North Carolina Association of Public Defenders;
(5) One member appointed by the North Carolina State Bar;
(6) One member appointed by the North Carolina Bar Association; and
(7) One member appointed by the North Carolina Academy of Trial Lawyers.

The Commission shall elect a chair upon being convened at the call of the Chief Justice's appointee.

(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;
(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;
(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;
(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;
(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;
(6) Review methods used by other states to provide legal representation to indigent defendants;
(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; and
(8) Outline additional suggestions that would improve the provision of legal representation to indigent defendants.

The Administrative Office of the Courts shall assign professional and clerical staff to assist in the work of the Commission. The Commission shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety no later than May 1, 1999. The report shall include a cost analysis demonstrating the additional personnel and equipment necessary to implement the Commission's recommendations. The report shall also include any legislation necessary to implement the Commission's recommendations.

(c) The Administrative Office of the Courts may use up to the sum of fifty thousand dollars ($50,000) from the Indigent Persons' Attorney Fee Fund to contract for consultant services to assist in meeting the Commission's responsibilities.

Requested by: Senator [illegible]

Kiser, Thompson, Sexton

STUDY OF PUBLIC DEFENDER PROGRAMS

Section 16.1. The Administrative Office of the Courts shall study the efficiency and cost-effectiveness of the public defender programs established in 11 judicial districts. The report shall include:

(1) A comparison outlining the number of defendants in each district represented by public defenders and privately assigned counsel by type of offense;

(2) An analysis of the average cost per defendant or case for each public defender program and a comparison of that average to payments made to privately assigned counsel in those districts;

(3) An implementation plan for potential expansion of public defender programs to additional districts, including possible locations, a cost analysis of necessary personnel and equipment to operate the programs, and the estimate of savings to be realized in using those programs rather than providing for privately assigned counsel.

The Administrative Office of the Courts shall report the results of its study to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Indigent Fund Study Commission established in Section 16.5 of this act by April 1, 1999.

1/19/99
KL:FEERATES

SCHEDULE OF BASIC COURT COST AND FEES

FEE DESCRIPTION / DATE & TYPE OF CHANGE	07/01/85 $.75 LEOB	07/12/85 $1.25 LEOB	01/01/87 $3 LEOB	08/15/89 $10 GCJF	10/01/90 $1 SERV	07/16/91 $4 GCJF	07/01/92 $4 GCJF $1 FACFEE	09/01/96 $5 CRIM	09/01/97 $15 CRIM	02/01/99 INC FAC FEE BY $6
DISTRICT COURT - CRIMINAL										
GENERAL COURT OF JUSTICE FEE	23.00	23	23	33	33	37	41	46	61	61
FACILITIES FEE	5.00	5	5	5	5	5	6	6	6	12
SERVICE FEE	4.00	4	4	4	5	5	5	5	5	5
LEOB	3.75	5	8	8	8	8	8	8	8	8
TOTAL	35.75	37	40	50	51	55	60	65	80	86
SUPERIOR COURT - CRIMINAL										
GENERAL COURT OF JUSTICE FEE	30.00	30	30	40	40	44	48	53	68	68
FACILITIES FEE	23.00	23	23	23	23	23	24	24	24	30
SERVICE FEE	4.00	4	4	4	5	5	5	5	5	5
LEOB	3.75	5	8	8	8	8	8	8	8	8
TOTAL	60.75	62	65	75	76	80	85	90	105	111
MAGISTRATES - CIVIL										
GENERAL COURT OF JUSTICE FEE	10	10	10	20	20	24	28	28	28	28
FACILITIES FEE	5	5	5	5	5	5	6	6	6	12
SERVICE FEE	4	4	4	4	5	5	5	5	5	5
TOTAL	19	19	19	29	30	34	39	39	39	45
DISTRICT COURT - CIVIL										
GENERAL COURT OF JUSTICE FEE	22	22	22	32	32	36	40	40	40	40
FACILITIES FEE	9	9	9	9	9	9	10	10	10	16
SERVICE FEE	4	4	4	4	5	5	5	5	5	5
TOTAL	35	35	35	45	46	50	55	55	55	61
SUPERIOR COURT - CIVIL										
GENERAL COURT OF JUSTICE FEE	37	37	37	47	47	51	55	55	55	55
FACILITIES FEE	9	9	9	9	9	9	10	10	10	16
SERVICE FEE	4	4	4	4	5	5	5	5	5	5
TOTAL	50	50	50	60	61	65	70	70	70	76
SPECIAL PROCEEDINGS (1)										
GENERAL COURT OF JUSTICE FEE	22	22	22	22	22	22	26	26	26	26
FACILITIES FEE	3	3	3	3	3	3	4	4	4	10
SERVICE FEE	4	4	4	4	5	5	5	5	5	5
TOTAL EXCLUDING AD VALOREM FEE	29	29	29	29	30	30	35	35	35	41
ESTATES (2)										
GENERAL COURT OF JUSTICE FEE	22	22	22	22	22	22	26	26	26	26
FACILITIES FEE	3	3	3	3	3	3	4	4	4	10
TOTAL	25	25	25	25	25	25	30	30	30	36

ADDITIONAL AD VALOREM FEES PER EVERY $100 FMV		
SPECIAL PROC INVOLVING LAND	$0.30	WITH A CURRENT CAP OF $200.
ESTATE INVENTORY	$0.40	WITH A CURRENT CAP OF $3,000.

04/08/98
ONEDOL98

N. C. JUDICIAL DEPARTMENT

ESTIMATED INCREASE IN REVENUE BY RAISING FEES

DESCRIPTION OF FEE	COLLECTIONS FOR 1996-97	PERCENT OF TOTAL	FEES AS OF 1996-97	$1 INCREASE GENERATES	$5 INCREASE GENERATES
SUPERIOR COURT:					
CRIMINAL DIVISION	981,897	1.283%	53(1)	18,526	92,630
CIVIL DIVISION	1,199,385	1.568%	55	21,807	109,035
SPECIAL PROCEEDINGS	756,750	0.989%	26	29,106	145,530
ESTATES (53,561 CASES)	10,385,019	13.573%	26(2)	56,952	284,760
TOTAL SUPERIOR COURT	13,323,051	17.413%	XXXXXXX	126,391	631,955
DISTRICT COURT:					
CRIMINAL DIVISION	45,862,763	59.943%	46(3)	997,017	4,985,085
CIVIL DIVISION					
REGULAR DIST CRT	4,233,561	5.533%	40	105,839	529,195
MAGISTRATES	7,615,832	9.954%	28	271,994	1,359,970
MAGISTRATE-SPEC FEES	256,839	0.336%	VAR	N/A	N/A
TOTAL DISTRICT COURT	57,968,995	75.766%	XXXXXXX	1,374,850	6,874,250
MISC. FEES & COMMISSIONS	5,218,813	6.821%	VAR	N/A	N/A
TOTAL GCJ FEES	76,510,859	100.000%	XXXXXXX	1,501,241	7,506,205

(1) FEE AS OF 09/01/97 IS $68.
(2) FIXED PORTION OF ESTATE FEE.
(3) FEE AS OF 09/01/97 IS $61.

JUDICIAL DEPARTMENT COLLECTIONS

9/14/98

FISCAL YEAR 1997-98 COMPARED TO 1996-97

KL:COL9698

DESCRIPTION	1997-98		1996-97	
	AMOUNT	%	AMOUNT	%
.ERK OF SUPERIOR COURT COLLECTIONS				
)ISTRIBUTED TO LOCAL GOVERNMENTS				
FINES AND FORFEITURES	60,064,516	5.185%	55,631,503	5.310%
FACILITY FEES - COUNTY	11,283,931	0.974%	11,233,624	1.072%
OFFICER FEES- COUNTY	5,955,647	0.514%	6,088,599	0.581%
OFFICER FEES - MUNICIPALITIES	2,054,051	0.177%	1,915,441	0.183%
JAIL FEES - COUNTY	1,819,921	0.157%	1,675,595	0.160%
TEN-DAY LICENSE REVOCATION FEES	990,285	0.085%	1,178,461	0.112%
FACILITY FEES - MUNICIPALITIES	471,757	0.041%	456,598	0.044%
JAIL FEES - MUNICIPALITIES	1,602	0.000%	2,250	0.000%
TOTAL DISTRIBUTED TO LOCAL GOVERNMENTS	**82,641,710**	**7.134%**	**78,182,071**	**7.463%**
IST[illegible]TED TO STATE TREASURER				
G[illegible]AL COURT OF JUSTICE FEES	90,301,848	7.795%	76,510,859	7.303%
PROBATION SUPERVISION FEES	10,938,723	0.944%	10,859,251	1.037%
LEOB FEES	8,989,416	0.776%	9,021,065	0.861%
RECOVERY OF ATTORNEY FEES	5,601,711	0.484%	5,268,145	0.503%
COMMUNITY SERVICE FEES	5,405,247	0.467%	5,378,688	0.513%
TWENTY-DAY FAILURES FEES	4,790,308	0.414%	4,606,929	0.440%
TEN-DAY LICENSE REVOCATION FEES	990,285	0.085%	1,178,461	0.112%
PAROLE SUPERVISION FEES	748,484	0.065%	1,016,894	0.097%
ARBITRATION APPEAL FINING FEES	106,315	0.009%	60,607	0.006%
TOTAL DISTRIBUTED TO STATE TREASURER	**127,872,337**	**11.039%**	**113,900,899**	**10.872%**
STRIBUTED TO OTHER				
ALIMONY & SUPPORT	518,464,630	44.757%	494,107,801	47.164%
JUDGEMENTS	161,074,531	13.905%	130,422,155	12.449%
TRUSTS	133,792,648	11.550%	106,348,841	10.151%
CASH BONDS	61,583,065	5.316%	55,053,775	5.255%
PARTIAL PAYMENTS	55,374,880	4.780%	51,741,474	4.939%
TOTAL DISTRIBUTED TO OTHER	**930,289,754**	**80.308%**	**837,674,046**	**79.958%**
)TAL CLERK OF SUPERIOR COURT COLLECTIONS	**1,140,803,801**	**98.481%**	**1,029,757,016**	**98.293%**
: COLLECTIONS TO STATE TREASURER				
FEDERAL-CHILD SUPPORT ENFORCEMENT	17,411,384	1.503%	17,683,805	1.688%
SAL[illegible]F APPELLATE DIVISION REPORTS	140,506	0.012%	163,317	0.016%
CO[illegible]F APPEALS FEES	32,084	0.003%	30,748	0.003%
SUPREME COURT FEES	7,617	0.001%	7,107	0.001%
)TAL AOC COLLECTIONS TO STATE TREASURER	**17,591,591**	**1.519%**	**17,884,977**	**1.707%**
TOTAL COLLECTIONS	**1,158,395,392**	**100.000%**	**1,047,641,993**	**100.000%**

FINES AND FORFEITURES
F/Y 1997-98 COMPARED TO 1996-97

02/10/99
KL:FIN97&98

COUNTY	1997-98	1996-97
ALAMANCE	916,553.54	824,862.58
ALEXANDER	250,656.57	232,159.86
ALLEGHANY	131,057.77	100,866.73
ANSON	331,662.50	328,601.10
ASHE	173,019.52	147,307.41
AVERY	86,175.85	91,316.39
BEAUFORT	462,559.50	431,913.03
BERTIE	278,216.75	179,501.14
BLADEN	317,765.68	332,021.34
BRUNSWICK	365,267.05	389,072.75
BUNCOMBE	1,256,746.78	1,412,278.89
BURKE	745,850.98	741,710.75
CABARRUS	1,430,333.35	1,240,808.24
CALDWELL	523,479.17	486,273.29
CAMDEN	82,691.01	58,853.00
CARTERET	576,992.12	474,887.76
CASWELL	298,515.53	175,979.70
CATAWBA	1,151,071.53	1,079,390.04
CHATHAM	432,754.42	399,956.69
CHEROKEE	205,130.45	169,806.13
CHOWAN	166,674.44	167,771.09
CLAY	44,284.52	33,825.00
CLEVELAND	696,760.86	847,873.25
COLUMBUS	289,235.73	289,092.87
CRAVEN	653,750.15	519,599.06
CUMBERLAND	1,289,505.78	1,245,435.26
CURRITUCK	222,026.59	196,711.44
DARE	630,852.66	539,619.62
DAVIDSON	1,059,211.64	1,051,843.39
DAVIE	256,088.12	233,827.14
DUPLIN	510,285.46	448,212.41
DURHAM	1,813,640.87	1,258,081.68
EDGECOMBE	496,021.11	417,831.22
FORSYTH	1,634,042.07	1,633,608.76
FRANKLIN	407,941.99	330,978.39
GASTON	815,129.58	837,933.13
GATES	92,568.58	75,638.84
GRAHAM	61,385.10	66,007.06
GRANVILLE	549,395.38	455,484.75
GREENE	218,507.00	140,742.94
GUILFORD	2,475,696.46	2,640,151.50
HALIFAX	623,893.71	680,649.66
HARNETT	693,179.47	515,397.41
HAYWOOD	536,667.96	393,166.91
HENDERSON	772,228.16	778,883.71
HERTFORD	212,866.49	202,625.56
HOKE	326,377.48	367,053.43
HYDE	58,625.88	61,619.00
IREDELL	1,048,634.84	1,038,941.84
JACKSON	237,314.63	235,141.22

COUNTY	1997-98	1996-97
JOHNSTON	765,553.01	757,885.53
JONES	61,994.24	51,858.76
LEE	419,984.52	409,428.74
LENOIR	711,202.32	527,514.65
LINCOLN	336,863.12	302,831.73
MACON	204,142.37	147,645.10
MADISON	130,038.11	78,950.00
MARTIN	269,371.30	253,939.05
MCDOWELL	449,045.42	417,370.70
MECKLENBURG	2,844,196.95	2,251,826.83
MITCHELL	55,188.66	62,407.43
MONTGOMERY	245,422.48	246,057.18
MOORE	667,033.25	620,966.42
NASH	888,047.16	620,509.17
NEW HANOVER	1,569,726.07	1,561,792.09
NORTHAMPTON	196,952.25	226,146.03
ONSLOW	729,402.78	839,712.10
ORANGE	719,632.57	675,913.72
PAMLICO	70,170.70	48,286.00
PASQUOTANK	426,045.53	384,937.39
PENDER	368,085.18	293,231.27
PERQUIMANS	124,951.88	122,918.00
PERSON	486,626.51	539,144.62
PITT	671,146.17	701,338.19
POLK	226,830.01	156,440.52
RANDOLPH	997,055.95	832,812.39
RICHMOND	423,994.03	487,116.13
ROBESON	1,440,195.69	1,325,543.89
ROCKINGHAM	920,560.88	921,800.00
ROWAN	1,249,171.39	1,013,129.51
RUTHERFORD	825,904.69	732,328.80
SAMPSON	621,264.77	571,737.66
SCOTLAND	562,026.90	531,279.99
STANLY	590,008.63	573,484.35
STOKES	420,217.69	418,692.69
SURRY	659,163.50	601,318.20
SWAIN	157,244.80	120,271.23
TRANSYLVANIA	230,192.30	252,293.02
TYRRELL	74,003.38	54,144.82
UNION	1,113,658.84	1,038,992.44
VANCE	633,566.30	655,784.82
WAKE	2,990,942.12	2,905,422.64
WARREN	174,412.24	174,574.91
WASHINGTON	152,726.66	154,011.58
WATAUGA	261,040.67	267,122.98
WAYNE	998,108.73	833,840.35
WILKES	835,853.30	713,040.29
WILSON	791,782.01	787,858.63
YADKIN	323,268.68	296,257.13
YANCEY	71,206.85	68,278.50
TOTAL	**$60,064,516.34**	**$55,631,502.53**

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Tuesday March 9, 1999 8:30 a.m. & 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding
Representative Bill Culpepper
Representative Paul McCrary
Representative Ted Kinney

II. PRESENTATIONS

Morning

- Judicial Department Continuation Budget

Overview of Dispute Resolution Programs (Mediation, Arbitration and Dispute Settlement Centers)

Charles Perusse, Fiscal Research Staff
Department Representatives

Overview of Community Penalties Program

Elisa Wolper, Fiscal Research Staff
Department Representatives

Afternoon

- Continue Review of Judicial Department Budget

Review Agency Reserve Funds and Potential Continuation Budget Provisions

Charles Perusse, Fiscal Research Staff

Review Departmental Vacancies Over 6 Months Old

Jeanne Bonds, AOC Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 9, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 9, 1999 in room 415, LOB at 2:30PM. Three members of the Senate were present. The following House members attended:

Rep. Paul McCrary	Rep. Bill Culpepper
Rep. Scott Thomas	Rep. Debbie Clary
Rep. Phillip Haire	Rep. Larry Justus
Rep. Joe Kiser	Rep. Wayne Sexton

The meeting was chaired by **Senator Frank Ballance**, Vice Chair of the Senate Committee. Mr. Charles Perusse, staff, was introduced. Mr. Perusse distributed a handout, Overview of Alternative Dispute Resolution Programs. The custody mediation program operates in 25 court districts and will expand to cover 28 out of 39 districts by the end of 1999. Arbitrators are licensed and must have 5 years training as a lawyer in North Carolina. They receive $75 per hour. There will be arbitration sites in 69 counties by the end of 1999.32.2% of cases are arbitrated at a 68% success rate. Page 12 of the handout highlights cases processed through the dispute settlement centers. Page 14 of the handout shows funds requested for the Dispute Settlement Centers for FY 99-00. Wayne and Robinson counties did not request funding.

In response to a question by Rep. Sexton, Mr. Perusse said that the state auditor found no services provided in Robeson County in three years. The last funding for Robeson County was FY 96-97. As far as it is known at this time, all other centers are functioning OK. Cumberland County was audited and found to have bookkeeping problems that have been resolved. Again to Rep. Sexton, Mr. Perusse stated graduated match requirements are not outlined by statue so a special provision has to be submitted per budget cycle.

In response to Rep. Haire (who is a court mediator), Mr. Perusse said the 23 positions in the custody mediation program are mostly mediators who work throughout the state and are paid state employees. The money in the dispute settlement centers is insufficient to allow for mediators but more of administrative types. Most of the arbitration positions are administrative and the money is in a line item for Legal Services.

Ms. Elissa Wolper, staff, was introduced. Ms Wolper distributed a handout titled Community Penalties Program. Legislation has been introduced that will change the structure of the Community Penalties Program. The program is run through contracts with local Non Profits. There are 37 programs, covering all judicial programs in the state, of which, 8 are run by state employees. The recommended budgets do not include salary increases. The Community Penalties Program drafted proposed legislation to modify the program. Toward that end, the community Corrections subcommittee of the

sentencing Commission met and endorsed the proposal with some modifications including that defendants should be allowed to opt out of the process; Community Penalties should not be considered an Intermediate Sanction, and, the target population is pre plea felons. The handout shows the proposed changes in community penalties statutes.

Senator Ballance adjourned the meeting at 3:40PM.

Senator Frank Ballance
Vice Chair Senate Committee

Gloria Haywood
Senate Committee Clerk

Judicial Department

Overview of Alternative Dispute Resolution Programs

Joint Appropriations Subcommittee on Justice and Public Safety
March 9, 1999

OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

Custody Mediation, Arbitration, and Dispute Settlement Centers

- PURPOSE
  - 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), and was expanded in 1987 (District 27A).
  - Based on positive experiences, the General Assembly enacted statewide legislation for mediation of cases in 1989.
  - Mediator acts as a neutral third party and attempts 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.

OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

Custody Mediation Program (Continued)

- STATUS
  - Currently operating in 25 district court districts and will expand to 3 additional districts by end of 1998-99 (covering a total of 55 counties).
  - Goal is to provide statewide coverage by the end of 1999-2001 biennium.

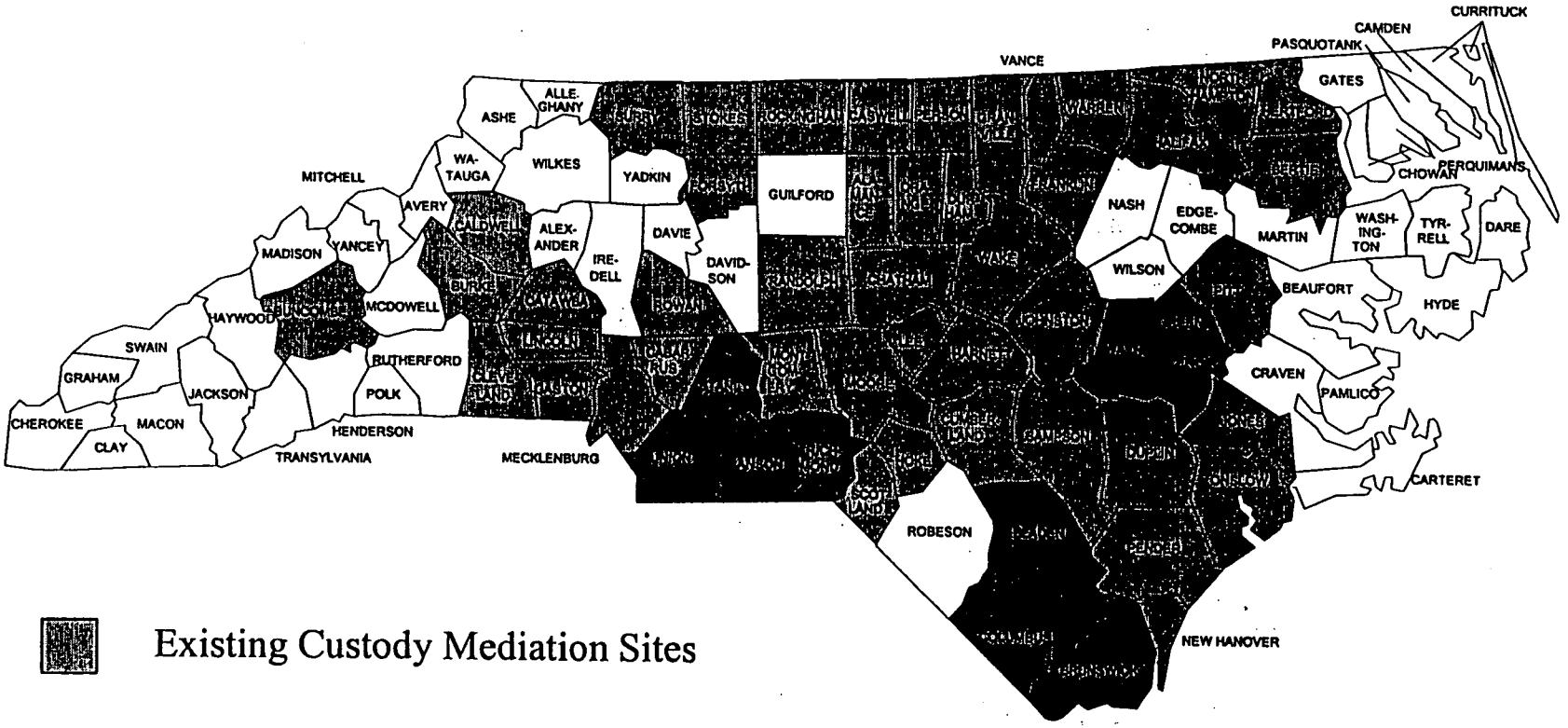
	1997-98	Authorized 1998-99	Recomm. 1999-00
Expenditures	$918,615	$1,224,265	$1,447,627
Positions	19.75	23.35	23.35

  - General Assembly provided additional $375,000 R in the 1997-99 biennium.

Administrative Office of the Courts

Custody and Visitation Mediation Program

October 1998



Existing Custody Mediation Sites

Custody Mediation Expansion Sites

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY
July 1, 1997 – June 30, 1998

			Cases Mediated				Cases Not Mediated				
	Cases Pending 7/1/97	Cases Referred	Parenting Agreement Reached	No Parenting Agreement Reached	Settled After First Session[1]	Total Mediated	Removed[2]	Settled Prior to First Session[1]	Total Not Mediated	Total	Cases Pending 6/30/98
District 3A Pitt	9	42	16	19	1	36	7	5	12	48	3
District 4 Duplin, Jones, Onslow, Sampson	4	231	91	87	19	197	15	1	16	213	22
District 5[3] New Hanover, Pender	0	5	2	2	0	4	1	0	1	5	0
District 10 Wake	65	619	174	132	33	339	264	6	270	609	75
District 11 Harnett, Johnston, Lee	3	593	132	49	25	206	220	157	377	583	13
District 12 Cumberland	29	719	176	96	0	272	357	107	464	736	12
District 14[3] Durham	0	23	0	4	0	4	17	2	19	23	0
District 15A Alamance	143	193	68	86	11	165	32	39	71	236	100
District 15B Chatham, Orange	11	162	83	32	27	142	20	0	20	162	11
District 16A Hoke, Scotland	0	25	15	6	0	21	2	0	2	23	2
District 17A Rockingham	20	117	32	33	9	74	42	6	48	122	15
District 19A Cabarrus	13	98	34	42	4	80	11	2	13	93	18

4.

CHILD CUSTODY AND VISITATION MEDIATION ACTIVITY, July 1, 1997 – June 30, 1998
(continued)

			Cases Mediated				Cases Not Mediated				
	Cases Pending 7/1/97	Cases Referred	Parenting Agreement Reached	No Parenting Agreement Reached	Settled After First Session[1]	Total Mediated	Removed[2]	Settled Prior to First Session[1]	Total Not Mediated	Total	Cases Pending 6/30/98
District 19B Montgomery, Moore, Randolph	10	159	90	35	17	142	19	0	19	161	8
District 19C Rowan	41	237	112	81	8	201	25	3	28	229	49
District 21 Forsyth	70	338	74	125	30	229	148	10	158	387	21
District 25 Burke, Caldwell, Catawba	318	836	130	92	93	315	186	387	573	888	266
District 26 Mecklenburg	117	454	140	177	18	335	89	11	100	435	136
District 27A Gaston	67	304	82	138	9	229	54	17	71	300	71
District 27B[3] Cleveland, Lincoln	0	46	1	9	1	11	1	4	5	16	30
District 28 Buncombe	41	281	104	78	7	189	69	12	81	270	52
TOTALS	961	5,482	1,556	1,323	312	3,191	1,579	769	2,348	5,539	904

[1] "Settled" cases include those reported settled through consent agreement and those in which the parties reconciled.

[2] "Removed" cases include: (a) cases in which the mediator determined the case was inappropriate (e.g., allegations of domestic violence); (b) cases in which the parties chose not to mediate after going through the orientation session; (c) cases in which one or both parties failed to appear for mediation; (d) cases in which parties were deployed for military action; and (e) cases exempted because a party resided more than 50 miles from the courthouse.

[3] Fiscal 1997-98 is this program's first year of operation and the data may relate to only part of the year. Due to this and to startup efforts, first-year caseload data may not be representative.

NOTE: During fiscal year 1997-98, in addition to the three expansion districts for which partial-year data are reported in the above table, the mediation program was expanded into five additional districts, which will receive first referrals in 1998-99: Districts 6A, 6B, 9, 9A, and 17B.

OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

Court Ordered Arbitration Program

- COURT-ORDERED ARBITRATION PROGRAM
  - Began in 1986 and enacted statewide in 1989.
  - Includes all 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.
  - Arbitration 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.

OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

Court Ordered Arbitration (Continued)

- STATUS
  - Currently operating in 31 superior court districts and will expand to 2 additional districts by end of 1998-99 (covering a total of 69 counties).
  - Goal to be statewide by the end 1999-2001 biennium.

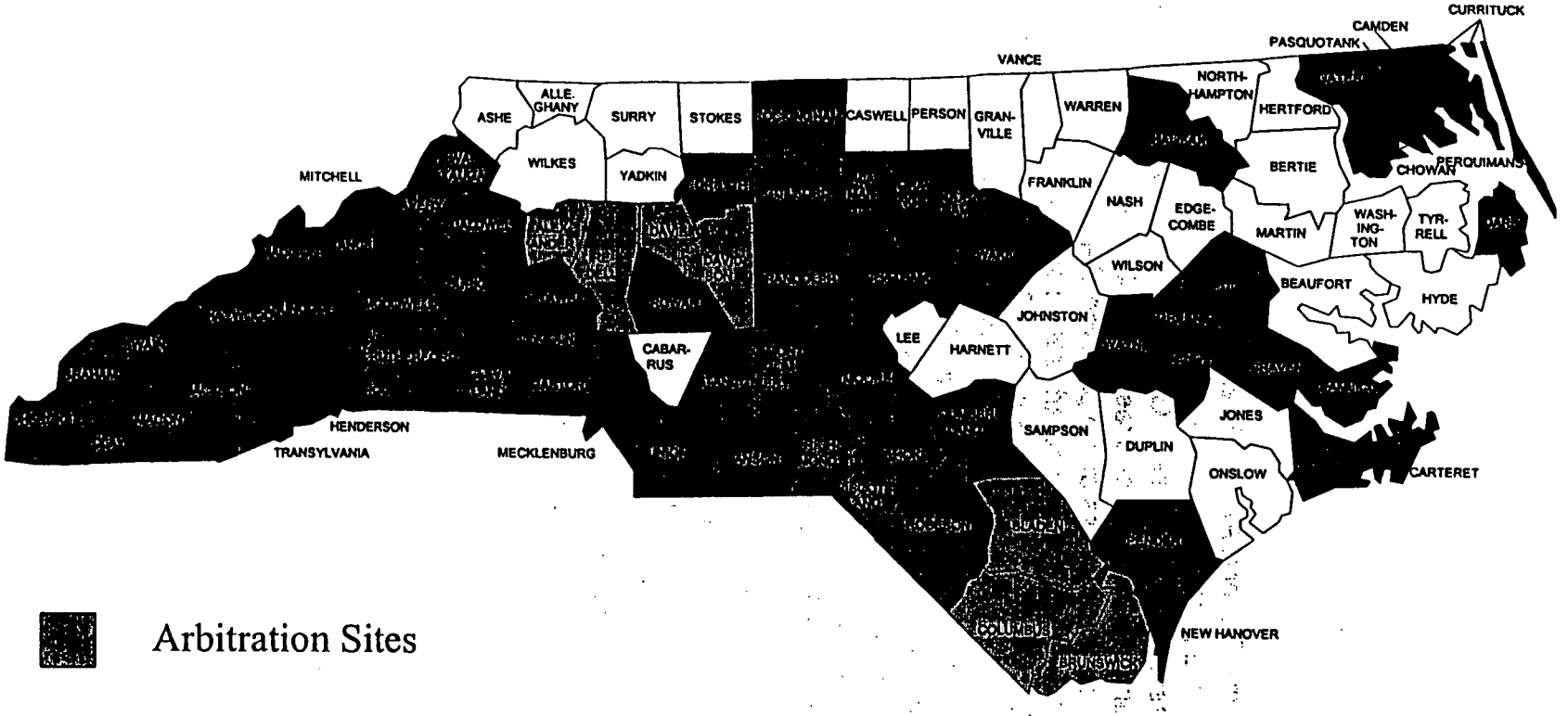
	1997-98	Authorized 1998-99	Recomm. 1999-00
Expenditures	$739,280	$843,490	$1,049,711
Positions	13.25	15.50	15.50

*The General Assembly appropriated an additional $260,000 R during the 1997-99 biennium.

Administrative Office of the Courts

Arbitration Sites

October 1998



Arbitration Sites

Expansion Sites

ARBITRATION ACTIVITY
July 1, 1997 – June 30, 1998

	Cases Noticed for Arbitration[1]				Summary of De Novo Appeal Activity			
	District Court	Superior Court	Total	Cases Arbitrated	Appeals Filed	Trials	Dismissal/ Other	Pending 6/30/98[2]
District 1								
Camden	8	0	8	2	0	0	0	0
Chowan	11	0	11	5	3	0	0	3
Currituck	18	0	18	10	3	0	1	2
Dare	50	0	50	40	7	0	2	5
Gates	7	0	7	2	0	0	0	0
Pasquotank	31	0	31	14	1	0	1	0
Perquimans	12	0	12	7	1	0	1	0
District Totals	137	0	137	80	15	0	5	10
District 3A								
Pitt	226	10	236	186	41	9	21	11
District 3B								
Carteret	114	0	114	91	15	1	5	9
Craven	104	2	106	105	18	6	3	9
Pamlico	8	0	8	9	3	0	2	1
District Totals	226	2	228	205	36	7	10	19
District 5								
New Hanover	248	2	250	200	41	9	18	14
Pender	33	0	33	30	9	3	2	4
District Totals	281	2	283	230	50	12	20	18
District 6A[3]								
Halifax	1	0	1	0	0	0	0	0
District 8A								
Greene	19	0	19	12	6	2	2	2
Lenoir	79	0	79	65	15	6	3	6
District Totals	98	0	98	77	21	8	5	8
District 8B								
Wayne	127	2	129	123	27	7	3	17
District 10								
Wake	712	2	714	422	109	15	38	56
District 12[3]								
Cumberland	109	0	109	53	6	0	1	5
District 14								
Durham	303	4	307	204	56	4	16	36
District 15A								
Alamance	72	0	72	61	11	1	6	4
District 15B								
Chatham	34	0	34	19	1	0	1	0
Orange	90	0	90	65	18	0	17	1
District Totals	124	0	124	84	19	0	18	1
District 16A[4]								
Hoke	0	0	0	0	0	0	0	0
Scotland	0	0	0	0	0	0	0	0
District Totals	0	0	0	0	0	0	0	0
District 16B								
Robeson	4	0	4	24	0	0	0	0

Arbitration Activity, July 1, 1997 – June 30, 1998
(Continued)

	Cases Noticed for Arbitration[1]				Summary of De Novo Appeal Activity			
	District Court	Superior Court	Total	Cases Arbitrated	Appeals Filed	Trials	Dismissal/ Other	Pending 6/30/98[2]
District 17A[3]								
Rockingham	26	0	26	0	0	0	0	0
District 18								
Guilford	602	0	602	401	134	23	35	76
District 19B								
Montgomery	12	0	12	10	1	0	0	1
Moore	13	0	13	30	8	3	3	2
Randolph	67	0	67	42	16	4	1	11
District Totals	92	0	92	82	25	7	4	14
District 19C								
Rowan	111	0	111	72	20	3	1	16
District 20A								
Anson	14	0	14	12	6	1	1	4
Richmond	45	0	45	24	3	1	0	2
District Totals	59	0	59	36	9	2	1	6
District 20B								
Stanly	33	0	33	14	5	0	0	5
Union	82	0	82	36	15	1	2	12
District Totals	115	0	115	50	20	1	2	17
District 21[3]								
Forsyth	205	0	205	101	20	3	1	16
District 24								
Avery	22	0	22	11	4	0	0	4
Madison	23	0	23	13	3	0	0	3
Mitchell	24	0	24	13	3	1	0	2
Watauga	63	0	63	30	8	2	2	4
Yancey	15	0	15	11	4	2	0	2
District Totals	147	0	147	78	22	5	2	15
District 25A								
Burke	85	0	85	35	9	2	0	7
Caldwell	65	0	65	27	4	1	0	3
District Totals	150	0	150	62	13	3	0	10
District 25B								
Catawba	188	0	188	95	45	8	8	29
District 26								
Mecklenburg	1,385	0	1,385	1,246	538	83	188	267
District 27A								
Gaston	247	233	480	404	198	21	81	96
District 27B								
Cleveland	66	0	66	59	13	5	2	6
Lincoln	19	0	19	15	4	0	2	2
District Totals	85	0	85	74	17	5	4	8
District 28[3]								
Buncombe	14	0	14	0	0	0	0	0

Arbitration Activity, July 1, 1997 – June 30, 1998
(Continued)

	Cases Noticed for Arbitration[1]				Summary of De Novo Appeal Activity			
	District Court	Superior Court	Total	Cases Arbitrated	Appeals Filed	Trials	Dismissal/ Other	Pending 6/30/98[2]
District 29								
Henderson	17	0	17	17	1	0	0	1
McDowell	26	0	26	17	4	1	2	1
Polk	7	0	7	5	3	1	0	2
Rutherford	44	2	46	22	14	0	0	14
Transylvania	7	0	7	6	0	0	0	0
District Totals	101	2	103	67	22	2	2	18
District 30A								
Cherokee	23	0	23	27	3	0	2	1
Clay	7	0	7	7	0	0	0	0
Graham	10	0	10	7	1	0	1	0
Macon	19	0	19	17	3	1	0	2
Swain	7	0	7	7	0	0	0	0
District Totals	66	0	66	65	7	1	3	3
District 30B								
Haywood	50	0	50	26	5	0	0	5
Jackson	21	0	21	16	2	0	0	2
District Totals	71	0	71	42	7	0	0	7
TOTALS	6,084	257	6,341	4,624	1,488 (32.2% of cases arbitrated)	230	475	783

[1] Cases in which parties are notified that a case has been assigned to court-ordered arbitration. Such notification occurs at the conclusion of the pleadings phase, or upon the filing of a small claims appeal, for all arbitration-eligible cases.

[2] Additional cases may be pending from trial de novo requests filed in the prior year(s). In most instances, these are cases with requests for jury trials. Many of the smaller counties have district court jury sessions only once or twice a year, so such cases may be pending for well over a year, awaiting a jury calendar setting. This chart only accounts for the year-end status of trial de novo requests filed during FY97-98.

[3] FY97-98 is this program's first year of operation and the data may relate to only part of the year. Due to this and to startup efforts, first-year data may not be representative.

[4] The arbitration program was expanded into District 16A (Hoke and Scotland Counties) late during the fiscal year; the first referrals for this program will come in 1998-99.

OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

Dispute Settlement Centers

- General Information
  - Seek to resolve disputes between citizens through mediation, conciliation, group facilitation and consultation
  - Currently 26 centers across North Carolina receive state funds
  - Serve a total of 65 counties statewide

- Number and Types of Referrals Received
  - Cases referred for mediation or conciliation: 15,030
  - Referrals from court officials: 10,591 (70%)
  - Referrals from other sources: 4,439 (30%)
  - Criminal referrals: 9,870 (65%)
  - Non-criminal referrals: 5,201 (35%)
  - Most common criminal cases: assault, communicating threats, consumer / merchant matters
  - Most common non-criminal cases: breach of contract disputes, school-related problems, and domestic relations matters

- Cases Actually Mediated or Conciliated

  - Cases referred: 15,030
  - Cases which action was attempted: 12,278 (82%)
  - Cases resolved: 10,368 (84%)
  - Persons served in these cases: 26,329

OVERVIEW OF DISPUTE RESOLUTION PROGRAMS

Dispute Settlement Centers (Continued)

- Program Funding and Funding Sources
  - Recommended appropriation for FY 1999-00: $947,494
  - Range of appropriations: $10,000 to $72,000
  - Average appropriation: $36,543
  - Other funding sources: city and county government, donations, in-kind contributions, IOLTA, United Way

- Use of State Funds
  - Primary expenditure: staff salaries
  - Other expenditures: contractual service fees, rent, travel costs, equipment rental

- Level of Volunteer Activity
  - Number of volunteers: 1,455
  - Hours served: 36,071
  - Services provided: mediation / conciliation services, raising funds, serve on boards, court intake and liaison services

- Issues for Discussion
  - Continue existing special provision (see next page)

LIST OF DISPUTE SETTLEMENT CENTERS
FUNDING FOR FY 1999-00

Center	FY 1999-00 Funding
1. Alamance	$ 25,000
2. Blue Ridge (includes Alleghany, Ashe, Avery, Mitchell, 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, Edgecombe, Wilson)	$ 70,000
13. Gaston	$ 39,167
14. Forsyth	$ 36,800
15. Guilford	$ 43,000
16. Rockingham	$ 20,000
17. Wake	$ 36,000
18. Mountain (includes Cherokee, Clay, Graham, Macon, Swain, Jackson, Haywood)	$ 50,000
19. Orange	$ 59,530
20. Piedmont (includes Alexander, Davidson, Iredell, Davie, Lincoln, Cleveland)	$ 50,620
21. Polk (includes Rutherford)	$ 23,900
22. Sandhills (includes Scotland, Hoke)	$ 25,000
23. Transylvania	$ 21,000
24. Cabarrus	$ 25,000
25. Albemarle (includes Camden, Currituck, Pasquotank, Perquimans, Dare, Chowan, Gates)	$ 31,977
26. Catawba	$ 25,000
Total State Funds	**$947,494**

14.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON DISPUTE SETTLEMENT CENTERS

Section 18.3. (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 appropriated to the center;
(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) A local dispute settlement center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

(c) Each local dispute settlement center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

(d) Each local dispute settlement center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

(e) Each local dispute settlement center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

(f) Each local dispute settlement center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

(g) The percentage that State funds comprise of the total funding of each dispute settlement center shall be determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is intended as a funding ratio and not a matching funds requirement. Local dispute settlement centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

(h) A local dispute settlement center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of the Courts for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

(i) The provisions of G.S. 143-31.4 do not apply to local dispute settlement centers receiving State funds.

15

COMMUNITY PENALTIES PROGRAM

BUDGET AND PROGRAM OVERVIEW

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
MARCH 9, 1999

COMMUNITY PENALTIES PROGRAM OVERVIEW

* 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.

* CP Program Staff prepare Sentencing Plans with detailed information on an offender and recommendations for Intermediate Sanctions. Plans generally include Supervised Probation, Restitution, Community Service, structured employment or education mandatory substance abuse or other treatment. There are current 67 Sentencing Specialists working with the program.

* Local Programs provide a match of approximately 7%, provide monthly reports to AOC and are supervised by an administrative staff of 9, including 4 Regional Administrators. The program is run through contracts with local programs, rather than as grants.

* There are currently 37 programs covering all 39 Superior Court Districts. There are 3 county run programs, 1 Council of Government Program, 8 State Run Programs, and 25 run by nonprofits.

MAJOR BUDGETARY AND PROGRAM CHANGES 1997-99

* $629,186 Increase in annual appropriation to expand statewide, add an accounting specialist and make small increases in grants to local programs This brings administrative staff to 9; 7 in Raleigh, 1 each in Asheville and Wilmington

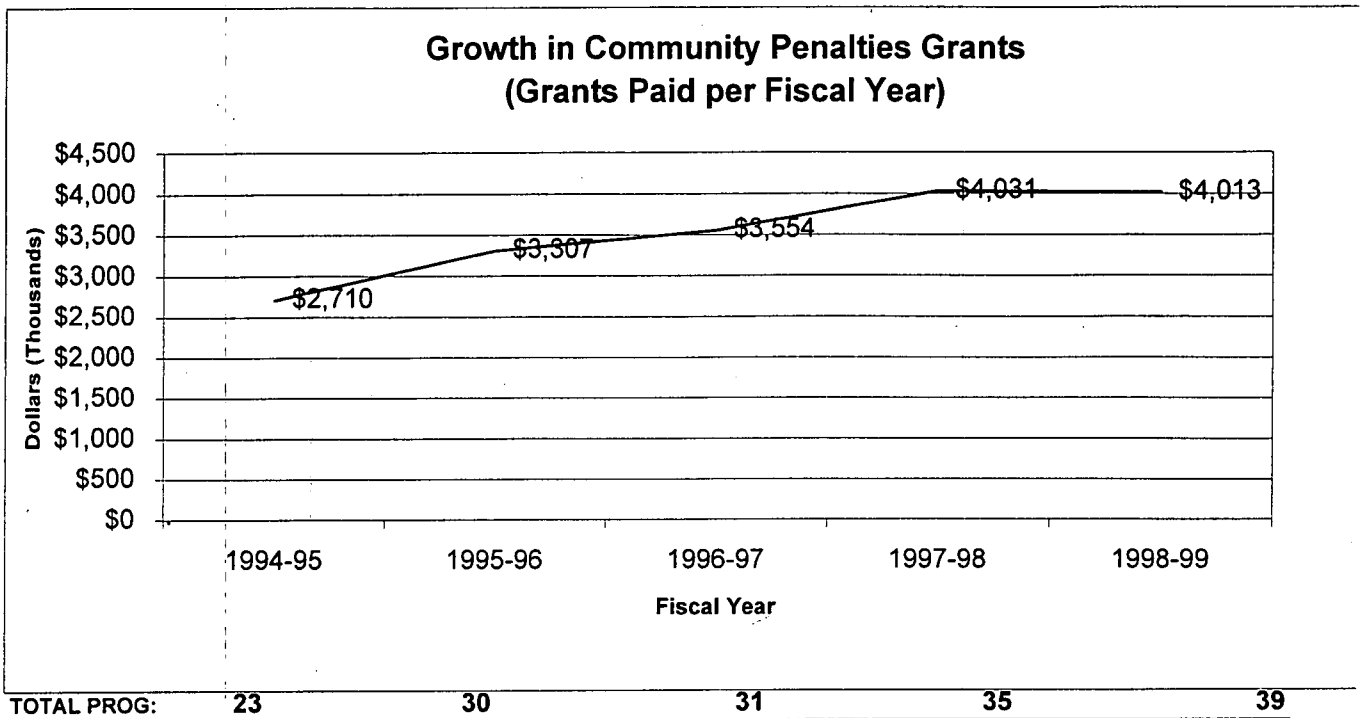
* Addition of 1 State Run Program, 3 programs to be run under contract by a nonprofit, and the conversion of one program from contract to State Run.

* A series of discussions with Division of Community Corrections about overlapping responsibilities for sentencing information.

* Proposed revision to statutes, endorsed by Sentencing Commission

KEY ELEMENTS OF THE COMMUNITY PENALTIES BUDGET

72.3% Grants to Programs
23.6% Personnel Costs (Administration and State Run Programs)
3.9% Operational Expenses for Administration



TOTAL PROG:	23	30	31	35	39
Grants/Total	77.0%	87.8%	78.9%	82.2%	72.1%

POSITIONS:	9	Administration (Administrator*, Assist Admin for Op, 4 Regional Admin, Acct Specialist 2 Support Staff)
	21	State Run Progams--District Director (7) --Sentencing Specialists (10) --Secretaries (4)
Total	30	

* vacant

ADMIN EXPENSES (not including State Run Programs)

	1995-96	1996-7	1997-98
Admin Expense	$498,782	$484,736	$535,335
% of Total Budget	11.5%	9.9%	9.6%

COMMUNITY PENALTIES PROGRAM
Proposal for Modification of Statutory Authority

HISTORY

Currently, both the Community Penalties Program and the Division of Community Corrections provide background information on offenders as part of the judicial process. A 1998 audit of the Division of Adult Probation and Parole identified potential duplication of function between the two programs. During 1997 and 1998, representatives of the two agencies met to try and clarify their respective roles and to make recommendations to avoid duplication of service. While most task force members agreed that it would be better to have a single agency providing sentencing information, the discussions did not reach any resolution.

Last Fall, the Community Penalties Program drafted proposed legislation to reflect changes in the operation of the program and some desired modifications. They asked the Community Corrections Subcommittee of the Sentencing Commission to endorse the legislation. The Subcommittee met several times and in February, the Sentencing Commission endorsed a modified version of the proposal.

KEY ISSUES

Community Penalties sought to change the name of the program and modify 4 key points;

(1) to change the goal of the program from 'saving money by diverting offenders away from prison' to 'providing information to the courts to allow effective use of available non-prison resources';

(2) to modify the definition of target population from 'facing imminent and substantial threat of imprisonment' to 'high risk/high need with reasonable probability of successful completion of sanction in the community';

(3) to drop the requirement that they 'monitor' the progress of offenders for whom plans are accepted;

(4) to allow the program to recommend an active sentence when appropriate

COMPROMISE

Discussion at the Sentencing Commission focused on :

(1) Whether Community Penalties should be limited to their initial target population; specifically to pre-plea and felony only; *RESULT: Target is felons pre-plea. Judges can order plans for serious misdemeanors and/or post-plea.*

(2) Whether defendants should be allowed to opt out of the process. *RESULT: Yes*

(3) Whether Community Penalties should be considered an Intermediate Sanction *RESULT: No*

PROPOSED CHANGES IN COMMUNITY PENALTIES STATUTES

	Current Community Penalties Legislation	**Original Community Penalties Proposal**	**Proposal Endorsed by Sentencing Commission**
Name of Program	Community Penalties Program	Sentencing Services Program	Sentencing Services Program
Community Penalties Plan qualifies as Intermediate Sanction	Yes if includes Supervised Probation	Yes	No—only if includes other special conditions of probation
Stated Purpose	Provide community sentencing in-lieu of and at *less cost* than prison; Save State funds by *reducing need for prison beds*	Provide information to assist the Judicial system in imposing sentences that make effective use of available resources	Same as Proposal
Target Population	Felons or misdemeanors eligible for intermediate punishment; face an *imminent and substantial threat* of imprisonment	Eligible for active or intermediate; high risk/high need; reasonable probability of successful completion in community	Charged,offered plea for or convicted of felony offense in I/A or C/I/A grids; high risk of new crimes without intervention; likely to benefit from detailed plan. *Judge* may also request for serious misd. (A1 or 1/record level III)
Who Requests	Defense or Judge	Defense, Judge or Prosecutor	Only Judge can request for Misdemeanors or post plea.Judge, Defense or Prosecutor can request pre-plea/conviction
Role of CP	Prepare Sentencing Plans, arrange with agencies for service, *monitor* progress and return to court if necessary	Prepare Sentencing plans; arrange for services; assist offender in obtaining services if necessary	Same as Proposal

	Current Community Penalties Legislation	Original Community Penalties Proposal	Proposal Endorsed by Sentencing Commission
Pre or Post Plea/Conviction	Primarily Pre-plea or conviction ; Buncombe program is a court-run program that works post-conviction.	Specifies should be able to work pre plea with protections for defendant if not found guilty	Target is pre-plea; Judge can request post-plea
Role of Local Judges	None, outside specific cases	Senior Resident Superior Ct Judge to Receive annual plan from local program for advice and approval	Same as proposal
Role of DA	To provide info on prior record to Court (Structured Sentencing)	Provide info on prior record to Court. Upon request, provide info on prior record to Sentencing Services. May request plan.	Same as proposal
Can Recommend Active Sentence?	No (since goal was to divert from prison, this did not count as a plan)	Yes	Can Recommend "No Intermediate Sanction" is appropriate
Role of Probation and Parole	Separate statute allows judge to request a Pre Sentence Investigation or Pre-Sentence Diagnostic from PPO. In practice, usually brief and oral.	No Change	No Change

VISITOR REGISTRATION SHEET

Justice and Public Safety — 3/9

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Donald E. Jones	AOC
Larry Dix	Office of Juvenile Justice
Jeanne Bonds	AOC
Gerald Arnold	AOC
Melissa Lovell	DOJ
B. E. Beaty	DOJ
John Madler	NC Sentencing Commission
Lorrin Freeman	NC Sentencing Commission
David Huskins	Motorola
Laura Hartsell	NC Bar Association
Peg Dorer	NC Conference of DAs
Buddy Humphrey	OSBM

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCAOCR
[illegible] Mason	Capitol Group

DATE: 3/9

SENATE PAGES:

NAME Jennifer Sullivan

HOME Mt. Olive

SPONSOR Sen. Albertson

NAME

HOME

SPONSOR

HOUSE PAGES:

NAME Amanda Hutcheson

HOME Cary

SPONSOR Rep. Moseley

NAME Ashley Ellis

HOME Garner

SPONSOR Rep. Black

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Wednesday March 10, 1999 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper
Representative Paul McCrary, Presiding
Representative Ted Kinney

II. PRESENTATIONS

Afternoon

- Continue Review of Judicial Department Budget

Review Agency Reserve Funds and Potential Continuation Budget Provisions

Charles Perusse, Fiscal Research Staff

Review Departmental Vacancies Over 6 Months Old

Charles Perusse, Fiscal Research Staff

Chris Marks, AOC

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES	3/5	3/10													
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓	✓													
Rep. Culpepper, Chair	✓														
Rep. Thomas, Vice Chair		✓													
Rep. Clary	✓	✓													
Rep. Haire	✓	✓													
Rep. Horn	✓	✓													
Rep. Justus		✓													
Rep. Kiser	✓	✓													
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan	✓														
Sen. Frank Ballance	✓	✓													
Sen. Tony Rand															
Sen. John Carrington	✓														
Sen. Don East	✓	✓													
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio	✓	✓													
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

VISITOR REGISTRATION SHEET

Justice and Public Safety — 3/10/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peg Dover	Conference of DAs
Chris Marks	AOC
R. E. Beatty	DOJ
Chuck Crann	OSPL
David Farrell	HMcCCtC PA
Eddie Caldwell	"
[illegible]	NCAOCC
Larry Dix	Office of Juvenile Justice
Doug Lassiter	McClees Consulting
Buddy Humphrey	OSBM
[illegible] Summers	NC Equity

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doc Hogg and	Dept of Justice T&S Div.

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Wednesday, March 10, 1999 – 2:30
Room 415 Legislative Office Building

The meeting of the Joint Appropriations Subcommittee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending were Representative Paul McCrary, Co-Chairman, presiding; also attending Rep. Scott Thomas, Vice-Chairman, Rep. Debbie Clary, Rep. Haire, Rep. Horn, Rep. **Justice**, Rep. Kiser. On the Senate side Senator Jordon, and Senator Ballance also **attending** was Rep. Dedmon-Ex-officio.

The meeting started immediately with Charles Perusse, fiscal research staff, with the continuation of the **Judicial Department** (*Overview of Reserves, Special Provisions, and Vacancies*).

Charles Perussee stated that he would be continuing on the Judicial Departments Reserve Funds started with Equipment and Supplies (see Attachment).

Charles started with **Equipment and Supplies** *Fund 1857 Supply purchases-*
He stated to the Committee that there has been a recommended $30,000 increase for the upcoming fiscal year for this funding, also that this is a line item that funds purchase of supplies, papers and staples, the types of things that are dispersed to offices state wide within the Department. The Judicial Department is different from most state agencies in that the expenditures in the past for these types of supplies have been put in a central fund or in the reserve fund and not specifically within the budget code of each of the divisions

.

Charles continued with the **Other Reserve Funds** 1.) *1900 - Reserve Funds*, Charles stated that there is around $400,000 included in this line item, up coming for the biennium. He stated that these Reserve Funds are for non-personnel items such as postage, travel phones, etc. (See Attachment) 2.) 1900-Reserve for Clerk of Superior Court Deputy/Asst. Pay Plan-on page 3. in the attachment it shows the salary schedule for Deputy Clerks and Assistant Clerks of Superior Court which is a 14 step pay plan for each of these positions. Charles stated that the way the pay plan works is that based on the recommendations from the Clerk of Superior Court an Assistant or Deputy Clerk may gain a step increase each year up to the 14 steps. Charles stated that basically a step

increase is about a 4% pay increase. Charles shared with the Committee that the Legislators had been asked how the General Assembly had been funding this pay plan? Charles stated that last year the General Assembly did fund both portions of the pay raises for the positions, cost of living adjustment and the Court Deputy/Asst. pay plan.

Charles continued with the **Magistrates Pay Plan** 3.)1900- Reserve for Magistrates Increase- on page 4 it shows the Schedule, which is a 2 step plan. The Entry Rate starts at $24,471 with college degree. Charles stated that basically the first 6 years a person would be eligible for a step increase every 2 years, after step 3 a person would move into step 4, 5 and 6 and they would be eligible for a step increase every 4 years. The step increase for **magistrates** are equal to about 10% raises each year.

Charles continued with 4.) 1900 *Reserve to match federal funds* (see Attachment). Charles moved on to 5.) 1900 – *Reserve for Bloodborne Pathogens*, and then onto 6.) *Other Salary issues- Salary Reserve*. (See Attachment). He stated that the Department currently has about $550,000 and anticipates accumulating approximately $1,000,000 by June 30, 1999.

The last Reserve that Charles shared with the Committee is the Salary Reserve that accumulates within a department each year. Charles stated that Salary Reserves are Funds that are accumulated based on positions being filled at a salary less than an authorized salary by the General Assembly (See Attachment). Charles moved on with **Transfer of Equipment And Supply Funds** Section 18-Funds appropriated to The Judicial Department in the 1997-99 biennium for equipment and supplies shall be certified in a reserve account (See Attachment). Next he moved onto **NC State Bar** Section 18.1. Summary: *This provision allows the State Bar to use up to $250,000 of their $1,250,000 continuation budget appropriation for the 1997-99 biennium to contract with the Center for Death Penalty litigation, which provides training and assistance to attorneys representing indigent capital defendants. Also allows the State Bar to use up to $250,000 in expansion funds for FY 1997-98 for same purpose.*

Charles went on to share with the Committee **the Indigent Persons 'Attorney Fee Fund.** He stated that the money for Indigent Fee Fund is allocated based on caseload and need within a particular district and the bases should be what was spent on the previous years. Charles felt like the most important piece of this provision is sub-section C(See Attachment) Summary: *Establishes method of allocation of indigent defense funds to judicial districts.*

Charles continued with several more provisions that were included in last years Biennium **Computer Training** Summary: *Requires superior and district court judges to complete a computer training program before receiving a laptop computer.* The next provision **Guardian Ad Litem Attorney Billings** Summary *Requires attorneys* providing services for the Guardian Ad Litem program to bill the AOC within 60 days of the end of each quarter in order to be reimbursed for those services. Reports on Vacant Positions: Summary *Requires all Justice and Public Safety Agencies t report to various committees by February 1 of each year on positions that have remained vacant for twelve*

months or more. **Increase Compensation for Emergency Judges**: Summary *Provides language which increases the compensation for emergency judges from $200 to $300 per day. Also specifies that the AOC may use funds available in order to implement this increase.*

Charles touched on a few examples of Expansion Budget Provisions that deal with personnel. (See Attachment)

Charles shared with the Committee the Vacant positions within the Department within the last 6 months. (See Attachment) and the reasons why these positions are vacant. Senator Ballance was recognized by the Chair "*don't we have to hold positions when people are out sick?*" The chair recognized someone from the department stating that they hold the positions as long as they can and bring in temporary help until if it is determined that the employee will not be back.

Representative Justice was recognized by the Chair asking about the Victims Assistant salary, Charles shared with the committee that this was probably for a pat time position. Starting salary about $25,000. Representative Justice followed by asking about the Legal Assistants pay last year and Charles stated that it was 3% less.

Charles stated that this meeting finished up the initial overview of the Judicial Department Continuation Budget.

The meeting adjourned, to meet again on Thursday, March 11, 1999.

Respectively Submitted,

Paul McCrary — Barbara A. Berry

Rep. Paul McCrary, Co-Chairman — Barbara A. Berry, Committee Assistant

Judicial Department

Overview of Reserves, Special Provisions, and Vacancies

Joint Appropriations Subcommittee on Justice and Public Safety
March 9, 1999

JUDICIAL DEPARTMENT
RESERVE FUNDS

	1998-99 Authorized	1999-00 Recommended	2000-01 Recommended
EQUIPMENT AND SUPPLIES			
1. Fund 1857 Supply Purchases - Central fund for purchase of supplies - provides flexibility in distributing general supplies from warehouse to clerks, da's, magistrates, etc.	$2,475,716 R	$2,506,983 R	$2,506,983 R
OTHER RESERVE FUNDS			
1. 1900 - Reserve for Operations - 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.	405,612 R	405,612 R	405,612 R

		1998-99 Authorized	1999-00 Recommended	2000-01 Recommended
2.	1900 - Reserve for Clerk of Superior Court Deputy/Asst. Pay Plan - Amount for 1999-01 is to fund step increases authorized as part of pay plan (broken into salaries and benefits).	702,418 R 129,807 R	704,037 R 130,106 R	1,481,596 R 273,799 R
3.	1900 – Reserve for Magistrate Increase - Amount for 1997-99 is to fund step increases authorized as part of magistrate pay plan.	425,040 R 78,547 R	671,022 R 124,005 R	1,301,896 R 240,590 R
4.	1900 - Reserve to match federal funds.	175,000 R	175,000 R	175,000 R
5.	1900 - Reserve for Bloodborne Pathogens.	16,068 R	16,068 R	16,068 R
6.	Other Salary Issues - Salary Reserve	(Department currently has about $550,000 and anticipates accumulating approximately $1,000,000 by June 30, 1999)		

Salary Schedule for Deputy Clerks and Assistant Clerks of Superior Court
Effective July 1, 1998

Deputy Clerks		Assistant Clerks	
Step	Salary	Step	Salary
Hiring Rate	$19,286	0	$24,122
		1	$25,096
Trainee	$20,443	2	$26,134
1	$21,289	3	$27,272
2	$22,207	4	$28,488
3	$23,111	5	$29,719
4	$24,123	6	$31,026
5	$25,096	7	$32,442
6	$26,134	8	$33,865
7	$27,272	9	$35,332
8	$28,488	10	$36,886
9	$29,719	11	$38,622
10	$31,026	12	$40,459
11	$32,266	13	$41,888
Maximum	$32,899	Maximum	$42,710

Temporary Deputy Clerks
(Effective October 15, 1998)

Hourly Rate	Annual Rate
$8.51	$17,701

Employees with prior experience as a Deputy Clerk or Assistant Clerk may be paid a rate up to the rate they were earning at the time of their separation, but not higher than the maximum of the Deputy Clerk salary range, providing funding is available. Please call the Deputy Director for Human Resources to discuss the appropriate rate in such cases.

Prepared by the Human Resources Division

3.

Magistrates Salary Schedule Effective September 1, 1996

Hours to be Worked Per Week	Shaded areas apply only to Employees serving as Magistrates on 6/30/96		Entry Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
	3 but less than 5 yrs. Service	5 but less than 9 yrs. Service	3 but less than 7 yrs. Service	7 but less than 9 yrs. Service	9 but less than 14 yrs. Service	14 or more yrs. of Service			
			Requires BS or AA & 4 yrs. Exp.	Requires 2 years at Hiring Rate	Requires 2 years at Step 1	Requires 2 years at Step 2	Requires 4 years at Step 3	Requires 4 years at Step 4	Requires 4 years at Step 5
10 hours	$5,070	$5,568	$6,118	$6,732	$7,400	$8,129	$8,928	$9,806	$10,771
12 hours	$6,084	$6,682	$7,341	$8,078	$8,880	$9,755	$10,713	$11,767	$12,925
14 hours	$7,098	$7,796	$8,565	$9,424	$10,360	$11,381	$12,499	$13,728	$15,079
16 hours	$8,112	$8,909	$9,788	$10,771	$11,840	$13,006	$14,284	$15,689	$17,233
18 hours	$9,126	$10,023	$11,012	$12,117	$13,320	$14,632	$16,070	$17,650	$19,387
20 hours	$10,140	$11,137	$12,236	$13,464	$14,800	$16,258	$17,856	$19,611	$21,542
22 hours	$11,153	$12,250	$13,459	$14,810	$16,280	$17,884	$19,641	$21,572	$23,696
24 hours	$12,167	$13,364	$14,683	$16,156	$17,760	$19,510	$21,427	$23,533	$25,850
26 hours	$13,181	$14,477	$15,906	$17,503	$19,240	$21,135	$23,212	$25,494	$28,004
28 hours	$14,195	$15,591	$17,130	$18,849	$20,720	$22,761	$24,998	$27,455	$30,158
30 hours	$15,209	$16,705	$18,353	$20,195	$22,200	$24,387	$26,783	$29,417	$32,312
32 hours	$16,223	$17,818	$19,577	$21,542	$23,680	$26,013	$28,569	$31,378	$34,466
34 hours	$17,237	$18,932	$20,800	$22,888	$25,160	$27,639	$30,354	$33,339	$36,621
36 hours	$18,251	$20,046	$22,024	$24,234	$26,640	$29,264	$32,140	$35,300	$38,775
38 hours	$19,265	$21,159	$23,247	$25,581	$28,120	$30,890	$33,925	$37,261	$40,929
40 hours	$20,279	$22,273	$24,471	$26,927	$29,600	$32,516	$35,711	$39,222	$43,083

Prepared by the Human Resources Division
Reference G.S. 7A-171.1

Magistrates' Full-time Salary Rates if 1997 and 1998 Legislative Increases Had Been Applied to the Salary Rates

	FY 96-97	FY 97-98 *	FY 98-99 **
1 but less than 3 yrs	20,279	21,090	21,723
3 but less than 5 yrs	22,273	23,164	23,859
Entry Rate	24,471	25,450	26,214
Step 1	26,927	28,004	28,844
Step 2	29,600	30,784	31,708
Step 3	32,516	33,817	34,832
Step 4	35,711	37,139	38,253
Step 5	39,222	40,791	42,015
Step 6	43,083	44,806	46,150

* If 4% LI had been applied to salary schedule.
** If 4% and 3% LIs had been applied to salary schedule.

5

Whatif.xls
prepared by AOC/HR/ppb

PART XVIII. JUDICIAL DEPARTMENT

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Section 18. Funds appropriated to the Judicial Department in the 1997-99 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 shall 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.

Section: 18

Title: **Transfer of Equipment and Supplies**

Summary: Continues language which allows the Department to allocate supply and equipment funds from a reserve account to individual programs based on need.

Requested by: Senators Gulley, Ballance

N.C. STATE BAR FUNDS

Section 18.1. (a) Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 1997-99 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 1997-98 fiscal year and up to the sum of two hundred fifty thousand dollars ($250,000) for the 1998-99 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

(b) Of the nonrecurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1997-98 fiscal year, the North Carolina State Bar may in its discretion use up to the sum of two hundred fifty thousand dollars ($250,000) to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Section: 18.1

Title: **N.C. State Bar Funds**

Summary: This provision allows the State Bar to use up to $250,000 of their $1,250,000 continuation budget appropriation for the 1997-99 biennium, to contract with the Center for Death Penalty Litigation, which provides training and assistance to attorneys representing indigent capital defendants. Also allows the State Bar to use up to $250,000 in expansion funds for FY 1997-98 for same purpose.

INDIGENT PERSONS' ATTORNEY FEE FUND

Section 18.2. (a) Effective July 1, 1997, the Administrative Office of the Courts shall each year of the 1997-99 biennium reserve funds for adult, juvenile, and guardian ad litem cases from the Indigent Persons' Attorney Fee Fund. These funds shall be allotted to each judicial district in which the superior and district courts 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 1996-97 and 1997-98, respectively. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be budgeted for capital cases and for transcripts, professional examinations, expert witness fees, and other supporting services.

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) 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 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.

Section: 18.2

Title: **Indigent Persons' Attorney Fee Fund**

Summary: Establishes method of allocation of indigent defense funds to judicial districts.

COMPUTER TRAINING

Section 18.8. Prior to the allocation of laptop computers for superior court and district court judges, each judge requesting a laptop computer shall complete a training course provided by the Administrative Office of the Courts in the use of a laptop computer and the appropriate software.

Section: 18.8

Title: **Computer Training**

Summary: Requires superior and district court judges to complete a computer training program before receiving a laptop computer.

GUARDIAN AD LITEM ATTORNEY BILLINGS

Section 18.19. Attorneys providing legal services for the Guardian Ad Litem program shall bill the Judicial Department within 60 days after the end of each quarter of the fiscal year in order to be reimbursed for those services.

Section: 18.19

Title: **Guardian Ad Litem Attorney Billings**

Summary: Requires attorneys providing services for the Guardian Ad Litem program to bill the AOC within 60 days of the end of each quarter in order to be reimbursed for those services.

REPORTS ON VACANT POSITIONS

Section 16.23. The Judicial Department, the Department of Correction, the Department of Justice, and the Department of Crime Control and Public Safety shall each report by February 1 of each year 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 on all positions within that department that have remained vacant for 12 months or more. The report shall include the original position vacancy dates, the dates of any postings or repostings of the positions, and an explanation for the length of the vacancies.

Section 16.23

Title: Report on Vacant Positions

Summary Requires all Justice and Public Safety Agencies to report to various committees by February 1 of each year on positions that have remained vacant for twelve months or more.

INCREASE COMPENSATION FOR EMERGENCY JUDGES

Section 16.27. (a) G.S. 7A-52(b) reads as rewritten:

"(b) In addition to the compensation or retirement allowance the judge would otherwise be entitled to receive by law, each emergency judge of the district or superior court who is assigned to temporary active service by the Chief Justice shall be paid by the State the judge's actual expenses, plus ~~two hundred dollars ($200.00)~~ three hundred dollars ($300.00) for each day of active service rendered upon recall. No recalled retired trial judge shall receive from the State total annual compensation for judicial services in excess of that received by an active judge of the bench to which the judge is recalled."

(b) The Judicial Department may use funds available to the Department for the 1998-99 fiscal year to provide the increase in compensation to emergency judges provided for in this section.

Section 16.27

Title: Increase Compensation for Emergency Judges

8.

Summary Provides language which increases the compensation for emergency judges from $200 to $300 per day. Also specifies that the AOC may use funds available in order to implement this increase.

programs in reducing the backlog of civil court cases and in resolving new cases more quickly."

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

CAPITAL CASE PILOT PROGRAM

Section 16.10. (a) The Administrative Office of the Courts shall establish a capital case pilot program to be incorporated into the Office of the Appellate Defender to provide assistance to districts experiencing difficulty in locating qualified private counsel to handle capital cases.

(b) The Administrative Office of the Courts may use up to the sum of one hundred eighty thousand forty dollars ($180,040) from the Indigent Persons' Attorney Fee Fund for the 1998-99 fiscal year for salaries, benefits, and related expenses to establish two new assistant public defender positions, one legal assistant position, and one investigator to work specifically on capital cases.

(c) The Administrative Office of the Courts shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by May 1, 1999, on the effectiveness of the program, including information on which districts have received assistance, the average cost per defendant served, and an estimate of the savings to be realized in using this program rather than privately assigned counsel.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

* **AUTHORIZE ADDITIONAL MAGISTRATES**

Example of Expiring Budget Provision

Section 16.11. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
Camden	1	2	
Chowan	2	3	
Currituck	1	~~3~~ 4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville
Craven	7	10	Ayden
Pamlico	2	~~3~~ 4	Havelock
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	

Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	4	
Franklin	3	7	
Person	3	4	
Caswell	2	5	
Wake	12	20	Apex, Wendell, Fuquay-Varina, Wake Forest
Harnett	7	11	Dunn
Johnston	10	12	Benson, Clayton, Selma
Lee	4	6	
Cumberland	10	18	
Bladen	4	6	
Brunswick	4	~~7~~ 8	
Columbus	6	9	Tabor City
Durham	8	13	
Alamance	7	10	Burlington
Orange	4	11	Chapel Hill
Chatham	3	8	Siler City
Scotland	3	5	
Hoke	4	5	
Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
Rockingham	4	9	Reidsville, Eden, Madison
Stokes	2	5	
Surry	5	9	Mt. Airy
Guilford	20	26	High Point

Cabarrus	5	9	
Montgomery	2	4	Kannapolis
Randolph	5	10	
Rowan	5	10	Liberty
Stanly	5	6	
Union	4	6	
Anson	4	5	
Richmond	5	6	
Moore	5	8	Hamlet Southern Pines
Forsyth	3	15	
Alexander	2	3	Kernersville
Davidson	7	10	
Davie	2	3	Thomasville
Iredell	4	9	
Alleghany	1	2	Mooresville
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	~~4~~ 5	
Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	
Mecklenburg	15	~~26~~ 27	Hickory
Gaston	11	~~21~~ 22	
Cleveland	5	8	
Lincoln	4	7	
Buncombe	6	15	
Henderson	4	7	
McDowell	3	5	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	
Jackson	3	4	Canton
Macon	3	4	
Swain	2	3."	

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

ASSISTANT PUBLIC DEFENDERS

Section 16.12. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1998-99 fiscal year, the Administrative Office of the Courts may use up to one hundred seventy-nine thousand two hundred twenty dollars ($179,220) for salaries, benefits, equipment, and related expenses to establish up to four new assistant public defender positions.

DATE VACATED	POSITION NUMBER	POSITION CLASS TITLE	BUDGET SALARY	MINIMUM SALARY	GRADE/ STEP	POS/APPT TYPE	BUDGET CODE	COUN
01/16/98	2074-2159-1574-502	LEGAL ASSISTANT III	$28600	$22739	14	EXFT	22001	WAKE
			COMP/ACCT/CENTER:0202			531111		2159
(LWOP) 06/15/98	2110-1260-2610-040	DEPUTY CLERK	$32899	$19286	FR	EXFT	12000	BUNCOMBI
			COMP/ACCT/CENTER:0201			531111		12602610
05/29/98	2117-1260-2617-033	DEPUTY CLERK	$18724	$19286	FR	EXFT	12000	CATAWBA
			COMP/ACCT/CENTER:0201			531111		12602617
(LWOP) 08/17/98	2142-1260-2642-013	ASSISTANT CLERK	$42710	$24123	FR	EXFT	12000	HARNETT
			COMP/ACCT/CENTER:0201			531111		12602642
(LWOP) 07/31/98	2173-1260-2673-036	DEPUTY CLERK	$20443	$19286	FR	EXFT	12000	PITT
			COMP/ACCT/CENTER:0201			531111		12602673
(LWOP) 07/15/98	2197-1260-2697-021	DEPUTY CLERK	$22207	$19286	FR	EXFT	12000	WILSON
			COMP/ACCT/CENTER:0201			531111		12602697
06/08/98	2203-2140-1450-550	RESEARCH COORDINATOR	$35500	$33023	FR	TLFT	22001	WAKE
			COMP/ACCT/CENTER:0202			531111		2140
12/01/97	2518-1230-5018-524	BUSINESS COURT LEGAL ASST	$24942	$20552	FR	EXFT	12000	GUILFORI
			COMP/ACCT/CENTER:0201			531130		1230
07/01/98	2622-1240-2422-621	DC JUDICIAL ASSISTANT I	$25690	$20552	FR	EXFT	12000	IREDELL
			COMP/ACCT/CENTER:0201			531130		1240
01/09/98	2707-2216-2107-783	VICTIMS ASSISTANT	$18000	$32136	FR	EXFT	22001	NASH
			COMP/ACCT/CENTER:0202			531111		2216
10/01/97	2713-1630-6313-766	DA INV/BAD CHECK PILOT	$8592	$28545	FR	EXPT	12000	COLUMBUS
			COMP/ACCT/CENTER:0201			531111		16306313
06/30/98	2714-1600-6014-716	ASST DISTRICT ATTORNEY	$34536	$28334	FR	EXFT	12000	DURHAM
			COMP/ACCT/CENTER:0201			531122		16006014
05/08/98	2721-2223-2221-773	DATA CONTROL SPECIALIST	$30000	$22739	14	EXFT	22001	FORSYTH
			COMP/ACCT/CENTER:0202			531111		2223
07/01/98	2726-1600-6026-788	DA VICTIM-WIT/LEGAL ASST	$26190	$20552	FR	EXFT	12000	MECKLENB
			COMP/ACCT/CENTER:0201			531130		16006026
05/01/98	2828-1320-3228-818	ASST PUBLIC DEFENDER	$53883	$28334	FR	EXFT	12001	BUNCOMBE
			COMP/ACCT/CENTER:0221			531128		13203228

DATE VACATED	POSITION NUMBER	POSITION CLASS TITLE	BUDGET SALARY	MINIMUM SALARY	GRADE/ STEP	POS/APPT TYPE	BUDGET CODE	COUN
06/30/98	2900-1250-2500-901	JUV SERV ADMINISTRATOR	$86561	$52786	28	EXFT	12000	WAKE
			COMP/ACCT/CENTER:0201			531111		12509999

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE

You are hereby notified that the Joint Committee on **APPROPRIATIONS/Justice and Public Safety** will meet as follows:

DAY & DATE: **Tuesday March 9, 1999**
Wednesday March 10, 1999
Thursday March 11, 1999

TIME: **Tuesday and Wednesday 8:30AM and 2:30PM**
Thursday 8:30AM

LOCATION: **Room 415**

The following bills will be considered (Bill # & Short Title):
Organizational and staff overview

Respectfully,

Representatives McCrary, Kinney, & Culpepper
Chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **11:30** on March 4, **1999**.

___Principal Clerk
___Reading Clerk - House Chamber

Barbara Berry (Legislative Assistant)

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Thursday March 11, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding
Representative Bill Culpepper
Representative Paul McCrary
Representative Ted Kinney

II. PRESENTATIONS

- Review Department of Justice Continuation Budget

Overview of Administrative and Legal Services Divisions

Elisa Wolper, Fiscal Research Staff

Departmental Representatives

Review Federal Grants Report

Denise Sessoms, Fiscal Officer

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 11, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 11, 1999 at 8:30 AM in room 415 LOB. Three members of the Senate were present. The following House members attended:

Rep. Paul McCrary	Rep. Theodore Kinney
Rep. Scott Thomas	Rep. Debbie Clary
Rep. Phillip Haire	Rep. Jim Horn
Rep. Larry Justus	Rep. Joe Kiser

Rep. Wayne Sexton

Senator Luther Jordan chaired the meeting. He recognized the pages, and introduced Ms. Elissa Wolper, staff. Ms. Wolper distributed a handout, Department of Justice Program and Budget Review, from which she spoke. The handout does not include information regarding the Administration of the Courts attorneys. Most of the attorney work is in preventing lawsuit. Page 5 of the handout outlines the types of cases filed in one year. Page 6 discusses Medicaid fraud cases, which are reimbursed by the Federal Government at 75%. Purchased services include special hires of attorneys.

In response to a question by Rep. Kiser, Medicaid fraud money that is recovered goes into the state general fund. Rep. Kiser would like the committee provided with information regarding the states expenditures in Medicaid fraud investigation and the amount recovered. In response to Senator East, Ms. Wolper said the Utilities Commission has a staff and most of their issues are rate and regulatory. The Industrial Commission has attorneys who function as hearing officers as well as appeal attorneys. They have non attorney legal staff as well but no advocacy positions.

Ms. Wolper distributed another handout regarding SB 1366, a special provision in last year's budget which establishes a public settlement reserve fund and authorizes the attorney general to report state settlements and court orders. This was specifically the Rebok company settlement which was distributed to affected states. The money was allocated to the Boys and Girls Clubs in North Carolina.

Ms. Denise Sessoms, fiscal officer of the Department of Justice was introduced. She distributed a handout titled DOJ Active Grants (attached). On page 4 of handout, the DNA lab is totally federally funded from the US Dept. of Justice and requires no state match. On page 5, $261,200 has been funded for the DARE Southeast training Center. This is also 100% federally funded. Ms. Sessoms completed discussing the handout.

Rep. Justus again wished to know about Medicaid fraud reimbursement. According to Susan Raber of the Department of Justice, the recovery money does not go to the Dept. of Justus but they will get more information for the committee.

In response to Senator Carrington's question, about 86 counties have "life scan". (See page 7). The list will be provided.

At 9:40AM, Senator Jordan adjourned the meeting.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

DEPARTMENT OF JUSTICE

PROGRAM AND BUDGET REVIEW

GENERAL ADMINISTRATION AND LEGAL SERVICES

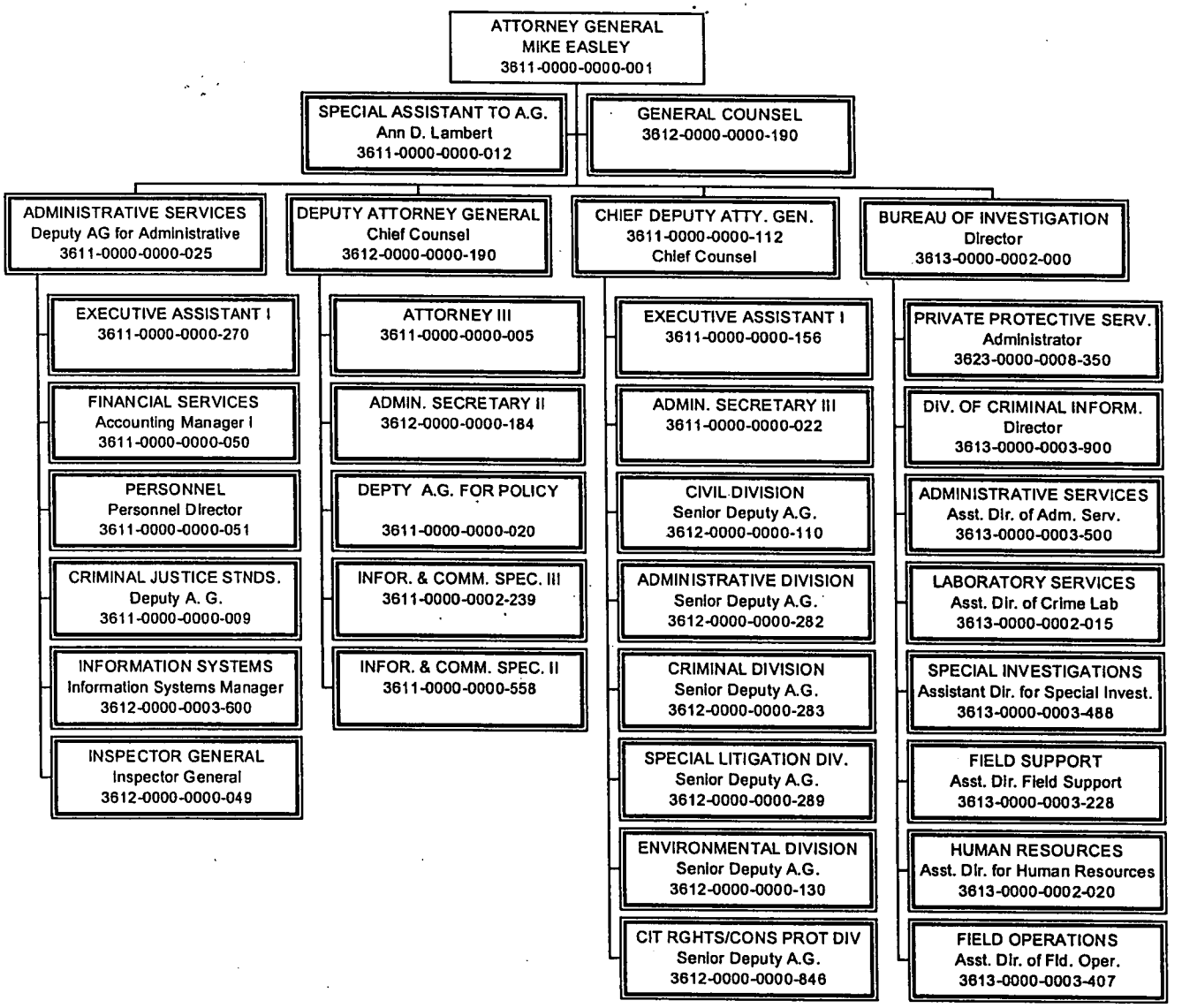
JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

MARCH 10, 1999

#1

DOJALL2

NORTH CAROLINA DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE



DATE

SECTION SU[illegible] SIGNATURE

ADMINISTRATIVE DIVISION

- SERVICE TO STATE AGENCIES
- HEALTH AND PUBLIC ASSISTANCE
- HUMAN RESOURCES/MEDICAL FACILITIES
- TORT CLAIMS
- REAL ESTATE
- ELECTIONS

CIVIL DIVISION

- INSURANCE
- REVENUE
- MOTOR VEHICLES
- LABOR
- TRANSPORTATION
- WESTERN OFFICE
- PROPERTY CONTROL

CRIMINAL DIVISION

- APPELLATE
- CAPITAL CASE
- CORRECTION
- CRIME CONTROL AND PUBLIC SAFETY
- SPECIAL PROSECUTIONS
- MEDICAID INVESTIGATION
- LAW ENFORCEMENT LIASON

ENVIRONMENTAL DIVISION

- WATER AND LAND
- GROUNDWATER AND WASTE MANAGEMENT
- AIR AND NATURAL RESOURCE

SPECIAL LITIGATION

- SPECIAL LITIGATION
- EDUCATION

CITIZENS RIGHTS

- CONSUMER PROTECTION
- CITIZENS RIGHTS

CHILD VICTIMS ASSISTANCE PROJECT
SAFE NEIGHBORHOODS INITIATIVE

STATE GOVERNMENT ATTORNEYS

Using Office of State Personnel Definition, there are 405 legal positions in State Government
Department of Justice includes 64% of those positions

	General Fund	Highway Fund	Total	Grade	Mininum Sal.	Position Cost
Attorney I	19	2	21	75	$37,677	$46,376
Attorney II	76	6	82	79	$45,196	$55,284
Attorney III	73	14	87	82	$51,748	$63,047
Attorney IV	27	0	27	84	$56,815	$69,050
Atty Supv I	7	0	7	83	$54,240	$66,000
Atty Supv II	18	4	22	84	$56,815	$69,050
Deputy AG	7	0	7	86	$62,299	$75,548
Chief Deputy AG	1	0	1	87	$65,262	$79,058
Agency Legal Spec I	5	0	5	73	$34,410	$42,505
	233	26	259			

Other Attorneys in State Government

Agency General Counsel (7): Departments of Administration, Health and Human Services Natural and Economic Resources, ABC Board, Highway Patrol, Board of Elections and Major Medical Plan

Utilities Commission and Public Staff (15)

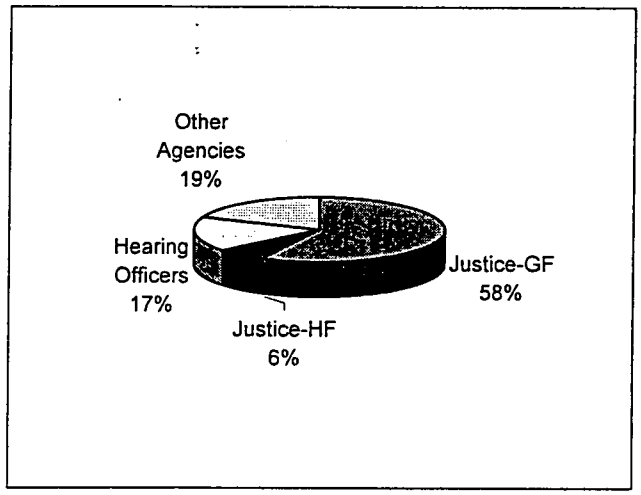
Employment Security Commission--Appeals Referees (33)

Industrial Commission (29) Deputy Commissioners(20) and Agency Legal Specialists(9)

Office of Administrative Hearings (8) --Administrative Law Judges

Other Agencies

Secretary of State	4
Public Instruction	1
Agriculture	1
Labor (OSHA)	3
Insurance	4
Administration	2
Gov Advocacy Council Disabilities	7
Health and Human Services	3
Corrections	1
Employment Security Commission	13
Commerce	1
ABC Board	4
Revenue	2
CCPS	5
Higher Education*	3
	54



*there are approximately 25 additional attorneys on indidivual campuses

MEASURES OF DEPARTMENT OF JUSTICE WORKLOAD

I. CASES FILED AGAINST THE STATE, AGENCIES OR EMPLOYEES, 1997-98

DEPARTMENT OF CORRECTIONS LAWSUITS	91
TORT CLAIMS	345
CRIME CONTROL & PUBLIC SAFETY	14
EDUCATION (includes Universities)	17
ENVIRONMENT AND NATURAL RESOURCES	8
HEALTH/PUBLIC ASSISTANCE/MEDICAL FACILITIES	10
DIVISION OF MOTOR VEHICLES	20
PROPERTY CONTROL	10
REVENUE	7
OTHER STATE AGENCIES	10
SPECIAL LITIGATION	8
SPECIAL PROSECUTION (Utilities, Class Action Tax Cases, Death at CP)	22
SUBTOTAL	562
CONDEMNATION CASES	465
GRAND TOTAL	***1,027***

DOJ Report to Office of State Controller September 1998

II. CRIMINAL DIVISION---CAPITAL AND APPELLATE WORK

	1993	1997	1999
Inmates on Death Row		162	188
Prisoners Petitions Filed in NC Appellate Courts	147	332	379
Inmates in State Post-Conviction		86	100
Criminal Appeals Prior CY	447	617	631

III. MEDICAID FRAUD INVESTIGATION UNIT

	FY 1996-7	FY 1997-8
Cases Investigated	43	40
Total Convictions	11	7
Total Civil Recoveries	$3.7 M	$2.2 M

IV. CONSUMER PROTECTION DIVISION

	1997	1999
Annual Calls Received by Division	150,000	150,000
Annual Written Complaints Received	10,000	15,000
Consumer Recoveries		$3.5 Million

DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION DIVISION (#1100)

The General Administrative Division includes Personnel, Financial Services and Information Services.For organizational purposes, Criminal Justice Training and Standards is also located in this Division, reporting to the Deputy Attorney General for Administrative Services. The Division also includes the new Office of Inspector General for Welfare Reform. There are a total of 42 positions (not inc. CJTS)

BUDGET TRENDS

	1997-98 Actual	1998-99 Authorized	1999-2000 Rec.*	2000-01 Rec.
Personnel	$1,879,391	$2,255,364	$2,179,907	$2,182,383
Other Expenses	$164,023	$112,665	$110,986	$110,986
Total Requirements	$2,043,414	$2,368,029	$2,290,893	$2,293,369

No Receipts

Other Expenses are primarily supplies, equipment, travel, phone and data processing fees.

* Recommended 1999-2001 figures do not include legislative salary(about $72,000) increase of 1998 or later years.

CONTINUATION BUDGET ADJUSTMENTS

$3,358 was cut from the Continuation Budget based on the personnel schedule

HIGHLIGHTS OF 1997-99

The 1997 General Assembly funded ($84,756 Recurring) 2 positions: a Paralegal and an Accounting Tech. They also provided funding for training for attorneys (CLE) and $150,000 to complete implementation of a Local Area Computer Network (LAN) for Legal Services.

The Office of Inspector General for Welfare Reform was set-up as part of the 1997 Reserve for Welfare Reform. The office has an annual budget of $716,000 and 9 employees. Reform, jointly in Commerce and Justice. Staff train law enforcement and Social Services staff on prevention and detection of fraud. Six Investigators will investigate and an attorney will prosecute cases as needed. Priority areas will be fraud by county workers, conflicts of interest involving local DSS, Medicaid fraud or provider-recipient collusion, and Food Stamp Trafficking.

No Adjustments were made by the 1998 General Assembly.

RESERVES (#1900)

The Recommended Continuation Budget zeroes out two old Reserve Accounts a $60,750 Reserve for Criminal Records Check and #191A statewide reserve ($39,411) for compensation (funds allocated to DOJ for Legislative Salary Increases in past years but not needed in that year)

DEPARTMENT OF JUSTICE
LEGAL SERVICES DIVISION (#1200)

The Legal Services Division, under the Chief Deputy Attorney General, includes attorneys and other staff representing the legal interests of the State and its agencies. It is divided into 6 Divisions, based on subject matter; Criminal, Civil, Administrative, Citizens Rights/Consumer Protection, Environmental Special Litigation/Education. The Legal Services Division also includes several Citizens Rights Projects--Elder Law, Child Victim Assistance Program and the Safe Neighborhoods Initiative.

There are 416.75 Positions, 56% of the attorneys. Other positions include investigators, support staff, Consumer Protection specialists, and Volunteer Coordinators.

BUDGET TRENDS

	1997-98 Actual	1998-99 Auth.	1999-2000 Rec*	2000-01 Rec*
REQUIREMENTS				
Personnel	$20,367,657	$24,029,909	$22,599,017	$22,627,355
Purchased Services	$2,232,191	$2,543,175	$1,314,523	$1,314,523
Supplies	$772,418	$243,533	$448,677	$448,677
Equipment	$817,072	$916,298	$346,550	$346,550
Other Expenses	$3,196,963	$3,511,765	$4,179,492	$4,179,492
TOTAL EXPENDITURES	$28,300,470	$31,244,680	$28,888,259	$28,916,597
REVENUES	$10,544,865	$10,434,114	$9,226,786	$9,226,786
GENERAL FUND APPROP	$17,755,605	$20,810,566	$19,661,473	$19,689,811

*Recommended figures do not include 1998 Legislative Salary Increase of about $1 Million and have $823,789 for new 1998 positions in Reserve rather than in Legal Services.

Purchased Services includes expenses for outside legal counsel. In recent years, these have been high due to the Lake Gaston Case and Redistricting cases.

Operating Expenses (phone, supplies, travel, postage, printing) have increased steadily over the past three years (about 40%).

Other Expenses include Tort Claims payments to settle claims related to School Bus Accidents. About $3 Million in expenses and receipts flow through the Department.

Revenues are primarily reimbursement from other agencies for receipt supported Attorneys. They also include Federal Funds for 75% of the Medicaid Fraud unit, and civil penalties and fees paid to the Department.

Trends in Receipts

	1995-6 Actual	1997-98 Actual	1998-99 Auth	1999-2000 Rec
Reimburse for Attorneys	$3,003,976	$4,335,335	$4,436,998	$4,942,214
Reimburse for Tort Claims	$3,498,004	$2,875,765	$3,150,000	$3,150,000
Civil Penalties and Fees	$3,999	$105,699	$70,084	$70,084

Salary Adjustment Funds

Departmental Reserves include $93,453 for salary adjustments for Legal Services attorneys based on work performance. This year, 77 bonuses were given, ranging from $1,000 to $1,500. The Department has had these funds since 1993-94.

CONTINUATION BUDGET ADJUSTMENTS

Adustments to Expenditures are as follows:

Increased Personnel Schedule	$36,614
Annualize New Positions	$301,423
Remove LEAF Funds	($125,000)
Agency Reimbursement	($505,216)
Reduced Medicaid Fraud Funds	$280,946
NET CHANGE	($11,233)

HIGHLIGHTS OF 1997-99

The 1997 General Assembly added 4 Attorneys as follows: Training and Standards Division, Consumer Protection (Anti-Trust),and Capital Litigation (2). They also added Support Staff in Capital Litigation.
$391,256 Recurring Cost.

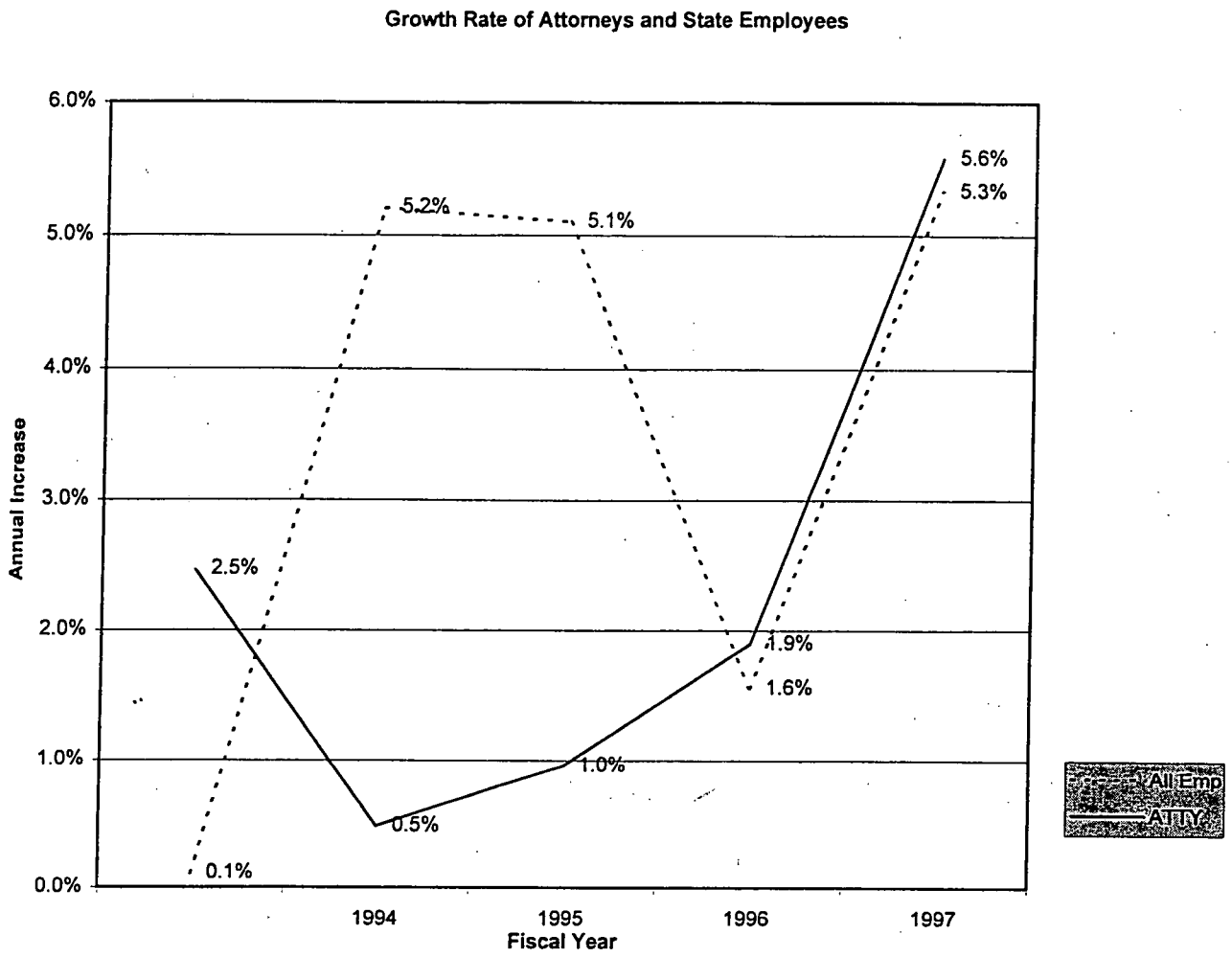
The 1997 General Assembly also continued 4.5 of 6 positions in the Federally funded Safe Neighborhoods Initiative; $218,180 Recurring Cost.

The 1998 General Assembly added 12 Attorneys as follows:

- Represent Industrial Commission (1)
- Environmental (2)
- Consumer Protection (1)
- Medicaid Fraud (1)
- Appellate Division (3)
- Capital Litigation (4)

Ten non-attorney positions include 4 support staff (Appellate, Consumer, Medicaid, Environmental), 2 Consumer Protection Specialists, 2 Investigators and 2 Auditors for Medicaid Fraud. Recurring Cost: $948,837

The 1998 General Assembly eliminated 3.5 of the 4.5 Safe Neighborhoods positions. Recurring Savings $125,048



1993:	203 Attorneys	216,924 State Employees
1998:	227 Attorneys	256,872 State Employees

While the number of attorneys in the Department of Justice has increased 11.8% from 1993-4 to today, the total number of state employees has increased 18.4%.

SAFE NEIGHBORHOODS INITIATIVE

Safe Neighborhoods Initiative began with a federal grant that ran through August 1997. The original project used 6 staff and an annual budget of $290,000. (4 Community Development Specialists , Office Assistant, Information Specialist)

The 1997 General Assembly continued SNI at reduced size with 4.5 positions (3 . Community Development Specialists and 1.5 Support Staff) and $218,180 in funds.

At the time of the 1998 Budget, all of the SNI Positions were vacant
The General Assembly eliminated 3.5 of the positions and reduced funding by $125,048. They did not cut any of the operational expenses.

This leaves 1 position, an Information/Communication Specialist (Grade 63)
The remaining budget is:

Personnel Costs	$33,726
Operational Costs	$59,406
TOTAL	$93,132

SBI personnel are also involved in this project.

A February 1999 report on the program described the duties of the Information Specialist as follows:

* maintaining up to date information on community policing
* act as contact point for law enforcement accessing DOJ services
* maintain SNI Resource Directory
* disseminate information on funding sources for community policing
* technical assistance to local groups
* distribution of Child Identification Kits
* providing information on Medical Alert Kits

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Requested by: Representative Creech

ESTABLISH PUBLIC SETTLEMENT RESERVE FUND/ATTORNEY GENERAL REPORT OF STATE SETTLEMENTS AND COURT ORDERS

Section 18.7. (a) Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"**§ 143-16.5. Public Settlement Reserve Fund.**

The 'Public Settlement Reserve Fund' is established as a restricted reserve in the General Fund. Except if prohibited by order of the court and except as provided in G.S. 143-16.4, funds in excess of seventy-five thousand dollars ($75,000) paid to the State or a State agency pursuant to a settlement agreement or final order or judgment of the court shall be deposited to the Public Settlement Reserve Fund. Funds shall be expended from the Public Settlement Reserve Fund only by appropriation by the General Assembly."

(b) Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"**§ 114-2.5. Attorney General to report payment of public monies pursuant to settlement agreements and final court orders.**

(a) The Attorney General shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives on the payments received pursuant to a settlement agreement or final order or judgment of the court and deposited to the Public Settlement Reserve Fund in accordance with G.S. 143-16.5. The Attorney General shall also report on the terms or conditions of payment set forth in the agreement or order. The Attorney General shall submit a written report to the Fiscal Research Division of the General Assembly.

(b) This section only applies to executed settlement agreements and final orders or judgments of the court and shall in no way affect the authority of the Attorney General to negotiate the settlement of cases in which the State or a State department, agency, institution, or officer is a party."

(c) This section applies to settlement agreements or final orders or judgements of the court entered into on or after November 15, 1998.

DOJ ACTIVE GRANTS

NC DEPARTMENT OF JUSTICE

PROJECT TITLE FUND NUMBER	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
MEDICAID FRAUD INVESTIGATION #1231	10/01/98 TO 09/30/99	$2,244,808.00	75% $1,683,606.00 US OFFICE OF INSPECTOR GENERAL	25% $561,202.00 GENERAL FUND APPR.	CHRIS BREWER	26
THIS GRANT WILL BE USED TO DETECT, INVESTIGATE AND PROSECUTE MEDICAID FRAUD AND PATIENT ABUSE BY PROVIDERS OF MEDICAL ASSISTANCE.						
CHILD SEXUAL ABUSE GRANT AG OFFICE 170-2-96-003-H-008 #2170	08/26/97 TO 09/30/98 *COMPLETE*	$26,743.00 *SPENT $26,743.00*	100% $26,743.00 CC&PS	$0.00	WANDA BRYANT MARIA MYERS	0
THIS GRANT WILL BE USED TO TRAIN VOLUNTEERS AND OFFER DIRECT ASSISTANCE TO CHILDREN WHO ARE SEXUALLY ABUSED.						
CHILD VICTIM ASSISTANCE PROGRAM 170-1-97-001-H-301 #2186	10/01/98 TO 09/30/99	$27,139.50	100% $27,139.50 CC&PS	$0.00	WANDA BRYANT	0
THIS GRANT WILL PROVIDE TRAINING FOR THE DIRECTOR AND FIVE CHILD VICTIM ASSISTANTS IN THE CHILD VICTIM ASSISTANCE PROGRAM.						
SBI/NCHIP AUTOMATED FINGERPRINT INFO SYSTEM (AFIS) 170-1-95-001-N-001 #2340	12/01/95 TO 12/31/99	$2,445,255.00	100% $2,445,255.00 CC&PS	$0.00	LARRY WILKIE	0
THIS GRANT WILL BE USED BY THE SBI TO CONTINUE TO DEVELOP THE AFIS SYSTEM WHICH PROVIDES IMMEDIATE AND POSITIVE IDENTIFICATION OF INDIVIDUALS AT THE POINT OF BOOKING.						

Financial Services Update as of December 1, 1998
16-CCPS 1-OIG 2-USDOJ 2-DARE 2-GHSP 1-DEA

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DOJ ACTIVE GRANTS

PROJECT TITLE FUND NUMBER	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
NCHIP PLAN PHASE II SBI-DCI 170-1-96-02A-F-001 #2342	01/01/97 TO 12/31/98	$1,495,381.00	100% $1,495,381.00 CC&PS	$0.00	LARRY WILKIE	0
THIS GRANT WILL BE USED TO IMPLEMENT A REAL-TIME, ON-LINE, 24 HOUR POSITIVE IDENTIFICATION PROGRAM BY USING AN ELECTRONIC FINGERPRINT SYSTEM (EFIPS) BEGINNING AT THE POINT OF BOOKING.						
DNA RESEARCH SBI-LAB 170-1-96-15A-D-094 #2346	07/01/96 TO 09/30/98 *COMPLETE*	TOTAL $91,786.00 1ST YEAR $48,793.00 2ND YEAR $42,993.00 *SPENT $91,785.54*	75% 1ST YEAR $36,594.75 2ND YEAR $32,244.75 CC&PS	25% 1ST YEAR $12,198.25 2ND YEAR $10,748.25 ASSET FORFEITURE	MARK NELSON	1-ENDED 2-98 0- TO 9-98
THE FUNDS FROM THIS GRANT WILL BE USED TO HIRE A POST-DOCTORAL PH.D. IN MOLECULAR BIOLOGY. THIS POSITION WILL RESEARCH NEW DNA TECHNOLOGIES FOR THE BUREAU.						
MITOCHONDRIAL DNA SBI-LAB 170-1-96-15A-D-095 #2348	07/01/96 TO 09/30/98	TOTAL $172,000.00 1STYEAR$162,000.00 2ND YEAR $10,000.00	75% 1ST YEAR $121,500.00 2ND YEAR $7,500.00 CC&PS	25% 1ST YEAR $40,500.00 2ND YEAR $2,500.00 ASSET FORFEITURE	MARK NELSON	0
THIS GRANT WILL BE USED TO PURCHASE EQUIPMENT AND SUPPLIES TO BE USED FOR DNA TESTING AND THE IDENTIFICATION OF SKELETAL REMAINS, CHARRED REMAINS AND TO TYPE SHED HAIR.						
DNA DATABASE SBI-LAB 170-1-96-15A-D-092 #2349	07/01/96 TO 09/30/98	TOTAL $376,000.00 1ST YEAR $246,000.00 2ND YEAR $130,000.00	75% 1ST YEAR $184,500.00 2ND YEAR $97,500.00 CC&PS	25% 1ST YEAR $61,500.00 2ND YEAR $32,500.00 ASSET FORFEITURE	MARK NELSON	0
THIS GRANT WILL BE USED TO ESTABLISH NEWER, FASTER AND LESS LABOR INTENSIVE DNA TECHNOLOGY TESTING OF SHORT TANDEM REPEAT (STP) SEQUENCES WHICH WILL REDUCE THE BACKLOG OF 17,000 CONVICTED FELON SAMPLES RECEIVED FROM THE DEPT. OF CORRECTIONS CURRENTLY IN THE DNA DATABASE WITH AN EXPECTED GROWTH OF 4,000 SAMPLES PER YEAR.						

Financial Services Update as of December 1, 1998
16-CCPS 1-OIG 2-USDOJ 2-DARE 2-GHSP 1-DEA

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DOJ ACTIVE GRANTS

PROJECT TITLE FUND NUMBER	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
NCSBI EVIDENCE HANDLING FIELD GUIDE 170-1-97-15A-D-187 #2370	07/01/97 TO 10/30/98	$45,000.00	75% $33,750.00 CC&PS	25% $11,250.00 ASSET FORFEITURE	ERIC R. HICKS	0
THIS GRANT WILL BE USED TO DEVELOP A NORTH CAROLINA STATE BUREAU OF INVESTIGATION (NCSBI) EVIDENCE HANDLING FIELD GUIDE FOR ALL SWORN LAW ENFORCEMENT OFFICERS WHO WORK WITHIN NORTH CAROLINA AND HANDLE EVIDENCE ON A ROUTINE BASIS.						
NC CRIME REPORTING REDESIGN 170-1-97-15B-D-193 #2373	07/01/97 TO 12/31/98	$1,200,098.00	75 % $900,073.50 CC&PS	25% $300,024.50 FORFEITURE FUNDS	RONALD P. HAWLEY & DOUG KAPPLER	0
THIS GRANT WILL BE USED TO REDESIGN THE CURRENT CRIME REPORTING PROGRAM FROM A LEGACY SYSTEM TO A RELATIONAL DATA BASE RESIDING ON A STAND ALONE SYSTEM.						
POLYMERIC SPECTROSCOPY GRANT 170-1-97-15A-D-192 #2374	07/01/97 TO 06/30/98 07/01/98 TO 06/30/99	TOTAL $94,335.66 1ST YEAR $52,365.00 2ND YEAR $41,970.66	75% 1ST YEAR $39,273.75 2ND YEAR $31,478.00 CC&PS	25% 1ST YEAR $13,091.25 2ND YEAR $10,492.66 FORFEITURE FUNDS	JOHN W. BENDURE	1
THIS PROJECT INVOLVES THE ENHANCEMENT OF WORK THAT WAS INITIATED IN JULY 1995 AND IS CURRENTLY IN PROGRESS. THESE FUNDS WILL BE USED TO PROVIDE THE TRACE EVIDENCE SECTION OF THE SBI CRIME LAB THE NECESSARY TIME, MANPOWER AND EQUIPMENT REQUIRED TO ESTABLISH A POLYMERIC SPECTRAL DATABASE THAT WILL ALLOW ANALYSTS TO SEARCH POLYMERIC MATERIALS IN A WAY SIMILAR TO HOW AFIS SEARCHES FOR MATCHES ON FINGERPRINTS.						

DOJ ACTIVE GRANTS

PROJECT TITLE FUND NUMBER	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
CHILD VICTIM ASSISTANCE PROGRAM TRAINING 170-1-96-003-H-057 #2380	02/01/98 TO 09/30/98 *COMPLETE*	$11,439.00 *SPENT $10,623.88*	100 % $11,439.00 CC&PS	$0.00	WANDA BRYANT	0
THIS PROJECT WILL PROVIDE TRAINING TO ENSURE THAT THE DIRECTOR AND THE FIVE CHILD VICTIM ASSISTANTS OF THE PROGRAM HAVE THE MOST CURRENT KNOWLEDGE AND SKILLS ON ISSUES RELATING TO CHILD VICTIMIZATION.						
DNA LABORATORY IMPROVEMENT 98-DN-VX-0012 #2381	01/01/98 TO 12/31/98 *COMPLETE*	$73,000.00 *SPENT $72,999.02*	100 % $73,000.00 USDOJ	$0.00	MARK NELSON	0
THIS GRANT WILL FUND THE PURCHASE OF EQUIPMENT AND SOFTWARE USE IN DNA TESTING.						
GAS CHROMATOGRAPHY FOR DWI ANALYSIS 170-1-98-15A-D-124 #2383	07/01/98 TO 06/30/99	$75,000.00	75% $56,250.00 CC&PS	25% $18,750.00 ASSET FORFEITURE	RICHARD WAGGONER	0
THIS PROJECT WILL ENABLE THE SBI CRIME LABORATORY TO ACQUIRE NEW GAS CHROMATOGRAPHS USED TO ANALYZE ALCOHOL IN BLOOD SAMPLES OBTAINED FROM SUSPECTED DWI DRIVERS.						
NC CRIME REPORTING REDESIGN PROJECT 170-1-98-15B-D-119 #2384	07/01/98-06/30/99	$600,500.00	75% $450,375.00 CC&PS	25% $150,125.00 GENERAL FUND/ASSET FORFEITURE	DOUG KAPPLER	0
THIS GRANT IS TO PROVIDE THE BALANCE OF PHASE TWO FOR FISCAL YEAR 1998-99.						

DOJ ACTIVE GRANTS

PROJECT TITLE FUND NUMBER	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
NATIONAL SEX OFFENDER REGISTRY 170-1-98-001-O-001 #2385	08/01/98 TO 08/30/99	$435,935.00	100% $435,935.00 CC&PS	$0.00	DONALD ROBERTS	0
THIS GRANT WILL BE USED TO ENHANCE THE NORTH CAROLINA SEX OFFENDER REGISTRY SO IT WILL BE ABLE TO SUBMIT INFORMATION TO THE NATIONAL SEX OFFENDER REGISTRY.						
DARE SOUTHEAST TRAINING CENTER SBI-DARE 95-DD-BX-K007 #2446	09/01/97 TO 10/30/98	$261,200.00	100% $261,200.00 DARE AMERICA FROM BUREAU JUSTICE ASSISTANCE	$0.00	HANDY GUNTER	2
THIS GRANT WILL BE USED TO SCHEDULE AND PROVIDE THE HIGHEST QUALITY D.A.R.E. OFFICER TRAINING AT THE MOST REASONABLE COST TO OFFICERS. THE ULTIMATE GOAL IS TO ELIMINATE DRUG ABUSE AMONG CHILDREN AND ADOLESCENTS THROUGH A COHERENT COMPREHENSIVE CURRICULUM, COMPETENT INSTRUCTORS AND COMMITTED COMMUNITY INVOLVEMENT.						
DARE SOUTHEAST TRAINING CENTER SBI-DARE 95-DD-BX-K007 #2447	09/01/98 TO 08/30/99	$261,200.00	100% $261,200.00 DARE AMERICA FROM BUREAU JUSTICE ASSISTANCE	$0.00	HANDY GUNTER	2
THIS GRANT WILL BE USED TO SCHEDULE AND PROVIDE THE HIGHEST QUALITY D.A.R.E. OFFICER TRAINING AT THE MOST REASONABLE COST TO OFFICERS. THE ULTIMATE GOAL IS TO ELIMINATE DRUG ABUSE AMONG CHILDREN AND ADOLESCENTS THROUGH A COHERENT COMPREHENSIVE CURRICULUM, COMPETENT INSTRUCTORS AND COMMITTED COMMUNITY INVOLVEMENT.						
TRAFFIC ENFORCEMENT & INVESTIGATION INSTRUCTION PT-98-06-09 #2570	10/01/97 TO 09/30/98	$36,500.00	100% $36,500.00 GOVERNOR'S HIGHWAY SAFETY PROGRAM	$0.00	ROBERT J. GARBETT	0
THIS GRANT WILL BE USED TO PROVIDE TRAINING AND MATERIALS FOR STANDARD FIELD SOBRIETY TRAINING AND ACCIDENT INVESTIGATION COURSES AT THE NC JUSTICE ACADEMY.						

DOJ ACTIVE GRANTS

PROJECT TITLE FUND NUMBER	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
TRAFFIC ENFORCEMENT & INVESTIGATION INSTRUCTION PT-99-04-05 #2580	10/01/98 TO 09/30/99	$36,500.00	100% $36,500.00 GOVERNOR'S HIGHWAY SAFETY PROGRAM	$0.00	ROBERT J. GARBETT	0
THIS GRANT WILL BE USED TO PROVIDE TRAINING AND MATERIALS FOR STANDARD FIELD SOBRIETY TRAINING AND ACCIDENT INVESTIGATION COURSES AT THE NC JUSTICE ACADEMY.						
MARIJUANA ERADICATION & SUPPRESSION OF ILLICIT MARIJUANA #3341	01/01/98 TO 12/31/98	$110,000.00	100% $110,000.00 DRUG ENFORCEMENT ADMINISTRATION	$0.00	RAY EASTMAN	0
THIS GRANT WILL PROVIDE FUNDING THAT WILL ENABLE THE SBI TO USE ITS OWN PERSONNEL TO GATHER AND REPORT INTELLIGENCE DATA RELATING TO THE ILLICIT POSSESSION AND DISTRIBUTION OF MARIJUANA, AS WELL AS, INVESTIGATE AND REPORT INSTANCES INVOLVING TRAFFICKING IN CONTROLLED SUBSTANCES.						

NC DEPARTMENT OF JUSTICE

PROJECT TITLE FUND NUMBER	PERIOD OF GRANT	TOTAL AMOUNT OF GRANT	FEDERAL AMOUNT & SOURCE	STATE AMOUNT & SOURCE	CONTACT PERSON	EMPLOYEES
DATA SHARING STANDARDS DEVELOPMENT 170-1-97-15B-D-186 #2371	07/01/97 TO 06/30/98 07/01/98 TO 06/30/99	TOTAL $746,480.00 1ST YEAR $382,690.00 2ND YEAR $363,790.00	75% 1ST YEAR $287,017.50 2ND YEAR $272,842.50 CC&PS	25 % 1ST YEAR $95,672.50 2ND YEAR $90,947.50 CJIN (GENERAL FUND)	RONALD P. HAWLEY & JUDY BREEDEN	0
THIS GRANT WILL BE USED BY THE CJIN GOVERNING BOARD TO FORM A DATA SHARING STANDARDS SUBCOMMITTEE WITH REPRESENTATION FROM EACH CJIN AGENCY. THE SUBCOMMITTEE WILL BE RESPONSIBLE FOR DEVELOPING, DOCUMENTING, FACILITATING USER APPROVAL AND COMPILING A STATE WIDE DATA ELEMENT DICTIONARY TO INCLUDE: DEFINITION OF ALL COMMON DATA DEFINITIONS; A COMPREHENSIVE CYCLE TRACKING NUMBER; COMMON OFFENSE CODE IDENTIFIERS; APPLICATION PROGRAMMING INTERFACES AND COMMON DATABASE VIEWS; AND A STATE WIDE SECURITY PROFILE.						
CJIN-SAFIS 170-1-98-15B-D-120 #2382	05/01/98 TO 06/30/99	$3,000,000.00	75% $2,250,000.00 CC&PS	25% $750,000.00 CJIN (GENERAL FUND)	LARRY WILKIE	0
THE MAJOR GOAL OF THIS PROJECT IS TO CONTINUE THE PHASED PLACEMENT OF AT LEAST ONE LIVE SCAN DEVICE IN EACH COUNTY WITH AN ELECTRONIC INTERFACE TO THE SAFIS IN RALEIGH.						
CJIN-GB #2386	7/1/98 TO 6/30/99	$6,000,000.00	100% US-DOJ	$0.00	RON HAWLEY	0
THE MAJOR GOAL OF THIS PROJECT IS TO IMPLEMENT A CJIN NETWORK SECURITY SYSTEM INCLUDING FIREWALL, ENCRYPTION AND AUTHENTICATION, FOR WHICH $3.5 MILLION OF THIS GRANT IS ALLOCATED. THE REMAINING $2.5 MILLION WILL BE TRANSFERRED TO THE NORTH CAROLINA STATE HIGHWAY PATROL TO BE USED FOR THE MOBILE DATA NETWORK FOR THE PURCHASE AND INSTALLATION OF TRANSMISSION TOWERS THROUGHOUT THE STATE.						

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VISITOR REGISTRATION SHEET

Justice and Public Safety — 3-11-99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Buddy Humphrey	OSBM
Larry Dix	Office of Juvenile Justice
Bryan Beatty	DOJ
Eddie Spence	DOJ
Denise A. Sessoms	DOJ
Chuck Crann	OSPR
Melissa Lovelle	DOJ
[illegible]	DOJ
[illegible]	DOJ
Bill Scoggin	NC BAR ASSOC.

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES	AM 3/16	PM 3/16													
Rep. Kinney, Chair	✓	✓													
Rep. McCrary, Chair	✓	✓													
Rep. Culpepper, Chair	A	A													
Rep. Thomas, Vice Chair	✓	✓													
Rep. Clary	✓	A													
Rep. Haire	✓	✓													
Rep. Horn	✓	✓													
Rep. Justus	✓	✓													
Rep. Kiser	✓	✓													
Rep. Sexton	✓	A													
Senate Members															
Sen. Luther Jordan	✓	✓													
Sen. Frank Ballance	✓	A													
Sen. Tony Rand	A	A													
Sen. John Carrington	A	✓													
Sen. Don East	✓	✓													
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio	✓														
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday March 16, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper
Representative Ted Kinney, Presiding
Representative Paul McCrary

II. PRESENTATIONS

Morning

- Review Department of Justice Continuation Budget

Overview of Criminal Justice Training & Standards Division

Marilyn Chism, Fiscal Research Staff

Departmental Representatives

Overview of State Bureau of Investigation and Division of Criminal Information

Marilyn Chism, Fiscal Research Staff

Departmental Representatives

Afternoon

Special Provisions, Vacancies and Follow-up Information on Department Of Justice

Elisa Wolper, Fiscal Research Staff

Departmental Representatives

- Review Department of Correction Continuation Budget

Remarks and Introduction

Joe Hamilton, Acting Secretary Department of Correction

Overview of Recommended Continuation Budget

Jim Mills, Fiscal Research Staff

Departmental Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

MARCH 16, 1999

MINUTES

HOUSE MEMBERS PRESENT: [10] Representatives Kinney, McCrary, Clary, Cunningham, Haire, Horn, Justice, Kiser Sexton, and Thomas

Senate Members Present: [3] Senators Jordan, Ballance, Carrington and East

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday March 16 at 8:30 a.m. and 2:30 p.m. in room 415. Representative Kinney presiding, called the first meeting to order and introduced Marilyn Chism, to present the Overview of Criminal Justice Training & Standards Division (See Attachment A).

At the conclusion of the presentation, Representative Kiser asked if Ms. Chism could tell the committee how many fees the different branches of the Standards and Training Division collect.

Ms. Chism replied that she didn't have those exacts numbers with her, but to her understanding, the justice academy collects very few fees. Their facilities and instruction are provided free of charge. For the criminal justice standards section some fees are collected from the company police officers for their certification.

Representative Kiser followed with the question of fees being collected from instructors to teach citizens to carry concealed weapons.

Neither Ms. Chism nor any of the department representatives could answer that question, but promised to get the answer for him.

Representative Kiser noticed that local correction officers held only one percent of the certifications. He asked if that is due to the fact that they were certified in standard law enforcement.

Ms. Chism replied that in addition to the 665 officers in local corrections in Criminal Justice Standards section, there are 30% identified as detention officers in the Sheriffs' Standards section (5,634), to be found on page 9.

Representative Kiser asked if the local government pays for the dormitories maintained for the officers.

Ms. Chism replied that the officers in training have to pay for their meals but lodging is provided free of charge.

Representative Kiser asked if that money was recaptured in Revenues.

Ms. Chism confirmed that it is part of the Operating Expense Fund.

Representative Kiser asked for a complete run down of total revenues collected from all sources.

Ms. Chism said she would get that information.

Representative Kiser then asked for a comparison over the past four or five years of the Sheriffs' Standards and Training de-certifications because recent numbers seem unusually high.

Ms. Chism agreed to get that information as well.

Representative Haire inquired about the funds to enhance the investigations of violations of training delivery and certification rules.

Ms. Chism explained that the money would be used to establish a program to allow more investigations.

Representative Haire asked where or how these violations would occur.

A Department representative answered that it would occur throughout the population of certified officers.

Ms. Chism continued with a second presentation: Overview of the State Bureau of Investigation (See Attachment B).

Representative Justus asked how many cases there were on election law violations and the dispositions of those cases.

Ms. Chism promised to get the information requested.

Representative Justus noted that there have been many complaints received due to the inconvenience applicants go through to be re-certified for a concealed weapons permit.

Senator Ballance asked Jim Coman, Director of the State Bureau of Investigation, what the policy is on drugs being tested in the lab when a defendant has offered a guilty plea, but the request has been submitted. Is there a way to stop that process?

Mr. Coman answered no, because usually it isn't until the test comes back, that a decision is made to plead guilty.

Senator Ballance noted that sometimes judges order the convicted defendant to reimburse the state for lab fees. Where does the money go?

Mr. Coman replied that it goes to the General Fund.

Senator Ballance commented that we should try to find a solution to that and similar problems.

Representative Kiser wanted to know what specific charges require DNA testing.

Mr. Coman answered that blood samples are taken from anyone convicted on an A through E felony to be entered into the database. Local law enforcement agencies or the district attorney can request that a test to be run for an arrest or case particularly ones involving sexual assault or homicides.

Representative Kiser asked if there was a specific charge or cost on the DNA tests.

Mr. Coman indicated that a specific cost couldn't be pinpointed.

Representative Kiser wanted to know how a bill, presently in the Senate would change the current law.

Senator Ballance responded that it would capture these felony cases upon arrest.

Representative Justus requested a comparative list on the requirements to get an initial permit to carry a concealed weapon, and the requirements for renewal. Also he wanted Mr. Coman to comment on the development of buildings that have been under way (the administrative part of the complex).

Mr. Coman answered that plans are drawn, but money is needed to build because so much money is going into the repair of other areas.

Representative Justus asked for an estimate.

Mr. Coman answered estimates are between $19.5 and $19.7 million dollars.

Representative Haire noticed that domestic violence orders go into the DCI database (found on page 14). Is that done by statute?

Ron Hawley, SBI Criminal Information Division, answered that it is according to statute.

Representative Haire asked at what point, during the process of an order, is the information entered into the system.

Mr. Hawley informed the committee that it is done as soon as the order is issued, usually within a day or two.

Representative Haire asked what happens in cases that are dismissed.

Mr. Hawley said that once court action is taken, the follow-up action is documented so the order is no longer outstanding.

Elisa Wolper distributed some information that provided answers to previous questions committee members have had (See Attachments C and D).

Rep Kiser asked if the $500,000 that is listed (on Attachment C: Tobacco Settlement Attorneys Fees) will be presented to the National Conference of Attorneys General.

That is apparently the case, acknowledged staff and department members.

Representative Justus asked who determines where the money actually goes.

Susan Rabon, Deputy Attorney General, said that it will be worked out with the Office of State Budget.

There being no further business, the meeting was adjourned until 2:30.

The meeting reconvened at 2:30 p.m.

Elisa Wolper gave a presentation Special Provisions, Vacancies and Follow-up Items on Department of Justice (See Attachment E)

Representative Kiser inquired of members from the Department as to why there is a need for 3 new positions to be opened and at the same time 1 position is being eliminated.

Susan Rabon answered that the position being eliminated is needed as much as the others, but based on extensive qualifications the position had gone unfilled for some time, and it was the governors recommendation that the position be eliminated.

Representative Kiser asked what the starting salary is for each of those positions.

Ms. Rabon answered around $24,000.

Representative Kiser asked if employees, due to the unfilled vacancies, were using overtime.

Ms. Rabon said that she did not have a clear determination for that question.

Ms. Wolper continued with her presentation, and followed up on questions that were raised that morning. Regarding the question of fees for staying at the dormitory of the Justice academy, the cost is approximately $100 per week. Most local law enforcement agencies feel that charging cadets that additional amount would significantly impact enrollment.

There has been a request for a more specific breakdown in the type of personnel in the legal services division. Page 10 (of Attachment E) shows that information, grouped into three categories.

Additionally staff wanted to point out that the governors proposed budget includes a special provision that would make the employees of the department of correction who are currently under the jurisdiction of the criminal justice training and standards no longer subject to them. Also it would give the department authority to establish an independent Board to handle their own certification.

The rest of the handout is follow-up information on previous questions, committee members have had related to the tobacco settlement.

Representative Justus wanted to clarify that at this point, no one knows who will decide how the money from the tobacco settlement will be distributed.

Ms. Wolper agreed.

Representative Kiser questioned if the $500,000 is all the money that will be given to the General Assembly to use or will more money be received later.

Ms. Rabon answered that, as far as she knows, that is all the money that will be received.

Rep Haire, referring to page 4, asked about the private protective services and alarm systems licensing boards. Is that through the Department of Justice and are these funds reimbursed?

Ms. Wolper responded that these are special funds within the Department of Justice. The money does not come from the General Fund. Doc Hoggard, from DOJ, added with some details on how the money is used.

Representative Haire, referring to page 6, asked if the four positions indicated to be filled during the next academy in September, are permanent or temporary, and where will the academy take place.

The positions are permanent.

Representative Haire commented on the Reebok settlement (page 16) that out of $180,000 only $2,000 made its way west of Winston Salem, to Spruce Pines.

Representative Justus asked who made the decision as the where the money from the Reebok settlement would go.

Ms. Rabon answered that the Office (DOJ) made the decision.

Representative Justus asked if there were any complications from that decision.

Ms. Wolper promised to look into getting an answer for that question.

Next, Representative Kinney introduced Joe Hamilton, the acting Secretary to the Department of Correction, for remarks. Mr. Hamilton gave some general comments, noting that he is pleased with the Department overall.

Jim Mills informed the committee that the staff will start reviewing the Department of Correction and the budget for it. Mr. Mills mentioned the idea of taking one or more field trips to various prisons if possible. Mr. Mills then discussed the handout: Department-Wide Overview and Summary of 1999-2001 Governor's Recommended Continuation Budget (See Attachment F). Mr. Mills added on the organizational chart, Theo Beck is the Deputy Secretary for prisons and community corrections, and Joe Hamilton is the Chief Deputy. Deputy Secretary, Fred Aiken, oversees the substance abuse program as well as various planning, research and victim services programs. Mr. Lynn Phillips, Assistant Secretary, oversees all of the capital projects in Corrections, Enterprises and the private prison contracts.

Representative Kiser asked if there are any positions that are filled in the Department of Corrections but are not funded.

Mr. Mills did not know of any. He referred the question to anyone in the department that may be able to answer the question. Buddy Humphrey, from the Inmate Grievance Board, answered that there are none to which he is aware.

Mr. Mills followed with the point that several questions arise regarding the Department of Correction from constituents, committee members and even the staff. Therefore, staff has put together a fact sheet for members to keep and relay information from (see attachment G).

There being no further business, the meeting was adjourned for the day.

Paul R. McCrary
Rep. Ted Kinney
(Signed by Rep. McCrary due to the illness of Rep. Kinney)

Eryn Gee
Eryn M. Gee
Committee Assistant

Department of Justice

Overview of the Division of Training and Standards

Joint Appropriations Subcommittee on Justice and Public Safety
March 16, 1999

Attachment A

Division of Training and Standards

- Purpose
  - Promote competence and integrity in the criminal justice professions

- Major Units
  - North Carolina Justice Academy
  - Criminal Justice Standards Section
  - Sheriffs' Standards Section

North Carolina Justice Academy

- Mission
  - Improve the quality and effectiveness of criminal justice services through research, education, training and support

- Types of Services
  - Advanced and specialized training (approx. 475 courses offered during FY99)
  - Technical assistance to local l/e agencies
  - Publish educational and training material

- Campuses
  - Eastern Campus in Salemburg
    - 1998-99 Budget = $4.8 million/Positions = 88
  - Western Campus in Edneyville (opened in June 1998)
    - 1998-99 Budget = $1.8 million/Positions = 26

North Carolina Justice Academy

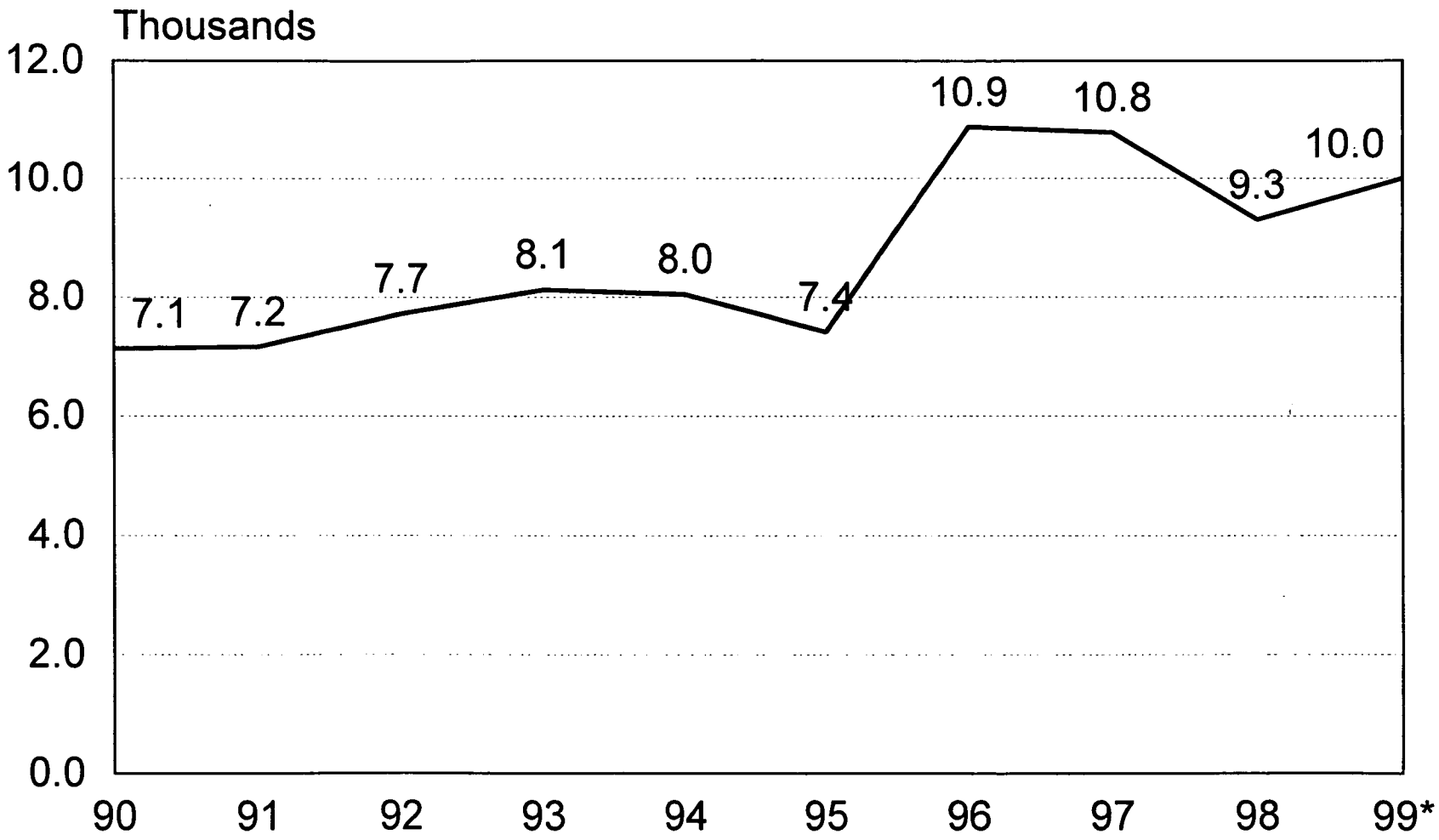
Allocation of Positions

- Eastern Campus - Salemburg
  - 86 positions
    - Trainers
      - 26
    - Business Office
      - 6
    - Support Services
      - 20
    - Maint./Housekeeping/Sec.
      - 24
    - Administration
      - 10

- Western Campus - Edneyville
  - 26 positions
    - Trainers
      - 8
    - Business Office
      - 0
    - Support Services
      - 9
    - Maint./Housekeeping/Sec.
      - 5
    - Administration
      - 4

North Carolina Justice Academy

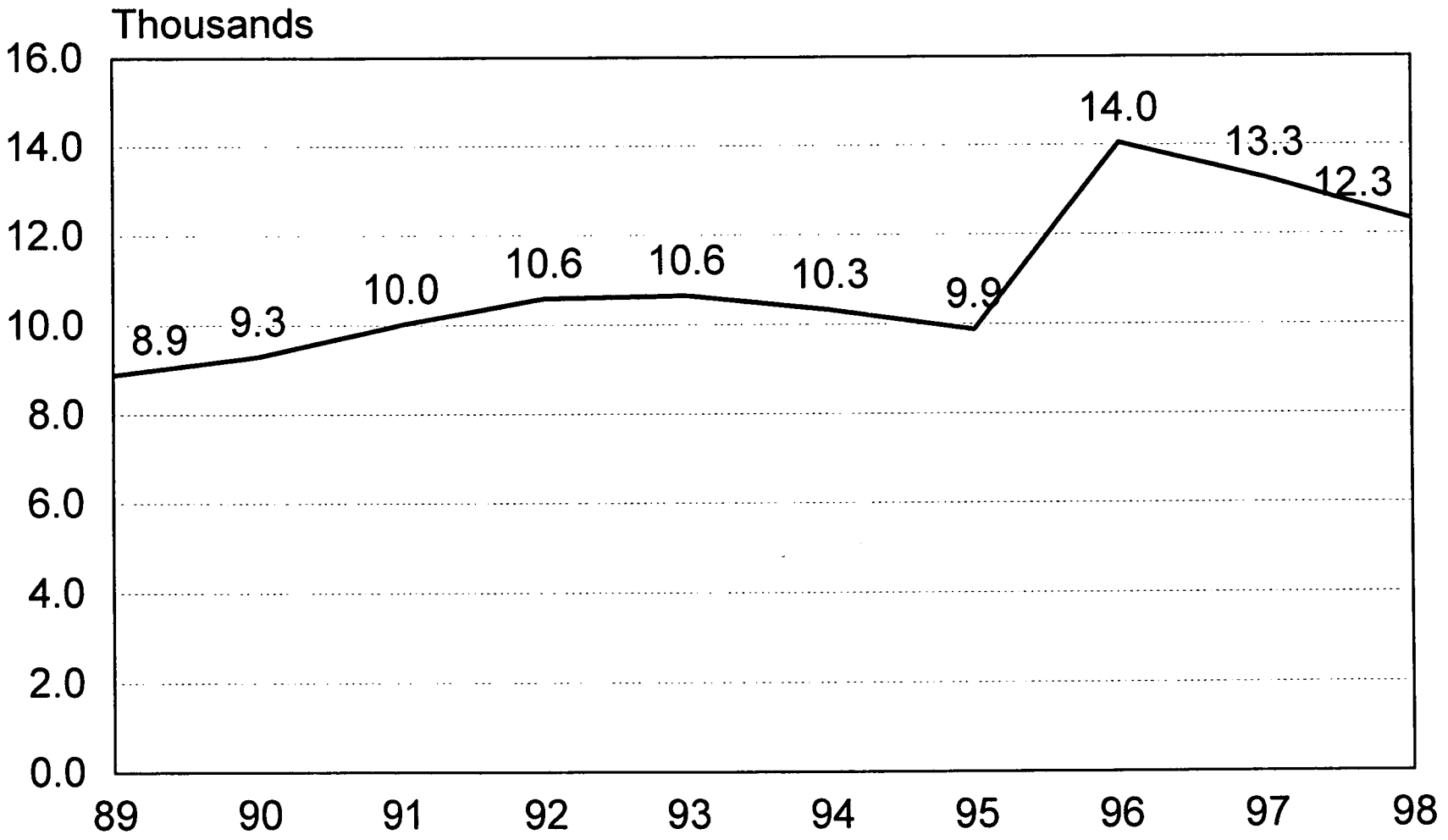
Students Trained FY 1990 - FY 1999



* Number for 1998-99 is an estimate

North Carolina Justice Academy

Personnel Impacted by NCJA Courses and Facilities



Source: NC Justice Academy

Criminal Justice Standards Section

- Mission
  - Support and implement the programs and goals of the NC Criminal Justice Education and Training Standards Commission (G.S. 17C) in its efforts to assure the citizens of NC that all empowered criminal justice officers meet a minimum level of integrity and competence.

- Activities
  - entry level standards, training standards and advanced in-service requirements for criminal justice officers
  - basic and advanced certification for criminal justice instructors
  - approves citizen concealed handgun instructors and courses
  - maintains 50,074 active certification files

- Budget/Personnel for 1998-99
  - $885K and 19 positions
  - Commission has 26 members

Sheriff's Standards Section

- Mission
  - To support and implement the programs and goals of the NC Sheriffs' Education and Training Standards Commission (G.S. 17E) in its efforts to assure the citizens of NC that all empowered justice officers meet a minimum level of integrity and competence

- Activities
  - entry level employment, basic training and certification standards for deputies and detention officers
  - maintains 18,933 active certification files

- Budget and Personnel for 1998-99
  - $305K and 9 positions
  - Commission has 17 members

DIVISION OF AUTHORITY
North Carolina Criminal Justice/Sheriffs' Standards Commissions
(January, 1999)

CRIMINAL JUSTICE EDUCATION AND TRAINING

- Probationary & General Certification of *Criminal Justice Officers*
- Commission Support Activities
- Company & Railroad Police Program
- Radar/TD Certification
- General and (6) Specialized CJ Instructor Certification
- School Director Certification
- School Accreditation
- Course Accreditation
- Course Examination Delivery
- Test Analysis & Validation
- Agency Audits for Compliance
- Professional Certificates
- Mandated Curriculums (BLET, Radar-TD, GIT, SIT(6), BCOT, ALE, DYS, Wildlife, Youth Detention, In-Service Firearms)
- Drug Testing (Pre-employment, Lateral Transfer)
- CCH Instructor/Course Approval
- Postsecondary CJ Program Certification

16,846	Law Enforcement Officers
11,848	Correctional Officers
1,543	Probation-Parole Officers
28	Probation Intake Officers
25	Parole Case Analysts
393	Surveillance Officers
391	Intensive Officers
948	Youth Service Officers
217	Local/County Confinement Officers
448	Juvenile Detention Officers
8,510	Radar/TD Operators
8,208	Criminal Justice Instructors
669	Company Police Officers
50,074	Active Certifications

SHERIFFS' EDUCATION AND TRAINING

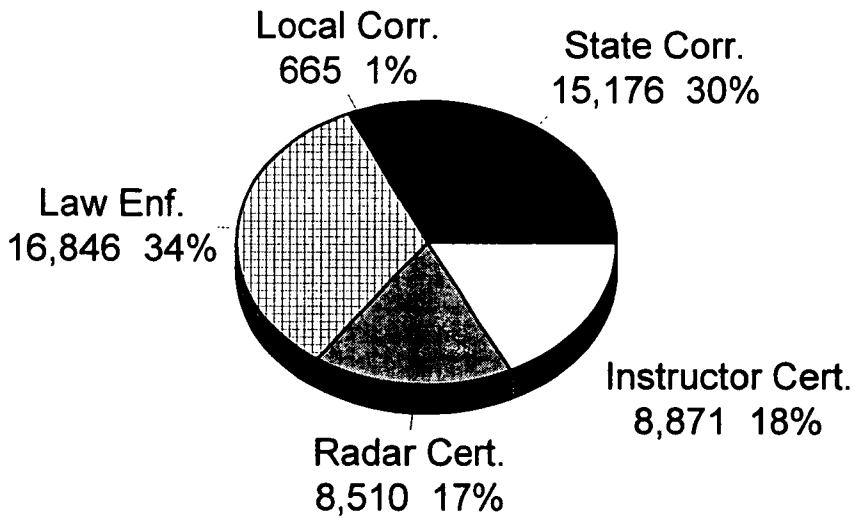
- Probationary & General Certification of *Criminal Justice Officers*
- Commission Support Activities
- Detention Officer Instructor Certification
- Detention Officer School Accreditation
- Detention Officer Course Accreditation
- Course Examination Delivery
- Detention Officer Course Test Analysis & Validation
- Professional Certificates
- Service Awards
- Agency Audits for Compliance
- Sheriff's Supplemental Pension Fund
- Mandated Curriculums (BLET, Detention Officer Certification Course, In-Service Firearms)

9,825	Sheriffs' Deputies
5,634	Detention Officers
663	Detention Instructors
2,811	Telecommunicators
18,933	Active Certifications
69,007	Total Active Certifications

Criminal Justice/Sheriffs' Standards Sections

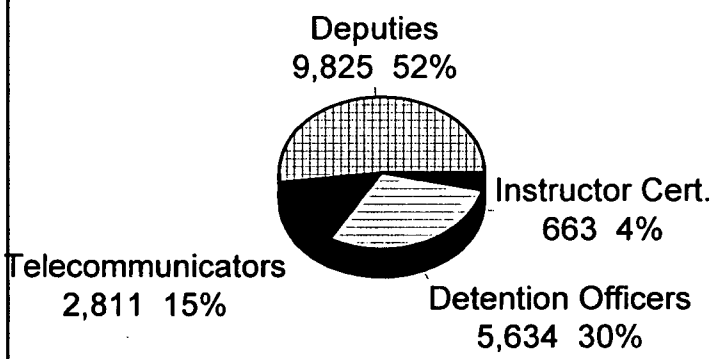
Active Certifications Files as of January 1999

Criminal Justice Standards



50,074 Active Files

Sheriffs' Standards



18,933 Active Files

69,007 Total Active Files

Criminal Justice/Sheriffs' Standards Section

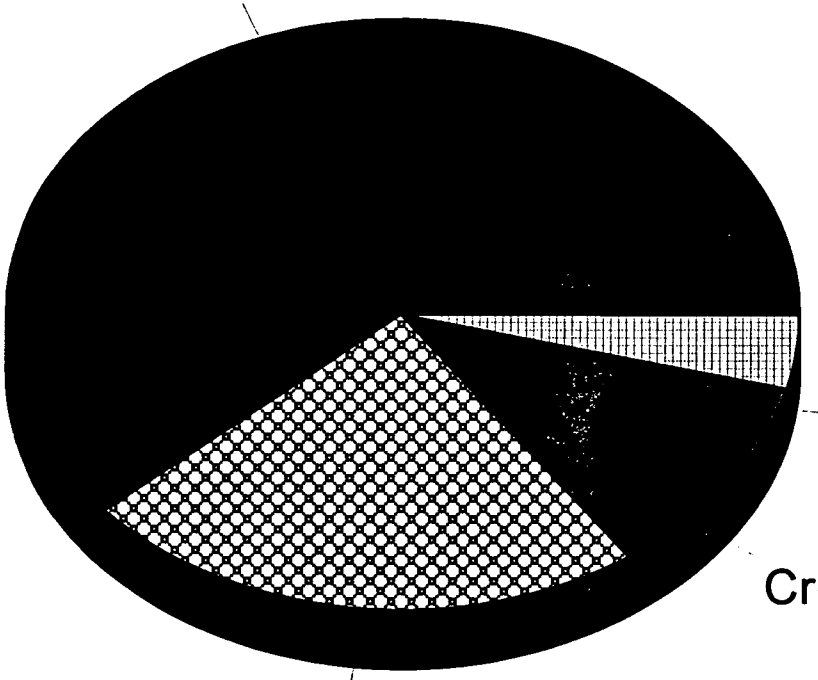
Selected Workload Statistics for 1997-98

- Criminal Justice Standards
  - 121 Denials/Suspensions/Revocations
  - 19 Hearings Requested
  - 12 Final Agency Decision
  - 366 Test Delivered
  - 277 On-Site Contacts

- Sheriffs' Standards
  - 362 Investigations
  - 83 Decertifications

Division of Training and Standards

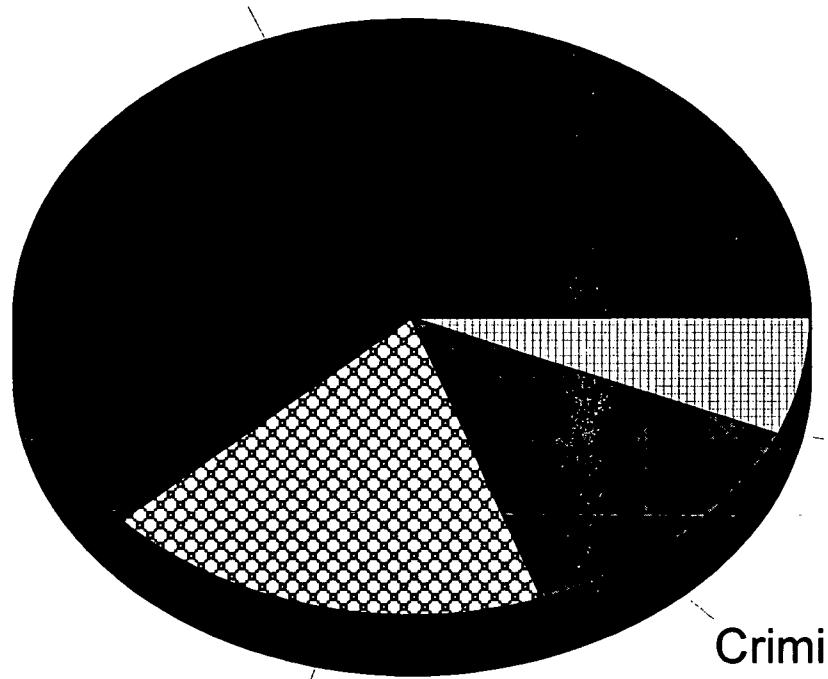
1998-99 Authorized General Fund Budget By Major Program



1998-99 Authorized Budget as of 12/31/98 per BD 701 is $$7.762.869

Division of Training and Standards

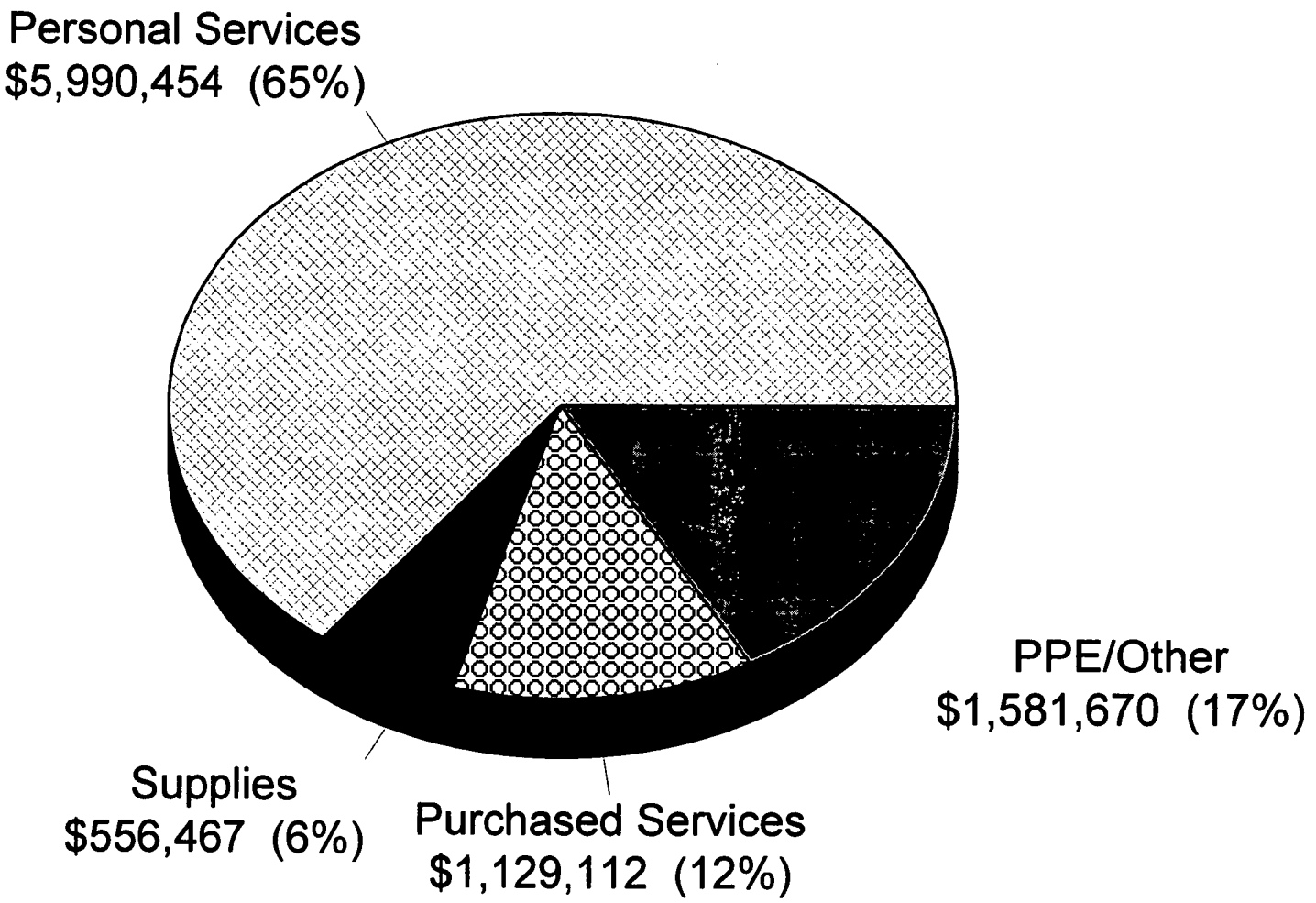
1998-99 Positions By Major Program



141.75 Authorized Positions for 1998-99 per the Budget Documents

Division of Training and Standards

Allocation of 1998-99 Authorized Budget by Purpose



Source: 1998-99 Authorized Expenditures per 12/31/98 BD701

Division of Training and Standards

General Fund Budget Growth

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
State Appropriations	$5,020,554	$5,471,109	$8,164,448	$7,762,869	$7,584,591	$7,593,075
Positions	104.25	107.25	138.75	141.75	141.75	141.75

Percentage Increase in CJTS budget is 54% since 1995-96.

Increase in funding and positions primarily attributable to opening of western campus of NC Justice Academy

Major Changes in Continuation Budget Request: None

Division of Training and Standards

Major Budgetary Actions

- Eastern Justice Academy
  - FY99 - Funds for 3 additional housekeeping/maintenance positions and funds to replace classroom ~~buildings~~ furniture on a rotating basis ($55K)
- Western Justice Academy
  - Acquisition
    - $1.47 million appropriated by 1995 General Assembly for design, planning and purchase of real property
    - $9 million provided from Reserve for Repairs and Renovations between 95 & 97.
    - Dormitory (70 capacity) expected to be completed in Fall 1999
  - Operating
    - FY 97 - on-site office, contractual services for maintenance, housekeeping & security ($108K)
    - FY 98 - Funds for personnel (26 positions), operations and start up cost to allow for January 1998 opening. ($491K recurring and $2.5 million nonrecurring)
    - FY99 - Operating funds ($1.75 million)

Division of Training and Standards

Major Budgetary Actions

- Criminal Justice Standards
  - Funds to enhance the investigations of violations of training delivery and certification rules (5 positions @ $205K in FY97 and $266K in FY98)
- Sheriffs' Standards
  - Funds for the Commission to establish minimum employment, training and retention standards for telecommunicators (3 positions @ $77K in FY97 and $132K in FY98)

Division of Training and Standards

Issues for Discussion

- Operating Funds for Dormitory at the Western Justice Academy
  - Under construction and scheduled to open in Fall 1999
  - Operating funds not included in the continuation budget for 1999-2000

Department of Justice

Overview of the State Bureau of Investigation

Joint Appropriations Subcommittee on Justice and Public Safety
March 16, 1999

Attachment B

State Bureau of Investigation

- Mission
  - Conduct criminal investigations of allegations where the Bureau has original jurisdiction: narcotics, arson, election law, state property, environmental crimes, child sexual abuse in day care centers
  - Provide assistance to local law enforcement agencies in the area of criminal investigation, fingerprint identification, crime laboratory services
  - Maintain and operate a computerized telecommunications system for law enforcement

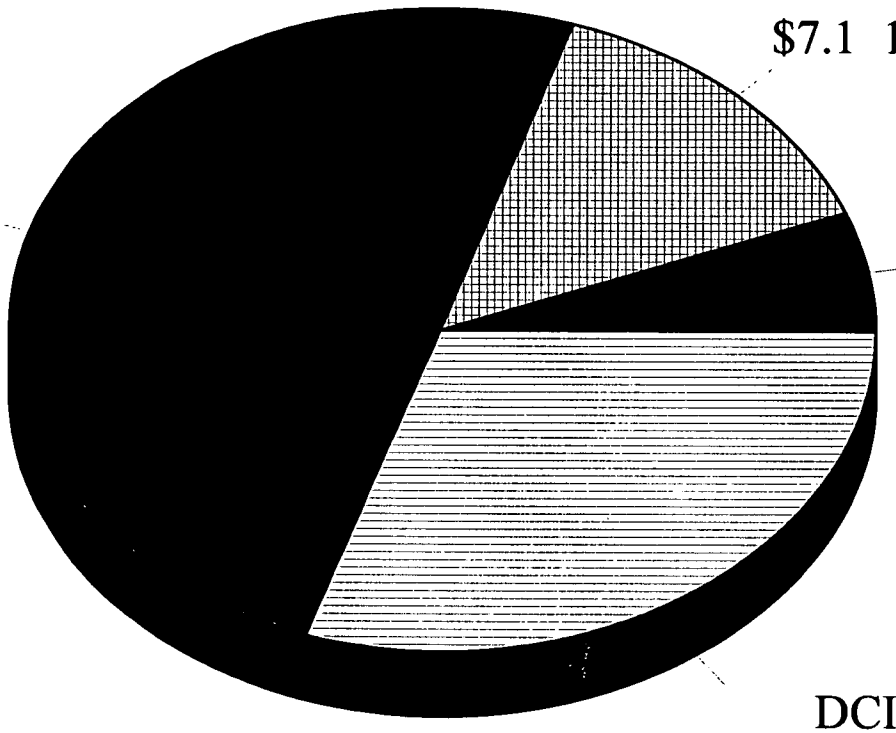
State Bureau of Investigation

Major Units

- Field Investigations
- Laboratory Services
- Division of Criminal Information
- Administrative Services

State Bureau of Investigation

1998-99 Authorized General Expenditures by Major Programs

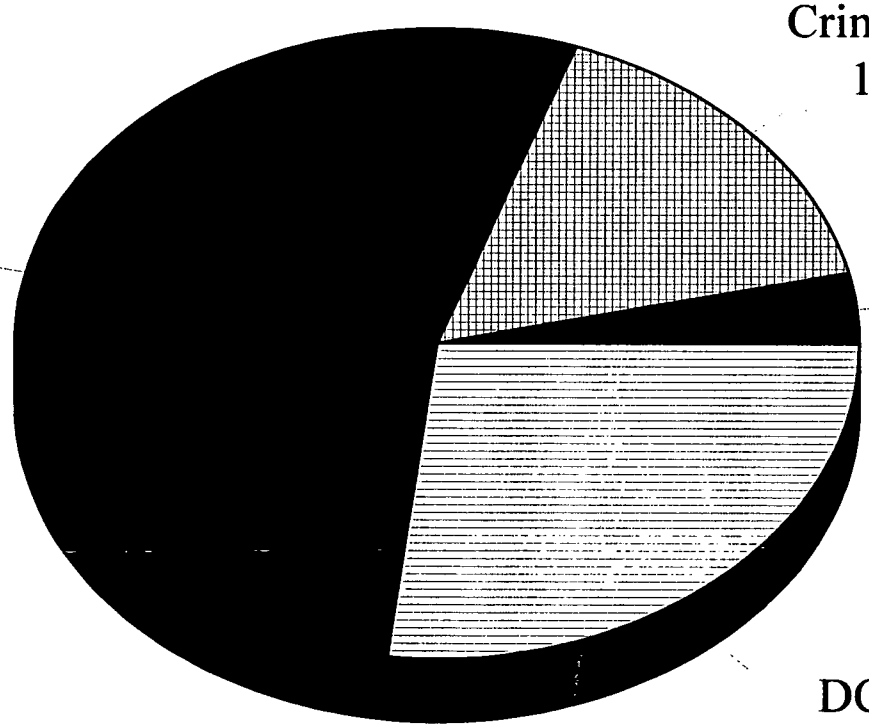


1998-99 Authorized
Exp = $49.4 m
Rev = $ 6.5 m
App = $42.9

Source: SBI & 12/31/98 BD 701

State Bureau of Investigation

1998-99 Authorized Positions by Major Unit



623 Positions
Authorized for 1998-99

Source: Budget Documents/SBI

State Bureau of Investigation

Sworn vs. Non-Sworn Positions

- Sworn
  - Total Positions
    - 344
  - Administration
    - 5
  - Crime Laboratory
    - 73
  - Field Investigations
    - 255
  - Div. of Criminal Information
    - 11

- Non-Sworn
  - Total Positions
    - 278
  - Administration
    - 17
  - Crime Laboratory
    - 28
  - Field Investigations
    - 78
  - Div. of Criminal Information
    - 155

Field Investigations

- Purpose
  - Conduct criminal investigations in areas of original jurisdiction or in areas of request by federal, state, or local law enforcement agencies
- Units
  - Field Operations -- coordinates criminal investigative activity
  - Field Support -- Air Wing, DARE, Records Center
  - Special Investigations --
    - Internal affairs, judicial standards, corruption, police shootings, excessive force and death in custody
    - Financial Crimes, Diversion and Environmental Crimes, Intelligence and Technical Services
  - Human Resources -- personnel, career development/training, safety program, recruitment, community relations

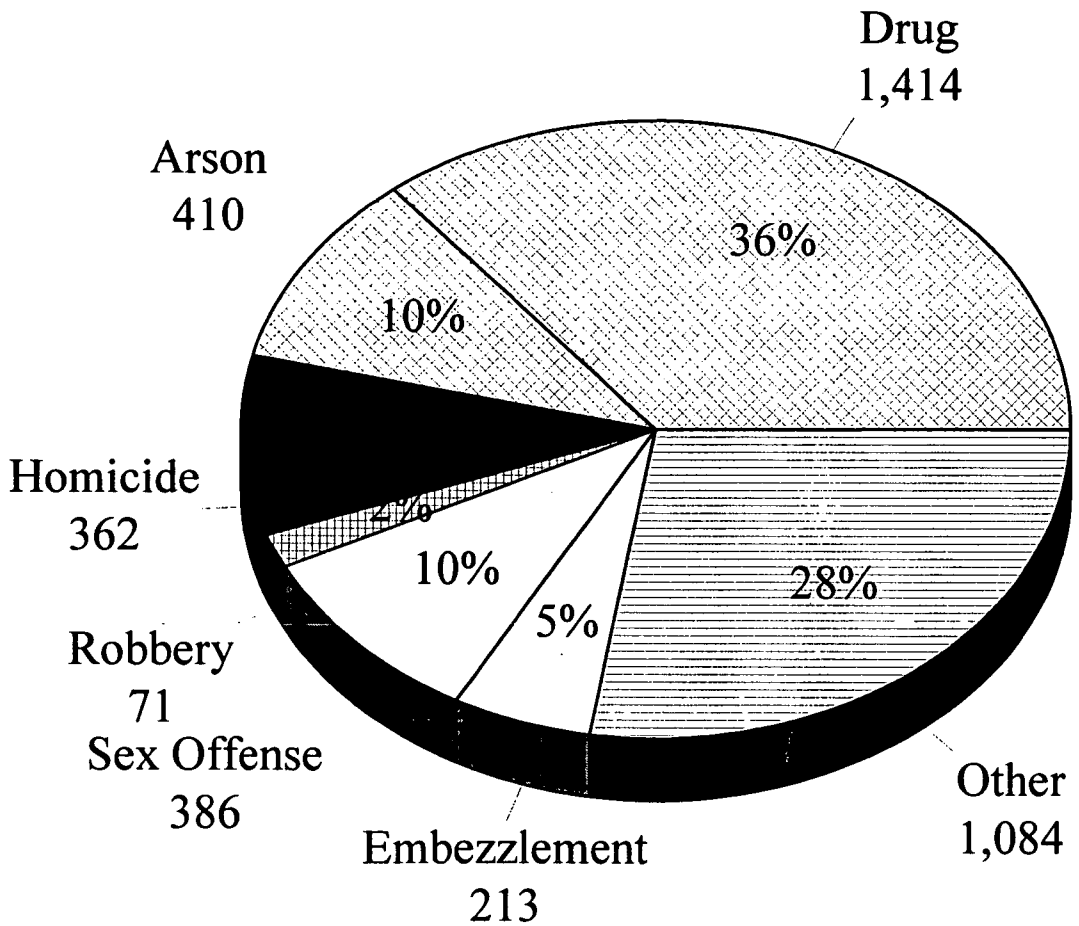
Field Investigations

Field Districts

Field Districts	Counties Served	Sworn Personnel	Criminal Cases Initiated	% of Total Cases
Coastal: Jacksonville	10	25	479	12.2%
Northeastern; Greenville	23	27	520	13.2%
Southeastern: Fayetteville	10	22	342	8.7%
Capital: Raleigh	10	25	646	16.4%
Northeastern Piedmont: Greensboro	9	23	418	10.6%
Southern Piedmont: Charlotte	9	26	457	11.6%
Northwestern: Hickory	13	21	370	9.4%
Western: Asheville	16	25	575	14.6%
Diversion and Environmental Crimes	Statewide	10	71	1.8%
Financial Crimes	Statewide	8	62	1.5%
Total		212	3940	100.0%

Field Investigations

Selected Workload Statistics -- New Cases Initiated



Source: SBI

Laboratory Services

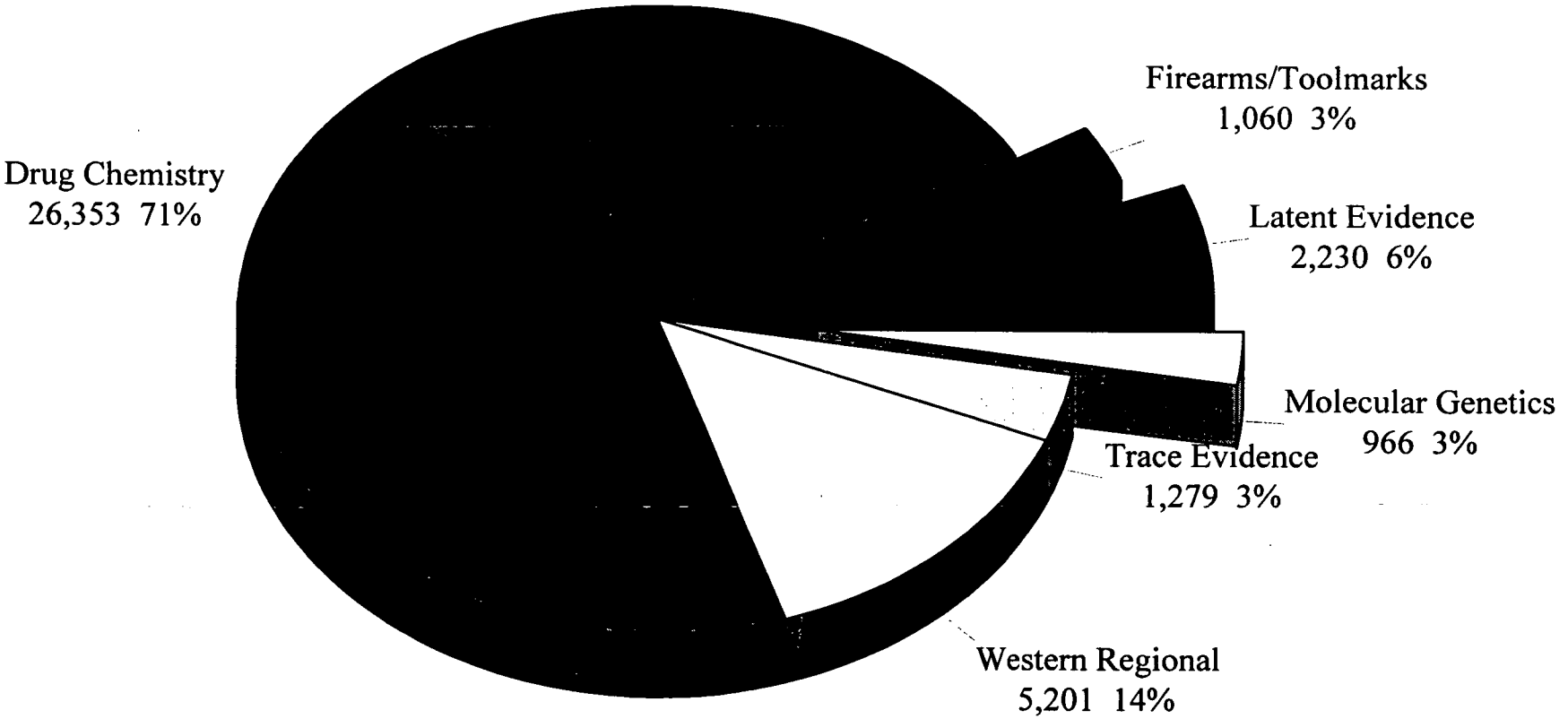
- Purpose
  - Conduct all forensic analysis of evidence in criminal investigations for the SBI and all other law enforcement agencies in the state

- Units
  - Raleigh Crime Lab
    - 6 lab sections (Drug Chemistry, Questioned Documents, Firearms & Toolmarks, Trace Evidence, Latent Evidence, Molecular Genetics)
    - Evidence Control Sections and Support Section
  - Western Regional Lab -- Asheville
    - Drug Chemistry, Latent Evidence, Trace Evidence

Laboratory Services

1997-98 Selected Workload Statistics

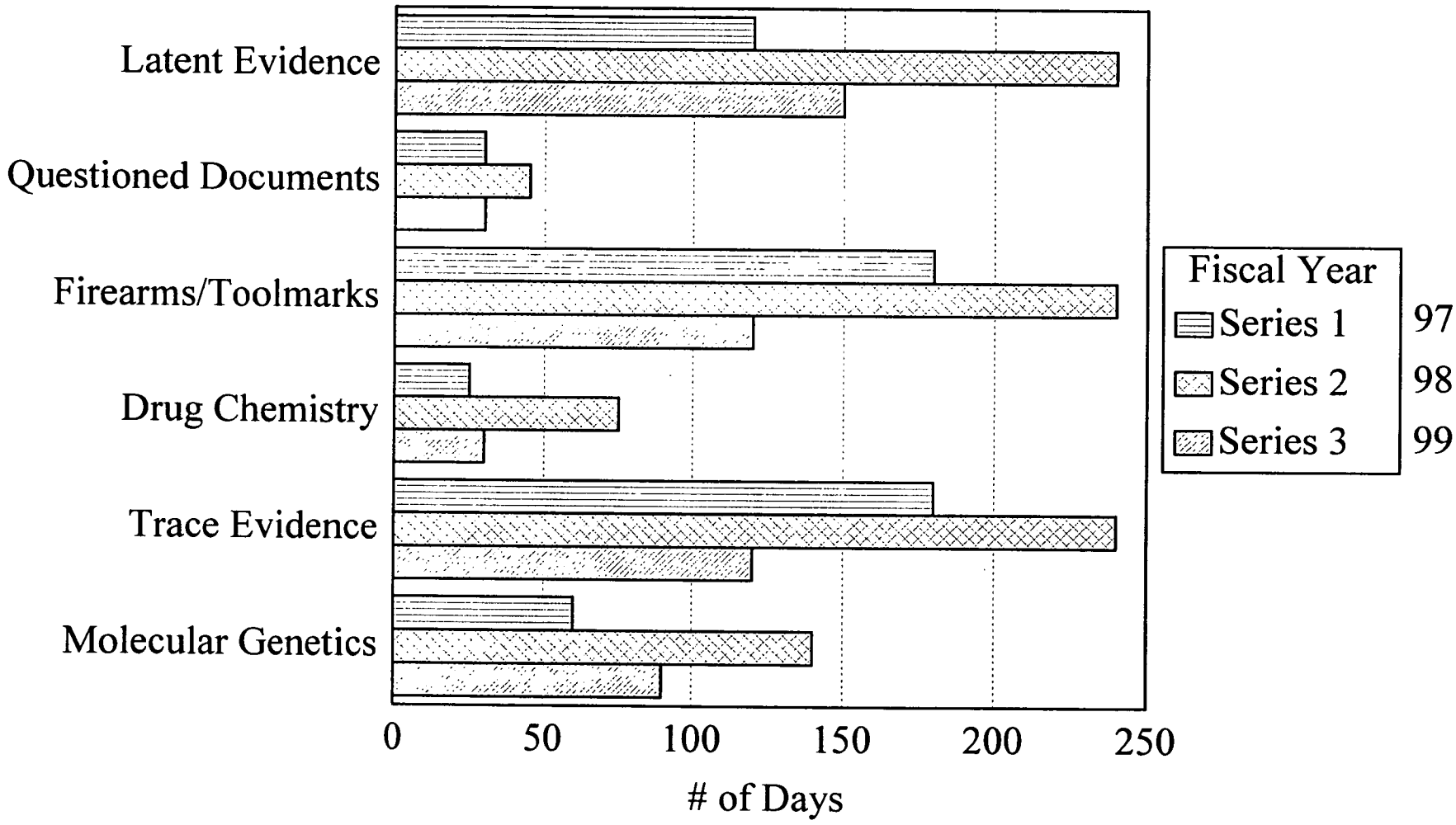
Total Cases 37,270; Raleigh = 32,069; Western = 5,201



Source: State Bureau of Investigation

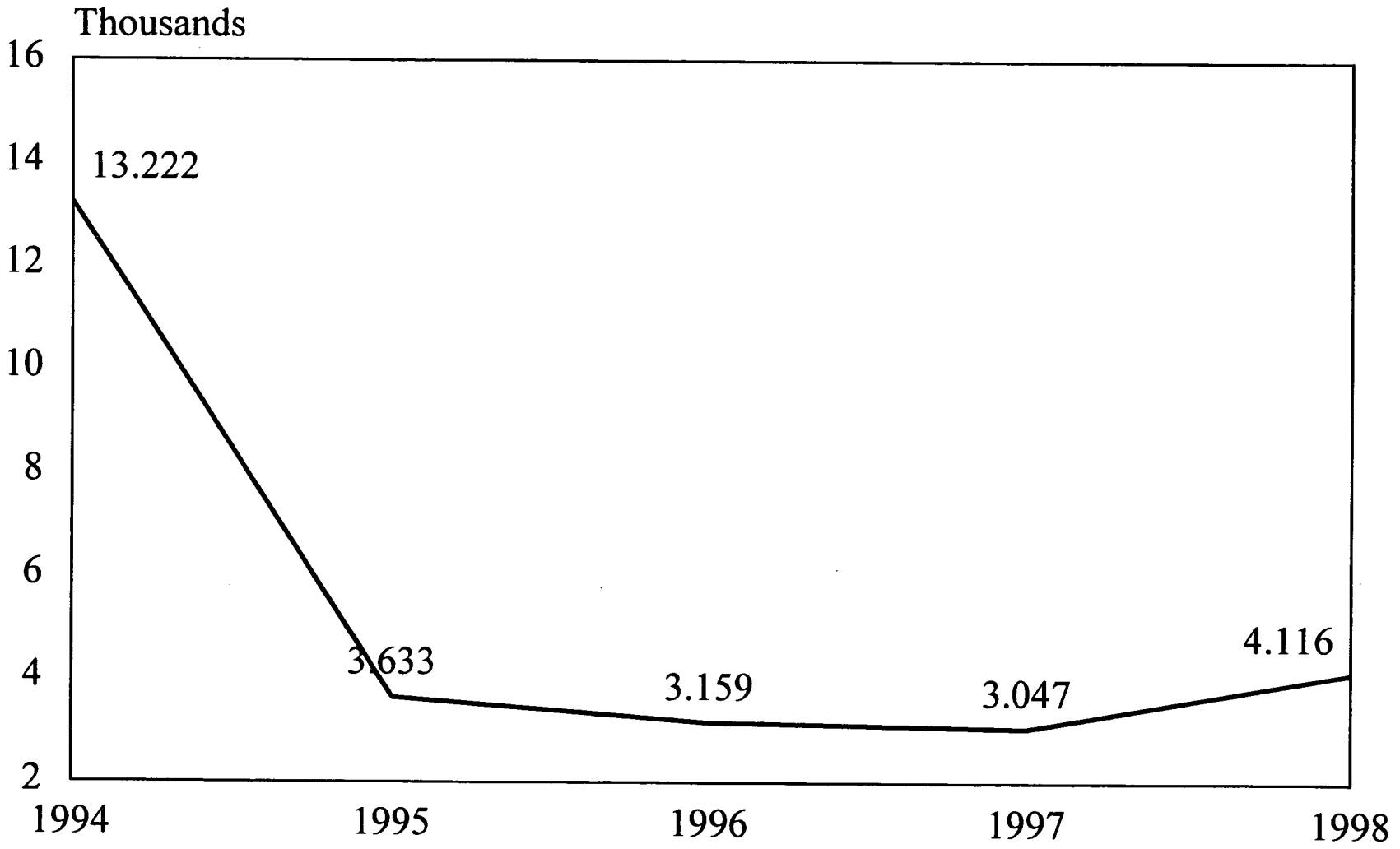
Laboratory Services

Average Turn - Around - Time



Laboratory Services

DNA Database Samples



Source: SBI

Division of Criminal Information

- Purpose
  - Teleprocessing and data retrieval system that supports all law enforcement and criminal justice agencies in the state
    - Links systems w/in NC and throughout the nation
    - Provides equipment, furnishes training and maintenance for the network
    - Serves more than 560 agencies

  - Sections
    - Computer Operations, Crime Reporting and Field Services, Data Processing, Identification, Telecommunications & Administration

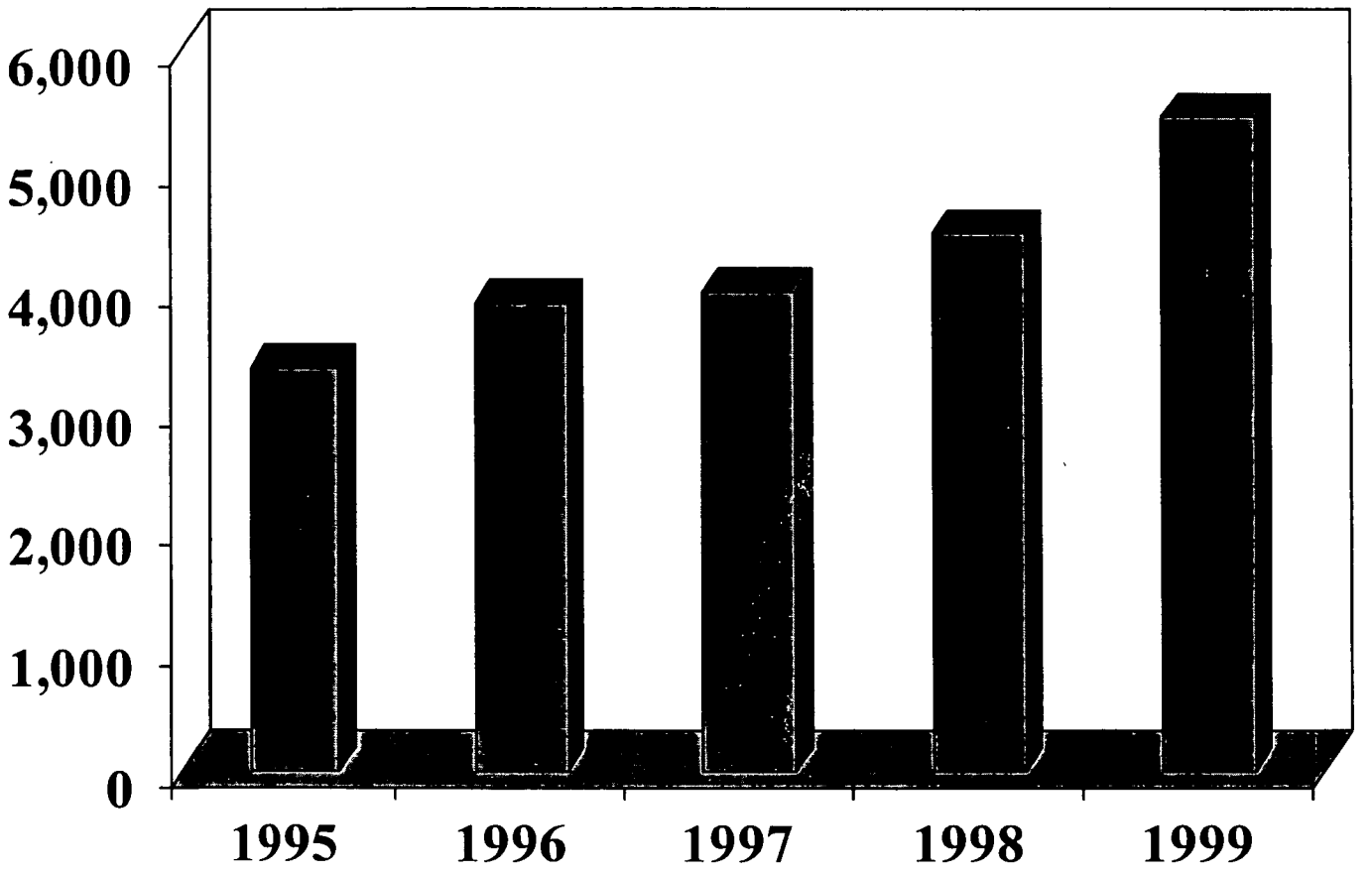
Division of Criminal Information

DCI Linked Systems

- Databases Maintained By DCI
  - Criminal History Record
    - AFIS
  - Sex Offender Registry
  - Concealed Handgun
  - Domestic Violence Orders
  - Crime Reporting

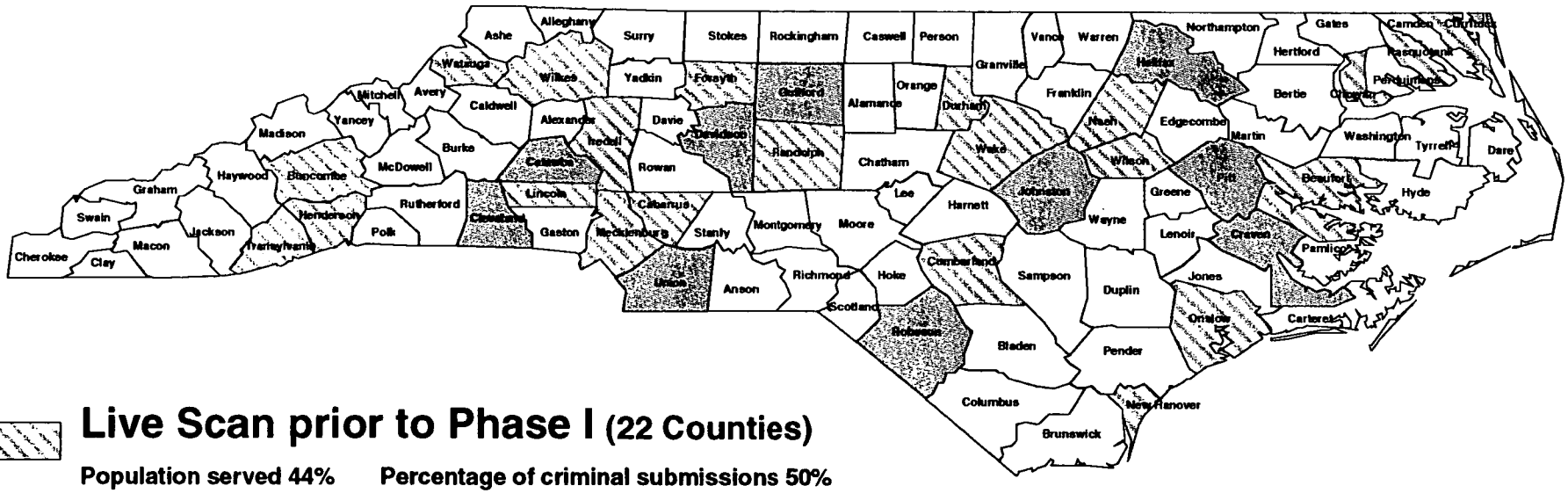
- Other Systems To Which DCI Has Access
  - NC - DMV
  - National Crime Information Center (NCIC)
  - National Law Enforcement Telecommunications System (NLETS)

Division of Criminal Information
Number of Terminals



North Carolina SAFIS

Live Scan Implementation



Live Scan prior to Phase I (22 Counties)

Population served 44% **Percentage of criminal submissions 50%**

Live Scan - Phase I (10 Counties) October 1998

Population serve 18% **Percentage of criminal submissions 14%**

Live Scan - Phase I (32 Counties) Jan - Mar 1999

Population served 26% **Percentage of criminal submissions 19%**

Live Scan - Phase II

(36 Counties) Fall 1999

Population served 12%

Percentage of criminal submissions 17%

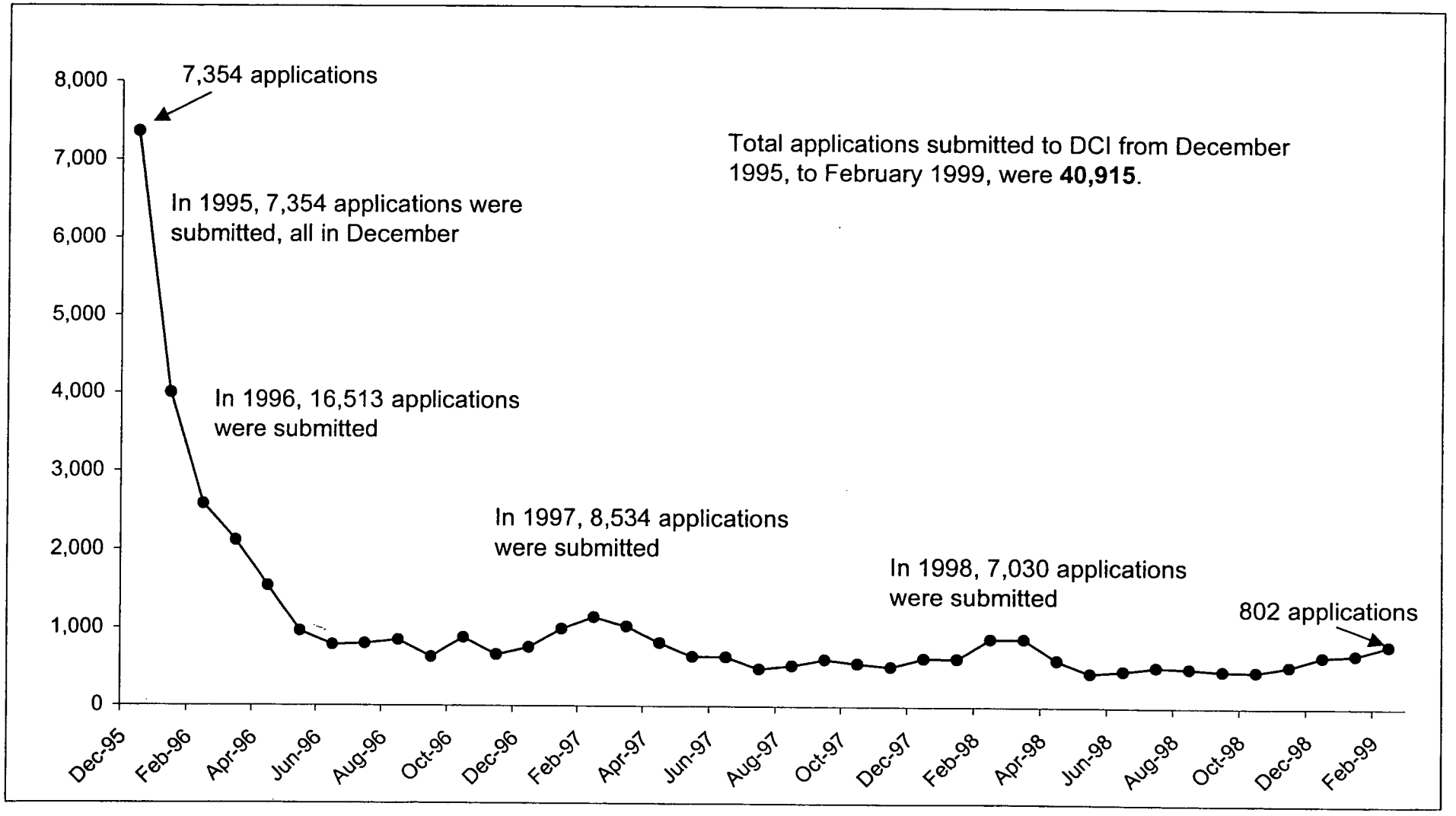
The Chowan CO SO live scan device is not electronically interfaced to the NC SAFIS at this time.

SBI - Division of Criminal Information

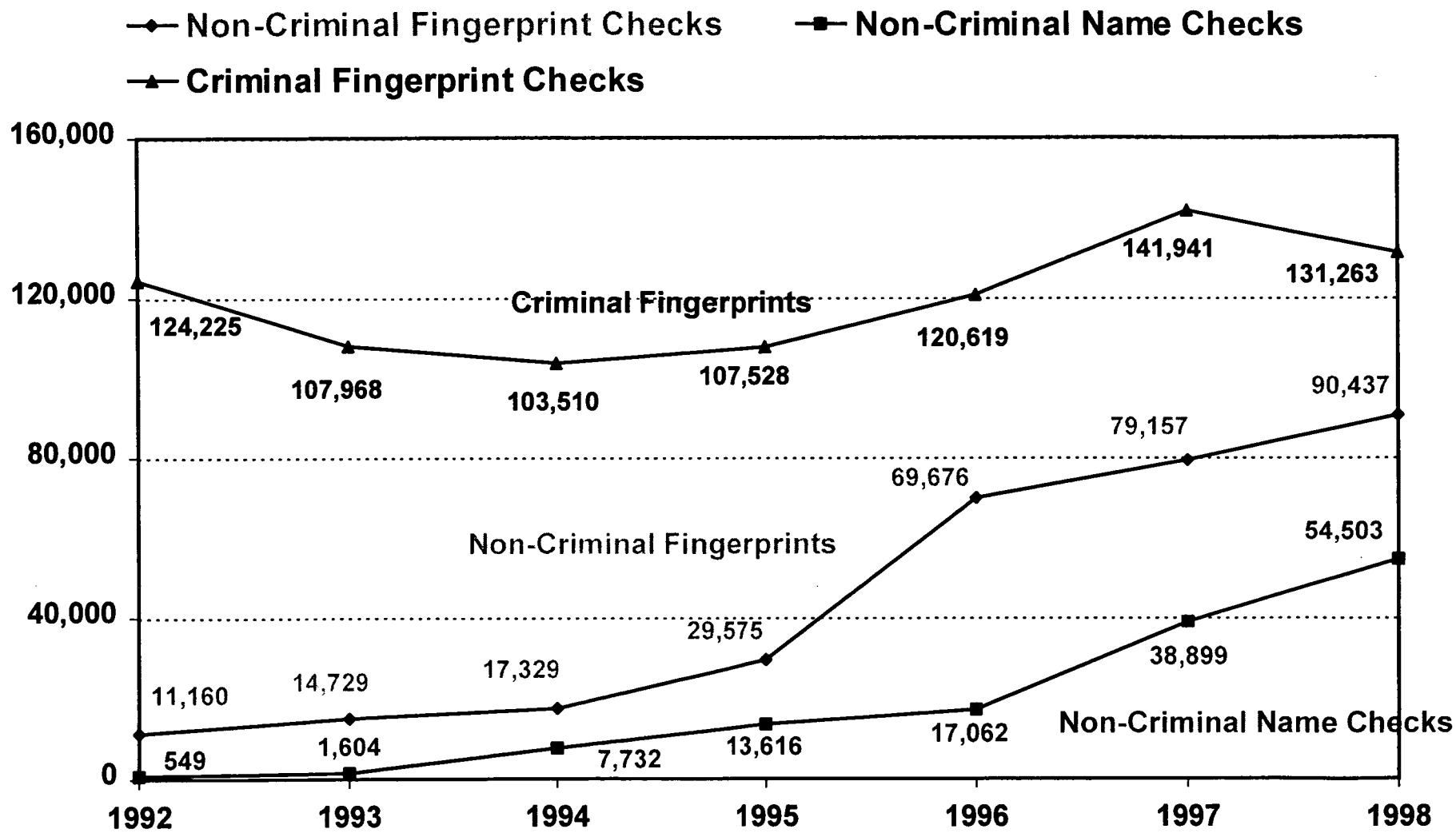
March 8, 1999

Concealed Handgun Permit Applications Submitted to SBI/DCI

December 1995 to February 1999



Name and Fingerprint Checks
1992 - 1998



State Bureau of Investigation

Revised 1/26/99

State Bureau of Investigation

General Fund Budget Growth

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$40,808,143	$40,953,865	$46,658,507	$49,459,878	$46,427,946	$45,509,751
Less Receipts	($7,996,031)	($5,155,700)	($7,331,793)	($6,540,995)	($3,785,256)	($3,657,756)
State Appropriations	$32,812,112	$35,798,165	$39,326,714	$42,918,883	$42,642,690	$41,851,995
Positions	603.00	603.00	626.00	623.00	623.00	623.00

Percentage Increase in SBI Budget is 30% since 1995-96.

- Pay Equity for SBI Agents
- Additional SBI Agents
- DCI Technology Improvements/Staff

Major Changes in Continuation Budget Request: None

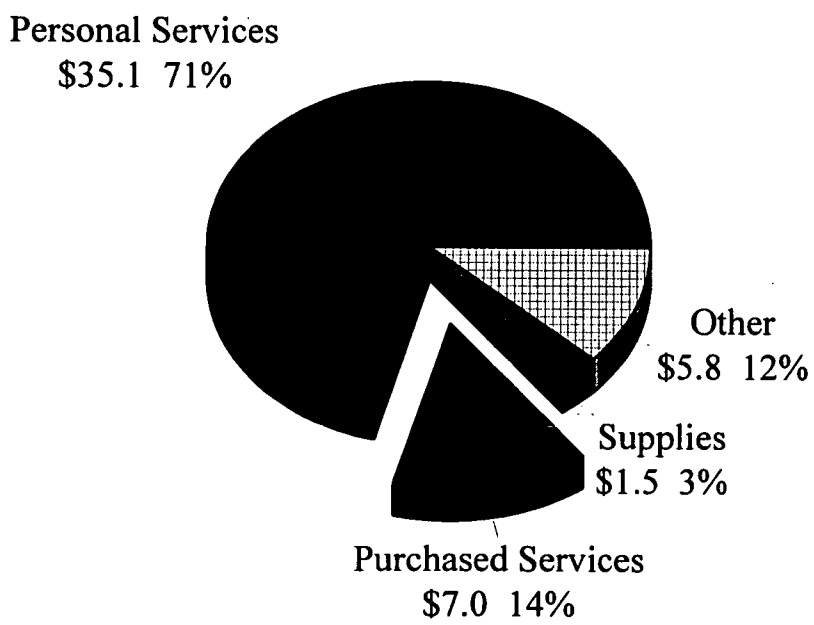
- Vehicle Replacement 83% increase

State Bureau of Investigation

General Fund Budget By Purpose

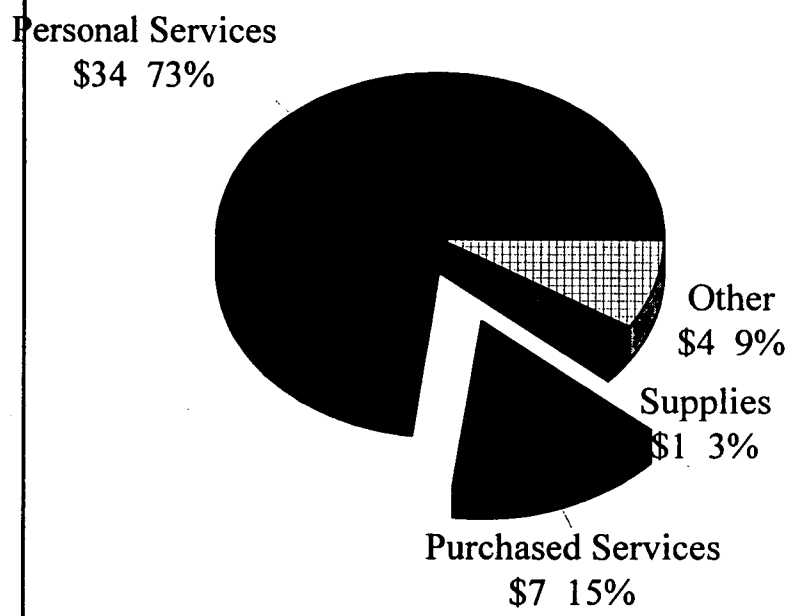
Authorized for 1998-99

$ in millions



Recommended for 1999-2000

$ in millions



Source: 12/31/98 BD701 and 1/28/99 Worksheet 1s

State Bureau of Investigation

Major Budgetary Actions

- Field Investigations
  - 16 new agents
  - Pay equity adjustments for sworn officers
  - Reduced funding for overtime (cut by 50%)
  - Increased scheduled for replacing vehicles to 80K miles

- Laboratory Services
  - One-time funding for scientific supplies

- DCI
  - Funding for 5 new positions (2 computer consultants, 2 fingerprint technicians, 1 processing assistant) and technology improvements
  - Funding to develop various changes to the Sex Offender Registration Program
  - Funding for 3 computer operators to provide 2 person coverage on all shifts

- CJIN
  - One-time funding to continue developing data sharing standards and to expand AFIS
  - Funding for a CJIN Coordinator Position

State Bureau of Investigation

Issues for Discussion

- DCI Fees for Background Checks
  - Actual receipts are exceeding budgeted receipts
  - OSBM study on feasibility of adjusting fee schedule is due April 1st

- DCI Continuation Funds for Equipment Lease
  - Last Payment ($2.26 m) on lease/purchase agreement is due in 1999-2000 but same level of funding is included in the 2000-2001 budget
  - Funding of approx. $1.1 m (rather than $2.26 m) is needed to continue the software lease in 2000-2001

- Vehicle Replacement
  - 83% increase from $1.02 m to $1.9 m in 1999-2000
  - Increase allows replacement of cars at 80K miles and trucks at 100K miles

RESPONSES TO SUBCOMMITTEE QUESTIONS ON LEGAL SERVICES

I. MEDICAID FRAUD INVESTIGATION UNIT

1997-98 Expenditures: July 1, 1997—June 30,1998	$1,373,310 Total $1,022,644 Federal Receipts (75%) $ 350,666 Net State Expenditure
1997-98 Recoveries October 1, 1997—Sept 30, 1998 Federal Fiscal Year	$2,209,586.00

Funds that are paid for Medicaid overpayments as a result of investigations by the Medicaid Investigations Section are deposited in the Health Care Trust Fund which is administered by the DHHS Division of Medical Assistance(DMA). The Department of Justice does not retain the funds it recovers for Medicaid overpayments.

Attached explanation of how funds recovered are disbursed among state, local and federal agencies.

II. TOBACCO SETTLEMENT ATTORNEYS FEES

The Tobacco Settlement Agreement provides that the State will be reimbursed for reasonable costs and attorneys fees. Our office will submit the request for North Carolina's costs and attorneys fees to the National Association of Attorneys General by the end of this week. The exact amount has not been calculated yet, but we estimate that the total will be around $500,000. DOJ will not retain the funds. It will go either to the Settlement Reserve Fund or the General Fund.

RECOVERY OF MEDICAID FUNDS FROM A PROVIDER

Example: a Medicaid services provider has been required to refund $10,000 to the Division of Medical Assistance (DMA) because of fraudulent billing in a single county.

1	The $10,000 is deposited into a state account when received by DMA	$ 10,000
2	The U.S. Department of Health and Human Services is credited on the next drawdown of federal Medicaid funds (63.08% of $10,000) 63.08% is the Federal Financial Participation rate 36.92% is the state/county participation rate	6,308
3	The county involved is credited in the month transaction completed (15% of 36.92% of $10,000) Counties are required by statute to pay 15% of the state/local rate	554
4	DMA retains the state portion for future Medicaid payments (85% of 36.92% of $10,000)	3,138
	TOTAL ITEMS 2+3+4	$ 10,000

8:30

VISITOR REGISTRATION SHEET

Appropriations/Justice & Public Safety March 16, 1999

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Buck Humphrey	OSBM
Larry Dix	Office of Juvenile Justice
Denise A. Jessoms	DOC
Melissa Lavell	DOJ
Doc Hoggard	DOJ
Faryn Johnson	DOJ
Darrell Gerneal	SBI
James J. Coman	SBI
Bryan Beatty	DOJ
Chuck Crane	CSR
Kevin D. Howell	Gov's Office
Ron Hawley	SBI
Simon Rabon	DOJ
Leo Rappaport	CJPL
A. A. Adkins	Victim Advocate
Howard Lanier	N.C. Gov

Attachment E

DEPARTMENT OF JUSTICE

SPECIAL PROVISIONS, VACANCIES AND FOLLOW-UP ITEMS

JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

March 16, 1999

SB 1366

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 18.1. (a) Section 20.4 of S.L. 1997-443 reads as rewritten:

"Section 20.4. Any ~~proposed increase in mainframe computer capacity or~~ major new computer system or major computer system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, or the Department of Crime Control and Public Safety, to be funded all or in part from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, and to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety before the department enters into any contractual agreement. A major computer system upgrade includes any proposed enhancement, modification, or capacity increase to the computing and telecommunications infrastructure or to program applications where the total cost is anticipated to exceed five hundred thousand dollars ($500,000). This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department."

Section 18.1

Title: Limits on Computer System Upgrade

Summary Requires the Judicial Department and the Departments of Correction, Crime Control and Public Safety and Justice to report to Governmental Operations and to Appropriations prior to any contractual arrangements using continuation budget funds for major computer system upgrade. Major upgrades include projects with total cost over $500,000. Revises a provision that has been in budget for several years in order to clarify which projects require a report.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 18.2. (a) The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 1999, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards.

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board.

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

Section 18.2

Title: Criminal Justice Information Network Report

Summary Requires a March 1, 1999 report to Appropriations Chairs and to Fiscal Research on the long term costs and progress in creating the CJIN network. Also increases size of the Board from 15 to 19, adding 4 more representatives of the Administrative Office of the Courts. With this change AOC will have 6 representatives; a District Attorney, a Clerk, 2 Trial Court Judges, 1 Magistrate, and the Director of the AOC or their designate. Appointments shall be based upon the recommendations of the Conference of District Attorneys, the Magistrates Association and the Association of Clerks.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT AND TO EXPAND THE NUISANCE ABATEMENT TEAM

Section 18.5. (a) Assets transferred to the Department of Justice during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1997-99 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the 1998-99 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly. ~~except during the 1998-99 fiscal year, the Department of Crime Control and~~ Public Safety may use ~~an amount~~ not to exceed ~~the sum~~ of fifty-seven thousand nine hundred fifty-nine dollars ~~($57,959) of~~ forfeiture funds to provide the required twenty-five percent (25%) ~~match~~ for a grant ~~awarded by~~ the Governor's Crime Commission to ~~expand~~ the Nuisance Abatement Team of the ~~Division of~~ Alcohol Law Enforcement. Any positions created with the grant funds shall terminate at the end of the grant period.

(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

Section 18.5

Title: Use of Seized and Forfeited Property

Summary Requires Departments of Correction, Crime Control and Public Safety, Justice and Judicial to report to Governmental Operations on the intended use of any assets received. During 1998-99, Department of Justice may use up to $75,000 of these assets to lease classroom space in Salemburg and storage space in Raleigh for its technical operations unit without prior report to these committees.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton, Holmes, Esposito, Creech, Crawford

SBI USE OF COURT-ORDERED REIMBURSEMENT FUNDS

Section 18.6. Section 20.2 of S.L. 1997-443 reads as rewritten:

"Section 20.2. The State Bureau of Investigation (SBI) may use funds available from court-ordered reimbursement in undercover drug operations. Any funds received from the court may be budgeted upon receipt from the court and may be used in addition to any funds appropriated by the General Assembly."

Section 18.6

Title: SBI Use of Court Ordered Reimbursement

Summary Will allow SBI to use all court ordered reimbursement funds for undercover drug operations. Currently they can not use any funds until a certain amount is received each year.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

SBI FUNDS/SPENDING PRIORITIES

Section 18.8. Section 20.1 of S.L. 1997-443 reads as rewritten:

"Section 20.1. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1997-99 biennium for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations ~~Division; and~~ Division and in the crime laboratories; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1997, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual."

Section 18.8

Title: SBI Funds/Spending Priorities

Summary Clarifies a 1997 provision that the first priority for payment of SBI overtime shall be to SBI agents in the Field Division and those in the crime laboratories.

Requested by: Senators Gulley, Ballance, Rand

DEPARTMENT OF JUSTICE SALARY ADJUSTMENTS

Section 20. Of the funds appropriated in this act to the Department of Justice, the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1997-98 fiscal year and the sum of ninety-three thousand four hundred fifty-three dollars ($93,453) for the 1998-99 fiscal year may be used to increase the salaries of attorneys who are eligible for salary adjustments based upon outstanding job performance for the preceding year.

SB352

Section: 20

Title: **Department of Justice Salary Adjustments**

Summary: Authorizes the Department to use $93,453 for salary adjustments for attorneys based upon outstanding job performance.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Section 20.3. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

Section: 20.3

Title: **Private Protective Services and Alarm Systems Licensing Board Pay for Use of State Facilities and Services**

Summary: Clarifies that boards pay for use of physical facilities and services provided by the State Bureau of Investigation (Department of Justice).

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

Section 20.5. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

Section: 20.5

Title: **Certain Litigation Expenses to be Paid By Clients**

Summary: Continues provision which authorizes the Department to seek reimbursement for litigation and other costs attributed to work completed for client departments, agencies, or boards.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Section 20.6. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

Section: 20.6

Title: **Reimbursement for UNC Board of Governors Legal Representation**

Summary: Continues provision which requires the Board of Governors to reimburse the Justice Department for two Attorney III positions for legal representation provided to the UNC System.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

DEPARTMENT OF JUSTICE RECORD CHECKS FUNDS AND REPORTS

Section 20.8. (a) The Department of Justice may use, for each year of the 1997-99 biennium, the sum of up to two hundred ten thousand five hundred sixty-three dollars ($210,563) to add up to five positions in the State Bureau of Investigation to facilitate record checks for concealed weapons permits. The Office of State Budget and Management may adjust the allotment of appropriations to the Department of Justice until receipts are realized. The Department of Justice may fund one and one-half positions per 10,000 record checks for concealed weapons permits. If the total number of annual criminal record checks performed by the State Bureau of Investigation falls below the level of 5,000 checks, the number of positions shall be reduced to one.

(b) The Department of Justice shall report by January 15 each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the receipts, costs for, and number of criminal record checks performed in connection with applications for concealed weapons permits. The report by the Department of Justice shall also include information on the number of applications received and approved for firearms safety courses.

Section: 20.8

Title: **Department of Justice Record Checks Funds and Reports**

Summary: Allows the Division of Criminal Information to use the sum of up to $210,563 to create up to five positions to facilitate record checks for concealed weapons permits. The provision requires the SBI to reduce positions if the number of checks being completed are not equal to the formula of 1.5 positions for every 10,000 checks. The provision also requires the Department of Justice to report on the amount of receipts and the number of checks performed each year to the General Assembly.

VACANCY LIST
6 months as of 3/15/99

Pos. No.	Class.	Supervisor	GR	Date Vacated	Comments or Vacated By:	Posting Date	Location
185	Paralegal II	R. Haskell	67	6/22/98	position filled	1/27/99	Labor
4208	Crim Info Trg Spec	J. Coman	68	6/29/98	position has been offered	11/17/98	SBI-DCI
4217	Admin Sec III	J. Coman	62	4/30/98	position filled	1/15/99	SBI-DCI
2113	Chemist I	J. Coman	72	6/8/98	to be filled at next academy in Sept. 1999	1/8/99	SBI-Drug Chemistry
2177	For Firearms Anal I	J. Coman	72	7/1/98	to be filled at next academy in Sept. 1999	1/13/99	SBI-Firearms/Toolmark
2236	Chemist I	J. Coman	72	8/31/98	to be filled at next academy in Sept. 1999	--	SBI-Documents
3037	SBI Agent I	J. Coman	70	8/14/98	to be filled at next academy in Sept. 1999	--	SBI-Field Operations
4059	Comp Opr-Sr	J. Coman	65	9/10/97	losing position effective June 30, 1999 based upon Governor's budget recommendations	9/21/98	SBI-DCI

Additional

86	Agency Legal Specialist III	77	Funded not established	Office of Inspector General

VACANCY LIST

Pos. No.	Class.	GR	Salary Range	Date Vacated	Posting Date	Location	Reason Still Vacant
352-R	Prog Asst V	61	$19,951-$31,909	1/12/98	1/15/1999 11/10/98 9/30/98 9/9/98	Env.	Discussed position design change with client; decided to leave at current level; unsatisfactory applicants; recently reposted.
4059	Comp Opr-Sr Gov's Budget eliminates this position SB1366 funded 3 additional	65	$23,382-$37,942	9/10/97	9/21/1998 11/24/97 9/30/97	SBI-DCI	There were unsatisfactory applicants and applicants who failed background checks.
4139-R	Fing ID Tech II	64	$22,470-$36,258	2/19/97	--	SBI-DCI-ID	Auth.by G/A on volume of handgun permits; filled initially due to high volume; volume dropped, pos. was vacated; not refilled in keeping with state law. Program cycles Dec. 99 which will increase volume above auth. limits, and we can fill the pos.
8360-R	Admin Asst. II	65	$23,382-$37,942	9/30/97	1/7/1999 8/28/97	SBI-PPS	Re-evaluating and modifying the job description to ensure the best use of the position on a permanent basis in conjunction with a study of overall staff.
8501-R	Admin Asst. II	65	$23,382-$37,942	7/1/97	1/7/99	SBI-PPS	Re-evaluating and modifying the job description to ensure the best use of the position on a permanent basis in conjunction with a study of overall staff.

12 months as of Feb. 1

R - re[illegible]ted

EXECUTIVE SUMMARY
FEE STUDY
NORTH CAROLINA JUSTICE ACADEMY
MAY 9, 1992

The North Carolina Justice Academy was directed by the General Assembly to study the possibility of requiring a student registration fee and to consider in this recommendation the actual costs, the merits of charging a fee, and the amount, if any, that should be charged. To that end, three specific steps were taken to make this determination.

First, the Office of State Budget and Management conducted a cost analysis study of the Academy budget (Attachment A). The analysis provides the following conclusions:

*It costs the Academy $100 for a person to stay and use the facilities of the Academy for one week.

*The total average instructional cost for a course delivered by the Academy is $200 per week per student.

*It would cost the Academy $65,000 per year to collect a fee.

Second, a survey was sent to the client groups that are served by Academy training and to training academies in other states. This data is summarized in Attachment B. Surveys were sent to criminal justice agency administrators, academies in other states, and North Carolina law enforcement officers(NCJA's largest client group).

*It presently costs agencies $100 per day to send an officer to Academy training(food, travel, replacement salary)

*15% of chiefs, 15% of sheriffs, and 12% of other respondent agencies do not have a training budget at all.

*Three-quarters of the respondent agencies have less than $10,000 in their training budget

***Chiefs**: 65% felt that if a fee were implemented, it would have a negative impact on their ability to train.

continued.....

***Sheriffs**: 70% felt that if a fee were implemented, it would have a negative impact on their ability to train.

***Officers:** 67% felt that the fee would have a negative impact on their ability to **get** training. This percentage increases to 80% if the officer is required to pay the fee or any portion of the fee.

*80% of the law enforcement officers felt that a fee would impact negatively on their future performance in their jobs.

Clearly, the responses from chiefs, sheriffs, agency administrators and law enforcement officers indicate that a fee would have a negative impact on the training of officers in our state.

Third, an advisory group of representatives of North Carolina's criminal justice community was convened. They studied the results of the cost analysis and the summary of the surveys (Attachment C). The advisory group decided that it is not advisable to charge a fee for services at the North Carolina Justice Academy based on the following reasons:

> **Sixty-six percent of North Carolina's law enforcement departments have a work force of 10 persons or less. Many of these small departments as well as the larger departments do not have a training budget that would allow them to absorb increased training costs to enhance the skills of their officers. It presently costs departments and localities an average of $100 a day per student to pay for replacement salary, travel, and food for training. If a fee is imposed, the amount of training for these officers would decrease. The quality of law enforcement in our state is of great concern to its citizens and their expectations are increasing due to recent events. The services of the North Carolina Justice Academy enhance the skills of law enforcement officers and should continue to be offered in its present format.**

No fee for services at the North Carolina Justice Academy is advisable at this time.

DISTRIBUTION OF PERSONNEL IN LEGAL SERVICES DIVISION

Accountant	1	
Admin Assistant	3	
Admin Officer	10	
Admin Secretary	11	
Computing Consultant	3	
Computing Support Tech	2	
Computer Systems Admin	3	
Data Entry Operator	1	
Info & Commun Specialist	1	**Support Staff**
Info Systems Mgr	1	
Office Assistant	4	
Processing Assistant	3	
Program Assistant	67	
Public Info Assistant	3	
Social Research Assist	1	
Subtotal	*114*	
Consumer Protection Specialist	7	
Consumer Protection Supervisor	1	
Deputy Director, Medicaid Fraud	1	
Medicaid Fraud Investigator	12	
Medicaid Fraud Supervisor	2	**Investigatory**
Special Investigator	1	
Tort Claims Adjuster	6	
Tort Claims Supervisor	1	
Volunteer Services Coord	5	
Volunteer Services Director	1	
Subtotal	*37*	
Attorney I	19	
Attorney II	76	
Attorney III	72	
Attorney IV	26	
Attorney Supervisor	25	**Legal**
Deputy Attorney General	6	
Paralegal	39	
Subtotal	*263*	
GRAND TOTAL	***414***	

Fiscal Research Division March 1999
Source: Office of State Personnel Data

EMPLOYMENT, EDUCATION, AND TRAINING STANDARDS FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

HB320 Section 87.(a) Effective July 1, 1999, the employees of the Department of Correction are no longer subject to the authority of the Criminal Justice Education Training and Standards Commission or the Criminal Justice Standards Division of the Department of Justice for any purposes. The Department of Correction is given the authority to establish an independent, five-member Board, to issue professional certifications to the employees of the Department of Correction. The Board selections shall be made as follows: one each to be appointed by the Secretary from recommendations made by the North Carolina Correctional Association, the North Carolina Probation/Parole Association, the Director of the Division of Prisons, and the Director of Community Corrections. The Secretary shall appoint a Chair for the Board. The Board shall have the powers to establish minimum education, experience, and training standards, and to deny, suspend, or revoke a certification for failure to meet the requirements of, or comply with, standards and rules adopted for this purpose, consistent with G.S. 126, for designated employees within the Department of Correction. The Board shall work with the Secretary of the Department of Correction in the establishment of standards and rules for professional certification. Notwithstanding any other provision of law, this section shall not restrict or revoke in any way the powers, duties, and benefits of the employees of the Department of Correction.

Section 87.(b) The Department of Correction may in accordance with existing general statutes use funds appropriated to the department to establish and maintain administrative support staff for this program.

I. ADDITIONAL INFORMATION ON SETTLEMENT RESERVE

Attached are a copy of a March , 1997 letter to recreation departments announcing available funds from the Reebok settlement, a September, 1997 memo to Jane Gray describing the program and a final list of grant recipients. Under existing law at that time, Mr. Easley was authorized to oversee disbursement of the funds. The court settlement was deposited to and disbursed from a special fund code within the Department of Justice. He was under no obligation to consult or notify the General Assembly.

According to the Department of Justice, since the Reebok court order specified how the funds were to be handled , these funds would be handled in the same fashion even under the new Settlement Reserve law. Since the funds would not be required to be deposited in the Settlement Reserve, DOJ would not be required to notify the General Assembly.

While the new Settlement Reserve would not affect the handling of cases like the Reebok settlement, it will affect other situations where the court order is less specific. I have also enclosed a copy of a letter to the Director of the NC Ports Authority from their attorney, outlining some concerns about the new Settlement Reserve.

II. COMPARISON OF PROCESS

ATTORNEY FEES TO SETTLEMENT RESERVE
(per Section 18.7, SB 1366 October 1998)

OSBM creates Settlement Reserve within General Fund.

Fees deposited to Settlement Reserve

General Assembly allocates funds from Settlement Reserve as part of 1999-2001 Budget

ATTORNEY FEES TO GENERAL FUND

Fees deposited to Department of Justice (43 5500)

Because these fees were not budgeted, they are over-realized receipts and by law, DOJ can not spend them without explicit approval by OSBM.

Funds are part of reversions from DOJ at end of Fiscal Year—Projected reversions are part of the availability figures used in determining 1999-2001 Budget but General Assembly does not specifically allocate these funds.

North Carolina Recreation and Park Society
Office Headquarters 833 Washington St., Raleigh, NC 27605
Ofc (919) 832-5868 Fax (919) 832-3323

MEMORANDUM

TO: All Municipal and County Directors

FROM: Mac Sligh, Chair
NCRPS Legislative committee

SUBJECT: Availability of Grant Funds

DATE: March 24, 1997

In conjunction with RRS and the State Attorney General's office, the NCRPS Legislative Committee would like to inform you that limited funding for "youth sport-related" improvement projects is now available. These funds are being administered by the North Carolina Attorney General's office derived from settlement monies awarded to each state from the Reebok & Rockport Shoe companies. Available funds only total between $40,000 and $50,000, and therefore, requests of the $2,500 to $5,000 range have the best chance of being awarded. Based on some earlier awards, most grants are going to small organizations or communities which have very limited resources, but demonstrate an ability to (1) match the requested amount and/or (2) show long term benefits of how the project could positively affect users of this facility.

Anyone interested in submitting a request for these funds should do so by or before April 15, 1997. Applications should be sent to:

Michael F. Easley, Attorney General
NC Department of Justice
PO Box 629
Raleigh, NC 27602

If you have any questions, please feel free to call Mike Waters at the NCRPS office at (919) 832-5868 or Ms. Carrie Hepp at (919) 715-5700.

MICHAEL F. EASLEY
ATTORNEY GENERAL

State of North Carolina
Department of Justice
P. O. BOX 629
RALEIGH
27602-0629

MEMORANDUM

TO: Jane Gray

FROM: Cari Hepp CPH

+ 6

DATE: September 25, 1997

RE: Request for Information on Reebok/Rockport Grant

The State received a total of $211,114 through the Reebok/Rockport settlement.

We received nearly 100 written applications and a substantial number of oral requests totaling more than $700,000 in requested funds. Unfortunately, there are simply not enough funds available to meet every organization's request.

The money has been distributed to the following:

Organization	***Location***	***Grant Amount***
Community Boys & Girls Club	Wilmington	$10,000
Steele Creek Athletic Assn.	Charlotte	$15,000
Fayetteville Soccer Assn.	Fayetteville	$25,000 lend dancte
Rocky Mt. Dept. of Parks and Rec.	Rocky Mount	$15,000
Bunn High School	Bunn	$5,000
Williamston Youth Baseball League	Williamston	$5,000
CASL/WRAL Soccer Complex	Raleigh	$5,000
Pitt/Greenville Youth Soccer Assn.	Greenville	$25,000
Greensboro Youth Soccer Assn.	Greensboro	$25,000
Rocky Mount YMCA	Rocky Mount	$25,000
Mitchell Family YMCA	Spruce Pine	$2,000
John Avery Boys & Girls Club	Durham	$5,000
Roanoke Rapids Parks & Rec.	Roanoke Rapids	$5,000
Gates County Babe Ruth League	Gatesville	$5,000
Charlotte Police Athletic League	Charlotte	$10,000
		$180,000

The remaining $29,114 has been committed. We are in the process of trying to contact the proposed recipients and receive all the necessary information for final processing. I can provide you an update in the next few weeks on the remaining grants.

The process of distributing grant money was as follows:

Grant requests were submitted in the form of a letter detailing the amount of money requested and explaining how the money would be used. Organizations were also asked to provide a letter of support and information on matching funds they had acquired or were acquiring. The requests were initially reviewed by me to ensure that they met grant standards set out in the settlement agreement (see attached), specifically that the funding requested would be used for the purpose of improving, refurbishing, renovating and/or providing athletic facilities equipment or services that might not otherwise be funded.

The Office reviewed the requests with a small committee and made determinations on whether a grant could be awarded. We attempted to disburse the money to large and small communities across the State. Decisions were made based upon several criteria such as the need of the organization, ability to secure matching funds, and community support, and whether they had made prior requests for financial support.

If you need further information, please do not hesitate to contact me.

/cph

ATTENTION REEBOK AND ROCKPORT PURCHASERS

IF YOU HAVE PURCHASED REEBOK OR ROCKPORT FOOTWEAR DURING THE PERIOD FROM JANUARY 1, 1990 - DECEMBER 31, 1994, PLEASE READ THIS NOTICE CAREFULLY.

North Carolina Attorney General Michael F. Easley, and the Attorneys General of 49 other states, Puerto Rico, the Virgin Islands and the Corporation Counsel of the District of Columbia have brought a resale price maintenance lawsuit against Reebok International Ltd. and The Rockport Company claiming that in some instances consumers were overcharged for certain Reebok products at retail stores, during the period from January 1, 1990 - December 31, 1994. The products which are the subject of the lawsuit include all Reebok brand athletic or casual footwear and any Rockport footwear offered for sale or sold to Dealers or consumers located in the United States of America, Puerto Rico and the Virgin Islands.

No trial has been held on the merits of the States' allegations and Reebok and Rockport deny them. After extensive negotiations, the parties to the lawsuit agreed to a proposed settlement agreement to avoid long and costly litigation.

Under the proposed voluntary settlement of the States' case, Reebok and Rockport (a Reebok subsidiary) have agreed to pay the Plaintiff States the total sum of $9.5 million after final Court approval.

Reebok and Rockport have also agreed to an injunction prohibiting future violations of the antitrust laws and will notify their dealers that they are free to price Reebok and Rockport products independently at whatever level they choose.

In view of the difficulty in identifying the millions of purchasers of the Reebok and Rockport products involved in the settlement and the relatively small alleged overcharge per pair of shoes purchased, the States have proposed utilizing the $9.5 million settlement amount in the following manner.

$1.5 million of the settlement will be used to administer the settlement. Each State shall direct that its share of the remaining $8 million be distributed to the State, a political subdivision thereof, a not-for-profit corporation and/or a charitable organization for the purpose of improving, refurbishing, renovating and/or providing athletic facilities, equipment or services which would not otherwise receive funding. These facilities include, but are not limited to, refurbishing of basketball courts, tennis courts, volleyball courts and running/walking tracks. In this manner, the class of purchasers covered by the lawsuit (persons who bought Reebok or Rockport athletic and casual footwear) would benefit from the settlement funds.

Reebok and Rockport have agreed to settle but without admitting any wrongdoing or liability. The proposed settlement must be finally approved by the Court, which has preliminarily approved the settlement. This notice does not express any opinion of the Court as to the merits of the claims or the defenses asserted by either side of the lawsuit.

The legal rights of all buyers of Reebok and Rockport products between January 1, 1990 and December 31, 1994 will be resolved and foreclosed by this settlement. If you bought any Reebok or Rockport products within this period and you do not want to be bound by or to have your rights fully resolved by the settlement, you must expressly opt out and exclude yourself from the settlement. To opt out and exclude yourself from this settlement or for information on the procedure for filing an objection to the settlement while remaining a member of the class, write to:

Reebok Settlement Trustee
Alexander & MacGregor, Inc.
Department A • 1730 K Street, N.W. • Suite 900
Washington, D.C. 20006

All opt outs and exclusions must be postmarked by September 8, 1995. All objections to the settlement must be filed by the same date.

A hearing will be held in the United States District Court for the Southern District of New York, 500 Pearl Street, NY, NY 10007 on October 13 at 9:30 a.m. in Courtroom 12B for the purpose of determining whether the proposed settlement is fair, reasonable and adequate and whether the proposed settlement should be approved by the Court. No further notice of any adjournment will be provided.

By order of Judge John G. Koeltl, U.S. Dist. Ct., S.D.N.Y.

FINAL

Organization	*Location*	*Grant Purpose*
Community Boys & Girls Club	Wilmington	Baseball and Softball Programs
Steele Creek Athletic Assn.	Charlotte	New Athletic Fields
Fayetteville Soccer Assn.	Fayetteville	Soccer Fields
Rocky Mt. Dept. of Parks and Rec.	Rocky Mount	Improvements to Athletic Fields
Bunn High School	Bunn	Athletic Programs
Williamston Youth Baseball League	Williamston	Field Construction
CASL/WRAL Soccer Complex	Raleigh	Coaching Development
Pitt/Greenville Youth Soccer Assn.	Greenville	Construction of Soccer Fields
Greensboro Youth Soccer Assn.	Greensboro	Lights at Soccer Complex
Rocky Mount YMCA	Rocky Mount	3rd Grade Water Safety Program
Mitchell Family YMCA	Spruce Pine	Athletic Programs
John Avery Boys & Girls Club	Durham	Athletic Programs
Belmont Civic Little League	Belmont	Improvements to Little League Fields
Gates County Babe Ruth League	Gatesville	Babe Ruth Program and Equipment
Charlotte Police Athletic League	Charlotte	Athletic Programs
Person County Park and Rec.	Roxboro	Improvement to Little League Field
Halifax Boys and Girls Club	Weldon	Athletic Programs
Roanoke Rapids	Roanoke Rapids	Wheeler Park Project
Friends of the Park	Richlands	Equipment for Park
Town of Scotland Neck	Scotland Neck	Recreation Activities and Improvements to Athletic Facilities
Southport Parks and Recreation Department	Southport	Athletic Equipment

Attachment F

DEPARTMENT OF CORRECTION

DEPARTMENT-WIDE OVERVIEW
AND SUMMARY OF 1999 – 2001
GOVERNOR'S RECOMMENDED CONTINUATION BUDGET

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

MARCH 16, 1999

Fiscal Research Division

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 offenders the opportunity for self-improvement in programs and substance abuse treatment.
4) Supervising parolees and probationers and providing a range of sanctions for these offenders.

The Department is organized as follows:

A. **Departmental Management** - Administration and Management of Department

B. **Division of Prisons** - The Division of Prisons operates 86 correctional facilities and administers two private prison contracts. The Division is budgeted and organized by function: custody and security; inmate food and supplies; inmate health; inmate programs; inmate education; and, prison management.

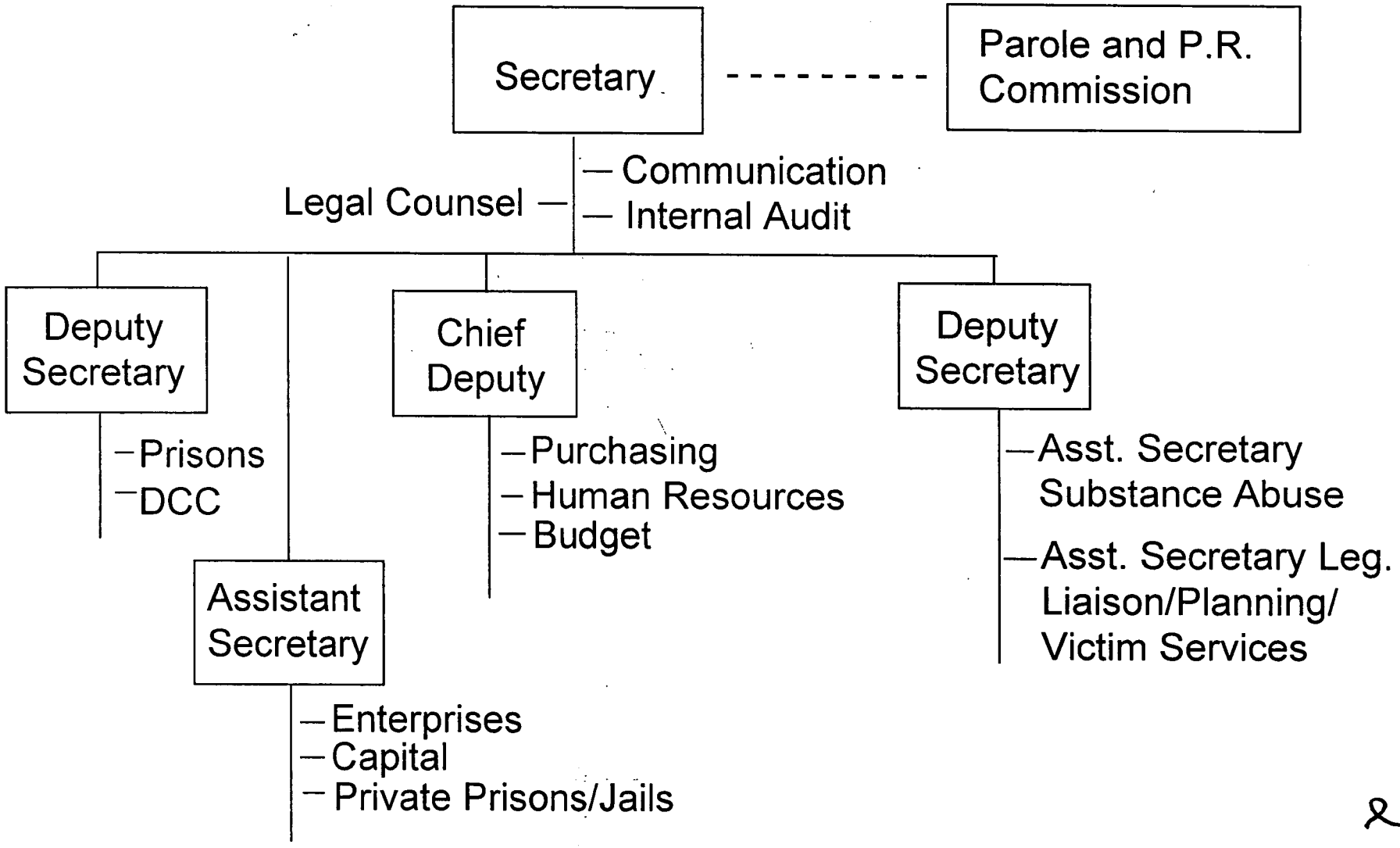
C. **Division of Community Corrections** – Formerly the Division of Adult Probation and Parole, the DCC supervises adult offenders released to the community by the criminal courts (probationers) and by the Parole Commission (parolees). In addition to the regular probation/parole operations, the division administers intensive probation and parole programs and electronic house monitoring. DCC has also assumed responsibility for the Criminal Justice Partnership Act and the IMPACT (Boot Camp) program which, by statute, has become a residential probation program.

D. **Division of Substance Abuse** - Manages in-prison substance abuse treatment programs, community programs for probationers and parolees, and a contract for 350 private minimum security treatment beds.

E. **Parole and Post Release Supervision Commission** - The 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. Certain felons will remain under post release supervision.

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
DEPARTMENTAL MANAGEMENT



February, 1999

Department of Correction 1997-99 Funding Highlights

- 1997 Session (Net Budget -- Minus $65.9 M 97-98; Minus $57.42 M 98-99)
  - Private Subst Abuse Beds (-150 Beds $2.2 M)
  - Food Budget (-$8.3 M 97-98; - $10.35 98-99 million)
  - Dept wide Span of Control - (- 18 positons)
  - Close 1 prisons and 1 R & D Center (-63 positions)
  - Reserves -- (-$16.65 Million in one time reductions in 97-98 with $15.3 for prisons and balance for Prob & Parole)
  - Reserves -- Permanent reductions in staffing and support for new prisons (-$2.7M/44 positions
  - Probation/Parole - (-$3.7 M in operating funds)
  - Expansion? -- Increase rate to $18 a day for state misd. in county jails and a few pilot programs

Department of Correction Funding Highlights 1997-99 Session

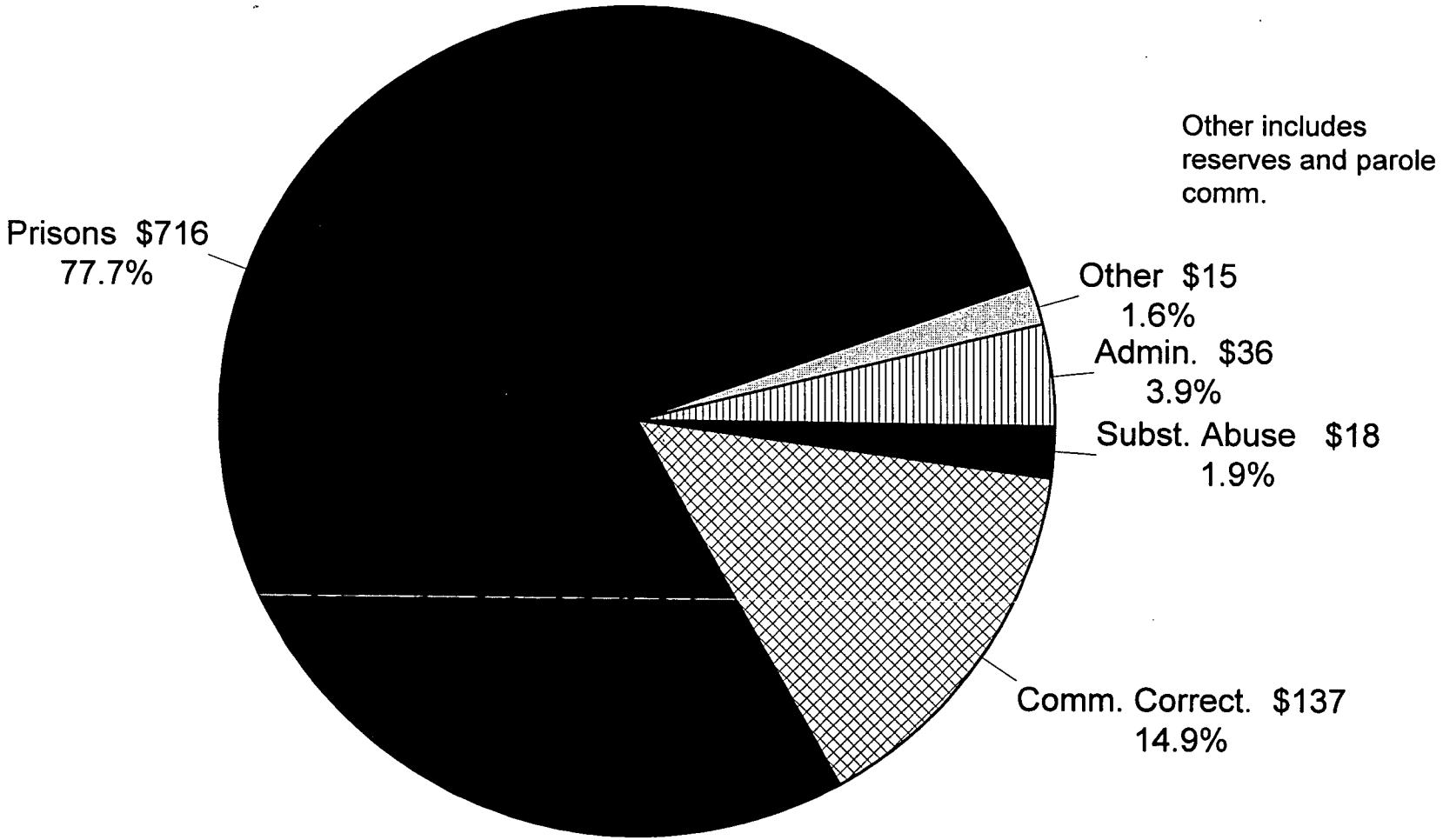
1998 Short Session (Net Budget Minus $20.7 M, with $9.1M Rec.)

- Receipts Increased/Decrease State Approp. >$3.5 M
- Probation and Parole -- (-11 positions)
- Close 4 prisons/Convert 2 Med to Min. (-173 positions)
- Reserves -- One time construction delays (- $16.3 M)
- Expansion? -- +51 medical positions for Central and Women's Prison and $800,000 one time for inmate food and medical budget

4

Department of Correction General Fund Budget 1998-99 Authorized*

Dollars in Millions (rounded off)



*Authorized (12/31/98) total budget is $921 million incl. receipts/$886.8 net state appropriation; does not include special funds which brings total budget to $1.016 billion

DEPARTMENT OF CORRECTION
CONTINUATION BUDGET OVERVIEW

Description	1997-98 Actual Expenditures	1998-99 Authorized Budget	1999-2000 Gov. Recom.	2000-01 Gov. Recom.
Total Req.*	$868,239,435	$921,285,774	$940,458,432	$939,870,150
Receipts	44,469,547	34,471,869	18,438,356	18,438,356
Net State Approp.**	$823,769,888	$886,813,905	**$922,020,076**	**$921,431,794**
Positions	18,709	19,035.65	19,190.65	19,190.65

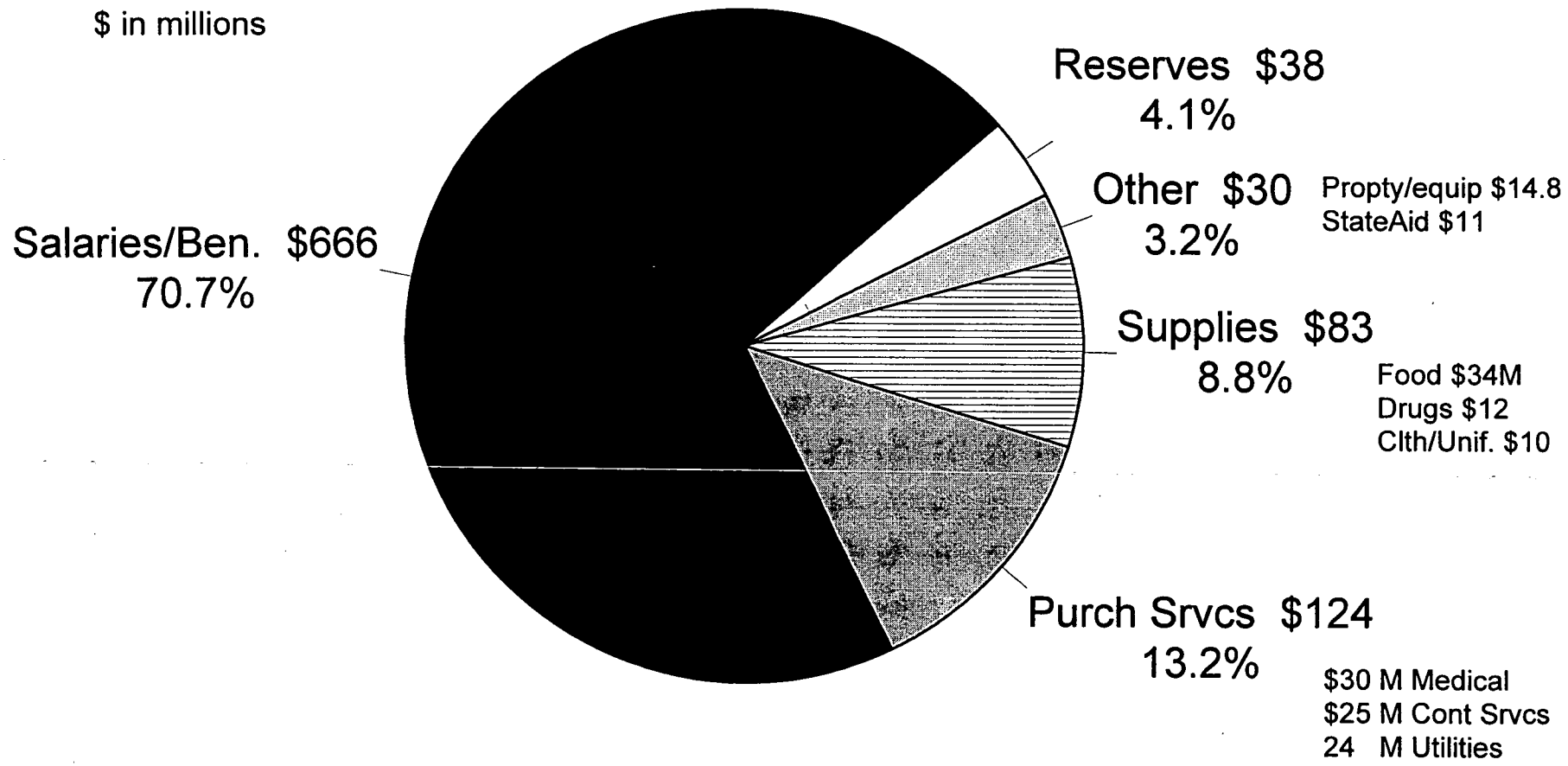
Source: Governor's Justice and Public Safety Budget Document 1999-2001, except authorized budget is from BD 701 reports 12/31/98 (authorized budget includes legislative salary increase)

*Total Req. includes Net State Appropriations and receipts from federal, state and local sources; excludes special service funds – Enterprises and Inmate Welfare Fund, which total $76 million; Enterprise positions are also excluded from total positions

** Net Appropriation does not include carryover of 98-99 legislative salary increases in 99-2001.

Department of Correction -- 99-2000 Budget by Purpose

Total Budget is $940.458 Million/$922 State Approp.



Source: DOC Worksheet 1 dated 1/28/99. Note: Reserves figure of $38 million includes department wide reserve (program 1800) of $50 million minus reserves cut from other DOC programs to implement 1998-99 budget cuts.

WHAT ARE MAJOR CHANGES IN DOC CONTINUATION BUDGET IN FY 1999-2001?

- Departmental Management: + $2.6 million for auto/truck replacement in Dept. Mgmnt. (Net is + $1.2 million after backing out CJPA one time funding and cuts in management positions)

- Inmate Food Budget: + $3.5 million based on actual expenditures in 97-98 and allowable inflation.

- Prison Custody and Security: Minus $2.6 million to annualize GPAC closings and conversions (Net is $5.356 million for Prison Custody and Security Budget due to annualizing salary and benefits increases and increasin overtime pay for total increase of $8.3 million)

- Health Budget: **+ 13 million** in the following: Contractual Services, Temporary Employees, Supplies. Net is + 11.9 million (backup out one-time increase of $600,000 and inmate costs for GPAC units)

- Reserves: + $50 million (Department wide reserves: Program 1800)

  - + $28.6 million for operating Albemarle (11/99) and Avery/Mitchell (8/99) prisons
  - + $19.1 million for two private prison contracts
  - + $7.8 million for probation and parole officers due to Structured Sentencing
  - Minus $5 million for closing of 3 GPAC units – Watauga, Avery, and Yancey

ADDITIONAL CHANGES TO DOC CONTINUATION BUDGET PROPOSED BY GOVERNOR

Budget Category	1999-2000	2000-01
Original Recom. Contin. Budget (Net State Approp.)	$922,020,076	$921,431,794
Governor's Recom. Adjustments*	(20,178,304) (-809 positions)	(25,693,864) (-809 positions)
Governor's **Final** Recom. Contin Budget (Net State Approp.)	**$901,841,772 (-809)**	**$895,737,930 (-809)**

*Summary Volume: Summary of Governor's 1999-2001 Recommended Budget

Department of Correction

Recommended Adjustments:

	1999-00	2000-01
1. Close GPAC Facilities		
It is recommended that eight of the remaining 13 units identified by the Government Performance Audit Committee (GPAC) be closed during state fiscal year 1999-00. These units and the proposed closing dates are as follows:		
a. Alamance (minimum) 8-1-99		
b. Goldsboro (minimum) 8-1-99		
c. Blanch (medium/close) 9-1-99		
d. Stokes (minimum) 10-1-99		
e. Gates (minimum) 9-1-99		
f. Stanly (minimum) 10-1-99		
g. Yadkin (minimum) 11-1-99		
h. Iredell (medium) 10-1-99		
i. Cleveland (medium) 11-1-99		
	$ (11,419,705)	$ (14,654,460)
Number of positions	(467.0)	(467.0)
2. Close Nash Unit		
It is recommended that the minimum custody unit in Nash County be closed effective September 1, 1999. The department does not need these minimum custody beds in this area of the state.	$ (344,275)	$ (413,130)
Number of Positions	(15.0)	(15.0)
3. Convert Currituck Unit From Medium Custody to Minimum Custody		
It is recommended that the medium custody unit in Currituck County be converted from medium custody to minimum custody effective September 1, 1999. The department needs minimum custody beds in this area of the state.	$ (619,695)	$ (743,634)
Number of Positions	(27.0)	(27.0)

Recommended Adjustments - Continued:

	1999-00	2000-01
4. **Eliminate Double Celling** It is recommended that double celling of inmates at Central, Marion, and Pasquotank be eliminated effective October 1, 1999. Double celled inmates at Marion and Pasquotank are medium custody inmates and this change will allow for close custody inmates to be placed in these cells. The department has an unmet need for close custody housing. The elimination of double celling would in itself allow 145 positions to be abolished; however, the Division of Prisons needs 20 positions to supervise additional inmates working at Enterprise's farm operation. The reduction in dollars and positions shown here are net.	$ (3,045,348)	$ (3,999,260)
Number of Positions	(125.0)	(125.0)
5. **Eliminate Expanded Operating Capacity Positions** It is recommended that the positions created to allow for expanded operating capacity in prison units be abolished and that the units operate at the standard operating capacity (SOC). SOC is the capacity for which the facilities were built and/or capacity allowed based upon predetermined minimum allocations of space (square feet) for each inmates. It is believed that with the existing capacity in the prison system that this reduction can be made.	$ (2,039,745)	$ (3,059,618)
Number of Positions	(108.0)	(108.0)
6. **Reduce Perimeter Security Positions at Medium Security Facilities** Perimeter security at some medium security units have been operating with two positions on second shift. It is recommended that the second shift now operate with one position. The units affected are: Wayne, Warren, Sampson, Pender, Lumberton, Hyde, Craven, Columbus, Caswell, Brown Creek, Avery-Mitchell, and Albermarle.	$ (247,880)	$ (330,506)
Number of Positions	(12.0)	(12.0)

12

Recommended Adjustments - Continued:

	1999-00	2000-01
7. **Eliminate Adult Schools at Eastern and Harnett** It is recommended that the adult schools at Eastern Correctional Institution and Harnett Correctional Center be eliminated effective August 1, 1999. The department believes that necessary educational activities can be provided by the Community College system.	$ (95,139)	$ (103,788)
Number of Positions.	(2.0)	(2.0)
8. **Abolish Education Positions** It is recommended that effective August 1, 1999, four Physical Education Teachers, three Vocational Teachers, and three Assistant Education Directors positions be abolished. The department believes that necessary educational activities can be provided by the Community College system.	$ (252,469)	$ (275,420)
Number of Positions	(10.0)	(10.0)
9. **Abolish Parole/Post Release Hearing Officers** It is recommended that five Parole/Post Release Hearing Officers be abolished effective July 1, 1999. With the reduction of paroles resulting from the implementation of structured sentencing, the need for hearings will continue to decrease.	$ (291,540)	$ (291,540)
Number of Positions	(5.0)	(5.0)
10. **Reduce Leased Space** The department plans to consolidate office space and pilot home as the duty station for some intensive and surveillance officers and reduce its cost for leased space. It is recommended that the budget for rental of property be reduced.	$ (343,220)	$ (343,220)

13

Recommended Adjustments - Continued:

	1999-00	2000-01
11. **Consolidate Female IMPACT at Hoffman With Male IMPACT at Morganton** The female Intensive Motivational Program Of Alternative Correctional Treatment (IMPACT) has had difficulty in maintaining a high utilization rate at Hoffman since its inception. It is believed that greater success will be achieved for the female program at a lesser cost if the program is relocated to Morganton and operated in conjunction with the IMPACT program for males. The males and females will be in separate classes and will be segregated at all times.This transfer is recommended to be effective July 1, 1999.	$ (940,783)	$ (940,783)
Number of Positions	(25.0)	(25.0)
12. **Reduce the Parole Commission from Five Commissioners to Three Commissioners** It is recommended that the Parole Commission be reduced from a five member commission to a three member commission. Legislation to support this recommendation will be drafted and proposed during the 1999 Session of the General Assembly.	$ (176,472)	$ (176,472)
Number of Positions	(2.0)	(2.0)
13. **Abolish Two Positions in Parole Commission** Due to the continued reduction in the number of inmates eligible for parole consideration, it is recommended that two positions be eliminated effective July 1, 1999.	$ (92,033)	$ (92,033)
Number of Positions	(2.0)	(2.0)
Total Change for the Department of Correction		
Requirements	$ (19,908,304)	$ (25,423,864)
Receipts	-	-
Appropriation	$ (19,908,304)	$ (25,423,864)
Number of Positions	(800.0)	(800.0)

Recommended Adjustments - Continued

	1999-00	2000-01
Vacant Position Reduction – Continued		
Division of Mental Health, DD/SAS		
Requirements	$ (106,608)	$ (106,608)
Receipts – Medicaid	(27,886)	(27,886)
Appropriation	$ (78,722)	$ (78,722)
Total Number of Positions	(4.00)	(4.00)
Division of Vocational Rehabilitation		
Requirements	$ (92,843)	$ (92,843)
Receipts – Federal	(53,488)	(53,488)
Appropriation	$ (39,355)	$ (39,355)
Total Number of Positions	(2.00)	(2.00)
Department of Health and Human Services		
Requirement	$ (899,025)	$ (899,025)
Receipts	(230,397)	(230,397)
Appropriation	$ (668,628)	$ (668,628)
Total Number of Positions	(22.55)	(22.55)
Department of Correction		
Appropriation	(270.000)	(270,000)
Total Number of Positions	(9.00)	(9.00)
Department of Commerce		
Appropriation	(96,315)	(96,315)
Total Number of Positions	(2.00)	(2.00)
Department of Community Colleges		
Appropriation	(67,015)	(67,015)
Total Number of Positions	(2.00)	(2.00)
Total Change for Vacant Positions		
Requirement	$ (1,814,384)	$ (1,814,384)
Receipts	(230,397)	(230,397)
Appropriation	$ (1,583,987)	$ (1,583,987)
Total Number of Positions	(50.15)	(50.15)

DEPARTMENT OF CORRECTION FACT SHEET

Operating Budget

1993-94 : $561 Million (Actual Expenditures)
1996-97: $809 Million (Actual Expenditures)
1997-98: $823 Million (Actual Expenditures)
1998-99: $886.8 Million (Authorized Budget – 12/31/98)

Major initiatives since 1993-94 include expanding Probation and Parole staff to implement Structured Sentencing; providing operating funding for new prisons; piloting an aftercare program for offenders completing IMPACT (Boot Camp); and expanding the substance abuse treatment budget to over $16 million dollars.

DOC has also closed older, small inefficient prisons and built larger more efficient prisons with an emphasis on building high security prisons to keep serious offenders in prison for longer periods of time (Felons now average 38 months in prison compared to a low of 16 months in 1993).

Capital Budget

- Capital Appropriations for new or renovated prisons were approximately **$574.5 million from 1985 through 1998-99.**

- Prison beds funded since January 1, 1994, including 1994 Crime Session, total approximately **7,166 beds**. (includes 1,056 private prison beds)

- North Carolina has funded over 22,000 prison beds since 1985 (and closed over 4,450)

Prison Population

- 1985: 17,513 (12/30)
- 1996: 30,905 (12.30)
- 1999: **32,004** (1/2/99)

Prison Capacity (Expanded Operating Capacity)

- 1985: 12,082 (12/30)
- 1998: **32,705** (12/98)

Probation/Parole Population Under Supervision (June 30th snapshots)

1994 Probation Cases	89,300	1994 Parole Cases	19,068
1998 Probation Cases	**107,581**	1998 Parole Cases	**7,923**
		(includes 229 Post ReleaseSupervision)	

1994 Total Population Under Supervision	106,087
1998 Total Population Under Supervision	**114,410**
(accounting for dual Probation and Parole cases)	

Caseload Information

1994 Caseloads Averaged 105 Regular Probation Cases per Officer
Today, Caseloads Average **84** Regular Probation/Parole Cases per Officer

In 1994 there were 5,146 probation and parole offenders under Intensive Supervision. Today there are **8,943** offenders under Intensive Supervision with caseloads averaging **25** offenders per team (Intensive and Surveillance officer).

Specialized Programs

IMPACT (Boot Camp)—Capacity of 360 men, 60 women.
Total Budget: $1.26 Million Average Daily Offender Cost: $54.71

SUBSTANCE ABUSE TREATMENT— In-prison (35-day) Dart program in 15 units; Private Treatment Beds for offenders near release (350); 30 day program for Probationers/Parolees (capacity of 100); 90 day program for Probationers/Parolees-- (capacity of 200); Total Substance Abuse Budget: $16.14 Million

Comparative Costs

- For fiscal year ending June 30, 1998

Average Annual Cost per Prison Inmate:	$22,780	(range $18,714 minimum to $28,704 close)
Average Annual Cost per Probationer	$ 650	
Average Annual Cost per Intensive Supervision (Probation or Parole)	$ 2,840	
Average Annual Cost per Electronic Monitoring (Probation or Parole)	$ 1,796	

FRD 2/25/99

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VISITOR REGISTRATION SHEET

Justice and Public Safety March 16, 1999

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Lynn Lewis	Summit House
2. Sherry L Browning	Summit House
3. John Madden	Sentencing Commission
4. Melissa Lovelle	DOJ
5. Doc Hoggard	DOJ
6. Julie Carpenter	DOC
7. Chuck Crum	OSPL
8. Rudy Humphrey	OSBM
9. Susan Rabon	DOJ
10. Denise A Sessoms	DOO
11. Brian Beatty	DOJ
12. Barry Dix	OJJ
13. Joe Hamilton	DOC
14. Sherry Stahl	DOC
15. Will Plenti	NHCAA
16. Laura Hartsell	NC Bar Association
17.	
18.	
19.	
20.	
21.	

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday March 17, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Bill Culpepper
Representative Ted Kinney
Representative Paul McCrary

II. PRESENTATIONS

Morning

Review Department of Correction Continuation Budget

- **Overview of Recommended Custody & Security Budget for Division of Prisons**

  Jim Mills, Fiscal Research Staff

- **Governor's Recommended Prison Budget Reductions and Prison Closings**

  Jim Mills, Fiscal Research Staff

  Joe Hamilton, Acting Secretary, Department of Correction
  Dan Steineke, Director, Division of Prisons

- **Report on Cost-Effectiveness of Work-Release Pilots at Alamance and Union Correctional Centers** (Sec. 17.25 SB 1366)

  Dan Steineke, Director, Division of Prisons

Afternoon

- **Additional Custody & Security Budget Issues**

  Jim Mills, Fiscal Research Staff

  Departmental Representatives

- **Prison Reserves and Staffing**

  Jim Mills, Fiscal Research Staff

  Departmental Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 17, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 17, 1999 at 8:30AM in room 415 LOB. Two senators attended the meeting. The following House members attended:

Rep. Pul McCrary	Rep. Bill Culpepper
Rep. Scott Thomas	Rep. Debbie Clary
Rep. Phillip Haire	Rep. Jim Horn
Rep. Larry Justus	Rep. Joe Kiser

Rep. Andrew Dedmon

Senator Luther Jordan chaired the meeting. He acknowledged the pages, and introduced Jim Mills, staff. Mr. Mills distributed a handout titled DOC Custody and Security Budget Overview, from which he spoke. 86 prisons statewide were reorganized last year. The prison population has leveled off and there are more beds. Prison staff has also been reduced. 85% of the budget for the Department of Corrections Custody and Security is personnel at $404 million. Page 5 notes the major changes. Page 6 outlines the Governor's recommended reductions in staff and lowering the Expanded Operating Capacity at 16 prisons.

In response to Rep. Horn, Mr. Dan Steineke, Director Division of Prisons, said they were able to arrive at reduced roving shifts because of being equipped with electronic intrusion systems. In response to Rep. Haire, the shifts are from 6 to 2, 2 to 10and 10 to 6.

Mr. Mills resumed discussing the handout. Page 7 outlines the prison units that are proposed for closing. In response to Rep. Haire, Mr. Steineke said the cost to house an inmate out of state is $45 to $60 per day. In response to Senator East Mr. Mills said the 509 reduction in staff is probably a mix of people and positions. 509 is a net decrease in positions. Again in response to Senator East, it is assumed that new prisons are much more efficient. Pages 8 and 9 of the handout show where the reductions will be made. Page 10 refers to perimeter security, and page 11 updates the prison population as well as beds.

Mr. Dan Steineke was introduced. Rep. Justus wanted to know why we are retaining personnel at Iredell. Mr. Steineke said they looked at retaining capacity until 2003 as well as efficiency issues. Currituck and Henderson are not closing because of community commitments. Alamance has a special pilot work release program. 41 persons are on work release. Others are working inside. The only problem with Alamance is its size. In response to Senator East, Mr. Steineke said they will try to relocate work release prisoners to surrounding units, and again to Senator East, some will probably lose their jobs. In response to Rep. McCrary, Alamance was not expanded because of the

community, especially Graham which was opposed. Guilford is a GPAC facility and is not closing. It is the other part of a pilot program for work release. In response to Rep. Kiser, when a prisoner is on work release, he pays the system $14 per day. That money goes to the general fund and is not counted in the costs. The money that is paid to the road squad by the Department of Transportation is also not taken into consideration. Rep. Kiser commented that we do not know the costs of running a prison until the receipts are taken into account.

Mr. Steineke continued. Goldsboro provides workers to Cherry Hospital. The New Neuse facility in the Goldsboro area will pick up programs from Goldsboro. Blanch is an expensive lockup because of plant problems. The plan is to divert those prisoners to Warren County. Gates received new modular units some years ago but the closing is based on size. Yadkin has water and sewer problems. Iredell is an enterprise operation which makes furniture. Nash the small facility, not the institution is closing because it is so small. Currituck is to be converted from medium security to minimum. In response to Rep. Dedmond, the Cleveland unit is closing, in spite of the good program there with the community college. Cleveland cannot expand because of its location. It is a good facility but it is inefficient. Again in response to Rep. Dedmon, Mr. Steineke said the program at Cleveland can be replicated but because of land, water and sewer issues, it cannot expand. Rep. Horn wanted to know if anyone looks at savings when inmates are educated and become profitable citizens. He said there is as need to study effectiveness of a program measured by education and jobs after prison. We need to know the recidivism rate.

In response to Rep. Haire, Blanch has 88 beds and 135 persons. It is old and hare to control disruptive inmates. It is the most expensive facility. Iredell is a traditional medium security facility but it has road squads. Nash does not have a food service. Senator East would like the numbers regarding the Alamance facility as to how many are on work release. He said he has a problem with closing sites where people are on work release. Rep. Justus said the GPAC people were only around for about 2 weeks and wondered by people haven't heard about Blanch until today. It was submitted in April 1998 as a potential closing. There have been lawsuits and Rep. Justus would like the dates of those law suits. Mr. Steineke continue, structured sentences are working. Minimum custody will stabilize and decrease.

Rep. Justus wondered had there been instructions to prisoners to talk to him and to Rep. Kiser. Mr. Steineke assured him that there had been on such instructions. Mr. Steineke distributed a handout, Report on Work Release Pilot Program, March 1, 1999. Mr. Steineke discussed the handout, highlighting item 3, work release income and disbursements.

Senator Jordan adjourned the meeting at 9:55, saying that the prisons that were not addressed can be at the next meeting.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

DEPARTMENT OF CORRECTION

CUSTODY AND SECURITY BUDGET OVERVIEW

JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

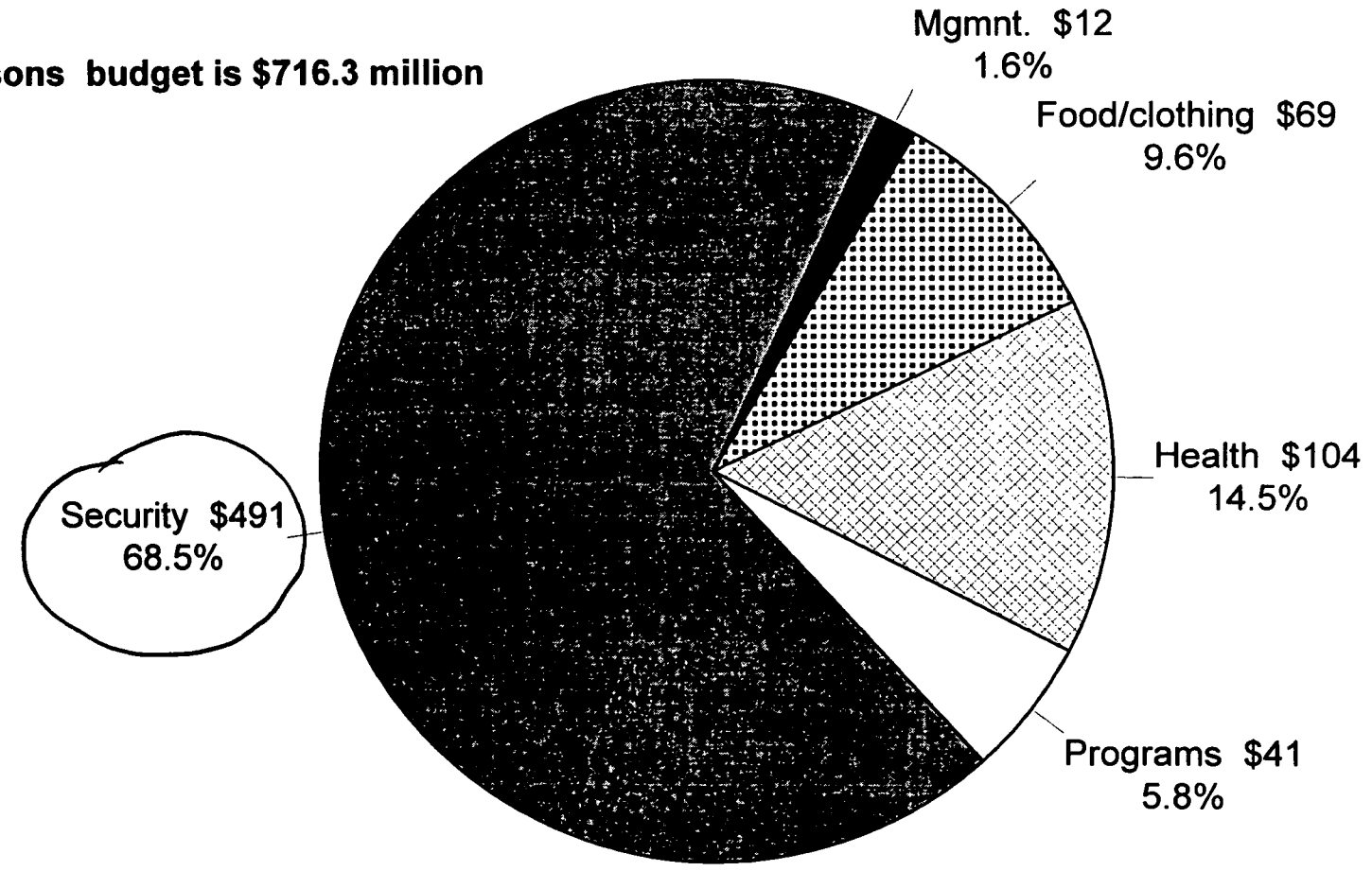
MARCH 17, 1999

Fiscal Research Division

Department of Correction General Fund 1998-99 Authorized Budget*

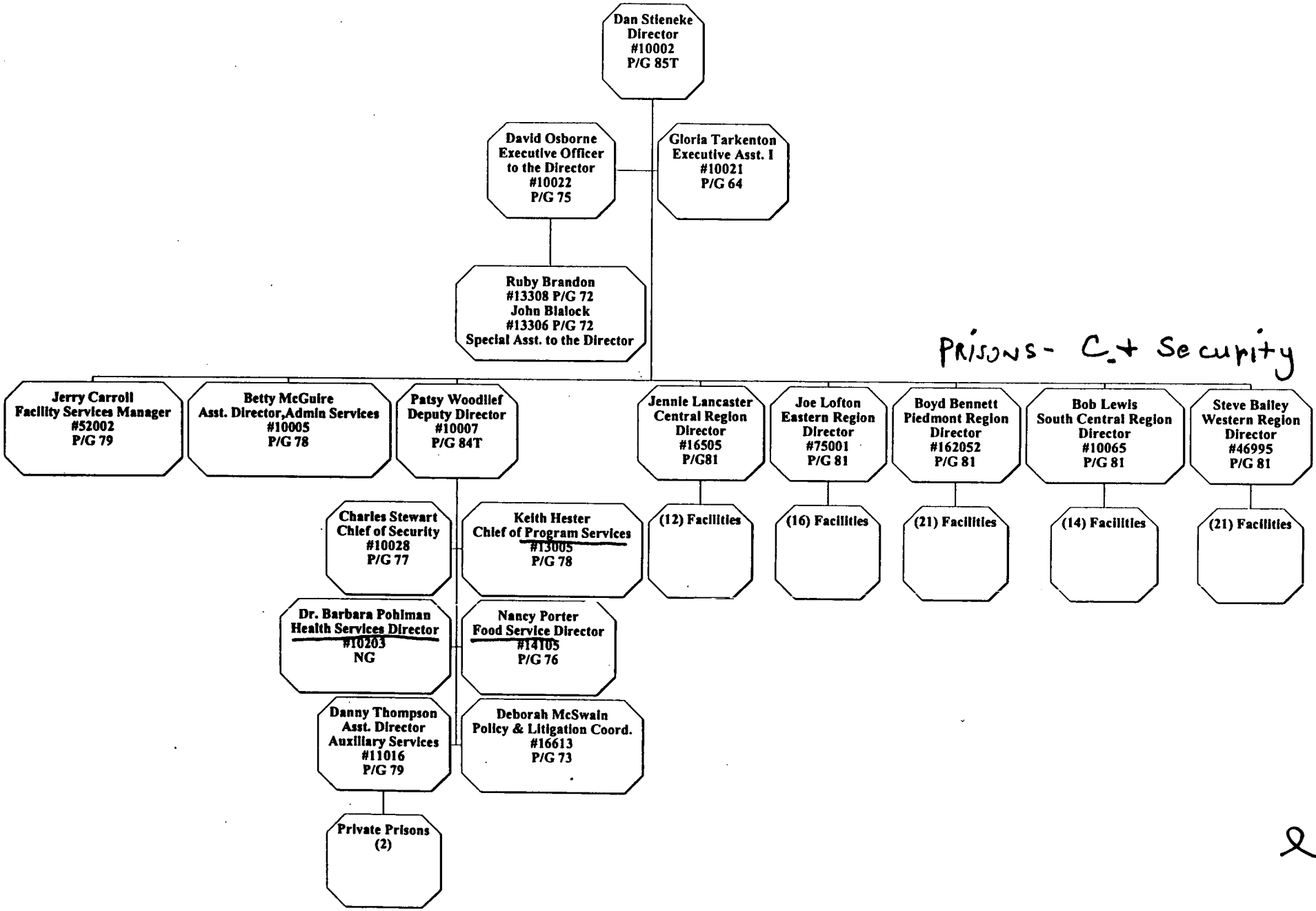
Prisons Budget by Purpose (Dollars in millions rounded off)

Total Prisons budget is $716.3 million



* Authorized Total G.F. Budget 12/31/98

DEPARTMENT CORRCETION
DIVISION OF PRISONS
FEBRUARY 15, 1999



PRISONS - C + Security

2

DEPARTMENT OF CORRECTION CUSTODY AND SECURITY CONTINUATION BUDGET OVERVIEW

Major Changes in 1997-99 Budget

- Eliminate funds for Housing Inmates out of state and reduce funding for Jail Contracts
- Close 5 prisons
- One time funding reductions in Prison Reserves due to delays in opening dates and staggered hiring dates for staff
- Staff reductions in management (reorganize into 5 regions) and in Prison Reserves

DOC Custody and Security Continuation Budget

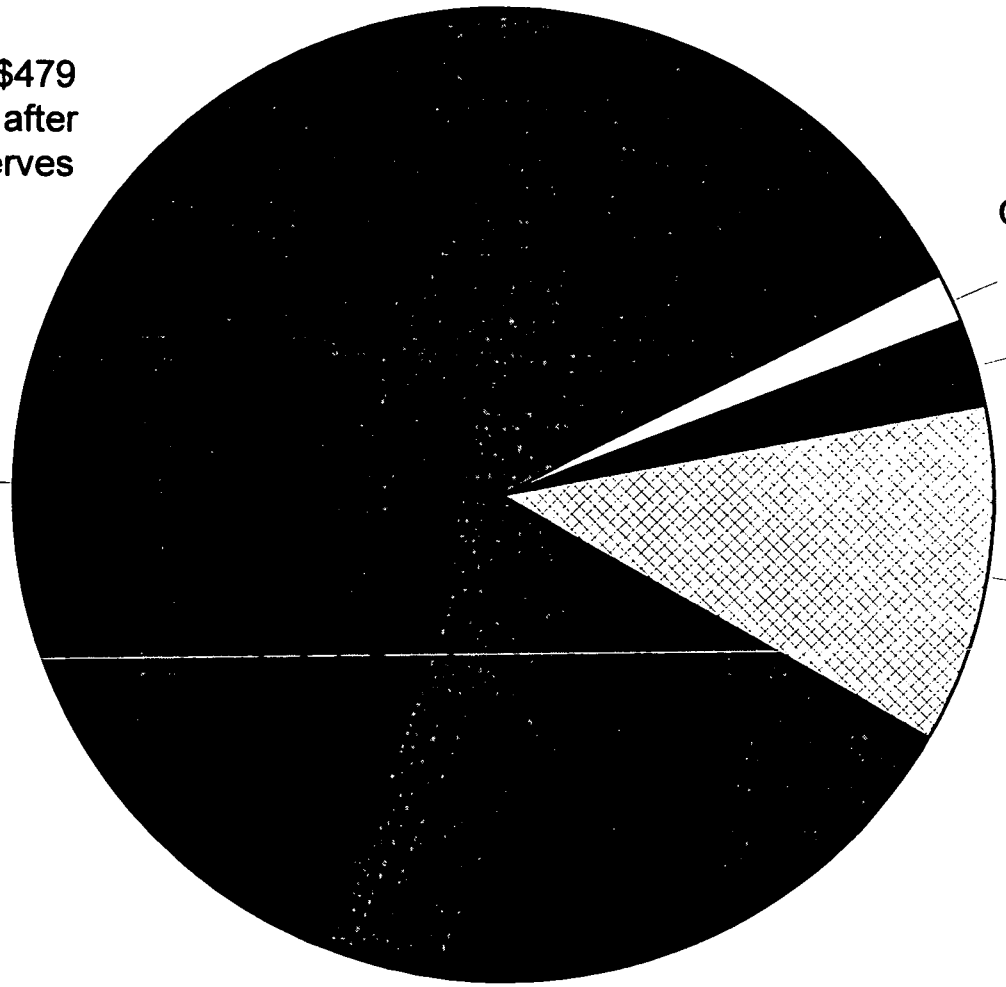
Description	1997-98 Actual Expenditures	1998-99 Authorized Budget	1999-2000 Gov. Recom.	2000-01 Gov. Recom.
Net State Approp.	$471,866,756	$490,588,040	**$473,282,155**	**473,308,934**
Positions	12,213	12,046	12,046	12,046

SOURCE: Governor's Justice and Public Safety Budget Document for 1999-2001 except 98-99 Authorized Budget is from BD 701 reports dated 12/31/98 **(Authorized budget includes 98-99 legislative salary increases; 1999-2001 recommended figures do not).**

Department of Correction Custody and Security

Governor's Recommended Continuation Budget 1999-2000

Total Budget shown is $479 million;actual is $473M after subtracting $5M in reserves



$24 M utils
$11.8 Cont.
$4M DPsrvcs.

Source: Vol. 4 Governor's Recommended Justice and Public Safety Budget

F

WHAT ARE MAJOR CHANGES IN CUSTODY AND SECURITY BUDGET?

- +$8.3 Million for salary and benefit increases (Includes increase of $3.96 million over 98-99 authorized budget for overtime pay to match actual expenditures in 1997-98 of $8.9 million)

- Minus $5 million to annualize prison closings and management cuts

WHAT ADDITIONAL CHANGES IN CUSTODY AND SECURITY BUDGET IS GOVERNOR PROPOSING? (See next page)

DEPARTMENT OF CORRECTION CUSTODY AND SECURITY - - GOVERNOR'S RECOMMENDED BUDGET REDUCTIONS FOR 1999 – 2001

	Gov. Recom. Reductions		Recom. Reduc. Inmate Bed Capacity	
	1999-2000	2000-2001	SOC*	EOC*
I. Prison Closings (10) or Conversions (1)	$(12,384,125) (509)	$(15,811,224) (509)	656	880
II. Eliminate Double Celling at Central, Marion, and Pasquotank (208 beds at each) (Reduce Staff Positions funded by General Assembly in 1995)	(3,045,348) (125)	(3,999,260) (125)	-	624
III. Reduce Expanded Operating Capacity (EOC) @ 16 Minimum Security prisons (11/1/99)	(2,039,745) (108)	(3,059,618) (108)	-	830
IV. Reduce Perimeter Patrol at Medium Custody Units (from 2-2-1 to 2-1-1 (Day – Evening - Night Shifts)	(247,880) (12)	(330,506) (12)	NA	NA
TOTALS	**(17,717,098)** **(754)**	**(23,200,608)** **(754)**	**-656**	**-2,334**

***SOC** is Standard Operating Capacity (100%);
EOC is Expanded Operating Capacity or number beds authorized above 100%

Source: Governor's Summary of Recommendations 99-2001 and Backup Budget documents from OSBM and DOC dated 1/29/99 through 2/1/99

PRISON UNITS PROPOSED FOR CLOSING OR CONVERSION BY GOVERNOR IN 1999 – 2000*

Facility	Date of Proposed Closing	GPAC UNIT	Custody Level	Cost Per Day 97-98**	Proposed Loss of Inmate Bed Capacity SOC	EOC	Proposed 99-2000 Budg Reduction	Proposed 2000-01 Budget Reduction	Proposed Staff Reduction
Alamance	8/1/99	Yes	Min (wrk rel)	$52.55	46	56	($805,420)	($878,640)	(28)
Goldsboro	8/1/99	Yes	Minimum	37.81	64	86	(661,595)	(721,470)	(23)
Blanch	9/1/99	No	Med./Close	152.32	80	88	(3,530,250)	(4,236,300)	(135)
Stokes	10/1/99	Yes	Minimum	56.05	46	56	(658,980)	(878,640)	(28)
Gates	9/1/99	Yes	Minimum	45.19	76	96	(758,350)	(910,020)	(29)
Stanly	10/1/99	Yes	Medium	81.58	64	92	(1,012,005)	(1,349,340)	(43)
Yadkin	11/1/99	Yes	Minimum	60.69	72	106	(815,880)	(1,223,820)	(39)
Iredell	10/11/99	No	Medium	83.73	60	92	(1,859,265)	(2,479,020)	(79)
Cleveland	11/1/99	No	Medium	68.22	64	100	(1,317,960)	(1,976,940)	(63)
Nash	9/1/99	No	Minimum	63.49	84	108	(344,275)	(413,130)	(15)
Currituck (Convert)	9/1/99	Yes	Medium	85.87	-	-	(619,695)	(743,634)	(27)
TOTALS					**656**	**880**	**($12,384,125)**	**($15,811,224)**	**(509)**

*All but Currituck are proposed for closing; Currituck would be converted from medium to minimum custody - - staff would be reduced and inmate type would change, but there would be no reduction in number of inmates or bed capacity.

**Averagecost per day in 1997/98 for operating a prison bed was: Close = $78.64 Medium = $67.44 Minimum = $[illegible] Avg. = $62.41

EOC REDUCTION

DIVISION OF PRISONS
ELIMINATE EXPANDED OPERATING CAPACITY POSITIONS FUND IN THE 1997 LONG SESSION

POSITION CLASSIFICATION	TOTAL POSITIONS 1999-2000	SALARY	SALARY * POSITIONS	BLADEN 1999-2000	BUNCOMBE 1999-2000	CALDWELL 1999-2000	CARTERET 1999-2000	DUPLIN 1999-2000	GREENE 1999-2000	HAYWOOD 1999-2000	HENDERSON 1999-2000	NEUSE 1999-2000
1310												
CAPTAIN	2	27,833	55,666									
LIEUTENANT	1	25,588	25,588									
SERGEANT	13	23,595	306,735									
CORRECTIONAL OFFICER	83	21,781	1,807,823	2	1	1	2	4	1			6
									4	2	1	9
1350												
PROGRAM SUPERVISOR	1	24,551	24,551									
CORR PROG ASST I	4	20,104	80,416									
CORR PROG ASST II	4	21,781	87,124						1			2
						1			1			
TOTALS	108		2,387,903	2	1	2	2	4	7	2	1	17

SOCIAL SECURITY	182,675
RETIREMENT	258,610
HOSPITAL	187,488
	3,016,676

TO BE REVISED - ANNUAL IS 3,059,618

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DIVISION OF PRISONS
ELIMINATE EXPANDED OPER

POSITION CLASSIFICATION	NEW HANOVER 1999-2000	RUTHERFORD 1999-2000	SANFORD 1999-2000	TILLERY 1999-2000	UMSTEAD 1999-2000	WAKE 1999-2000	DAN RIVER 1999-2000	GUILFORD 1999-2000	STANLY 1999-2000	UNION 1999-2000
1310										
CAPTAIN				2						
LIEUTENANT						1				
SERGEANT			2			2	2			
CORRECTIONAL OFFICER	2	2	3	8	7	8	4	10	5	8
1350										
PROGRAM SUPERVISOR										
CORR PROG ASST I	1						1			
CORR PROG ASST II						1	1			
TOTALS	3	2	5	10	7	12	8	10	5	8

10

DIVISION OF PRISONS

PERIMETER SECURITY - CHANGE STAFFING AT EIS IN 1998-99 FROM 2-2-2 TO 2-2-1
- CHANGE STAFFING AT EIS IN 1999-2000 FROM 2-2-1 TO 2-1-1

FACILITY RCC #	PERIMETER SECURITY FACILITIES	POSITION DESCRIPTION	POSITION REDUCTIONS 1998-99	POSSIBLE REDUCTIONS 1999-2000
CLOSE CUSTODY FACILITIES - 2-2-2				
3720	Foothills	Correctional Officer		
3730	Marion	Correctional Officer		
3710	Nash	Correctional Officer		
3740	Pasquotank	Correctional Officer		
3980	Polk	Correctional Officer		
MEDIUM SECURITY FACILITIES - 2-2-1 AND PROPOSED REDUCTION 2-1-1				
4580	Albermarle	Correctional Officer	1	1
4680	Avery-Mitchell	Correctional Officer	1	1
3510	Brown Creek	Correctional Officer	1	1
4415	Caswell	Correctional Officer		1
4355	Columbus	Correctional Officer	1	1
3085	Craven	Correctional Officer	1	1
4180	Hyde	Correctional Officer	1	1
4365	Lumberton	Correctional Officer	1	1
4150	Pender	Correctional Officer	1	1
4345	Sampson	Correctional Officer	1	1
4290	Warren	Correctional Officer	1	1
4175	Wayne	Correctional Officer		1
	TOTALS:		10	12
NOTE: We did not cut positions at Caswell and Wayne in the				
1998 Short Session because they were already staffed at 2-2-1.				

NORTH CAROLINA PRISON POPULATION VERSUS BED CAPACITY – CURRENT SITUATION COMPARED TO GOVERNOR'S RECOMMENDATIONS

TIME PERIOD	CURRENT: INMATE POPULATION PROJECTIONS 1/99	CURRENT: 1999 DOC EXPANDED CAPACITY** 2/19/99***	CURRENT: PRISON BEDS OVER/ UNDER	1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***: INMATE POPULATION PROJECTIONS 1/99	1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***: 1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***	1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***: PRISON BEDS OVER/ UNDER
6/30/1999	31,624	32,825	+1,201	31,624	32,825	+1,201
6/30/2000	31,467	34,943	+3,026	31,467	32,159	+692
6/30/2001	31,472	34,717	+3,245	31,472	32,383	+911
6/30/2002	31,936	34,717	+2,781	31,936	32,383	+447
6/30/2003	32,750	34,717	+1,967	32,750	32,383	-367
6/30/2004	33,685	34,717	+1,032	33,685	32,383	-1,302
6/30/2005	34,600	34,717	+117	34,600	32,383	-2,217
6/30/2006	35,474	34,717	-757	35,474	32,383	-3,091
6/30/2007	36,425	34,717	-1,708	36,425	32,383	-4,042
6/30/2008	37,268	34,717	-2,557	37,268	32,383	-4,885

*Population projections are by Sentencing and Policy Advisory Commission.

**Expanded Operating Capacity (EOC) -- where reasonable or allowed by court order, DOC will house more prisoners than the standard capacity of 100%. Beds must be funded and constructed or under construction to be included in official capacity figures.

***Expanded capacity as of 2/19/99 does not include beds contracted with County Jails, beds funded for planning only or beds proposed to be closed by Governor in 99-2000 or 2000-01. EOC with "Proposed Adjustments" includes all beds proposed to be closed by Governor.

FRD 3/99

POSSIBLE ISSUES FOR SUBCOMMITTEE DISCUSSION

1. Should all of Governor's Recommended Budget Reductions for Custody and Security be approved?

2. Will DOC have adequate prison bed capacity in 1999-2001 and beyond if all bed reductions are accepted?

3. Will all DOC employees that could lose their jobs have the opportunity for reemployment by DOC?

4. What is the status of the Alamance Work Release Pilot program (Report prepared March 1, 1999; Alamance is recommended for closing in 99-2000)

5. Should DOC be allowed to retain budget for inmate costs at GPAC units recommended for closing?

- Issue is whether inmates that are transferred can be covered out of existing prison budgets. In 1998, General Assembly reduced inmate budgets in GPAC units slated to close rather than allow DOC to transfer these funds to other prisons

6. Should DOC be allowed to retain 20 positions from "Eliminating Double Celling" for Enterprises supervision? (Budget is $367,227)

- DOC did not recommend full reduction of positions funded in 1995 Session for double celling at Marion, Pasquotank, and Central. DOC recommends retention of 20 correctional officer positions for Enterprises operations: Blanch (Metal Products);Caledonia (Farming/Cannery); Iredell

7. Can Perimeter Patrol be Reduced Further? (Go to 2-2-1 at Close Security or 1-1-1 at Medium Security)?

OTHER DOC CUSTODY AND SECURITY BUDGET ISSUES

1. Overtime Pay – Is funding of $8,984,332 in Continuation Budget justified? (Increase of $3.964 million to match actual expenditures in 1997-98)

2. Staffing of Correctional Officers – DOC recommends saving 15 positions by reducing coverage from 1.76 (8 hours 7 days a week to 1.5 (8 hours/6 days a week -- for certain types of security posts – kitchen, gym, diagnostic centers, for example. DOC also recommends being allowed to retain these positions to supervise new modular prison dorms being installed at several prisons?

- Should these positions be retained or eliminated?

3. Jails in DOC Budget

- Jail Contracts – Final contract ends in April; DOC would like to renew contract for close custody beds in Durham Jail (Contract cost is $566,000 plus 20 time limited DOC positions)

- Jail Backlog – Defined as State inmates awaiting transfer from jails to State prisons. Peak backlog was 1500 State inmates in county jails in 1995-97 timeframe; Backlog is now virtually zero, yet cost to State/DOC in 1998-99 is estimated at $3,600,000.

  - Should 1998-99 special provision be revised?

4. Prison Management –Should DOC retain 10 positions formerly used to manage out of state housing program (17 originally/7 already cut)

ISSUE # 2

DIVISION OF PRISONS

STAFFING - CORRECTIONAL OFFICERS - 98/99

Facilities with an EOC count of 500 or more were considered in the adjustments from 1.76 to 1.50 in 1998-99.

The posts adjusted were visiting, kitchen, gym, enterprise, vocational, classroom and diagnostic. Medical areas were adjusted if staffed on 1st and 2nd shift only.

Listed below are facilities with an EOC count of 300 or more, except Randolph with a count of 226 was included because they have several day shift posts.

FACILITY	OFFICERS
Sandhills	1
Wayne	1
Franklin	3
Hoke	2
Odom	2
Randolph	2
Caswell	2
Eastern	2
TOT	**15**

NOTE: DOP Management has identified these positions to add correctional officers at facilities that are receiving new modulars.

ISSUE # 3

Jail Beds in Department of Correction Budget*

Budget Item	1997-98 Actual Expend	1998-99 Est. Expend.	1999-2000 Recomm. Budget	2000-01 Recom. Budget
1. **DOC Jail Contracts** – DOC contracts to house State prisoners in county jails at $40 a day	$4,426,934 (available funds not approp. Includes $4,147 dollars for medical payments)	$2,650,000 (+$599,540 for 20 Durham Jail positions)	$1,160,180 (includes $560,640 for Durham contract and $599,540 for 20 time limited positions - - would be funded out of available funds)	$0
2. **Jail Backlog** –State inmates awaiting transfer to state prisons; payment starts on 6th day @$40 day	$8,953,627 (this item funded out of available funds; est was $9.026 million; includes $83,627 for medical)	$3,600,000 (available funds; est. was $1.9 million maximum)	$0 (assumes change in provision language; will still need special provision for isolated backlog)	$0 (same assumptions as 99-2000)
3. **State Misdemeanants Housed in County Jails** ($18 per day as of 9/1/97)	$10,105,519 ($7.8 million approp. + use of available funds)	$11,672,796 ($9,848,459 continuation budget + $1,824,337 available funds)	$9,848,459 (Contin. Budget).	$$9,848,459 (Contin. Budget)

*Source for budget figures – Department of Correction 3/15/99. Only #3 -- State Misdemeanants -- is funded out of continuation budget; jail contracts and backlog are funded out of available funds.

ISSUE #3

16

WHY IS DOC PAYING COUNTY JAILS FOR INMATE BACKLOG?

- Prison bed availability can vary daily – could still be small backlog one day if the right type of State prison bed is unavailable, or zero backlog another day. Will always be some backlog of inmates due to procedural issues.

- Current special provision requires payment to jails for inmates sentenced to NC State prisons starting on 6th day after disposal of all charges and continuing until prisoner is actually received by DOC.

- In practice, DOC payments are based on date of sentencing plus 5 days -- DOC payments to Jails start on day 6 after date of sentencing even if bed is available: (1) official commitment papers have not been completed by court and forwarded to Sheriff, thus requiring Sheriff to hold inmates until commitment papers are received or if (2) Sheriff has commitment papers but has not notified DOC that prisoner is awaiting transfer

POSSIBLE SOLUTIONS ?

- Option 1 -- DOC recommends special provision be revised to require payment starting on 6th day after notification by the Sheriff and acceptance by DOC. This would virtually eliminate backlog payments, but Sheriffs may still be holding inmates for long periods of time while awaiting final commitment papers.

- Option 2 -- Require payment on later day after conviction (14 days) to give more time for Sheriff to receive paperwork?

- Option 3 -- Request that courts send form or card upon conviction and sentencing but prior to completion of formal commitment papers (Is this legal?)

- Option 4 -- Continue language from 1998-99

Issue #3

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section . (a) G.S. 148-29 reads as rewritten:

(a) 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~~ the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the division has informed the sheriff that the prisoner is backlogged for transfer and continuing through the day the prisoner is received by the Division of Prison, the Department of Correction shall pay the county:

(1) 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; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

(b) The sheriff having in charge any parolee or post-release supervisee 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~~ the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the division has informed the sheriff that the prisoner is backlogged for transfer and continuing through the day the prisoner is received by the Division of Prison, the Department of Correction shall pay the county:

(1) 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 parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

(b) The Department of Correction may use funds appropriated to the Department for the 1999-01 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Chairs of the Joint Legislative Corrections Oversight Committee on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

legi1210.wk4
DIVISION OF PRISONS

ISSUE # 4

Out of state and contract jails.
History of positions funded in 1994 short session.
Funded for 7/1/94 hire dates.

CLASSIFICATION	GRADE	PSN #	PRESENT USE OF POSITION
Correctional Programs Director I	67	10125	Private prisons support
Correctional Programs Director I	67	10126	Private prisons support
Correctional Programs Director I	67	10127	Private prisons support
Correctional Programs Director I	67	10128	Private prisons support
Office Assistant IV	59	10130	Private prisons support
Processing Assistant III	57	10132	Private prisons support
Office Assistant III	57	10131	Security Section-Clerical Support
Correctional Captain	68	10135	Security Section-Security Threat Groups
Correctional Lieutenant	66	10137	Security Section
Correctional Officer	62	10139	Security Section -Full rotation PIN desk
Correctional Program Director I	67	10129	Abolished 7/1/97
Office Assistant III	57	10151	Abolished 7/1/97
Office Assistant III	57	10133	Abolished 7/1/97
Office Assistant III	57	10134	Abolished 7/1/97
Correctional Lieutenant	66	10136	Abolished 7/1/97
Accountant I	71	10138	Abolished 7/1/97
Correctional Program Director I	67	10150	Abolished 7/1/97
TOTAL	17		

ISSUE # 4

81

North Carolina Department of Correction
North Carolina Division of Prisons
Report on Work Release Pilot Program
March 1, 1999

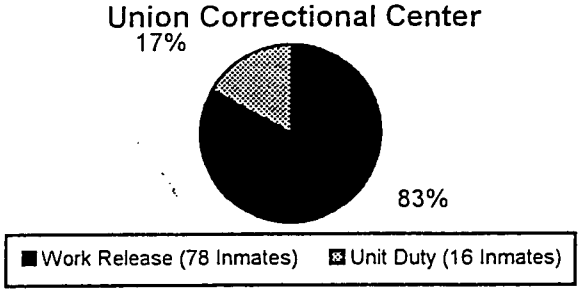
This report is submitted pursuant to Session Laws 1998-212 section 17.25 which states:

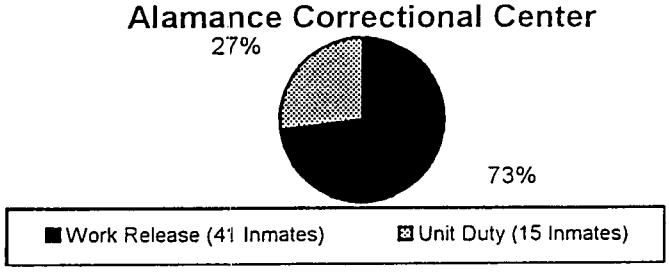
(b) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Union Correctional Center, except those needed for Department of Transportation road squads, on work release to the extent possible. The Department shall report to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees.

ACTIONS TAKEN

1. *Reduced Staffing*
   Converted Union from medium to minimum custody, reducing staff from 64 to 40; Retained existing Alamance staff of 27

2. *Changed Inmate Work Assignments*
   Maximized number of work release slots by terminating all DOT road squads and Highway Patrol assignments and reducing unit duty to lowest practical level (kitchen, grounds, janitorial, clotheshouse):





3. *Examined Fiscal Impact*

Per NC General Statue 148-33.1, work release income is dispersed in the following priority order: A) Per Diem @$14.00, B) transportation, C) Personal draws, D) Dependent support, E) Restitution, F) Judgments, G) Special payments

For the period of 1-1-99 through 2-19-99, examined a breakdown of work release income and disbursements:

	Alamance	Union
Disbursements:		
Court Costs	-0-	205.00
DSS Child Support	8,082.09	11,420.08
Court-Ordered Child Support	822.33	1,051.47
Restitution	1,434.39	8,402.36
Special Family Disbursements	1,272.18	3,228.46
Job-Related Expenses	289.49	1,143.09
Commercial Transportation	-0-	5,018.00
Prison Transportation	892.00	1,114.50
Inactive Draw (inmates no longer on work release)	1.24	343.80
Release Draw	-0-	614.07
Weekly Draw	9,640.18	16,232.33
Prison Per Diem	14,635.50	26,194.00
TOTAL DISBURSEMENTS (pro-rated through 2-28-99)	37,069.40	74,967.16
TOTAL NET WAGES (actual wages through 2-19-99)	59,343.92	71,538.34

SUMMARY

Two months' data is insufficient to summarize a reduction in operational costs at the Alamance and Union facilities. Cost-per-inmate-per-day figures for each facility will be included in the fiscal year-end report. These costs will not, however, reflect per diem reimbursements from inmates on work release, as these are treated as departmental receipts and are deposited into the state's General Fund. Therefore, the work release per diem does not figure into the cost per day of operating a Division of Prisons facility.

Per Diem contributions for:

Charlotte Correctional Center	$40,503.50
Wake Correctional Center	$20,825.00
Guilford Correctional Center	$18,031.00

The Per Diem amounts for Alamance Correctional Center @ $14,635.50 and Union Correctional Center @ $26,194.00 for the first month and a half of this year can be compared to the above listed facilities.

VISITOR REGISTRATION SHEET

Justice and Public Safety — 3-17-99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Kwin Howell	Gov's office
Larry Dix	Office of Juvenile Justice
Eddie Caldwell	NC Sheriffs' Assn/NC Law Enforcement Off. Assn.
Greg Stohl	DOC
Joe Hamilton	DOC
Ken Rhinehart	DOC
Julie Carpenter	DOC
Buddy Humphrey	OSB
John Madler	Sentencing Commission
Mary Carmichael	Mecklenburg County
Chuck Crum	OSPL

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

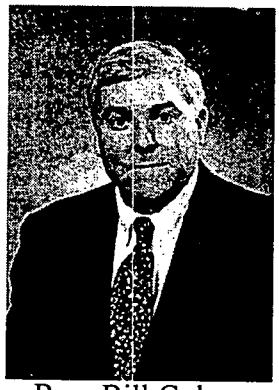
VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Barry Smith	Freedom Newspapers
Tom Crawford Jr	FRD
Lamar L. Moore	Senior Gov Well Legislature
Robert Powell	OSBM
[illegible]	JJ

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY COMMITTEE MEMBERS

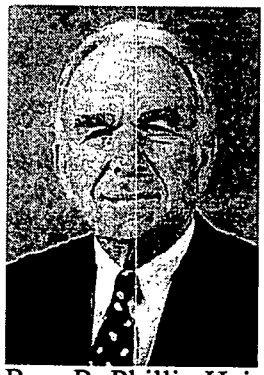
Rep. Paul McCrary
Co-Chair

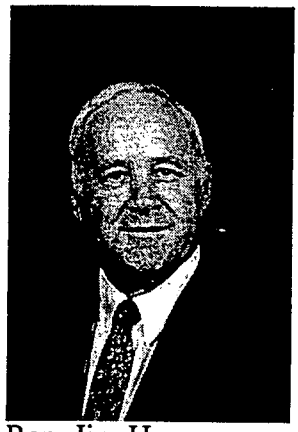
Rep. Ted Kinney
Co-Chair


Rep. Bill Culpepper
Co-Chair

Rep. Scott Thomas
Vice Chair

Rep. Debbie Clary


Rep. R. Phillip Haire


Rep. Jim Horn

Rep. Larry Justus

Rep. Joe Kiser

Rep. Wayne Sexton

VISITOR REGISTRATION SHEET

JUSTICE & PUBLIC SAFETY — March 18

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCCJS
Joe Stewart	CCPS
EDDIE CALDWELL	NC Sheriffs Assn / NC Law Enf. Off. Assn.
John Madden	Sentencing Commission
LARRY DIX	Office of Juvenile Justice
[illegible]	Capital Comm
[illegible]	DOC
[illegible]	DOC
[illegible]	DOC
[illegible]	DOC
[illegible]	OSPL
Chuck Crann	OSPL
Jeanne Bonds	AOC

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE OF JUSTICE AND PUBLIC SAFETY OF THE HOUSE
March 18, 1999 – 8:30
Room 415 – Legislative Office Building

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending were Representative Bill Culpepper, Co-Chairman, presiding; Representative Paul McCrary, Co-Chairman, Rep. Theodore Kinney, Co-Chairman, Representative Scott Thomas, Vice Chair, Representative Debbie Clary, Representative Phillip Haire, Representative Jim Horn, Representative Joe Kiser, Representative Larry Justice and Representative Wayne Sexton. There were 4 Senators in attendance.

Co-Chairman Culpepper recognized the pages in attendance and the members of the Sergeant at Arms staff assisting in the Committee.

Co-Chairman Culpepper recognized the Director of State Prisons, Mr. Stieneke, the agenda today is a continuation of the committee meeting that was held yesterday. Mr. Stieneke began with follow up questions from the meeting yesterday. Chairman Culpepper recognized Rep. Kiser, he asked," *with the level of prisoners rising in the Department of Corrections, do you have to have more Correction Officers assigned*"? Mr. Stieneke replied by stating "as you go up in custody status the facilities have more correctional officers assigned for supervision, because it requires more supervision." Chairman Culpepper recognized Rep. Kiser for follow-up question, "*Would it not be normal to be increasing your staff of Correctional Officers rather than reducing them*"? Mr. Stieneke replied that "the key is increasing it at that right facilities." Again follow-up by Rep. Kiser stating that he felt that we are not keeping up in the correct ratio that we need. Rep. Kiser then asked, *"are we at or below or above the number of correctional Officers for the facilities on a national average"?* Mr. Stieneke stated that we hang right in there with the national average as far as our ratios.

Mr. Stieneke listed his goals as Director of Department of Correction. 1. **Receive some instructions on budget cuts the agency needs to make.** 2. **To make the prisons as efficient as they can.** 3. **Ensure that they have enough capacity to get through the next several years until they can get new facilities.**

Mr. Stieneke shared with the committee the overview of 1999-2001 Prison Reserves Budget (See Attached) also Mr. Stieneke shared with the committee the Custody and Security Budget Overview for the Department of Correct(See Attached).

Chairman Culpepper recognized Rep. Haire, he stated that he had received petitions from the concerned citizens of Cleveland and surrounding counties an additional 255 signatures to add to the 319 signatures that he had already received concerning support in keeping Cleveland Correctional Center and its educational programs open. Representative Haire also had received signed resolutions from Elected officials from Mooresboro, and Waco Town Councils and also from the Mayors Crime Task Force subcommittee and the Cleveland County Democratic Party Executive Committee (See Attached).

Chairman Culpepper recognized Jim Mills(fiscal research) and he continued on with the Custody and Security Budget Overview(See Attached). The concern was should DOC be allowed to retain 20 positions from "Eliminating Double Celling" for Enterprise supervision. The Committee was given handouts on the **Alternate Plans for Iredell Furniture School** (See Attached) Mr. Stacey walked through the handout with the Committee stating that this is a transition plan. Mr. Stieneke also had the **Alternate Plans for Blanch Metal Shop** and the **Caledonia Work Crews.**

Jim Mills (fiscal research) continued with the report on Work Release Pilot Program (See Attached) and shared with the Committee the Actions taken in 1.reduced staffing 2. changed Inmate Work Assignments.

The meeting adjourned, to meet again, Tuesday, April 23, 1999 at 8:30.

Bill Culpepper, Co-Chairman

Barbara A. Berry, Committee Assistant

Department of Correction

Overview of 1999-2001 Prison Reserves Budget

Joint Justice and Public Safety Appropriations Subcommittee

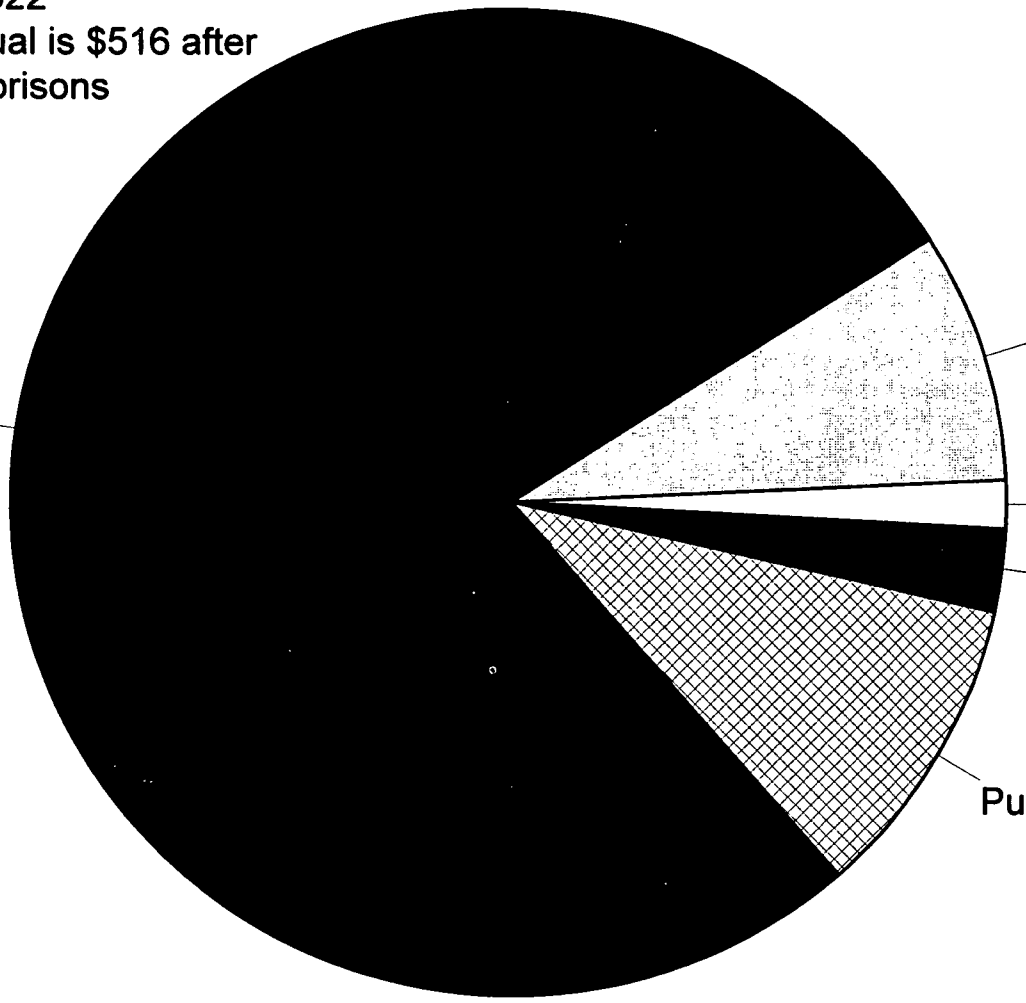
March 17, 1999

FRD

Department of Correction Custody and Security

Governor's Recommended Continuation Budget 1999-2000

Total Budget shown is $522 million (rounded off) ;actual is $516 after subtracting reserves for prisons closed in prior years



$24 M utils
$11.8 Cont.
$4M DPsrvcs.

Source: Vol. 4 Governor's Recommended Justice and Public Safety Budget

OVERVIEW OF BUDGET RESERVES

- Operating Reserves are established for one or all of the following reasons:
  - Large amount of funds dedicated to one project or program
  - OSBM/General Assembly want to track expenditures more closely
  - Set aside estimated program budget amount until final budget can be determined and funds are actually needed.

- **DOC Prison Operating Reserves**
  - Prison Reserves include funds to staff and operate prisons already fully funded for construction and coming on line during a specific fiscal year (also includes inmate costs)
  - Reserves are tied to stages of construction (Prison may have partial reserve to start hiring staff in one year and then be funded to be fully staffed and operated in the next)
  - Reserves may be greater or less than original estimated budget -- budget is estimated one to three years before a prison is designed and construction begins; final budget is result of changes in programs and design.

2

PROCESS FOR ESTABLISHING PRISON RESERVES

- PHASE I -- Establish Long- Range Funding Plan

  - General Assembly authorizes construction funding for new prisons
  - DOC/OSBM/General Assembly estimate amount and dates operating funding should begin and end and amount of funds needed based on custody level of prison, DOC staffing guidelines, and anticpated prison completion dates.
  - Key is estimated completion date -- DOC is authorized to hire managers 120 days prior to prison completion and staff 90 days -- 30 days for testing and administration; 30 days for training and certification and 30 days for OJT.

- PHASE 2 --- State Budget/General Assembly review status of projects and readjust budget based on:

  - 1. Review new estimated dates for completing construction and inmate occupancy and make one-time reductions if dates are pushed into next fiscal year.

  - 2. Review changes that effect cost: prison design (e.g. add electronic intrusion system/eliminate towers and people); #inmates; number and type of programs (e.g. more road squads); and, adjust budget.

BUDGET REVIEW OF DOC PRISON RESERVES

1998 GENERAL ASSEMBLY CHANGES TO DOC PRISON RESERVES

- Reduce Prison Reserves by $16 million (NR) -- One-time reduction due to changes in start dates for private prison contracts and dates for opening Albemarle and Avery/Mitchell. Also based on staggering hiring dates for these two prisons

Prison Reserves 1999-2001

- $42.7 Million in Prison Reserves for 1999-2000 & 2000-01
  - $19.1 million for two private prison contracts (approx $9.5 million each)
  - $23.6 million for Avery/Mitchell and Albemarle; additional $5 million dollars in other program budgets (e.g. custody and security; inmate food etc.) for total budget of approx. $14 million each
- Changes in 1999-2001 Budget
  - Private prison contracts increased $51,885 in 99-2000 and 728,332 in 2000-01 for increases allowed in contract (inflation; lease adjustment of 3.5 % or increase in CPI, whichever higher)
  - Recommended budget for Albemarle and Avery/Mitchell increases staffing by 5 positions at each facilty (additional 24 hour/7 day a week sergeant post).
  - Further one-time reductions? Avery/Mitchell to open in June/ with inmates in August, 1999; only significant delay would result in one-time cost reduction. Albemarle on schedule -- August , 1999 completion/Nov. 99 inmates

G

DIVISION OF PRISONS

List of all increases and decreases in staffing, by position at Avery-Mitchell and Albemarle.

Funded positions 1995	**308**
Increase in 97-98:	
Clerk Typist IIII	3
Correctional Officers	11
Food Service Assistant	1
Sub-Total 97-98:	**323**
Increase in 98-99:	
Sergeants	5
Decrease in 98-99:	
Correctional Officers	(10)
Total:	**318**

Note: Increase in staff required due to staffing standards and design changes. Decrease due to change in perimeter security from 2-2-2 to 2-2-1 and post adjustments from 1.76 to 1.50.

FACILITY	BUDGET 1999-2000	BUDGET 2000-2001
Avery-Mitchell	14,321,319	14,321,319
Albemarle	14,281,751	14,321,319

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STAFFING/STFWGPAC.WK4
04-Mar-99
DIVISION OF PRISONS
STAFFING WORKSHEET

ALBEMARLE CORRECTIONAL INSTITUTION
MEDIUM SECURITY

SOC 624
EOC 816

	POST NAME	SHIFT 1	SHIFT 2	SHIFT 3	TOTAL POSTS	TIMES RELIEF FACTOR	EQUALS TOTAL POSITIONS
1310	ADMINISTRATION						
	Superintendent	1			1	1	1
	Admin. Officer	1			1	1	1
	Secretary IV	1			1	1	1
	Acct Clerk IV	1			1	1	1
	Acct Clerk III	1			1	1	1
	Personnel Asst V	1			1	1	1
	Record Clerk IV	2			2	1	2
	Corr Clerk II	1			1	1	1
	Admin Asst II	1			1	1	1
	Clerk Typist III	2			2	1	2
1310	OPERATIONS						
	Asst Supt. Oprs.	1			1	1	1
	Captain	1	1	1	3	1.76	5
	Lieutenant	1	1	1	3	1.76	6
	Sergeant	5	5	4	14	1.76	25
	Fiscal Sergeant	1			1	1	1
	Clerk Typist III	4			4	1	4
	104 Dorm (4)	8	12	12	32		
	208 Dorm	4	6	6	16		
	Segregation - 40 cell	4	4	2	10		
	Yard	5	5	3	13		
	Transportation	3	3	1	7		
	Operation Center	2	2	2	6		
	Master Control	2	2	2	6		
	Perimeter Patrol	2	2	1	5		
	Control Gate	2	2	2	6		
	Intake control	1	1	1	3		
	SUBTOTAL CORR. OFFICERS				104	1.76	183
	Mailrm/Canteen/Clotheshouse	3	3	0	6		
	Kitchen	1	1	0	2		
	Visiting	1			1		
	Gym	1	1		2		
	Vocational Bldg	1	1		2		
	Classroom Bldg	1	1		2		
	SUBTOTAL CORR. OFFICERS				15	1.5	23

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STAFFING/STFWGPAC.WK4
04-Mar-99
DIVISION OF PRISONS
STAFFING WORKSHEET

ALBEMARLE CORRECTIONAL INSTITUTION
MEDIUM SECURITY

SOC 624
EOC 816

	POST NAME	SHIFT 1	SHIFT 2	SHIFT 3	TOTAL POSTS	TIMES RELIEF FACTOR	EQUALS TOTAL POSITIONS
1310 MAINTENANCE							
	Plant Maint Supvr II	1			1	1	1
	Maint Mech V	2			2	1	2
	Maint Mech IV	1			1	1	1
	Maint Mech III	1	1		2	1	2
	Electronics Tech II	1			1	1	1
	Electrician II	2			2	1	2
	HVAC Maint	1			1	1	1
	Grounds Supervisor	1			1	1	1
	Clerk Typist III	1			1	1	1
1320 FOOD SERVICE							
	Food Serv Supvr II	1			1	1	1
	Food Serv Supvr I		1		1	1	1
	Food Serv Asst	2	1		3	1.76	5
1330 MEDICAL							
	Nurse Supervisor	1			1	1	1
	Lead Nurse	1	1	1	3	1	3
	Staff Nurse	1	1	1	3	1.76	5
	Prac Nurse II	2	1	1	4	1.76	7
	Med Rec Clerk	1			1	1	1
1332 MENTAL HEALTH							
	Staff Psychologist	1			1	1	1
1333 DENTAL							
	Dentist						
	Dental Assistant	1			1	1	1
		1			1	1	1
1350 PROGRAMS							
	Asst Supt Progs	1			1	1	1
	Program Director I	1			1	1	1
	Program Supvr	4			4	1	4
	PA II	4			4	1	4
	PA I	4			4	1	4
	Clerk Typist III	2			2	1	2
	Classification Coord.	1			1	1	1
	Asst Class. Coord	1			1	1	1
	Chaplain	1			1	1	1
TOTALS							318

DEPARTMENT OF CORRECTION

CUSTODY AND SECURITY BUDGET OVERVIEW

JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

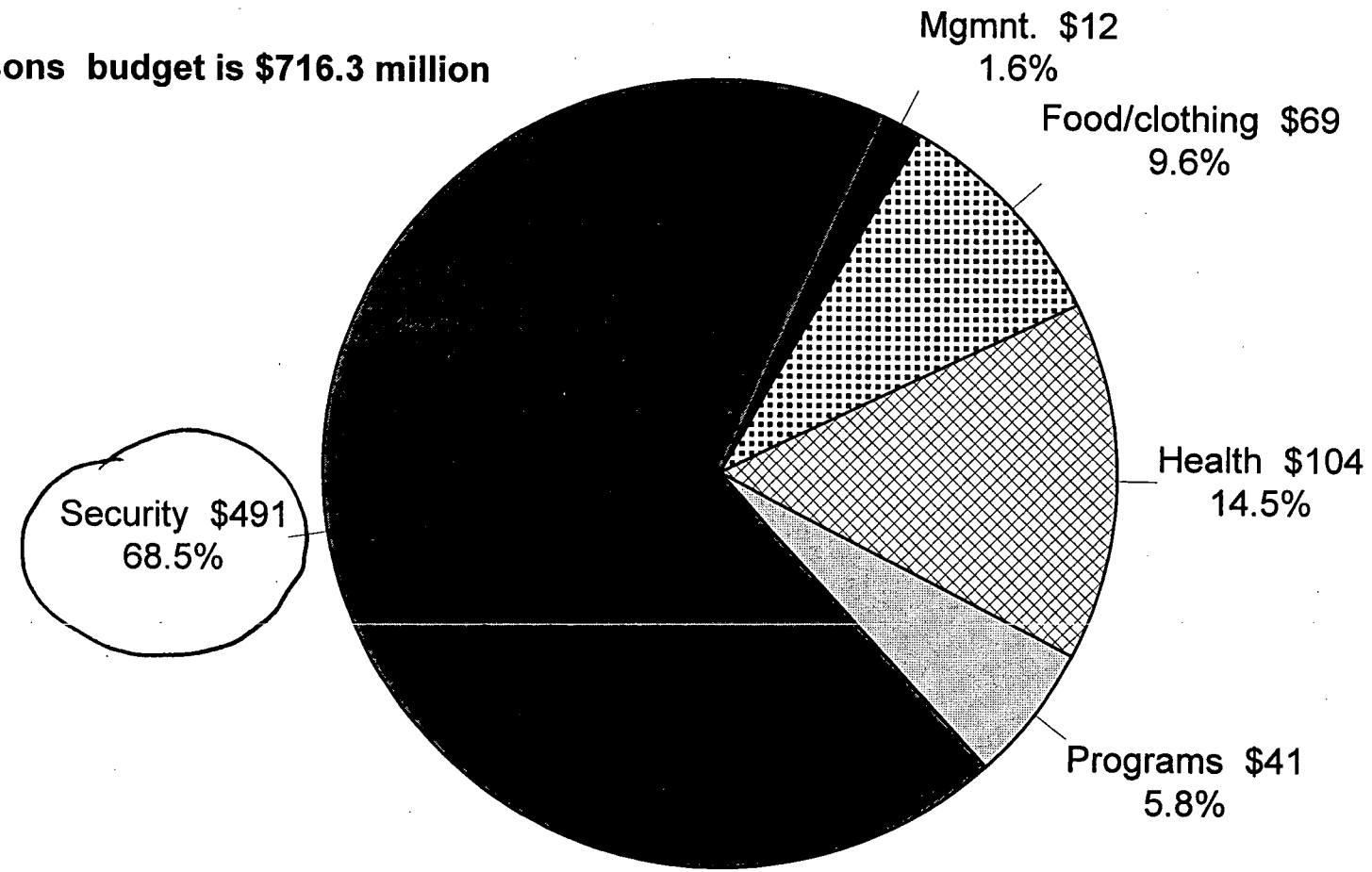
MARCH 17, 1999

Fiscal Research Division

Department of Correction General Fund 1998-99 Authorized Budget*

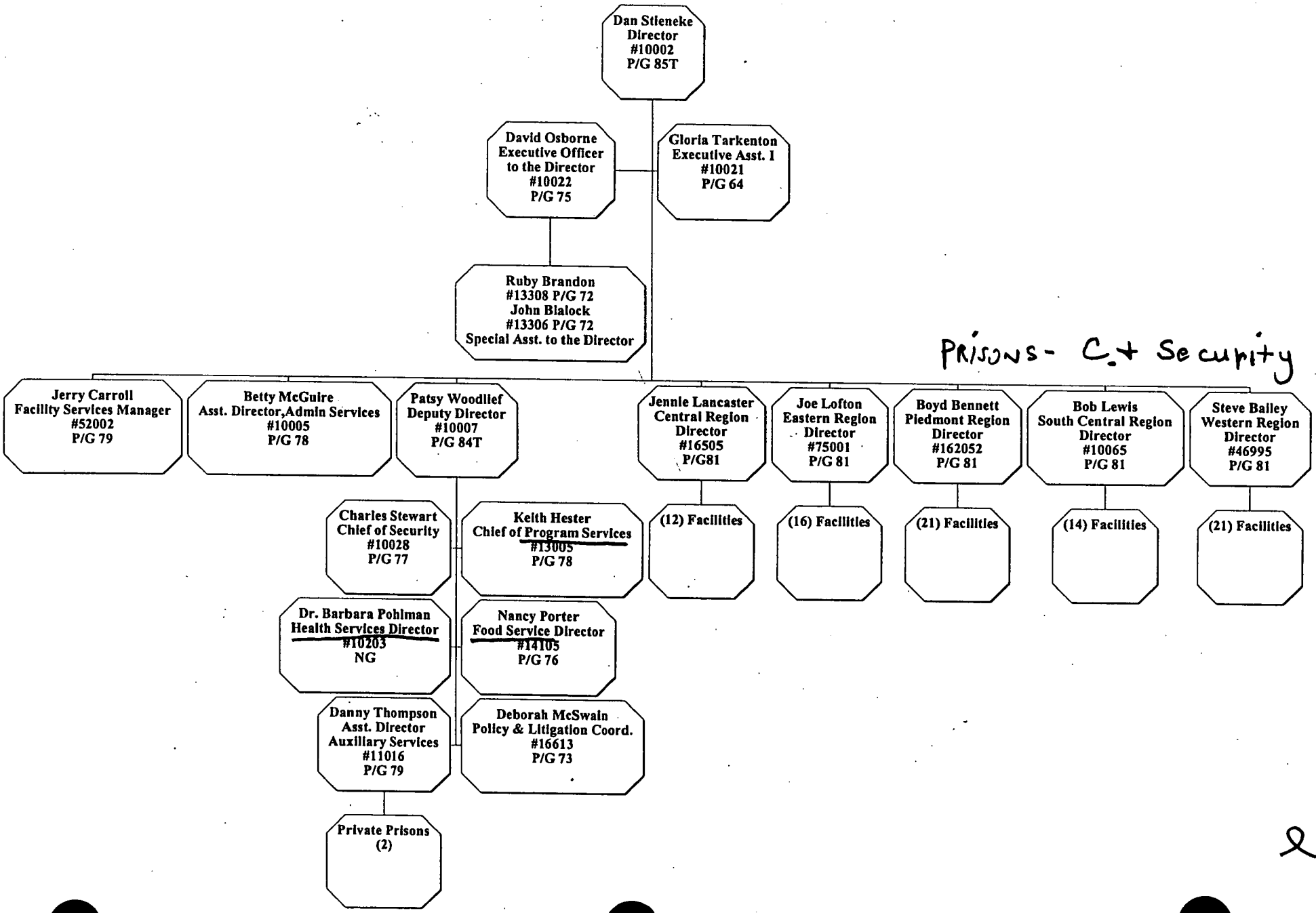
Prisons Budget by Purpose (Dollars in millions rounded off)

Total Prisons budget is $716.3 million



* Authorized Total G.F. Budget 12/31/98

DEPARTMENT OF CORRCETION
DIVISION OF PRISONS
FEBRUARY 15, 1999



DEPARTMENT OF CORRECTION CUSTODY AND SECURITY CONTINUATION BUDGET OVERVIEW

Major Changes in 1997-99 Budget

- Eliminate funds for Housing Inmates out of state and reduce funding for Jail Contracts
- Close 5 prisons
- One time funding reductions in Prison Reserves due to delays in opening dates and staggered hiring dates for staff
- Staff reductions in management (reorganize into 5 regions) and in Prison Reserves

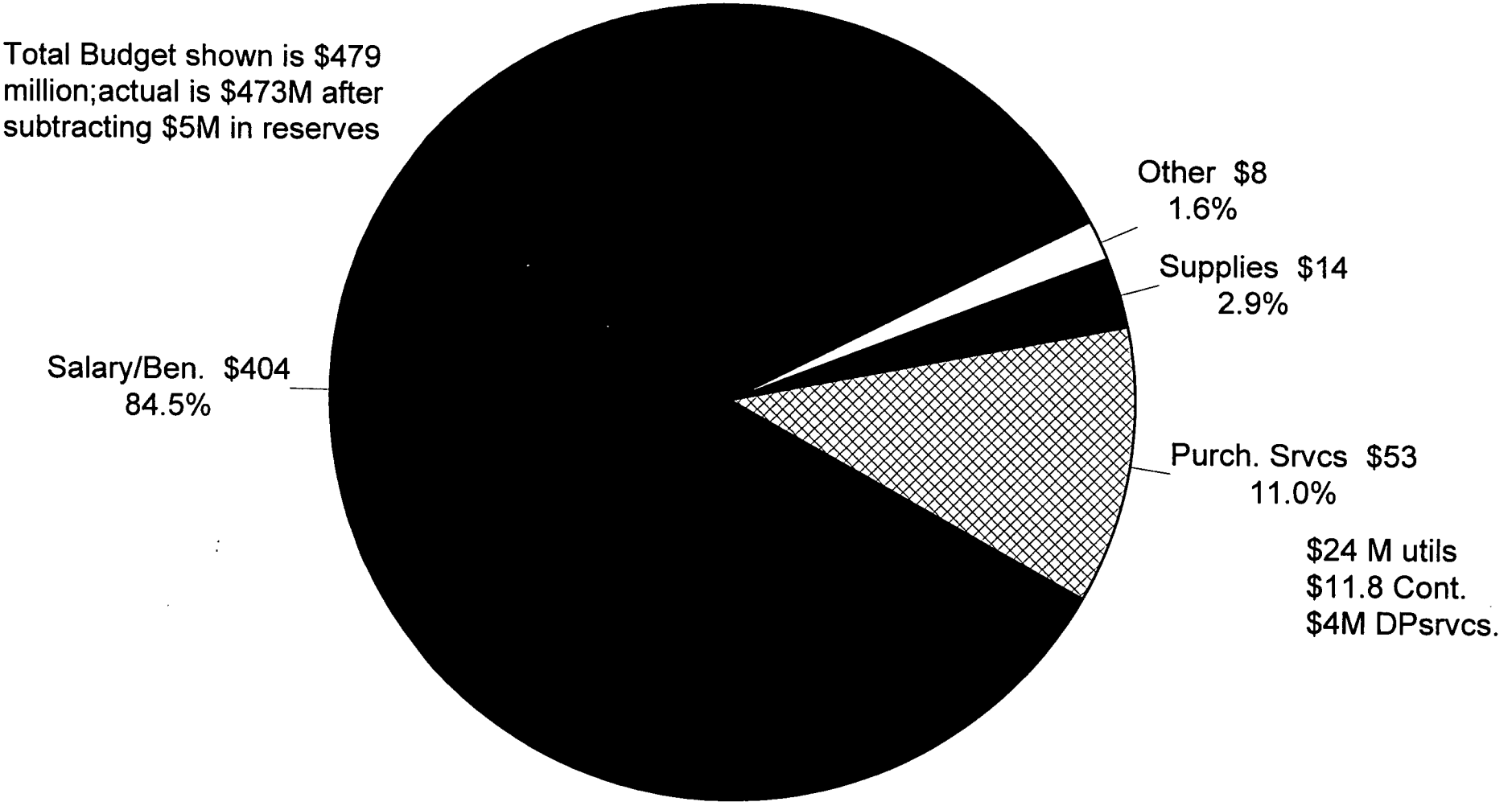
DOC Custody and Security Continuation Budget

Description	1997-98 Actual Expenditures	1998-99 Authorized Budget	1999-2000 Gov. Recom.	2000-01 Gov. Recom.
Net State Approp.	$471,866,756	$490,588,040	**$473,282,155**	**473,308,934**
Positions	12,213	12,046	12,046	12,046

SOURCE: Governor's Justice and Public Safety Budget Document for 1999-2001 except 98-99 Authorized Budget is from BD 701 reports dated 12/31/98 **(Authorized budget includes 98-99 legislative salary increases; 1999-2001 recommended figures do not).**

Department of Correction Custody and Security

Governor's Recommended Continuation Budget 1999-2000



Source: Vol. 4 Governor's Recommended Justice and Public Safety Budget

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WHAT ARE MAJOR CHANGES IN CUSTODY AND SECURITY BUDGET?

- +$8.3 Million for salary and benefit increases (Includes increase of $3.96 million over 98-99 authorized budget for overtime pay to match actual expenditures in 1997-98 of $8.9 million)

- Minus $5 million to annualize prison closings and management cuts

WHAT ADDITIONAL CHANGES IN CUSTODY AND SECURITY BUDGET IS GOVERNOR PROPOSING? (See next page)

DEPARTMENT OF CORRECTION CUSTODY AND SECURITY - - GOVERNOR'S RECOMMENDED BUDGET REDUCTIONS FOR 1999 – 2001

	Gov. Recom. Reductions		Recom. Reduc. Inmate Bed Capacity	
	1999-2000	2000-2001	SOC*	EOC*
I. Prison Closings (10) or Conversions (1)	$(12,384,125) (509)	$(15,811,224) (509)	656	880
II. Eliminate Double Celling at Central, Marion, and Pasquotank (208 beds at each) (Reduce Staff Positions funded by General Assembly in 1995)	(3,045,348) (125)	(3,999,260) (125)	-	624
III. Reduce Expanded Operating Capacity (EOC) @ 16 Minimum Security prisons (11/1/99)	(2,039,745) (108)	(3,059,618) (108)	-	830
IV. Reduce Perimeter Patrol at Medium Custody Units (from 2-2-1 to 2-1-1 (Day – Evening - Night Shifts)	(247,880) (12)	(330,506) (12)	NA	NA
TOTALS	**(17,717,098)** **(754)**	**(23,200,608)** **(754)**	**-656**	**-2,334**

***SOC** is Standard Operating Capacity (100%);
EOC is Expanded Operating Capacity or number beds authorized above 100%

Source: Governor's Summary of Recommendations 99-2001 and Backup Budget documents from OSBM and DOC dated 1/29/99 through 2/1/99

PRISON UNITS PROPOSED FOR CLOSING OR CONVERSION BY GOVERNOR IN 1999 – 2000*

Facility	Date of Proposed Closing	GPAC UNIT	Custody Level	Cost Per Day 97-98**	Proposed Loss of Inmate Bed Capacity SOC	EOC	Proposed 99-2000 Budg Reduction	Proposed 2000-01 Budget Reduction	Proposed Staff Reduction
Alamance	8/1/99	Yes	Min (wrk rel)	$52.55	46	56	($805,420)	($878,640)	(28)
Goldsboro	8/1/99	Yes	Minimum	37.81	64	86	(661,595)	(721,470)	(23)
Blanch	9/1/99	No	Med./Close	152.32	80	88	(3,530,250)	(4,236,300)	(135)
Stokes	10/1/99	Yes	Minimum	56.05	46	56	(658,980)	(878,640)	(28)
Gates	9/1/99	Yes	Minimum	45.19	76	96	(758,350)	(910,020)	(29)
Stanly	10/1/99	Yes	Medium	81.58	64	92	(1,012,005)	(1,349,340)	(43)
Yadkin	11/1/99	Yes	Minimum	60.69	72	106	(815,880)	(1,223,820)	(39)
Iredell	10/11/99	No	Medium	83.73	60	92	(1,859,265)	(2,479,020)	(79)
Cleveland	11/1/99	No	Medium	68.22	64	100	(1,317,960)	(1,976,940)	(63)
Nash	9/1/99	No	Minimum	63.49	84	108	(344,275)	(413,130)	(15)
Currituck (Convert)	9/1/99	Yes	Medium	85.87	-	-	(619,695)	(743,634)	(27)
TOTALS					**656**	**880**	**($12,384,125)**	**($15,811,224)**	**(509)**

*All but Currituck are proposed for closing; Currituck would be converted from medium to minimum custody - - staff would be reduced and inmate type would change, but there would be no reduction in number of inmates or bed capacity.

**Averagecost per day in 1997/98 for operating a prison bed was : Close = $78.64 Medium = $67.44 Minimum = $51.27 Avg. = $62.41

EOC REDUCTION

DIVISION OF PRISONS
ELIMINATE EXPANDED OPERATING CAPACITY POSITIONS FUND IN THE 1997 LONG SESSION

POSITION CLASSIFICATION	TOTAL POSITIONS 1999-2000	SALARY	SALARY * POSITIONS	BLADEN 1999-2000	BUNCOMBE 1999-2000	CALDWELL 1999-2000	CARTERET 1999-2000	DUPLIN 1999-2000	GREENE 1999-2000	HAYWOOD 1999-2000	HENDERSON 1999-2000	NEUSE 1999-2000
1310												
CAPTAIN	2	27,833	55,666									
LIEUTENANT	1	25,588	25,588									
SERGEANT	13	23,595	306,735									
CORRECTIONAL OFFICER	83	21,781	1,807,823	2	1	1	2	4	1			6
									4	2	1	9
1350												
PROGRAM SUPERVISOR	1	24,551	24,551									
CORR PROG ASST I	4	20,104	80,416									
CORR PROG ASST II	4	21,781	87,124						1			
						1			1			2
TOTALS	108		2,387,903	2	1	2	2	4	7	2	1	17
	SOCIAL SECURITY		182,675									
	RETIREMENT		258,610									
	HOSPITAL		187,488									
			3,016,676									

TO BE REVISED - ANNUAL IS 3,059,618

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DIVISION OF PRISONS
ELIMINATE EXPANDED OPER

POSITION CLASSIFICATION	NEW HANOVER 1999-2000	RUTHERFORD 1999-2000	SANFORD 1999-2000	TILLERY 1999-2000	UMSTEAD 1999-2000	WAKE 1999-2000	DAN RIVER 1999-2000	GUILFORD 1999-2000	STANLY 1999-2000	UNION 1999-2000
1310										
CAPTAIN										
LIEUTENANT				2						
SERGEANT			2			1				
CORRECTIONAL OFFICER	2	2	3	8	7	2	2			
						8	4	10	5	8
1350										
PROGRAM SUPERVISOR										
CORR PROG ASST I	1						1			
CORR PROG ASST II										
						1	1			
TOTALS	3	2	5	10	7	12	8	10	5	8

DIVISION OF PRISONS

PERIMETER SECURITY - CHANGE STAFFING AT EIS IN 1998-99 FROM 2-2-2 TO 2-2-1
- CHANGE STAFFING AT EIS IN 1999-2000 FROM 2-2-1 TO 2-1-1

FACILITY RCC #	PERIMETER SECURITY FACILITIES	POSITION DESCRIPTION	POSITION REDUCTIONS 1998-99	POSSIBLE REDUCTIONS 1999-2000
CLOSE CUSTODY FACILITIES - 2-2-2				
3720	Foothills	Correctional Officer		
3730	Marion	Correctional Officer		
3710	Nash	Correctional Officer		
3740	Pasquotank	Correctional Officer		
3980	Polk	Correctional Officer		
MEDIUM SECURITY FACILITIES - 2-2-1 AND PROPOSED REDUCTION 2-1-1				
4580	Albermarle	Correctional Officer	1	1
4680	Avery-Mitchell	Correctional Officer	1	1
3510	Brown Creek	Correctional Officer	1	1
4415	Caswell	Correctional Officer		1
4355	Columbus	Correctional Officer	1	1
3085	Craven	Correctional Officer	1	1
4180	Hyde	Correctional Officer	1	1
4365	Lumberton	Correctional Officer	1	1
4150	Pender	Correctional Officer	1	1
4345	Sampson	Correctional Officer	1	1
4290	Warren	Correctional Officer	1	1
4175	Wayne	Correctional Officer		1
	TOTALS:		10	12
NOTE: We did not cut positions at Caswell and Wayne in the				
1998 Short Session because they were already staffed at 2-2-1.				

NORTH CAROLINA PRISON POPULATION VERSUS BED CAPACITY – CURRENT SITUATION COMPARED TO GOVERNOR'S RECOMMENDATIONS

TIME PERIOD	CURRENT: INMATE POPULATION PROJECTIONS 1/99	CURRENT: 1999 DOC EXPANDED CAPACITY** 2/19/99***	CURRENT: PRISON BEDS OVER/ UNDER	1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***: INMATE POPULATION PROJECTIONS 1/99	1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***: 1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***	1999 DOC EXPANDED CAPACITY WITH PROPOSED ADJUSTMENTS***: PRISON BEDS OVER/ UNDER
6/30/1999	31,624	32,825	+1,201	31,624	32,825	+1,201
6/30/2000	31,467	34,943	+3,026	31,467	32,159	+692
6/30/2001	31,472	34,717	+3,245	31,472	32,383	+911
6/30/2002	31,936	34,717	+2,781	31,936	32,383	+447
6/30/2003	32,750	34,717	+1,967	32,750	32,383	-367
6/30/2004	33,685	34,717	+1,032	33,685	32,383	-1,302
6/30/2005	34,600	34,717	+117	34,600	32,383	-2,217
6/30/2006	35,474	34,717	-757	35,474	32,383	-3,091
6/30/2007	36,425	34,717	-1,708	36,425	32,383	-4,042
6/30/2008	37,268	34,717	-2,557	37,268	32,383	-4,885

*Population projections are by Sentencing and Policy Advisory Commission.

**Expanded Operating Capacity (EOC) -- where reasonable or allowed by court order, DOC will house more prisoners than the standard capacity of 100%. Beds must be funded and constructed or under construction to be included in official capacity figures.

***Expanded capacity as of 2/19/99 does not include beds contracted with County Jails, beds funded for planning only or beds proposed to be closed by Governor in 99-2000 or 2000-01. EOC with "Proposed Adjustments" includes all beds proposed to be closed by Governor.

FRD 3/99

POSSIBLE ISSUES FOR SUBCOMMITTEE DISCUSSION

1. Should all of Governor's Recommended Budget Reductions for Custody and Security be approved?

2. Will DOC have adequate prison bed capacity in 1999-2001 and beyond if all bed reductions are accepted?

3. Will all DOC employees that could lose their jobs have the opportunity for reemployment by DOC?

4. What is the status of the Alamance Work Release Pilot program (Report prepared March 1, 1999; Alamance is recommended for closing in 99-2000)

5. Should DOC be allowed to retain budget for inmate costs at GPAC units recommended for closing?

- Issue is whether inmates that are transferred can be covered out of existing prison budgets. In 1998, General Assembly reduced inmate budgets in GPAC units slated to close rather than allow DOC to transfer these funds to other prisons

6. Should DOC be allowed to retain 20 positions from "Eliminating Double Celling" for Enterprises supervision? (Budget is $367,227)

- DOC did not recommend full reduction of positions funded in 1995 Session for double celling at Marion, Pasquotank, and Central. DOC recommends retention of 20 correctional officer positions for Enterprises operations: Blanch (Metal Products);Caledonia (Farming/Cannery); Iredell

7. Can Perimeter Patrol be Reduced Further? (Go to 2-2-1 at Close Security or 1-1-1 at Medium Security)?

OTHER DOC CUSTODY AND SECURITY BUDGET ISSUES

1. Overtime Pay – Is funding of $8,984,332 in Continuation Budget justified? (Increase of $3.964 million to match actual expenditures in 1997-98)

2. Staffing of Correctional Officers – DOC recommends saving 15 positions by reducing coverage from 1.76 (8 hours 7 days a week to 1.5 (8 hours/6 days a week -- for certain types of security posts – kitchen, gym, diagnostic centers, for example. DOC also recommends being allowed to retain these positions to supervise new modular prison dorms being installed at several prisons?

- Should these positions be retained or eliminated?

3. Jails in DOC Budget

- Jail Contracts – Final contract ends in April; DOC would like to renew contract for close custody beds in Durham Jail (Contract cost is $566,000 plus 20 time limited DOC positions)

- Jail Backlog – Defined as State inmates awaiting transfer from jails to State prisons. Peak backlog was 1500 State inmates in county jails in 1995-97 timeframe; Backlog is now virtually zero, yet cost to State/DOC in 1998-99 is estimated at $3,600,000.

  - Should 1998-99 special provision be revised?

4. Prison Management –Should DOC retain 10 positions formerly used to manage out of state housing program (17 originally/7 already cut)

ISSUE # 2

DIVISION OF PRISONS

STAFFING - CORRECTIONAL OFFICERS - 98/99

Facilities with an EOC count of 500 or more were considered in the adjustments from 1.76 to 1.50 in 1998-99. ✓

The posts adjusted were visiting, kitchen, gym, enterprise, vocational, classroom and diagnostic. Medical areas were adjusted if staffed on 1st and 2nd shift only.

Listed below are facilities with an EOC count of 300 or more, except Randolph with a count of 226 was included because they have several day shift posts.

FACILITY	OFFICERS
Sandhills	1
Wayne	1
Franklin	3
Hoke	2
Odom	2
Randolph	2
Caswell	2
Eastern	2
TOT	**15**

NOTE: DOP Management has identified these positions to add correctional officers at facilities that are receiving new modulars.

ISSUE # 3

Jail Beds in Department of Correction Budget*

Budget Item	1997-98 Actual Expend	1998-99 Est. Expend.	1999-2000 Recomm. Budget	2000-01 Recom. Budget
1. **DOC Jail Contracts** – DOC contracts to house State prisoners in county jails at $40 a day	$4,426,934 (available funds not approp. Includes $4,147 dollars for medical payments)	$2,650,000 (+$599,540 for 20 Durham Jail positions)	$1,160,180 (includes $560,640 for Durham contract and $599,540 for 20 time limited positions - - would be funded out of available funds)	$0
2. **Jail Backlog** –State inmates awaiting transfer to state prisons; payment starts on 6th day @$40 day	$8,953,627 (this item funded out of available funds; est was $9.026 million; includes $83,627 for medical)	$3,600,000 (available funds; est. was $1.9 million maximum)	$0 (assumes change in provision language; will still need special provision for isolated backlog)	$0 (same assumptions as 99-2000)
3. **State Misdemeanants Housed in County Jails** ($18 per day as of 9/1/97)	$10,105,519 ($7.8 million approp. + use of available funds)	$11,672,796 ($9,848,459 continuation budget + $1,824,337 available funds)	$9,848,459 (Contin. Budget).	$$9,848,459 (Contin. Budget)

*Source for budget figures – Department of Correction 3/15/99. Only #3 -- State Misdemeanants -- is funded out of continuation budget; jail contracts and backlog are funded out of available funds.

ISSUE #3

16

WHY IS DOC PAYING COUNTY JAILS FOR INMATE BACKLOG?

- Prison bed availability can vary daily – could still be small backlog one day if the right type of State prison bed is unavailable, or zero backlog another day. Will always be some backlog of inmates due to procedural issues.

- Current special provision requires payment to jails for inmates sentenced to NC State prisons starting on 6th day after disposal of all charges and continuing until prisoner is actually received by DOC.

- In practice, DOC payments are based on date of sentencing plus 5 days -- DOC payments to Jails start on day 6 after date of sentencing even if bed is available: (1) official commitment papers have not been completed by court and forwarded to Sheriff, thus requiring Sheriff to hold inmates until commitment papers are received or if (2) Sheriff has commitment papers but has not notified DOC that prisoner is awaiting transfer

POSSIBLE SOLUTIONS ?

- Option 1 -- DOC recommends special provision be revised to require payment starting on 6th day after notification by the Sheriff and acceptance by DOC. This would virtually eliminate backlog payments, but Sheriffs may still be holding inmates for long periods of time while awaiting final commitment papers.

- Option 2 -- Require payment on later day after conviction (14 days) to give more time for Sheriff to receive paperwork?

- Option 3 -- Request that courts send form or card upon conviction and sentencing but prior to completion of formal commitment papers (Is this legal?)

- Option 4 -- Continue language from 1998-99

Issue #3

17

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section . (a) G.S. 148-29 reads as rewritten:

(a) 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~~ the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the division has informed the sheriff that the prisoner is backlogged for transfer and continuing through the day the prisoner is received by the Division of Prison, the Department of Correction shall pay the county:

(1) 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; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

(b) The sheriff having in charge any parolee or post-release supervisee 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~~ the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the division has informed the sheriff that the prisoner is backlogged for transfer and continuing through the day the prisoner is received by the Division of Prison, the Department of Correction shall pay the county:

(1) 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 parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

(b) The Department of Correction may use funds appropriated to the Department for the 1999-01 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Chairs of the Joint Legislative Corrections Oversight Committee on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

legi1210.wk4
DIVISION OF PRISONS

Issue # 4

Out of state and contract jails.
History of positions funded in 1994 short session.
Funded for 7/1/94 hire dates.

CLASSIFICATION	GRADE	PSN #	PRESENT USE OF POSITION
Correctional Programs Director I	67	10125	Private prisons support
Correctional Programs Director I	67	10126	Private prisons support
Correctional Programs Director I	67	10127	Private prisons support
Correctional Programs Director I	67	10128	Private prisons support
Office Assistant IV	59	10130	Private prisons support
Processing Assistant III	57	10132	Private prisons support
Office Assistant III	57	10131	Security Section-Clerical Support
Correctional Captain	68	10135	Security Section-Security Threat Groups
Correctional Lieutenant	66	10137	Security Section
Correctional Officer	62	10139	Security Section -Full rotation PIN desk
Correctional Program Director I	67	10129	Abolished 7/1/97
Office Assistant III	57	10151	Abolished 7/1/97
Office Assistant III	57	10133	Abolished 7/1/97
Office Assistant III	57	10134	Abolished 7/1/97
Correctional Lieutenant	66	10136	Abolished 7/1/97
Accountant I	71	10138	Abolished 7/1/97
Correctional Program Director I	67	10150	Abolished 7/1/97
TOTAL	17		

Issue # 4

81

North Carolina Department of Correction

North Carolina Division of Prisons

Report on Work Release Pilot Program

March 1, 1999

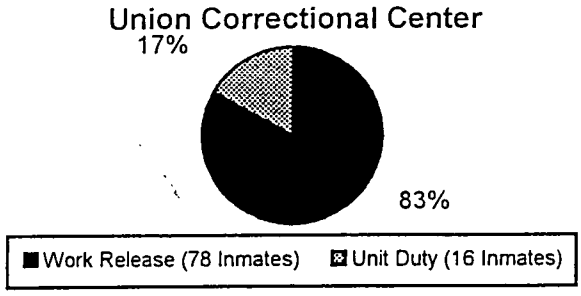
This report is submitted pursuant to Session Laws 1998-212 section 17.25 which states:

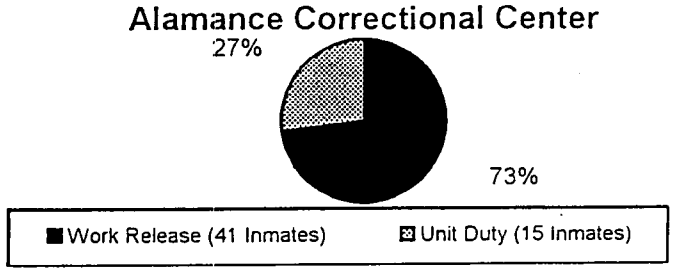
(b) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Union Correctional Center, except those needed for Department of Transportation road squads, on work release to the extent possible. The Department shall report to the Chairs of the House and Senate Appropriations Committees and the Chairs of the House and Senate Appropriations Subcommittees.

ACTIONS TAKEN

1. *Reduced Staffing*
   Converted Union from medium to minimum custody, reducing staff from 64 to 40; Retained existing Alamance staff of 27

2. *Changed Inmate Work Assignments*
   Maximized number of work release slots by terminating all DOT road squads and Highway Patrol assignments and reducing unit duty to lowest practical level (kitchen, grounds, janitorial, clotheshouse):





3. *Examined Fiscal Impact*

Per NC General Statue 148-33.1, work release income is dispersed in the following priority order: A) Per Diem @$14.00, B) transportation, C) Personal draws, D) Dependent support, E) Restitution, F) Judgments, G) Special payments

For the period of 1-1-99 through 2-19-99, examined a breakdown of work release income and disbursements:

	Alamance	Union
Disbursements:		
Court Costs	-0-	205.00
DSS Child Support	8,082.09	11,420.08
Court-Ordered Child Support	822.33	1,051.47
Restitution	1,434.39	8,402.36
Special Family Disbursements	1,272.18	3,228.46
Job-Related Expenses	289.49	1,143.09
Commercial Transportation	-0-	5,018.00
Prison Transportation	892.00	1,114.50
Inactive Draw (inmates no longer on work release)	1.24	343.80
Release Draw	-0-	614.07
Weekly Draw	9,640.18	16,232.33
Prison Per Diem	14,635.50	26,194.00
TOTAL DISBURSEMENTS (pro-rated through 2-28-99)	**37,069.40**	**74,967.16**
TOTAL NET WAGES (actual wages through 2-19-99)	**59,343.92**	**71,538.34**

SUMMARY

Two months' data is insufficient to summarize a reduction in operational costs at the Alamance and Union facilities. Cost-per-inmate-per-day figures for each facility will be included in the fiscal year-end report. These costs will not, however, reflect per diem reimbursements from inmates on work release, as these are treated as departmental receipts and are deposited into the state's General Fund. Therefore, the work release per diem does not figure into the cost per day of operating a Division of Prisons facility.

Per Diem contributions for:

Charlotte Correctional Center	$40,503.50
Wake Correctional Center	$20,825.00
Guilford Correctional Center	$18,031.00

The Per Diem amounts for Alamance Correctional Center @ $14,635.50 and Union Correctional Center @ $26,194.00 for the first month and a half of this year can be compared to the above listed facilities.

NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
Alternate Plans for Iredell Furniture School **March 17, 1999**

If Iredell Correctional Center closes as proposed, the following plan is recommended for implementation:

- NCCE will build a furniture plant at Albemarle Correctional Institution by Fall 2000. Until then:
- Up to 40 inmates from Lincoln Correctional Center will be bused from Lincoln to Iredell each day to work first shift.
- Up to 40 inmates from Catawba Correctional Center will be bused from Catawba to Iredell each day to work second shift.
- NCCE will provide the buses for transporting inmates. Division of Prisons will provide the staff to transport inmates and supervise inmates on site.

First Shift Staff - assigned to Lincoln		Second Shift Staff - assigned to Catawba	
1	Correctional Sergeant	1	Correctional Sergeant
1	C/O - Buildings & Grounds	1	C/O - Buildings & Grounds
1	C/O - School Tower	*1	Program Supervisor
1	C/O - Back Tower		

* Program supervisor position to coordinate program between NCCE and Catawba Community College. This position would also be actively involved in recruiting and screening inmates into this program.

ISSUES TO RESOLVE

- waste water treatment plant must be maintained
- minimum custody inmates from Catawba should be restricted to level I x 12 months.

DLS/DRO:do
iredell.wpd

NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
Alternate Plans for Blanch Metal Shop **March 17, 1999**

If Blanch Correctional Institution closes as proposed, the following plan is recommended for implementation:

- NCCE Metal Shop operation will continue with 44 inmates assigned from Caswell Correctional Center, and 12 inmates assigned from Dan River Prison Work Farm.
- Dan River will also provide an additional 6 inmates for yard/grounds maintenance.
- Instead of staff being assigned to Blanch, staff will now be assigned to Caswell. The following staffing will be required.

Staff - assigned to Caswell

1	Correctional Sergeant
1	C/O - Buildings & Grounds
3	C/O's - Towers

ISSUES TO RESOLVE

- waste water treatment plant must be maintained.
- current heating for metal shop comes from main facility boiler. Must maintain 24 hour supervision of boiler or convert to another form of heating. Duct work is already available in plant.
- telephone system currently operates through Blanch switchboard. Will need to move current system to metal shop or set up new telephone system for metal shop.
- may need to provide separate electrical service to metal plant to eliminate having to maintain current system at Blanch.

DLS/DRO:do
blanch.wpd

NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
Caledonia Farm Work Crews **March 17, 1999**

To increase productivity and provide improved supervision, Caledonia Correctional Center has requested 8 correctional officer positions to provide supervision for six additional farm crews. These 8 positions would be funded out of the 20 positions requested by DOC.

DLS/DRO:do
caledonia.wpd

WASHINGTON — BUDG / NEEDS

BERTIE / MARTIN — SPACE —

NEED A ENDV $

March 10, 1999

Enclosed are more petitions signed by concerned citizens of Cleveland and surrounding counties, to show support in keeping Cleveland Correctional Center and its educational programs open.

Enclosed are 255 additional signatures to add to the 319 signatures that you have already received. We hope that these petitions will continue to show the communities support for our efforts and beliefs.

Elected officials from Mooresboro, and Waco Town Councils have signed resolutions which are enclosed. There is also a resolution from the Mayor's Crime Task Force Subcommittee, and the Cleveland County Democratic Party Executive Committee.

Thank you for your support in our efforts to keep our unit and school open.

Sincerely:

Rosaline J. Hunt

Rosaline J. Hunt

CLEVELAND COUNTY DEMOCRATIC PARTY
EXECUTIVE COMMITTEE

725 Dixon School Road
Kings Mountain, North Carolina 28086
March 1, 1999

Dear

I am writing this letter on behalf of the Cleveland County Democratic Party Executive Committee to express our concern over the report that the Cleveland Correctional Facility may be closed.

One concern is in the area of economics. A state agency such as this provides a number of jobs in this county. These are jobs that will be here over a long period of time unlike private industry which are commonly closed and/or relocated. We, in this area, have experienced this recently with the closings and layoffs at Doran, Kemet, Reliance Electric, and Carolina Freight. Further, many of the items needed to operate these facilities are purchased locally which is an additional economic boost. It will be deeply disappointing if these people are forced to accept employment with another state agency outside the county; thus, removing those consumer dollars to neighboring counties.

Further, the information recently reported by Sean Walsh indicates that all the facilities proposed for closing except one are GPAC facilities. This is not true as Cleveland Correctional Center is not a GPAC facility.

Another factor involves the political climate in Cleveland County. As you know, we regained control of the House and wider majority margin in the Senate. This was due to the "grassroots" efforts of your constituency. During this past campaign the Democratic Party had to work extremely hard to overcome the embarrassment created at the national level. Many local Democrats endured ridicule during their campaign efforts because of this scandal. However, they continued to work diligently and the result is evident. Many of the employees at Cleveland are these very Democrats and their efforts must not go unrewarded.

Sincerely,

Betsy Wells/nk

Betsy Wells, Chairman
Cleveland County Democratic Party

A RESOLUTION RESPECTFULLY SUBMITTED TO WACO TOWN COUNCIL

We respectfully request your attention to the following resolution. The resolution expresses our concern about the proposed closing of the Cleveland Correctional Center and the negative impact of that closing on what we believe is a viable, sound institution in Cleveland County. We also believe that the Cleveland Correctional Center and its educational program has served, in numerous ways, as a model for our State, and, perhaps even as a model for our nation. We sincerely appreciate the support given to us for so many years, support which continues to cause our success. Thank you for your thoughtful concern and your careful consideration of this resolution and this proposal.

Whereas, Cleveland Correctional Center in Shelby, North Carolina, has been identified, due to budget cuts, for possible closure: We, the Waco Town Council, go on record as opposing the closure of Cleveland Correctional Center. The loss of sixty-three (63) full-time Department of Correction employees plus five (5) full time faculty members from Cleveland Community College, not to mention the impact on local businesses, would be a major loss in the community. The Waco Town Council supports the prison facility in its current capacity and the educational program offered in conjuction with Cleveland Community College, which teaches inmates vocational skills as well as providing educational opportunities.

In the event that it can be proven that the prison facility is no longer cost effective to operate in the current state, then the Waco Town Council recommends converting the Cleveland Correctional Center from a medium custody prison unit to a minimum custody prison unit. The conversion to minimum custody would reduce the operating costs; thus, making it more practical to remain open. This conversion would also provide the Western Region of the Division of Prisons with twenty eight (28) man minimum custody lock-up facility. For the long range, the Waco Town Council supports the building of a larger, centralized prison facility in Shelby to serve all the neighboring counties that have smaller prison facilities to be impacted in the near future by the trend toward primarily larger prisons. A new, larger centralized prison would be a sound economic investment for the community, creating additional jobs for people in both immediate and surrounding areas.

Respectfully submitted on behalf of the employees of Cleveland Correctional Center and Cleveland Community College.

Eddie L. Ross

Charles R Ross

Charles W. Murray

Wanda S. Gibson

Bonny V. Alexander, Town Clerk

3-8-99

TOWN OF MOORESBORO

MOORESBORO, N. C. 28114

March 9, 1999

TO WHOM IT MAY CONCERN:

The following resolution was adopted at a meeting of the Mooresboro Town Council held on March 8, 1999:

> WHEREAS, Cleveland Correctional Center in Shelby, North Carolina, has been identified, due to budget cuts, for possible closure; We, the Mooresboro Town Council go on record as opposing the closure of Cleveland Correctional Center. The loss of sixty-three (63) full-time Department of Correction employees plus five (5) full-time faculty members from Cleveland Community College, not to mention the impact on local businesses, would be a major loss to the Community. The Mooresboro Town Council supports the prison facility in its current capacity and the educational program offered in conjunction with Cleveland Community College, which teaches inmates vocational skills as well as providing educational opportunities.
>
> In the event that it can be proven that the prison facility is no longer cost effective to operate in the current state, then the Mooresboro Town Council recommends converting the Cleveland Correctional Center from a medium custody prison to a minimum custody prison unit. The conversion to minimum custody would reduce the operating costs; thus making it more practical to remain open. This conversion would also provide the Western Region of the Division of Prisons with a twenty-eight (28) man minimum custody lock-up facility. For the long range, the Mooresboro Town Council supports the building of a larger, centralized prison facility in Shelby to serve all the neighboring counties that have smaller prison facilities to be impacted in the near future by the trend toward primarily larger prisons. A new larger centralized prison would be a sound economic investment for the community, creating additional jobs for people in both immediate and surrounding areas.

Respectfully submitted on behalf of the employees of Cleveland Correctional Center and Cleveland Community College.

Bobby Watson, Mayor

Joe Barbee, Council Member

John Eargle, Council Memb.

Don Greene, Council Member

Roy Whitaker, Council Memb.

_____, Council Member

MAYOR'S CRIME TASK FORCE SUBCOMMITTEE
RESOLUTION REGARDING POSSIBLE CLOSURE OF
THE CLEVELAND CORRECTIONAL CENTER

WHEREAS, Cleveland Correctional Center in Shelby, North Carolina has been identified for possible closure due to budget cuts; and

WHEREAS, we believe that the Cleveland Correctional Center and its educational program has served in numerous ways as a model for our State and, perhaps even as a model for our nation; and

WHEREAS, the Mayor's Crime Task Force Subcommittee has worked in partnership with representatives from Cleveland Correctional Center on crime issues that affect our community;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR'S CRIME TASK FORCE SUBCOMMITTEE:

Section 1. The Mayor's Crime Task Force Subcommittee goes on record as opposing the closure of Cleveland Correctional Center. The loss of sixty-three (63) full-time Department of Corrections employees plus five (5) full-time faculty members from Cleveland Community College and the impact on local businesses would be a major loss in the community. We support the prison facility in its current capacity and the educational program offered in conjunction with Cleveland Community Community College, which teaches inmates vocational skills, as well as providing educational opportunities.

Section 2. In the event it can be proven the prison facility is no longer cost effective to operate in the current state, then we recommend converting the Cleveland Correctional Center from a medium custody prison unit to a minimum custody prison unit. The conversion to minimum custody would reduce the operating costs, thus making it more practical to remain open. This conversion would also provide the Western Region of the Division of Prisons with a twenty-eight (28) man minimum custody lock-up facility.

Section 3. For the long range, we support the building of a larger, centralized prison facility in Shelby to serve all the neighboring counties that have smaller prison facilities to be impacted in the near future by the trend toward primarily larger prisons. A

new, larger centralized prison would be a sound economic investment for the community, creating additional jobs for people in both immediate and surrounding areas.

Section 4. This resolution shall become effective upon its adoption and approval.

Adopted and Approved this the 17th day of February, 1999.

Rosaline Hunt, Chairperson

CLEVELAND CORRECTIONAL CENTER
AND
CLEVELAND COMMUNITY COLLEGE
COMPREHENSIVE EDUCATION PROGRAM

We the undersigned citizens of Cleveland and surrounding counties, do hereby support our community in its efforts to maintain the current status of the above named correctional unit and educational programs. We support the idea of building a larger centrally located unit to accommodate not only our prison but surrounding counties who also have small field units.

These signatures will be used only for the presentation to our State Representatives to help support reasons why our unit and programs should not be closed in November.

NAME	ADDRESS	TELEPHONE
1. Bill Lee	1333 Falls Church Ellenboro	453-0728
2. Eugene Melton	P.O. Box 399 Ellenboro NC	453-8375
3. [illegible]	P.O. Box 312 Shelby	286-2876
4. [illegible]	122 Bethany Church Rd Forest City	245-4229
5. Forrest Padgett	1260 Rainbow Rapids Rutherfordton, N.C.	
6. Pat Padgett	1260 Rainbow Rapids Rutherfordton, N.C	
7. Jennifer Hoke	3133 Hudson Rd Forest City NC 28043	
8. Ralph Edward Flint	1591 Thermal City Rd Union Mills N.C.	28167
9. Hunter Padgett	Union Mills	28167
10. Rodney O. Deal	557 Maple Creek Dr. Rutherfordton NC	28139
11. Betty Deal	557 Maple Crk Rutherfordton NC	28139
12. Marion H. Arnold	1749 Painters Gap	28167
13. Georgia B. Arnold	1749 Painters Gap	28167
14. Jacqueline Wilde	347 Bedford Rd Ellenboro N.C.	28040
15. Elroy B. Padgett	317 Kirby St. Lo Flat Rock, N.C.	28726
16. [illegible]	11 Reed Rd Asheville, N.C	28805
17. [illegible] Padgett	1921 Painters Gap Union Mills NC	28167
18. Sherman Beam	297 Oak Creek Rd. Rutherfordton	N.C. 28134
19.		
20.		
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CONTACT: ROSALINE HUNT

TELEPHONE: 471-0593

CLEVELAND CORRECTIONAL CENTER
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NAME	ADDRESS	TELEPHONE
1. Scott Simon		434-8522
2. Gordon Lake		434-2328
3. Charles Hammock		434-6953
4. D. E. Ogden		657 6588
5. R. Cage		434-7167
6. Janice Jones		434-9179
7. Calvin Dixon		434-7413
8. Elsie Dixon		434-7413
9. Christopher		434-6172
10. Jack [illegible]		434-5584
11. Earl Goodale		434 6632
12. J. C. Greene		
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NAME	ADDRESS	TELEPHONE
1. Susie Moss	2101 Chatfield Rd.	481-9971
2. Rhonda J Hamrick	1002 Brookside Place Shelby	484-3307
3. Carolyn W. DeBrew	321 Poplar Springs Ch Rd Shelby	487-5840
4. Barbara Harris	3637 Cliffside Rd. Mooresboro	657-9201
5. Jeremy McSwain	PO Box 327 Boiling Springs, N.C.	434-2762
6. Barbara Morehead	6844 Juniper Tr. Shelby NC	434-0793
7. Lori Nanney	PO Box 331 Boiling Spring NC	434 8882
8. Dolores Bennett	126 Bradley Rd. Shelby N.C.	434-7714
9. Teresa Blake	2116 Flint Hill Ch. Rd. Shelby, N.C.	434-0391
10. Stephanie Mallory	105 Holland Dr. Boiling Spring, NC	431-9257
11. Evonne Jenkins	1304 S. Post Rd. Shelby, N.C. 28152	482-7792
12. Stephanie Clayton	292 McSwain Rd, Forest City NC 28043	828-245-1807
13. Sylvia Hawkins	119 Blackhawk Dr., Shelby, NC 28150	434-7511
14. Ina Thomas	107 Aaron Dr. Shelby NC 28152	
15. Linda Barlow	102 Osprey Lane, Mooresboro, NC 28114	828-657-4401
16. Carol King	621 Poplar Dr. Shelby, NC 28152	
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NAME	ADDRESS	TELEPHONE
1. Lynn Patterson	158 Joe Hamlin Rd Rutherfordton	287-7687
2. Joe Hamrick	3018 Downing St - Shelby	487-9712
3. Susan Weeks	3803 Wildcheu Ct. Shelby	482 0419
4. Allana Bryson	PO 224 Lattimore, NC 28089	434-2303
5. Peggy Andrews	PO Box 790 Boiling Springs NC 28017	434-5527
6. Gail Brown	308 Wilson St. Shelby, NC 28150	487-7132
7. Susan Dedmon	PO Box 1098 B. Springs 28017	434-8109
8. Ruby McKinney	3547 McKinney Rd. Mooresboro NC 28114	434-7323
9. Christy Grote	703 Maynard St. Shelby NC 28152	487-0743
10. Sharon Wilson	PO Box 504 Shelby NC 28151	482-6075
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NAME	ADDRESS	TELEPHONE
1. Arretta B. Carry	Shoal Creek Ch Rd, Shelby	484-3700
2. Robin Thurston	1305 Lackey St. Shelby	
3. Julia Falk	1772 Idlewild Dr., Shelby	
4. Rhonda Hamrick	102 Thistle CT. Cherryville	
5. Teresa Thomason	2727 Lawn Rd, Shelby NC	
6. Kenya L. Shook	P.O. Box 454, Boiling Springs, N.C.	
7. J Evans	Po Box 341 Boiling Springs, NC 28017	
8. Dana J. Reynolds	826 Old Boiling Spgs. Rd. Shelby NC 28152	
9. Jeff Triplett	803 Poplar Springs Ch Rd. Shelby NC 28152	
10. Shirley McWhirter	816 Johnny Bridges Rd. Shelby N.C. 28150	
11. Lisa Harris	261 Elizabeth Ave. Forest City, NC 28043	
12. Michele Allison	1605 Greenlee Rd Mooresboro, NC 28114	434-0808
13. Laura Beaver	412 Old Boiling Spring Rd, Shelby, NC 28152	487-0772
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NAME	ADDRESS	TELEPHONE
1. Jennifer Gold	319 Suffolk Dr. Shelby NC 28152	704-482-5132
2. Andrea Jimson	P.O. Box 1193 Grover, NC 28073	704-937-9502
3. Miller Bridges	PO Box 144 Boiling Springs NC 28017	
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NAME	ADDRESS	TELEPHONE
1.		
2. Nancy Carpenter	5371 Casar Rd Casar, NC 28020	538-8194
3. Karen Patterson	137 S Post Rd Shelby NC 28152	484-4085
4. David M Stamey	Box 95, Polkville, N.C. 28130	538-7941
5. Barbara Green	PO Box 263, Boiling Springs, NC 28017	434-6918
6. Bo Jones	911 Thorne Rd Shelby NC 28152	482-6527
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NAME	ADDRESS	TELEPHONE
1. [redacted]		
2. Crystal Wright	1526 Eaves Rd K-2	480-7906
3. Donna Humphries	340 Plate Lake Rd Shelby	434-2222
4. Priscilla Brooks	P.O. Box 3404 Shelby	482-3851
5. Marilyn Surratt	310 Wilson Terrace Kings Mtn	739-6098
6. Brian P. Dodge	873 East Southgate Dr	487-2674
7. Kathy R Teague	P.O. Box 3356 Shelby, N.C. 28151	434-8518
8. [illegible]	1026 Woodside Dr Kings Mtn, NC 28086	739-2776
9. Sherry Cramer	2717 DEERE DR. Shelby, NC. 28150	434-5206
10. Flonda Bowles	1604 Barbara Rd Shelby 28150	482-6047
11. Carol N Van Hoy	1603 Mountain Lane Shelby 28150	487-0810
12. Ethel Johnsvant	1300 Gilbert St Shelby 28152	487-9948 / 484-3764
13. Christine Hamrick	208 Elizabeth Ave Shelby 28150	484-3764
14. Greg Newsome	415 Meadow Lane, Kings Mtn, NC, 28086	704-739-8552
15. Randy Tuttle	1522 Rhyne St Shelby NC 28152	704 484-0287
16. Robbin Haynes	6023 Maple Valley Dr. Shelby NC 28152	704-484-9872
17. Jack Lewis	810 Orchard St. Shelby, NC 28152-7660	704-490-7608
18. [illegible]	[illegible] Hawthorne Dr Shelby, NC 28150	481-0260
19. Demora E. Dukes	832 West Warren Shelby, NC 28150	481-6183
20. Dawn McCurry	2088-4 Bachelor Rd, Mooresboro, NC 28114	434-6460
21. [illegible] Wiggins	1110F Pebblestone Way, Gastonia NC 28054	
22. Ann Collins	1010 Castlewood Drive Shelby, NC 28150	
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NAME	ADDRESS	TELEPHONE
1. Genevieve Parker	1905 Princess Dr. # 8 Shelby N.C.	730-1751
2. Robert L. May	117 Kara Dr. Casar, N.C. 28020	
3. Johnnie K. Smith	PO Box 2972 Shelby, 28151	
4. Janice Moore	114 Pearce St Kings Mtn	
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NAME	ADDRESS	TELEPHONE
1. MARK RAINES	5106 Circle DR. Shelby	484-0074
2. Ty Busch	60449 W illiwa Rd B	
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NAME	ADDRESS	TELEPHONE
1. Greg Melker	132 Hatcher Rd Shelby NC 28150	(704)435-5878
2. Miranda Weese	510 E. Circle Drive Shelby, NC	482-6751
3. Brenda Elliott	503 Gaforth Rd Kings Mtn NC	739-0300
4. Fred Harrill	1429 Fallston Rd Shelby NC	480-6759
5. Micky Smith	5730 Lawndale/Fallston Rd. Fallston	(538-0198)
6. Jeremy Dennis	1002 N. Piedmont Ave Kings Mtn NC	739-1964
7. Ron Allen	611 Pearl Dr. Shelby, NC	(704)-482-0542
8. Ron Champion	410 Ben Rd Shelby NC	481-4828
9. Elizabeth Champion	100-19 Redrock Rd Cherryville	445-0953
10. Jimmy Champion	100-19 Redrock Rd. Cherryville, N.C	445-0953
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NAME	ADDRESS	TELEPHONE
1. Delilie P. Ross	P.O. Box 442 K.M.N.C.	739-2064
2. Roger Randall	210 Dellwac Dr. Cherryville	435-2461
3. [illegible]	703 Elam Rd Lawndale	538-6596
4. [illegible]	201 Princeton Dr KMNC	739 5299
5. Tylox M. Webber	1303 N. Lafayette St.	487-1001
6. Bobby Putnam	1509 Lackey St. Shelby, NC	487-6644
7. Bill Bridges	103 Woodcrest Rd King Mtn.	239-6906
8. [illegible]	1006 Woodside N.C. Dallas	922-5109
9. Jerry M. Ogburn	2002 Holly Hill RD Shelby, NC	434-9677
10. Dwayne P. Stogsdill	907 South Washington St. Shelby	484-8973
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NAME	ADDRESS	TELEPHONE
Dwight Meade 1. Dwight Meade	161 Jim Cline Road Lawndale NC	(704) 538-9422
Joyce Meade 2. Joyce Meade	161 Jim Cline Road Lawndale NC	704) 538-9422
Elaine Martin 3. Eloice Martin	Box 104 Fallston NC	(704) 538-9422
4. Kirk Meade	4407 Fallston Road Shelby NC 28150	704-538-8370
5. Pam Meade	4407 Fallston Rd. Shelby NC 28150	(704) 538-8370
6. Jeraine Baker	514 Country Club Cir Shelby	
7. Susan Beaver	118 Oakgrove Cloverhill Ch Rd Lawndale NC	—
8. [illegible]	2642 [illegible] Rd Shelby NC 28152	(704) 434-7090
9. Cynthia Monroe	2721 Rockford Road Shelby, NC 28152	(704) 434-5402
10. Kathy Brooks	702 Clay Lane Shelby NC 28150	704 434-6838
11. Mary Steen	2110 Rockford Rd Shelby NC 28152	704-434-6717
12. Robin Freeman	PO Box 358 Lattimore NC 28089	704 434 5336
13. Janet Bridges	501 Eastridge Dr. Lawndale NC 28090	538-3379
14. Lisa G. Collins	912 Sunny Dr. Shelby	704-482-3485
15. Felicia Walker	715 Carson Rd Shelby NC	(704) 487-0562
16. Joni Hamrick	809 Old Boiling Springs Rd. Shelby	704-482-1704
17. Tarsha Black	6076 Pennington Place Kings Mtn. NC	(704) 739-6223
18. Wendy H Patton	214 Chunk Rd Bessemer City NC 28016	(704) 629-5309
19. Hal Brantley	333 Clay St. Shelby NC 28150	704-480-0292
20. Glenda Mungia	P.O. Box 3 Grover, NC 28073	704-937-7160
21. Dwyone Madden	3412 Oakcrest Dr. Shelby, N.C. 28150	(704) 484-9368
22. Helena Greene	107 Yancey Branch Ln. Shelby, NC 28152	(704) 434-7022
23. Judy Short	826 E. Main St. Shelby, NC 28150	704 487.5069
24. [illegible]	[illegible]	
25. Pat Lindquist	3934 Lo Lizon Rd. Shelby NC	28150
26. Cathy Romines	1409 Red Rd. Shelby NC	28152
27. Angel Stalvey	820 Hill St. Shelby, NC	28152
28. Pamela [illegible]	1218 [illegible] Rd Shelby NC	28150
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NAME	ADDRESS	TELEPHONE
1. Eugene Tallent	1327 N. Lakewood DR.	748-2107
2. Jim Curry	Shelby	471-1549
3. Stacy Elston	Fallon	538-2185
4. Robert D. Warlick	Belwood	538-7663
5. Dale Brackett	162 Sperling Dr Shelby	435-5653
6. Grace Brackett	162 Sperling Dr. Shelby	435-5653
7. Marion A. Putnam	167 Sperling Dr. Shelby	435-9378
8. Ola H. Putnam	167 Sperling Dr. Shelby	435-9378
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NAME	ADDRESS	TELEPHONE
1. Laurie Patterson	122 Westfield Rd.	487-0108
2. Deborah Hurdlord	706 Henry St.	R.M 739-2676
3. Lavanne Tilman	1403 Buck Ford Rd. Shelby	4870226
4. Fred Yarbrough	426 Gold St	Shelby 484-2122
5. Michael McDaniel Jr.	1239 Westwood Dr.	Shelby 482-1200
6. Dan White	315 Fulton Dr	R.M. 739-1574
7. Barbara Ghigo	1505 Beaver Rd	Shelby 482-2813
8. Connie Avery	7919 Ambleside Drive	393-8200
9. Hal Bryant	1602 Luckey St	Shelby 487-0729
10. Betty Mace	1511 Wesson Rd	Shelby NC 487-4698
11. Jamie Homewood	809 Brittain Dr	Shelby N.C 482-7517
12. Darlene Godfrey	3017 Vernell Ln.	Shelby NC 28150 484-1980
13. Shirley Bruton	PO Box 968	Kings Mtn NC 28086 739-7663
14. Jewel P. Elliott	5311 Casar Rd.	Lawndale N.C. 538-7414
15. Darlene Respass	150 Rector Dr	Cherryville NC 481-8717
16. Mary Carter	161 Quail Hollow Dr.	Kings Mtn NC 480-8088
17. Adam Bivins	105 Shadow Gate Dr.	Shelby NC 482-9533
18. Shannon Whatley	1411 Briarcliff Rd	Shelby, NC 28152 482-0380
19. Linda Dagnault	1006 Woodside Dr.	Kings Mtn, NC 28086 739-2776
20. Burton Jones	342 Mercury Dr.	Shelby, NC 28152 4808092
21. [illegible]	3030 Longwood Dr.	Shelby N. 28152 482-8602
22. Lee Bryant	1602 Luckey Street	Shelby NC 28152 487-0729
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NAME	ADDRESS	TELEPHONE
1. Cynthia Davis	2327 Cleveland Grover	480-9408
2. Joe Davis	2327 Cleveland Grover	480-9408
3. Tyler Davis	2327 Cleveland Grover	480-9408
4. Amy Young	1955 Creek Ridge Rd.	481-0343
5. Milton Gwyn	Po Box 697 Grover NC	937-7027
6. Rudy Gwyn	PO Box 697 Grover	937-7027
7. Beth Millard	2630 Cleveland Ave Grover, NC	471-0586
8. Jenny C Zerring	1959 Creek Ridge Rd	704-487-5918
9. Ann Young	1959 Creek Ridge Rd, Shelby NC	487-5918
10. Steve Whitener	107 Gaskins Fort Dr. Grover N.C.	487-1035
11. Denise Whitener	107 Gaskins Fort Dr. Grover, NC	487-1035
12. Richard Bowman	2022 Pleasant Hill Ch. Rd. Shelby, N.C.	487-0429
13. Kim A. Bowman	2022 Pleasant Hill Ch. Rd. Shelby, N.C.	487-0429
14. Alter L. Bowman	2022 Pleasant Hill Ch. Rd. Shelby, N.C.	487-0429
15. Steven M Cook	141 Excess Nest Way Shelby NC	4809986
16. Peggy A. Bowman	1597 Maysville Rd., Shelby, NC 28150	482-0804
17. Steve Randall	1597 Maysville Rd, Shelby NC 28150	4820804
18. Herbert Mabry	1597 Maysville Rd, Shelby N.C. 28150	482-0804
19. Amy Randall	1597 Maysville Rd Shelby NC 28150	482-0804
20. Austin Edwards	Vassey Rd Shelby NC 28150	434-5505
21. Richard L. Bowman	1597 Maysville Rd. Shelby NC	482-0804
22. Holly Nelson	151 Richard Rd Ellenboro, NC 28040	538-3368
23. Charles Nelson	151 Richard Rd Ellenboro, NC 28040	538-336
24. Kim Bowman	2022 Pleasant Hill Ch. Rd. Shelby NC	487-0429
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NAME	ADDRESS	TELEPHONE
1. Billy W. Boone	2818 S. Lafayette St. Shelby	481-1035
2. [illegible]	1431-1 S. Post Rd. Shelby	480-0858
3. Jason Boan	1021 Edna St. Shelby	480-6017
4. Rick Painter	1989 Pleasant Hill Ch. Rd.	482-1537
5. Kay E. [illegible]	PO 438 Earl, N.C.	484-1991
6. Dena McCurry	PO Box 164 Earl, N.C.	482-2532
7. Kenneth Beam	1019 Edna St. Shelby	482-0230
8. Thomas Lessner	2615-1 Taylor Rd Shelby	482-7845
9. Wade Dyndall	222A Brookfield Dr Shelby	481-0060
10. Jim Austin	2543-3A Taylor Rd Shelby	482-5014
11. [illegible]	2155 Ellis Rd Shelby	482-1653
12. Neal Stamp	2225 Brookfield Dr. Shelby, NC	482-7227
13. [illegible]	433 Dover Rd. Shelby	487-1530
14. Robbie Nettlewade	750-1 Mt. Sinai Ch. Rd Shelby	471-2946
15. Jerry C Putnam	2036 Biggers Lake Rd	482-6144
16. Jody Gray	104 Lakeview Dr.	487-9198
17. Leon Cantrell	106 Sahara Dr Grover	487-4832
18. Thomas Mostell	2400 Battle Rd Earl, NC	484-9444
19. [illegible]	2014 Cleveland Ave. Grover	482-9764
20. Billy Short	2403 S. Post Rd	482-5802
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CONTACT: ROSALINE HUNT

TELEPHONE: 471-0593

CLEVELAND CORRECTIONAL CENTER
AND
CLEVELAND COMMUNITY COLLEGE
COMPREHENSIVE EDUCATION PROGRAM

We the undersigned citizens of Cleveland and surrounding counties, do hereby support our community in its efforts to maintain the current status of the above named correctional unit and educational programs. We support the idea of building a larger centrally located unit to accommodate not only our prison but surrounding counties who also have small field units.

These signatures will be used only for the presentation to our State Representatives to help support reasons why our unit and programs should not be closed in November.

NAME	ADDRESS	TELEPHONE
1. [illegible]	924 Sedgefield Drive #30	480-7149
2. Willie Williams	715 W. Zion Church Rd	481-1478
3. Sandy Stallings	1668 Falston Rd	482-5832
4. Kathy Williams	1547 Stony Point Rd	NA
5. Melissa Brown	505 MT Sinai Ch Rd	NA
6. Jo Lankford	123 Delano Rd	
7. Faye Bush	513 Cherryville Rd	
8. [illegible]	4300 MTN View Dr	Shelby n.c.
9. [illegible]		Shelby n.c
10. [illegible]	305 Willow Ln	481-0744
11. Mary Smark	Shelby	
12. Johnny Morgan	Shelby	
13. Lamont Thompson	Shelby	
14. [illegible]	412 Belaire, Mooresboro NC	434-5239
15. [illegible]	1309 Hopewell Rd Shelby NC	
16. Natalie Lail	PO Box 3091 Shelby NC 28151	
17. Patty Helms	161 Millers Prk. Ln Vale, NC 28168	
18. Amy Gladman	417 N Mulberry St C-ville NC 28021	
19. Lareina T Atkinson	2918 Tryon Cathouse	Boiseneville NC 28016
20. Selena Stallings	1668 Falston Rd	482-5832
21. Dina White	310 Miles Rd Apt 4	Shelby, NC 28150
22. Radelle Herndon	112 Gold Mine School Rd.	Kings Mtn, NC 28086
23. Dana Brillan	704 E Main St	Cherryville NC 28021
24. Tammy Harris	104 Centerfield Dr	Shelby 28150
25. Amanda Beam	2823 Reysler Rd	Shelby NC 28150
26. Sue Grosser	P.O. Box 316	Lattimore, NC 28089
27. Belle R. Vaney	Shelby NC	
28.		
29.		
30.		

CONTACT: ROSALINE HUNT

TELEPHONE: 471-0593

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, March 23, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Bill Culpepper
Representative Ted Kinney
Representative Paul McCrary

II. PRESENTATIONS

Morning

Continue Review of Department of Correction Continuation Budget

- **Inmate Education**

  Jim Mills, Fiscal Research Staff
  Departmental Representative

- **Inmate Programs**

  Jim Mills, Fiscal Research Staff
  Departmental Representative

- **Prison Reserves**

  Jim Mills, Fiscal Research Staff
  Departmental Representative

- **Other Custody and Security Issues**

  Jim Mills, Fiscal Research Staff
  Departmental Representative

Afternoon

Continue Review of Department of Correction Continuation Budget

- **Prison Enterprises**

  Jim Mills, Fiscal Research Staff

  Lynn Phillips, Assistant Secretary
  Department of Correction

- **Status of Private Prison Contracts and Operations**

  Jim Mills, Fiscal Research Staff

  Lynn Phillips, Assistant Secretary
  Department of Correction

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 23, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 23, 1999 at 8:30AM in room 415 LOB. Three senators were present. The following House members attended:

Rep. Paul McCrary	Rep. Scott Thomas
Rep. Debbie Clary	Rep. Jim Horn
Rep. Joe Kiser	Rep. Wayne Sexton

Senator Frank Ballance chaired the meeting. Mr. Jim Mills, staff distributed a handout, Overview of Inmate Education Programs. College education is rarely offered to inmates. In response to Rep. Kiser, Ms. Jane Young in charge of education in the Division of Prisons, said the limitations are due to funding. Financing is through the inmate welfare fund. In response to Senator East, Ms. Young said at any one time, only about 4000 inmates are enrolled. The inmate welfare fund is from canteen , phone receipts etc. Prisoners pay about $2 million a year. Rep. Kiser and Senator Ballance wanted to know what happens to the education if any education programs are canceled. Ms Young responded that the local community colleges will pick it up although there is no extra money for them to do so. The community colleges get paid the year following the teaching year. To Senator Ballance, Ms. Young stated reading levels are determined at entry. Over ½ of the inmates read below 8th grade. A third read below 5th grade. Of the inmates under the age of 20, only 10% claim high school. Senator Ballance commented that reducing educational levels for inmates creates false savings. Ms. Young was requested to get follow up information. In response to Rep. Sexton, Ms Young said the Community Colleges do realize the extent of their role and the are OK with it.

Mr. Robert Powell from the Office of the State Budget stated the governor has proposed $23 million for enrollment in Community Colleges. This does not include drug treatment.

Mr. Mills then distributed another handout titled Budget Overview of Inmate Corrective Programs in the Division of Prisons. Regarding the cuts and in response to Rep. Kiser, program personnel would be offered positions at other prison. They will have to apply for existing vacancies.

There are nine diagnostic centers operating at approximately $4.8 million. To Rep. Horn, Ms Young responded the prisoners are tested in reading, math, and IQ. There is insufficient money for to gather this information prior to sentencing. Mr. Greg Stahl added to Sen. Ballance that judges do get this information and it is on file but DOC cannot capture it. Senator Ballance requested Mr. Dan Steineke to get back to the

committee in 45 days regarding the numbers of admissions especially the youthful offenders.

Page 11 of the handout shows the reductions in staff at selected facilities using a 1 to 50 ratio. Page 12 discusses road squads of which the bulk are medium security inmates. Most of the funding for that program is in equipment and security. The committee must decide to budget actual DOC costs for road squads of approximately $7.2 million, which includes travel, inmate wages, and supervision, or only fund $6.5 million, which DOT will reimburse for labor only. Mr. Steineke said 8-man road squads require to people to supervise and 12 people require three supervisors.

In response to Senator Ballance, it is not known if the ration is consistent with other states, and women do not work on road squads.

Senator Ballance announced the cancellation of the meeting scheduled for 2:30PM 3/23/99.

Mr. Mills distributed another handout titled Overview of 1999-2001 prison Reserves Budget. Mr. Mills said it is hard to predict what amount should be in reserves. Currently there is $43 million in the reserves. Of the 318 positions available at Avery/Mitchell and Albermarle, 115 are not filled. Both facilities are medium security. These are dormitory style. Private prisons are single cell style. There is more staff at these two prisons than at private ones. Mr. Mills completed the handout and Senator Ballance adjourned the meeting at 9:45 AM.

Senator Frank Ballance
Senate Vice Chair

Gloria Haywood
Senate Committee Clerk

#1

DEPARTMENT OF CORRECTION

Overview of Inmate Education Programs

Joint Appropriations Subcommittee on
Justice and Public Safety

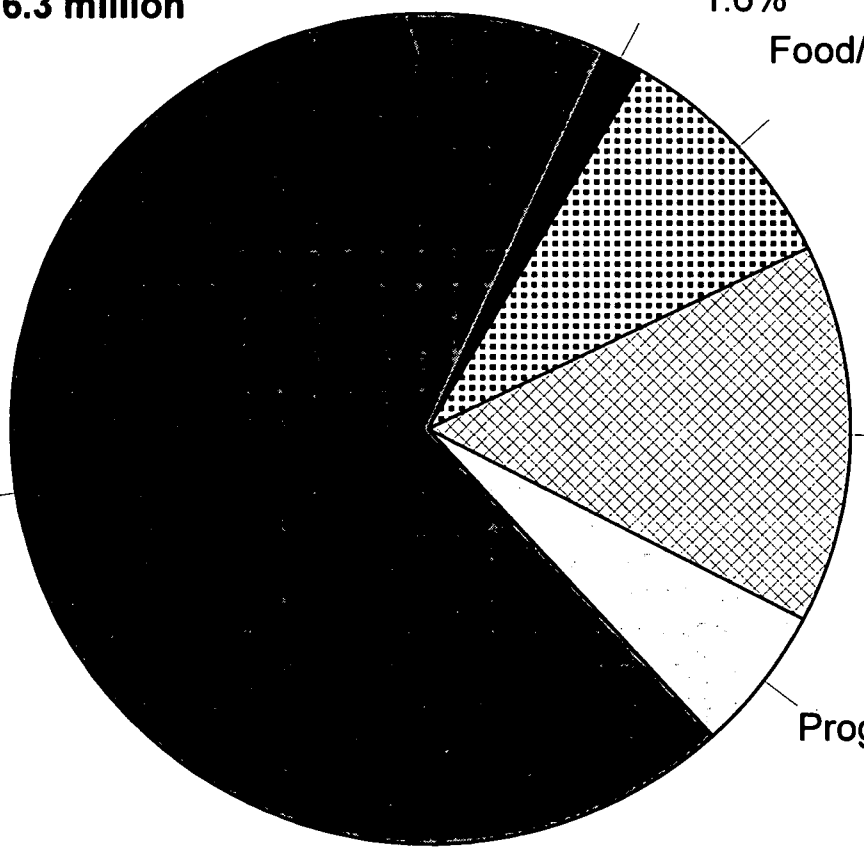
March 18, 1999

FRD

Department of Correction General Fund 1998-99 Authorized Budget*

Prisons Budget by Purpose (Dollars in millions rounded off)

Total Prisons budget is $716.3 million



Education $ 4.7 Million

* Authorized Total G.F. Budget 12/31/98

DOC Inmate Education -- Program Facts

- **G.S. 148-22.1** DOC should take advantage of aid from any source to "provide inmates with such academic and vocational and technical education as seems most likely to facilitate the rehabilitation of these inmates."

- Community Colleges provides and funds all inmate vocational programs and academic programs for inmates 21 and older. In 1997-98, 16,724 inmates participated in extension programs (adult basic education and GED) and 4,649 in curriculum programs (degrees/diplomas other than GED). CC receives funds based only on inmates actually enrolled at beginning of quarter and their resulting contract hours (actual attendance)

- DOC education mission has evolved to providing primarily academic services to youthful offenders (less than age 21). DOC is oriented to provide GED, Adult Basic Education and basic reading and math skills. Majority of 103 positions are assigned at Youthful Offender facilties.

- In 1998, reading levels for inmates at entry were 34% at 10th grade or above/66% below; 27% read at 5th grade level or less.

- In 1998, 3,621 inmates attempted GED/2,141 passed (59%) ; In 1996-97, 22,148 inmates were enrolled in curriculum courses in Comm Coll/64% completed courses.

The following programs were offered in **calendar year 1998** through the N.C. Community College System:

Adult Basic Education
Welding
Employment Readiness
Community Living Skills
FatherRead
Carpentry
Masonry
Computer Aided Drafting
Blue Print Reading
Air Conditioning/Heating/Refrigeration
Electrical Installation and Maintenance
Practical Automotive Mechanics
Small Engine and Equipment Repair
Facilities Maintenance
Industrial Sewing

Manicuring
Cosmetology

Commercial Art and Advertising Design
Business Computer Programming
Basic Electronic Servicing
Electrical Engineering Technology

Office Practices
Secretarial Science

Basic Quantity Cooking

Group Process Development
Business Communication

General Educational Development (GED)
Horticulture
Human Resource Development
General Recidivism Intervention Program

Cabinet making
Light Construction
Drafting
Upholstery
Plumbing and Pipefitting
Practical Electrical Wiring
Marine and Diesel Engine Mechanics
Hand Tool Repair
Furniture Machine Operation
Assembly and Finishing for Furniture

Travel Agent
Dental lab Technician

Introduction to Microcomputers
Digital Electronic Repair
Microcomputer Systems Technology

Basic Typing

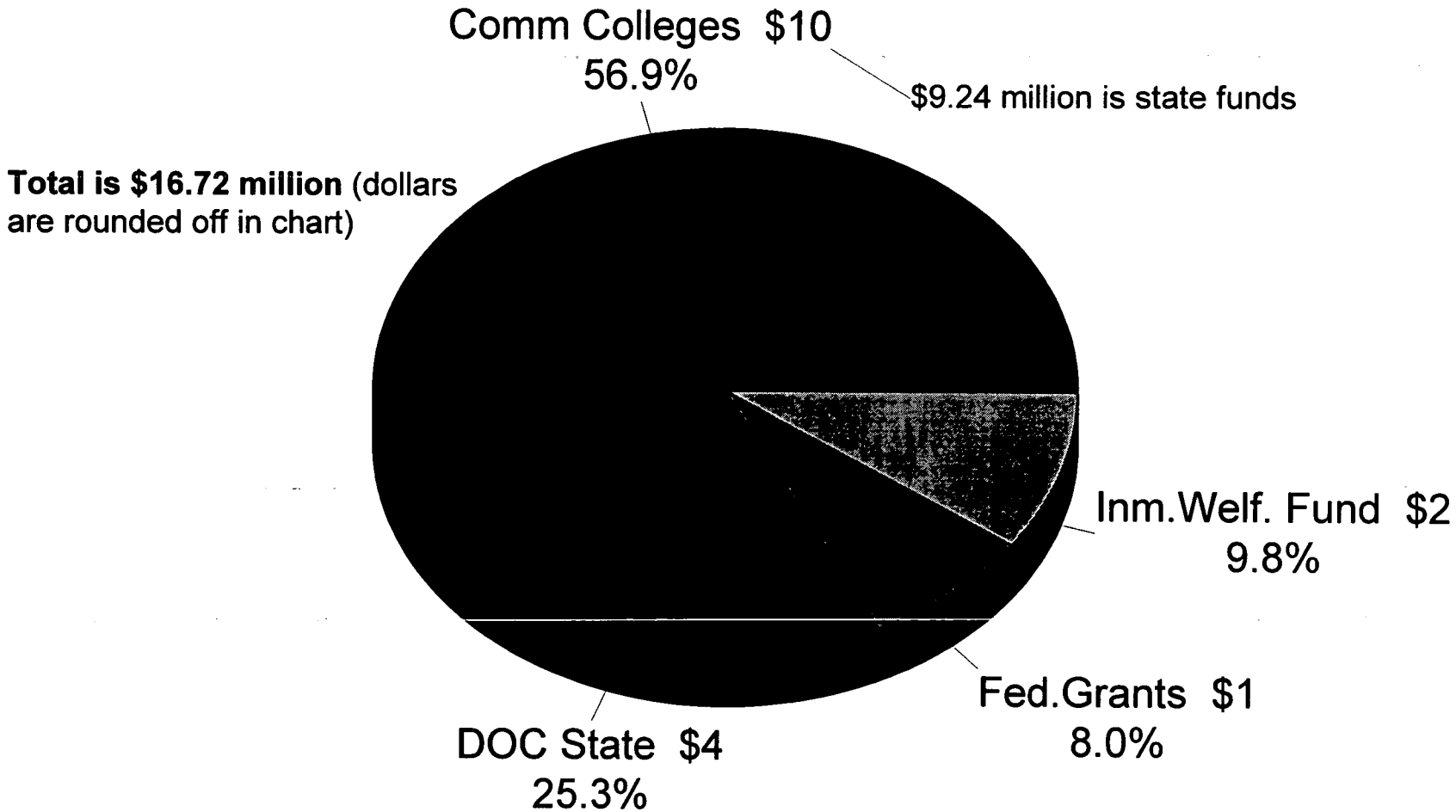
Food Service Management

Associate of Arts
Business Administration

The following programs were offered in **1997 and 1998 funded through the Inmate Welfare fund:**

FY 1997-98: 700 Independent Study (correspondence) courses through UNC-Chapel Hill's Division of Continuing Education. Inmates were ineligible for participation if they were incarcerated for a Class A, B, B1, or B2 felony; or if he or she is not within 10 years of a parole or release date and is incarcerated for a Class C through I felony.

Inmate Education Budget 1997-98 Actual Expenditures



Source: DOC Education Budget Worksheet (3/3/99) and Comm Colleges Expenditure Report 7/98

Funding for Inmate Education Programs -- 1999-2000

- General Fund ($4.715 million)
  - Funds primarily salaries and benefits for DOC teachers (99% of budget is salaries and benefits
- Inmate Welfare Fund ($1,997,000 est.)
  - Pays for educational supplies, classroom furniture, contractual services, repairs/renovations to vocat. buildings and Divison of Voc. Rehab Services
- Chapter I Federal Grants ($705,082)
  - Pays for educational needs (reading and math) of inmates under age 21 without a high school education -- focus is literacy and special assistance with reading
- Individuals with Disablilties Education Act ($93,295)
  - Funds for school age inmates with learning disabilities
- Transition Training Grant ($ 593,311)

Total recommended State appropriation is $4,715,977 in 1999-2000 and 2000-01; Total DOC Education Budget is $8.1 million (Excludes community college funding)

G

DIVISION OF PRISONS

PRISON EDUCATION ACTUAL EXPENSES AND BUDGET

DESCRIPTION	ACTUAL EXPENSE FY95-96	ACTUAL EXPENSE FY96-97	ACTUAL EXPENSE FY97-98	BUDGET FY98-99	BUDGET FY99-00	BUDGET FY00-01
Budget Code 14500-General						
Salary & Fringe Benefits	4,841,160	4,509,827	4,407,402	4,754,335	4,715,977	4,715,977
Contractual	20,510	0	0			
Supplies	14,204	7,485	0			
Equipment	21,391	80,149	22,017			
Other Expenses	15,652	6,515	6,287			
Total 14500	4,912,917	4,603,976	4,435,706	4,754,335	4,715,977	4,715,977
Budget Code 24502-Welfare						
Substitute Teacher Salaries	20,726	25,590	25,613	75,000	75,000	75,000
Contractual Services (1)	300,000	300,000	367,509	364,000	364,000	364,000
Educational Supplies	389,600	482,510	784,737	708,000	708,000	708,000
Classroom/Library Furniture	297,715	94,420	122,801	200,000	200,000	200,000
Computer Equipment (2)	100,000	100,000	101,386	150,000	150,000	150,000
Vocational Bldg - Hyde (3)	400,138					
Vocational Bldg - Warren (3)	266,845					
Cook Schools/Voc Bldg.			42,665	983,308	200,000	200,000
Transfer to Div of Voc Rehab	320,479	310,366	300,213	300,000	300,000	300,000
Total 24502	2,095,503	1,312,886	1,744,924	2,780,308	1,997,000	1,997,000
Budget Code 24500-Grants						
Chapter I - 2101	406,789	368,364	528,642	705,082	705,082	705,082
IDEA F1-B - 2118	8,466	25,857	105,273	93,295	93,295	93,295
Transition Training Yth-2147	0	0	0	593,311	593,311	593,311
Total 24500	415,255	394,221	633,915	1,391,688	1,391,688	1,391,688
Department Total	7,423,675	6,311,083	6,814,545	8,926,331	8,104,665	8,104,665

(1) Estimate - detail of education contractual expenses not available
(2) Estimate - detail of education computer expenses not available
(3) Funds transferred to Dept. of Administration for Construction

Budget Changes -- Inmate Education Program

- 1998 General Assembly Actions
  - Reduction of ($374,103) by authorizing use of inmate welfare fund to pay for one academic director and six teachers. Continued trends from 1995-97 Session of reducing DOC funding by increased use of Inmate Welfare Fund and increasing role of Community Colleges.
- Governors' Proposed 1999-2001 Budget Reductions -- Eliminate 12 positions
  - Eliminate final two adult teachers at Harnett and Eastern Schools (2)
  - Abolish Physical Education Teachers (4) (overlap with rec. program staff)
  - Abolish Remaining Vocational Teachers (3) - Auto body and repair at Piedmont
  - Abolish Asst. Education Directors (3) -- Polk, Western, and NCCIW will operate with Directors only
  - **Total Reduction**: ($347,608) (12); 91 positions remain: 80 state/11 grant

#2

Department of Correction

Budget Overview of Inmate Corrective Programs in the Division of Prisons

Joint Justice and Public Safety Appropriations Subcommittee

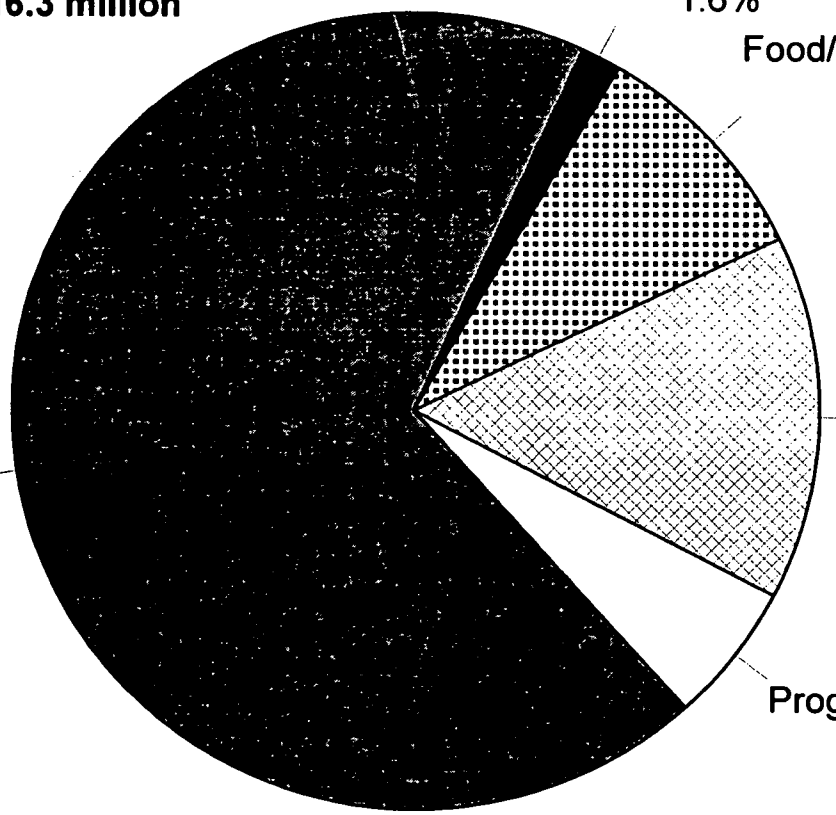
March 18, 1999

FRD

Department of Correction General Fund 1998-99 Authorized Budget*

Prisons Budget by Purpose (Dollars in millions rounded off)

Total Prisons budget is $716.3 million



Corr. Prog $35.6 M

Education $ 4.76 M

* Authorized Total G.F. Budget 12/31/98

2

DIVISION OF PRISONS

Prepared by Keith Hester
March 15, 1999

Fulltime Inmate Assignments on February 28, 1999

WORK ASSIGNMENTS	
Food services	2,769
Unit services	3,905
Work release	1,285
Correction Enterprise	2,146
Prison maintenance	1,215
Road squads	2,183
Inmate Construction	187
State agencies	425
Local agencies	270
Community work crews	1,237
Other jobs	898
SUBTOTAL	16,519

JOB TRAINING OR EDUCATION	
Vocational education	1,844
Academic education	1,837
SUBTOTAL	3,681

DOP facility inmates in work, job training or education	20,200
Contractual facility inmates in work, job training or education	1,347
TOTAL	21,547

SPECIAL ASSIGNMENTS	
Security control	1,911
Admission processing	1,921
Assignment pending	4,355
Unassigned	39
SUBTOTAL	8,226

PROGRAM ASSIGNMENTS	
Health maintenance	1,063
Drug/alcohol treatment	722
Social development	188
Other programs	139
SUBTOTAL	2,112

DOP FACILITIES	30,538
In state contracts	1,727
Out of state contracts	-0-
TOTAL	32,265

Overview of Prison Corrective Programs

- G.S. 148-22 -- DOC .."shall provide humane treatment for prisoners and for programs to effect their correction and return to the community as soon as practicable."

- G.S. 48-26 "public policy of ... NC that all able bodied prison inmates shall be required to perform diligently all work assignments provided for them." Goal is to reduce cost of maintaining population while teaching inmates job skills and work habits.

- Major Program Components

  - 1. Diagnostic and Classification Services
  - 2. Institutional (In-prison) Programs -- counseling, case management, recreation, library services.
  - 3. Work Release
  - 4. Community Volunteer Program
  - 5. Work Programs -- Institutional Work; Community Work Programs; DOT/DOC Road Squads

DEPARTMENT OF CORRECTION PRISON CORRECTIVE PROGRAMS CONTINUATION BUDGET OVERVIEW

Major Changes in 1997-99 Budget

- Closed Guilford Reception and Diagnostic Center (-5 positions)
- Reduction of $373,907 for positions, primarily GPAC related
- Added one program assistant at Iredell

DOC Corrective Programs Continuation Budget

Description	1997-98 Actual Expend.	1998-99 Authorized Budget	1999-2000 Gov. Recom. Budget	2000-01 Gov. Recomm. Budget
Net State Approp.	$34,322,057	$35,578,412	$35,476,132	$35,476,132
Positions	1,059.4	1,046.4	1,046.4	1,046.4

SOURCE: Governor's 199-2001 Justice and Public Safety Budget Document, Vol. 4, except 998-99 authorized budget is from BD 701 reports dated 12/31/98. **(authorized budget includes 98-99 legislative salary increases; 1999-2001 figures do not).**

No significant changes in Continuation Budget (annualize 98-99 budget reductions)

HOW IS CORRECTIVE PROGRAMS BUDGET ALLOCATED?

Reception and Diagnostic Centers	$ 4.8 Million (approx.)
In-Prison Programs	$30.6 Million (approx.)

Prisons Corrective Programs -- Diagnostic and Classification

- DOC operates 9 inmate reception and diagnostic centers overall budget is approximately $4.8 million (13% of Corrective Programs Budget) with 139 positions. Corrective Program budget funds the general diagnostic personnel -- case analysts, behavioral specialists, and processing technicians; Health Services funds medical component of intake

- Initial activity is intake and orientation for inmates

- Next Step -- determine proper custody classification and, in turn, appropriate work and program assignments. Goal is to minmize community and institutional security risks and provide opportunity for productivity and development of inmates.

DIAGCTR.WK4

02-Mar-99

DIVISION OF PRISONS

DIAGNOSTIC CENTER STAFFING BUDGET AND OTHER EXPENDITURES

A	CURRENT SALARIES, ANNUALIZED AND NUMBER OF POSITIONS																			
CLASSIFICATION		NCCIW		FOUNTAIN		CENTRAL PRISON		PIEDMONT		CRAVEN		POLK		WESTERN YOUTH		NEUSE		ROWAN	TOTAL POSITIONS	TOTAL SALARIES
Director	1	33,658	1	34,769	1	43,754	1	36,103	1	45,498	1	42,726	1	45,498	1	39,551	1	38,494	9	360,051
Senior Case Analyst							1	34,854	3	93,710	1	32,276			2	59,323			7	220,163
Case Analyst	3	87,274	2	61,568	3	91,920	8	242,573	12	350,994	5	158,295	4	137,013	8	240,773	3	93,497	48	1,463,907
Admissions Technician	3	74,480	2	45,721	1	23,089	6	123,113	9	194,190	4	91,380	3	77,346	6	138,271	2	47,904	36	815,494
Behavioral Specialist	1	24,043	1	33,409	1	29,230	1	25,186	2	47,215	1	27,874	1	22,222	1	25,013	1	23,129	10	257,321
Processing Assistant	2	39,283	1	18,616	2	50,714	4	73,713	7	133,143	3	62,959	2	40,115	6	118,434	2	41,678	29	578,655
TOTAL POSITIONS/SALARIES	10	258,738	7	194,083	8	238,707	21	535,542	34	864,750	15	415,510	11	322,194	24	621,365	9	244,702	139	3,695,591
SOCIAL SECURITY		19,793		14,847		18,261		40,969		66,153		31,787		24,648		47,534		18,720		282,713
RETIREMENT		28,021		21,019		25,852		57,999		93,652		45,000		34,894		67,294		26,501		400,233
HOSPITAL INSURANCE		17,360		12,152		13,888		36,456		59,024		26,040		19,096		41,664		15,624		241,304
TOTAL SALARIES & BENEFITS		323,913		242,102		296,708		670,966		1,083,580		518,336		400,831		777,857		305,547		4,619,840

B	OTHER EXPENDITURES	
DESCRIPTION	1997-1998 (6/30/98)	1998-1999 (1/31/99)
Testing Materials and Forms	225,055	78,747

C	ADMISSION PROCESSING TYPE AND CAPACITY, MONTHLY ADMISSIONS, MONTHLY PROCESSED

See attached report for each Diagnostic Center

Prison Corrective Programs -- Budget Issues

- DIAGNOSTIC CENTERS
  - 1997 General Assembly -- Closed Guilford R & D Center due to reduction in admissions and corresponding reduction in intake and processing workload
  - ***ISSUE*** -- Should Diagnostic Center Budgets be reduced during 1999-2001?
  - ***Prison admissions were up in 1997 and 1998 over previous years; only recently (Jan and Feb. 99) have admissions declined compared to Jan and Feb of 98. Growth in youthful offfenders (21 or younger) sentenced to prison is anticipated by DOC***
  - ***Some centers are operating under capacity -- should staff be reduced? Centers consolidated?***

DOC RECEPTION AND DIAGNOSTIC CENTER CAPACITY VS. INMATES PROCESSED*

	POLK YOUTH	WESTERN YOUTH	NEUSE	ROWAN
Inmate Type	Male Felons 19-21	Male Felons and Misd. 18 and younger	Male Misd. 19 and Older	Male Misd. 19 and Older
Monthly Processing Capacity	360	184	512	86
Average # Admissions*	195	117	316	145
Average # Processed*	196	110	322	140

* Time period is 19 months – 7/1/97 through January 1999

Prison Corrective Programs
Institutional (In-prison) programs

- Majority of Prison Corrective Program Budget is for program positions in area offices and prisons.

- Prison program staff coordinate the assignment of inmates to various academic, vocational, and general programs in the prisons and monitor progress through case management.

- Staffing standards are used to determine appropriate number of staff -- guideline is one in-prison program person for every 50 inmates.

2. Example of a typical "Program" organization, budget and staffing (example from a minimum; medium, and close prison).

All program sections are staffed using a 1:50 ratio of staff to inmates.

			Typical Staffing
I.	SMALL MINIMUM facility	less than 100 inmates	Program Supervisor
	Average one day count	66	Processing Assistant III
	Number of facilities	14	$62,896
			Typical Staffing
II.	SMALL MEDIUM facility	less than 100 inmates	Program Supervisor
	Average one day count	79	Processing Assistant III
	Number of facilities	5	$62,896
			Typical Staffing
III.	MEDIUM size MINIMUM facility	100-325 inmates	Program Director I
	Average one day count	224	Program Supervisor I (1)
	Number of facilities	25	Program Assistant II (1)
			Program Assistant I (1)
			Processing Assistant III
			$157,240
			Typical Staffing
IV.	MEDIUM Size MEDIUM facility	100-225 inmates	Program Supervisor (1)
	Average one day count	152	Program Assistant II (1)
	Number of facilities	5	Program Assistant I (2)
			Processing Assistant (1)
			$157,240
			Typical Staffing
V.	LARGE MINIMUM facility	325-800 inmates	Asst Supt for Prog I
	Average one day count	552	Program Director I
	Number of facilities	6	Program Supervisor (3)
			Program Assistant II (2)
			Program Assistant I (2)
			Processing Assistant (2)
			$345,928
			Typical Staffing
VI.	LARGE MEDIUM facility	400-850 inmates	Asst Supt for Prog II
	Average one day count	611	Program Director I
	Number of facilities	14	Classification Coordinator
			Program Supervisor (3)
			Program Assistant II (3)
			Program Assistant I (3)
			Processing Assistant (3)
			$471,720
			Typical Staffing
VII.	LARGE CLOSE Custody	450 + inmates	Asst Supt for Prog II
	Average one day count	805	Program Director I
	Number of facilities	11	Classification Coordinator
			Program Supervisor (4)
			Program Assistant II (3)
			Program Assistant I (2)
			Processing Assistant (3)
			$471,720

DIVISION OF PRISONS

FACILITY RCC #	FACILITY NAME	NUMBER POSITIONS	POSITION DESCRIPTION
PROGRAMS STAFF REDUCED AT SELECTED FACILITIES IN 97-98			
BASED ON 1 TO 50 RATIO			
3040	Black Mountain	1	Corr Program Asst I
4315	Bladen	1	Corr Program Asst I
3940	Blanch	1	Corr Program Asst I
3950	Blue Ridge	1	Corr Program Asst I
4510	Cabarrus	1	Corr Program Asst I
4415	Caswell	1	Corr Program Asst I
4415	Caswell	1	Corr Program Asst I
4530	Charlotte	1	Corr Program Asst I
4560	Cleveland	1	Corr Program Asst II
4355	Columbus	1	Corr Program Asst I
3720	Foothills	1	Corr Program Asst I
4215	Franklin	1	Corr Program Asst I
3805	Harnett	1	Corr Program Asst I
4520	Iredell	1	Corr Program Asst I
3730	Marion	1	Corr Program Asst I
4170	New Hanover	1	Corr Program Asst I
3090	NPCCW	1	Corr Program Asst I
3310	Odom	1	Corr Program Asst II
3310	Odom	1	Corr Program Asst II
4240	Orange	1	Corr Program Asst II
3500	Piedmont	1	Corr Program Asst I
4445	Randolph	1	Corr Program Asst I
4340	Robeson	1	Corr Program Asst I
4340	Robeson	1	Corr Program Asst I
4345	Sampson	1	Corr Program Asst I
3915	Sandhills	1	Corr Program Asst I
3600	Southern	1	Corr Program Asst I
3070	Tyrrell	1	Corr Program Asst I
3070	Tyrrell	1	Corr Program Asst I
	TOTAL POSITIONS:	**29**	

We are staffed at a ratio of 1 to 50 at all our existing facilities based on EOC.

CORRECTIVE PROGRAMS BUDGET ISSUE --
DEPARTMENT OF CORRECTION ROAD SQUADS

- Department of Transportation supervises minimum security road squads and provides a small payment to DOC for inmate costs.

- DOC supervises **medium security** road squads assigned to do work for DOT; staffing is 1 correctional officer for every four inmates (squad is usually 12 inmates/3 correctional officers). **The cost of providing this security and labor and the amount that DOT should reimburse DOC has been a point of contention for a number of years.**

- 1999-2001 Continuation Budget shows $6.5 million to be transferred from DOT Highway Fund to DOC to cover cost of road squads (Departmental receipt)

- 1998 Budget Bill has two provisions – (1) DOT Subcommittee provision says DOT will pay $6.5 million for inmate labor; any additional amount will be negotiated between the DOT and DOC Secretaries. This provision is effective for the 1998-99 budget year. (2) JPS Subcommittee provision states that Continuation Budget amount will be adjusted to reflect DOC actual costs as specified in the governing statute (G.S. 148-26) --"travel, cost of inmate wages, and cost of custody supervision on a cost basis". This amount is estimated at approximately $7.2 million annually.

- DOT and DOC management agreed on the $6.5 million cap for 1997-98; 1998-99 will be negotiated.

- **Issue for Subcommittee discussion**

Should 1999-2001 Continuation Budget be adjusted to reflect estimated actual cost of DOC road squads or should new special provision allow cap of $6.5 million to continue, subject to negotiation between the two secretaries? (NOTE: Governor's recommended budget is a receipt of $6.5 million from DOT)

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the Speaker of the House of Representatives and President Pro Tempore of the Senate.

(i) Meeting Location. -- The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

(j) Report. -- The Commission shall submit an interim report to the Joint Legislative Transportation Oversight Committee on or before June 1, 1999. The Commission shall submit a final report to the Joint Legislative Transportation Oversight Committee by March 1, 2000. Upon the filing of its final report, the Commission shall terminate.

(k) Appropriation. -- From appropriations to the General Assembly, the Legislative Services Commission may allocate up to two hundred thousand dollars ($200,000) for the expenses of the Commission.

DOT

Requested by: Representatives Bowie, Dockham, McMahan

MEDIUM CUSTODY ROAD CREW COMPENSATION

Section 27.16. (a) Of funds appropriated to the Department of Transportation by this act, six million five hundred thousand dollars ($6,500,000) shall be used by the Department to reimburse the Department of Correction during the 1998-99 fiscal year for costs authorized by G.S. 148-26.5 for reimbursement for highway-related labor performed by medium custody prisoners. The Department of Transportation may use funds appropriated by this act to pay requested reimbursements submitted by the Department of Correction over and above the six million five hundred thousand dollars ($6,500,000), but those reimbursement requests shall be subject to negotiations among the Department of Transportation, the Department of Correction, and the Office of State Budget and Management prior to payment by the Department of Transportation.

(b) Sections 19.16 and 32.2 of S.L. 1997-443 are repealed.

Requested by: Representative Hiatt

DMV MEDICAL EVALUATION PROGRAM ENHANCEMENT FUNDS

Section 27.17. Of funds appropriated from the Highway Fund to the Division of Motor Vehicles, the sum of ninety-three thousand five hundred thirteen dollars ($93,513) for the 1998-99 fiscal year shall be used to fund an additional Public Health Physician II in the Department of Health and Human Services to review the medical records of the growing number of drivers referred to the Drivers License Medical Evaluation Program. This implements a recommendation of the Drivers License Medical Evaluation Program Study Commission.

Requested by: Senator Jordan, Representatives Bowie, Dockham, McMahan

DISCLOSURE OF PERSONAL INFORMATION IN MOTOR VEHICLE RECORDS

Section 27.18. (a) Section 17.1 of Chapter 23 of the 1998 Session Laws reads as rewritten:

"Section 17.1. Notwithstanding any other provision of law, the Division of Motor Vehicles shall not disclose personal information in its records for purposes specified in 18 U.S.C § 2721(b)(12) prior to ~~July 1, 1999.~~ January 1, 2000. This section shall not expire until ~~July 1, 1999.~~ January 1, 2000."

(b) The Joint Legislative Transportation Oversight Committee shall study the issue of disclosure of personal information in Division of Motor Vehicles records and report its recommendations to the General Assembly on or before December 1, 1999.

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"(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Ca State-County Criminal Justice Partnership Act for the ~~1997-98 fiscal year~~ 1997-99 biennium shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1)."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
PROGRESS REPORT/PERFORMANCE AUDIT OF DIVISION OF ADULT PROBATION AND PAROLE

Section 17.6. The Division of Adult Probation and Parole shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Fiscal Research Division by January 1, 1999, on any actions taken or planned in response to the June 1, 1998, performance audit of the Division. The report shall include details on any changes in funding, classification, staffing levels, or organization structure that have occurred since the June 1 audit and should highlight those changes that are directly related to issues raised in the audit.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
FUNDING OF PRISON ROAD SQUADS 1999 - 2001

JPS

Section 17.7. In preparing the continuation budget, the Office of State Budget and Management shall adjust the estimated receipts from the Highway Fund to the Department of Correction for the use of prison road squads to reflect only those costs authorized for reimbursement by G.S. 148-26.5.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson
INMATE COSTS

Section 17.8. Section 19.20 of S.L. 1997-443 reads as rewritten:

"Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons ~~if:~~

~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and~~

~~(2) The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Office of State Budget and Management, in consultation with the Department of Correction, shall (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service and health care to inmates. The Office of State Budget and Management shall report on the results of this study to the

#3

Department of Correction

Overview of 1999-2001 Prison Reserves Budget

Joint Justice and Public Safety Appropriations Subcommittee

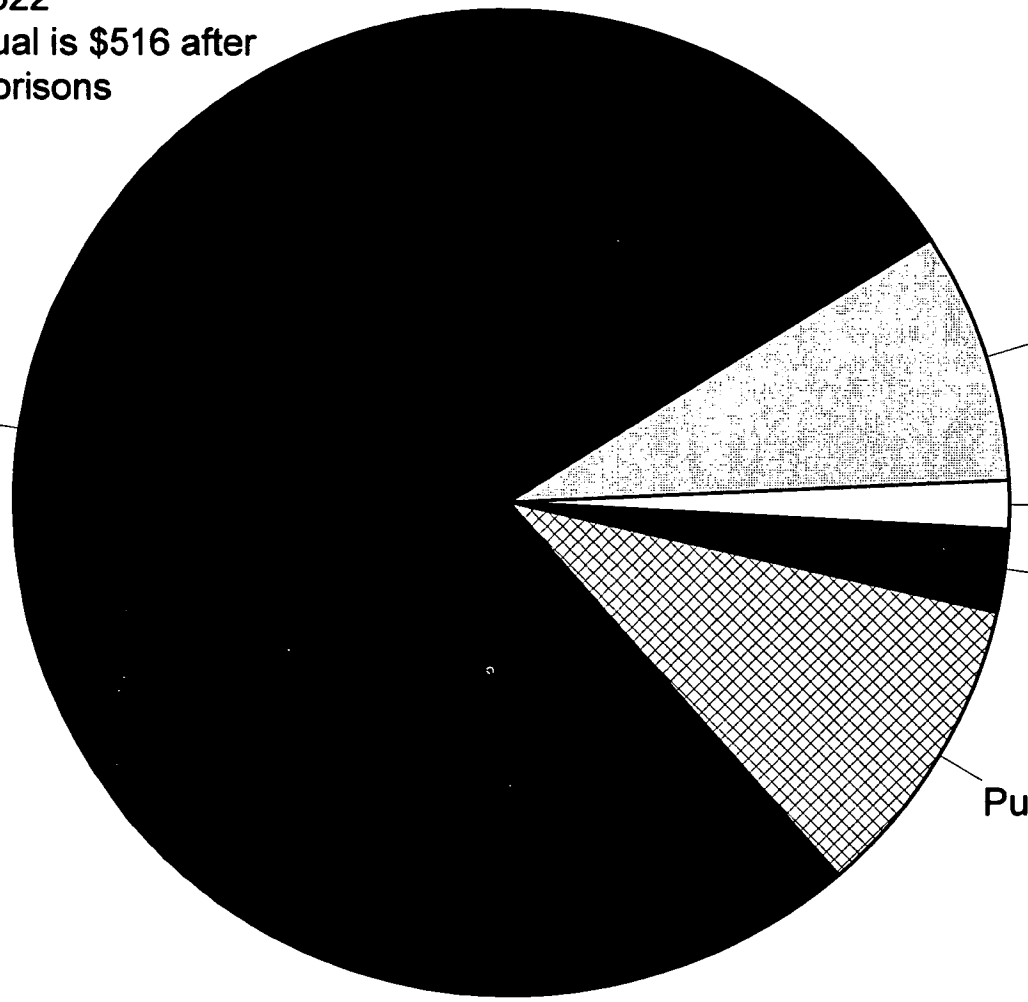
March 17, 1999

FRD

Department of Correction Custody and Security

Governor's Recommended Continuation Budget 1999-2000

Total Budget shown is $522 million (rounded off) ;actual is $516 after subtracting reserves for prisons closed in prior years



$24 M utils
$11.8 Cont.
$4M DPsrvcs.

Source: Vol. 4 Governor's Recommended Justice and Public Safety Budget

OVERVIEW OF BUDGET RESERVES

- Operating Reserves are established for one or all of the following reasons:
  - Large amount of funds dedicated to one project or program
  - OSBM/General Assembly want to track expenditures more closely
  - Set aside estimated program budget amount until final budget can be determined and funds are actually needed.

- **DOC Prison Operating Reserves**
  - Prison Reserves include funds to staff and operate prisons already fully funded for construction and coming on line during a specific fiscal year (also includes inmate costs)
  - Reserves are tied to stages of construction (Prison may have partial reserve to start hiring staff in one year and then be funded to be fully staffed and operated in the next)
  - Reserves may be greater or less than original estimated budget -- budget is estimated one to three years before a prison is designed and construction begins; final budget is result of changes in programs and design.

PROCESS FOR ESTABLISHING PRISON RESERVES

- PHASE I -- Establish Long- Range Funding Plan

  - General Assembly authorizes construction funding for new prisons
  - DOC/OSBM/General Assembly estimate amount and dates operating funding should begin and end and amount of funds needed based on custody level of prison, DOC staffing guidelines, and anticpated prison completion dates.
  - Key is estimated completion date -- DOC is authorized to hire managers 120 days prior to prison completion and staff 90 days -- 30 days for testing and administration; 30 days for training and certification and 30 days for OJT.

- PHASE 2 --- State Budget/General Assembly review status of projects and readjust budget based on:

  - 1. Review new estimated dates for completing construction and inmate occupancy and make one-time reductions if dates are pushed into next fiscal year.

  - 2. Review changes that effect cost: prison design (e.g. add electronic intrusion system/eliminate towers and people); #inmates; number and type of programs (e.g. more road squads); and, adjust budget.

BUDGET REVIEW OF DOC PRISON RESERVES

1998 GENERAL ASSEMBLY CHANGES TO DOC PRISON RESERVES

- Reduce Prison Reserves by $16 million (NR) -- One-time reduction due to changes in start dates for private prison contracts and dates for opening Albemarle and Avery/Mitchell. Also based on staggering hiring dates for these two prisons

Prison Reserves 1999-2001

- $42.7 Million in Prison Reserves for 1999-2000 & 2000-01
  - $19.1 million for two private prison contracts (approx $9.5 million each)
  - $23.6 million for Avery/Mitchell and Albemarle; additional $5 million dollars in other program budgets (e.g. custody and security; inmate food etc.) for total budget of approx. $14 million each
- Changes in 1999-2001 Budget
  - Private prison contracts increased $51,885 in 99-2000 and 728,332 in 2000-01 for increases allowed in contract (inflation; lease adjustment of 3.5 % or increase in CPI, whichever higher)
  - Recommended budget for Albemarle and Avery/Mitchell increases staffing by 5 positions at each facilty (additional 24 hour/7 day a week sergeant post).
  - Further one-time reductions? Avery/Mitchell to open in June/ with inmates in August, 1999; only significant delay would result in one-time cost reduction. Albemarle on schedule -- August , 1999 completion/Nov. 99 inmates

DIVISION OF PRISONS

List of all increases and decreases in staffing, by position at Avery-Mitchell and Albemarle.

Funded positions 1995	**308**
Increase in 97-98:	
Clerk Typist IIII	3
Correctional Officers	11
Food Service Assistant	1
Sub-Total 97-98:	**323**
Increase in 98-99:	
Sergeants	5
Decrease in 98-99:	
Correctional Officers	(10)
Total:	**318**

Note: Increase in staff required due to staffing standards and design changes. Decrease due to change in perimeter security from 2-2-2 to 2-2-1 and post adjustments from 1.76 to 1.50.

FACILITY	BUDGET 1999-2000	BUDGET 2000-2001
Avery-Mitchell	14,321,319	14,321,319
Albemarle	14,281,751	14,321,319

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STAFFING/STFWGPAC.WK4
04-Mar-99
DIVISION OF PRISONS
STAFFING WORKSHEET

ALBEMARLE CORRECTIONAL INSTITUTION
MEDIUM SECURITY

SOC 624
EOC 816

	POST NAME	SHIFT 1	SHIFT 2	SHIFT 3	TOTAL POSTS	TIMES RELIEF FACTOR	EQUALS TOTAL POSITIONS
1310	ADMINISTRATION						
	Superintendent	1			1	1	1
	Admin. Officer	1			1	1	1
	Secretary IV	1			1	1	1
	Acct Clerk IV	1			1	1	1
	Acct Clerk III	1			1	1	1
	Personnel Asst V	1			1	1	1
	Record Clerk IV	2			2	1	2
	Corr Clerk II	1			1	1	1
	Admin Asst II	1			1	1	1
	Clerk Typist III	2			2	1	2
1310	OPERATIONS						
	Asst Supt. Oprs.	1			1	1	1
	Captain	1	1	1	3	1.76	5
	Lieutenant	1	1	1	3	1.76	6
	Sergeant	5	5	4	14	1.76	25
	Fiscal Sergeant	1			1	1	1
	Clerk Typist III	4			4	1	4
	104 Dorm (4)	8	12	12	32		
	208 Dorm	4	6	6	16		
	Segregation - 40 cell	4	4	2	10		
	Yard	5	5	3	13		
	Transportation	3	3	1	7		
	Operation Center	2	2	2	6		
	Master Control	2	2	2	6		
	Perimeter Patrol	2	2	1	5		
	Control Gate	2	2	2	6		
	Intake control	1	1	1	3		
	SUBTOTAL CORR. OFFICERS				104	1.76	183
	Mailrm/Canteen/Clotheshouse	3	3	0	6		
	Kitchen	1	1	0	2		
	Visiting	1			1		
	Gym	1	1		2		
	Vocational Bldg	1	1		2		
	Classroom Bldg	1	1		2		
	SUBTOTAL CORR. OFFICERS				15	1.5	23

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STAFFING/STFWGPAC.WK4
04-Mar-99
DIVISION OF PRISONS
STAFFING WORKSHEET

ALBEMARLE CORRECTIONAL INSTITUTION
MEDIUM SECURITY

SOC 624
EOC 816

	POST NAME	SHIFT 1	SHIFT 2	SHIFT 3	TOTAL POSTS	TIMES RELIEF FACTOR	EQUALS TOTAL POSITIONS
1310 MAINTENANCE							
	Plant Maint Supvr II	1			1	1	1
	Maint Mech V	2			2	1	2
	Maint Mech IV	1			1	1	1
	Maint Mech III	1	1		2	1	2
	Electronics Tech II	1			1	1	1
	Electrician II	2			2	1	2
	HVAC Maint	1			1	1	1
	Grounds Supervisor	1			1	1	1
	Clerk Typist III	1			1	1	1
1320 FOOD SERVICE							
	Food Serv Supvr II	1			1	1	1
	Food Serv Supvr I		1		1	1	1
	Food Serv Asst	2	1		3	1.76	5
1330 MEDICAL							
	Nurse Supervisor	1			1	1	1
	Lead Nurse	1	1	1	3	1	3
	Staff Nurse	1	1	1	3	1.76	5
	Prac Nurse II	2	1	1	4	1.76	7
	Med Rec Clerk	1			1	1	1
1332 MENTAL HEALTH							
	Staff Psychologist	1			1	1	1
1333 DENTAL							
	Dentist						
	Dental Assistant	1			1	1	1
		1			1	1	1
1350 PROGRAMS							
	Asst Supt Progs	1			1	1	1
	Program Director I	1			1	1	1
	Program Supvr	4			4	1	4
	PA II	4			4	1	4
	PA I	4			4	1	4
	Clerk Typist III	2			2	1	2
	Classification Coord.	1			1	1	1
	Asst Class. Coord	1			1	1	1
	Chaplain	1			1	1	1
TOTALS							318

VISITOR REGISTRATION SHEET

Justice and Public Safety — 3-23-99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Gleason	Capitol Group
Larry Dix	OJJ
Daniel [illegible]	DOC
Jane Young	DOC
Larry Bergman	DOC
[illegible]	DOC
Julie Carpenter	DOC
[illegible]	NCSA
[illegible]	Van
A.A. Adams	Victim Advocate
Melissa Lovell	DOJ
Buddy Humphrey	OSBA
Robert Powell	OSBA
Lee Rubert	CJPA

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Madler	Sentencing Commission
Lorrin Freeman	Sentencing Commission
EDDIE CALDWELL	NC Sheriffs Assn / NC Law Enf Off Assn.
Chuck Cann	OSPL

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE

You are hereby notified that the Joint Committee on **APPROPRIATIONS/Justice and Public Safety** will meet as follows:

DAY & DATE: **Tuesday March 23, 1999**
Wednesday March 24, 1999
Thursday March 25, 1999

TIME: **Tuesday and Wednesday 8:30AM and 2:30PM**
Thursday 8:30AM

LOCATION: **Room 415**

The following bills will be considered (Bill # & Short Title):
Continuation: Discuss Budget

Respectfully,

Representatives McCrary, Kinney, & Culpepper
Chairs

I hereby certify this notice was filed by the committee clerk at the following offices at **3:00**on March 18, **1999**.

✓ Principal Clerk
✓ Reading Clerk - House Chamber

Barbara Berry (Legislative Assistant)

Box 4

1. (Cont.) 1999 Jt Appropriations – Justice & Public Safety, ***March 24th-***
2. 2000 Joint Appropriations – Justice & Public Safety
3. 1999 Joint Appropriations – Natural & Economic Resources

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday, March 24, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper
Representative Ted Kinney
Representative Paul McCrary, Presiding

II. PRESENTATIONS

Morning

Continue Review of Department of Correction Continuation Budget

- **Overview of Substance Abuse Treatment Programs**

  Jim Mills, Fiscal Research Staff
  Departmental Representatives

- **Annual Report on Substance Abuse Treatment Programs**

  Lattie Baker, Assistant Secretary
  Department of Correction

- **Substance Abuse Treatment Program Reserve**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Dart –Cherry Program**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Offender Tracking and Evaluation System**

  Lattie Baker, Assistant Secretary 1st motion was made
  Department of Correction

Afternoon (March 24, 1999)

Continue Review of Department of Correction Continuation Budget

- **DOC Federal Grants Report**

  Greg Stahl, Assistant Secretary
  Department of Correction

- **Other DOC Issues**
  - **Special Provisions**
  - **DOC Receipts**
  - **Vacancies Eliminated in Governor's Budget**

  Jim Mills, Fiscal Research Staff
  Departmental Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

Justice + Public Safety 3-24-99 2:30 p.m

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Buddy Humphrey	OSJM
2. Melissa Lovell	DOJ
3. John Madler	Sentencing Commission
4. Karen Jones	Sentencing Commission
5. Larry Wimson	DOC
6. Chuck Crawn	OSPL
7. Bob Brinson	Correction
8. Aikens	DOC
9. Larry Dix	OJJ
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17.	
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21.	

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

March 24 (Name of Committee)

DATES	2:30													
Rep. Kinney, Chair	✓													
Rep. McCrary, Chair	✓													
Rep. Culpepper, Chair														
Rep. Thomas, Vice Chair	✓													
Rep. Clary														
Rep. Haire	✓													
Rep. Horn	✓													
Rep. Justus														
Rep. Kiser	✓													
Rep. Sexton														
Senate Members														
Sen. Luther Jordan	✓													
Sen. Frank Ballance	✓													
Sen. Tony Rand														
Sen. John Carrington	✓													
Sen. Don East														
Rep. Baddour-ex-officio														
Rep. Cunningham-ex-officio														
Rep. Dedmon-ex-officio														
Rep. Earle-ex-officio														
Rep. Hackney-ex-officio														

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Wednesday, March 24, 1999 –8:30
Room 415, Legislative Office Building

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending are Representative Paul McCrary, Co-Chairman, presiding; also attending Rep. Culpepper, Co-Chair; Rep. Clary, Rep. Horn, Rep. Kiser and Rep. Sexton on the Senate side Senator Luther Jordon, Chair; Frank Balance, John Carrington and Done East.

Co-Chairman McCrary recognized the pages in attendance and the members of the Sergeant at Arms staff assisting in the Committee.

Co-Chairman McCrary then stated the purpose of the meeting **Continue Review of Department of Correction Budget** and recognized Jim Mills, Fiscal Research Staff to begin **Overview on Substance Abuse Treatment Program**. Jim Mills started with a brief overview of the Substance Abuse Treatment Program within the Department of Correction. Jim stated that he would begin with the summary of the statutory requirements within the Department of Corrections. This is a separate division called the Divisions of Alcohol and Chemical Dependency, established within the Department of Correction in 1987. (See Attached) **Prison-Based Drug and Alcohol Recovery/Treatment called (Dart)--**

The Key Issues in summary are (Priority Order) given to inmates in medium custody facilities with separate areas designated for substance abuse treatment. The Department is required to develop effective treatment programs not just for inmates but also for parolees and probationers. **First Priority is Court Orders by Judges, Second is a referral from the Diagnostic Center Third would be referral by program staff or other staff in the prison system** and **Fourth would be self referral by an inmate**. The

Objective of the program is reduction of chemical dependency and to reduce the likely hood of recurring criminal dependency. (See Attached)

Jim Mills next did a summary of the number and type of Beds that are in the Division for treatment of Substance abuse. (See Attached)

Last Phase of the Treatment is through work release. Jim shared with the Committee the summary of the continuation budget for 1997-98 and 1998-99 recommended by the Governor in the next two years. (See Attached)

The Co-Chairman then recognized Mr. Baker to present the annual Report Mr. Baker stated to the committee that the report is titled the Department of Corrections Divisions of Alcoholism and Chemical Dependency FY 1997-98 Chemical Dependency treatment report. Mr. Baker went on to say that the one key issue is to define what the department has done in its effort to provide effective substance abuse treatment to offenders within the department of Corrections. (See Attached).

Co-Chair Rep. McCrary then recognized Elisa Wolper(fiscal research) to follow up on the **Reserve Substance Abuse Treatment Report**. This Reserve was set up in 1997 and then modified in 1998. Elisa stated that when there was a reduction in the number of beds which were authorized for private treatments, a number of these beds had not been used, which had allowed for a cut and about a half million dollars of that cut was retained by the sub-committee in the Division of Alcoholism and Chemical Dependency to set up a reserve for Substance Abuse and allow this sub-committee to give some direction to how that money should be used. (See Attached)

Alisa shared the full budget over view for the Division of **Alcoholism and Chemical Dependency**. And summarized by saying the decision for this sub-committee is to evaluate the need for those resources, she stated that the resources could be funded as an **expansion item** or **addressed within the substance abuse reserve** if the funds are carried over from the prior year. (See Attached) Focusing on the Dart Cherry Program.

The meeting adjourned until 2:30

Respectively submitted,

Paul McCrary

Rep. Paul McCrary, Co-Chairman

Barbara A. Berry

Barbara A. Berry, Committee Assistant

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday, March 24, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper
Representative Ted Kinney
Representative Paul McCrary, Presiding

II. PRESENTATIONS

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Continue Review of Department of Correction Continuation Budget

- **Overview of Substance Abuse Treatment Programs**

  Jim Mills, Fiscal Research Staff
  Departmental Representatives

- **Annual Report on Substance Abuse Treatment Programs**

  Lattie Baker, Assistant Secretary
  Department of Correction

- **Substance Abuse Treatment Program Reserve**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Dart –Cherry Program**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Offender Tracking and Evaluation System**

  Lattie Baker, Assistant Secretary
  Department of Correction

Afternoon (March 24, 1999)

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  Greg Stahl, Assistant Secretary
  Department of Correction

- **Other DOC Issues**
  - **Special Provisions**
  - **DOC Receipts**
  - **Vacancies Eliminated in Governor's Budget**

  Jim Mills, Fiscal Research Staff
  Departmental Representatives

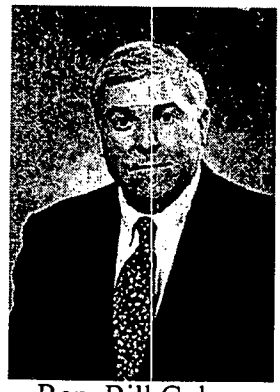
III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY COMMITTEE MEMBERS

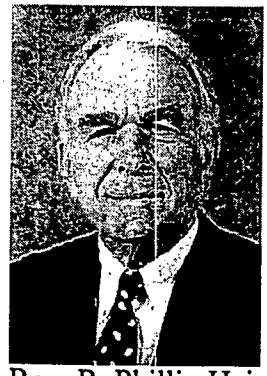
Rep. Paul McCrary
Co-Chair

Rep. Ted Kinney
Co-Chair


Rep. Bill Culpepper
Co-Chair

Rep. Scott Thomas
Vice Chair

Rep. Debbie Clary


Rep. R. Phillip Haire

Rep. Jim Horn

Rep. Larry Justus

Rep. Joe Kiser

Rep. Wayne Sexton

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES	3/24													
Rep. Kinney, Chair														
Rep. McCrary, Chair														
Rep. Culpepper, Chair	✓													
Rep. Thomas, Vice Chair														
Rep. Clary	✓													
Rep. Haire														
Rep. Horn	✓													
Rep. Justus														
Rep. Kiser	✓													
Rep. Sexton	✓													
Senate Members														
Sen. Luther Jordan	✓													
Sen. Frank Ballance	✓													
Sen. Tony Rand														
Sen. John Carrington	✓													
Sen. Don East	✓													
Rep. Baddour-ex-officio														
Rep. Cunningham-ex-officio														
Rep. Dedmon-ex-officio														
Rep. Earle-ex-officio														
Rep. Hackney-ex-officio														

VISITOR REGISTRATION SHEET

Appropriations/Justice & Public Safety 3-24-, 1999

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Lovell	DOJ
Lorrain Freeman	Sentencing Commission
John Madler	Sentencing Commission
Karen Jones	Sentencing Commission
Dudley Humphrey	OSBM
Julie Carpenter	Correction
Bob Brinson	Correction
Fred Aikens	Correction
Lottie Bayne Jr	Corrections
Chuck Crum	OSPL
Mark Gleason	Capitol Group
Lacey Dix	DJF
Guy Rubsam	OJP
Gregg Stobb	DOC
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North Carolina Department Of Correction
Division of Alcohol and Chemical Dependency Programs
FY 97-98 CHEMICAL DEPENDENCY TREATMENT FUNDS REPORT
Annual Report to the North Carolina General Assembly

SL 1998-212 Section 17.12

d) The Department of Correction shall report by March 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on their efforts to provide effective treatment to offenders with substance abuse problems. The report shall include:

1) Details of any new initiatives and expansion or reduction of programs;
2) Details on any treatment efforts conducted in conjunction with other departments;
3) Utilization of the DART/DWI program, including its aftercare program;
4) Progress in the development of an offender and inmate tracking and program evaluation system; and
5) A report on the number of current inmates with substance abuse problems, the numbers currently receiving treatment, and the numbers who have completed treatment. As an offender and inmate tracking system becomes operational, this report shall also include information on the recidivism of inmates who have previously completed substance abuse treatment and been released from prison.

Prepared by Division of Alcohol and Chemical Dependency Programs
March 1, 1999

North Carolina Department Of Correction
Division of Alcohol and Chemical Dependency Programs
FY 97-98 CHEMICAL DEPENDENCY TREATMENT FUNDS REPORT
Annual Report to the North Carolina General Assembly

SL 1998-212 Section 17.12(d) requires the Department of Correction to report "efforts to provide effective treatment to offenders with substance abuse problems" by the first of March each year. The report must cover program utilization, numbers of offenders participating, interagency treatment efforts, offender tracking, program evaluation, and new initiatives. This report covers FY 1997-98 and is dated 1 March 1999.

Each item in the executive summary is explained in detail in the body of this report. Note that headings in the executive summary that appear in bold also appear in bold in the body of the document. The same is true for the italicized items. Abbreviations and acronyms are explained in a table on the last page.

EXECUTIVE SUMMARY

Program description and program utilization (page 5)

- *Private Alcohol/Drug Treatment Centers*—the Division of Alcohol and Chemical Dependency Programs (DACDP) has contracts with private providers for 350 minimum-security prison beds for residential treatment at four facilities across the state. During 1998, the bed utilization rate was 97%.
- *Prison-Based Drug and Alcohol Recovery/Treatment (DART)*—in-prison treatment program for recovery from addiction. During FY 1997-98, 8,200 prison inmates assessed as having alcoholism and/or drug addiction received treatment during their incarceration. During calendar year 1998 the Prison-Based DART treatment bed utilization rate was 84%.
- *DART-Cherry*—residential treatment unit for offenders on probation for DWI (driving while impaired) convictions. There is a 28-day and a 90-day program. DART-Cherry staff-members collaborate with probation officers from the DOC's Division of Community Corrections. The DART-Cherry utilization rate was 90% for FY 1997-98.
- *Strategic Alliance for Recovery and General Education (SARGE) for Chemically Dependent Youth*—federally funded alliance between the DOC Division of Prisons (DOP) and the Office of Juvenile Justice[1] Division of Youth Services (DYS). SARGE is designed for youth in prison or DYS. Two SARGE sites opened in 1996; there are 33 treatment slots at C.A. Dillon School (DYS), and 96 slots at Morrison Youth Institution (DOP).

Interagency treatment efforts (page 11)

- *SARGE*—The Strategic Alliance for Recovery and General Education program treats chemically dependent juveniles in prison and in DYS facilities.

[1] Office of Juvenile Justice replaces DHHS here and throughout the document in references to the agency with authority over the Division of Youth Services.

- *DART-Cherry Aftercare*—the DACDP and Department of Health and Human Services Substance Abuse Section are collaborating on the development of aftercare services for offenders leaving DART-Cherry.
- *Community service projects*—therapeutic community residents at Dart-Cherry must complete eight hours of community service work during their stay. In FY 1997-98, 157 residents performed 1,256 hours of community service.
- *At-Risk Youth Program*—Goldsboro High School students came to DART-Cherry to hear DART residents discuss making good decisions, choosing friends, staying in school, not using drugs and alcohol and resolving problems with parents.
- *Wayne Community College*—The college offers educational programs to Therapeutic Community residents at DART-Cherry. During FY 1997-98, 44 residents completed their General Equivalency Diploma (GED); 60 completed various sections of the GED; 142 completed Human Resource Development (HRD); and 157 participated in Adult Basic Education (ABE).

Offender and inmate tracking and program evaluation (page 12)

- *Offender and inmate tracking*—Researchers have identified a number of data elements necessary for adequate tracking, monitoring, and evaluation. A customized Offender Population Unified System (OPUS) program will track inmates through DACDP treatment program phases.
- *Program evaluation*—the DOC, the Office of Juvenile Justice and NDRI are conducting a federally funded evaluation of SARGE.

New initiatives and program expansion or reduction (page 13)

- *Treatment for hearing-impaired offenders*—the DACDP and the DOP developed a new program of intensive residential treatment for hearing-impaired offenders.
- *DART-24*—A short-term chemical dependency treatment program for inmates with a short prison sentence (misdemeanor convictions).
- *DART Winners Circle*—a 12-session program to prepare inmates who have completed Prison-Based DART for release from prison.
- *DART Peer Development Center*—Peer Counselors from throughout the DART inmate population receive training on the DART treatment model.
- *Offender and inmate tracking systems*—the DACDP is developing inmate tracking within OPUS. This DOC database helps agency staff members manage inmates and caseloads, and helps researchers conduct evaluations.
- *DACDP strategic plan*—the plan includes a vision statement and five related objectives. During 1999 staff will begin to implement 24 strategies and 88 tactics from the strategic plan.
- *Interagency planning team*—DOC and DHHS appointed an inter-agency planning team in 1998. The group is focusing on inter-agency planning for treatment services in the community.
- *Recidivism study*—DOC Research and Planning and the Sentencing Commission are working together to add chemical dependency treatment programs to the Commission's recidivism study.
- *Outcome measures*—the DACDP developed outcome measures related to its goals and objectives, as part of the department's evaluation strategy.

CHEMICAL DEPENDENCY TREATMENT FUNDS REPORT

Program Description and Program Utilization

Private Alcohol/Drug Treatment Centers

The DACDP administers a system of 350 alcohol and drug treatment beds in private facilities in four locations across the state (see Table 1—DACDP Private Alcohol/Drug Treatment). Referrals generally come from the courts, the DOP and the Post-Release and Parole Commission.

Table 1—DACDP Private Alcohol/Drug Treatment

Facility Name	Capacity	Location	Open Date
Evergreen Rehabilitation	75 males	St. Pauls, NC	March 1995
Mary Frances Center	100 females	Tarboro, NC	March 1995
Right Turn of NC	100 males	Charlotte, NC	September 1995
Cornell Corrections	75 males	Durham, NC	December 1996

Inmates are transferred from other prison units to these minimum custody prisons, and the program lasts six to 12 months. Those who successfully complete the program or who complete their sentence are released into the community. Although it is based on 12-step concepts, the private substance abuse prison programs address a much wider range of behavior than traditional chemical dependency programs. For example, the programs address relapse avoidance, employment, education and vocational needs.

Table 2—Private Alcohol/Drug Treatment Centers Descriptive Statistics for Fiscal Year 1997-98

Total Daily Population Capacity	350
Number of Admissions	628
Number of Completions	416
Number of Exits Other than Completion	212
Completion Rate	66%
Utilization Rate	97%

Note to the table—Utilization rate = total population divided by annualized capacity

The DACDP requires private treatment centers to serve minimum custody inmates with six to 20 months remaining on their prison sentence. Offenders must be at least 19, be in good health, not have a detainer, and not be serving time for an assaultive crime. These Private Alcohol and Drug Treatment centers provide a number of services, including:

- individual and group counseling
- chemical dependency education
- family program services
- responsible use of leisure time
- volunteer program services
- affiliation with recovery groups
- basic health services
- community integration services
- education
- employment by way of work release

The private residential bed costs per day were: Mary Frances Center $72.00; Cornell Corrections $47.69; Evergreen Rehabilitation Center $55.00; and Right Turn $54.75.

Prison-Based DART
Prison-based DART provides a continuum of treatment, aftercare and self-help recovery group services during an offender's term in prison. The program's mission is to "provide comprehensive interventions, programs and services that afford offenders with alcohol or drug problems the opportunity to achieve self actualized recovery."

Table 3—Prison-Based DART Descriptive Statistics Fiscal Year 1997-98

Total Daily Population Capacity	935
Number of Admissions	8,214
Number of Completions	6,086
Number of Exits Other than Completion	2,128
Completion Rate	74%
Utilization Rate	84%

Note to the table—Utilization rate = total population divided by annualized capacity

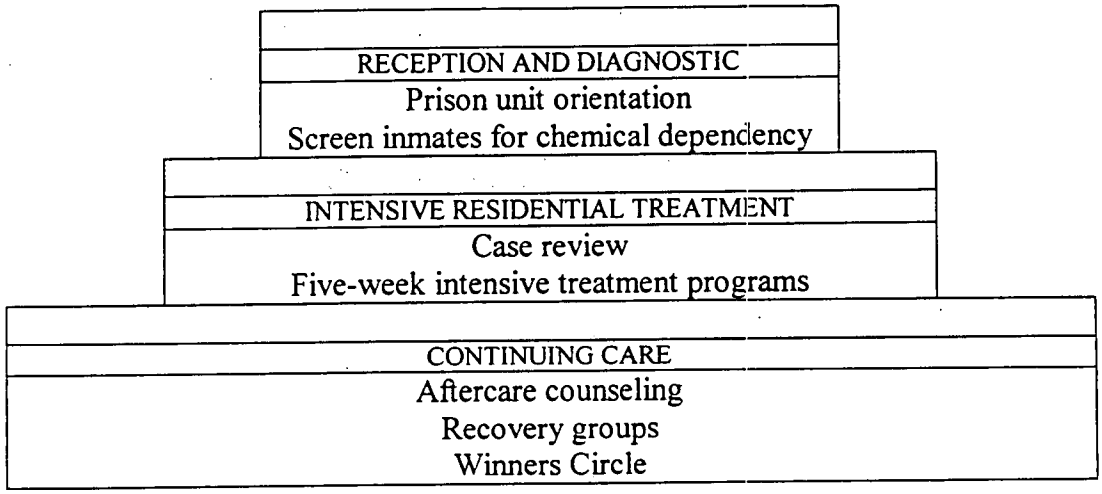
The intervention begins early in the correctional process. DOP Reception and Diagnostic Section handle Prison-Based DART screening. Reception staff use interviews, case referrals, social history and prior chemical dependency treatment reviews, and Short Michigan Alcohol Screening Test (SMAST) and Chemical Dependency Screening Test (CDST) screening instruments.

Inmates found to need treatment are referred to in-prison Intensive Residential Treatment (IRT). IRT centers provide 985 treatment slots in 14 prisons across the state. After 35 days of IRT, the offender returns to the general population and participates in a formal aftercare program lasting 8-12 weeks. The next component of the continuum, self-help and recovery, consists of Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) groups. Regularly participating offenders within six weeks of release from prison are referred to the Winners' Circle, a formal program designed to prepare an offender for

release, to make the transition back into the community easier. (See Figure 1—Prison-Based DART Continuum of Care below.)

Treatment, which is scheduled at the beginning of incarceration, is designed to introduce offenders to a lifelong plan of addiction recovery. DART intensive five-week treatment programs (IRT) and DART Continuing Care are designed for chemically dependent felons. Misdemeanant clients, whose sentences are shorter, receive short-term therapies such as DART-24 (four six-hour sessions).

Figure 1—Prison-Based DART Continuum of Care



During FY 1997-98, 8,214 inmates entered DART Intensive Residential Treatment (IRT). Overall IRT capacity utilization was approximately 84%, a drop of about three percent compared to FY 1996-97. The most notable shortfall was at DART Marion, which operated at 58% of capacity. DART Craggy operated at 59% of capacity. Much of the IRT under-utilization can be attributed to backlogs created when inmates complete treatment and remain at the treatment facility awaiting permanent prison assignment. This prevents assignment of newly referred inmates to the treatment beds. In an effort to reduce the backlog, DART and DOP communicate regularly, using weekly field reports.

Division of Prisons Reception and Diagnostic staff screened nearly all prisoners admitted to prison in FY 1997-98 (approximately 22,000 admissions, as shown in the table below). Almost 63% of those screened had Short Michigan Alcohol Screening Test (SMAST) or Chemical Dependency Screening Test (CDST) scores indicating an alcohol or drug addiction problem. Just over 15,000 inmates were referred to DART (See Table 5—Number Referred to Prison-Based DART below for more details). Note that where the number tested is greater than the number of admissions in the table below, those tested include prison admissions resulting from events such as probation revocation, which is not included in the prison admissions count. Further, some inmates were referred to DART by the courts, by DOC personnel and by self-referral.

Table 4--DART IRT Percent of Capacity

DART Intensive Residential Treatment	Daily Capacity	Annual Capacity	Annual Entries	Percent of Capacity
NCCIW	62	647	639	98.7%
Piedmont	88	918	884	96.2%
Brown Creek	96	1,001	800	79.9%
Nash	60	626	490	78.3%
Marion	88	918	533	58.1%
Western Youth	42	438	390	89.0%
Foothills	30	313	122	39.0%
Pender	96	1,001	1,170	116.9%
Wayne	126	1,314	1,277	97.2%
Caswell	58	605	470	77.7%
Craggy	63	657	385	58.6%
Lumberton	48	501	410	81.8%
Pasquotank	58	605	466	77.0%
Central Prison	20	209	178	85.2%
Total	935	9,753	8,214	84.2%

Note to the table—Foothills began operation October 1, 1997, three months into FY 1997-98

Table 5—Number Referred to Prison-Based DART

FACILITY	ADMISSIONS	# TESTED	SMAST/CDST* SCORE 3 OR MORE	REFERRED TO DART
NCCIW	1,655	1,628	1,228	1,372
Fountain	745	762	630	649
Neuse	3,759	3,545	2,605	2,822
Central	1,295	1,172	642	984
Piedmont	4,245	3,854	2,216	2,744
Craven	5,423	5,058	2,871	3,239
Western Youth	1,285	1,321	859	929
Polk	2,205	2,068	998	1,054
Rowan	1,665	1,536	1,192	1,308
Other	171	149	98	141
TOTALS	22,448	21,093	13,339	15,242

Table note—The SMAST/CDST Score column heading refers to two assessment instruments: Short Michigan Alcohol Screening Test (SMAST) and Chemical Dependency Screening Test (CDST)

DART Continuing Care consists of three parts—aftercare, recovery group and Winners Circle. Aftercare is an eight to 12-week program for inmates in the early stages of recovery in a prison setting. Recovery group means access to in-prison Alcoholics Anonymous and Narcotics Anonymous. Winners Circle is a 12-session program to

prepare recovering inmates for release from prison. In-prison Aftercare is available to inmates in every prison in the state, making North Carolina the first state with a continuum of care model for all identified chemically dependent inmates.

At the end of the FY 1997-98, 128 Aftercare groups were functioning in the state's prisons. On average, approximately 700 DART clients were participating in weekly Aftercare groups. In addition, there were 126 established Alcoholics Anonymous groups, with an average weekly attendance of 2,685. A number of Narcotics Anonymous groups were established during the year, bringing the system-wide total to 80. These NA groups had an average weekly attendance of 1,441 (see Table 6—Average Weekly Attendance in Aftercare, AA and NA below). The average bed cost per day for DART residential in-prison programs averaged $14.58.

Table 6—Average Weekly Attendance in Aftercare, AA and NA

Fiscal Year 1997-98			
DART Region	DART Aftercare	AA	NA
Eastern	140	453	347
North Central	131	724	293
South Central	104	333	239
North Piedmont	94	443	198
South Piedmont	97	382	286
Western	127	350	77
Total	693	2,685	1,440

DART-Cherry

DART-Cherry is a residential treatment unit for males on probation or parole for driving while impaired (DWI) convictions. The DART-Cherry facility, located in Goldsboro, has 300 beds. Of those, 100 are traditional 12-step residential chemical dependency treatment slots in a 28-day format. The remaining 200 slots are a modified therapeutic community (TC) program. The TC program has a 90-day format and is for probationers and parolees. The 28-day program is at 98% of capacity, and the 90-day program is at 94% of capacity.

During FY 1997-98, 354 probationers entered the 90-day Therapeutic Community (TC) program and had a 95% completion rate. The TC model was implemented in September 1997. Although residential treatment traditionally lasts 28 days, research and clinical experience indicate that longer treatment has more benefits. Thus DACDP staff developed the modified TC with a 90-day format. The program is based on Stayn' Out, a residential, community transition and aftercare program in New York.

Table 7—DART-Cherry Descriptive Statistics Fiscal Year 1997-98	
Total Daily Population Capacity	300
Number of Admissions	2,918
Number of Completions	2,851
Number of Exits Other than Completion	59
Completion Rate	98%
Utilization Rate	90%

Table note —Utilization rate = total population divided by annualized capacity

Community Aftercare is a key DART-Cherry component. It builds upon and continues treatment after the transition from a residential program to the community. Of those who completed DART-Cherry in FY 1997-98, 347 received DOC-funded aftercare treatment services in the community. Services were provided by other agencies statewide for 1,124 offenders who completed DART-Cherry. Aftercare services were provided as follows:

Local Area Mental Health Centers	740
Drug Treatment Courts	8
Community Justice Partnership Programs	48
Self Pay	3
Treatment Alternatives To Street Crime	325
(TASC)	1,124
Total Receiving Other Agency Services	347
Total Receiving DOC-Funded Services	1,471
Grand Total	

DART-Cherry staff members involve other DOC agencies in the treatment program. For example, in 88 counties, admissions decisions are made in collaboration with probation officers employed by the DOC's Division of Community Corrections. Probation officers also serve on treatment teams that develop plans for residential treatment and discharge back to the offender's county of origin. Bed cost per day for DWI program was $32.50.

Table 8—DART-Cherry Admissions By Referral Source FY 1997-98

Referral Source	Admissions	Completions	Completion Rate
Parole	1,366	1,350	99%
Probation	1,552	1,501	97%
Total	2,918	2,851	98%

SARGE—Strategic Alliance for Recovery and General Education

North Carolina has two federally funded Strategic Alliance for Recovery and General Education (SARGE) for Chemically Dependent Youth programs, one in the Department of Correction (Division of Prisons—DOP) and one in the Office of Juvenile Justice

(Division of Youth Services—DYS[2]). SARGE provides nine months of residential treatment (Phases I and II) and three months of transition aftercare (Phase III). The aftercare phase follows release from prison or detention. Program staff persons arrange for aftercare services on a individual basis, through contractual arrangements with service providers in the area where the youth is released from prison or detention.

Table 9—SARGE Descriptive Statistics Fiscal Year 1997-98	
Total Daily Population Capacity as of 06/30/98	90
Number of Admissions	166
Number of Completions	0
Number of Exits Other than Completion	76

Table note—SARGE is a new program; there were no completions during FY 1997-98. The 76 exits other than completion were persons removed from the program due to inappropriate assignment to SARGE.

The curriculum, which is based on a program designed for offenders, has been further modified to fit the needs of incarcerated youth. Two SARGE sites opened in 1996, one operated by the DOC, one by DYS. The DOC-operated program has 96 treatment slots at Morrison Youth Institution (DOP). The DYS-operated program has 33 treatment slots at C.A. Dillon School in Butner. The bed cost per day for SARGE was $47.56.

Interagency Treatment Efforts

SARGE for Chemically Dependent Youth

State Alliance for Recovery and General Education (SARGE) is a chemical dependency treatment program for youthful offenders in prison or in a DYS facility. It is funded by the federal government and operated in two state agencies, the Department of Correction and the Office of Juvenile Justice. The previous section describes SARGE in more detail.

DART-Cherry Aftercare

The DACDP and the DHHS Substance Abuse Section are collaborating on the development of aftercare services for offenders leaving DART-Cherry.

Community service projects—Therapeutic Community residents at Dart-Cherry must complete eight hours of community service work during their stay. In FY 1997-98, 157 residents performed 1,256 hours of community service.

At-Risk Youth Program

Sixteen Goldsboro High School students participated in a four-hour program at DART-Cherry. Residents of the 90-day Therapeutic Community discussed making good decisions, choosing friends, staying in school, not using drugs and alcohol and resolving problems with parents. Teachers were pleased with the program and plan to schedule more in the future.

Wayne Community College

Wayne Community College provides academic programs to DART-Cherry Therapeutic Community residents. The college teaches general equivalency diploma (GED), Adult

[2] DYS was formerly in the Department of Health and Human Services.

Basic Education (ABE) and Human Resources Development Classes (HRD). Students are tested for intellectual levels of functioning and placed in appropriate academic classes. During FY 1997-98, 44 residents completed their GED, 60 completed various sections of the GED, 142 completed HRD and 157 participated in ABE.

Offender and Inmate Tracking and Program Evaluation

Offender and Inmate Tracking

SL 1997-443 Section 17.12(b)(2) allows the DOC to spend funds to identify the "type of program and management information...for offender and inmate tracking and program evaluation." In December 1998 the DOC began developing such an information system and provided to the General Assembly a report describing the proposed system. (To request a copy of the report, entitled "North Carolina Department of Correction Substance Abuse Funds Report," call DOC Research and Planning.)

The proposed system will include data for offender tracking, monitoring, and evaluation. Data items will include:

- Offender identification, screening, assessment and referral to treatment
- Assignment to, attendance in, and completion of treatment
- Participation in aftercare services and recovery groups (AA/NA)
- Community transition plans completed prior to release
- Assessment of performance measures while in the program
- Assessment of long-term lifestyle change

The DACDP is developing an inmate tracking system, and the DOC is developing offender tracking. DOC agencies will use these interrelated systems to track program participants, to produce information for monitoring, and for program evaluation. This information will also be useful for reports to the General Assembly and other entities outside the DOC. Further, inmate and offender tracking will help prison and community corrections staff manage inmates and caseloads. The agencies will create these systems by adding new input screens to DOC's Offender Population Unified system (OPUS). This powerful automated central database already contains information about persons who are or have been under correctional supervision.

Joint Application Development (JAD) sessions for the inmate and offender tracking system are underway. Planners and managers from relevant DOC agencies use the JAD sessions to determine what outcome measure information is already available from OPUS and the enhancements needed to capture data for the other measures. The first of these joint planning sessions between substance abuse staff and computer system analysts occurred in January 1999. Further meetings will be held periodically through May.

Program Evaluation—NDRI Study

The State Alliance for Recovery and General Education (SARGE) for Chemically Dependent Youth program will be the subject of a process evaluation. SARGE is a long-term treatment program for youthful offenders in prison. National Development Research Institutes (NRDI), a research firm, is conducting the study. The evaluation project is

tentatively approved for federal funding (verbal approval was given in January 1999). The study will cover the SARGE programs at Cameron-Morrison Youth Institution (DOC—Division of Prisons) and Dillon Training School (Office of Juvenile Justice—Division of Youth Services). The previous two sections describe SARGE in detail.

A process evaluation, which is designed to begin as soon as a program is fully operational, lays the foundation for later outcome evaluation. The process evaluation of SARGE will examine the program's integrity as well as its readiness for outcome evaluation. In an outcome evaluation, researchers will compare the Dillon and Cameron-Morrison programs to one other. The study will also compare individuals in both programs to individuals assigned to facilities that lack the SARGE program.

In addition to laying the foundation for outcome evaluation, the process evaluation will create an informal and timely feedback system. This feedback will help program staff with program assessment and improvement. The study results also will be instructional if new SARGE programs are added. More broadly, the process evaluation will become a valuable part of the larger evaluation efforts of the Department of Correction.

New Initiatives and Program Expansion or Reduction

Treatment for Hearing-Impaired Offenders

The DACDP helped the Division of Prisons (DOP) develop a new program of intensive residential treatment for chemically dependent, hearing-impaired offenders. The services, provided with assistance from experienced interpreters for the hearing-impaired, are offered at Nash Correctional Institution and Rowan Correctional Center. During FY 1997-98, eight hearing-impaired male felony offenders were treated. The DACDP expects that population to grow in coming years.

Inmate Tracking System

The DACDP will soon be using a new inmate tracking system (see the section entitled *Offender and Inmate Tracking* above for more information). Customized OPUS programs will track inmates through treatment program phases. Treatment units will generate their own reports, which will include information useful to post-incarceration service providers. The new tracking system will require extensive upgrading of existing computer hardware. The system will be added in phases as new modules are developed.

DART-24

Inmates with misdemeanor convictions have relatively short stays in prison, making it difficult to complete in-prison treatment. The DACDP developed DART-24 for this class of inmates. DART-24 consists of six sessions last four hours each, for a total of 24 hours.

DART Winners Circle

Winners Circle is the third part in DART's three-part Continuing Care component. Winners Circle is a 12-session program to prepare recovering inmates for release from prison back to the community.

DART Peer Development Center
In September 1997, 80 Peer Counselors from throughout the DART inmate population were transferred to DART Wayne to receive training on the DART treatment model.

DACDP Strategic Plan
During 1998 DACDP managers and field staff developed a strategic plan that included the following vision statement:

> We, the employees of the Division of Alcoholism and Chemical Dependency Programs, envision our organization delivering effective and comprehensive chemical dependency programs and services with professionalism, honesty, and integrity, to offenders with alcohol and drug problems. We see a committed, well-prepared, competent, diverse, and loyal staff who is afforded opportunities to achieve their personnel and professional goals. We will collaborate with all of our stakeholders to provide opportunities for successful recovery and community reintegration, which enhance citizenship and public safety.

Following are five objectives related to the vision:

- Lead proactively regarding chemical dependency issues in corrections
- Develop and train employees for personal and professional growth
- Deliver effective services and programs
- Emphasize cost-efficient management of resources and accountability
- Communicate with and be accountable to stakeholders

During 1999 staff throughout the agency will begin to implement 24 strategies and 88 tactics from the strategic plan. (Call the DACDP for a copy of the plan.)

Interagency Planning
The secretaries of the Departments of Correction (DOC) and Health and Human Services (DHHS) appointed an inter-agency planning team in 1998. The team's objectives are:

- Develop a collaborative relationship
- Conduct interagency planning, engage in problem solving, and develop...a continuum of intervention and treatment services
- Share information between agencies
- Develop a better understanding of each other's services and programs
- Interpret and implement legislative mandates together, provide feedback to the General Assembly; and develop joint lobbying efforts
- Develop collaborative funding strategies

The interagency team agreed to study transition treatment services (continuation of treatment services after release from prison or upon transfer to probation). The team is receiving technical assistance from the US Department of Justice.

Recidivism Study
The North Carolina Sentencing and Policy Advisory Commission (SPAC) is required by law to determine recidivism rates for various correctional programs. The DOC Office of Research and Planning and SPAC staff are working together to add alcohol and chemical dependency treatment programs in the DOC to the Commission's recidivism study. SPAC will submit its first expanded recidivism study in March 2000, which coincides with the annual deadline for this substance abuse report.

Outcome Measures
In 1998 the DOC began identifying outcome measures for its operational divisions. The purpose of these measures is to:

- Be accountable for activities
- Plan and budget effectively
- Identify areas for improvement
- Collect information for evaluation research

During its strategic planning process, the DACDP identified intermediate outcome measures to support its major objectives—providing appropriate alcohol and chemical dependency services and improving offender behavior. The outcome measures identify change in the offender during DACDP program participation, including program completion, drug test results and infractions or probation violations. (For more information, request a copy of the action plan from the DACDP.) DACDP and MIS staff persons are conducting sessions to modify OPUS to track these outcomes.

Acronyms and Abbreviations Used in this Report

CDST—Chemical Dependency Screening Test
DACDP—Division of Alcohol and Chemical Dependency Programs
DART—Drug and Alcohol Recovery/Treatment
DCC—Division of Community Corrections in DOC
DHHS—Department of Health and Human Services
DOC—Department of Correction
DOP—Division of Prisons in DOC
DWI—Driving While Impaired
DYS—Division of Youth Services in DHHS
JAD—Joint Application Development
NDRI—National Development Research Institute
OPUS—Offender Population Unified System
R&P—Office of Research and Planning in DOC
SARGE—State Alliance for Recovery and General Education
SMAST—Short Michigan Alcohol Screening Test
SPAC—Sentencing and Policy Advisory Commission
TASC—Treatment Alternatives to Street Crime
TC—Therapeutic Community

North Carolina Department of Correction
Substance Abuse Funds Report

Final Plan on an Offender/Inmate Tracking and Program Evaluation System
Legislative Report
March 15, 1999

c/legiscvr.wpd

North Carolina Department of Correction
Division of Alcoholism and Chemical Dependency Programs
Final Plan for an Offender/Inmate Tracking and Program Evaluation System

Executive Summary

The Department of Correction is committed to maintaining in OPUS alcoholism and chemical dependency inmate tracking and program evaluation. Existing OPUS screens will be reviewed, new OPUS screens will be added and existing screens modified. A new OPUS component ACD (Alcoholism and Chemical Dependency) will be added to maintain clinical treatment records and other data. Interface with other record systems is proposed to document treatment outcomes and client status.

Each year the Department of Correction will report to the General Assembly the progress, capability and current status of the inmate tracking and program evaluation system, ACD/OPUS.

This report recommends that the substance abuse funds not revert at the end of FY 1998-1999. Alcoholism and chemical dependency customizing of OPUS will continue into the next fiscal year.

Estimated expenditures for FY 1998-1999 total $185,686. Funds required for FY 1999-2000 approximate $425,000.

North Carolina Department of Correction
Division of Alcoholism and Chemical Dependency Programs
Final Plan for an Offender/Inmate Tracking and Program Evaluation System

The December 15, 1998 preliminary report on the inmate tracking and program evaluation system described the issues, progress, approaches and goal of the Division of Alcoholism and Chemical Dependency Programs to provide the General Assembly with systematic data to track inmates/offenders and to evaluate program effectiveness. Six (6) critical areas were described:

1. Screening and assessment of offenders
2. Offender and inmate tracking/monitoring system
3. Designing the outcome evaluation system
4. Planned activities
5. Proposed expenditures
6. A Summary with a focus upon interagency coordination and collaboration.

In the December report, the Department of Correction's commitment to maintaining OPUS (Offender Population Unified System) as the system for offender (inmate, probationer, and parolee) tracking and program evaluation was established.

The Division, Correctional Management and Information staff and staff in the Department of Correction Research and Planning Office have developed a two phase work plan to implement the inmate offender tracking and program evaluation system.

Work Plan Objectives

1. Review, refine and develop new OPUS screens to customize substance abuse information. Customized information will begin at the point of inmate admission to prison and reception/diagnostic services, and continue through release from correctional supervision.

2. Develop a new and separate OPUS component ACD (Alcohol Chemical Dependency) to document clinical treatment services (inmate/offender clinical records).

ACD (Alcoholism and Chemical Dependency) OPUS Component Automated Records System

The goal for customizing an automated records system is to design a standardized OPUS component to support alcoholism and chemical dependency screening, assessments, treatment matching, tracking, treatment, program evaluation, research, and collection of data for analysis and decision making.

Eliminating reliance on manual records will assist the Division in achieving the following information management objectives:

- Help treatment staff, researchers and policy makers determine the effectiveness of each treatment program and the program's effectiveness with different types of offenders

- Improve program performance with the use of outcome data to identify gaps in services, individual program weaknesses, and support a Program Development and Education (PDE) feedback approach designed to improve short term progress and client performance

- Develop and refine offender-treatment matching by establishing screening and assessment procedures similar to ASAM(American Society of Addiction Medicine) placement criteria which optimizes the offenders potential for successful treatment outcomes

- Document cost benefits, cost offsets and other activities which eliminate duplication and prevents maximum utilization of available treatment resources

- Assist in making resource allocation/re-allocation decisions

- Strengthen justifications which support the use of public funds for correctional drug alcohol recovery treatment

- Improve the continuing treatment/recovery and the transition of offenders from correctional institutions to community supervision

- Document program accountability and demonstrate the programs impact upon public safety

Current Status of ACD/OPUS

In December 1998, the DOC began customizing an inmate tracking and program evaluation system and provided to the General Assembly a report describing the proposed system.

The proposed system will include data for offender tracking, monitoring, and evaluation. Data items will include:

- Offender identification, screening, assessment and referral to treatment
- Assignment to, attendance in, and completion of treatment
- Participation in aftercare services and recovery groups (AA/NA)
- Community transition plans completed prior to release
- Assessment of performance measures while in the program
- Assessment of long-term lifestyle change

Joint Application Development (JAD) sessions for the inmate and offender tracking system are underway. Planners and managers from relevant DOC agencies use the JAD sessions to determine what outcome measure information is available from OPUS and the enhancements needed to capture data for other measures. The first of these joint planning sessions between substance abuse staff and computer system analyst occurred in January 1999. Meetings will be held periodically through project completion.

This Division is involved in ongoing information system activity with other agencies. Technical Assistance is provided through the Department of Justice, Corrections Program office to develop a State Correctional Substance Abuse Treatment Plan. State plans include automated records systems. There are two (2) publications which provide guidance in the development of substance abuse automated record systems:

- State and Federal Corrections Information Systems - An Inventory of Data Elements and an Assessment of Reporting Capabilities. A joint project of the Association of State Correctional Administrators, Corrections Program Office, OJP, Bureau of Statistics, and the National Institute of Justice

- Developing State Outcomes Monitoring Systems and Alcohol and Other Drug Abuse Treatment - U.S. Department of Health and Human Services

The Division will request continued technical assistance and apply for other federal funds or assistance to support specialized assessment, treatment expansion, the development of testing, sanctioning, and interdiction procedures which support the comprehensive development and implementation of an automated inmate tracking and program evaluation system. Special automated system planning and program development will occur during the remainder of this fiscal year (1998-1999) and continuing through 1999-2000 fiscal year.

Eleven (11) months is the required time to develop and implement the automated records system (ACD/OPUS). During this period there are ongoing projects which support the work of the ACD/OPUS component.

- Program evaluation - NDRI study
- Interagency coordination and collaboration plan
- Outcome Measures
- Recidivism Study

Program Evaluation - NDRI Study

The State Alliance for Recovery and General Education (SARGE) for Chemically Dependent Youth Program will be the subject of a process evaluation. SARGE is a long term treatment program for youthful offenders in prison. National Development Research Institutes (NDRI) a research firm, is conducting the study. The evaluation project is tentatively approved for federal funding (verbal approval was given in January 1999). The study will cover the SARGE programs at Cameron-Morrison Youth Institution (DOC -

Division of Prisons) and Dillon Training School (Office of Juvenile Justice - Division of Youth Services).

A process evaluation, which is designed to begin as soon as a program is fully operational, lays the foundation for later outcome measures. The process evaluation of SARGE will examine the program's integrity as well as its readiness for outcome evaluation. In an outcome evaluation, researchers will compare the Dillon and Cameron-Morrison programs to one another. The study will also compare individuals in both programs to individuals assigned to facilities that lack the SARGE program.

In addition to laying the foundation for outcome evaluation, the process evaluation will create an information and timely feedback system. This feedback will help program staff with program assessment and improvement. The study results also will be instructional if new SARGE programs are added. More broadly, the process evaluation will become a valuable part of the larger evaluation efforts of the Department of Correction.

A concept paper to seek federal funding for evaluation has been submitted for agency review/approval. It is proposed that the Department enter into a "partnership agreement" with the University of North Carolina research component and federal officials to secure funds for a longitudinal study of Department of Correction Substance Abuse Programs and Services.

The NDRI evaluation has a second outcome evaluation component. An outcome evaluation is anticipated when the Department and NDRI fulfill process evaluation requirements.

Interagency Coordination and Collaboration Plan

The Secretaries of the Department of Correction (DOC) and Health and Human Services (DHHS) appointed an inter-agency planning team in 1998. The team's objectives are:

- Develop a collaborative relationship
- Conduct interagency planning, engage in problem solving, and develop a continuum of intervention and treatment services
- Share information between agencies
- Develop a better understanding of each other's services and programs
- Interpret and implement legislative mandates together, provide feedback to the General Assembly; and develop coordinated program efforts
- Develop collaborative funding strategies.

The interagency team agreed to study transition treatment services (continuation of treatment services after release from prison or upon transfer to probation). The team is receiving technical assistance from the U.S. Department of Justice.

As the ACD OPUS component is developed, planning will occur to develop linkages and interface with other public data systems. This interface will assist the Department in matching

drug offender records with the following records systems

- employment
- arrest/conviction (state and federal)
- drug/alcohol treatment service providers
- public assistance
- DOC's release of treatment information

Outcome Measures

In 1998 DOC began identifying outcome measures for its operational divisions. The purpose of these measures is to:

- be accountable for activities
- plan and budget effectively
- identify areas for improvement
- collect information for evaluation research

During its strategic planning process, the DACDP identified intermediate outcome measures to support its major objectives - providing appropriate alcohol and chemical dependency services and improving offender behavior. The outcome measures identify change in the offender during DACDP program participation, including program completion, drug test results and infractions or probation violations (for more information, request a copy of the action plan from the DACDP). DACDP and MIS staff persons are conducting sessions to modify OPUS to track these outcomes.

Recidivism Study

The North Carolina Sentencing and Policy Advisory Commission (SPAC) is required by law to determine recidivism rates for various correctional programs. The DOC Office of Research and Planning and SPAC staff are working together to add alcohol and chemical dependency treatment programs in the DOC to the Commission's recidivism study. SPAC will submit its first expanded recidivism study in March 2000, which coincides with the annual deadline for this substance abuse report.

Annual Report Plan

During fiscal year 1999-2000 the Department will provide ACD/OPUS progress report to the North Carolina General Assembly. The report proposes to detail the following:

- Automated records system (ACD/OPUS) current status
- Correctional treatment program quality assurance and compliance with recognized standards

- DACDP Research and Evaluation progress/findings
- Number of current inmates with substance abuse problems, new numbers currently receiving treatment, new numbers who have completed treatment
- Number who have completed treatment and have been released from prison
- Number completing and returning to prison
- Number admitted to treatment but did not complete/and returned to prison
- Utilization of DACDP programs
- Successful treatment outcomes

Fiscal Plan

A survey of hardware requirements indicates a need for ninety-four additional computers to input treatment records and maintain custody information on offenders in treatment programs. As connectivity is upgraded in DOP facilities, some additional equipment will be required to remain connected to the OPUS system at those facilities. Total cost for hardware is estimated at $235,000. Forty personal computers will be purchased by June 30, 1999 at a cost of $100,000. The remaining fifty-four can be acquired in 1999-2000 for approximately $135,000.

In order to create/modify OPUS screens, the services of a system analyst and a program analyst are required. Currently a systems analyst has been contracted through June 30, 1999 for $49,686. Depending upon the progress in the JAD sessions, $36,000 may be required this fiscal year for a program analyst.

In order to complete the new ACD OPUS module by the end of fiscal year 1999-2000, a total of $290,000 is required: $150,000 for a system analyst and $140,000 for a program analyst.

Summary and Recommendations

Summary

The Department of Correction is committed to maintaining alcoholism and chemical dependency inmate tracking and program evaluation. Existing OPUS screens will be reviewed, new OPUS screens will be added and existing screens modified. A new OPUS component ADC (Alcoholism and Chemical Dependency) will be added to maintain clinical treatment records and other data. Interface with other records systems is proposed to document treatment outcomes and client status.

The Department of Correction will report to the General Assembly in March of each year the progress, capability and current status of the inmate tracking and program evaluation system, ACD/OPUS .

Recommendations:

In order to secure timely achievement of the ACD/OPUS component, the following are recommendations:

1. The Department of Correction and the Division of Alcoholism and Chemical Dependency Programs utilize Federal technical assistance available in developing outcome monitoring data for alcohol and other drug abuse treatment programs and services; and be guided by the State and Federal Corrections Information Systems Inventory of Data Elements and Assessment of Reporting Capabilities, a joint project of the Association of State Correctional Administrators, Corrections Program Office, OJP, Bureau of Justice Statistics, National Institute of Justice.

2. Special efforts be made to secure federal funding to support full development of the ACD/OPUS component and treatment program assessments, treatment, treatment matching, drug testing, research and evaluation.

3. Substance abuse funds for fiscal year 1998-99 should not revert but fund fiscal year 1999-2000 ACD/OPUS implementation.

c/acdopus.wpd

DEPARTMENT OF CORRECTION

DIVISION OF ALCOHOLISM AND CHEMICAL DEPENDENCY

BUDGET OVERVIEW

MARCH 24, 1999

Fiscal Research Division

DEPARTMENT OF CORRECTION
SUBSTANCE ABUSE PROGRAM
DIVISION OF ALCOHOL AND CHEMICAL DEPENDENCY

BACKGROUND

- 1987 GENERAL ASSEMBLY ESTABLISHED DEPARTMENT OF CORRECTION SUBSTANCE ABUSE PROGRAM COMMONLY KNOWN AS **DART** (DRUG/ALCOHOL RECOVERY TREATMENT PROGRAM **(G.S. 143B - 262 AND 262.1)**

- KEY STATUTORY REQUIREMENTS:

  (1) Medium custody facility with separate area designated for substance abuse (prison programs).

  (2) Develop effective treatment programs for inmates, parolees, and probationers.

  (3) Intensive in-patient treatment for four to six weeks/extensive follow-up period

  (4) Priority order for admission to treatment programs

    - Court ordered
    - DOC Diagnostic Center Referral
    - DOC Prison Referral
    - Self Referral

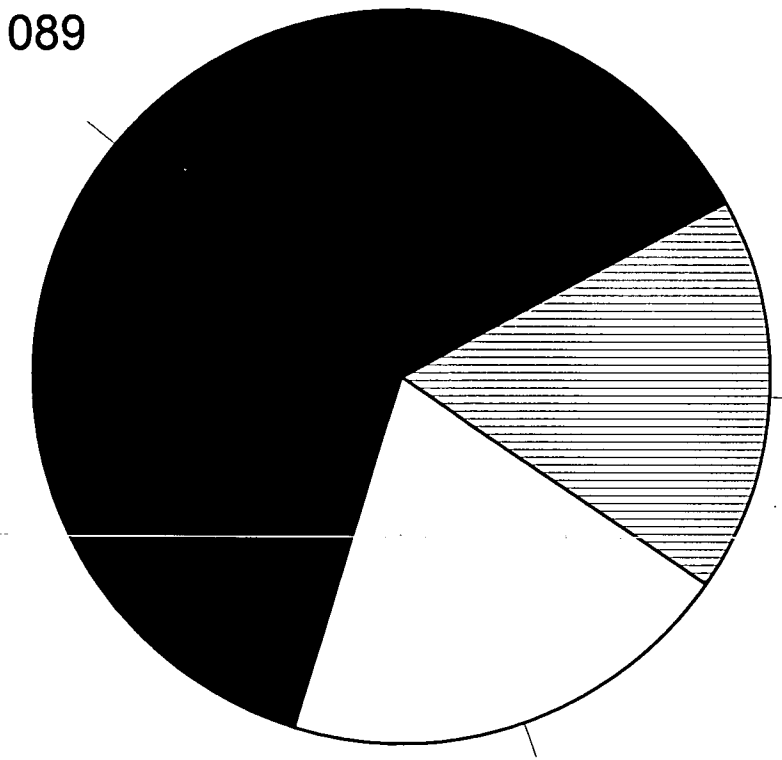
- PRIMARY OBJECTIVES OF DOC SUBSTANCE ABUSE PROGRAM

  (1) Reduction of chemical dependency among offenders

  (2) Reduce likelihood of recurring criminal activity and recidivism

Department of Correction -- Division of Alcohol and Chemical Dependency

Number of Treatment Beds by Type -- 1998-99



Source: DACD document dated 1/25/99

North Carolina Department of Correction
Division of Alcoholism and Chemical Dependency Programs
Program Capacities
1998-99

07/09/98

Residential/Prison Programs

Name	Total Beds	Peer Counselors	Treatment Beds	Length of Treatment	Treatment Cycles Per Year	Annualized Capacity
DART - Brown Creek	104	8	96	35 days	10.43	1,001
DART - Caswell	64	6	58	35 days	10.43	605
DART - Central Prison	24	4	20	35 days	10.43	209
DART - Craggy	67	4	63	35 days	10.43	657
DART - Foothills	32	2	30	35 days	10.43	313
DART - Lumberton	52	4	48	35 days	10.43	501
DART - Marion	96	8	88	35 days	10.43	918
DART - Nash	64	4	60	35 days	10.43	626
DART - NCCIW	68	6	62	35 days	10.43	647
DART - Pasquatank (Med./Close)	64	6	58	35 days	10.43	605
DART - Pender	104	8	96	35 days	10.43	1,001
DART - Piedmont	96	8	88	35 days	10.43	918
DART - New Polk Youth	52	2	50	35 days	10.43	522
DART - Wayne	156	30	126	35 days	10.43	1,314
DART - Western Youth	46	4	42	35 days	10.43	438
TOTAL	1,089	104	985			10,274

Private Drug Alcohol Treatment Centers

Name	Total Beds	Peer Counselors	Treatment Beds	Length of Treatment	Treatment Cycles Per Year	Annualized Capacity
Evergreen	75		50	180 days	2.03	101
			25	365 days	1.00	25
Mary Frances Ctr.	100		50	180 days	2.03	101
			50	365 days	1.00	50
Right Turn of NC	100		50	180 days	2.03	101
			50	365 days	1.00	50
Cornell Corrections	75		50	180 days	2.03	101
			25	365 days	1.00	25
TOTAL	350					554

Probation/Parole Programs

Name	Total Beds	Peer Counselors	Treatment Beds	Length of Treatment	Treatment Cycles Per Year	Annualized Capacity
DART - Cherry (DWI)	200		200	28 days	13.04	2,607
	100		100	90 days	4.06	406
TOTAL	300		300			3,013

PRIVATE PRISON TREATMENT BEDS

PURPOSE

- PROVIDE THERAPEUTIC LONG-TERM RESIDENTIALTREATMENT FOR NON-ASSAULTIVE OFFENDERS. FOCUS IS ON SKILLS NEEDED FOR TRANSITION TO COMMUNITY

CHARACTERISTICS

- PROGRAM IS CONTRACTED WITH PRIVATE VENDORS – 4 VENDORS PROVIDE 350 BEDS AT COST OF $7.55 MILLION ANNUALLY.

- PROGRAMS MUST MEET CORRECTIONAL STANDARDS FOR A MINIMUM SECURITY PRISON; BEDS ARE COUNTED IN PRISON BED CAPACITY.

- OFFENDERS ARE PRIMARILY PAROLE ELIGIBLE AND ARE IDENTIFIED BY SUBSTANCE ABUSE PROGRAM STAFF AND/OR PAROLE COMMISSION.

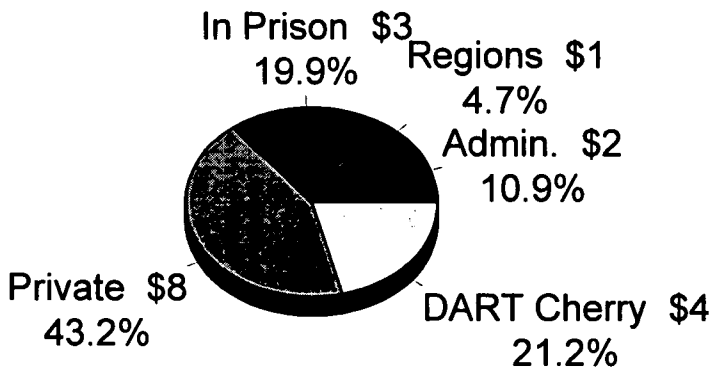
- TREATMENT PLANS ARE NORMALLY 6 TO 12 MONTHS AND AFTERCARE. IN **1998** AVERAGE LENGTH OF STAY WAS APPROXIMATELY 6 MONTHS.

- LAST PHASE OF TREATMENT PARTIALLY IN COMMUNITY -- WORK RELEASE, EDUCATION, ETC.

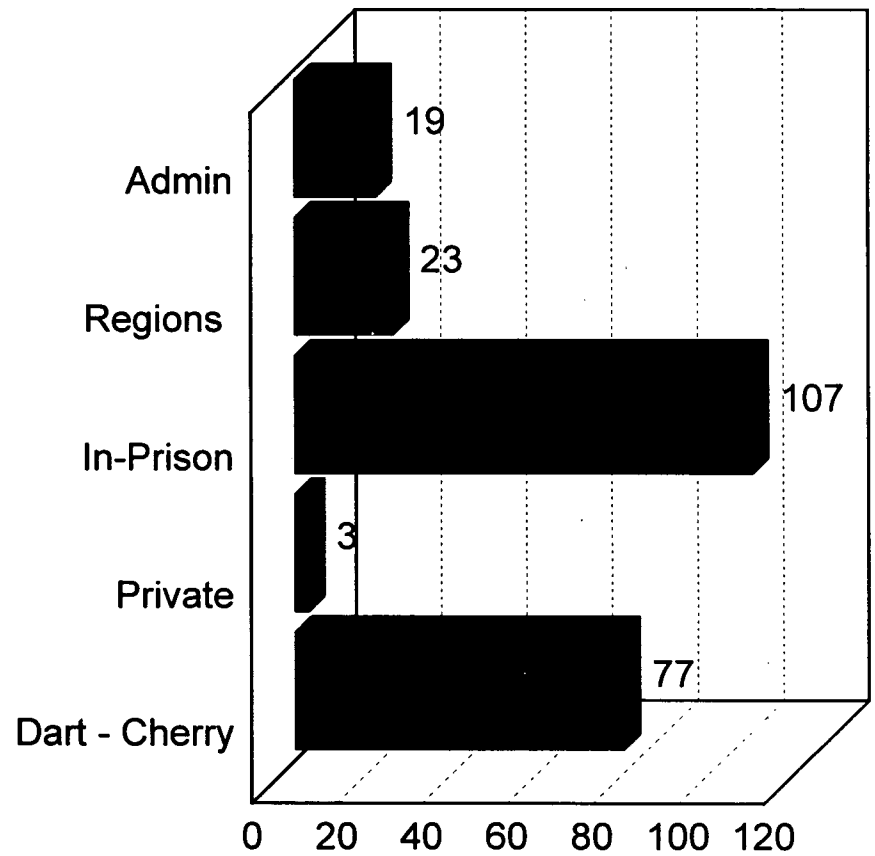
Department of Correction - Division of Alcohol and Chemical Dependency

1998-99 Authorized Budget

Budget: $17.4 million



Positions -- 229



Source: Division of Alcohol and Chemical Dependency WK 4 1/22/99

Department of Correction -- Division of Alcohol and Chemical Dependency

Continuation Budget in Millions

Item	1997-98 Act.	1998-99 Auth	1999-2000 Rec.	2000-01 Recom
Net State Approp	$16.14M	$17.4M	$17.375M	$17.376M
Positions	236	229	229	229

Source: Governor's Recommended Justice and Public Safety Budget 1999-2001 Vol. 4

Highlights of 1997-99 Budgetary Action

- 1997 Session
  - Eliminated Funding for 150 of the original 500 Private Treatment Beds ($2.7 Million)
  - Placed $527,806 of these funds in a Reserve for Substance Abuse to be used for an evaluation of DOC Substance Abuse Programs and for community aftercare for offenders completing DART-Cherry.
- 1998 Session
  - Evaluation Report presented to Appropriations Interim Meetings
  - Reserve for Substance Abuse reduced by $135,000 but unspent funds carried over from 1997-8. Funds allocated to DART-Cherry aftercare and to computer equipment and consultants for an inmate tracking and evaluation system.
  - Annual Report on Substance Abuse Programs required (utilization, interagency efforts, tracking and evaluation).
  - Budget reduced by $280,000 and 7 positions

Key Findings of Evaluation Studies

- Craddock Report (1996) , authorized by 1995 General Assembly, found
  - 28-day program following appropriate procedures but found that model had no measurable long-term effect without follow-up; 90-day program more likely to succeed.
  - Too many staff vacancies in DART programs
  - On right track with continuum of care
  - Longer term evaluation recommended, including control groups
- Crews Report (1998), authorized by 1997 General Assembly, found:
  - Issues raised in 1996 Report were being addressed.
  - Flaws/inconsistencies in process identifying offenders appropriate for treatment
  - Inadequate tracking data and newness of some programs prevented full evaluation
  - Strengths in the program including emphasis on continuum of care, cost effective of 35-day in-prison model, variety of programs.

RESERVE FOR SUBSTANCE ABUSE (Sec 19.23 in 1997; Sec 17.12 in 1998)

	1997-98		1998-99		
PROGRAM	AMOUNT ALLOCATED	AMOUNT USED	AMOUNT ALLOCATED	AMOUNT USED (projected)	Notes
DART-Cherry Aftercare	$467,806	$190,341	$319,715	$319,715*	Projection by program. $139,035 ytd.
Evaluation of SA Programs	$ 60,000	$ 60,000	-	-	March 1998 Report
Contractual Services for developing Tracking System and for Training	-	-	$125,000	$ 85,686	2 contractual workers—1 in place 3/1, 1 tentative
Reserved for computer hardware and software for tracking and evaluation	-	-	$100,000	$100,000	Could not be spent until plan submitted (March 15th)
Innovative Pilot Projects/ expanded program evaluation	-	-	If funds left after above (~ $52,000)	none	
TOTAL	$527,806	$250,341	$597,180	$505,401	

*amount based on $1,200 per offender with contracted aftercare. Average cost per offender in 1997-98 was $548 .

- The original provision in 1997 allocated $454,715 to DART-Cherry aftercare but $135,000 was cut from this allocation in the 1998 Session. To this was added $277,465 in carry over for a total of $597,180 for 1998-99.
- Projected Available Resources for 1999-00: $319,715 + unspent funds from 1997-98 **if** a special provision directs that they not revert. Projected unspent: $100,000--$150,000.
- The Division projects $744,715 in needs for 1999-2000 for the following:
  -$319,715 for DART-Cherry Aftercare funds
  -$135,000 for Computer Equipment to implement tracking system (1-time)
  -$290,000 for computer consultants to complete the new OPUS module (1-time)
  -May be additional ongoing costs related to tracking/evaluation system

Decisions for 1999-2001

- Reserve for Substance Abuse in Continuation Budget is currently at $319,715, enough for aftercare for about 265-500 offenders (13%-25% of capacity) if no other projects included.
- There may be unspent funds from Reserve for 1998-99. Revert or carry over?
- Does Department need more resources to complete job of offender tracking and evaluation? If so, should these be funded as expansion items or through the Reserve? Allocation of funds between this project and aftercare funds?

DART-CHERRY PROGRAM
RECENT TRENDS

	1996-97	1997-98	1998-99	1999-2000
# 28-Day Beds	300	200	100	100
# 90-Day Beds	0	100 (Sep 97)	200 (Sep 97)	200
Annual Capacity	3,912	3,238	2,340	2,116
Total Budget	$3,283,928	$3,528,035	$3,319,133	
Admissions	2,240	2,918	1,474 ytd	-
% Probationers	49.5%	53%	58.5% ytd	
Offenders Receiving Aftercare	195	1,471	1,341 (proj)	-

Note: Budget figures do not include capital expenses—$1.7 Million paid in 1996-97 and 1997-98 to expand to current capacity and to develop a master capital plan for possible expansion at the site.

Aftercare was first funded as a $125,000 pilot for 1995-6, funds carried over to 1996-7 and an additional $250,000 allocated from the terminated Guilford-Alamance Pilot, first funds spent in 1996-97.

Contracts based on $1,200 per offender (12 weeks, 4 hrs, $25/hr). Average expenditure per offender in 1997-98 was $548.

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE

Wednesday, March 24, 1999 – 2:30
Room 415 – Legislative Office Building

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending are Representative Paul McCrary, Co-Chair, presiding; also attending are Rep. Kinney, Co-Chair; Rep. Thomas, Vice Chair; Rep. Haire, Rep. Horn, Rep. Kiser on the Senate side Senator Luther Jordon, Chair; Sen. Frank Balance, Sen. John Carrington.

Co-Chairman McCrary turned the meeting over to Lattie Baker, Assistant Secretary, Department of Correction.

Mr. Baker stated that **The Fulton Cruise Report** which is used to effectively track inmates, includes the Department of Correction records and information system that has required a number of improvements which would include documents and the completion of treatment program activity. The Report is also used to look at issues of evaluation and assessment in the diagnostic centers to include other data sets that would allow external evaluators to take information from the information system and evaluate substance abuse programs within the Department of Corrections. The task was to determine whether or not an external consultant was necessary in helping to develop this system. It was the decision of the Department that an external consultant would not be required. That a program could be developed (the current oppuse system) that contains information on inmates as well as probation and parolees and to also develop a new component that would include clinical records. (See Attached) The Work plan Objectives. Mr. Baker stated that it would take eleven months to put the system in place. Which will also include other data systems they will interface with the Department of Health and Human Services and also have access to offender's employment history. This information will help the Department do the long term tracking that the General Assembly asks for. (See Attached)

On page 7 (See Attached) Mr. Baker laid out the fiscal plan which Alisha had reported on this morning. Mr. Baker stated that the Department would not be able to spend all the reserve from the Substance Abuse Fund. The recommendation is to carry forward the amount not spent and any other funds that are remaining from the Substance Abuse Fund.

The Chairman once again recognized Jim Mills, he stated that what the Substance Abuse Reserve should be used for now and in future years, if the Committee decided to give them permission to use the Reserve. He felt that a decision could be given now or at a later time. Jim also stated that a **motion** could be made today that $100,000.00 out of

the reserve could be used to purchase computers and that a portion of the money could be used for the aftercare program as part of developing this offender and inmate tracking system. Co-Chairman Paul McCrary excepted the **motion** to accept the plan. Motion was then made by Rep. Kinney. The Committee then accepted the **motion** by a unanimous vote. **The plan was accepted.**

Co-Chairman McCrary then recognized Greg Stahl, Assistant Secretary, Department of Correction. Mr. Stahl handed out to the Committee the Federal Grant Reports, which had been due in December. (See Attached)

Mr. Stahl stated that this report summarizes the Federal Grant that is currently active in the Department. Mr. Stahl hit some of the high spots starting with Education and Special Service Programs (See Attached)

Jim Mills (fiscal Research) followed up by sharing with the Committee the Special Provisions from the 197-98 Budget that needs to be considered. (See Attached)

The Meeting adjourned, to meet again on Thursday March 25th 1999.

Respectively Submitted,

Paul McCrary
Rep. Paul McCrary Co-Chairman

Barbara A. Berry
Barbara A. Berry, Committee Assistant

Department of Correction
Federally Funded Programs
June 30, 1999

Budget Code 24500 Fund #	Project Title	Total Annual Budget	State Cash Match	Grantor/ Grant Period	Program Purpose
2101	Title I IASA (ongoing funding)	$705,082	$ 0	Dept. Of Public Instruction 7/1/98 - 6/30/99	Educational Program which augments resources for students in prison (under 21) not achieving at grade level Program Staff:11
2118	IDEA VI-B (ongoing funding)	93,295	0	Dept. Of Public Instruction 7/1/98 - 6/30/99	Educational program which addresses the special students in prison (under 21) with disabilities Program Staff: 2
2131	North Carolina VOI-TIS	40,828,099	10%	US Department of Justice 9/30/96 - 9/29/03	Awards for prison construction under the Violent Offender Incarceration and Truth In Sentencing Programs. Program Staff: 2
2135	Sarge Community Transactions (Second year of Two)	136,200	26,400	Crime Control & Public Safety 7/1/98 - 6/30/99	Grant funds to provide aftercare for the young offenders and juveniles who receive treatment through the SARGE Program. Project will contract for community based services for approximately 50 young offenders and 50 juveniles. Program Staff:0
2136	Alternatives - Pitt Co (Second Year of Two)	100,000	0	DHR 7/01/98 - 6/30/99	Grant funds to provide training to DAPP staff on probationers with cognitive developmental disabilities. Program Staff:2
2137	Alternatives-Catawba Co. (Second Year of Two)	100,000	0	DHR 7/01/98 -6/30/99	Grant funds to provide training to DAPP staff on probationers with cognitive developmental disabilities. Program Staff: 2

Budget Code 24500 Fund #	Project Title	Total Annual Budget	State Cash Match	Grantor/ Grant Period	Program Purpose
2139	DOC Victims Services (First Year of One)	119,692	16,007	Crime Control & Public Safety 7/1/98 -6/30/99	Provides funds to continue and expand victim services at Parole Commission. Also program initiatives allow victims greater access to DOC through establishment of a toll-free number. Program develops educational materials. Program Staff:2
2140	Prison Video Conferencing (First Year of Two)	472,694	118,487	Crime Control & Public Safety 7/1/98 -6/30/99	Provide initial start up for implementation of video conferencing throughout the Division of Prisons. Program Staff:1
2141	Cognitive Behavioral Intervention (First Year of Two)	299,945	74,986	Crime Control & Public Safety 7/1/98 -6/30/99	Establish pilot sites to implement cognitive behavioral intervention for offenders who are under the supervision and /or control of DOC. Program Staff:4
2142	Sarge Education Program (Second year of Three)	$ 882,666	$ 139,020	Crime Control & Public Safety 7/1/98 - 6/30/99	Special grant funds to establish drug treatment programs for young offenders and juvenile offenders. Treatment programs target offenders just prior to release. Treatment beds are currently located Dillon Training School and Cameron Morrison Youth Institution Program Staff: 22
2143	Decision Support Services (First year of One)	731,514	175,855	Crime Control & Public Safety 7/1/98 - 6/30/99	This project will enable Criminal Justice professionals to extract offender information from DOC files over the Internet. Uses include creation of crime suspect lists, projecting future populations, evaluating and improving operations Program Staff: 6
2144	Commission Education Outreach (First year of Two)	139,737	34,935	Crime Control & Public Safety 7/1/98 - 6/30/99	Provide funds to employ a full-time victim education coordinator to train DOC staff on victim sensitivity, victims' rights and DOC responsibilities under the Victims' Right Amendment. Training is also provided to other criminal justice professionals. Program Staff: 2

Budget Code 24500 Fund #	Project Title	Total Annual Budget	State Cash Match	Grantor/ Grant Period	Program Purpose
2145	I'm Worth It (First year of Two)	121,018	30,254	Crime Control & Public Safety 7/1/98 - 6/30/99	Assist female inmates in re-entering society successfully and to reduce the rate of recidivism and the number of ex-offenders on welfare assistance. Program Staff: 0
2146	Criminal Justice Data Services (First Year of One)	350,213	87,553	Crime Control & Public Safety 7/1/98 -6/30/99	Grant for second year of programming project which will automate the creation of transmittals to notify the Administrative Office of Court's bookkeepers of parolee/probationer status changes. Program Staff:4
2147	Transition Training Yth (First year of One)	$ 593,311	$ 0	U.S. Dept of Education 7/1/98 - 6/30/99	Assist and encourage incarcerated youth to acquire functional literacy, life and job skills, through the pursuit of a postsecondary education certificate or an associate of arts degree or bachelors degree. Program Staff:1

DEPARTMENT OF CORRECTION

REVIEW OF 1997-98 AND 1998-99 SPECIAL PROVISIONS DEPARTMENT-WIDE OR FOR DIVISION OF PRISONS

JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

FRD 3/24/99

Requested by: Senator Gulley

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 19.2. (a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Human Resources under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Human Resources pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMIT USE OF OPERATIONAL FUNDS

Section 19.3. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT REPORTING

Section 19.5. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, and the Judicial Department shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

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Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 17.2. Section 19(b) of S.L. 1997-443 reads as rewritten:

"(b) The Department of Correction may use funds appropriated to the Department for the 1997-99 biennium to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of ~~four million dollars ($4,000,000)~~ two million dollars ($2,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental ~~Operations~~ Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure."

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Thompson, Kiser, Sexton

INMATE HOUSING FUNDS JAIL CONTRACTS

Section 17.3. (a) The Department of Correction may use funds available to the Department for the 1998-99 fiscal year to contract for prison beds to house inmates in local jails. Prior to the expenditure of more than the sum of three million dollars ($3,000,000) in additional funds authorized by this section to contract for local jail beds, the Department of Correction and the Office of State Budget and Management shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure.

(b) The Department of Correction and the Office of State Budget and Management shall report by December 1, 1998, to the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the status of contracts to house inmates in local jails, including the amount expended to date, the anticipated amount to be expended, and the dates each contract is expected to terminate.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

USE OF FACILITIES CLOSED UNDER GPAC

Section 17.4. Subsection (a) of Section 19.4 of S.L. 1997-443 reads as rewritten:

"(a) In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is ~~located or any private for-profit or nonprofit firm~~ located, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and ~~its future needs, the Department~~ the future needs of the Department of Correction, the State may provide for the transfer or the lease ~~for 20 years or more~~ of any of these units to counties, municipalities, State agencies, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Human Resources pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

FUNDING OF PRISON ROAD SQUADS

Section 17.7. In preparing the continuation budget, the Office of State Budget and Management shall adjust the estimated receipts from the Highway Fund to the Department of Correction for the use of prison road squads to reflect only those costs authorized for reimbursement by G.S. 148-26.5.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

INMATE COSTS

Section 17.8. Section 19.20 of S.L. 1997-443 reads as rewritten:

"Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons ~~if:~~

~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and~~

~~(2) The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Office of State Budget and Management, in consultation with the Department of Correction, shall (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service and health care to inmates. The Office of State Budget and Management shall report on the results of this study to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by February 15, 1999."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

TITLE VII FUNDS/REPORT

Section 17.9. Section 19.18 of S.L. 1997-443 reads as rewritten:

"Section 19.18. The Department of Correction may use funds available to the Department during the ~~1997-98 fiscal year~~ 1997-99 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

DIRECT CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO REVISE HIRING AND RECORD-KEEPING PROCEDURES FOR EMPLOYEES OF DEPARTMENT OF CORRECTION

Section 17.10. (a) Section 19.28 of S.L. 1997-443 reads as rewritten:

"Section 19.28. No later than ~~June 30, 1998,~~ November 15, 1998, the Criminal Justice Education and Training Standards Commission shall reestablish the hiring and record-keeping procedures for the employment of certified positions in the Department of Correction."

(b) The Criminal Justice Education and Training Standards Commission shall report by ~~October 1, 1998,~~ November 15, 1998, to the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on its progress in complying with the provisions of this section.

(c) This section becomes effective June 30, 1998.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

FEDERAL GRANT MATCHING FUNDS

Section 17.11. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of eight hundred seventy-five thousand dollars ($875,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

PRIVATE PRISON CONTRACTS

Section 17.14. If the Department of Correction determines, in consultation with the Attorney General's Office, the Office of State Budget and Management, and the Corrections Corporation of America, that it is appropriate to make a significant modification of the financial terms of the contracts for the leasing and operation of one or both of the two private confinement facilities in Pamlico and Avery/Mitchell, the Department may use funds available to the Department for the 1998-99 fiscal year to modify the lease contract and the operating agreement as necessary. Prior to taking actions or obligating funds as authorized by this section, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

PROHIBIT ESCAPE FROM PRIVATE CORRECTIONAL FACILITIES/PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES/ CLARIFY MORATORIUM ON PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 17.23. (a) Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-256.1. Escape from private correctional facility.**

It is unlawful for any person convicted in a jurisdiction other than North Carolina but housed in a private correctional facility located in North Carolina to escape from that facility. Violation of this section is a Class H felony."

(b) Subsection (b) of Section 19.17 of S.L. 1997-443 reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than ~~North Carolina or~~ North Carolina, a political subdivision of ~~North Carolina.~~ North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by ~~May 1, 1998.~~ March 15, 1999. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these ~~standards.~~ standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority.

The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

(c) Subsection (c) of Section 19.17 of S.L. 1997-443 reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North ~~Carolina or~~ Carolina, a political subdivision of North ~~Carolina~~ Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to subsection (b) of this section and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction."

(d) Subsection (a) of this section becomes effective January 1, 1999, and applies to offenses committed on or after that date.

Requested by: Representatives Dockham, Justus, Kiser, Thompson, McCrary

REQUIRE INMATE ROAD SQUADS IN DAVIDSON COUNTY TO WEAR UNIFORMS IDENTIFYING THEM AS INMATES

Section 17.20. The Department of Correction and the Department of Transportation shall require all inmate road squads, maintenance road squads, and community work crews working in Davidson County to wear horizontally striped uniforms with stripes of three inches in width and color-coded by inmate classification in a manner consistent with the color-coding used by Davidson County for its road squads.

DEPARTMENT OF CORRECTION

REVIEW OF 1997-98 AND 1998-99 SPECIAL PROVISIONS DEPARTMENT-WIDE OR FOR DIVISION OF PRISONS

JOINT APPROPRIATIONS SUBCOMMITTEE ON
JUSTICE AND PUBLIC SAFETY

FRD 3/24/99

Requested by: Senator Gulley

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 19.2. (a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Human Resources under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Human Resources pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LIMIT USE OF OPERATIONAL FUNDS

Section 19.3. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

Requested by: Representatives Justus, Kiser, Thompson

FEDERAL GRANT REPORTING

Section 19.5. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, and the Judicial Department shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

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Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

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Prior to the expenditure of more than the sum of six million five hundred thousand dollars ($6,500,000) for the 1997-98 fiscal year or more than the sum of ~~four million dollars ($4,000,000)~~ two million dollars ($2,000,000) for the 1998-99 fiscal year to reimburse counties for prisoners awaiting transfer, the Department of Correction and the Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental ~~Operations~~ Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the necessity of that expenditure."

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Thompson, Kiser, Sexton

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USE OF FACILITIES CLOSED UNDER GPAC

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Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section."

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

FUNDING OF PRISON ROAD SQUADS

Section 17.7. In preparing the continuation budget, the Office of State Budget and Management shall adjust the estimated receipts from the Highway Fund to the Department of Correction for the use of prison road squads to reflect only those costs authorized for reimbursement by G.S. 148-26.5.

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~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission; and~~

~~(2) The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

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Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

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(c) This section becomes effective June 30, 1998.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

FEDERAL GRANT MATCHING FUNDS

Section 17.11. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of eight hundred seventy-five thousand dollars ($875,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

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Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

PROHIBIT ESCAPE FROM PRIVATE CORRECTIONAL FACILITIES/PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES/ CLARIFY MORATORIUM ON PRIVATE PRISONS FOR OUT-OF-STATE INMATES

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"**§ 14-256.1. Escape from private correctional facility.**

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(b) Subsection (b) of Section 19.17 of S.L. 1997-443 reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than ~~North Carolina or~~ North Carolina, a political subdivision of ~~North Carolina.~~ North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by ~~May 1, 1998.~~ March 15, 1999. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these ~~standards.~~ standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority.

The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

(c) Subsection (c) of Section 19.17 of S.L. 1997-443 reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North ~~Carolina or~~ Carolina, a political subdivision of North ~~Carolina~~ Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to subsection (b) of this section and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction."

(d) Subsection (a) of this section becomes effective January 1, 1999, and applies to offenses committed on or after that date.

Requested by: Representatives Dockham, Justus, Kiser, Thompson, McCrary

REQUIRE INMATE ROAD SQUADS IN DAVIDSON COUNTY TO WEAR UNIFORMS IDENTIFYING THEM AS INMATES

Section 17.20. The Department of Correction and the Department of Transportation shall require all inmate road squads, maintenance road squads, and community work crews working in Davidson County to wear horizontally striped uniforms with stripes of three inches in width and color-coded by inmate classification in a manner consistent with the color-coding used by Davidson County for its road squads.

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday, March 25, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Bill Culpepper
Representative Ted Kinney
Representative Paul McCrary

II. PRESENTATIONS

Continue Review of Department of Correction Continuation Budget

- **Overview of Division of Community Corrections**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Review of IMPACT Program Budget**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Annual Evaluation of IMPACT and IMPACT Aftercare**

  Sandy Pearce, Director of Research and Planning
  Department of Correction

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 25, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 25, 1999 at 8:30 AM in room 415 LOB. There were four senators present. The following House members attended:

Rep. Paul McCrary	Rep. Theodore Kinney
Rep. Scott Thomas	Rep. Debbie Clary
Rep. Phillip Haire	Rep. Jim Horn
Rep. Joe Kiser	Rep. Wayne Sexton

Senator Luther Jordan chaired the meeting. The first speaker was Ms. Elissa Wolper, staff. Ms. Wolper distributed a handout titled Division of Community Corrections Budget Review, from which she spoke. Pages 3 and 4 of the handout discuss the June 1998 performance audit and response of the division. Page 7 outlines proposed adjustments to the continuation budget including $4.5 million to restore the Criminal Justice Partnership Program Implementation Grants. The addition of 155 new personnel would cost $7.76 million, see page 8 for details. In response to Rep. Kiser, the pie chart on page 5 , Aid and Public Assistance includes Summit House. The costs decreased because the pilot project will have more office sharing and more telecommuting and less rent.

Ms. Wolper distributed a handout, IMPACT UPDATE. Impact (boot camps) has 420 beds, 60 of which are for females. IMPACT is now under the Division of Community Corrections and is now a residential program. The Governor's budget recommends moving and reducing the female facility. Classes have been smaller. The capacity is 30 per class. The Governor's recommended budget includes a $940,783 cut by moving the female program to Morganton and reducing the capacity from 1 class of 20 each month to 1 class of 20-30 every 3 months. IMPACT West operated at 75% of capacity, therefore the female program can be absorbed within the existing $2.48 million budget for IMPACT West.

Senator Jordan introduced Ms. Sandy Pearce, Director of Research and Planning DOC. She in turn introduced Mr. Tom Sutton and Mr. Doug Holbrooke. They distributed a handout, Fiscal Year 1997-1998 Report IMPACT Boot Camp Program and Post-Boot Camp Probation Program. The study looks at male probationers for 1997-98. Females are not included in this study as there were no female graduates during this period. 86% of the IMPACT probationers successfully completed the 90-day boot camp program. The study shows IMPACT to be the most severe of the intermediate programs. The Post Boot Camp Probation Program is a pilot program operating in Forsyth, Mecklenburg, New Hanover, and Edgecombe/Nash counties. It is available to 180 IMPACT graduates per year.

In response to Sen. Ballance, Mr Greg Stahl said the change in the way the program operates has made it difficult to evaluate and it has only been operating for 2 years. In response to Rep. Sexton, a typical day includes breakfast, pt, work projects, clean up, shower, dinner and classes. Bedtime is 9 or 9:30PM. Again in response to Rep. Sexton, the death of a young lady from asthma has resulted in stricter medical evaluations. Physicals are now rendered on the first day. Psychological evaluations are also performed. One may now have sick call access every day instead of previous three days a week. Sen. Ballance would like the committee provided with the numbers of people that went back into criminal court. Ms. Pearce said there is 46% recidivism for IMPACT compared to 37% for prison. For clarity, Mr. Mills said the re-arrest (46%) is over a period of about 35 months. Page 7 of the handout lists the status of probationers in groups. In response to Rep. Haire, 28% of post boot camp attendees are drug tested for at least one year. Page 5 details this information.

Senator Ballance adjourned the meeting at 9:50AM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

Division of Community Corrections

Department of Correction

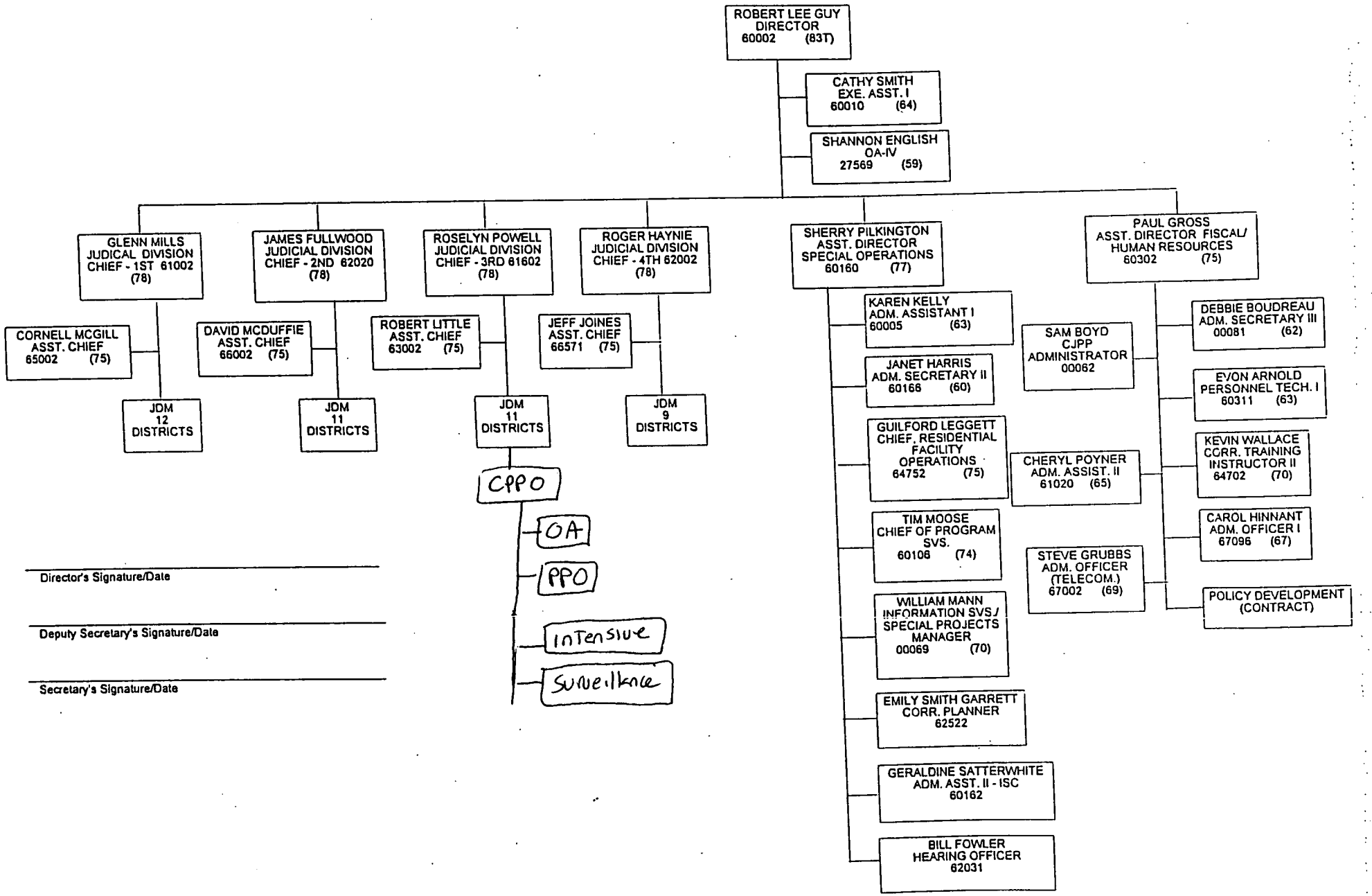
Joint Appropriations Subcommittee on
Justice and Public Safety

Budget Review

Fiscal Research Division March 25, 1999

Major Changes in Probation and Parole

- Merger of Probation and Parole Officers 1993-5
- Reorganization along Judicial District Lines 1993-6
- Streamlined Organization/Span of Control Changes 1996-8
- IMPACT Program moved to Probation and Parole 1997
- Criminal Justice Partnership Program to DAPP 1998
- Audit ordered by General Assembly 1998
- Name Changed to Community Corrections 1998
- Reclassification of Officers to PPOI,PPOII, PPOIII 1998-9
- Increase in staff from 1,870 in 1993-4 to 2,759 in 1998-9
- Increase in budget from $66.3 Million in 1993-4 to $137 Million in 1998-9



Director's Signature/Date

Deputy Secretary's Signature/Date

Secretary's Signature/Date

June 1998 Performance Audit and Division Response

- Division should explore use of shared office space, telecommuting and assigning state vehicles to officers
- Division should strive for span of control ratio of 10:1
- Division should implement computerized case file documentation
- Auditors concur with Division's initiative to reclassify officers
- Current organizational structure efficient and effective

- Pursuing pilot on telecommuting for intensive teams--Governor's Budget includes reduction based on pilot. Use of state vehicles by officers now allowed.
- Surveillance Officers now report to Chiefs instead of intensive officer. Continuation Budget requests additional clerical.
- Have purchased laptops. Seeking GCC grant for extending automated case management
- By July 1, 340 PPO's will have been reallocated to PPOII.

Audit and Response, Continued

- Division should take steps to better balance caseloads among officers, to review contact requirements for PPOs and clarify differences among kinds of officers.

- Improvements can be made in personnel practices

- Improve Communication--Division should review all policies and procedures for clarity,conduct training on them with staff at all levels, develop statewide LAN

- Division lacks Comprehensive Training Program

- Case Management Task Force began April 1998, addressing these issues. Continuation Budget seeks additional officers to reduce intermediate caseloads.

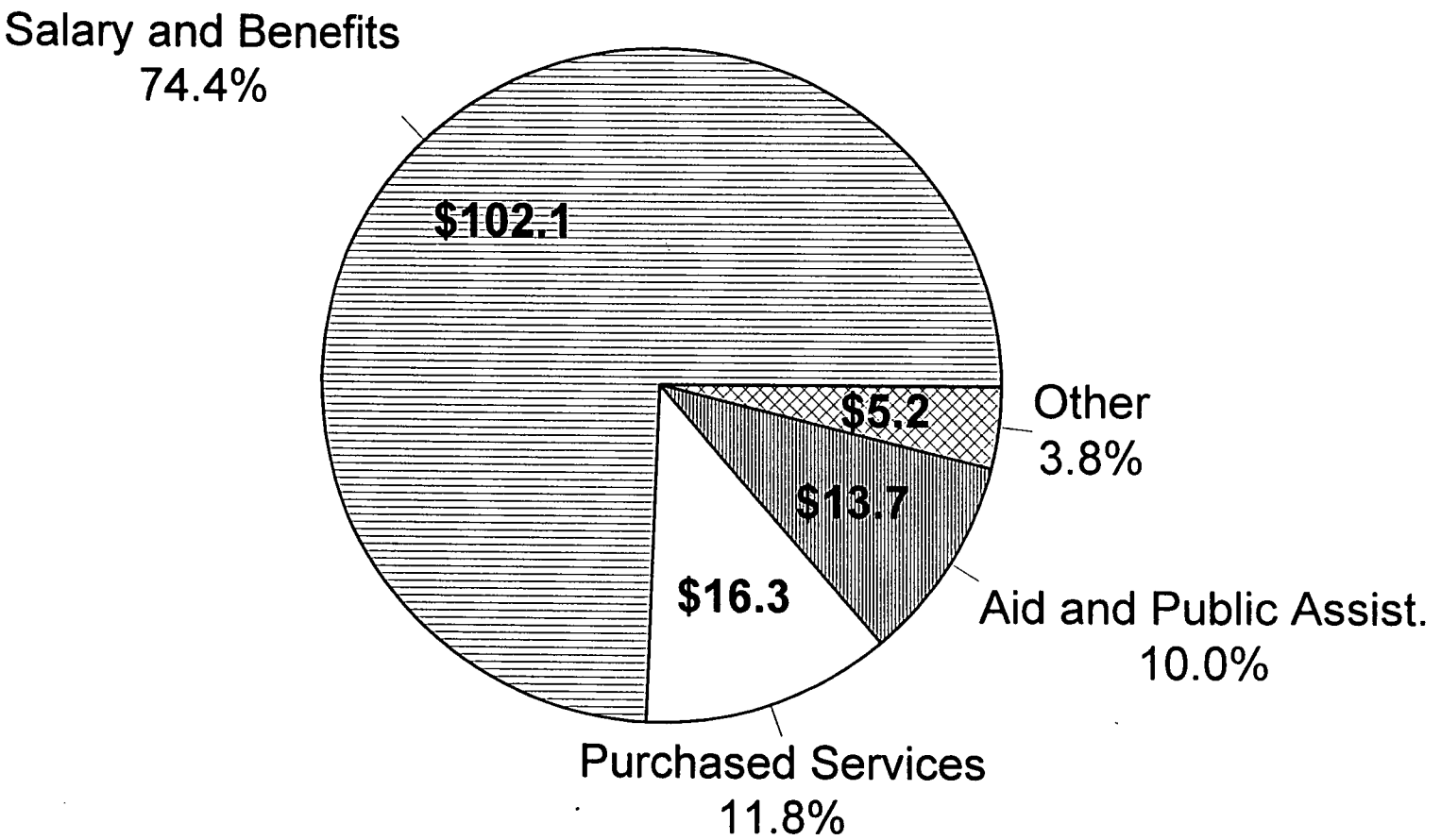
- Hiring process deadlines implemented, vacancies reduced, recruitment strategies, some modifications to record-keeping procedures

- Review of policies and procedures in progress. LAN system in place in some locations.

- Continuation Budget requests 10 new Trainers; case management training has been developed; OPUS training has been implemented

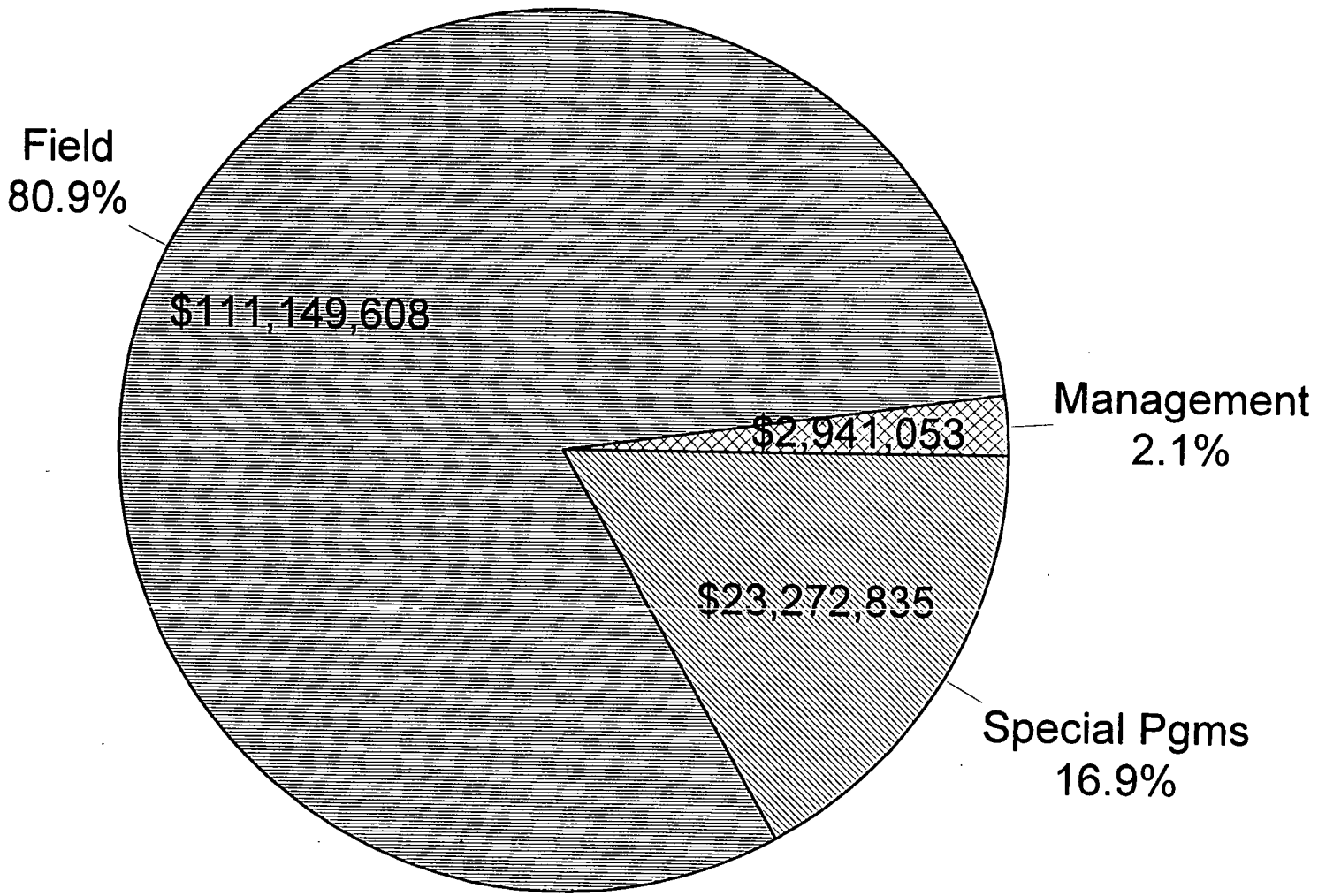
Division of Community Corrections

1998-99 Authorized Budget by Purpose ($ Millions)



Total Dec. 31, 1998: $137.4 M

Division of Community Corrections General Fund 1998-99 Authorized Budget December 31,1998



DIVISION OF COMMUNITY CORRECTIONS

CONTINUATION BUDGET OVERVIEW

DESCRIPTION	1997-98 ACTUAL	1998-99 AUTHORIZED.	1999-00 RECOMMENDED	2000-01 RECOMMENDED
GENERAL FUND EXPENDITURE	$116,104,807	$137,363,497	$137,060,717	$136,698,610
POSITIONS	2,752	2,759	2,884	2,884

1999-2001 Figures do not include salary increases from 1998

ADJUSTMENTS TO THE CONTINUATION BUDGET(Including Adjustments):

Remove non-recurring items from 1998-9: Boot Camp Aftercare, Victims Assistance Pilot, Summit House	($1.2 Million)
Consolidate Female Boot Camp with IMPACT-West	($0.94 Million)
Elimination of Parole Hearing Officers	($0.29 Million)
Changes per: Personnel Schedule	$0.27 Million
Increases to reflect actual shift/overtime pay	$0.89 Million
Reductions in leases (lease schedule and office share pilot)	($0.37 Million)
Restoring Criminal Justice Partnership Program Implementation Grants	$4.5 Million
Inflationary Increase for Implementation Grants	$0.24 Million
Addition of Personnel: 110 PPO II	$7.76 Million
11 Chiefs 11 Office Assistants	
10 Trainers 13 Administrative Assistants	

Source: Worksheet I (OSBM), BD701 for Dec. 31, 1998, Governor's Budget Summary

Cost of New Personnel

Total Expenses--Recurring

Type	Cost ($)	Grade
Chief PPO	51,941	70
PPO III (intensive)	49,875	68
PPO II (Intermediate)	48,535	67
PPO I (Community)	44,990	66
Administrative	43,620	64
Surveillance	44,476	64
Clerks	34,988	57

IMPACT (Boot Camps) Update

Joint Appropriation Subcommittee on Justice and Public Safety

March 25, 1999

Fiscal Research Division

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.

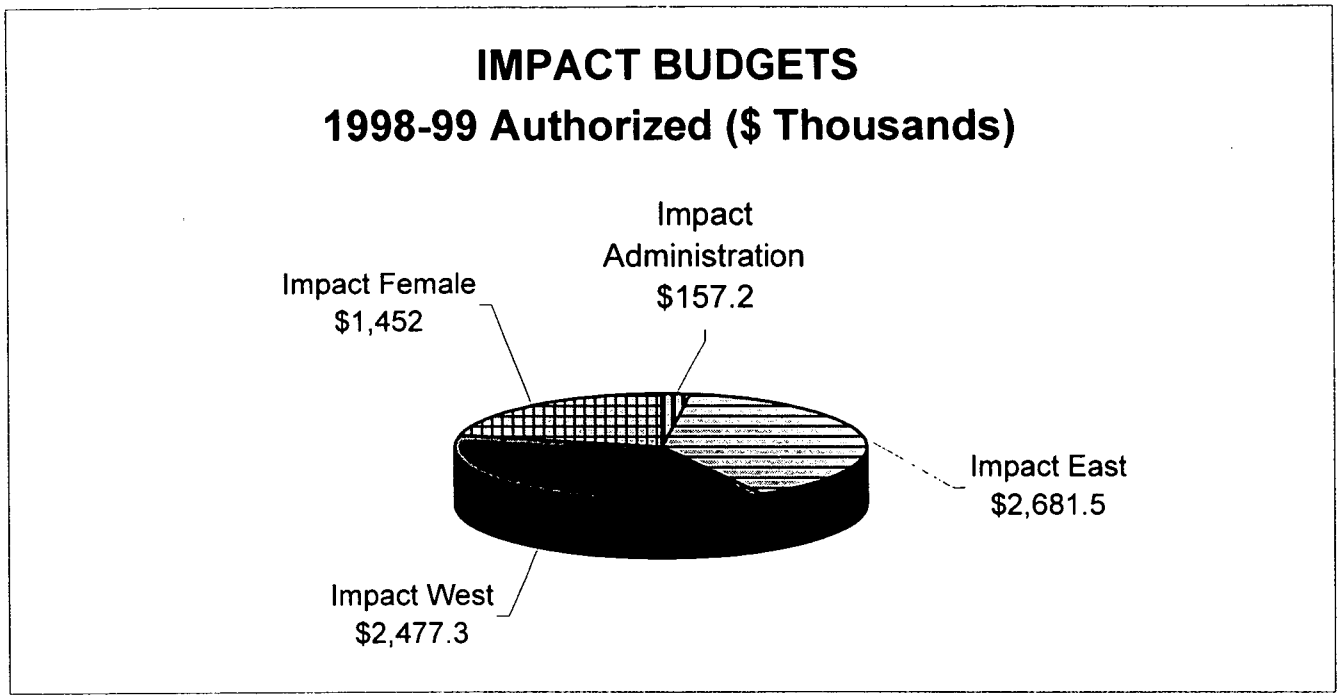
- The program began with 90 beds at Impact East (Hoffman) and expansion at East to 180 beds in 1994. Impact West (Morganton) opened with 90 beds in late 1994 with an additional 90 beds in the spring of 1995. A 60 bed female facility at Hoffman opened in June 1998. Total capacity today is 420 beds--1,820 annual entries.

- 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.

- IMPACT was moved from the Division of Prisons to Division of Community Corrections in 1997. In 1998, the probation statutes were changed to reclassify IMPACT from a split-sentence/special probation program to a residential program. This will allow less serious offenders to be admitted.

- An aftercare program began as a pilot in 4 sites (New Hanover, Forsyth, Mecklenburg and Nash/Edgecombe) in early 1996. The pilot was continued with available funds in 1997-8. A 5th site (Buncombe) was funded for 1998-9 but the entire funding ($475,782) for the project is with non-recurring funds.

- Average cost per day for IMPACT in 1997-98 was $54.71. This compares to daily costs of $51.41 for minimum security prison, $67.39 medium security and $8.20 intensive probation.



Total Budget: $6.768 Million

Cost of Construction for female dorm at Hoffman (1998): $1.94 Million
Use of facility if program transferred not yet determined.

DATA ON ADMISSIONS AND UTILIZATION

Offenders Entering IMPACT
Calendar Year 1998

Month	Entered-W	Entered-E	Entered-F
January	41	63	0
February	44	58	0
March	78	55	0
April	56	56	0
May	60	54	0
June	54	78	14
July	43	55	0
August	70	48	11
September	38	52	14
October	38	48	0
November	32	54	7
December	27	36	4
TOTAL ENTRIES	581	657	50
# classes	26	25	5
# beds	180	180	60
MAX ENTRIES	780	750	160
UTILIZATION	**74.5%**	**87.6%**	**31.3%**
Entries/Scheduled	87.6%	88.2%	77.6%

IMPACT-FEMALE
Proposed Budget Reduction

	Dollars	Positions
1997-98 Actual	$301,270.0	37
1998-99 Authorized	$1,459,951.0	37
Governor's Proposed Cut	($940,783.0)	(25)
Remaining	**$519,168.0**	**12**

Original staffing included 2 Mechanics, 1 Sergeant, 3 Drill Instructors, 6 Assistant Instructors 12 Correctional Officers and 1 Program Assistant.

Remaining positions are 3 Food Service Supervisors, 8 Cooks, 1 Staff Nurse
Spending as of January 31, 1999 was $691,660

An IMPACT program for females will be located at IMPACT-West in Morganton.
A class will be scheduled each quarter, capacity 20-30. Male and Female offenders will be separated at all times. Certain procedures have been modified for females.

	West-Male	East-Male	West-Female	East-Female	Total
Original Annual Capacity	780	780	0	260	1,820
Revised Annual Capacity	660	780	80	0	1,520

assumes class of 20--decision not yet made whether 20 or 30

IMPACT-FEMALE

Background Information on Proposed Budget Reduction

* Division of Community Corrections opened a Boot Camp for women in June 1998. The facility is located in Hoffman, adjacent to the original Boot Camp for men. The program has a capacity of 60 beds (260 annual) and was designed with a similar program to male Boot Camp.

* The Female program has had very low utilization since opening, in part due to a death in its first class. Several classes were cancelled because of an inadequate number of referrals. From June 1998 to March 1999, 70 offenders have entered the program. There were 90 offenders scheduled but 20 of these were not able to enter (absconded, medical or mental health denials). The program had capacity for 210 offenders over that time period.

* Division of Community Corrections has since modified the program for women--eliminating some of the more confrontational tactics, modifying work assignments for females and in adverse weather conditions conducting health and other assessments before the program starts, incorporating cognitive behavior techniques.

* The IMPACT programs for males have not operated at full capacity. IMPACT-West operated at 75% of Capacity in 1998 and IMPACT-East at 88%.

* The Governor's Recommended Budget includes a $940,783 cut by moving the Female program to IMPACT-West at Morganton and reducing the capacity from 1 class of 20/every month to 1 class of 20-30/every 3 months. Because Boot Camps are funded and staffed based on full utilization, and because IMPACT-West has not been fully utilized, the female program can be absorbed within the existing $2.48 Million budget for IMPACT-West.

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N. C. Department of Correction

Fiscal Year 1997-1998 Report
IMPACT Boot Camp Program and
Post-Boot Camp Probation Program

Section 17.1. Subsection c) of Section 19 of Chapter 24 of the Session Laws of the 1994 Extra Session, as amended by Section 19.3 of Chapter 324 of the 1995 Session Laws, reads as rewritten:

"c) The Department of Correction shall evaluate the IMPACT program and the post-Boot Camp probation program funded under this section and report by March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Fiscal Research Division. The evaluation of the IMPACT program and the post-Boot Camp probation program shall focus on the performance, behavior, and attitudes of the offenders while in the program. Specific topics shall include measures of participation and completion, data on completion of educational, substance abuse treatment, and community service programs, drug testing and probation revocation statistics, and the current status of IMPACT graduates. The evaluation shall also include any available information on the difference in outcome among offenders who attend the IMPACT program only, offenders who attend both the IMPACT program and aftercare, and similar offenders who receive other intermediate sanctions."

Prepared by the NC DOC Office of Research and Planning

March 1, 1999

North Carolina Department of Correction
Report on FY 1997-1998 IMPACT and Post-Boot Camp Probation Programs

EXECUTIVE SUMMARY

Section 17.1 of the Session Laws of the 1998 General Assembly requires the Department of Correction to evaluate the IMPACT Program and the Post-Boot Camp Probation Program. This report describes intermediate outcomes (effect while the probationer is under supervision) for probationers in the male IMPACT boot camp program and the Post-Boot Camp Probation Program (PBC Probation Program) for fiscal year 1997-1998. The intermediate outcome measures include completion of the program, participation in and completion of educational, treatment and work program components, compliance with conditions such as drug testing, and change in offenders' attitudes. Probationers in the female IMPACT facility are not included in this study since the facility opened on June 8, 1998, and had no graduates during this evaluation period.

Judges sentence probationers to the 90-day boot camp program, which includes a period of regular probation supervision in the community following graduation, or to the boot camp plus the one-year Post-Boot Camp Probation Program, which includes Intensive Supervision Probation and case management through the Treatment Alternatives to Street Crime (TASC) program in the Department of Health and Human Services. The principal findings of this evaluation are summarized below:

- Eighty-six percent of the IMPACT probationers and 75% of the Post-Boot Camp Probationers who began IMPACT in fiscal year 1997-1998 successfully completed the 90-day boot camp program through graduation.
- Thirty-five percent of the IMPACT probationers who entered IMPACT during FY 97-98 were eligible to take the GED exam. Of that group, 70% passed the GED.
- IMPACT probationers performed over 420,000 hours of work during fiscal year 1997-1998.
- Drug screens for IMPACT graduates were positive 28% of the time as compared to 32% for all probationers and parolees during fiscal year 1997-1998.
- Fifty percent of IMPACT probationers and 57% of PBC Probationers were sent to IMPACT as a result of probation violations.
- Eighty-seven percent of the IMPACT probationers who graduated and 93% of the PBC probationers who graduated were convicted of felonies prior to coming to IMPACT.
- Thirty-five percent of the IMPACT probationers, 55% of the PBC probationers, and 34% of an Intermediate Punishment probation comparison group were revoked. The primary reason for revocation was multiple technical violations. It is suspected that the Post-Boot Camp probation population may be a higher risk group than the other two groups. In addition, 100% of PBC probationers who graduated were under Intensive Supervision Probation when they left IMPACT as compared to 59% of IMPACT probationers who graduated, and 62% of the comparison probation group. Probationers under Intensive Supervision are closely monitored and supervised in the community.

Introduction

This report is authorized by Section 17.1 of Senate Bill 1366 of the 1998 session of the North Carolina General Assembly. It describes intermediate outcomes for probationers in the male IMPACT boot camp program and the Post-Boot Camp Probation Program (PBC Probation Program) for fiscal year 1997-1998. The intermediate outcome measures include completion of the overall program, participation in and completion of educational, treatment and work programs, compliance with special conditions of probation such as drug testing, and change in offenders' attitudes.

Program Description

IMPACT

The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) is an Intermediate Punishment program for probationers between the ages of sixteen and thirty. It is administered by the Division of Community Corrections (DCC) in the North Carolina Department of Correction (DOC). IMPACT is the most restrictive Intermediate Punishment Program operated by the Division. Probationers are ordered to IMPACT by judges as a result of a conviction or a violation of probation.

The goal of IMPACT is to instill discipline, a work ethic, and self-confidence through a strictly regimented, work intensive, para-military regimen. IMPACT is a three-phase program of 28-day cycles (84 days) with possible extension up to 120 days. The male classes admit up to 30 probationers twice monthly. The probationers (trainees) are required to exercise, drill, and attend school. Each day they are expected to work seven hours a day, attend school for two hours and to do calisthenics for forty-five minutes.

Post-Boot Camp Probation Program

The Post-Boot Camp Probation Program (PBC Probation Program), is a pilot program available to 180 IMPACT graduates per year in five counties: Forsyth, Mecklenburg, New Hanover, and Edgecombe/Nash. The PBC Probation Program reflects a partnership between the Division of Community Corrections and the Treatment Alternatives to Street Crime (TASC) Program in the Department of Health and Human Services. Upon graduation from IMPACT, offenders in the Program are supervised in the Intensive Supervision program, and receive specialized treatment and support services from TASC coordinators.

The goal of the PBC Probation Program is to provide intensive aftercare and support services to facilitate the probationer's successful re-entry into the community. The Program is designed to build on the structure and discipline of the IMPACT program. The Program is divided into six phases which begin as soon as a probationer enters IMPACT and continue for a least one year after the probationer is released from IMPACT. Initially, a team, comprised of an Intensive Officer. a Surveillance Officer and a TASC case manager, require the offender to do the following: remain in the Program for twelve months, attend weekly TASC appointments and group sessions, pursue their GED, complete Drug Education School, remain drug free, complete treatment as needed,

complete community work projects, and abide by all other conditions of Intensive Supervision. Probationers who comply with the requirements of Intensive Supervision may be moved into regular probation supervision for the remainder of the program.

Program Participation

During the 1997-1998 fiscal year:

- 1,495 probationers were ordered by the court to the IMPACT program either as a result of a direct sentence or a violation of probation. Of these, 1,367 actually entered the program.
- 194 probationers were ordered by the court to the PBC Probation Program as a result of a direct sentence or a violation of probation. Of these, 183 actually entered the program.
- 50% of IMPACT probationers and 57% of PBC Probationers were sent to IMPACT as a result of probation violations
- 1,175 or 86% of IMPACT probationers successfully completed the program by graduation. The dismissals from the program were the result of medical reasons, disciplinary actions, mental conditions, or absconding.
- 138 or 75% successfully completed the PBC Probation Program by graduation. The dismissals from the program were due to medical reasons, disciplinary actions, mental conditions, or absconding.

Completion of the Education Component

The IMPACT program requires participation in a structured, independent study school program that focuses on GED readiness. Probationers are required to attend school a minimum of two hours, four days per week throughout their term at IMPACT. IMPACT probationers must qualify to take the GED by passing a screening test. Of the 414 probationers eligible to take the exam during the 1997-1998 fiscal year, seventy per cent passed.

IMPACT graduates who do not take or pass the GED while in the program are expected to continue their educational program in the community following boot camp. During the 1997-98 fiscal year, 36 (19%) probationers in the Post-Boot Camp Probation Program completed the GED. Many of the probationers in the PBC Probation program are still actively pursuing the high school equivalency degree.

Participation in Work Activities

IMPACT emphasizes work while in boot camp. Probationers typically spend seven hours each day engaged in work projects. These projects include maintenance of local schools or other public facilities as well as construction work for community agencies, road clean-up, and disaster clean-up. During the 1997-1998 fiscal year, IMPACT probationers completed 427,049 hours of work assignments.

After graduation from IMPACT, probationers in the Post-Boot Camp Probation Program are required to complete major work projects. Each PBC Probation Program manages the community work obligation differently. In some area, participants take responsibility for an individual work project in their home communities. In other programs, the TASC

coordinator arranges community work projects which require a team of probationers to work together on a weekly basis. Examples of community work projects includes: cutting and delivering wood for Salvation Army clients, adopting a stretch of highway to keep clean, building houses for Habitat for Humanity, adopting a park to keep clean, cleaning up churches, and visiting rest homes.

Drug Testing Results

The Division of Community Corrections administers a Substance Abuse Screening Program urinalysis to identify illegal drug use and to make appropriate treatment referrals. Any probationer or parolee under supervision who is ordered to submit to drug testing as a condition of probation and/or parole is subject to random urinalysis testing to detect the presence of illegal drug use.

Probationers are not tested for drug use while at the IMPACT program because of the 24-hour supervision and high staff/offender ratio. All graduates are required to submit to drug testing during their period of probation supervision following their release. Post-Boot Camp probationers are tested once per week, more frequently than any other probationers.

Currently, the six Substance Abuse Screening Labs operated by the Division of Community Corrections do not have a centralized data system to enable access to statewide statistics. For this report, each lab was given a list of names of IMPACT graduates, and asked to provide the number of specimens tested per offender and the results. For the probationers who graduated from IMPACT in 1997-98, the Division labs screened 3,413 urine specimens, of which 954, or 28%, found evidence of drug use. This compares to a rate of 32% for all specimens of probationers and parolees screened in FY 1997-1998.

Attitude Change

In October 1998, the IMPACT and Post-Boot Camp Probation Programs began administering a 12-item questionnaire developed by Doris Mackenzie (nationally known researcher on Boot Camp Programs) to measure probationers' attitudes when they enter IMPACT, when they graduate from IMPACT and, three months after they are released from IMPACT. IMPACT staff administer the questionnaire when the probationer enters and graduates from IMPACT. Either the probationer's TASC case manager or a probation officer administers the questionnaire the third time.

To date, IMPACT staff have completed 131 questionnaires. Of this group, pre and post tests are available for only 47 probationers. This is insufficient data for analysis based on the number of entries to the program. When this report is submitted in 2000, however, there will be sufficient data to analyze.

Comparison to Similar Intermediate Punishment Offenders

The legislation requires this report to compare IMPACT and Post-Boot Camp probationers to similar Intermediate Punishment probationers who did not participate in these programs. Comparison groups were created by random selection, matching

characteristics of sex, age, race, crime class, and prior record level of IMPACT graduates. The three groups are comprised of the following: probationers who exited IMPACT during fiscal year 1997-1998, probationers who exited IMPACT to the Post-Boot Probation Camp Program during fiscal year 1997-1998, and similar Intermediate Punishment probationers who began probation supervision during fiscal year 1997-1998 and have never been assigned to IMPACT.

Table 1-Profile of Probationer Groups

	Probationers Who Graduated from Impact FY 97-98	Probationers Who Graduated from IMPACT and Entered PBC Probation FY 97-98	Comparison Probationer Group Who Entered Probation FY 97-98
Ages 15-19	67%	56%	62%
Ages 20-24	28%	40%	34%
African American	50%	78%	64%
Convicted of Felony at Entry	87%	93%	86%
Convicted of Class H Felony at Entry	49%	52%	63%
Convicted of Class G Felony at Entry	10%	14%	7%
Convicted of Robbery at Entry	8%	13%	7%
Convicted of Non-Trafficking Drug Offense at Entry	23%	37%	32%
Convicted in Felony Prior Record Level II	42%	38%	42%

Highlights from Table 1 include:

- IMPACT probationers who graduated were younger than probationers in the other groups.
- More African-Americans were in the PBC probation graduation group than in the other two groups.
- The vast majority of probationers in all three groups had been convicted of felonies.
- The most common conviction class of all three groups was felony Class H.
- More PBC probationers were convicted of robbery than the other two groups.
- More PBC probationers were convicted of non-trafficking drug offenses than the other two groups.
- A large proportion of probationers in all three groups were convicted in felony Prior Record Level II prior to entry.

Table 2 –Current Status of Probationers in Groups			
	IMPACT Probationers	PBC Probationers	Comparison Probationer Group
Currently Under Probation Supervision	50%	34%	55%
Successfully Completed Probation or Early Termination	10%	4%	3%
Absconded from Supervision	3%	6%	5%
Revoked from Supervision or Elected to Serve the Active Sentence	35%	56%	34%
	Multiple Technical Violations – 43%	Multiple Technical Violations – 63%	Multiple Technical Violations – 34%
Other	2%	0%	3%

Highlights from Table 2 include:

- 50% of probationers who graduated from IMPACT are still under probation supervision in the community and have not been revoked. The low percent of completions is due to the fact that once a probationer graduates from IMPACT, he is still on probation for two to three years.
- The revocation rate of IMPACT graduates (35%) was remarkably similar to the revocation rate for the Intermediate Punishment probation comparison group (34%). This is true even though the majority of IMPACT probationers are high risk offenders and IMPACT is the highest level of Intermediate Punishment that the Division of Community Corrections administers.
- A large percent of revocations for IMPACT probationers (43%) and PBC probationers 63%) were for multiple technical violations.

Analysis of Revocation Rates of IMPACT and Post-Boot Camp Probationers

Because of the difference between revocation rates for Post-Boot Camp probationers (56%) and IMPACT probationers (35%), the evaluation team assembled a group of field personnel who supervise Post-Boot Camp probationers, as well as staff from the TASC programs, to analyze why PBC probationers were revoked more frequently than other IMPACT graduates and other Intermediate Punishment probationers. The group identified the following factors, supported by data provided earlier in this report, which could contribute to the higher revocation rate:

- A higher percent of PBC probationers were sent to IMPACT as a result of a probation violation than IMPACT only probationers.
- A lower percent of PBC probationers graduated from IMPACT successfully than those who were ordered only to IMPACT, implying that the PBC Probation group is more prone to failure in general.

- A higher percent of PBC probationers who graduated from IMPACT were convicted of felonies, robberies and non-trafficking drug offenses than IMPACT only probationers.
- A higher percent of PBC probationers who graduated from IMPACT were from urban areas and are African-American (which may be related to low income) than IMPACT only probationers.
- Probationers who graduated from IMPACT and were in the PBC Program were supervised more intensively than other IMPACT graduates since 100% of them were monitored initially by an Intensive Supervision Probation Team and a TASC case manager. As a result, a higher percent of PBC probationers were revoked for multiple technical violation than IMPACT only probationers..

Conclusion

This study indicates that IMPACT is the most severe Intermediate Punishment under the administration of the Division of Community Corrections. During fiscal year 1997-1998 judges primarily ordered it for high risk felony offenders. The probationers ordered to also participate in the Post-Boot Camp Probation program appear to be higher risk and are very closely monitored when they return to the community. These factors are reflected in the high revocation rates for these the PBC probationers. Program managers expect the population entering IMPACT to change somewhat over the next year because of statutory changes which define the program as a residential program rather than as "Special Probation" or a split sentence. This change will open the program up to "less risky"offenders with shorter suspended sentences (including more misdemeanants), who may be more amenable to the program's correctional approach.

VISITOR REGISTRATION SHEET

Justice and Public Safety — 3/25/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Gleason	Capital Group
Larry Dix	DJJ
Doug Holbrook	DOC
Tom Sutton	DOC
Sandy Pearce	DOC
[illegible]	DOC
Robert [illegible]	DOC
Sherry Pittington	DOC
Melissa Lovell	DOJ
Chuck Crawford	OSPL
Buddy Humphrey	OSBM

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lorrin Freeman	Sentencing Commission
Les Rosser	OJP
[illegible]	NCNA

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

8:30 am (Name of Committee)

DATES	3/30													
Rep. Kinney, Chair	✓													
Rep. McCrary, Chair	✓													
Rep. Culpepper, Chair														
Rep. Thomas, Vice Chair	✓													
Rep. Clary	✓													
Rep. Haire	✓													
Rep. Horn	✓													
Rep. Justus														
Rep. Kiser	✓													
Rep. Sexton														
Senate Members														
Sen. Luther Jordan	✓													
Sen. Frank Ballance	✓													
Sen. Tony Rand														
Sen. John Carrington	✓													
Sen. Don East	✓													
Rep. Baddour-ex-officio														
Rep. Cunningham-ex-officio														
Rep. Dedmon-ex-officio	✓													
Rep. Earle-ex-officio														
Rep. Hackney-ex-officio														

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, March 30, 1999 8:30 a.m. and 2:30 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Ted Kinney, Presiding
Representative Bill Culpepper
Representative Paul McCrary

II. PRESENTATIONS

Morning

Review of Department of Correction Continuation Budget—Division of Community Corrections

- **Review of Probation and Parole Budget**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Review of Post Release Supervision and Parole Commission Budget**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

Afternoon

- **Review of Criminal Justice Partnership Program**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Review of Community Correction Grant Programs**

  Elisa Wolper, Fiscal Research Staff
  Program Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE & PUBLIC SAFETY

MARCH 30, 1999

MINUTES

HOUSE MEMBERS PRESENT: [8] Representatives Kinney, McCrary, Clary, Dedmon, Haire, Horn, Kiser, and Thomas

Senate Members Present: [4] Senators Jordan, Ballance, Carrington and East

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday March 30 at 8:30 a.m. in room 415. Representative Kinney presiding, called the meeting to order and announced that the afternoon meeting would be cancelled because the House will convene at 2:30 p.m. Representative Kinney introduced the pages, then Elisa Wolper, for a presentation on Population Projections and Continuation Budget Adjustments of the Department of Correction (See attachment A). But first Ms. Wolper made mention of a handout, The Annual Report from the Division of Community Corrections, and included with that, an article about recent trends in probation and parole, provided by Mr. Guy (See Attachments B and B1). Ms. Wolper then gave her presentation.

Representative Kiser, referring to page 4, asked why there is so much fluctuation in the projections.

Ms. Wolper responded that the fluctuation is due to modifications in the variables that change each year. Examples being: how long someone will spend on parole, how many intermediates will be upgraded to intensive, what percent of parolees will be assigned to intensive, how many post release supervision cases there will be, how many months someone will spend on intermediate punishment, and how many months they will spend on community service.

Representative Kiser asked if projections in the past years have had accurate results.

Ms. Wolper answered that although she did not have any records on that, she could get the information for him.

Representative Kiser had a question regarding the PPO I versus the PPO II. He asked if the state paid rent for one and the county paid rent for the other.

Ms. Wolper replied that the goal is for counties to provide that office space, but for those counties that have trouble doing so, the office of Probation and Parole would provide funding. Robert Guy, from the Office of Probation and Parole, elaborated with the point that PPO II positions were just created and are technically in county space, with some exceptions.

Representative Kiser asked if all counties are being treated the same.

Mr. Guy answered yes.

Representative Haire questioned the percentage of growth for the time period of 1998-2003. How was that computed?

Ms. Wolper answered that it was take from 'a snapshot' of June 30 1998.

Representative Haire asked how community service people fit into this equation.

Ms. Wolper replied that they are part of the Crime Control and Public Safety Budget.

Senator Ballance asked what accounts for the $2,220 in equipment costs and operating expense.

Ms. Wolper answered that it is the budgeted expense of rent for the intermediate officers, the PPO II officers.

Senator Ballance tried to clarify his understanding by asking if an employee changes classification, does that generate the additional cost?

Mr. Guy informed the committee that there will be a cost for additional training and equipment, but the rent on the office does not change.

Senator Ballance followed with his previous question of why the $2,220 is needed.

Ms. Wolper said that she compared the position cost worksheets of the two positions.

Representative Kiser asked how would new chief officers, intermediate officers and office assistants be allocated statewide.

Mr. Guy answered that the counties with the highest ratios of officers to chiefs would receive the new officers to reduce that disproportion.

Representative Kiser asked if the Office ever deviates from that practice.

Mr. Guy responded no.

Representative Horn asked how the Office determines who gets what level of supervision.

The judge/court makes the decision based on structured sentencing.

Representative Haire asked if the level of supervision ever changes during the course of an intermediate supervision.

Representative Guy replied yes, depending on positive or negative behavior of the offender.

Representative Horn asked if that variable was factored into figures given.

Mr. Guy answered yes. Ms. Wolper clarified that the division assumes that if an offender is given an intermediate supervision, the assumption is that the criminal will remain at that level during the course of their sentence.

Representative Horn followed with the scenario that if an offender in intermediate supervision is reduced to community case, is the intermediate officer then unnecessary?

Mr. Guy said that once a person is given a sentence at any level, whether they move up or down, that person is still supervised by that officer and remains part of his caseload.

Representative Haire asked Mr. Guy about the administrative assistants to Judicial District Managers III (ref. page 11), and to explain the organization of judicial districts.

Mr. Guy responded that there are 43 judicial districts in the state. The size of districts is based on population. Classification basis is done in 3 levels; level I being the lowest and level III is the highest.

After Ms. Wolper completed the first handout, she followed with the second handout (See Attachment C) that looks at another set of recommended adjustments found in the Governor's proposed budget.

Senator Ballance wanted to interject that he believes it to be a good idea to abolish parole/post-release hearing officers. However it seems unnecessary to contract other people to hear cases. Why can't judges hear them?

Mr. Guy admitted that Senator Ballance's idea might be possible. But the porpose of contract services is following the emergencies judges concept that AOC has. To his knowledge, that suggestion of using judges has not been researched.

Senator Ballance asked if most hearings are held at the jail.

Mr. Guy affirmed.

Representative Horn asked if there has ever been a study on officers using their own cars.

Mr. Guy answered yes; a study has been done. However it is more cost effective to use company cars due to liability.

Representative Horn asked for an example of the liability an officer would have using his own car.

Mr. Guy answered that primarily the cars are not secure enough to transport offenders, but several factors are taken into account.

Representative Kiser wanted to clarify, the reason for permitting employees to take home company vehicles as being a means of getting more mileage out of another state agency.

Mr. Guy answered that that is not the case. The department wants to allow more flexibility for officers in their workload, and permitting them to take company vehicles home continues that goal. The point of mileage is that the department is being charged to use the cars even though most officers don't accumulate the maximum usage; therefore, it is no more cost generative when officers are allowed to take home their company vehicles.

Representative Kiser asked when does a PPO officer typically go to work.

They each have a pre-approved work schedule. Typically it has been 8 to 5, but the agency is trying to get away from that, and higher level officers are required to work in shifts because of fieldwork.

Representative Kiser asked how would a supervisor know that a PPO is working out of his home.

Mr. Guy replied that there is accountability with mobile phones and, in the future, laptops. The officers are still required to come to the office to do some work and, during fieldwork, the officers are required to make a log of the work being done.

Representative Dedmon asked what would happen if more mileage is used than is allowed for each vehicle. Would cars be rotated with ones that don't have as much mileage?

Mr. Guy said that the officer would make up the difference of extra mileage. There will be no switching of cars.

Representative Dedmon asked if a dedicated phone line would be required in order to use the laptop computers, in case the officers home phone line is in use. Will there be reimbursement?

Mr. Guy reiterated that the laptops are a long-range project. There are pilot programs under way now to determine any costs that may be associated with laptop use.

Representative Haire asked if there has been any difficulty in acquiring staff, due to how demanding the job is.

Mr. Guy answered that at this point, there has not been a problem.

Representative Horn asked what kind of accounting does the department have for keeping tract of officers that work from home.

Mr. Guy replied that paperwork is the largest source. This includes the mileage log, timesheets and field records.

Representative Horn asked if there is a daily travel log.

Mr. Guy replied, there is not much detail given on the mileage log but it is included on the narrative worksheets.

Given the lateness of the morning, Ms. Wolper did not begin her final presentation.

There being no further business, the meeting was adjourned for the day.

Paul R. McCrary
Rep. Ted Kinney
(Signed by Rep. McCrary due to the illness of Rep. Kinney)

Eryn Gee
Eryn M. Gee
Committee Assistant

DIVISION OF COMMUNITY CORRECTIONS

DEPARTMENT OF CORRECTION

POPULATION PROJECTIONS AND CONTINUATION BUDGET ADJUSTMENTS

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

MARCH 30, 1999

Attachment A

GOVERNOR'S RECOMMENDED CONTINUATION BUDGET ADJUSTMENTS ($ Millions)

All Positions 9/1/99

		1999-2000		2000-01	
1)	Increased Staffing due to Structured Sentencing	$4.462		$5.4	
	110 Intermediate Officers	$1.146	NR		
2)	Increased Supervisors/Clerks to balance new officers,ratio of 1:10	$0.797		$1.0	
	11 Chief PPO's	$0.288	NR		
	11 Office Assistants				
3)	Training Staff for Judicial Division Offices	$0.416		$0.5	
	10 Correctional Training Instructors	$0.084	NR		
4)	Administrative Assistants for Judicial District Managers III	$0.472		$0.6	
	13 Administrative Assistants	$0.106	NR		
GRAND TOTAL	155 Positions	$6.147	R	$7.4	R
		$1.624	NR	$0.0	NR
		$7.771	TOTAL	$7.4	TOTAL

PROJECTING SUPERVISED POPULATION AND STAFFING FOR PROBATION AND PAROLE

* ***Sentencing Commission*** projects entries to both Community (C) and Intermediate Punishment (I), for Felons and Misdemeanors. To this is added projected DWI entries (low level to C; high level to I) and DOC data on length of stay on C and I punishment, projected parole and post release supervision entries, share of offenders on intensive and share moving to higher supervision levels due to violations.

* This gives projected numbers of offenders by supervision level--community, intermediate and intensive. as well as by type--probation, parole , and post-release supervision

* Structured Sentencing specified ***certain targets for caseload averages***, subject to funding availability. These are 25 for Intensive Teams, 60 for Intermediate, and 90 for Community.

* Division calculates additional staff needed to meet these targets. These ***new staff are included in the Continuation Budget***, because they are due to growth in offenders driven by Structured Sentencing. In addition to new caseload carrying officers, the CB adjustment includes new supervisors (Chiefs) and clerks at the current target ratio (10:1 this year)

* ***General Assembly can accept or modify these Continuation Budget adjustments and target*** caseloads. In 1997, GA reduced a request of $12.9 M to $9.9 M (47 less staff), based on caseload targets of 80:1 for 1997-8 and 70:1 for 1998-9.

* Because the Continuation Budget is developed well in advance, it is based on an older population . projection. However, the Department has not modified its original request

* The Division's ***top priority is reducing Intermediate Caseloads***,even if that means other categories go higher than the targets

COMMUNITY CASE MANAGEMENT PLAN

PPO I
C Punishment Offenders
Unsupervised Probation Failures
Absorbing former Administrative PPO
Mandatory School or Work and Random Drug Plans

90:1 Offender: Officer Ratio
Low-Risk DWI
Pre-Sentence Investigations/Targeting for Courts
Frequency of contract based on risk/needs

INTERMEDIATE CASE MANAGEMENT PLAN

PPO II
I Sanction Offenders
C Punishment Failures
High Need/Specialized Offenders
Sex Offenders, Domestic Violence
Developmental Disabilities
Safety Equipment (inc handgun)
Increased officer presence in community
Treatment Assessment

60:1 Offender:Officer Ratio
Post-Release Supervision Offenders
High-Risk DWI
Curfews, Restriction of Movement
Mandatory Shift/Weekend Work
Increased frequency/intensity of contacts
90% of contacts in field
Mandatory Drug Screens and Work/School
Higher Training Standards

INTENSIVE

PPO III
Plus Surveillance

25:2 Offender:Officer Ratio
Part of Intermediate Management Plan

CURRENT POPULATION PROJECTIONS

February Projections (6/30th snapshot of each fiscal year)

Supervision	1998-99	1999-00	2000-01	2001-02	2002-03	Growth 1998-2003	Share of Tot 1999	Share of Tot 2003
Community	77,845	77,833	78,383	79,561	80,866	7.7%	65.0%	64.0%
Intermediate	32,010	33,083	33,661	34,306	34,981	16.1%	26.7%	27.7%
Intensive	9,955	10,245	10,170	10,265	10,411	13.4%	8.3%	8.2%
TOTAL	119,810	121,161	122,214	124,132	126,258	10.4%		

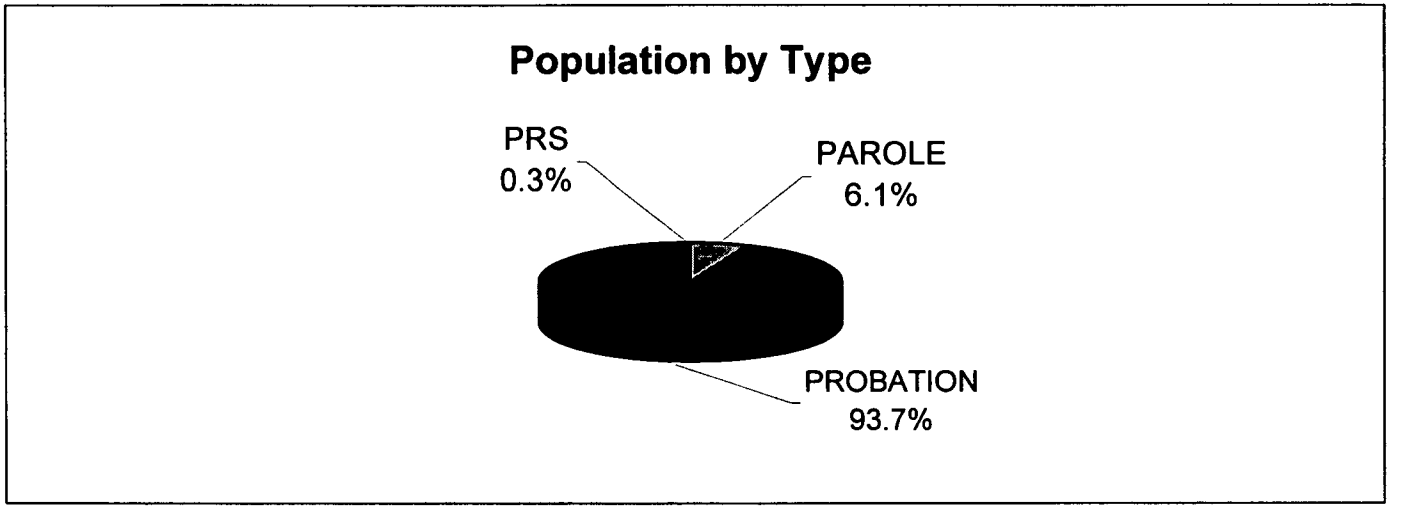
How Projections Have Changed (Comparing past projections for 1999-2000)

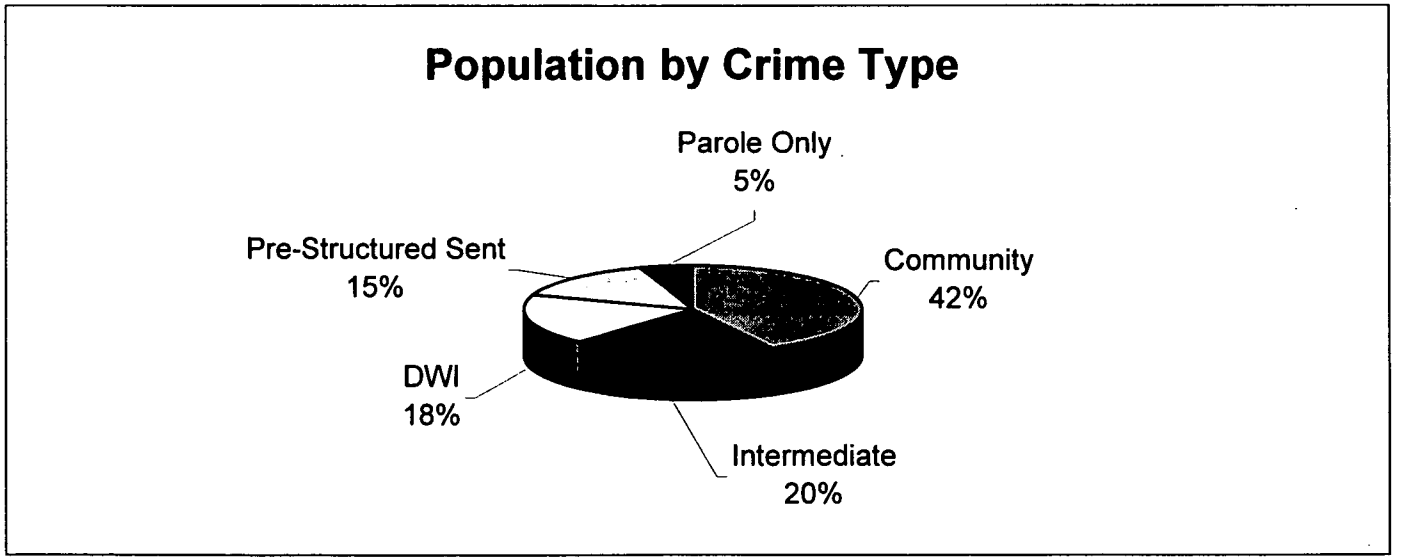
	Commun	Intermed.	Intensive	Total
Date of Proj.				
1997	88,334	17,538	9,170	117,039
1998	64,500	43,725	9,583	119,806
1999	77,833	33,083	10,245	123,160
% Change	**-11.9%**	**88.6%**	**11.7%**	**5.2%**

Key Factors Today

Time on Intensive (8 months), Intermediate (32), Community (18.6), Parole (11.1)
If Intermediate Sentence, remain on Intermediate Caseload for entire sentence
51% of Intermediate, all PRS, and 35% of Parolees on Intensive
DWI III-IV to Community, DWI I-II to Intermediate (6.4% to Intensive)

MORE DETAILS OF POPULATION TODAY





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.

REALLOCATIONS

As part of their Community Correction Strategy, the Division has established 4 classes of officers: PPO I (community), PPO II (Intermediate), PPO III (Intensive) and Surveillance Officers.

They began reallocating certain PPO I positions to PPO II in July 1998. As salary reserve funds are available, a PPO I (Gr. 66) is promoted to PPO II (Gr. 68),

The Division has received approval to reallocate 339 as of July 1, 1999 and hopes to reallocate another 163 by July 2000. (subject to Department approval and availability of salary reserve)

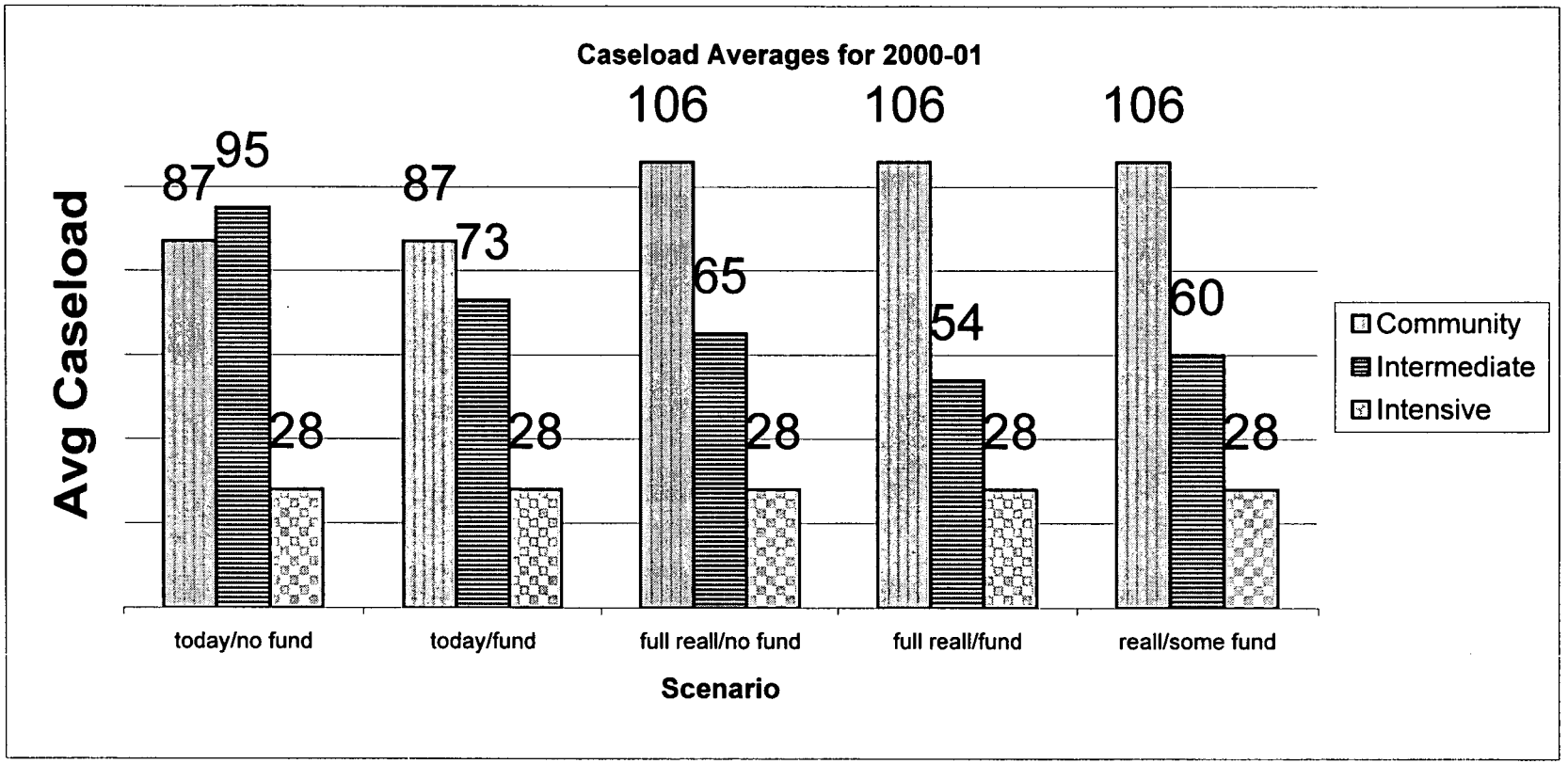
By Office of State Personnel Rules, when a person is promoted they must receive at least a 5% pay increase and may receive up to 5% per pay grade (10% in this case)

Personnel Cost of the 5% upgrade is $1,942 (individual circumstances may vary). There may also increases in equipment costs and operational expenses($2,200) that have not been covered by the salary reserve funds so far (eg rent for PPO II, differences in travel expenses)

The cost of realloacting the remaining planned 163 officers, at $4,142 per officer, is $675,146. This could be generated by salary reserve or included as direct appropriation.

STAFFING AND CASELOAD AVERAGES

Two Ways to Lower Intermediate Caseloads: Reallocations of PPO I to PPO II, or New Funds



Today No Fund : Reflects realloactions from PPOI to PPO II expected through June 30th, 1999.
Staffing of 903 PPO I, 353 PPO II, 363 Intensive Teams.

Today/Fund: Adds 110 Intermediate Officers (total to 516)

Full Reall: Assumes another 163 reallocations by June 30,2000.

COST OF ALTERNATIVE SCENARIOS

A

TODAY--NO NEW FUNDING -- If Division was not able to continue reallocations and no new funding provided
COST: NONE

B

TODAY--NEW FUNDING--- If Division does not continue reallocations but gets 110 new PPO II Positions
COST: 1999-2000: $4.46 Million Recurring and $1.15 Million NonRecurring
2000-2001: $5.38 Million Recurring

C

FULL REALLOCATIONS--NO NEW FUNDING---Division reallocates remaining 163 PPO I.
COST: Approximately $675,146 (Salary Reserve or Appropriation)

D

FULL REALLOCATIONS--NEW FUNDING
COST: 1999-2000: $4.46 Million Recurring and $1.15 Million NonRecurring PLUS COST OF REALL
2000-2001: $5.38 Million Recurring

E

FULL REALLOCATIONS--FUNDS TO BRING RATIOS TO 60:1
COST: 1999-2000: $1.82 Million Recurring and $.47 Million NonRecurring (45 officers)
2000-01: $2.21 Million PLUS COST OF REALL

SUMMARY OF SCENARIOS

					COST OF OPTION		SAVINGS FROM CB	
	PPOI	PPO	IC-avg	I- avg	1999-2000	2000-01	1999-2000	2000-2001
I. NO NEW REALLOCATIONS/NO NEW FUNDS	903	353	87	95	$0.00	$0.00	$5.61	$5.38
II. NO NEW REALLOCATIONS/ALL NEW FUND	903	463	87	73	$5.61	$5.38	$0.00	$0.00
III. PLANNED REALLOCATIONS/NO NEW FUNDS	740	516	106	65	$0.61	$0.61	$5.00	$4.77
IV. PLANNED REALLOCATIONS/ALL NEW FUND	740	626	106	54	$6.22	$5.99	($0.61)	($0.61)
V. PLANNED REALLOCATIONS/FUNDS TO 60:1	740	561	106	60	$2.97	$2.89	$2.64	$2.50

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GRAND TOTAL	155 Positions	$6.147	R	$7.4	R
		$1.624	NR	$0.0	NR
		$7.771	TOTAL	$7.4	TOTAL

SUPERVISORY AND SUPPORT STAFF

CURRENT STAFFING

	number	ratio to officers*	ratio to teams
OFFICERS	1619	~	~
CHIEFS	184	10.8	8.8
CLERKS	179	11.1	9.0

* counts intensive teams as 2

IMPACT OF ADDING 110 OFFICERS

	number	ratio to officers*	ratio to teams
OFFICERS	1729	~	~
CHIEFS	184	11.4	9.4
CLERKS	179	11.7	9.7

IMPACT OF ADDING OFFICERS, CLERKS AND CHIEFS PER CONTINUATION BUDGET

	number	ratio to officers*	ratio to teams
OFFICERS	1729	~	~
CHIEFS	195	10.7	8.9
CLERKS	190	11.0	9.1

GOVERNOR'S RECOMMENDED CONTINUATION BUDGET ADJUSTMENTS ($ Millions)

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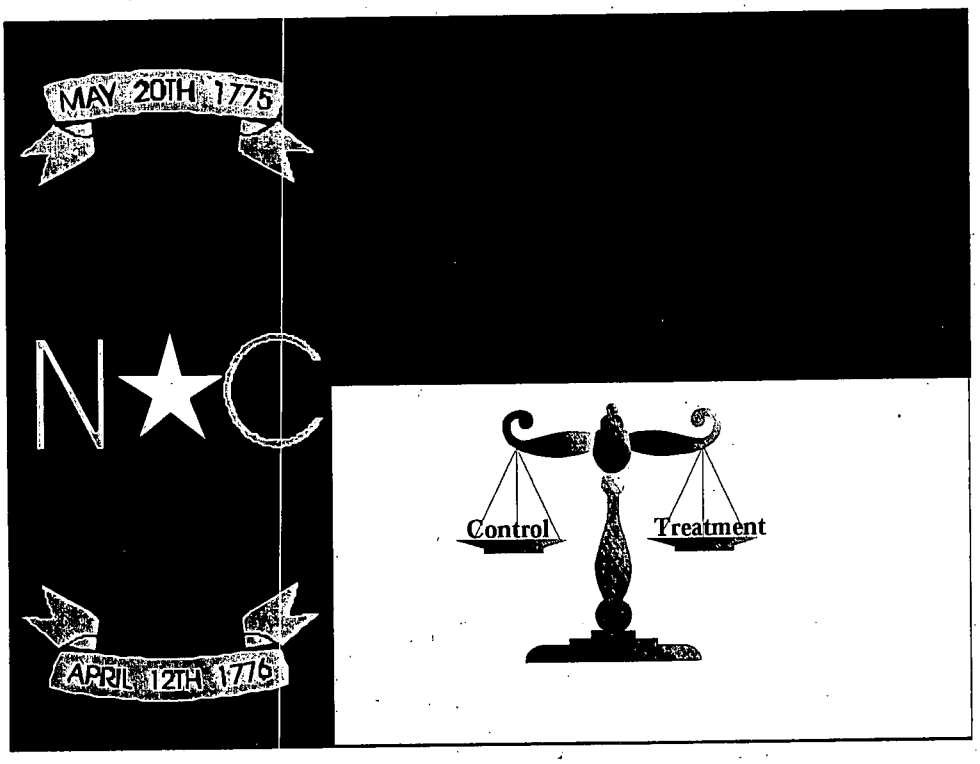
Attachment B



Annual Report

Fiscal Year 1997-1998

James B. Hunt, Jr.
Governor

Mack Jarvis
Secretary of Correction

Robert Lee Guy
Director

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(1997-1998 Annual Report duplicated using inmate labor at a cost of $1.63 per book)

NORTH CAROLINA DIVISION OF COMMUNITY CORRECTIONS
FISCAL YEAR 1997-1998

The North Carolina Department of Correction is embarking on a bold new approach to effectively manage criminal offenders in the community. Under a department wide reorganization plan, the Division of Adult Probation and Parole has incorporated the Criminal Justice Partnership Program, the IMPACT Program and the IMPACT Aftercare Program into the "new" Division of Community Corrections. The division's mission remains to protect society by applying necessary control over the offender while at the same time coordinating community resources to enable those under our supervision the opportunity to reform, support their families, pay restitution or reparation to their victims and become productive, law abiding citizens.

With the addition of the Partnership Program, the IMPACT and IMPACT Aftercare Program, and the development of residential community corrections, the Division of Community Corrections will encompass a full range of intermediate and community sanctions. These sanctions provide quality supervision and control at an expense considerably below the cost of incarceration, while reserving prison space for the violent and non-conforming offender. This extensive new policy includes tough requirements for the offender sentenced to the more severe "Intermediate Punishments." It also maintains traditional probation supervision for the "Community Punishment" offender. Together with prisons, intermediate sanctions and community probation have formed a progressive ladder of punishments to effectively control, treat, and hold offenders accountable for their actions. Other major activities this year include:

- Case Management Task Force – A task force was formed to recommend new case management policies. The Intermediate Case Management Plan will include new classes of officers, with higher levels of training and experience, who will supervise Intermediate Punishment cases, probation violators, and post-release supervision cases. These Intermediate Probation/Parole Officers will conduct the vast majority of offender contacts in the field and will maintain caseloads of 25 (intensive supervision) or 60 (all other intermediate sanctions). The Community Case Management Plan will also include a new class of officer to supervise community punishment cases that require fewer field contacts. The Community Probation/Parole Officers will carry a caseload of 90 offenders.

- Office Safety Package - On May 27, 1998 the Director sent an administrative memorandum to the field announcing the Officer Safety Package, which became effective July 1, 1998. The package itself includes equipment, training and policies that enhance officer safety. Chief Probation Officers, Intensive, Surveillance and Intermediate Officers will qualify to regularly carry a firearm during the performance of their duties along with OC Pepper Spray, radios, identifying clothing and body armor just to name a few. A new Use of Force Model, Post Incident Reporting Procedure and revised Firearms Policy have been approved for the Division. Staff safety is a major concern and top priority of the Department's leadership.

- Merit-Based Hiring - The Department of Correction implemented a new merit-based hiring system along with the other executive departments in state government. The primary purpose of the merit-based recruitment and selection process is to ensure that positions subject to the State Personnel Act are filled with highly qualified individuals as determined by job related criteria and in the judgement of unbiased, objective, human resource professionals. The Division of Community Corrections has amended its recruitment, posting, screening, and selection process to ensure compliance with these new policies.

- Fugitive Task Forces – The Division is an active participant in the Violent Crimes Fugitive Task Force as part of the FBI's "Safe Streets Initiative". Its goal is to achieve maximum coordination and cooperation in bringing to bear combined law enforcement resources toward the location and apprehension of offenders.

- Substance Abuse Screening Program – The Substance Abuse Screening Program was reviewed and expanded this year. The purpose of this initiative is to identify illegal drug use so that appropriate treatment services may be made available to the offender, thus suppressing the offender's threat to society.

"The Division of Community Corrections 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."
Robert Lee Guy, Director

Division of Community Corrections
Leadership Team

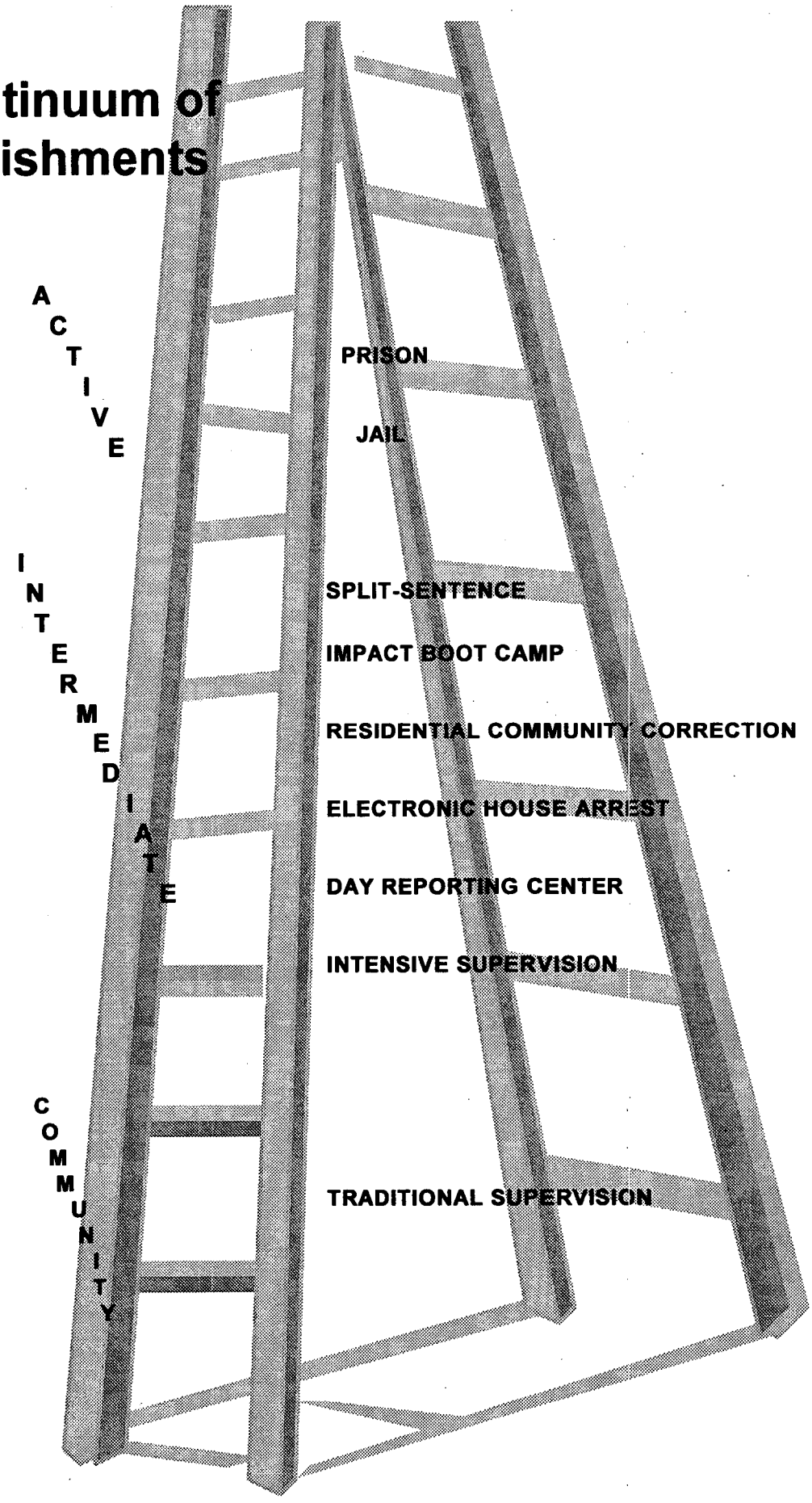
Robert Lee Guy - Division Director
Sherry Pilkington - Assistant Director/Field Services
Paul Gross - Assistant Director/Fiscal & Personnel

Glenn Mills - Division One Chief
James Fullwood - Division Two Chief
Roselyn Powell - Division Three Chief
Roger Haynie - Division Four Chief

As of July 1, 1998, the Division of Adult Probation and Parole employed 2,750 individuals. Field staff include:

Assistant Chiefs -	4	Intermediate Punishment Officers -	14
Judicial District Managers -	43	Probation/Parole Officers -	1,092
Chief Probation/Parole Officers -	184	Administrative PPOs -	150
Intensive Case Officers -	363	Hearing Officers -	6
Surveillance Officers -	363	Medical Lab Technicians -	12

A Continuum of Punishments



LADDER OF NORTH CAROLINA PUNISHMENTS

ACTIVE

- **PRISON/JAIL**
  Incarceration in a Prison or Jail

- **SPLIT-SENTENCE (SPECIAL PROBATION)**
  A court imposed Intermediate sanction for probationers that requires the defendant to submit to a special period of imprisonment, not to exceed six months, followed by a term of probation under Intermediate level of probation supervision.

INTERMEDIATE

- **IMPACT (BOOT CAMP)**
  A residential program designed for youthful offenders meeting the criteria who are initially sentenced either by the Court or who received this placement as a result of a probation violation. The offender will be discharged from this program to an intermediate level of probation supervision.

- **RESIDENTIAL COMMUNITY CORRECTIONS**
  A residential program where offenders are required as a condition of probation to reside in a specified facility for a specified length of time. The offenders may be ordered to participate in such activities as substance abuse treatment, social skills training, education, employment/employment training.

- **ELECTRONIC HOUSE ARREST**
  A program where the offender must wear a transmitting device and a monitoring device must be placed in the residence for the duration of the sanction. The offender is confined to the residence at all times, except for occasions that the Courts, Post-Release Commission and/or supervision officer may authorize.

- **DAY REPORTING CENTERS**
  A program where offenders are required, as a condition of probation to report to a specified facility on a daily basis for a specified length of time. The offenders may be ordered to participate in activities such as substance abuse treatment, anger management, cognitive thinking, psychological counseling, social skills training, education, employment/employment training, etc. Some offenders are also required to adhere to a daily program regiment and a curfew.

- **INTENSIVE SUPERVISION**
  A sanction that uses a team concept of officers with a reduced caseload as established by Division Management, targeting intermediate offenders through the Courts, Post-Release Commission and the violation process.

COMMUNITY

- **TRADITIONAL SUPERVISION**
  Probation for offenders sentenced under community punishment of Structured Sentencing. Offenders are monitored by their probation officer, must adhere to any court ordered conditions and meet with their probation officer on an established schedule.

DCC Performance Audit Results

During Fiscal year 97-98 a comprehensive performance audit was conducted by the State Auditor's Office of the Division as mandated by the 1997 General Assembly in Senate Bill 352, Section 19.13. The audit objectives were to:

- Review the organizational structure, staffing, and workload
- Examine personnel and patronage practices
- Review the relationships with other community correction programs
- Analyze the effectiveness of the agency
- Compare NC's program to other states

State auditors took approximately five months to complete the review, which also included:

- A review of the General Statutes and Administrative Code effecting the Division
- A review of all Division and Department policy and procedures
- Employee interviews, site visits, and interviews with outside agency personnel
- A review of all studies related to Division operations
- A review of the organizational structure, job duties, workload, time records, payroll, and personnel records

The audit report concluded that the Division has an efficient and effective organizational structure, with adequate staff. The audit found that the Division adheres to State Personnel Policy and practices and has developed and implemented effective administrative policies and procedures. In addition, the Division has well defined working relationships with other community correction agencies, and has responded timely and in an effective manner to the challenges posed by the implementation of structured sentencing.

The audit made several recommendations for improvements, including:

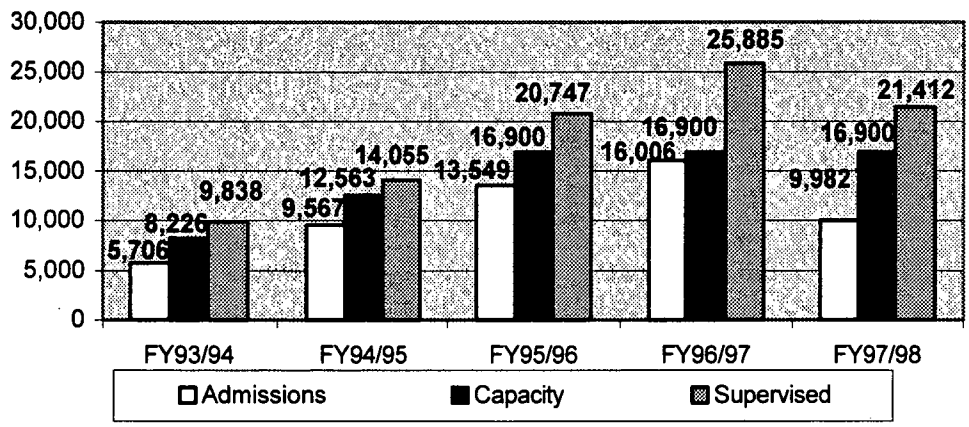
- A need to reclassify officer positions to better reflect the supervision needs of offenders under structured sentencing
- The need to implement a telecommuting program for officers, including the assignment of state vehicles to officers and the pursuit of shared office space
- The need to implement a statewide WAN/LAN system to facilitate telecommuting, with a recommendation of over $ 1.7 million in appropriations to accomplish the goal
- The need to computerize the case file and documentation process, with a recommendation of over $ 7.5 million in appropriations to accomplish this goal
- A need to train District Attorneys and Judges on the use and benefits of intermediate sanctions
- The need to develop an on-going training program

State Auditor Ralph Campbell, Jr. concluded the report by stating that "to the credit of the General Assembly, the Department of Correction, and the Division of Community Corrections, North Carolina has the reputation of being a leader and innovator in the handling of Probationers and Parolees".

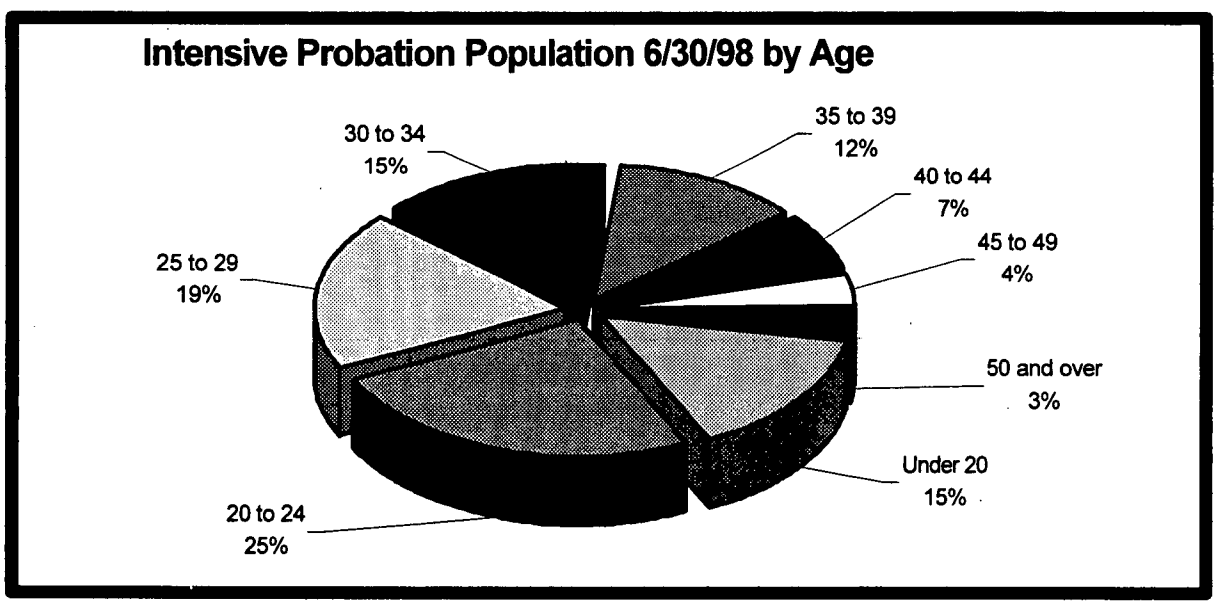
Intensive Supervision

Intensive Supervision and Split-Sentence Probation continue to be the Intermediate Sanctions most utilized by the courts. Intensive caseload goals are 25 per team. DCC has exceeded this capacity goal each of the last four years. This growth in Intensive Supervision is illustrated below:

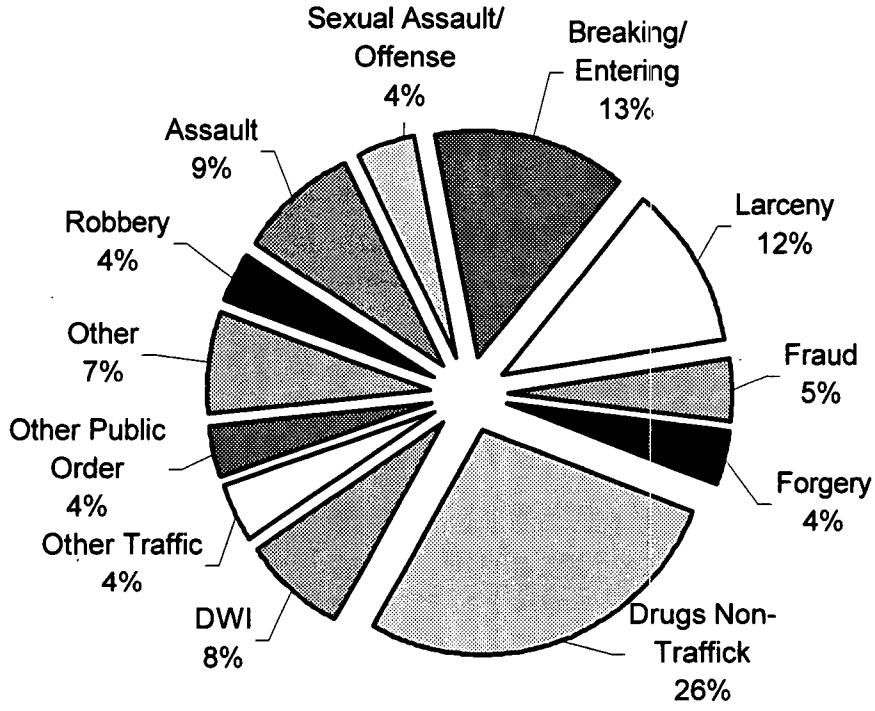
Intensive Admissions/Supervised/Capacity Comparisons FY 93/94 to FY 97/98



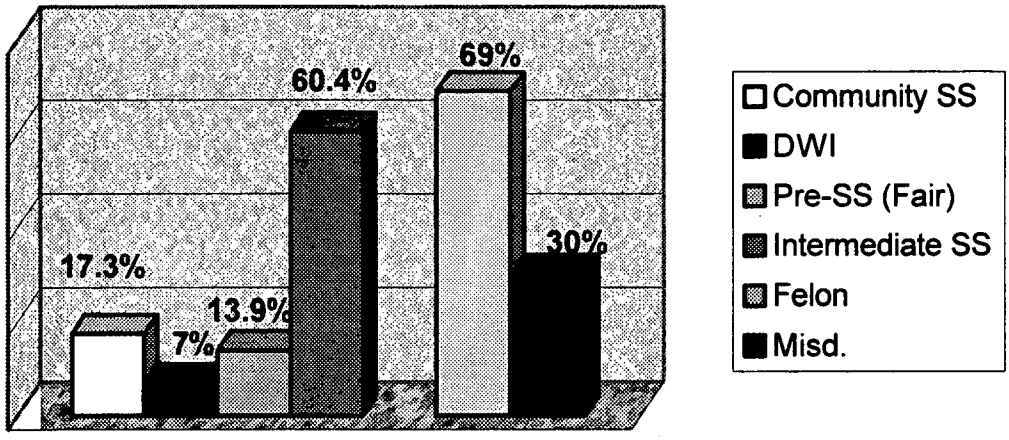
The following charts are snapshots of the Intensive Probation Population on 6/30/98:



Intensive Probation Population 6/30/98
by Crime Category:



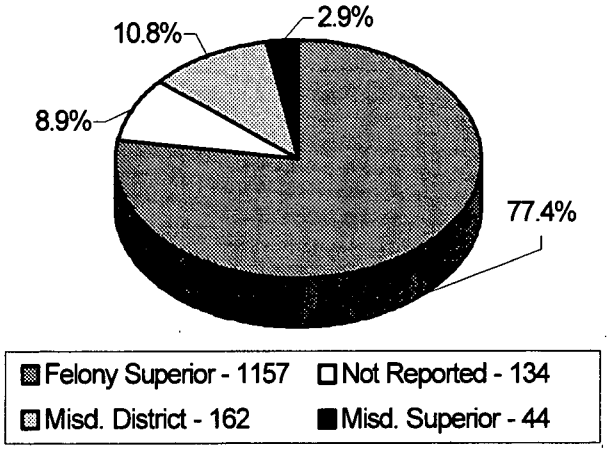
Intensive Probation Population 6/30/98
Types of Sentences



IMPACT (Boot Camp)

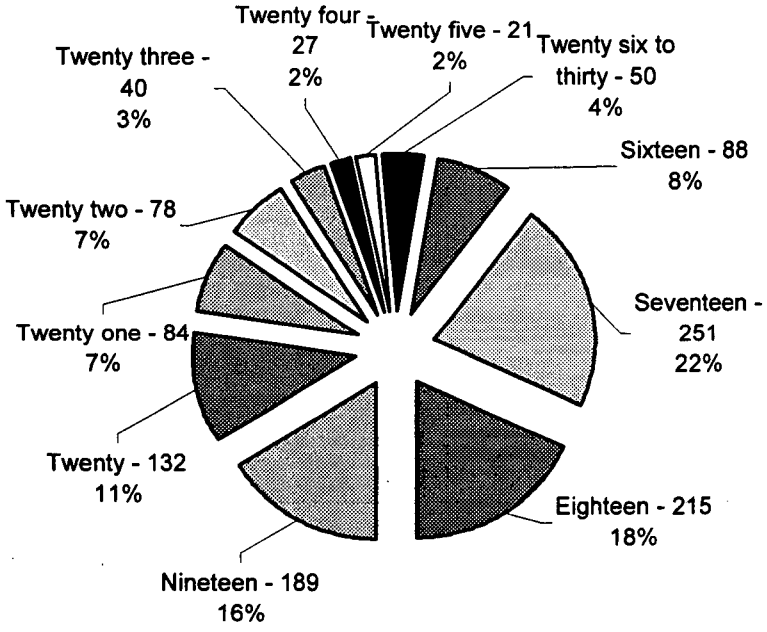
The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) is a condition of split sentence/special probation [Statutory Authority : G.S. 15A-1343(b1)(2a), 15A-1343.1] in which the offender must serve part of an active sentence (ninety to one-hundred twenty days) and then remain on supervised probation.

IMPACT Referrals By Sentence Type FY 97-98



The goal of the IMPACT Program is to instill discipline, work ethic and self-confidence by the administration of a strictly regimented, work-intensive, para-military system providing youthful offenders incentive to change their behavior and develop new positive attitudes.

IMPACT Graduates by Age FY 97-98



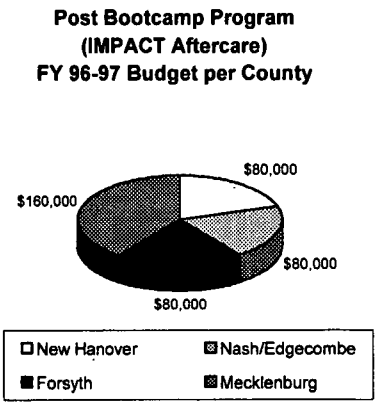
The male classes intake up to 30 participants twice monthly, and the female classes intake once a month with a capacity of 20 offenders (*the first female class began June 8, 1998).* These probationers (trainees) are required to exercise, drill, work and attend school. At least forty-five minutes a day are devoted to calisthenics, thirty minutes to drill, seven hours for work/labor and two hours a day for school. They also receive counseling and development in the areas of social, job and financial skills.

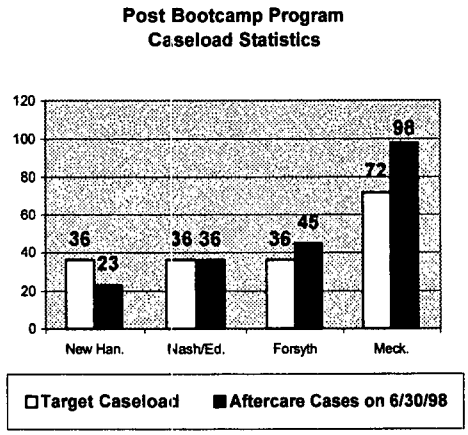
IMPACT is considered an Intermediate Punishment for male offenders and female offenders between the ages of sixteen and thirty, with no restriction due to previous periods of incarceration.

Trainees who successfully complete the program are awarded certificates of completion and recognized for various achievements. After completing the program, the trainee is released in to the community to complete the remainder of his probationary sentence.

Post-Boot Camp Probation Program (IMPACT Aftercare)

The Department of Correction has formed a partnership with the Substance Abuse Section, DMH/DD/SAS, Department of Health and Human Services to develop a demonstration aftercare program in four sites - **Edgecombe/Nash Counties, Forsyth County, Mecklenburg County and New Hanover County**. The Division of Community Corrections 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.





Program Activities : Most all of these activities take place with little or no charge by local agencies, businesses and community colleges due to the collaborative relationships in the counties.

GROUP

Jogging	Tag Football	Camping	Canoeing	Swimming
Hiking	Ropes Course	Museums	Libraries	Science Centers

LIFE SKILLS TRAINING

Parenting	Home Management	Personal Hygiene
Nutrition	Financial Management	Time Management

INDIVIDUALIZED PERSONAL SKILLS TRAINING

Communication Skills	Interviewing Skills	Problem-Solving
Anger Management	Writing Skills	Values/Personal Responsibility

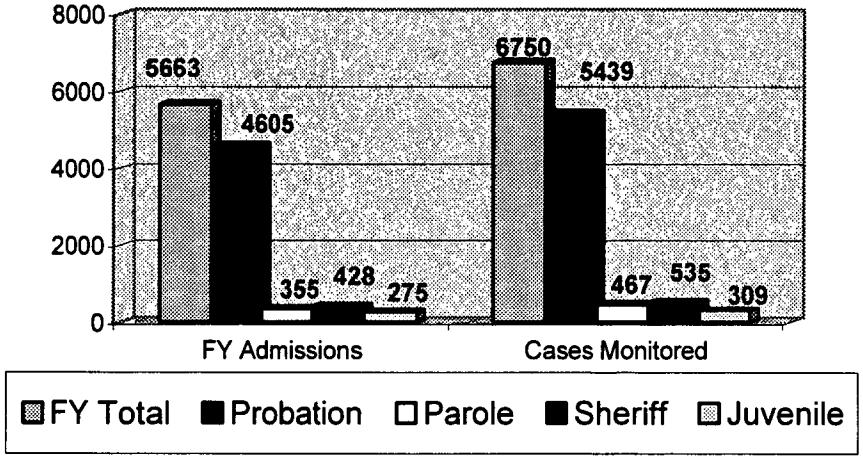
Program Accomplishments :

Salvation Army Wood Lot - participants cut and delivery wood to the needy.
Adopt-a-Highway - county groups have adopted several sections of highway to take care of and keep clean.
Habitat for Humanity - several counties have been involved in building houses.
Donated Laser Surgery - one county had a local dermatologist donate over $4,000 worth of laser surgery to remove gang-related tattoos from participants who are endeavoring to turn their lives around.
Adopt a Park - group adopted a local park to keep clean.
Church Clean Up - group goes around the community and cleans the inside of churches including sweeping, moping, dusting, cleaning windows, etc.
Visit Rest Home - group visited elderly shut-ins at a local rest home bringing them home made gifts of cards and storage boxes covered in pretty paper.

Electronic House Arrest and Monitoring Services:

Electronic House Arrest (EHA) is an intermediate punishment that uses radio and computer technology to assist officers with offender control. The enhanced control techniques used ensure heightened supervision and accountability through 24-hour monitoring along with immediate response to violations. This combination of technology and supervision response provides for one of the most restrictive forms of offender supervision.

EHA for Fiscal Year 97-98



During fiscal year 97-98, the Division Monitoring and Technology Center continued to provide EHA monitoring services to other criminal justice agencies. Services were provided to 20 agencies, including Sheriff Departments, The Administrative Office of the Courts-Juvenile Services Division, and to various Criminal Justice Partnership pre-trial programs.

Monitoring services were provided for 309 juvenile offenders during the year, allowing Juvenile Services officials to supervise those offenders in the community with enhanced control and reserving detention bed space to assist in addressing the violent juvenile offender. Monitoring Services were provided for 535 offenders in the other 19 agencies programs during the year. In these programs, monitoring services is provided at no cost to the agency under the provisions of HB2290/SB38 of the 1989 session of the General Assembly. This provision allows DCC to assist local governments in avoiding costs for both monitoring services and jail incarceration for a selected population of low risk pre-trial offenders.

Local Programs	Total Cases Monitored	Cumulative Days of Service	Monitoring Cost Avoidance	Jail Cost Avoidance
19	535	20,062.5	$39,121.88	$802,500.00

*Case data is from the Monitoring & Technology Center records. Costs are based on $1.95 per day for monitoring services (standard private sector rates) and $ 40.00 per day for jail costs (DOC costs reimbursed to counties for space usage and NC Sheriffs Association estimate).
In addition to monitoring services for established programs, the Division through the Monitoring and Technology Center also provides monitoring services by use of a special agreement

memorandum when requested to do so by the court or local District Attorney. In these situations, enhanced supervision is needed for a pre-trial case but the local sheriff or CJPP program does not operate an EHA program. DCC provides both the monitoring services and equipment at no cost. During fiscal year 97-98, services were provided for counties with these needs.

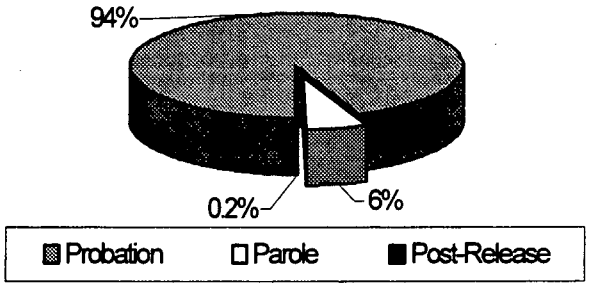
Counties	Total Cases Monitored	Cumulative Days of Service	Monitoring Cost Avoidance	Jail Cost Avoidance
4	9	1,413	$4,239.00	$56,520.00

*Case data is from the Monitoring & Technology Center records. Costs are based on $3.00 per day for monitoring services and field EHA equipment (standard private sector rates) and $40.00 per day for jail cost (DOC costs reimbursed to counties for space usage and NC Sheriffs Association estimates).

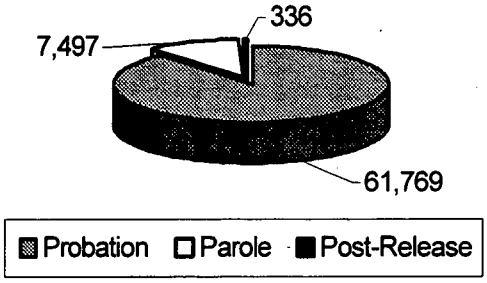
Also a part of the Center's operation is the Division's DCI unit, which provides DCI-NCIC services 24-hours a day to the Division's field operations as well as to law enforcement agencies. The largest DCI-NCIC operation in the State, the unit maintains data for more than 13,000 offenders wanted by the Division. In addition, the unit provides employment criminal history background record checks for 12 administrative offices of the Department, allowing those offices to avoid costs associated with the record check function.

The Monitoring and Technology Center will continue to assist the Division to streamline operations and reduce costs by effectively balancing technology and personnel.

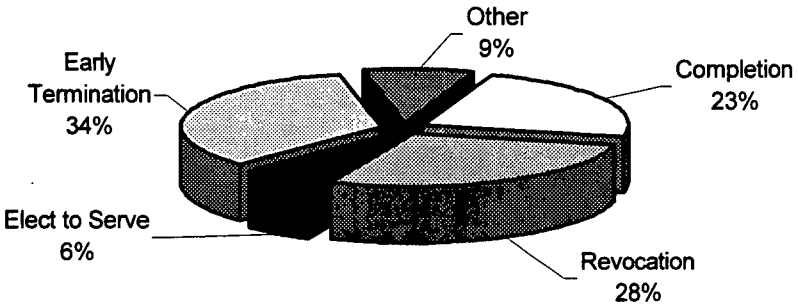
Offender Population (6/30/98)
Total Offenders = 114,410



Offender New Admissions
Total New Admissions = 69,602



Exits from Probation Supervision

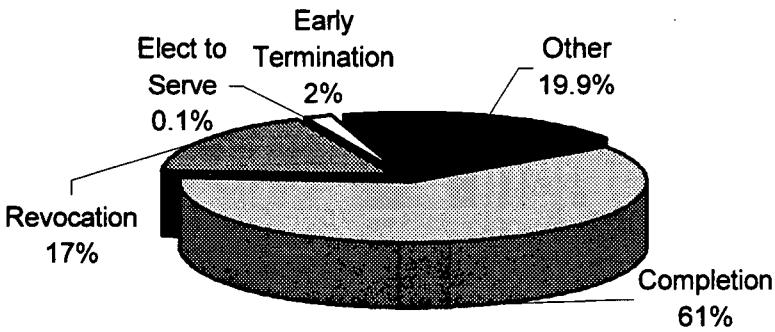


Exit Numbers:

Completions – 13,928
Revocations – 16,551
Elect to Serve – 3,812
Early Termination – 20,433
Other – 5,098

Total Exits – 59,822

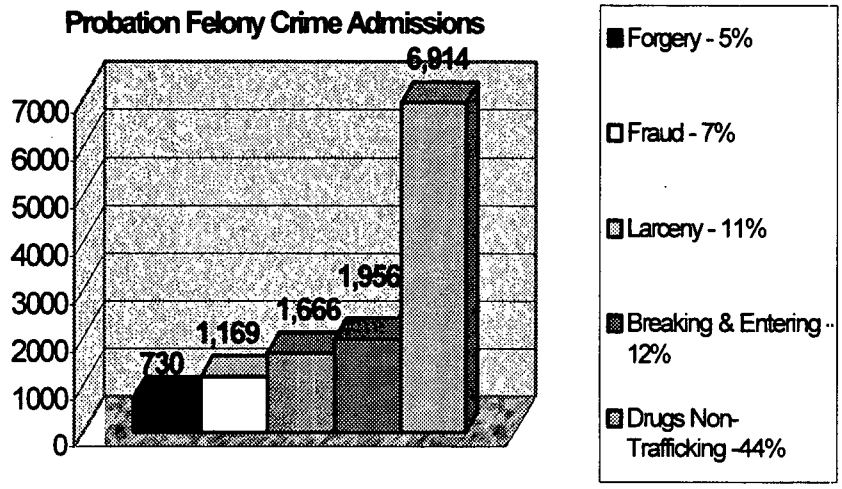
Exits from Parole/Post-Release Supervision



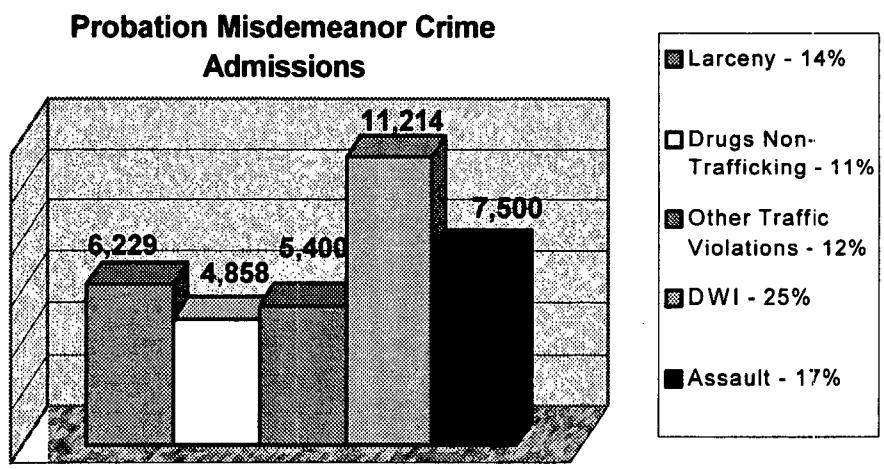
Exit Numbers:

Completions – 6,704
Revocations – 1,848
Elect to Serve – 18
Early Termination – 238
Other – 2,218

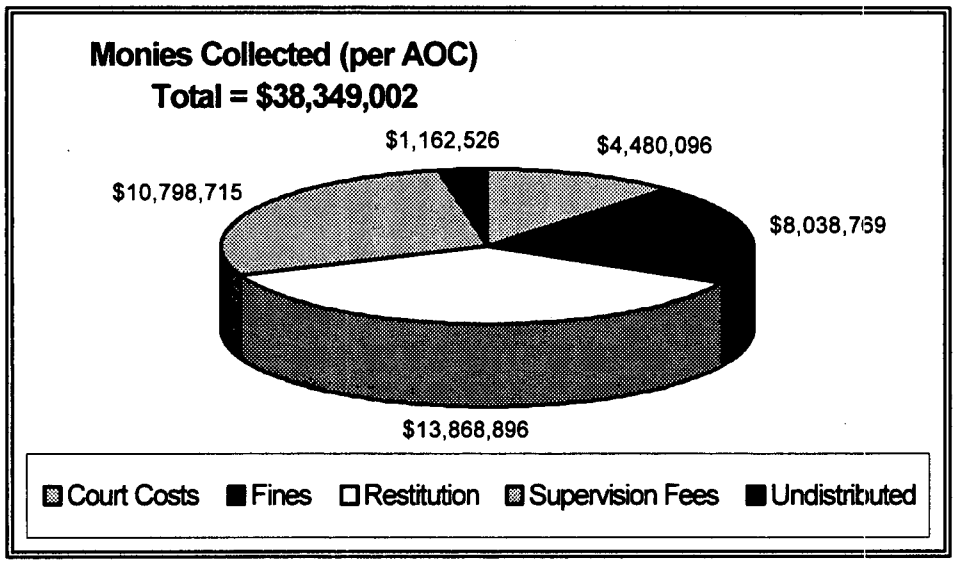
Total Exits – 12,359



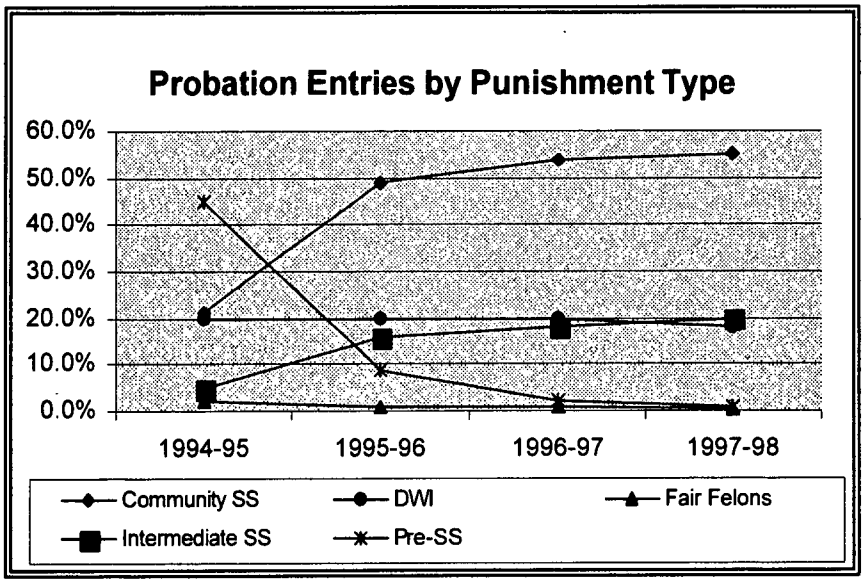
Five Most Frequently Committed Felony Crimes for Offenders Received to Probation Supervision for FY 1997-1998, and the Percent of Total Felony Admissions they Comprise.

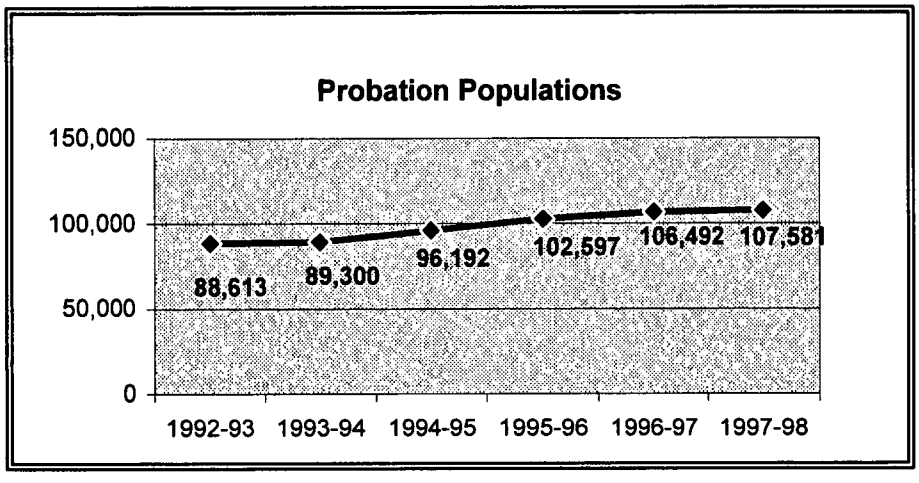


Five Most Frequently Committed Misdemeanor Crimes for Offenders Received to Probation Supervision for FY 1997-1998, and the Percent of Total Misdemeanor Admissions they Comprise.

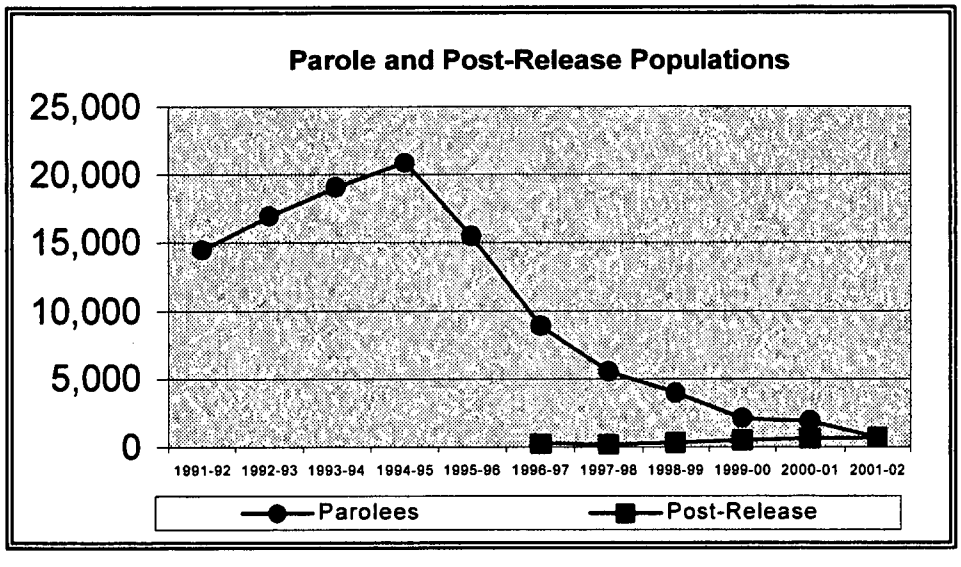


The Division was responsible for enforcing the payment of 13.8 million in restitution by offenders for the victims of crime in FY 1997-1998. Supervision Fees are paid to the state of North Carolina's general fund.





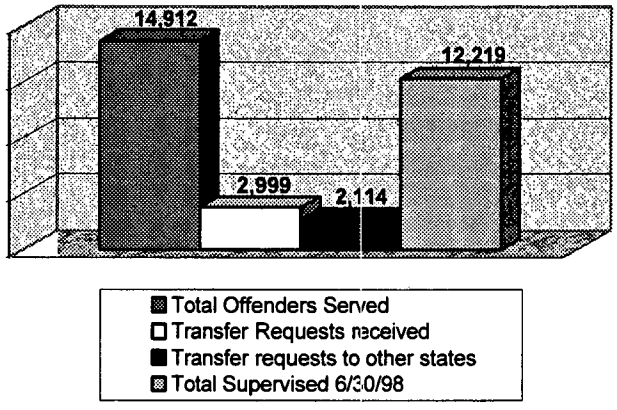
The Probation population in NC continues to increase, however, caseload averages are under control due to the additional resources provided by the General Assembly and the good case management practices of the DCC field staff. Parole population is declining according to the Sentencing Commission projections shown below:



➢ The Interstate Compact for the Supervision of Probationers and Parolees

- Provides the sole authority for regulating the transfer of adult probation and parole offenders across state boundaries.
- Primary goals - community protection and the rehabilitation of the offender.
- All fifty states, the District of Columbia, Puerto Rico and the Virgin Islands are signatory.
- Processes transfer requests, background information requests, supervision reports, violation reports, investigation reports, discharges and terminations.

Interstate Compact Accomplishments

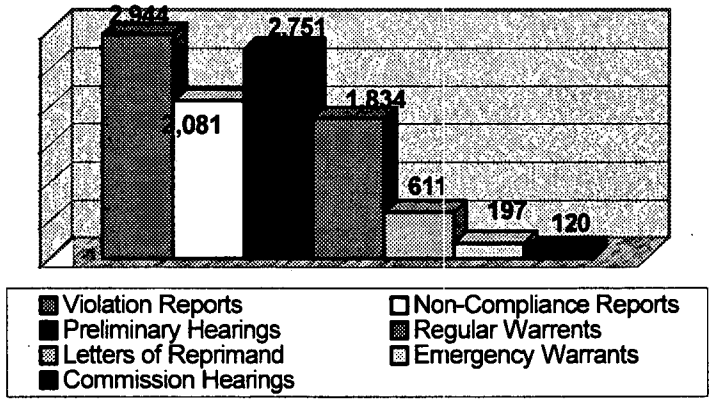


In FY 1997-1998, the Interstate Compact created a tracking system to monitor sex offender cases throughout Interstate Compact process and transactions, and began the automation of ISC transactions.

➢ Post-Release/Parole Supervision

- Serves as liaison between the "field" and the Post-Release Supervision and Parole Commission
- Processes post-release and parole decisions relative to violations, condition modifications, revocations, non-compliances, letters of reprimand, hearings, reinstatements, recessions, absconders, new convictions, captures, and discharges.

Post Release/Parole Supervision Office FY 97-98 Accomplishments

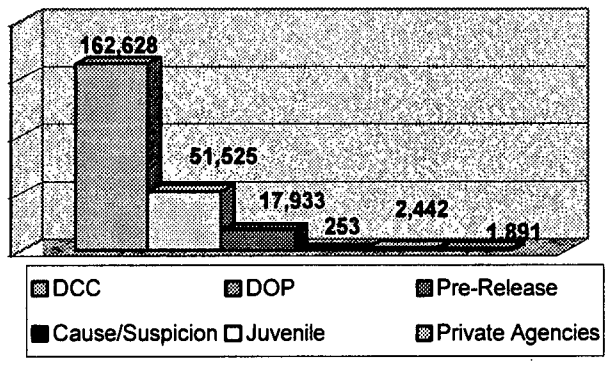


- Assists Probation/Parole Officers by securing approval for emergency warrants from a Post-Release Supervision and Parole Commission member during the normal workday.
- Prepares paperwork and schedules preliminary hearings on each parole violator that is arrested within seven work days after the arrest occurs
- Daily contact is maintained between the Post-Release/Parole Supervision Office and Chief Probation/Parole Officers

➢ Substance Abuse Screening Services

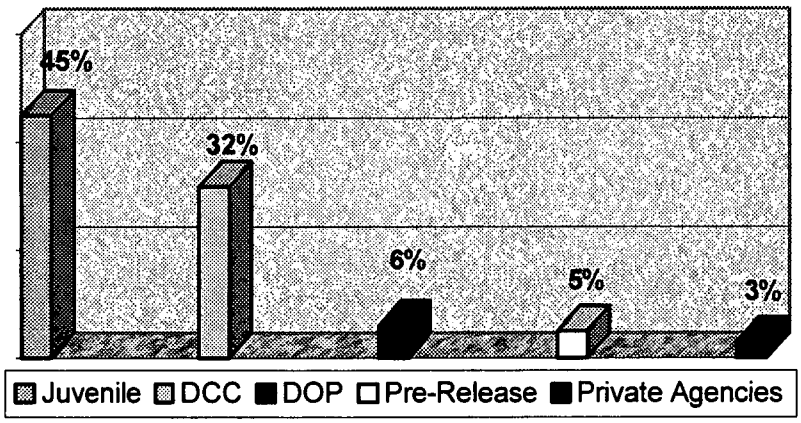
The North Carolina Division of Community Corrections Substance Abuse Screening Program is a comprehensive program providing DCC officers and other agencies with a variety of screening methods to aid them in supervising and controlling the use and abuse of illegal substances among the offender population.

Specimens by Client Agencies for FY 97-98



Given the undeniable correlation between substance abuse and criminal behavior, our top priority is to focus on diminishing the abuse of alcohol and other drugs within our communities in order to enhance public safety. The Substance Abuse Screening Program has proven to be an effective tool in the identification of offenders in need of treatment and rehabilitative services. Increased screening has been shown to be a deterrent to continued substance abuse.

FY 97-98 Percent of Positives by Agency

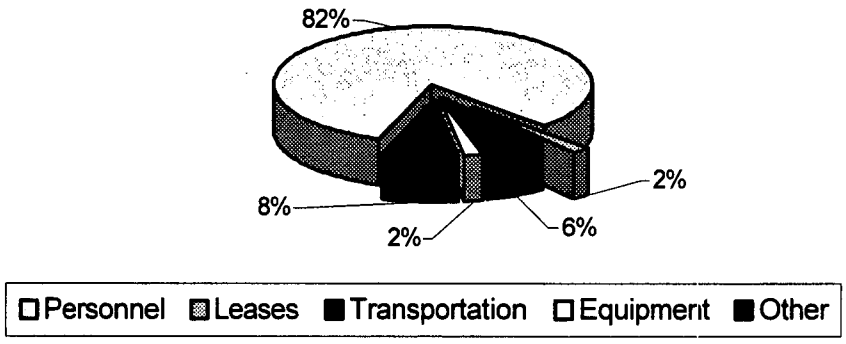


Our program continues to expand, while we monitor the current utilization of existing resources to ensure they are being used in the most effective manner. Evaluating and reviewing new types of technology allows us to enhance our program and remain abreast of the latest developments for screening and monitoring substance abuse. The laboratory analyzers have been upgraded, allowing us to simultaneously achieve a greater throughput and maintain the accuracy, proficiency and integrity for which we strive. Non-Instrument Screening Devices are also available for field use, providing officers with an access to immediate drug screen results.

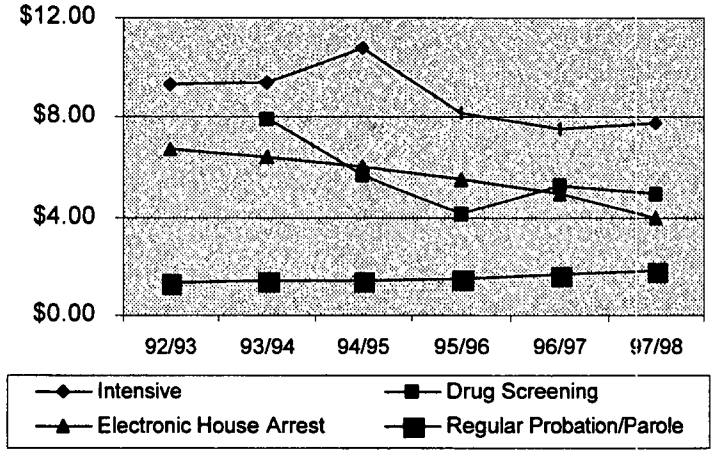
The Division of Community Corrections has six Substance Abuse Screening Laboratories, providing service to North Carolina's probation and parole officers and a host of other agencies. Some of the agencies include the Division of Prisons, the Administrative Office of the Courts-Juvenile Services Division, the DOP Pre-Release Program and Alcohol and Chemical Dependency Program, the Day Reporting Centers, Drug Treatment Courts, Mecklenburg County Work Release and Restitution Center and the SARGE Program.

During the fiscal year, the lab's services to other agencies generated more than $275,900 in revenues to off set other expenses. The volume of specimens screened (FY 97-98 total, 236,175) continue to increase, while the cost per screen decreased (FY 96-97 cost was $5.28 per sample vs. a decrease in 97-98 to $3.97 per screen). The number of Laboratory personnel remain constant, allowing us to satisfy our commitment to provide cost effective services with the highest level of quality. At the close of this fiscal year, Division leadership is in the process of evaluating an alcohol pilot program and other technology to further enhance our program.

DAPP Budget Fy 96-97 Breakdown

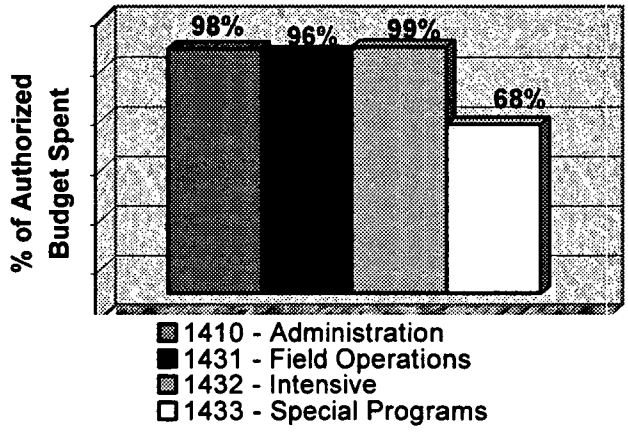


Trend for Ave. Cost per Day per Offender



- Parole Fund Codes Merged with Probation for FY 96-97
- Drug Screening Data is not available for 92/93

DCC Budgetary Expenditures FY 96-97



BUDGET:

The Division of Community Corrections' budget is broken down into five categories. These categories include: Personal Services; Purchased Services; Supplies; Property, Plant and Equipment; and Other Administrative Expenses. Personnel makes up the bulk of the DCC's budget. A few of the big-ticket line items included in this category are: Rent/Lease-Buildings/Offices; Rent/Lease-Motor Vehicles; Office Equipment; and Purchase for Resale purchases of data processing supplies and equipment and radios obtained from the DOC Warehouse inventories. All amounts listed below represent non-personnel costs only.

Fund	Budget	Fiscal Year to Date (June 30, 1998)	Encumbrances	% Authorized
1410	$ 635,792.00	$617,323.44	$ 43,102.42	.97
1431	$7,786,241.00	$6,860,005.69	$1,315,666.17	.88
1432	$4,813,131.00	$4,407,039.99	$442,315.19	.92
IMPACT East	$467,133.00	$405,096.94	$27,271.47	.87
IMPACT West	$342,781.00	$241,248.47	$12,994.14	.70
IMPACT Female*	$449,312.00	$88,927.87	$27,146.22	.20
EHA	$768,621.00	$756,145.80	$8,895.36	.98
Drug Screening Labs	$865,022.00	$569,147.00	$107,990.00	.66

*The IMPACT Female program was funded for November 1, 1997, but did not get started until June 8, 1998, thus accounting for the low expenditure rate.

PROGRAM COSTS:

Program	FY 96-97 Costs	FY 97-98 Costs
Regular Probation	$1.62 per day	$1.78 per day
Intensive	$7.55 per day	$7.78 per day
Electronic House Arrest	$4.96 per day	$4.92 per day
Drug Screening	$5.28 per sample 193,950 samples run	$3.97 per sample 236,176 samples run

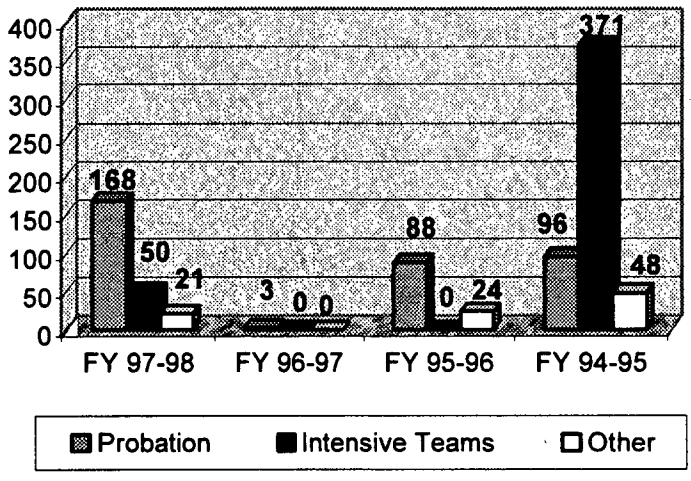
Lease Management:

The Division of Community Corrections' lease management strategies continue to include the consolidation of leases within the same county wherever it is operationally practical. The consolidation of leases continues to be a primary goal of the Division of Community Corrections. The Division's leases have increased from 137 at the end of FY 96-97 to 139 at the end of FY 97-98 for a 2% increase. This slight increase can be attributed to the 242 new positions received by the Division during FY 97-98.

	Totals as of 1/31/95	Totals as of 7/30/97	Totals as of 6/30/98	FY 97-98 % Increase
Total Number of Leases	180	137	139	2%
Total Square Footage	159,080.30.	219,799.30	236,295.49.	7.5%
Total Annual Cost	$1,356,020.61	$2,050,724.40	$2,239,635.68	9%
Average Cost per Sq. Ft.	$8.52	$9.33	$9.48	1.7%

➢ **Personnel Transactions in Fiscal Year 1997-1998**

Personnel Growth by Legislative Appropriation FY94-95 to 97-98



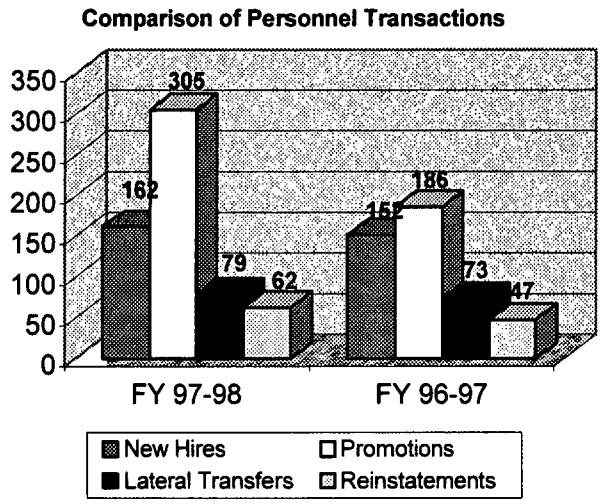
As anticipated, DCC again saw substantial growth in personnel during FY 1997-1998. This growth continues as a result of the Special Crime Session held by the 1994 North Carolina General Assembly. An outcome of the special session was the awarding of five hundred and fifteen new positions to DCC in FY 94-95, one hundred and twelve in FY 95-96, three in Fiscal Year 96-97, and two hundred seventy-six in FY 97-98 (*not shown in the chart left are 37 additional positions acquired when IMPACT East open the Female Unit in June 1998*).

Listed below is a breakdown of certified and non-certified positions at the end of FY 97-98:

TOTAL POSITIONS AT THE END OF FISCAL YEAR 1997 - 1998:	
CERTIFIED:	2,347
NON-CERTIFIED:	403
TOTAL POSITIONS:	2,750

In addition to the new positions granted by the Legislature, two areas previously under the umbrella of the Division of Prisons were transferred to Division of Community Corrections. IMPACT was transferred to DCC effective November 1, 1997. IMPACT currently has three units - two male units (one located in Hoffman, Richmond County and one located in Morganton, Burke County), and a female unit located at IMPACT East in Hoffman. Also effective May 1, 1998, the Criminal Justice

Partnership Program was transferred to DCC. These two programs increased DCC's position total by the end of the fiscal year by one hundred and ninety-two. As a result, DCC's total number of employees has increased from 2,332 at the end of FY 96-97, to 2,750 at the end of FY 97-98.



With the increase in positions, DCC personnel transactions increased substantially (approximately 31%.)

Major Personnel Projects

DCC Personnel was involved in several major projects for FY 97-98:

- The first project involved an effort to decentralize DCC's Personnel activities due to the number of staff currently employed by our Division. Four Personnel Technician positions were approved effective October 1, 1997. One of these positions was placed in each of the four Division Offices. These Personnel Technicians are responsible for all personnel functions to include recruitment, employment processing, and salary administration associated with the Merit-Based Hiring Policy. Additionally, these technicians are responsible for all personnel functions such as employee benefits, employee relations, etc.

- Efforts were coordinated between Fiscal/Personnel Services, Field Operations and DOC Personnel in planning and implementing procedures to transfer the IMPACT program to the Division of Community Corrections from the Division of Prisons.

- The same efforts involved with transferring IMPACT from DOP to DCC were undertaken on behalf of the Criminal Justice Partnership Program. The program was transferred to our Division effective May 1, 1998; however, fund code changes were not made effective until the new fiscal year.

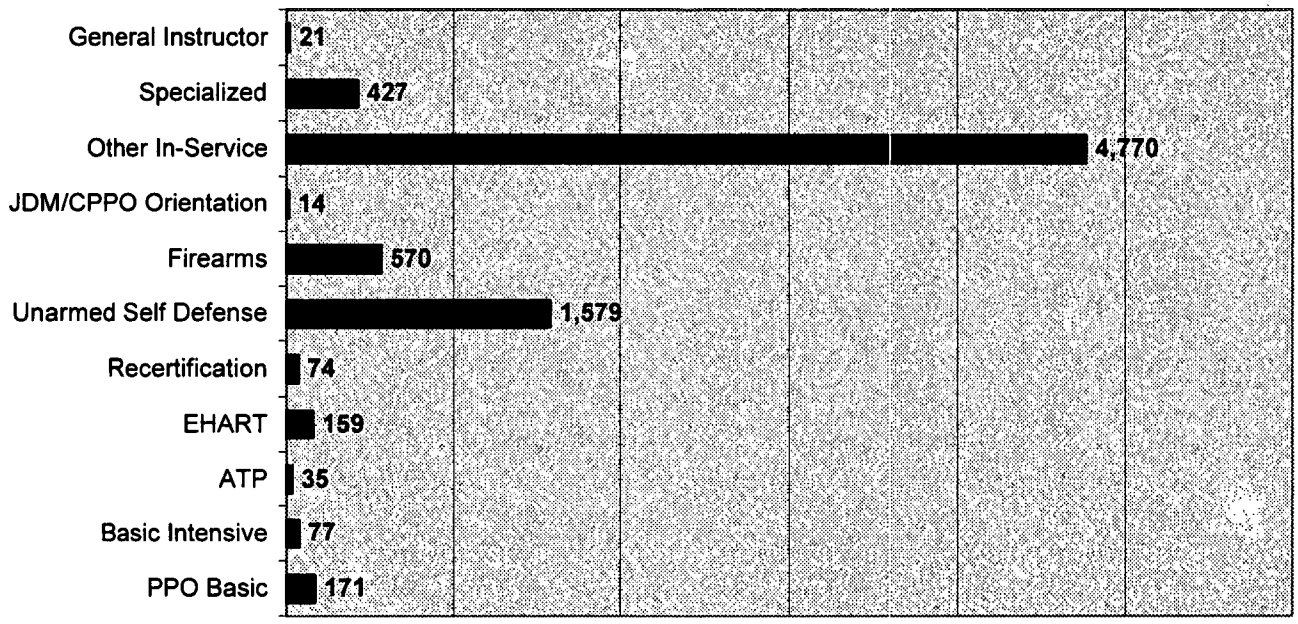
The Personnel Task Force, which was appointed by the Director in June 1997, continued its task of reviewing the personnel process in an effort to more effectively support the Governor's Merit Based Hiring Process. This Task Force was somewhat revamped in May of 1998 and was charged with the task of reviewing and revising DCC's hiring policies and procedures. This was an on-going procedure for the remainder of the FY 97-98, with the final product presented to the Director in early June 1998. Training on these new procedures for field staff is scheduled for the fall of 1998.

Due to DCC's re-organization, some positions were abolished and others were reassigned or reallocated. The position of Assistant Director of Administrative Services was abolished and the duties involved were reassigned to the remaining two Assistant Director positions and other members of the Director's Administrative staff. Four Assistant Division Chief positions and four Pre-Parole Investigator Officer positions were also eliminated.

The Division Leadership Team has been enhanced with the addition and/or reassignment of several positions. Timothy Moose was named Chief of Program Services, Guilford Leggett was named Chief of Residential Services, and Mildred Jones is the new Administrator of the Substance Abuse Screening Program. In Personnel/Fiscal Services area, Kevin Wallace was reassigned as the Division's Correctional Training Coordinator and Steve Grubbs was reassigned as the Telecommunications Coordinator for DCC.

➢ **Staff Training Activities for FY 97-98:**

Number of Staff Training Participants During FY 97-98



The Division of Community Corrections added twenty-one (21) Adjunct Instructors this year to a base group of approximately one hundred-sixty (160). These Instructors, under the supervision of the Correctional Training Instructors located in each Judicial Division, teach a variety of topics, such as Unarmed Self Defense, Firearms, Arrest, Search and Seizure and Blood-borne Pathogens to name a few. Cumulatively our staff has received over 31,000 hours of In-Service training this year, as well as 45,000 hours of training provided by the Office of Staff Development and Training. One hundred seventy-one (171) officers completed Probation Parole Officer Basic Training during fiscal year 97-98, seventy-seven (77) completed Intensive training, thirty five (35) Advanced training and one hundred fifty-nine (159) Electronic House Arrest Response Team (EHART) training.

The Officer Safety Task Force recommendations from September of 1997 have resulted in the implementation of a complete Officer Safety Package. This package includes standard equipment and training requirements for each Probation/Parole Officer according to their position's classification. Body armor, firearms, OC Pepper spray, and hand held communication devises are examples of the safety equipment issued. Another important recommendation of the '97-'98 Task Force was an aggressive mandatory annual In-Service training program consisting of over seventy (70) hours for each qualified officer.

The Division of Community Corrections believes that well trained employees are more productive, safe and prepared to take on the daily challenges presented by the current offender population.

NORTH CAROLINA DIVISION OF COMMUNITY CORRECTIONS
SPECIAL PROJECTS AND INITIATIVES

* Probation/Schools Community Partnership: The Division is presently engaged in a collaborative agreement with many school systems throughout the state placing specialized Probation Officers in high schools. This program is designed to increase contact with teachers, guidance counselors and principals to ensure offender compliance, including staying in school, and enhance school safety. Currently there are over 150 officers involved in this program.

* Sex Offender Control Program: DCC established the Sex Offender Task Force in November of 1997 to develop a strategy to supervise sex offenders as a specific group in need of special management practices. In 1997 there were 1,095 new entries to DCC of offenders with crimes that are defined as sex offenses. Case management refers to the coordination and implementation of a variety of activities directed toward supervision, treatment and management of the behavior of an individual offender. The aim of this new approach is to hold the offender accountable for the damage caused by his/her perpetration of sexual abuse and to prevent further victimization.

* Community Policing/Probation Program: The Division has initiated a collaborative interagency effort with law enforcement agencies entitled "*Taking Back Our Streets.*" It is designed to implement a team concept of closely monitoring offenders by sharing pertinent information and coordinating surveillance efforts. The participation of DCC officers in the community is also accomplished by their actively assisting local police and sheriff departments with community enrichment programs. This program is active in ten Judicial Districts (10, 26, 18, 19A, 12, 14, 5, 2, 25B, and 29).

* Violent Crimes Fugitive Task Force: The Division began this project a few years ago by becoming an active participant in the Charlotte Violent Crimes Fugitive Task Force as part of the FBI's "Safe Streets" initiative. Its goal remains to achieve maximum coordination and cooperation in bringing to bear combined law enforcement resources toward the location and apprehension of offenders. Eight officers from four counties are now involved. In addition to Mecklenburg County, this fiscal year DCC has joined FBI Task Forces in Wake, Guilford and Forsyth Counties.

* Domestic Abuse Offender Control Program: There were 3,307 new entries to DCC supervision in 1997 of offenders convicted of domestic violence crimes. During the past few years, the courts have recognized a need to provide specialized hearings for domestic violence cases, both civil and criminal. In conjunction with these efforts, DCC has established specialized officer caseloads in Forsyth, Mecklenburg and New Hanover Counties to supervise offenders convicted of these types of crimes. The intervention of the officer, the effective use of supervision tools designed to control the offender, and the use of treatment resources can enable the cycle of violence to be broken and provide an opportunity to have a positive impact upon the offender.

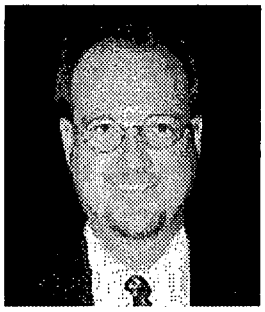
* Juvenile Services Support: The Division has extended its present contract with the Juvenile Services Division (AOC) to provide drug screening and electronic monitoring services for juvenile offenders. In FY 1997-1998, DCC performed 8,800 drug screens and electronically monitored 309 juvenile offenders.

* Automated Case Management Project : The Division of Community Corrections completed 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 was a federally funded grant project through the North Carolina Department of Crime Control and Public Safety. The outcome of this grant was be the development of a process for interfacing with the Department of Correction's offender records management information system (OPUS) in a "real time" fashion so that the most up-to-date information is available to field officers as they perform their supervisory duties. In addition, case notes can be entered and accessed in remote locations, eliminating the reliance on the "hard copy" paper files available in the Unit office. Other benefits to upgrading the Division's case management technology include the ability to store digital photographs of offenders. The entire Henderson County criminal justice community participated in this project to enhance the vital exchange of information between local criminal justice agencies. The Division is now looking to expand the system to other Judicial Districts during FY 98-99.

* Decision Support Grant: DAPP Pilot Project: The Division is the focus of an important component of the Department's Office of Research and Planning's Decision Support Grant Project. Our goal is to effectively implement an on-going evaluation system through the development of an interactive management training program specific to the information available from OPUS through Internet access. Dialog boxes will be incorporated into the application which will lead managers through a systematic process to formulate practical solutions to operational problems and test their results using OPUS information. It will teach Division managers to use OPUS information to recognize "red flags" in their data indicating items that need their attention, and teach analytical thinking regarding available data. Lastly, an automated system will be created for issue discussion that will facilitate strategic planning by providing a vehicle for managers to share information and ideas over the Internet.

* Developmental Disabilities Grant: The Department of Correction recognizes the daunting task of meeting the needs of offenders who have developmental disabilities. Successful supervision of all offenders in the community setting requires close collaboration between many agencies. This is especially true for offenders who have limited coping and life skills due to cognitive impairment. However, there are vast systematic differences and a wide knowledge gap between the criminal justice system and the network of Developmental Disabilities service providers. In addition, there is a lack of professionals who are adequately trained to address the comprehensive needs of these offenders. The Department of Correction, therefore, sought and was awarded one hundred thousand dollars each for grant projects in Catawba and Pitt Counties from the NC Developmental Disabilities Council. It is anticipated that these projects will serve as models for bringing together key players within a locality to develop programs tailored to the unique needs of this population.

Division of Community Corrections
1998 Officers of the Year



Robert Scott Bauer is an intensive probation officer for Judicial District 21 in Winston-Salem. He has been working closely with the Drug Court of Forsyth County since its inception in January 1996. Sonia Riley, the director of Drug Court, attributes the court's success to the diligent work, strong team concept and compassion for offenders that Bauer possesses.

Jackie Grey Bullard is a surveillance probation officer in Forsyth County. He has been working closely with the Drug Court since its inception in 1996. Through his involvement with the Drug Court, Bullard has worked to develop a strong network of support agencies including the Department of Social Services, half-way houses, treatment providers, drug labs, day reporting centers and law enforcement.

Anita Culbreth is a victims' advocate with the Division of Community Corrections in Craven County. She is a trailblazer in the development of DCC's Victim Advocacy Services. She has helped guarantee the growth of the Victims Advocacy program by spending countless hours providing presentations to civic organizations, social groups and community service agencies. She also helped develop a lesson plan and training package on victim sensitivity for the division's staff on the best way to assist victims of crime

Sandy Epperson is a chief probation and parole officer for Judicial District 26 in Charlotte. Since 1994, Epperson has been participating in the Charlotte Violent Fugitive Task Force, a federal, state and local cooperative effort to seek violent fugitives. Epperson works nights, days and weekends on this task force while continuing to perform his duties as a chief probation and parole officer. In addition to working with the task force, Epperson is also helping to coordinate the Community Policing Partnership Program being established in Charlotte.

Henry Oxendine is an intensive probation officer for Judicial District 16B in Robeson County. In an effort to help needy offenders, Oxendine established a Christmas project, raising $750.00 for the needy. Last year, as a result of his efforts, 22 people were provided with gifts and food. This has now become an annual event. In addition, Oxendine has served as pastor of Tabernacle Baptist Church and has been a member of the Town Council of Pembroke. Despite his busy schedule, Oxendine still made time to coach the Babe Ruth Baseball team for three years.

Management Issues

Back to the Community: Why and How to Return Probation to its Roots

by William D. Burrell*

In the past several years, there has been a very significant shift in where probation conducts its business. In a number of high profile efforts, probation officers are getting out of the office, sometimes teaming up with police and spending a great deal more time in the community. Efforts such as these to move probation back to the community have received good coverage in both the popular media and professional journals. To the extent that one can say that the highly decentralized probation agencies of the United States are moving toward a common goal, this seems to be one such example.

Time to Reverse a 20-Year Retreat From the Field

Why is returning to the community such news? After all, haven't we described ourselves as "community corrections" for years? I suggest that many forces over the last two decades have fundamentally changed probation. This change was slow and was due to multiple factors that in themselves were reasonable responses to individual situations. When combined, they caused a fundamental change: bringing probation officers back to the courthouse.

When I joined probation in the mid 1970s, we worked in the field. It was a routine, accepted, and expected part of the job to spend half or more of your day seeing probationers, family members, and others in the community. I'm sure that in other jurisdictions there were variations in terms of the extent of field work, but I think that there was broad acceptance of this aspect of probation.

Fast forward to the mid 1990s. Field work is drastically reduced. Officers are desk-bound. Ron Corbett of Massachusetts Probation has referred to this as "fortress probation". Clear, Todd R. and Ronald P. Corbett, Jr., "Community Corrections of Place." 23(1) Perspectives 24 (Winter 1999). Probationers are expected to come to the probation officer, and the majority of the interactions are happening in the office, as opposed to the community.

This shift in an organization's way of doing business may be the result of intentional, managed change. In that case, we would assume that the change has been successful and that staff and stakeholders are satisfied. Such is not the case with the retreat of probation into the courthouse. I believe that there is a substantial amount of dissatisfaction with the current state of affairs, along with a desire to change. The level of attention to, and interest in, programs such as Boston's "Operation Nightlight" and other police-probation partnerships, and in the concept of community probation, which is modeled after community policing, suggests to me that people in the field are looking for a new paradigm.

Officers had more cases, more paperwork, greater accountability, and genuine concerns for their safety on the streets. Together, these factors resulted in a shift for probation officers, to a work environment that was much more office-based and less community-based.

Recognizing the Policy and Practice Changes that Made POs Office-Bound

As we think about adopting new ways of doing business, it is helpful to understand the past two decades, and what happened to drive us out of the community and back to the office.

Hard-to-Manage Officer-Driven Approach Yielded to Centralized Systems. In the 1970s, probation supervision operated largely under a model described by Todd Clear as the "traditional" model of case management. Clear, Todd R. "Case Management Systems in Probation." 1979, mimeo. pp. 5-7. Probationers were assigned to general caseloads and it was largely up to the probation officer to determine what supervision was and how it was done. The officer determined which cases received priority, as well as the supervision strategy. Records were kept as the officer saw fit. With few exceptions, all information and decisions resided with the officer in this model of case management.

This model was attractive to the officers, for it vested them with great power; but it made it very difficult to manage either them or their work. It was cumbersome to review the activities and decisions of staff, to gather any type of meaningful data, and to know whether departmental policies were being implemented. It was as if every officer was a department unto himself. Studt, Elliot. *Surveillance and Service in Parole.* National Institute of Corrections, 1978.

In the late 1970s and early 1980s, probation experienced increased demands for accountability. Policy makers, funding bodies and other stakeholders wanted to see greater uniformity, reliability, and predictability in probation services. It was no longer acceptable for the probation officer to operate as a "Lone Ranger." As a result, risk- and need-based classification systems, written case plans, and automated management information systems (MIS) emerged. All of these management and control systems came with a cost—more paperwork. In particular, the MIS (in the pre-personal computer days) required many paper forms be completed to feed the data base.

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*William D. Burrell, a CCR contributing editor, is Chief, Supervision Services, Probation Services Division, Administrative Office of the Courts, New Jersey.

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Increased Caseloads. During this period, the caseloads of probation officers increased dramatically. While the more well-known story is the increase in prison populations, it is important to note that the probation population grew from 2.6 million in 1990 to 3.2 million in 1997, an increase of more than 22%. Bureau of Justice Statistics Press Release, "Nation's Probation and Parole Populations Reached New Highs Last Year" (August 16, 1998). In addition, alternative to incarceration programs were established, which added to our burgeoning caseloads.

It is a fact of probation life that a caseload generates a certain amount of paperwork. This paperwork includes violation of probation charges and notices, reports to the court, letters to the probationers and others, case plans and summaries; the list goes on and on. This paperwork is required to meet procedural, due process, and legal requirements, as well as provide management accountability. As the size of the caseload goes up, the volume of required paperwork will expand as well.

New PO Duties. While caseloads grew, new responsibilities were added to the probation officers' workload as well. One in particular has had an interesting effect on the officer's ability to be present in the community. In the early 1980s, the collection of financial obligations began to become more important, both in the amount of work it generated and the importance placed on it. Probation has been responsible for collecting fines and restitution for many years. In the 1980s, a variety of new obligations were added. These included victim compensation fees, drug testing fees, and user fees of all types. Most significantly, supervision fees were added in more than three-quarters of the states. Camp, Camille and George Camp, *Corrections Yearbook 1997.* South Salem, NY: Criminal Justice Institute (1997) at p.165. These helped to offset the cost of probation to the taxpayer. These fees are very popular with the public, legislatures, and county commissioners, and can have a direct effect on the size of the probation budget.

The emphasis on collecting money is understandable and predictable. Fees help to offset costs, compensate victims, and hold offenders accountable. It is also very easy to demonstrate results in terms of dollars collected. In a field where quantifiable performance measures are few and far between, the amount of money collected is one reliable measure of what has been accomplished.

Collecting money is best done in a secure environment, with appropriate controls and accountability. This does not describe the environment of officers working in the community. It is both difficult and dangerous to collect money in the field. As a result, most jurisdictions encourage, if not require, money to be paid at the courthouse or other probation office. In one New Jersey probation division, officers require probationers to report twice a month in order to collect financial obligations, even if the classification level calls for less frequent reports.

Violence on the Streets. While life for probation officers was changing within their organizations, the communities in which they worked were also changing. The arrival of crack cocaine around 1985 began a drastic change in America's cities. Life on the streets became very dangerous and violent in a hurry. There was a great proliferation of guns, and an influx of youth into the drug scene. A deadly combination resulted: the impulsivity of youth, easy access to weapons, and the stimulating and paranoia-inducing effects of crack. These combined to produce an epidemic of violence in urban areas. Butterfield, Fox. "Decline of Violent Crimes is Linked to Crack Market." New York Times, December 28, 1998. p. A-18.

These factors (and certainly additional ones unique to other jurisdictions) combined to change both the way probation conducts its business, and the location where it is conducted. Officers had more cases, more paperwork, greater accountability, and genuine concerns for their safety on the streets. Together, these factors resulted in a shift for probation officers, to a work environment that was much more office-based and less community-based.

In an office-based approach, we are dependent on the truthfulness and self-reporting of the probationer. Unfortunately, this is not sufficient for our monitoring needs.

Why Is This Change a Problem?

One could reasonably ask, "So what's the problem? After all, you are more accountable, your staff is safer, you collect more money and you manage your caseloads better." But while all of these are indeed worthwhile goals, they are not sufficient. It is important to recognize that these are process goals, relating to the way we want to work as we achieve our mission. Probation is responsible for monitoring probationer behavior, enforcing court orders, and assisting probationers to change. It is clear that probation's mission cannot be achieved without observing and working with probationers where they live.

The level of interest in police-probation partnerships and community-based approaches suggests that practitioners are not satisfied with the present state of affairs. While there is not a great deal of empirical evidence to support this shift to a community focus, staff nonetheless have embraced it. The intuitive response of probation officers is that the community-based approaches are more effective. In New Jersey, the Chief Probation Officers have determined that moving probation out of the courthouse and into the community is one of the major initiatives in their Strategic Plan. Conference of Chief Probation Officers (NJ). "Proposed Strategic Plan for Probation Services." December 23, 1998, mimeo.

Why the Office Isn't Enough

Bernard Fitzgerald, Chief Probation Officer for the Dorchester District Court in Boston, (home of Operation Nightlight) recently said that the job of probation supervision cannot be done from 8:30 to 4:30 in the office. Remarks at the Conference of the New Jersey Chapter of the American Correctional Association, Long Branch, NJ. October 15, 1998. Why? Why can't we do it from the office?

In an office-based approach, we are dependent on the truthfulness and self-reporting of the probationer. Unfortunately, this is not sufficient for our monitoring needs. As Fitzgerald noted in his presentation, "We make the probationers lie to

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us," asking questions that the probationer knows how to answer, and that we have no way of verifying. We have to accept lies, thus perpetuating the grand charade. Probationers are on their best behavior when they come into the office, and they know the answers an officer wants to hear.

We need independent, visual verification of the probationer's behavior, in real time. Not only does the location of fortress probation not make sense, the time frames don't either. Probation officers need to have the flexibility to visit probationers in non-traditional hours to obtain that visual, real time verification of probationer behavior. Anything less undermines the integrity of the system. Probation needs to have teeth, and there is a need for consequences for lying to a probation officer. Probationers need to respect their officer and the justice system. We have to enforce the conditions imposed by the court, because the probationer expects that, the court expects that, and the public expects that. We cannot accomplish that in the office.

Office visits often become "assembly line probation." Officers are expected to see dozens of probationers in a few hours. The contact is reduced to a perfunctory set of questions about work or school, residence, payments, new arrests, and maybe going down the hall for a urine test. If that takes five minutes, that's a lot. This is not substantive contact. In fact, this approach discourages officers from seeing, talking to, and helping probationers, because of the back-up in the waiting room. In a system where our primary "technology" is person-to-person contact, this makes no sense.

How To Change

If we accept the proposal that effective probation supervision must have an active and significant community-based component, how do we go about returning to the community? I think the answer is conceptually straightforward, but substantively very challenging to implement.

Clarify Mission. We must start with a clear sense of our mission and role, and why we belong in the community. What are we trying to accomplish, and how should we go about it? The Chief Probation Officer in one New Jersey county said that he could push his officers out of the courthouse, but they wouldn't have any idea what to do once they left. What is the purpose of field contacts and home visits? In most probation agencies, the turnover rate is so high that the majority of caseload officers are too new to know what we "seasoned veterans" know about working in the community. Whether it is something as complex as a community justice model, a police-probation partnership, or simply going out into the community; the purpose, role, and desired outcomes need to be articulated and communicated to staff.

Revitalize Training. The next step is training for all staff. They need to know what they are in the community to do, and how best to do it. Supervisors also need to be trained in how best to support officers under this new approach. With the increase of violence in the communities, probation has developed a significant body of knowledge about staff safety. Training should be provided to staff to help them do their job in the field safely. Appropriate equipment should be provided, and staff should be allowed to work in teams where feasible.

Revise Caseload Management Processes. It is almost inevitable that your staff's response to efforts to increase field work will include, "Reduce my caseload and I'll be glad to go into the field more." The challenge to supervisors and managers is to find a way to accommodate increased field presence by probation officers. It may be through administrative or no-contact caseloads, increased use of automation or other technology, but it must be made a viable option, indeed the preferred option, for probation officers.

Update Accountability Mechanisms. It is important to note that of the factors leading to a retreat to the office, accountability mechanisms are largely under our control. The methods implemented 15 to 20 years ago are no longer sufficient and may be out of date. Managers should regularly review and update their management and control systems to reflect the new priorities, in this case the increased work in the community. Among other things, performance measures should reflect the new emphasis on being in, and working with, the community. As the organization evolves, develops, and changes, so must accountability mechanisms. All of an organization's major systems must be in alignment if we are to avoid the kind of unintended consequences discussed here. ■

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cies. But when it comes to overall crime, the bulk of the business of the criminal justice system, our nation falls in the middle of its Western democratic peers in levels of criminality with which the justice system must deal.

This analysis suggests that the amount of crime in the United States is not, by itself, an adequate explanation of the cost of processing offenders. A study by the Research Bureau of the Florida Department of Corrections gives us a glimpse of the answer: We have decided, as a matter of public policy, to spend that much money on criminal justice instead of other priorities. Bill Bales, Keith Vossberg, & Jenny Nimer, "Florida Gets Tough on Criminals: The Prison Bed and Cost Impact," Presentation to the Justice Research and Statistics Association, September 4, 1997.

This seems an obvious point. Of course we have "decided" to spend the money. No public expenditure occurs without a budgetary allocation, in a sense a "decision" about what must be spent. To say that public fiscal policy about criminal justice is a "decision" is to say that all public fiscal policy is a decision. It cannot be remarkable that this also applies to the criminal justice system.

Florida Shows Sentencing Policy a Key Cost Factor

What is remarkable about justice funding is the parameters that apply. This is particularly true for the costs of corrections, which are driven by sentencing policy. This is the main point made by the Florida researchers cited above. Two aspects of sentencing policy are the most important determinants of the cost of corrections: (1) how many offenders get sent to confinement, and (2) how long they stay in confinement. The Florida research team focused on length of stay. They calculated the effects of sentencing policy changes on length of stay of Florida prisoners by looking at the effect of sentencing reform on release policy. They also chronicled two decades of curious policy shifts, in which at first one extreme, then its opposite, was accomplished.

Policy Mandates Yield More Prisoners Serving Longer Terms. Their analy-

See COSTS, next page

POST RELEASE SUPERVISION AND PAROLE COMMISSION

CONTINUATION BUDGET ADJUSTMENTS

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

MARCH 30, 1999

BUDGET

1997-98 Actual	$2,220,545	(49)
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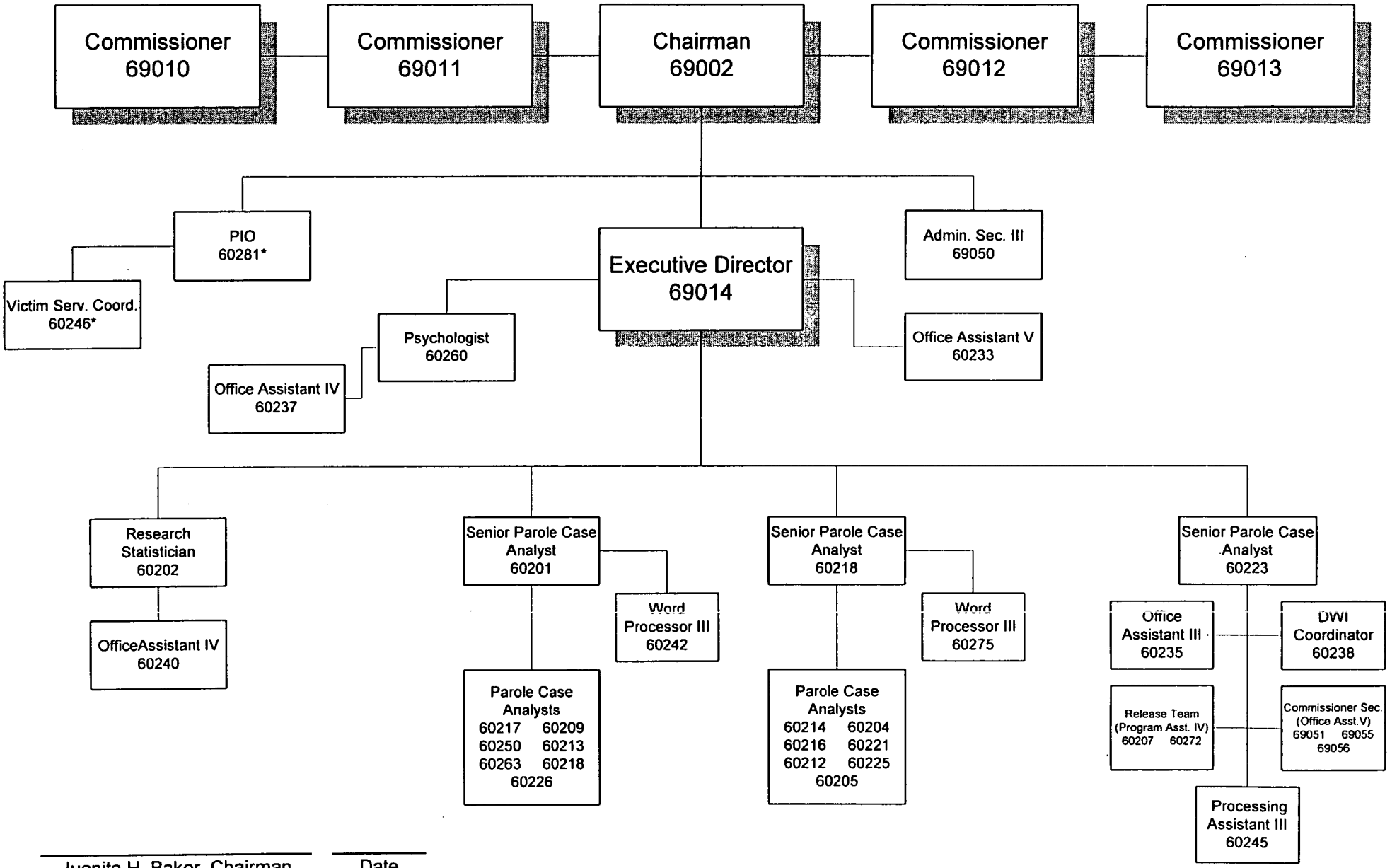
Parole Commission

Location 6505

January 28, 1999



Juanita H. Baker, Chairman _____ Date _____

* On loan to Office of Citizen Services

RECOMMENDED ADJUSTMENTS IN THE GOVERNOR'S BUDGET

1) ABOLISH TWO POSITIONS IN PAROLE COMMISSION

These two positions are the Victims Services Coordinator and the Public Information Officer. Both those individuals were transferred to the Office of Citizens Services in July 1998 but funding for these positions remained within the Commission's budget. This recommendation would remove these 2 positions from their budget. New positions will be created for these individuals from salary reserve. While this is a reduction for the Commission , it is not a net reduction for the Department of Correction. This will reduce the number of staff budgeted to the Commission from 36 to 34.

PROJECTED SAVINGS: $92,033 (2)

2) REDUCE THE COMMISSION FROM 5 MEMBERS TO 3 MEMBERS

Due to decreased workload, the Governor recommends reducing the size of the Commission. The savings results from reduction in personnel expenses related to these 2 positions.

PROJECTED SAVINGS: $176,472 (2)

POST-RELEASE SUPERVISION AND PAROLE COMMISSION

- There are currently 5 members with terms as follows:

Juanita Baker, Chair	Current Term 1997-2001
Elbert Buck	Current Term 1997-2001
William Lowry	Current Term 1996-2000
Charles L. Mann Sr.	Current Term 1996-2000
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- Parole Commissioner's salaries are specified in the budget. Salaries as of October , 1998:

	Salary	*With Benefits*
Chair:	$79,078	$95,428
Commissioners:	$73,008	$88,236

- The 5 current Commissioners share 3 Secretaries (Office Assistant V—Grade 61) . The salary and benefit costs of these positions range from $31,576 to $39,542.

Table D - Five-year Workload Projection

Fiscal Year	Paroles[1]	Parole Reviews[2]	Post-release Supervision Cases[3]	Total Cases Considered
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98-99	6,234	15,585	506	16,091
99-00	5,199	12,997	787	13,784
00-01	3,963	9,907	1,047	10,954
01-02	3,368	8,420	1,298	9,718

[1] Source: Office of Research and Planning, Department of Correction

[2] Projections based on a 40 percent approval rate of cases considered

[3] Source: N.C. Sentencing and Policy Advisory Commission

Based on the above projections, the Commission proposes to enact a 5 percent staff reduction, effective July 1, 1999, and a 10 percent staff reduction in each of the succeeding four fiscal years. The rationale in proposing a 5 percent cut in the first year deals with the lingering consequences of recalculating eligibility and re-reviewing cases affected by the *Robbins* Supreme Court decision.

At this time, the Commission feels it is not in a position to designate specific positions to be eliminated, and requests that it be given management flexibility to make those decisions based on staffing needs in the future.

More recent data: Count of inmates with review date 3/99 - 3/00: 12,587

1998 Report

WORKLOAD AND STAFFING

Analysts are the primary caseload carrying workers at the Commission. The number of analysts has decreased from 23 in 1994 to 17 in 1999 (numbers include 3 supervisors). *26% decline*

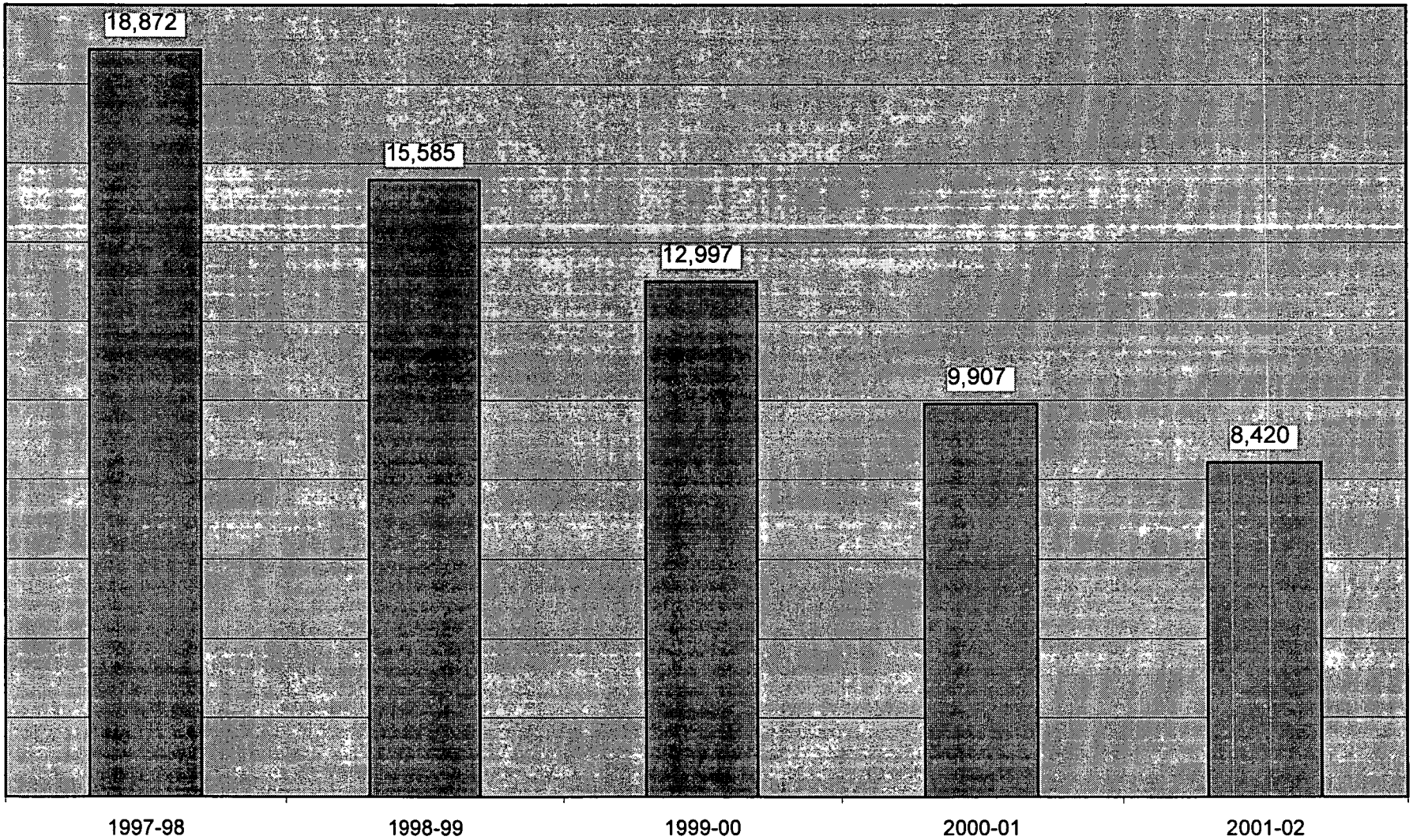
Parole Review are a primary measure of the workload. The number of reviews has declined from 30,245 in CY 1994 to 18,872 in 1997-8. *38% decline*

Entries to Parole are another measure of workload. The number of entries to parole has declined from 15,954 in 1994-5 to 7,292 in the most recent 12 month period . *54% decline*

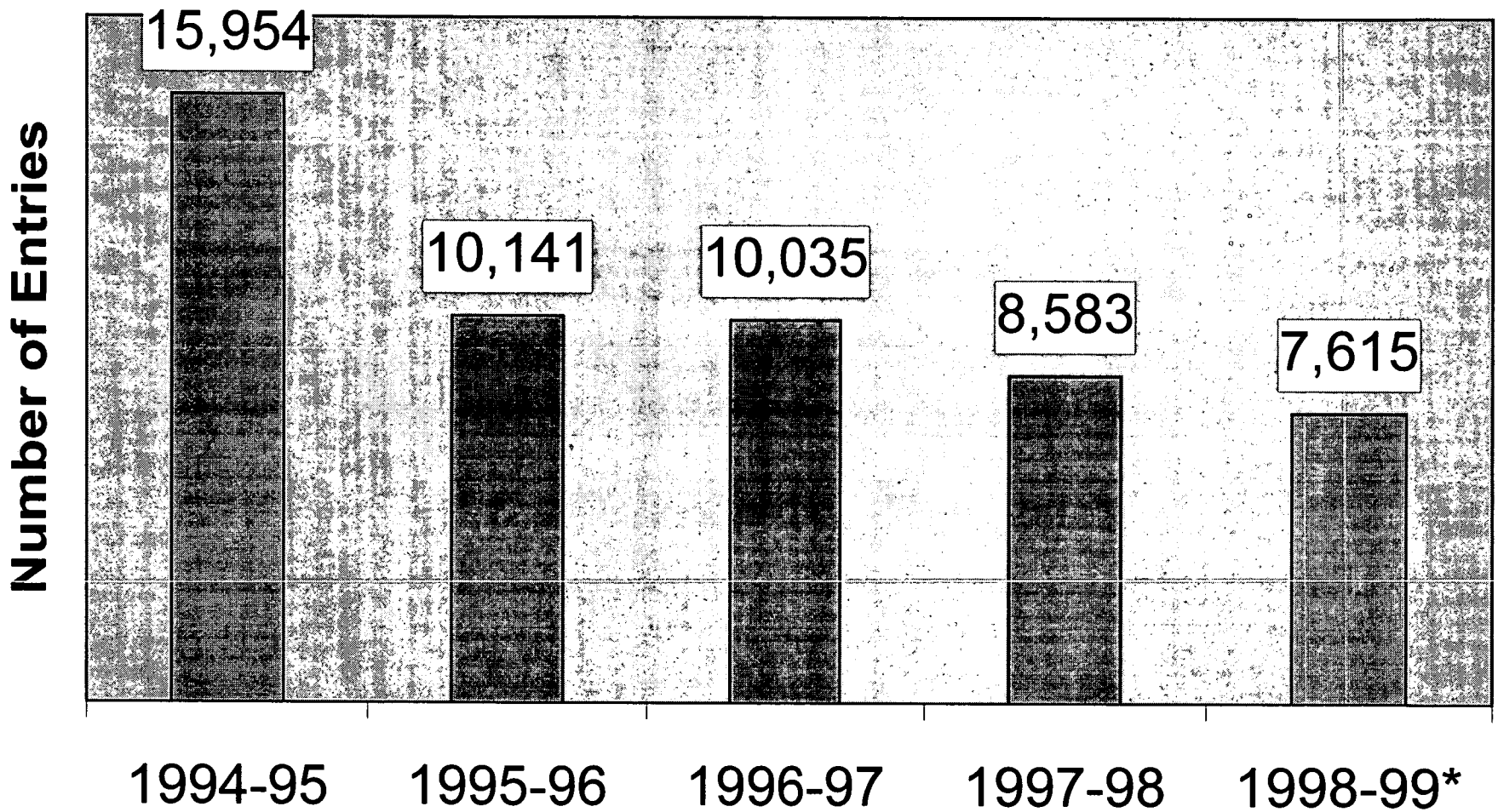
Future Projections were last done by DOC Research and Planning in 1998. They predict the number of parole reviews and entries to parole will decline another 56% from 1997-98 to 2001-02 .

Recommended Cuts in the Governor's Budget are not related to staff workload or reorganization. An additional 5% cut in staff positions would equate to 1.7 (34 total positions after recommended cut in Citizens Services positions) . Examples of possible savings: vacant Clerical Position: $29,368, Commission Secretary Positions $31,576 or Analyst $37,024.

Parole Reviews



Entries to Parole by Fiscal Year



ADDITIONAL ADJUSTMENTS IN GOVERNORS SUMMARY VOLUME

1) ABOLISH PAROLE/POST-RELEASE HEARING OFFICERS

Eliminates the 5 remaining hearing officers (Gr. 70). Since hearings are held throughout the State and because the numbers are declining, it is more cost-effective to use contractual employees. Two vacant positions were eliminated in 1998.

Projected Savings: $291,540 (5)

2) REDUCE LEASED SPACE EXPENSES FOR DIVISION

Due to sound lease management, Division can reduce expenses for Rent/Lease-Offices By $300,000. Division is investigating potential greater savings related to eliminating offices for Surveillance Officers.

Projected Savings: $300,000

3) REDUCED LEASED SPACE IN PILOT DISTRICTS

Division proposes a pilot in Cleveland and New Hanover Counties. Pilot involves reducing the amount of space leased, allowing officers to use Home as Duty Station. Intermediate Officers (PPOII and Intensive) in these districts will be able to Take state issued cars home and use home as base for some of their field work. They Are also issued equipment (laptops, radios) to facilitate Home as Duty Station.

These districts were chosen because the leases were up for renewal and because the State cars were being driven less than the minimum threshold, suggesting additional mileage due to taking cars home would be at no cost. Projected savings is $16,380 in Cleveland and $26,840 in New Hanover.

Projected Savings: $43,220

ISSUES RELATED TO PILOT PROGRAM

- **What is the appropriateness of officers taking state cars home?**
- **What is the cost impact of officers taking state cars home?**
- **What other cost-saving changes in transportation policy are possible? (optimal number of cars)**
- **What is the impact on Counties of reducing leases?**
- **What is the impact on equipment needs for "Home as Duty Station"? Cost estimate?**
- **What is the potential saving in leased office expenses statewide? (phase-in of savings due to staggered lease renewals)**
- **What is the possibility for reducing office space (shared office) without allowing officers to take state cars home?**

VISITOR REGISTRATION SHEET

Appropriations/Justice & Public Safety March 30, 1999

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dick	OJJ
Lorrin Freeman	NC Sentencing Commission
Karen Jones	Sentencing Commission
[illegible]	Capital Group
Theodis Beck	DOC
Julie Carpenter	DOC
Robert Guy	DCC
Juanita H. Baker	DC
[illegible]	DC
[illegible]	FRD
Melissa Lowell	DOJ
[illegible]	OSBM
S. Katherine Elson	NC Sentencing Com.
Doug Lassiter	McClees Consulting
[illegible]	CJPC
Robert Pewsey	OSBM
Patrice Roesler	NCACC

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday March 31, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Ted Kinney
Representative Bill Culpepper
Representative Paul McCrary

II. PRESENTATIONS

Morning

Review of Department of Correction Continuation Budget

- **Review of Post Release Supervision and Parole Commission Budget**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Review of Criminal Justice Partnership Program**

  Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

- **Review of Community Correction Grant Programs**

  Elisa Wolper, Fiscal Research Staff
  Program Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
March 31, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on March 31, 1999 at 8:30AM in room 415 LOB. There were four members of the Senate present. The following House members attended:

Rep. Paul McCrary	Rep. Philip Haire
Rep. Jim Horn	Rep. Joe Kiser
Rep. Wayne Sexton	Rep. Andrew Dedmon

Senator Luther Jordan chaired the meeting. Ms. Elissa Wolper, staff was called on. Ms. Wolper distributed a handout, Post Release and Parole Commission, from which she spoke. Page 1 of the handout details the recent staff reductions, and other issues facing the commission including the review of parole eligibility dates for 6,562 offenders with pre-structured sentencing cases. To date, 4,344 parole cases remain to be reviewed. The Governor's budget recommends reducing the commission from 5 to 3, at a savings of $176,472. No one's term expires in July 1999. The volume of paroles somewhat supports reduction in staff (page 5).

Senator Ballance introduced Patricia Ferguson, Commissioner from Bertie County

In response to Rep. Haire, Ms. Melita Grooms of the Parole Commission, the commission has not projected 10 years hence. Again to Rep. Haire, the commission sets conditions for parole release. In response to Rep. Kiser, Ms. Wolper has the number of prisoners under fair sentencing and will develop projections.

Ms. Wolper introduced a new handout, NC Post Release Supervision and Parole Commission, and a handout titled Criminal Justice Partnership, from which she spoke. The primary funding for the Criminal Justice Partnership is through grants and is staffed for the most part by county workers. The grants range from $31,000 to $498,414 for Mecklenburg County, the largest. The goals of the program are to reduce recidivism, reduce probation revocations, reduce substance abuse and reduce county and state costs for incarceration. The target population is offenders sentenced to intermediate punishment or pretrial release. Offenders on parole or post release supervision are also eligible. Currently, 86 counties are involved. It is projected that 90 counties will be involved 1999-2000. Recommendations for the continuation budget include increasing funding for implementation grants to $9.6 million to allow funding for 100 counties, and inflationary increase to grants of 2.5% ($240,000), for a total cost of $4.74 million. In response to Rep. Sexton, Ms Wolper said we really do not have examples of programs that might be working. This year there will not be money to revert from non-participating counties because it was not restored. Rep. Sexton commented that we should not have to pick up offenders to report to day centers. Senator Ballance spoke of

the lack of transportation in some small rural counties. In response to Rep. Horn, Mr. Robert Guy said there are 39 programs calling themselves day reporting centers. The better ones have a structured day and offenders participate in education, substance abuse programs, and living skills. Over the summer, counties are to give information regarding the definition. Ms. Wolper moved to page 10 of the handout, the programmatic changes. Senator Ballance called on Ms. Patricia Ferguson from Bertie County day reporting center. They purchased a building, discretionary funds were cut and now they are unable to renovate the building, which hampers full program implementation.

Rep. Haire commented, the program started in 1993 and we still do not know what the program does. Substance abuse seems to be part of every program as a justification. Senator Ballance commented that the program goals are laudable. He has heard that the programs are underutilized and he wondered if the department checks the programs. The theory of community corrections is right. Someone from Corrections needs to check the programs to determine if they are working. Mr. Guy believes this situation will change over the year. They now have teams going out to review the programs. It is important to grow programs for people who need structure but cannot go to jail. It is difficult to evaluate because each center is different which is also a strength.

Ms. Wolper said grant funded program reports come in December and in May. $1.7 million is budget. She distributed a handout titled Grant Funded Programs.

At 10AM, Senator Ballance adjourned the meeting.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

POST RELEASE SUPERVISION AND PAROLE COMMISSION

CONTINUATION BUDGET ADJUSTMENTS

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

MARCH 30, 1999

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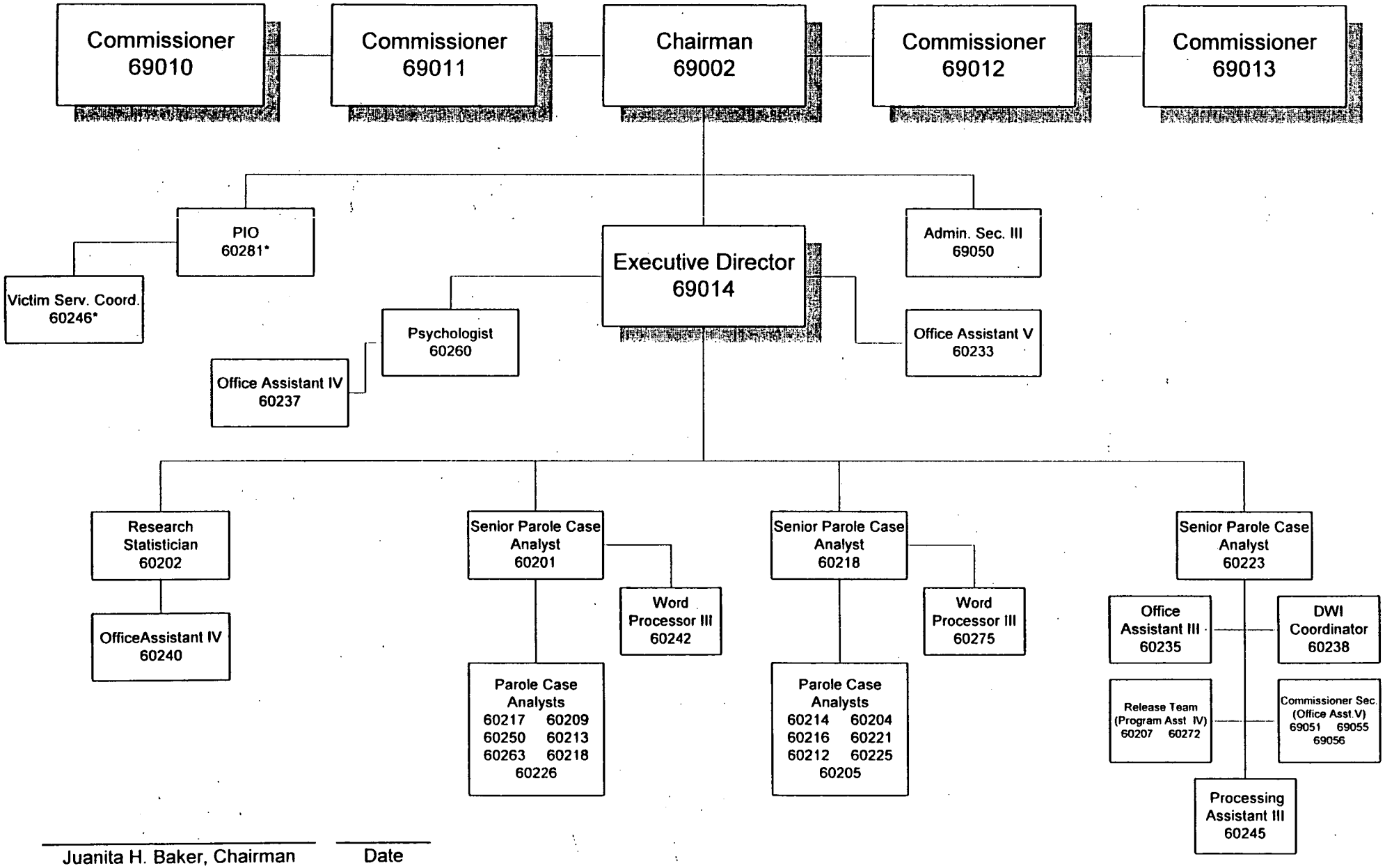
Parole C mmission

Loca 5505

January 28, 1999



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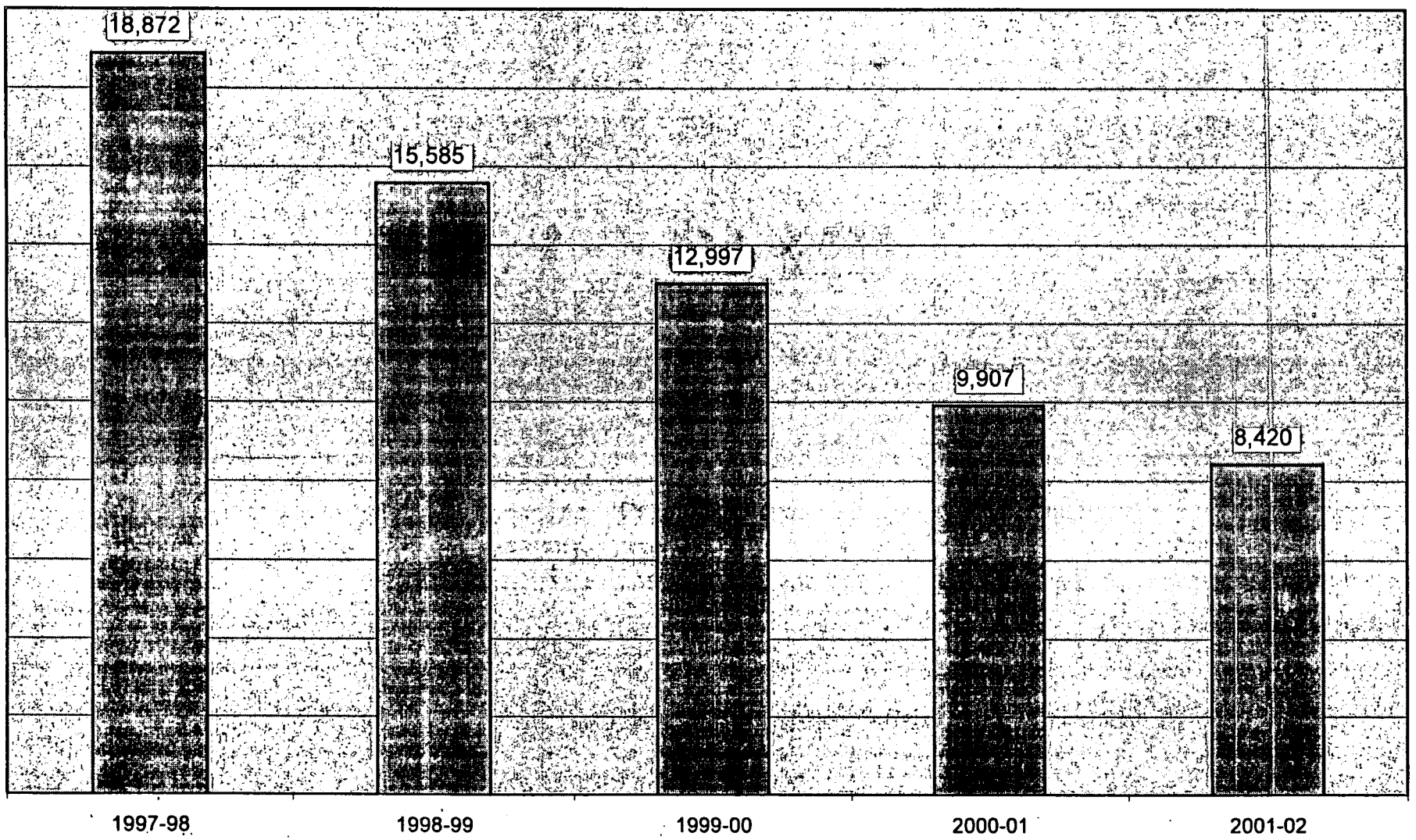
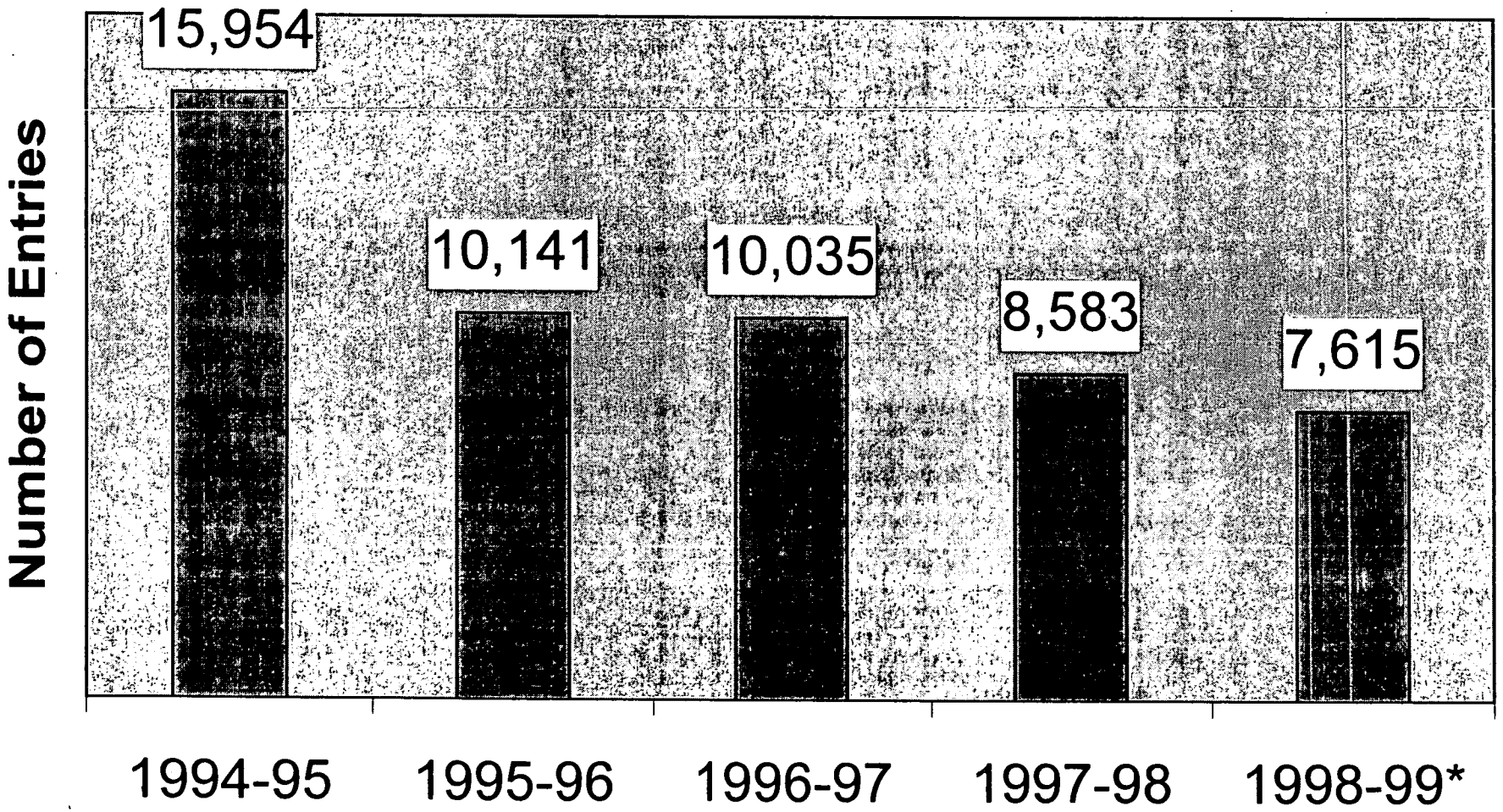


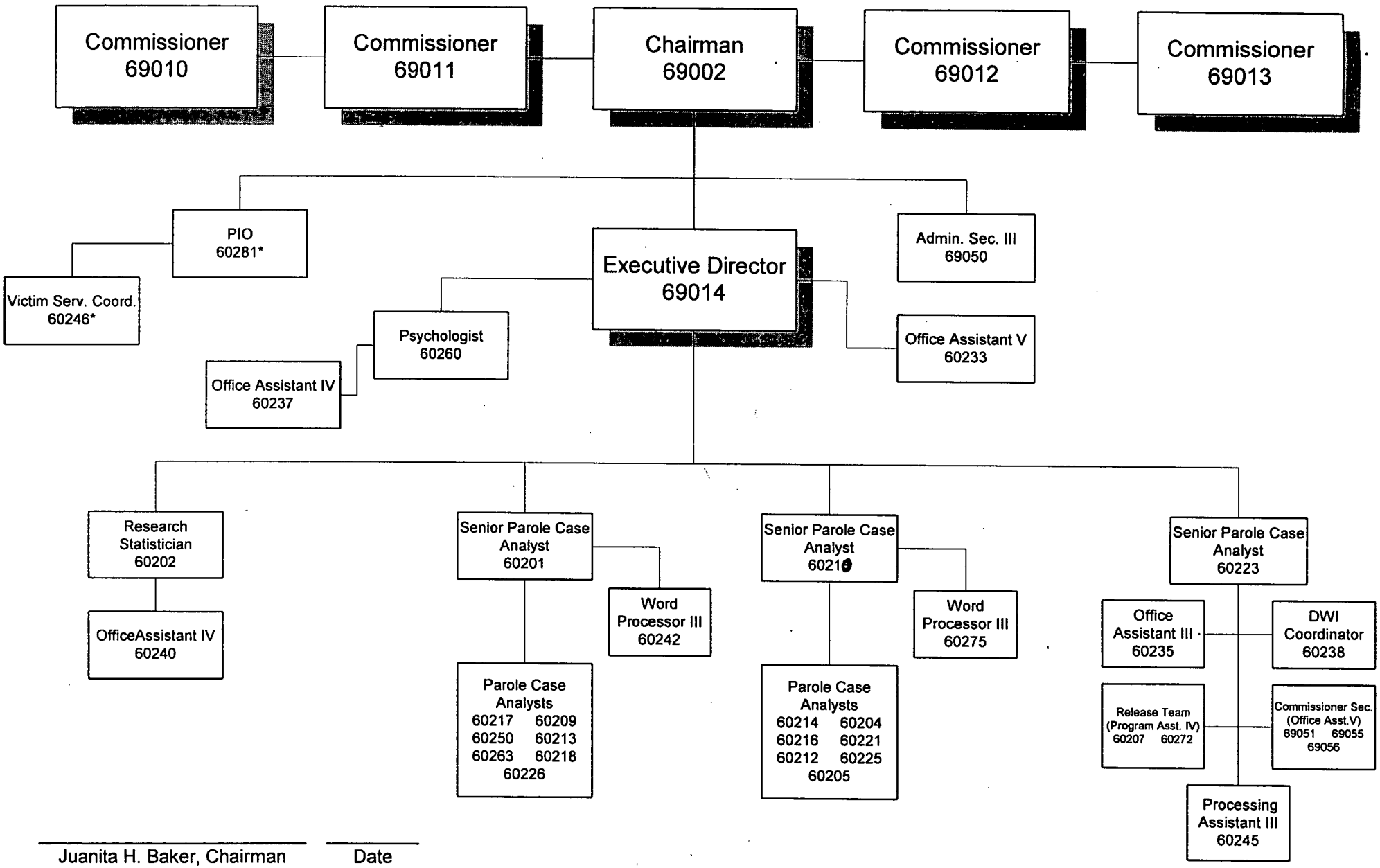
Entries to Parole by Fiscal Year



Parole Commission

Loc #5505

January 28, 1999



Juanita H. Baker, Chairman Date

* On loan to Office of Citizen Services

Table A – Workload Projection Through 2002 - 2003

Fiscal Year	Paroles[1]	Parole Reviews[2]	Post Release[3] Supervision Cases	Total Cases Considered
1997-1998	Projected: 7,637	Projected: 19,092	Projected: 305	Projected: 19,397
1997-1998	Actual: 8,583	Actual: 18,872[4]	Actual: 403	Actual: 19,275
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[1] Source: Office of Research and Planning, Department of Correction

[2] Projections based on a 40% approval rate of cases considered

[3] Source: NC Sentencing and Policy Advisory Commission

[4] Management Information Systems, Department of Correction

B. 10% Reduction effective July 1, 1999**

Based on the relative accuracy of the projections for fiscal year 1997 – 1998, the Commission continues to support its request for a 5 percent staff reduction beginning July 1, 1999 and a 10 percent reduction in each of the succeeding four fiscal years.* This proposal was also recommended in the Governor's budget with the Governor requesting the additional elimination of two Commissioner positions. If accepted, this would equate to a 10 percent reduction in positions at the Parole Commission. A current organizational chart is attached.

*As indicated previously, data is not yet available on fiscal year 2002 – 2003. A proposal will be made concerning staff reductions for that year once the data has been received.

**Information amended 3/3/99

B. *SUMMARY INFORMATION ON ROBBINS V. FREEMAN CASES*

- On March 11, 1998, all paper parole consideration ceased due to the *Robbins v. Freeman* decision (the implementation date of the decision being March 26, 1998).

- In March,1998, a notification system was initiated to inform applicable offenders of the Robbins v. Freeman decision.

- From April, 1998 through May, 1998, the analytical staff was trained on how to compute parole eligibility under the single term rule.

- From May, 1998 through July, 1998, 127 offenders who had received a paper parole had these paroles rescinded, new eligibility dates calculated, and, where applicable, parole reviews conducted.

- From July, 1998 through the present, the analytical staff has reviewed the cases of 2,218 offenders who would have qualified for paper parole, established new eligibility dates, and, where applicable, conducted parole reviews. As of January 29, 1999, there are 4,344 cases still to be reviewed. It is to be noted that the resignation of 2 analysts in August and September, 1998 slowed the review process due to the re-organization of work assignments. Two new analysts were hired February 1, 1999.

III. STAFF REDUCTIONS

A. Plan for Reduction Through Fiscal Year 2002-2003

In April, 1998, a five year plan was presented to this committee that outlined suggested reductions based on a five year workload projection. Table A illustrates the workload projections outlined at that time with fiscal year 2002 – 2003 added. This table also contrasts the workload projections against the actual work performed in fiscal year 1998 – 1999. Please note that the Department of Correction has not forecasted the number of paroles for fiscal year 2002-2003. A request has been made to the Office of Research and Planning for this data and when the information becomes available, workload projections can be completed.

the effects of that decision and the implications for future staffing at the Parole Commission.

II. *Judicial Review/Legal Interpretation*

Parole eligibility service requirements have changed over the years and with these changes have come varying legal interpretations as to how parole eligibility should be handled. Such was the case in the *Robbins v. Freeman* State Supreme Court decision. This decision, handed down in March, 1998, cited that there was no statutory basis for what has been commonly referred to as paper parole; a process by which an offender was paroled from one sentence to begin service of another sentence. Prior to this decision, paper paroles were considered when an offender had two or more consecutive sentences within a sentence chain and the eligibility requirements could not be aggregated. With the assistance of the Office of the Attorney General and the Institute of Government, parole eligibility/service requirements were re-examined in the context of existent law. It was determined that multiple sentences had to be viewed as a whole or as a single term instead of as individual sentences. By reviewing cases in this context, any rights the offender has to parole review based on individual sentences carrying a parole eligibility requirement would not be negated by receipt of sentences that carried other types of service requirements.

A. *IDENTIFICATION OF CASES*

As of January 29, 1999, the following information was available on "*Robbins v. Freeman*" types of cases:
Note: Source – Management Information Systems Office – Department of Correction

- There were 6,562 cases identified as possible *Robbins v. Freeman type* cases.
- Of the 6,562 cases identified, parole eligibility action has been taken on 2,218.
- Of the 2,218 cases where parole eligibility dates were certified, 1,154 had resulting parole action.
- There remain 4,344 to be reviewed.

- a more detailed analysis of each case with an emphasis being placed on the needs of the offender upon release.

- a notification of parole investigation, approval, and denial to victims and interested parties; this being implemented prior to legislation requiring such action.

- the hiring of a public information officer who could keep the public informed on parole matters,

- the hiring of a victim services coordinator who could work specifically with victims' concerns.

- The Commission devoting one day per week to meet with the general public to hear concerns regarding the release of offenders and to allow for their involvement in the parole process.

- The Commission devoting an additional day per week to meet specifically with victims of crimes to allow their voices to be heard. The Commission established videoconference sites across the state (currently four – Charlotte, Greenville, Winston Salem, and Fayetteville) to allow victims the opportunity to express their feelings and concerns. Videoconferences are held at each site at least once every four months in three sites (Greenville, Winston Salem, and Fayetteville) and once every three months in Charlotte (based on demand).

- The implementation of an automated system through OPUS that allows for 80% of parole functions to be done by computer, including Commissioner votes.

- Establishing a web site to allow for greater public access.

With the repeal of the prison cap, more offenders have been denied parole than have been approved and this has been directly attributable to the improvements instituted by the Commission. These improvements however were made during a period of transition. The Commission staff has been reduced by 37% since 1995; this being directly attributable to the effects of Structured Sentencing. Despite the transition, workload demands remain constant. In 1998, the Commission had two analytical vacancies but these positions were filled based solely on need. Part of this need was based on the case of *Robbins vs. Freeman,* a North Carolina Supreme Court decision that had a direct impact on how the Parole Commission determines parole eligibility for certain offenders. This report will now examine

The Post Release Supervision and Parole Commission shall report by March 1, 1999, to the chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and upon request of the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee after March 1, 1999, on:

(1) the Commission's progress in reviewing cases requiring review in light of the decision of the North Carolina Supreme Court in Robbins v. Freeman; and

(2) an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent reduction in staff positions in the 1999-2000 fiscal year over the 1998-1999 fiscal year.

I. Executive Summary

The Post Release Supervision and Parole Commission's primary responsibility has been to consider for parole those offenders found to be eligible as mandated by general statute and, in so doing, to protect the public by continuing to keep those offenders incarcerated who are believed to be a threat to society. In fiscal year 1997-1998, the Commission continued to accomplish this goal by basing its decisions on the merit of the individual and not on prison population concerns, as had been the case prior to the repeal of the prison cap in 1996.

Many of the points provided in the report presented at the last session are worth repeating as they are indicative of the changes in the criminal justice system and how these changes have impacted the operations of the Commission.

When the prison cap was enacted, the Commission was placed into the difficult and awkward position of managing the prison population. In order to accomplish this task, the Commission had to reduce its review process in favor of processes that could produce the most expeditious routes of exit. Additionally, laws were passed which shortened some parole eligibility requirements. Compliance was very difficult but was achieved. Compliance was possible by releasing those offenders to supervision who may not have been ready for parole but were considered to be the least dangerous to society. The number of paroles escalated and the public was bewildered. Yet, compliance was achieved.

The prison cap had a devastating effect on parole. During the prison cap, the credability of parole was at an all time low within and outside of the criminal justice system. Probation/Parole Officers were frustrated, the general public was angry and bewildered, and victims were horrified over the releases that had been mandated. With the onset of prison construction in 1993, the implementation of the Structured Sentencing law in 1994, and the repeal of the prison cap in 1996, the Commission started to re-assess its parole review process. In reassessing its needs, the Commission began the process of returning parole to its original purpose; to release only those offenders who had earned the privilege. In so doing, the Commission made several improvements, chief amongst them being:

N.C. POST RELEASE SUPERVISION
and PAROLE COMMISSION

REPORT ON STAFFING REORGANIZATION AND REDUCTION

MARCH 1999

COMMISSIONERS

JUANITA H. BAKER, CHAIRMAN
ELBERT BUCK
CHARLES MANN, SR.
PEGGY STAMEY
WILLIAM LOWRY

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Update and Review of Recommended Changes

March 31, 1999

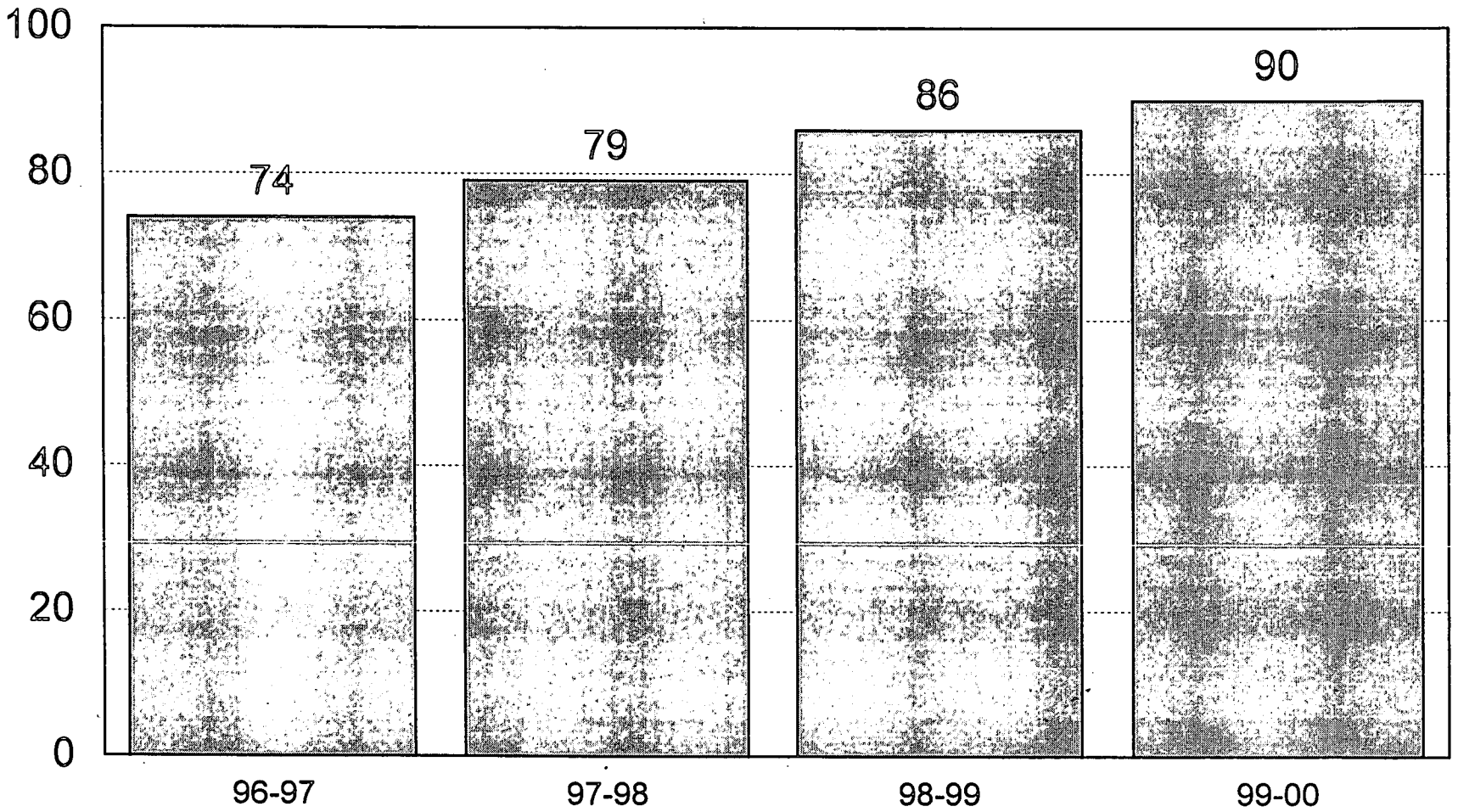
Overview of Program

- The Criminal Justice Partnership Program was established by the 1993 General Assembly to provide *supplemental community-based corrections* programs, to *expand sentencing options* and to *promote coordination between the State and county* programs. The enabling legislation specified 4 goals; reduce recidivism, reduce probation revocations, reduce substance abuse and reduce county and State costs for incarceration.

- The target population are offenders sentenced to intermediate punishment or pretrial release. Offenders on parole or post-release supervision are also eligible.

- Implementation grants are available to counties who convene a CJPP Advisory Board and submit a Community-Based Correction Plan. Specific amounts are allotted to each of the 100 counties based on their population and the number of supervised probationers. Allotments range from $31,000 to $498,414. Fundable programs include residential facilities, day reporting or restitution centers, substance abuse, employment or aftercare services, pretrial monitoring and surveillance.

Participating Counties
CJPP



1999-2000 assumes all 4 interested counties reach implementation phase

Current Programs
1998-99
As Reported by Counties

- 39 Day Reporting Centers
- 23 Pretrial Release Programs
- 22 Substance Abuse Treatment Programs
- 11 Other (employment related, case management)

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

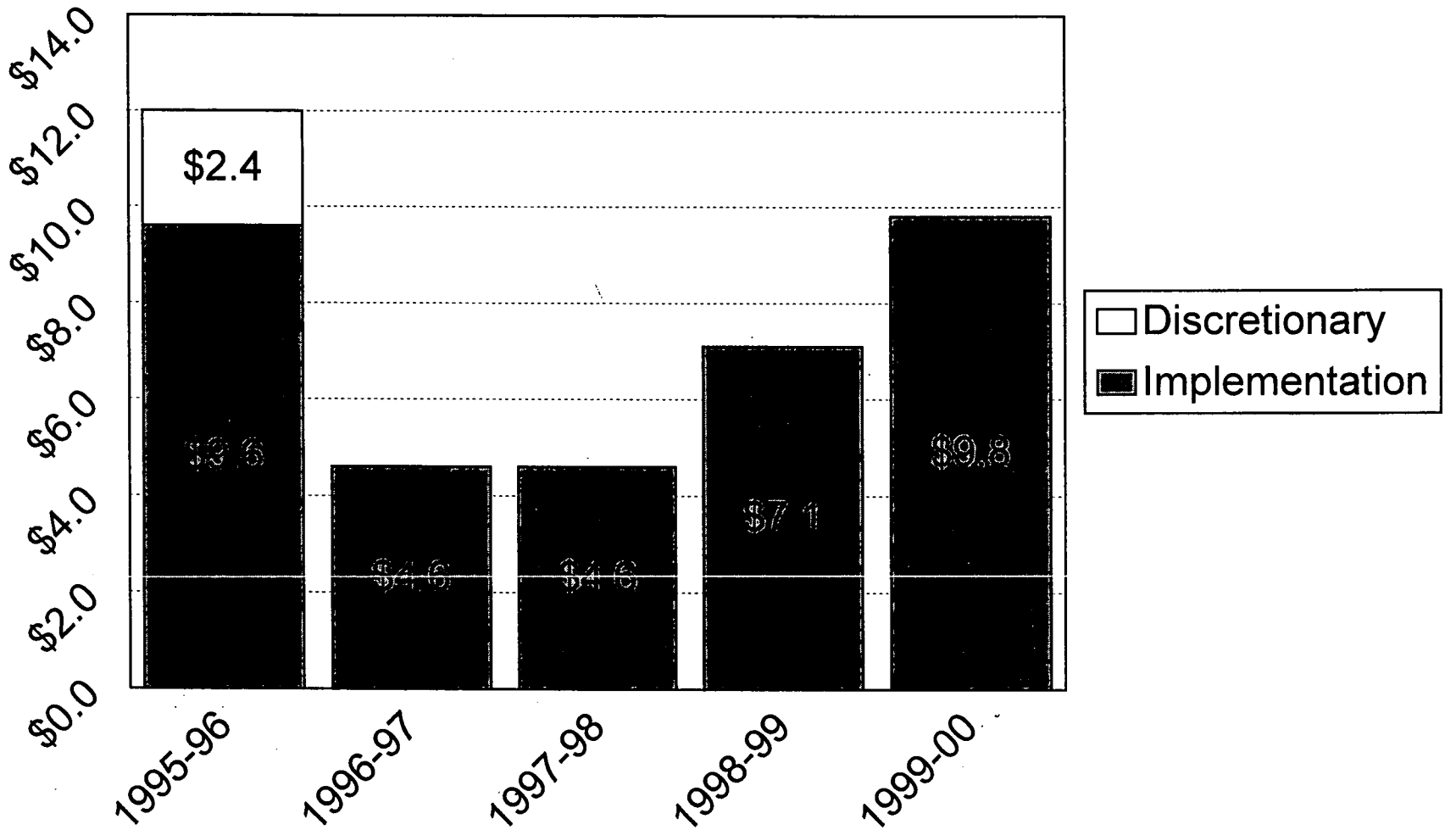
NON PARTICIPATING COUNTIES	ALLOCATION	SOME INTEREST
ASHE	$56,098	
BLADEN	$70,149	
DARE	$53,074	
HYDE	$46,458	
LINCOLN	$72,071	
MADISON	$40,479	Y
MITCHELL	$40,809	Y
NASH	$102,597	
ROWAN	$136,630	Y
RUTHERFORD	$84,474	
SAMPSON	$83,416	Y
TYRRELL	$47,798	
UNION	$111,020	
YADKIN	$61,965	
TOTAL FUNDS	$1,007,038	
TOTAL EXCLUDING INTERESTED	$705,704	

Recent Changes

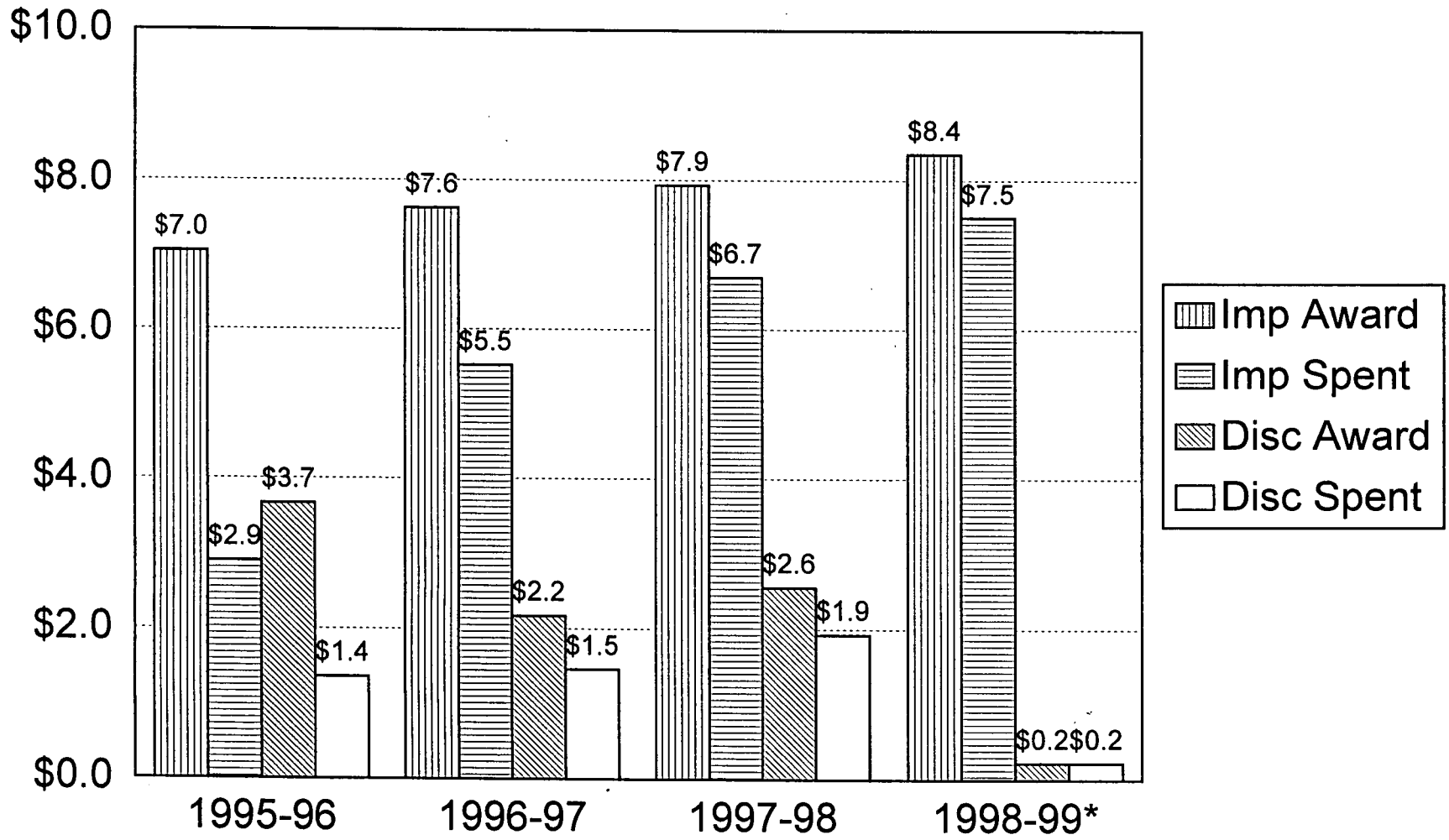
CJPP

- Funding reduced 1996-97 by $7.4 Million.
- Parolees added to allowed population 1997-98
- Funding partially restored ($2.5 Million) 1998-99 . $2 Million of this non-recurring.
- Moved to Division of Community Corrections 1998-99

CJPP FUNDING



Grants Awarded/ Amounts Spent (Millions)



* Based on 90%

Current Issues

CJPP

- *New Information Management System* to allow electronic reporting and case management notes--not all counties participating

- *Limited discretionary funding*--has been major source of funding for substance abuse treatment---contractual and residential--and for facility purchase and renovation. Some counties were relying on it for recurring expenses.

- *Program standards/definition* of Day Reporting Centers. Legislation was introduced and withdrawn in 1998. Sentencing Commission has asked for input from counties.

- *Small numbers of offenders served.* Estimates for 1997-8 are 3,705 sentenced offenders and 2,009 Pre-Trial Release.

DISCRETIONARY GRANTS

- Since 1996-97, the only source of funding has been unspent funds from prior year.
- Available funding drastically reduced this year (higher percentage of grants spent, difficulties projecting, effect of cuts).
- No additional funding has been requested
- Statute specifies following uses for discretionary grants; to encourage innovative multi-county efforts, cooperation and collaboration among existing services, renovation of existing facilities, innovative substance abuse programs.
- Projections for future--non-participating counties and reversions from grants from prior year. *For instance*, if 90% of grants are spent this year (up from 84% in 1997-98) that will generate $850,000 for 1999-00 discretionary grants. The ten counties projected as non-participants in 1999-00 have implementation allotments totalling $705,000 ; these funds would be available for discretionary in 2000-01.

Programmatic Changes by DCC

- Moved 4 staff to field--based in Judicial Division offices, supervised by Judicial Division Chief (Asheville, Smithfield, Kernersville, Greenville)
- Reimbursements filed monthly, within 10 days. No budget amendments after May and close-out year by August.
- Revised Policies and Procedures
- Encouraging use of TASC for case-management and use of intensive officer on site in Day Reporting Centers, concentration of CJPP dollars on treatment.
- This year, planning staff have met with every local CJPP Board to explain policies and procedures.

CONTINUATION BUDGET RECOMMENDATION

- Recommends increasing funding for implementation grants from $5.1 to $9.6 Million--Full Funding for 100 counties

- Recommends inflationary increase to grants of 2.5% ($240,000)

- Total Cost: $4.74 Million

GRANT FUNDED PROGRAMS

DEPARTMENT OF CORRECTION

JOINT APPROPRIATION SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

MARCH 31, 1999

PROGRAM	LOCATION	CAPACITY	FOCUS	STATE FUNDS	OTHER FUNDS	LINKS	1ST YEAR FUNDING
HARRIET'S HOUSE	Raleigh	10 families/yr 6 at one time	Women leaving prison, reuniting with children, structured environment in scattered site housing Substance Abuse, parenting, budgeting. Must work and pay towards rent (escrow)	$200,000	$21,000 + admin support of Passage Home	Prisons (exit planning), DCC, Mary Frances	1993-4
JOHN HYMAN	Warren, Halifax and Bertie	150/yr	Outpatient substance abuse treatment and community education and outreach—not all offenders	$250,000 ($62,500 NR)	DTC contract; in-kind from church	Drug Treatment Court	1993-94
SUMMIT HOUSE	Wake, Guilford and Mecklenburg	10 families 22 families 20 families (per year)	Residential program (group) for women and children; on probation, otherwise prison bound. Cognitive behavior therapy, drug screens, group responsibilities. Also, Day Reporting Center in Guilford.	$1,103,458 ($625,000 NR for capital)	22% of funds private, 6.6% other Gov, 5% fees	DCC, DOC (cognitive behavior training), DHHS	1989-90
WOMEN AT RISK	Buncombe; recent expansion to Burke and Catawba	~ 80/year	Non residential treatment for women on probation, those at risk for probation failure; substance abuse, case manage, ct advocacy.	$125,000 ($35,000 NR for expansion)	$23,070	Commun. Penalties, DCC, Court,	1995-96

PROGRAM	Other Notes
John Hyman	Average 3 successful graduates/week
Harriet's House	Through 1998, have served 30 families and 83 total individuals. See attached cost effectiveness analysis
Summit House	Reentering Wake County house late spring and restoring full capacity. Convened Task Force on Female Offenders and Children at direction of 1998 General Assembly (December report). Preparing to achieve licensing as residential facility. See attached cost-effectiveness analysis
Women at Risk	Since beginning, have served 224 women, 21 of whom currently active. Of the 203: 84 successfully graduated. 46 terminated/revoked 73 other terminations Those who have successfully graduated are 2.5 times more likely to remain on probation/out of custody than those who leave without graduating. See attached

HARRIET HOUSE PROGRAM
SUMMARY STATISTICS 1994-98

Overall projected to be served:	30
Total Served Year To Date (unduplicated count):	28
94-96	7
96-97	13
97-98	11
Currently Waiting Release	2
Number of Women With Re-Arrests	9
% of Total Re-Arrests	33%
Number of Women Not Re-Arrested	19
% of Total Non-Re-Arrests	67%
Total Expenses 94-98 year to date	$814,497
Total NC-GA Appropriation	$800,000
Total Number of Families Served	28
Total Number of Individuals Served	81
Average Cost Per Family	$29,089*
(Average Cost Per Family NC Share	28,571)
Average Cost Per Individual	10,055

*Total Expenses divided by x total served

Harriet's House
12/98

EXECUTIVE SUMMARY

In response to the increasing number of female inmates imprisoned in Raleigh, the Harriet's House program was initiated in 1992 by women in the faith community to help women with children make a positive transition out of prison into society. Currently there are over 1200 women housed at Raleigh Correctional Center for Women and NC Correctional Center for Women.

Harriet's House offers an intergenerational approach to assist female ex-offenders and their children re-unite as a family and in the community.. Harriet's House is a transitional housing program based on a clustered community living approach. That is, women live in apartments near one another, and when they are ready, usually at the end of six months, they begin to assume legal and physical custody of their children.

During the first six months they are preparing themselves to take increasing responsibility for their lives. They will acquire a job and begin a budgeting program that includes savings, debt reduction and credit cleansing. If possible they will complete a GED, acquire new skills through on the job training, or through the community college system, or other training opportunities. Women are able to stay in the program for up to two years, though the average length of stay would be about one year.

During the first phase, participants complete an initial housing analysis that determines the type of permanent housing they might be able to afford once independent of the program. For some, public housing or Section 8 Housing Certificates are their only course because of their limited income earning potential. For others, a higher wage and therefore different housing based on their income, such as low income housing tax credit developments, may be available to them. Still others will move into market rental, and others will become homeowners.

During these first few years, the Harriet's House program has evolved and undergone a number of changes. The structure of the program, the rules and routines and the therapeutic interventions have changed as program staff and the Advisory Committee have sought to refine and improve upon the basic concept of providing women an opportunity to make significant life changes after paying their obligations to society for crimes committed.

This program offers ex-offenders the opportunity to make a new start, to assume a responsible and productive position within the community, and regain their role as mothers. It is expected that the benefits of this program accrue not only to the women themselves, but just as importantly, to their children.

As a core operating philosophy of Harriet's House, we believe that the women and their children need to learn to develop the social skills and protective factors that will help them overcome adversity in the future. Historically, and when they leave prison,

they are assessed to be high risk mothers, with children who are also high risk. They are at high risk for continued anti-social behaviors that will cause them to hurt themselves and others.

Toward this end, we have adopted a "Resiliency Based" model of intervention that assesses the individual and family risk factors, and measures their protective factors. Recognizing that the risk factors are present and a part of the family history, we concentrate on helping to build and strengthen their protective factors. In this way, they will become more resilient and strong in their ability to overcome adversity.

As of the writing of this report, Harriet's House has assisted 28 families and 81 individuals, since the beginning of the program. By the end of this fiscal year, two more families are planned to be released from prison who have been accepted into the program.

The following report will show that 67 % of the Harriet House women, during the first few years of its existence have not returned to prison. This represents a 33% recidivism rate. Regular parole re-arrest rate is 47.8% (any offense). Community Service Parole re-arrest rate is 50%. Intensive Parole is 47.9%. Residential Programs re-arrest rate is 45.9% (any offense). Parole and Terminate re-arrest rate is 40.5% (any offense).* Please note, however, that comparative recidivism rates are difficult measures to use for evaluative purposes because the population overall includes individuals with different risk factors within groups which may skew the results.

The average cost per family is $29,089 and the average cost per individual is $10,055. This is compared to the total cost of incarceration assuming 2 children in foster care at $79,859 for maximum security and $66,268 for minimum security.

To the degree that we are able to serve more families, the average cost is reduced. However, there are fixed administrative and support costs regardless of the number of families in the program. We also believe that program costs could be reduced, and increased numbers of women and children served if we were able to house the women in a group home, prior to reunification with their children. This would allow us to consolidate program services in one place, and reduce the housing cost line item. This is an area that we would like consideration in terms of program expansion.

Up until June of 1995, Harriet's House operated under a scattered site leasing program. We rented apartments in different locations around the community and administered the program from site to site. This approach allowed us to open the program with no property to own or manage and without having to overcome the community barrier issues of zoning that are associated with such a "house" that might be located in a residential neighborhood. This was not the ideal design but we were determined to try to establish the program. Eventually we knew that we wanted to secure property that would allow us to have more control over rents and the distribution of

Comparison of Summit House Costs and Prison/Foster Care

April, 1998

If a mother with one child goes to prison and the child goes to foster care the daily costs are:

- **The mother's costs per day at North Carolina Correctional Institution for Women is $72.69**
- **The child's daily cost at a medium level of foster care is $153.50**
- **The daily costs for this family are $226.19**

If the mother with one child comes to Summit House the daily costs are:

- **The woman's costs per day is $53.34**
- **The child's costs per day is $56.93**
- **The daily costs for this family are $110.27**

The savings to the state of North Carolina for this family are $115.92 a day.

SUMMIT HOUSE OF NORTH CAROLINA

Keeping Families Together - Changing Women's and Children's Lives

1998 FACT AND IMPACT SHEET

FACTS ON NORTH CAROLINA FEMALE OFFENDERS:

- There was an 85% increase of pregnant women admitted to prisons in North Carolina from 1994 to 1996
- 24-48 hours after birth babies are taken from incarcerated mothers
- Over 3,300 children are without their mothers due to incarceration
- Children of incarcerated parents are much more likely to be incarcerated in the future themselves(1)
- Over 1,900 women are incarcerated in our state on any day(2)

FISCAL IMPACT TO OUR STATE:

- The average cost of foster care per day is $153.50 (3)
- Commitment to a state training school in North Carolina is $48,441 annually at $132.72 day for 1997. (4)
- The annual cost to incarcerate a woman is $26,531.85 at $72.69 a day(2) at the Correctional Institution for Women in Raleigh for FY96-97.
- The recidivism rate over a three year period, based on women released in FY88-89 was 40%(2) - which adds an additional $3,538 annually to the cost of maintaining one woman in prison.
- The cost of building a minimum security prison cell for a female facility is $19,940 as of 3/21/96

SUMMIT HOUSE FISCAL IMPACT:

- Annual operating costs per mother at Summit House residential program was $19,472 at $53.34 per day FY96-97. (5)
- Annual operating costs per child in a Summit House residential program were $20,780 at $56.93 per day for FY96-97. (5)
- The operating costs per mother in the day reporting center, at the Greensboro Summit House Resource Center, are $820.59 for FY96-97.

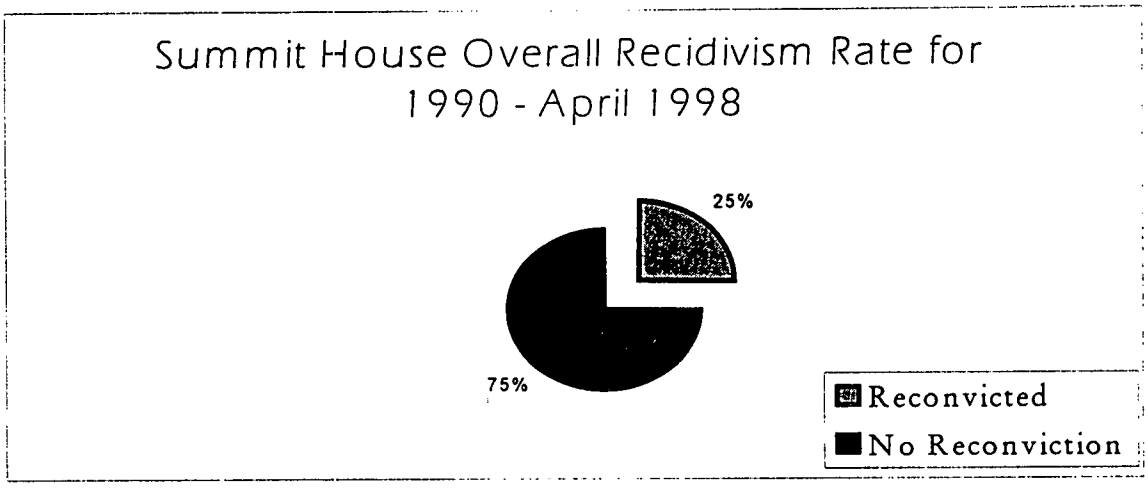
SERVICE DIFFERENCES BETWEEN SUMMIT HOUSE AND PRISON:

- Every mother completes parenting classes and is able to use those skills by living in residence with her child(ren).
- Every mother, if appropriate (80%), must complete all substance abuse counseling, participate in random drug screening and continue to attend NA/AA.
- Every mother learns appropriate behaviors via an intensive cognitive behavior modification program linked to her treatment plan and goals.
- Every mother must complete their GED to graduate.
- Every mother must obtain employment at a pay rate above minimum wage to graduate.

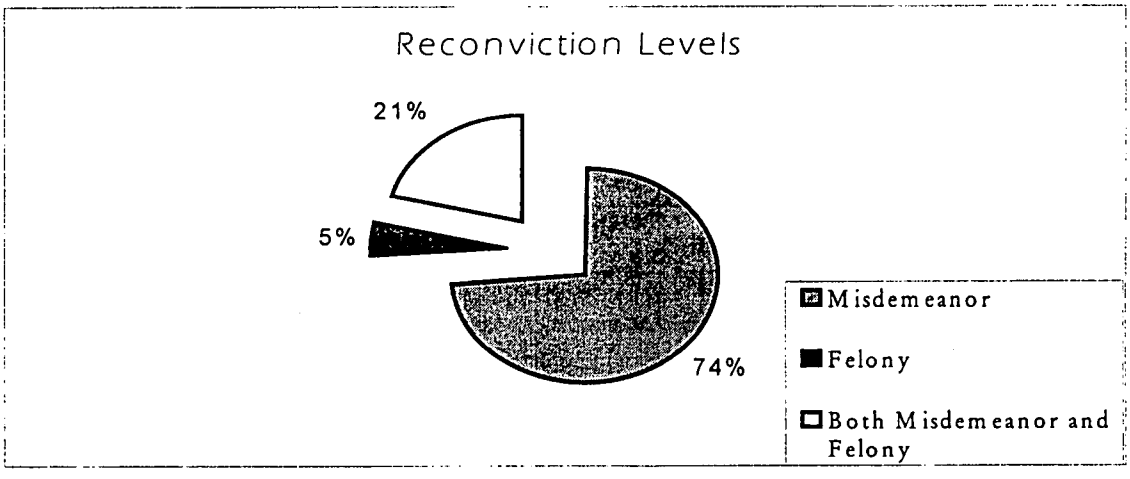
Summit House State Office: 319 Smyres Place Greensboro, NC (336) 691-9888
Residential and/or Day Reporting Sites in Charlotte, Greensboro and Raleigh.

(1) National Association of School Psychologists, 1994
(2) Data provided by the DOC Research and Planning on 2/20/98 based on FY96-97, this is the most current recidivism study completed on female offenders, the next update will be in 7/98
(3) NC Department of Human Resources Division of Social Services 10/96
(4) Data provided by the Division of Youth Services - 2/20/98
(5) All Summit House residential financial and statistical data used based on FY96-97

i:sarah/sumhouse/facts98 4/24/98



The overall recidivism rate for Summit House from 1990 – April 1998: 75% of the clients were not reconvicted within a three year period, 25% of the women were reconvicted.



Of the 25% of clients that were reconvicted only five percent of the clients were convicted of only felonies. Seventy four percent of the 25% were convicted of only misdemeanor. Twenty one percent of the women who were reconvicted were convicted of both felony and misdemeanor charges within three years of leaving Summit House.

April 1998

The Women at Risk Program

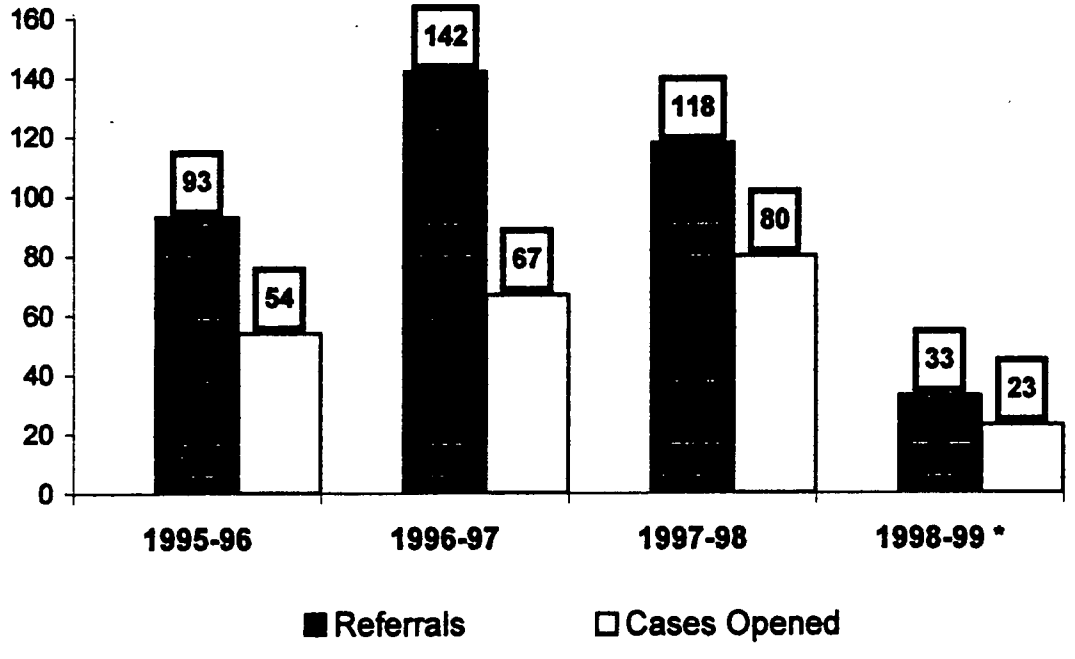
Activity Reports

ACTIVITY	FY 1995-96	FY 1996-97	FY 1997-98	FY 1998-99 *
Referrals	93	142	118	33
Cases Opened	54	67	80	23
BC Jail Screening	37	81	100	44
Terminations	26	50	55	21
Graduates	19	30	29	6
Active Clients(On Schedule)	36	28	26	21
Successful Progress (Graduates + Active Clients)	55	58	55	27
Graduates with Probation Revoked	5	6	3	0
Terminations with Probation Revoked	7	16	16	7

* Data for FY 1998-99 is for period 7/1/98 - 10/31/98

Referrals and Cases Opened

July 1, 1995 - October 31, 1998



VISITOR REGISTRATION SHEET

Justice and Public Safety — Wed. March 31, 1999

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robert Lee Guy	DCC / DOC
Julie Carpenter	DOC
Theodis Beck	DOC
Linda Groomes	PC
Juanita H. Baker	PC
Beth McAllister	Summit House
Norman Freeman	Sentencing Commission
Karen Jones	Sentencing Commission
John Mcadler	Sentencing Commission
Leo Rubert	CJM
Beverly Humphrey	OSBM

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Pauline Rowen	NACC
Joe Hamilton	DOC
Joanne Tedrow	Harriet's House Passage Home
Patricia Ferguson	(252)332-7749-H (252)332-6484 1416 Luther Brown Rd. Bertie County Commissioner Colerain, NC 27924

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday April 1, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Ted Kinney
Representative Bill Culpepper
Representative Paul McCrary

II. PRESENTATIONS

Review of Department of Crime Control and Public Safety Continuation Budget

- **Opening Remarks**

  Secretary Richard Moore, Crime Control and Public Safety or Departmental Representative

- **Overview of Crime Control and Public Safety (CCPS)**

  Marilyn Chism, Fiscal Research Staff
  Departmental Representatives

- **Overview of CCPS Administration**

  Marilyn Chism, Fiscal Research Staff
  Program Representatives

- **CCPS Federal Grant Report**

  Joe Stewart, Legislative Liaison
  CCPS

- **Proposal to Transfer Bingo Regulation from DHHR to CCPS**

  Joe Stewart, Legislative Liaison
  CCPS

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee) April 1, 199

DATES															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair	✓														
Rep. Thomas, Vice Chair	✓														
Rep. Clary															
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus															
Rep. Kiser	✓														
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan	✓														
Sen. Frank Ballance	✓														
Sen. Tony Rand															
Sen. John Carrington															
Sen. Don East	✓														
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio	✓														
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

VISITOR REGISTRATION SHEET

Appropriations/Justice & Public Safety , 1999

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	DJJ
Mike Barham	CCPS
Shawn Lemmond	N.C. Boxing Commission.
Melissa Lovell	DOJ
[illegible]	OSBM
[illegible]	CCPS
David Force	Governor's Crime Comm.
Patricia Raeder	NCACC
[illegible]	Capitol [illegible]
Ruth [illegible]	NCDOT
Bryan Beatty	DOS

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND
PUBLIC SAFETY OF THE HOUSE
Thursday, April 1, 1999 8:30
Room 415 Legislative Office Building

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending were Representative Bill Culpepper, presiding; also attending Co-Chair , Rep. Paul McCrary, Co-Chairman Rep. Ted Kinney, Rep. Scott Thomas, Rep. Phillip Haire, Rep. Jim Horn, Rep. Joe Kiser and Rep. Wayne Sexton. Four Senate Members also attended.

Co-Chairman Bill Culpepper recognized Mr. Stewart, assistant to Secretary Richard Moore from Crime Control and Public Safety for opening remarks. Mr. Steward made a brief presentation beginning with the report that was required by the legislature to produce a report on the creation of the Emergency Disaster Trust Fund. Secondly the issue of the Boxing Commission which was transferred into this Department (Crime Control and Public Safety) last year. Mr. Steward stated that this has created some difficulties and that Shann Lammond from the N.C. Boxing Commission was attending the committee today and would try to answer any questions that the committee might have. Mr. Stewart stated that Crime Control and Public Safety was a small Department and did not have a large general fund budget by comparison.

Co-Chairman Culpepper then recognized Marilyn Chism, Fiscal Research Staff, to give an Overview of Crime Control and Public Safety Budget. She began with the Department-Wide Overview (See Attached) Marilyn started with the Mission Statement and continued with the 4 Major Areas within this Department which are **General Administration, Public Safety, Law Enforcement and Crime and Victim Services.** Marilyn stated, with the review of the Continuation Budget, she would be discussing **General Administration**. (See Attached) The attachments included are pie Charts of Trend Analysis, 1998-99 Authorized General Fund Budget By Purpose, and Highlights of Budget Activity for the 197-99 Biennium. Rep. Kiser was recognized and shared his concerns regarding the decrease of funds in the Highway Fund Budget for the Mobile Data Network and Computers. Joe Stewart responded by saying that the CCPS had currently received appropriations on the state and federal level, in addition to federal grant money, to put into place all but about 300 Mobile Data Terminals. Mr. Stewart also stated that there would be enough terminals available for every trooper by next year.

Senator Jordon was recognized by the Chairman, and stated his concerns regarding the ALE and whether or not they would be picking up more duties and if the equipment (mobile data system) is compatible to that of the Highway Patrols. Joe Stewart responded by saying that there was a plan in place available for ALE to implement a mobile Data System. Joe stated that they are also looking at Federal Monies.

Marilyn Chism continued with the overview of CCPS General Administration, stating that this is the smallest of the 4 major areas that have identified for Crime Control and Public Safety. Total budget 3.7 million dollars, representing 1.1% of the total General Fund Budget. The purpose is to support the internal operations of the agency. The Administrative Operations are **Fiscal, Personnel Staff Operations, Information Services and Public Affairs.** The Other Operations are Law Enforcement Support Services and The Boxing Commission Program. (See Attached) Senator Jordon was recognized by Chairman Culpepper with a question regarding the Boxing Commission. Asking if the commission members were paid, the answer *No*. Senator Jordon then asked how do they promote Boxing to travel and tourism? Shann Lemmond responded by saying *the Boxing Commission was purely regulator, promotion is done simply by making the industry honest, that they do not go out and actively promote boxing.*. Representative Ted Kinney was recognized and whether there were non-voting members on the commission? Shann Lemmond was recognized and stated that there are two doctors that work with the Commission to help make medical decisions. Representative Kiser was recognized and asked whether there was boxing on the Indian Reservations. Shann responded by telling the Committee that the *Cherokee Indian Reservation signed a contract with the Boxing Commission last year, that gave them the right to start there own Boxing Commission if they desired.*

Representative Kiser was recognized, asked Shann about legalized betting in Cherokee the answer was *no*. A follow up was made by Rep. Kiser, asking if it was required that a doctor be at ringside at all times. Shann responded by saying *yes, it is a requirement.*

Joe Stewart then shared with the Committee the Proposal to Transfer Bingo Regulation from DHHR to CCPS. Joe Stated that there were two forms of Bingo Beach and Non-Profit. Joe gave to the Committee a Background on Charitable Bingo.

There being no further business, the meeting adjourned, to meet again at 8:30 in the morning April 6, 1999.

Respectively Submitted,

Representative Bill Culpepper, Co-Chairman

Barbara A. Berry, Committee Assistant

Crime Control and Public Safety

Department-Wide Overview

Joint Appropriations Subcommittee on Justice and Public Safety
April 1, 1999

Crime Control and Public Safety

- Mission
  - Enhance the quality of life of North Carolinians by controlling crime and ensuring public safety

- Primary Goals
  - Prevent and reduce crime and enhance the effectiveness of the criminal justice system
  - Ensure the safe, convenient and efficient transportation of people and products on state highways
  - Improve and enhance victims' services
  - Coordinate emergency management functions during manmade emergencies and natural disasters statewide and facilitate the location of missing persons
  - Improve and enhance the quality of life and protect the rights and liberties of patients, employees, inmates, students, and citizens in the Butner jurisdiction

- Operations
  - 9 Divisions
  - 5 Commissions
    - Governor's Crime Commission
    - Crime Victims' Compensation Commission
    - Emergency Response Commission
    - Governor's Advisory Commission on Military Affairs
    - North Carolina Boxing Commission

Crime Control and Public Safety

Major Areas

- General Administration
  - Includes Law Enforcement Support Services
  - North Carolina Boxing Commission Staff
- Public Safety
  - Civil Air Patrol
  - Butner Public Safety
  - Emergency Management
  - National Guard
- Law Enforcement
  - Alcohol Law Enforcement
  - State Highway Patrol
- Crime and Victim Services
  - Crime Prevention
  - Governor's Crime Commission Staff
  - Victim's and Justice Services

Crime Control and Public Safety

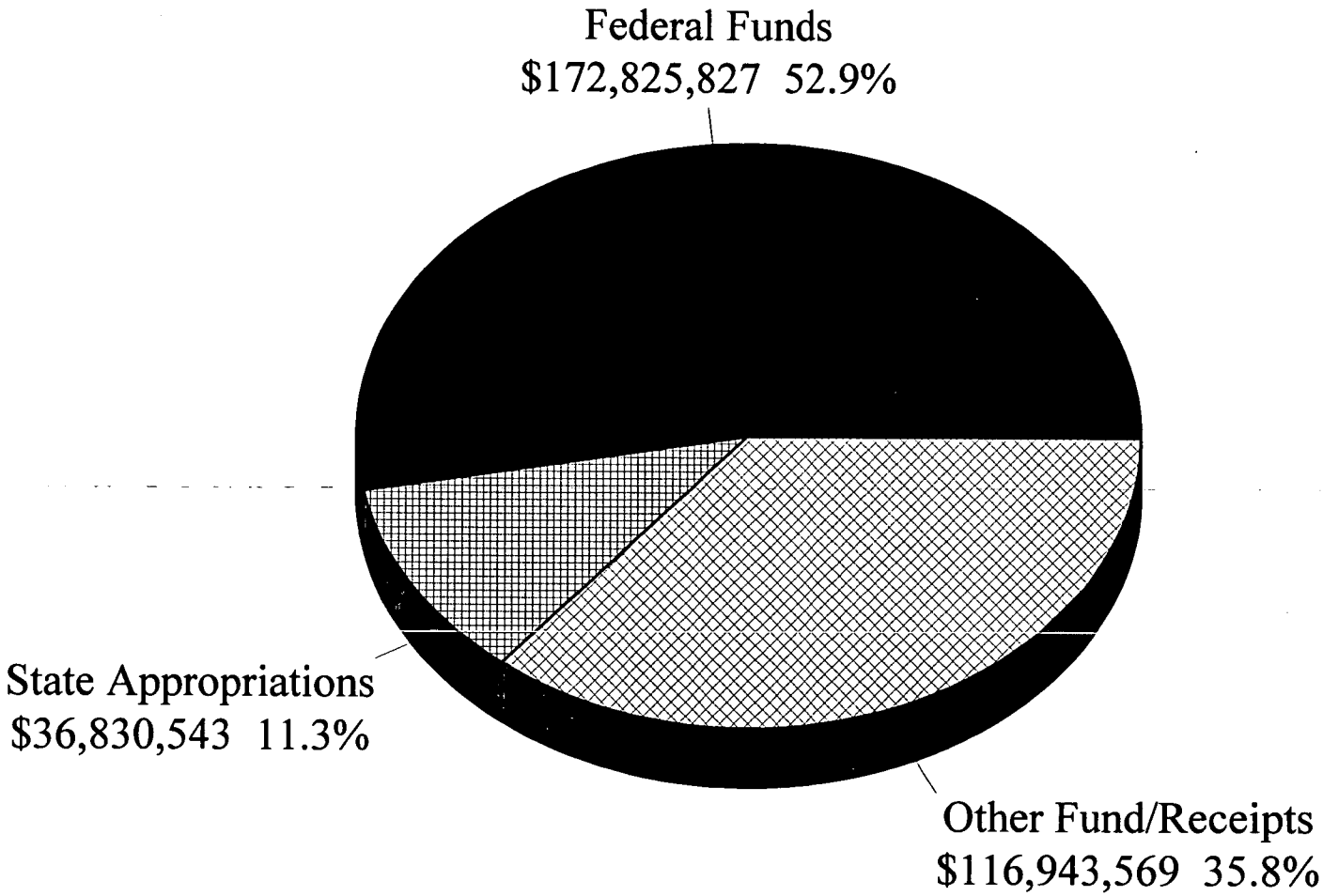
1998-99 General and Highway Fund Budgets By Areas

AREA	GENERAL FUND		HIGHWAY FUND		TOTAL	
	$	Area %	$	Area %	$	Area %
Administration	$3,670,005	1.12%		0.00%	$3,670,005	0.78%
Law Enforcement	$9,485,975	2.90%	$145,337,951	100.00%	$154,823,926	32.81%
Public Safety	$236,144,895	72.30%		0.00%	$236,144,895	50.04%
Crime and Victim Services	$77,299,064	23.67%		0.00%	$77,299,064	16.38%
TOTAL	$326,599,939	100.00%	$145,337,951	100.00%	$471,937,890	100.00%
Fund %	69.20%		30.80%		100.00%	

Source: 1998-99 Authorized Budget per the 12/31/98 BD701

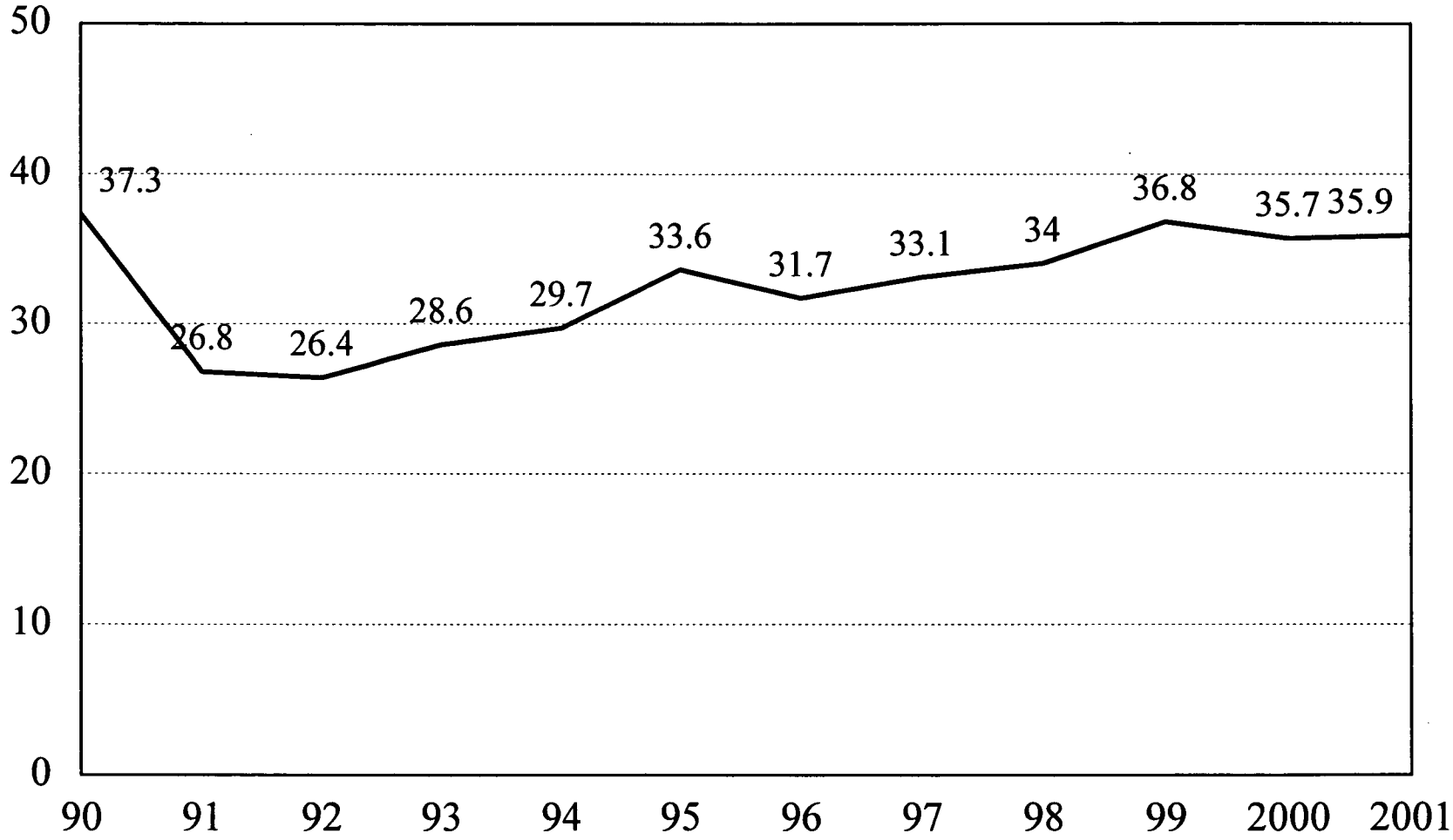
Crime Control and Public Safety

1998-99 General Fund Budget by Funding Source



Crime Control and Public Safety

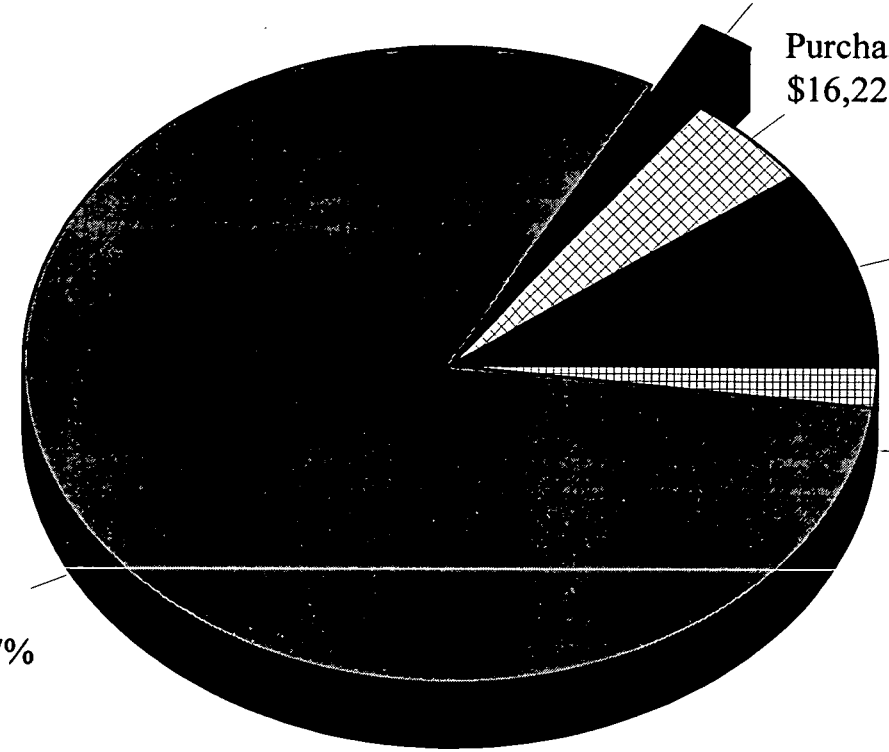
Trend Analysis of General Fund State Appropriations



Source: FY 1990-1998 Actual GF Expenditures, FY 1999 Authorized Budget per 12/31/98 BD701; FY2000-01 Worksheet 1

Crime Control and Public Safety

1998-99 Authorized General Fund Budget By Purpose

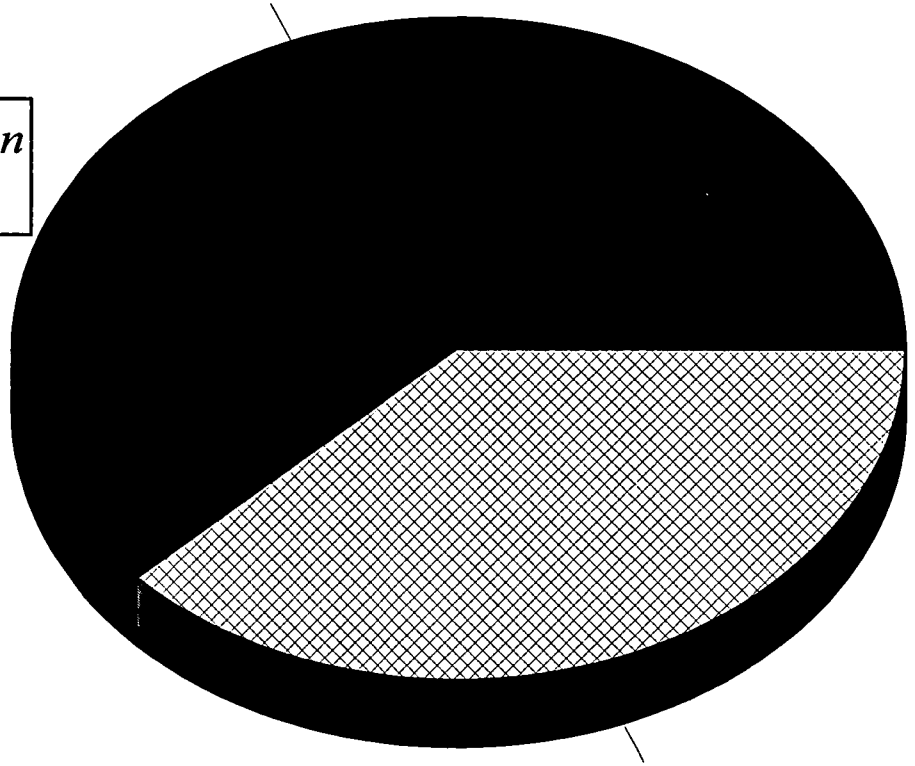


Source: 12/31/98 BD 701

Crime Control and Public Safety

1998-99 Authorized State Appropriation By Purpose

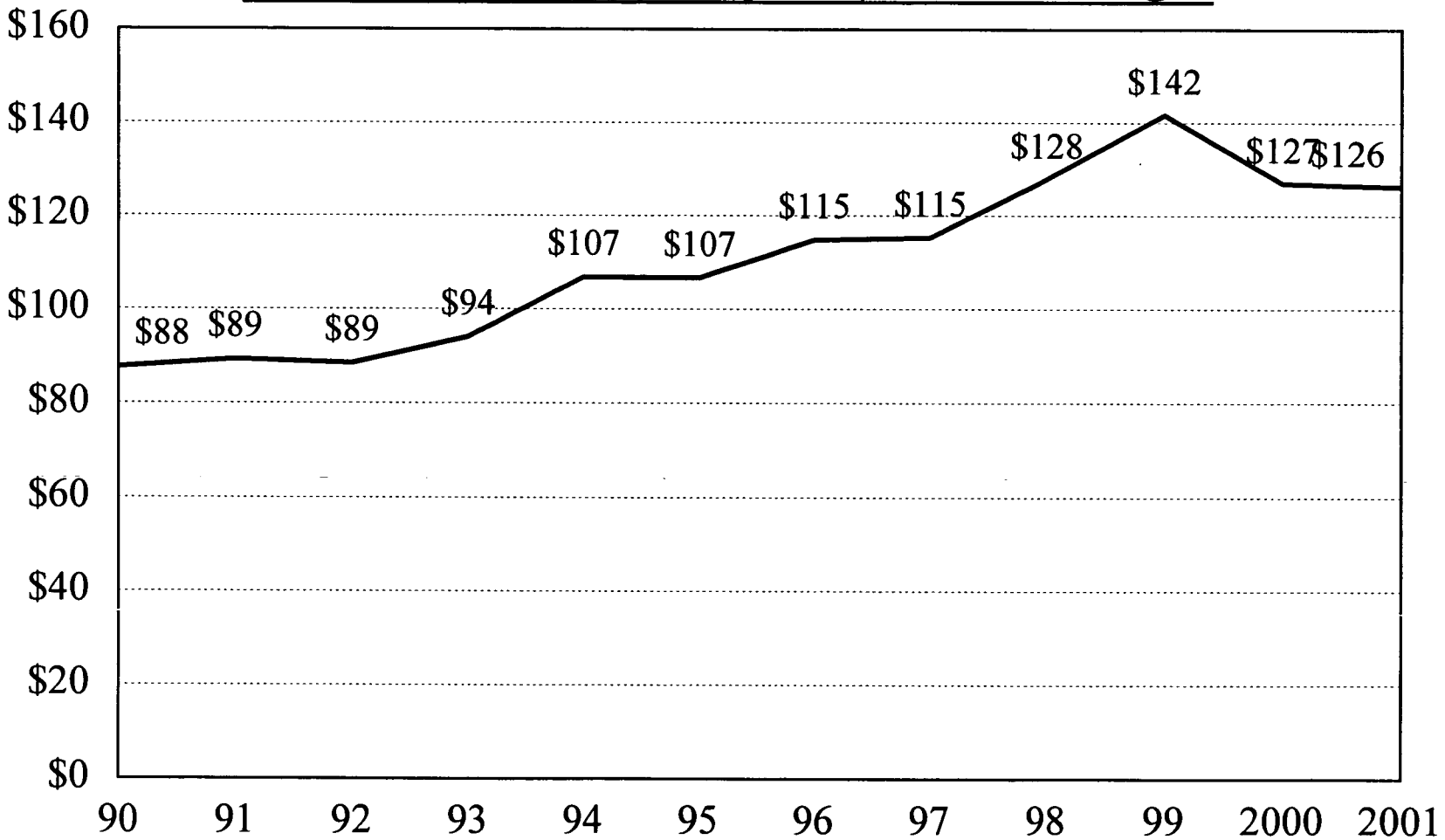
Total State Appropriation
$36,830,543



Source: 12/31/98 BD 701

Crime Control and Public Safety

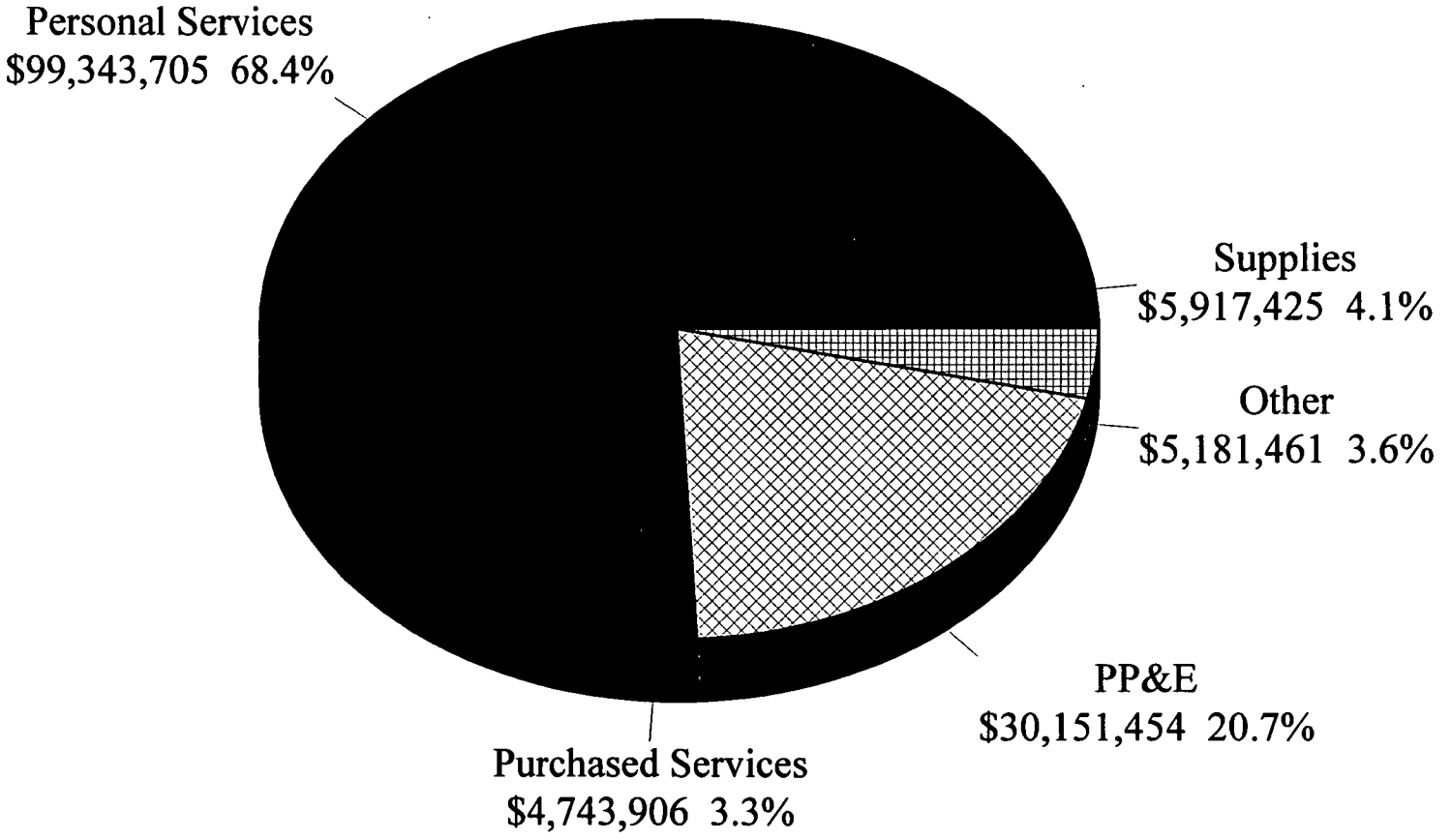
Trend Analysis of Highway Fund Budget



Source: FYs 1990-1998 Actual Expenditures; FY 1999 Authorized Budget Per BD701; FY 2000-01 Worksheet 1

Crime Control and Public Safety

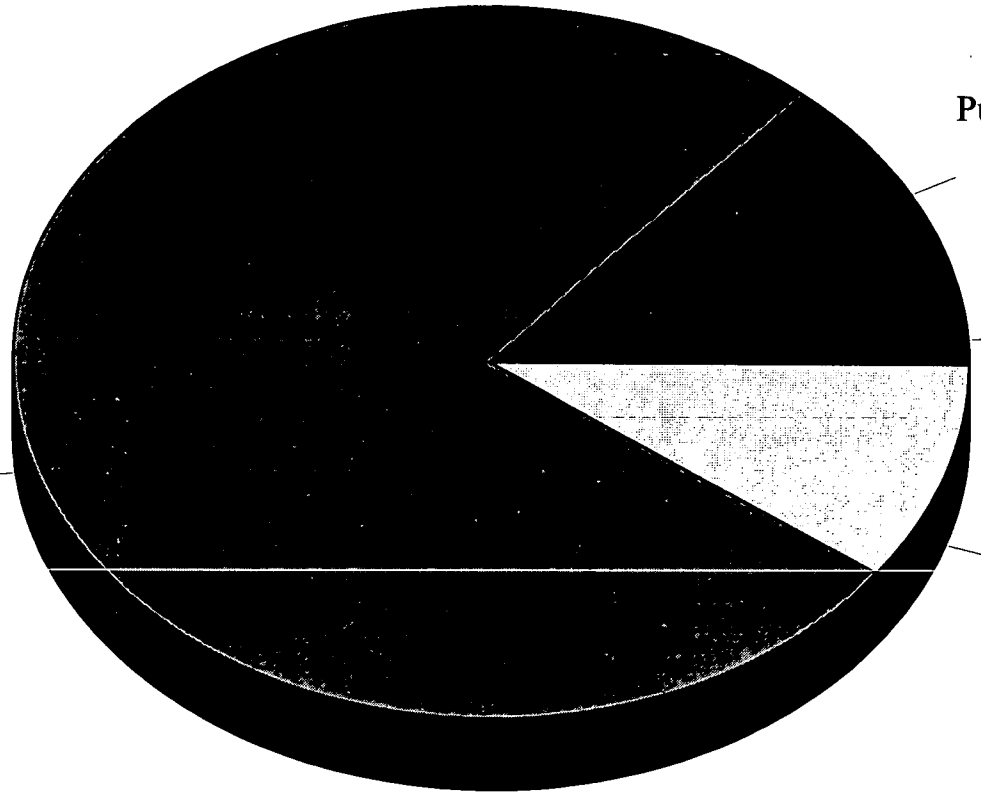
1998-99 Authorized Highway Fund Budget By Purpose



Total Highway Fund Budget is $145,337,951 including grants of $3.6 million

Crime Control and Public Safety

1998-99 Positions By Area

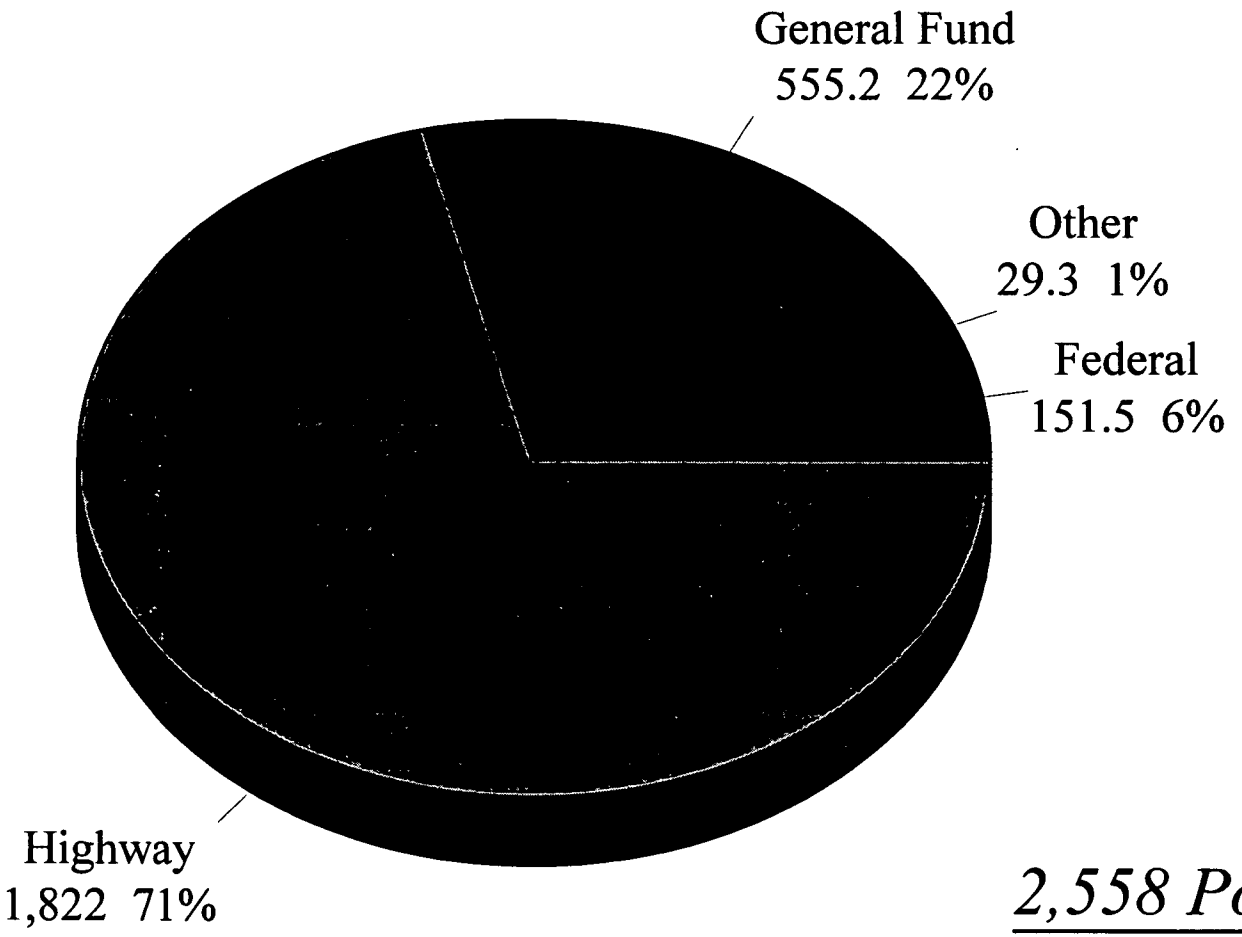


2,558 Positions
General and Highway Fund

Source: CC & PS

Crime Control and Public Safety

1998-99 Positions By Funding Source

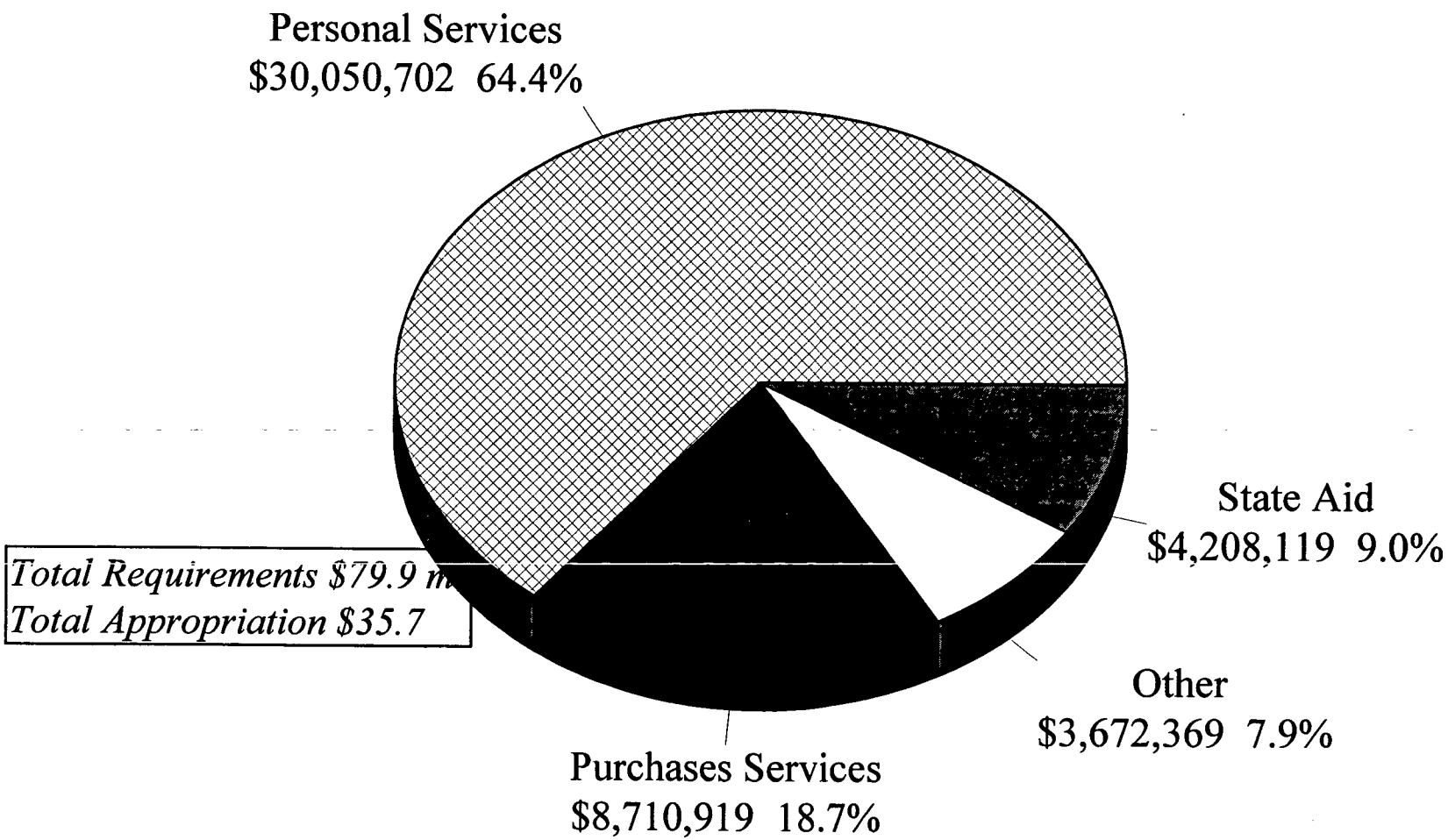


2,558 Positions

Source: CC & PS

Crime Control and Public Safety

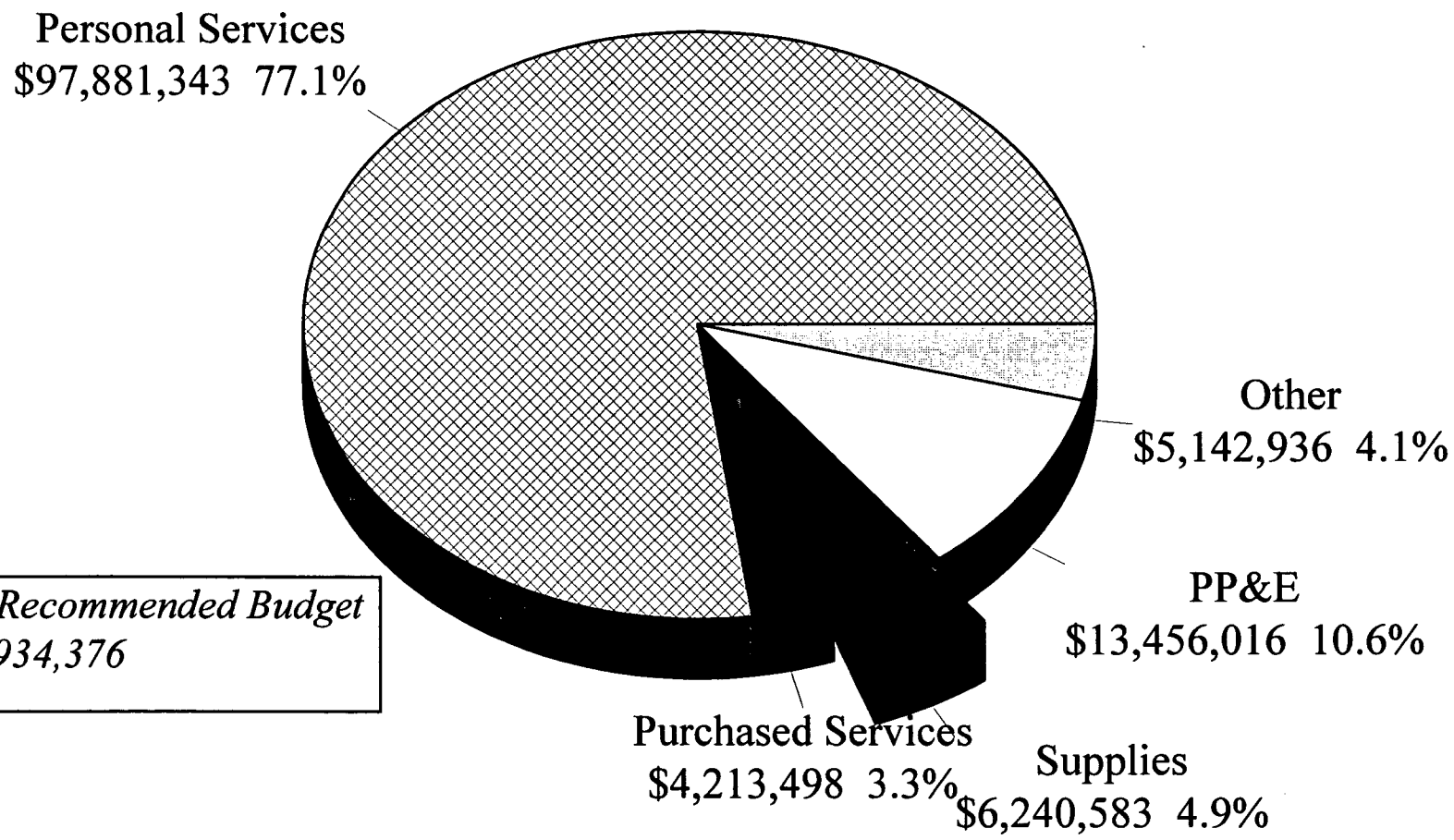
1999-2000 Recommended General Fund Budget By Purpose



Source: Worksheet 1s

Crime Control and Public Safety

1999-2000 Recommended Highway Fund Budget By Purpose



Total Recommended Budget
$126,934,376

Source: Worksheet 1s

Crime Control and Public Safety

Highlights of Budget Activity for the 1997-99 Biennium

- **Victim & Justice Services**
  - Community Service Work Program
    - In 1997-98, 73,689 offenders entered the Community Service Program, 2.3 Million hours of work were completed and 75% of offenders successfully completed their sanction.
    - The number of Coordinators increased from 120 in 1996-97 to 141 in 1998-99 through new positions and reallocation of clerical and supervisory positions.
    - The Legislature funded 5 of these new coordinators in 1997 and provided $15,000 to upgrade clerical positions in 1998.
  - Crime Victims Compensation Fund
    - The Victims Compensation Fund expended $3.56 Million in 1996-97 and $2.94 Million in 1997-98; the Rape Victims Assistance Fund expended $91,026 and $136,961 in those years.
    - The Victims Compensation Fund has $6.9 Million available for 1998-99 from General Fund Appropriation ($2 M) anticipated DOC receipts ($.94 M), VOCA receipts ($1.88 M) and carry-over from 1997-98 ($2.1 M)
    - 1998 Legislation increased the limits on certain kinds of compensation for victims.

Crime Control and Public Safety

Highlights of Budget Activity for the 1997-99 Biennium

- National Guard
  - Maintenance funds for armories
  - Additional funds for the Tuition Assistance Program
  - State match for maintenance positions for expanded Air National Guard Facilities
  - State match for Tarheel Challenge Program

- State Highway Patrol (Highway Funds)
  - Funding for 40 additional troopers
  - Mobile Data Computers for Patrol Cruisers (approx. 430 @ $3.9 m)
  - Mobile Data Network Project ($4.7m for 2nd and 3rd phases)

Crime Control and Public Safety

General Administration
Program and Budget Overview

Joint Appropriations Subcommittee on Justice and Public Safety
April 1, 1999

General Administration

- Purpose
  - Support the internal operations of the agency

- Administrative Operations
  - Fiscal Section
  - Personnel Section
  - Staff Development Section
  - Information Services Section
  - Public Affairs Section

- Other Operations
  - Law Enforcement Support Services
  - Boxing Commission Program

General Administration

Law Enforcement Support Services

- Purpose:
  - Provide surplus military equipment to local law enforcement agencies

- Programs
  - Excess Property
    - obtain items from US Dept of Defense based on requests by local l/e agencies
    - distributed equipment valued at $75 million since May 1994 to approximately 430 agencies
  - Equipment Loans
    - provide equipment (i.e. for surveillance, raids, traffic checkpoints) on short-term basis
  - Procurement
    - allows l/e agencies to purchase law enforcement equipment for use in counter-drug, anti-drug and drug interdiction campaigns from the US Government contract vendor system at substantial savings
    - 25 agencies have made purchases resulting in savings of $103K (approximately 50% savings)
  - Police Corps
    - federally funded competitive scholarship program for students who agree to work for a l/e agency for at least 4 years; $7,500/year for up to 4 years and cost of 16 week l/e training
    - provides $10K/ yr of service commitment to the scholars' assigned l/e agencies
    - noncompetitive scholarships to children of officers slain in the line of duty
    - currently 67 Police Corps participants and 9 dependent children receiving scholarship assistance

General Administration

North Carolina Boxing Commission

- Boxing Commission:
  - 8 member Commission (6 voting and 2 nonvoting members)
  - Created within the Secretary of State's Office effective January 1996 and transferred to the Department of Crime Control and Public Safety during the 1998 Session
  - Staffed by 3 full-time employees and 26 independent contracted agents

- Primary Goal
  - To regulate the boxing industry to ensure the safety of all participants; the integrity and prevention of illegal practices; and the licensing of participants in accordance with state laws (Chapter 143, Article 68 of NC General Statute) and federal law (Professional Safe Boxing Act of 1996).

- Activities
  - License boxing events and participants
  - Regulate events
  - Investigate complaints and take disciplinary action
  - Document event results
  - Review, document and evaluate injury patterns and risks

General Administration

NCBC Selected Statistics for 1998

- 167 Professional Boxers reside in NC

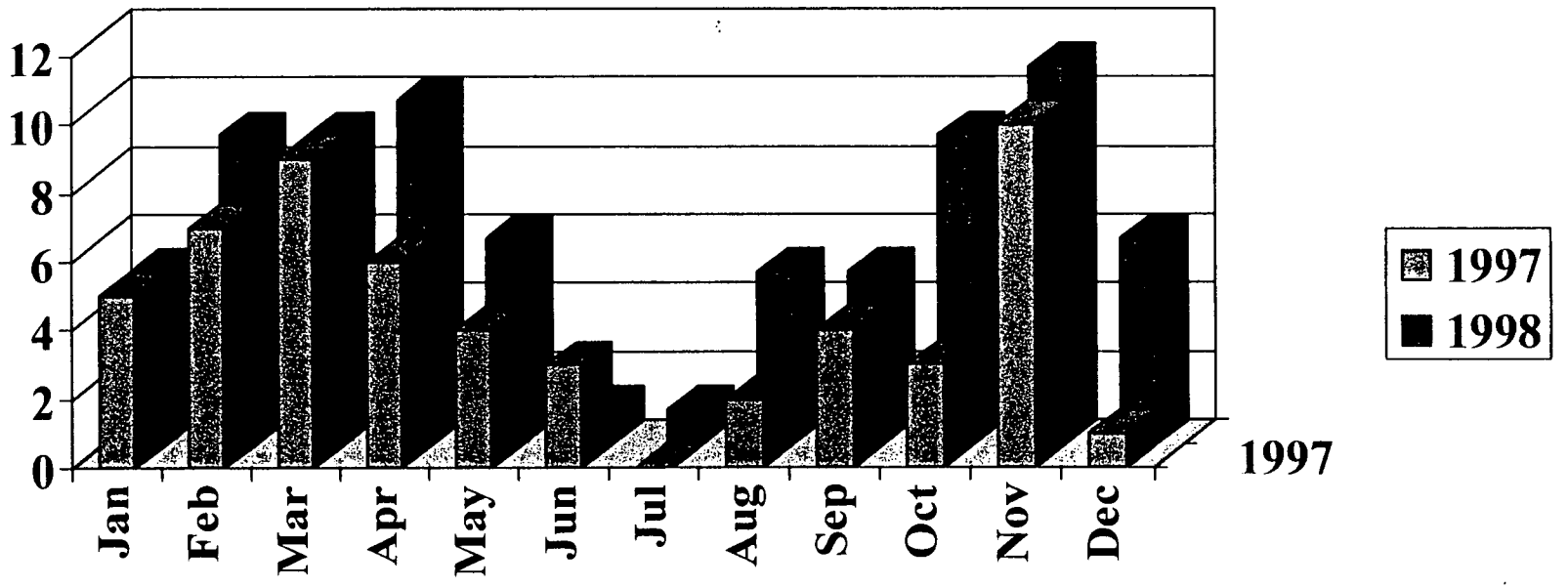
- 77 Event Nights (with an attendance of 61,900; plus audience for the 4 televised events)
  - Ranking NC in the top 10 in # of events held

- 1018 Licenses to contestants, promoters, managers, and officials
  - Contestants' licenses cover a 12 month period
  - Other licenses are renewable annually on January 1

- Regulations Statistics
  - No significant injuries
  - No illegal or unregulated events
  - Issued 7 fines and 43 suspensions
  - Caused the enforcement of 23 contract incidents

Number of Event Nights
1997 vs 1998

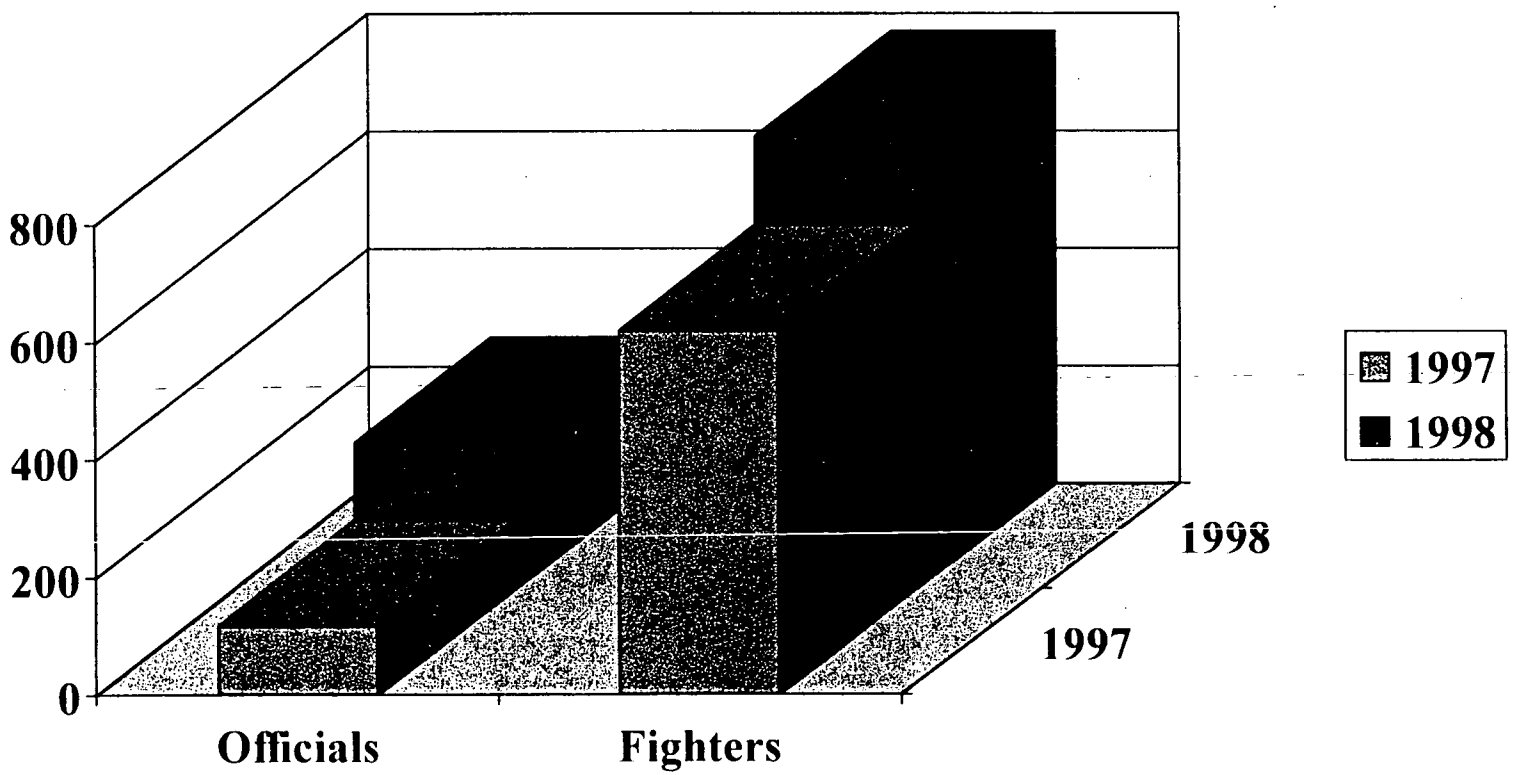
1997 = 54 Event Nights
1998 = 77 Event Nights +42.6%



Number of Licenses Issued

1997 vs 1998

1997 Total Licenses = 739
1998 Total Licenses = 1018 (+ 37.75%)



Crime Control and Public Safety

General Fund Budget Growth

General Administration

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$2,630,139	$2,946,742	$3,322,978	$3,670,005	$3,000,325	$2,998,753
Less Receipts	($665,676)	($570,699)	($903,507)	($1,009,182)	($432,729)	($432,729)
State Appropriations	$1,964,463	$2,376,043	$2,419,471	$2,660,823	$2,567,596	$2,566,024
Positions	48	49	50	50	50	50

Percentage Increase in State Appropriaiton is 35% since 1995-96.

Major Changes in Continuation Budget Request: None

Major Budgetary Action

Boxing Commission Transferred into the Department

Operating Budget reduced from $202,770 to $100,000

Issues for Discussion

Boxing Commission's Operating Budget

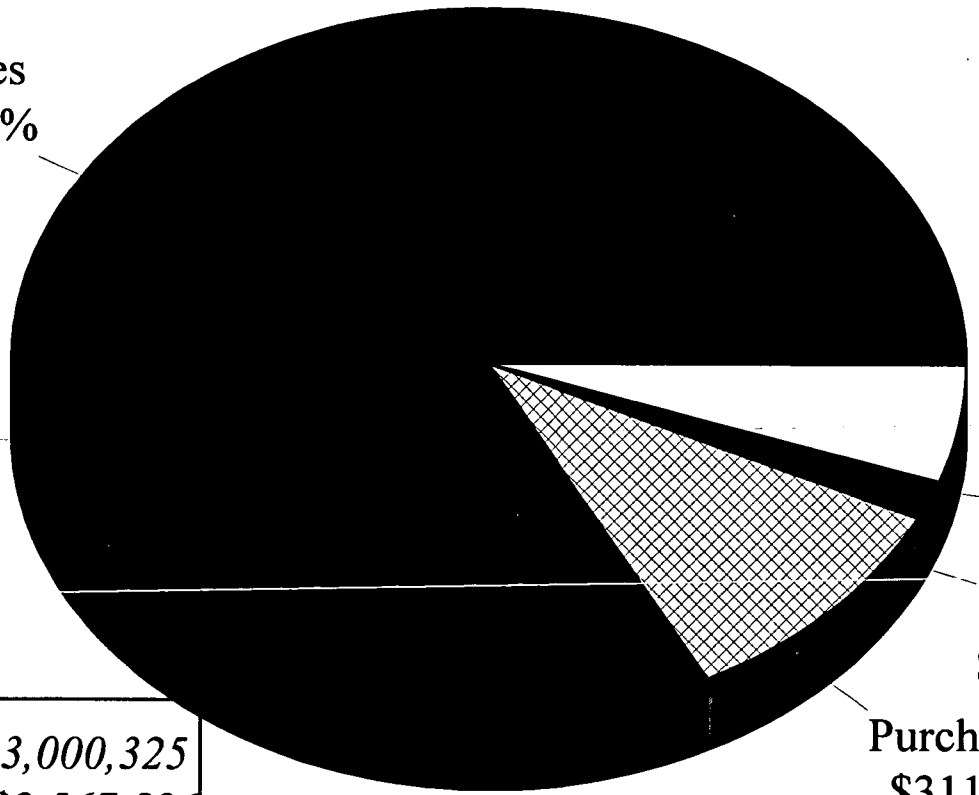
Boxing Commission currently generates revenue from event permit and license fees

Revenue for 1997-98 was $30K while revenue for 1998-99 is approx $32K.

Commission feels the program could sustain a fee increase

General Administration

1999-2000 Recommended Budget By Purpose



Total Requirements: $3,000,325
Total Appropriation: $2,567,596

Source: Worksheet 1

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday April 6, 1999 8:30 a.m and 2:30pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Ted Kinney
Representative Bill Culpepper
Representative Paul McCrary

II. PRESENTATIONS

Morning

Review of Department of Crime Control and Public Safety Continuation Budget

- **Overview of CCPS Public Safety Divisions**

  Marilyn Chism, Fiscal Research Staff
  Program Representatives

- **Overview of CCPS Law Enforcement Divisions**

  Marilyn Chism, Fiscal Research Staff
  Program Representatives

- **CCPS Federal Grants Report**
  CCPS Vacancies Report

  Joe Stewart, Legislative Liaison
  CCPS

Afternoon

- **Overview of Crime and Victims Services**

  Marilyn Chism, Fiscal Research Staff
  Program Representatives

- **Proposal to Move Crime Prevention to Governor's Crime Commission**

  Joe Stewart, Legislative Liason CCPS

- **Overview of Victim and Justice Services**

  Elisa Wolper, Fiscal Research Staff
  Program Representatives

- **Crime Control and Public Safety Special Provisions**

  Marilyn Chism and Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

Remaining Items from Review of Department of Correction Continuation Budget

- **Department of Correction Vacancies and Misc. Items**

  Jim Mills, Fiscal Research Staff
  Program Representatives

- **Division of Community Corrections Special Provisions and Response to earlier questions**

  Elisa Wolper, Fiscal Research Staff
  Program Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
April 6, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on April 6, 1999 at 8:30AM in room 415 LOB. Three Senate members attended. The following House members attended:

Rep. Paul McCrary	Rep. Bill Culpepper
Rep. Scott Thomas	Rep. Phillip Haire
Rep. Jim Horn	Rep. Joe Kiser
Rep. Wayne Sexton	Rep. Andrew Dedmon

Senator Luther Jordan called the meeting to order at 8:30AM. Senator Jordan introduced Marilyn Chism, staff. Ms. Chism distributed a handout, Crime Control and Public Safety, Public Safety Divisions, Program and Budget Overview. Ms. Chism read from the handout. Since 1990, the National Guard strength has declined. There are 166 Army and Air National Guard units, 99 armories and Air Guard facilities, which are in 98 cities and 75 counties. There is a tuition assistance program at $1,000 per member per year and after 20 years of service, one is entitled to a pension of $50 to $100 per month. The National Guard has three youth programs, Starbase, GRASP, and Tar Hell ChalleNGe. GRASP funding is in the Office of Juvenile Justice. The National Guard budget is 20% of the state appropriations. An issue for consideration is continued funding for Tar Heel ChalleNGe.

In response to a question by Rep. Haire, Mr. Joe Stewart said there are 20 sites across the state and they are based on the volume of youthful offenders. In response to a question by Rep. Kiser, Mr. Phelps from the National Guard said about 15 states provide tuition assistance at a maximum of $1000 per year.

Ms. Chism continued on page 11 of the handout. Page 12 lists the four-phase response to emergency situations, preparedness, response, recovery and mitigation. The total disaster spending in 1998 was $59,398,769. The disaster costs drive budget needs for Crime Control and Public Safety. Butner is the only place in the country where the state runs a city. Congressman Etheridge is trying to get more federal money for Butner. Rep. Sexton said the federal gov't. is not paying its fair share and he would like to see statistics on costs/ reimbursement, etc. Mr. Stewart will put the numbers together. Rep. Kiser would also like to know the number of patients at Butner.

Ms. Chism continued on page 25 of the handout regarding the Civil Air Patrol. The civil air patrol is the civilian arm of the US Air Force. In response to Rep. Haire, Mr. Stewart said the 109 member aircraft may be reimbursed by federal money, depending on the mission but no state is reimbursed.

The next handout was distributed, Crime and Public Safety, Law Enforcement Divisions Program and Budget Overview, from which Ms. Chism spoke. There are 12 Alcohol Law Enforcement districts. One position was added in 1998 for urban blighted areas. The Cops and Shops program is funded with federal money through Crime Control and Public safety. In response to Rep. Sexton nuisance abatement is always at the request of local law enforcement. In response to Rep. Haire, Mr. Stewart said local ABC boards may use at least 5%of profits for law enforcement.

In North Carolina, we have 8 state highway patrol troops. In response to Senator Jordan, the 40 new highway patrolmen are included in the authorized strength. The 26 week school starts May, 1999 and the 40 new will be in that school for a net of 37 new troopers.

In reply to: Rep. Haire, the life of the mobile data computers is 5 years.

Mr. Joe Stewart from Crime Control and Public Safety distributed a handout titled Department of Crime control and Public Safety Federally Funded Programs. After discussion, Mr. Stewart distributed another handout titled DCCPS VACANCY LIST.

Senator Ballance adjourned the meeting at 9:50AM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

Crime Control and Public Safety

Public Safety Divisions
Program and Budget Overview

Joint Appropriations Subcommittee on Justice and Public Safety
April 6, 1999

Public Safety Divisions

North Carolina National Guard

Emergency Management

Butner Public Safety

Civil Air Patrol

Crime Control and Public Safety

1998-99 General and Highway Fund Budgets By Areas

AREA	GENERAL FUND		HIGHWAY FUND		TOTAL	
	$	Area %	$	Area %	$	Area %
Administration	$3,670,005	1.12%		0.00%	$3,670,005	0.78%
Law Enforcement	$9,485,975	2.90%	$145,337,951	100.00%	$154,823,926	32.81%
Public Safety	$236,144,895	72.30%		0.00%	$236,144,895	50.04%
Crime and Victim Services	$77,299,064	23.67%		0.00%	$77,299,064	16.38%
TOTAL	$326,599,939	100.00%	$145,337,951	100.00%	$471,937,890	100.00%
Fund %	69.20%		30.80%		100.00%	

Source: 1998-99 Authorized Budget per the 12/31/98 BD701

National Guard

- Mission
  - Federal:
    - To provide units that are fully manned, trained, equipped and ready on short notice to perform their national defense missions
  - State:
    - To respond to the Governor's request to protect life and property and to restore and preserve peace, order and public safety
  - Domestic:
    - To add value to the local community by counterdrug operations, youth development programs, state partnership and community action projects
- Authorized Strength
  - 166 Army and Air National Guard Units
  - Army National Guard has 10,121 citizen-soldiers and Air National Guard has 1,521
  - 1,560 full-time support personnel, including 105 state supported positions
- Facilities
  - 99 Armories and Air National Guard Facilities
  - Facilities are in 98 cities and towns in 75 counties

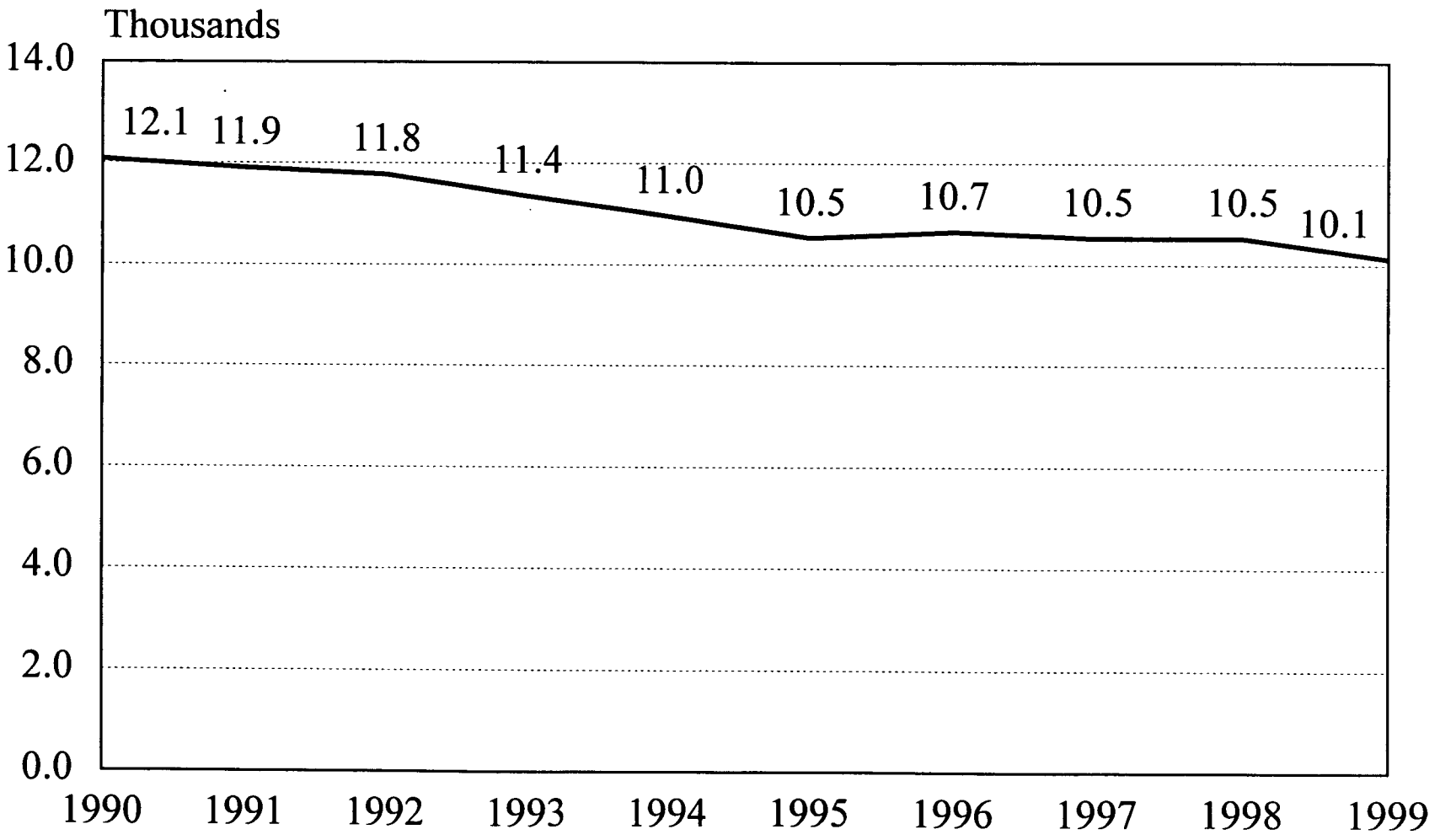
National Guard

Selected Statistics

- Federal Active Duty Deployments
  - 4 deployments in 1998 (Croatia, Bosnia, Kuwait)
  - Average length of deployment was 8 months
  - Over 375 personnel involved
- State Active Duty
  - 45 missions in 1998
  - Over 16,000 mandays involved

National Guard

Trend Analysis of Army National Guard Authorized Strength



Source: NC National Guard

National Guard

Programs

- Member Programs
  - Tuition Assistance Program
    - Recruiting and Retention Tool
    - 1,300 Guardsmen were awarded tuition assistance in 1997-98; 749 recipients for fall 1998
    - Maximum award is $1,000 per member per year

  - National Guard Pension
    - Retirement benefit intended to give members an incentive to remain in the Guard
    - Benefit is between $50 and $100 per month depending upon the years of service
    - $2.5 million in current budget for this program

National Guard

Youth Programs

- Starbase
  - 5-day course in applied math and science education for disadvantaged 5th graders
  - Program also provides personal direction and makes students aware of the dangers associated with drugs
  - 9500+ students have completed the course from its inception in August 1993 through December 1998
  - 100% federally funded

- GRASP (Guard Response Alternative Sentencing Program)
  - 10 week intermediate sanction program for juveniles offenders (age 13-15) referred by judges and court counselors
  - One site in Durham began as a pilot in September 1998 w/ GCC grant
  - Three additional sites (Goldsboro, Raleigh, Charlotte) funded through Juv Jus Reserve to start in July, 1999
  - Funding for the program is included in the Office of Juvenile Justice budget request

- Tar Heel ChalleNGe
  - Voluntary intervention quasi-military program for high school dropouts and expellees
  - 22 week residential phase in Sampson County and 1 year mentorship phase
  - 9 classes completed with 700 graduates
  - Federal and State funded program
    - 100% federally funded from 1994 until 1997
    - 25% state match required beginning in 1998; $2.1 million budget including $542K state match
    - match will increase 5% each year until the match is 60% federal/40% state.

National Guard

Community Programs

- Counter-Drug Task Force
  - Assist law enforcement with the eradication of marijuana
  - Involved with seizure or destruction of almost $2 billion worth of illegal narcotics

Crime Control and Public Safety
General Fund Budget Growth

National Guard

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$14,454,337	$19,597,043	$15,998,194	$18,099,679	$15,073,777	$15,313,571
Less Receipts	($7,214,174)	($12,074,400)	($7,312,211)	($9,204,044)	($6,868,498)	($6,917,260)
State Appropriations	$7,240,163	$7,522,643	$8,685,983	$8,895,635	$8,205,279	$8,396,311
Positions	98	99	101	105	105	105

Percentage Increase in State Appropriation is 23% since 1995-96.
Increase in pension program in 97-98; Tarheel Challenge funding and Air NG positions in 1998-99

Recommended State Appropriation is 22% of the Department's Total Recommended State Appropriation

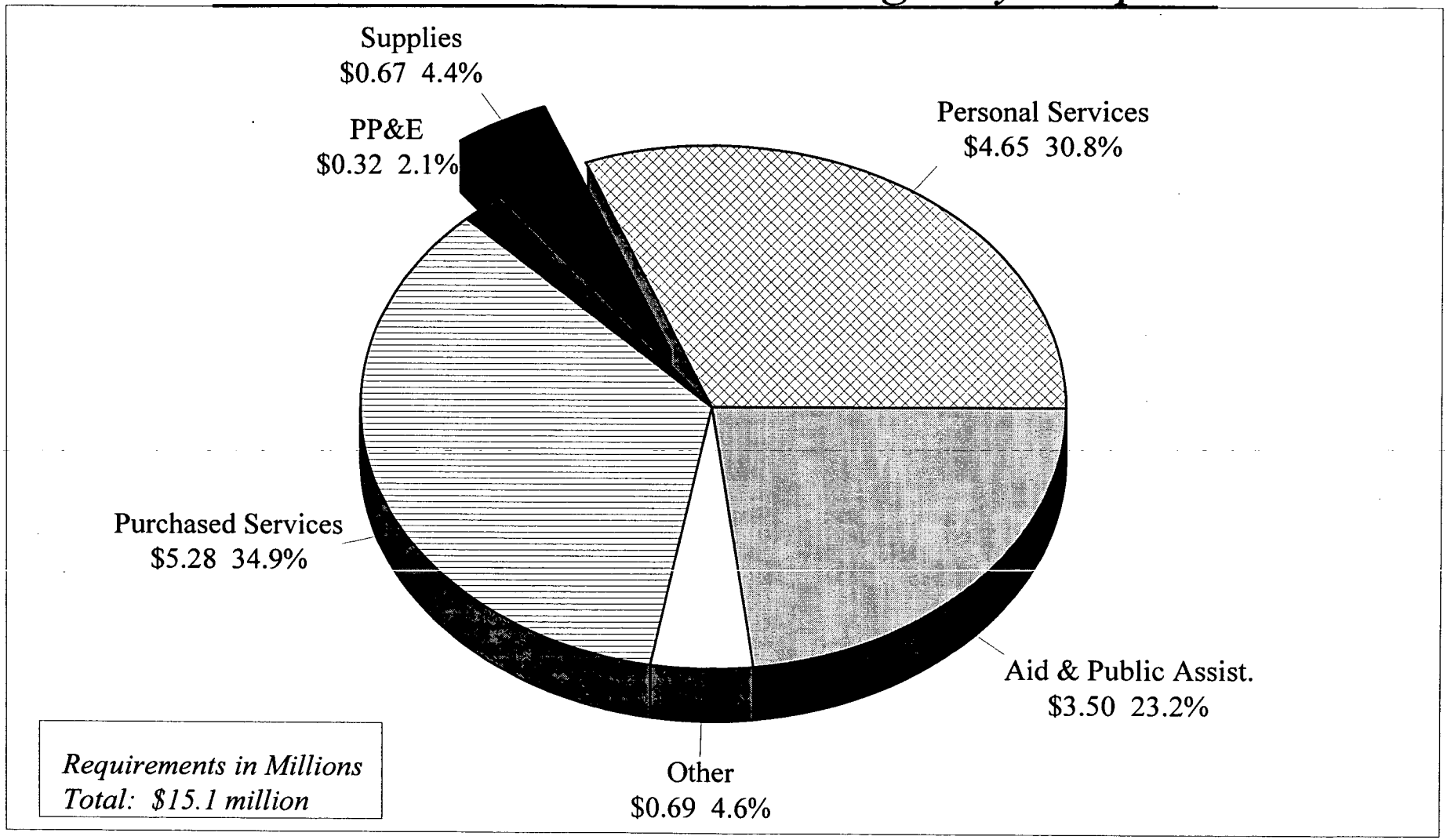
Major Changes in Continuation Budget Request:
Annualization of Air NG positions funded in 1998-99 and elimination of nonrecurring funds appropriated in 1998-99
Allowable inflationary increases and personnel related (longevity, retirement, etc.) increases

Major Budgetary Action:
Maintenance funds for the armories ($300K NR in 1998-99; $125K recurring in 1997-99)
Tuition Assistance Program ($100K NR in 1998-99; $100K recurring in 1997-99)
State match for 4 Air NG positions in 1998-99
State match for Tarheel Challenge ($542K NR in 1998-99)

Issues for Discussion: Continued funding for Tarheel Challenge ($2,197,675 budget including 30% state match of $659,302)

North Carolina National Guard

1999-2000 Recommended Budget By Purpose



Source: Worksheet 1

Emergency Management

- Responsibilities
  - Protect the citizens of North Carolina from the effects of natural and man-made disasters
  - Coordinate response and relief activities in the event of a disaster or emergency

- Structure
  - Division located in Raleigh
  - Six area coordinators stationed across the state
  - Work as a team with local Emergency Management Agencies
  - Utilize a 4-phase approach to emergency situations

Emergency Management

Approach to Emergency Situations

- Preparedness
  - Assist local governments in developing plans for natural disasters and man-made emergencies
    - Develop and coordinate training and educational programs
    - Participate in public awareness and information programs
    - Conduct exercises to test proposed plans
    - Develop communications systems

- Response
  - Directs/Supports the State Emergency Response Team (SERT)
    - Composed of representatives of each of the state agencies involved in response activities

- Recovery
  - Recovery Team/On-site Disaster Recovery Centers help return life to normal after a disaster (determining loss, obtaining temporary housing/financial assistance)

- Mitigation
  - Assist local emergency management coordinators in developing hazard mitigation plans which reduce or eliminate the problems associated with a disaster.
  - Encourage participation in flood analysis, long range planning, federal monetary assistance programs

Damages, Costs, Economic Impacts & Funding Received (1989-Present)

Note Number	Type Event	Location	Total Damages, Costs & Economic Impacts Estimations	Federal Eligible Share Including Admin. Costs	State Eligible Share	Federal Share paid out as of 2/28/99	State Share paid out as of 2/28/99 (5)
1	Hurricane Hugo (9/21-22/89)	Coast	$1,000,000,000	$58,618,944	$18,743,243	N/A	N/A
	Flooding (2/10-16/90 & 3/17/90)	Western NC	$4,646,615				
4	Tornado (5/2/90)	Lee Co.	$670,700				
	High Winds (7/1/90)	Southeastern NC	$285,000				
	High Winds (7/11/90)	Granville Co.	$22,200				
	Kuwait Repatriation	Wake Co.	$24,900				
	Bonner Bridge Collapse (10/26/90)	Dare Co.	$6,000,000				
	Bridges Washed Out (4/92)	Western NC	$166,891				
4	Tornado (11/92)	Orange Co.	$9,000,000				
1	Winter Storm (3/93)	Statewide	$25,600,000	$11,936,072	$3,808,353	N/A	N/A
1	Hurricane Emily (8/93)	Dare Co.	$12,500,000				
	Winter Storm (1/95) & East Flooding	Statewide	$7,000,000				
	Bridges Washed Out (1/95)	Western NC	$344,917				
4	Tornadoes (1/95)	Statewide	$36,000,000				
	Bridges Washed Out (10/95)	Western NC	$55,460				
1	Hurricane Opal (10/95)	Coastal Co.'s	$9,400,000	$4,319,907	$1,371,783	$3,764,351	$1,225,844
1	Winter Storm (1/96)	Statewide	$4,040,000	$2,439,030	$772,987	$2,362,669	$769,935
	Bridges Washed Out (1/96)	Western NC	$74,100				
1	Winter Storm (2/96)	Statewide	$16,100,000	$11,825,199	$3,771,879	$11,408,123	$3,716,276
1	Hurricane Bertha (7/96)	Eastern NC	$1,200,000,000	$13,727,158	$4,380,399	$13,168,217	$4,275,617
1 (6)	Hurricane Fran (9/96)	Mid/East NC	$4,000,000,000	$240,058,294	$25,749,666	$192,292,396	$37,475,066
1	Western Floods (1/98)	Western NC	$7,000,000	$8,422,199	$2,683,111	$4,883,930	$1,605,932
1	Severe Storms & Tornado (3/98)	Statewide	$1,200,000	$979,491	$308,458	$259,855	$86,335
	Clemmons Tornados (5/98)	Forsyth Co.	$50,000,000				$300,000
1	Hurricane Bonnie (8/98)	Coastal Co.'s	$22,000,000	$18,983,227	$6,062,045	$11,286,461	$3,132,436
	Dare County Landfill Fire (12/98)	Dare Co.	$700,000				$338,838
	Town of Andrews Reservoir	Cherokee Co.	$56,000				$55,836
	TOTAL		**$6,412,886,783**	**$371,309,521**	**$67,651,924**	**$239,426,002**	**$52,982,115**
1	Presidential Disaster Declaration						
2	Estimated Physical & Economic Losses						
3	State Disaster Declaration						
4	SBA Disaster Declaration Only						
5	State Share Cost does not include payments to State agencies						
6	State Share Eligible Cost is for 75/25 not the 90/10 split approved months later						

Emergency Management
Analysis of Aid and Public Assistance Expenditures for FY1998
February 8, 1999

Disaster Event	Public Assistance Local Gov't	Public Assistance State Agencies	Hazard Mitigation Local Gov't	Hazard Mitigation State Agencies	Individual Family Grants	Total
1989 Tornado	$33,894					$33,894
1993 Winter Storms	$128,938	$252,801				$381,739
Hurricane Emily	$103,000					$103,000
Hurricane Hugo	$89,327	$415,002	$592,256	$55,431		$1,152,016
Hurricane Opal	$859,544	$162,247	$333,100		$14,816	$1,369,707
1996 Blizzard		$489,640				$489,640
1996 Ice Storm	$2,879,331	$2,714,234				$5,593,565
Hurricane Bertha	($202,468)	$57,792			$23,919	($120,757)
Hurricane Fran	$25,762,010	$18,929,851	$911,394	$188,000	$49,469	$45,840,724
1998 Floods	$2,681,406	$1,075,146			$391,628	$4,148,180
1998 Tornado	$293,486				$113,575	$407,061
Subtotal	**$32,628,468**	**$24,096,713**	**$1,836,750**	**$243,431**	**$593,407**	**$59,398,769**
Not Disaster Specific						
State & Local Assistance						$683,157
Fixed Nuclear Planning						$2,800
Disaster Recovery Program						$60,873
HazMat Regional Response Team						$412,146
Hurricane Preparedness						$15,000
HazMat Emergency Preparedness						$81,030
HazMat Exercise Program						$12,684
Subtotal						**$1,267,690**
Total Aid and Public Assistance						**$60,666,459**

Source: CCPS

Emergency Management

Types of Assistance

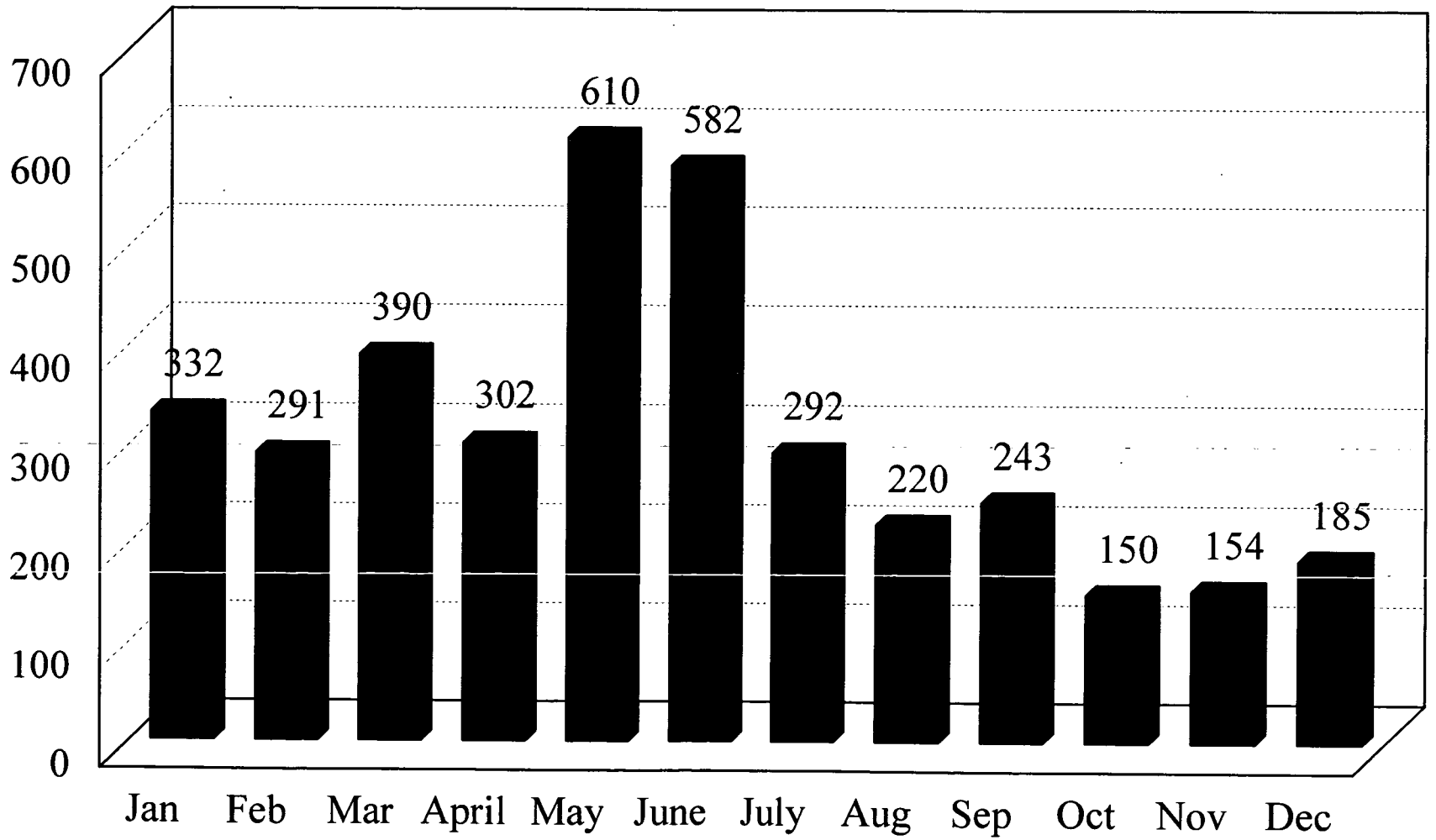
- Individual Assistance
  - Available to individuals, families or business owners
    - Temporary Housing
    - Individual and Family Grants
    - Small Business Loans

- Public Assistance
- Available to state and local governments and designated nonprofit organizations
  - certain emergency services
  - repair/replace infrastructure (utilities, roads, bridges)
  - debris removal, emergency communication, and public transportation

- Hazard Mitigation Assistance
- Support actions intended to reduce future disaster losses to public or private property
- Total grant limited to 15% of the total estimated grants for individuals and public assistance.

Emergency Management

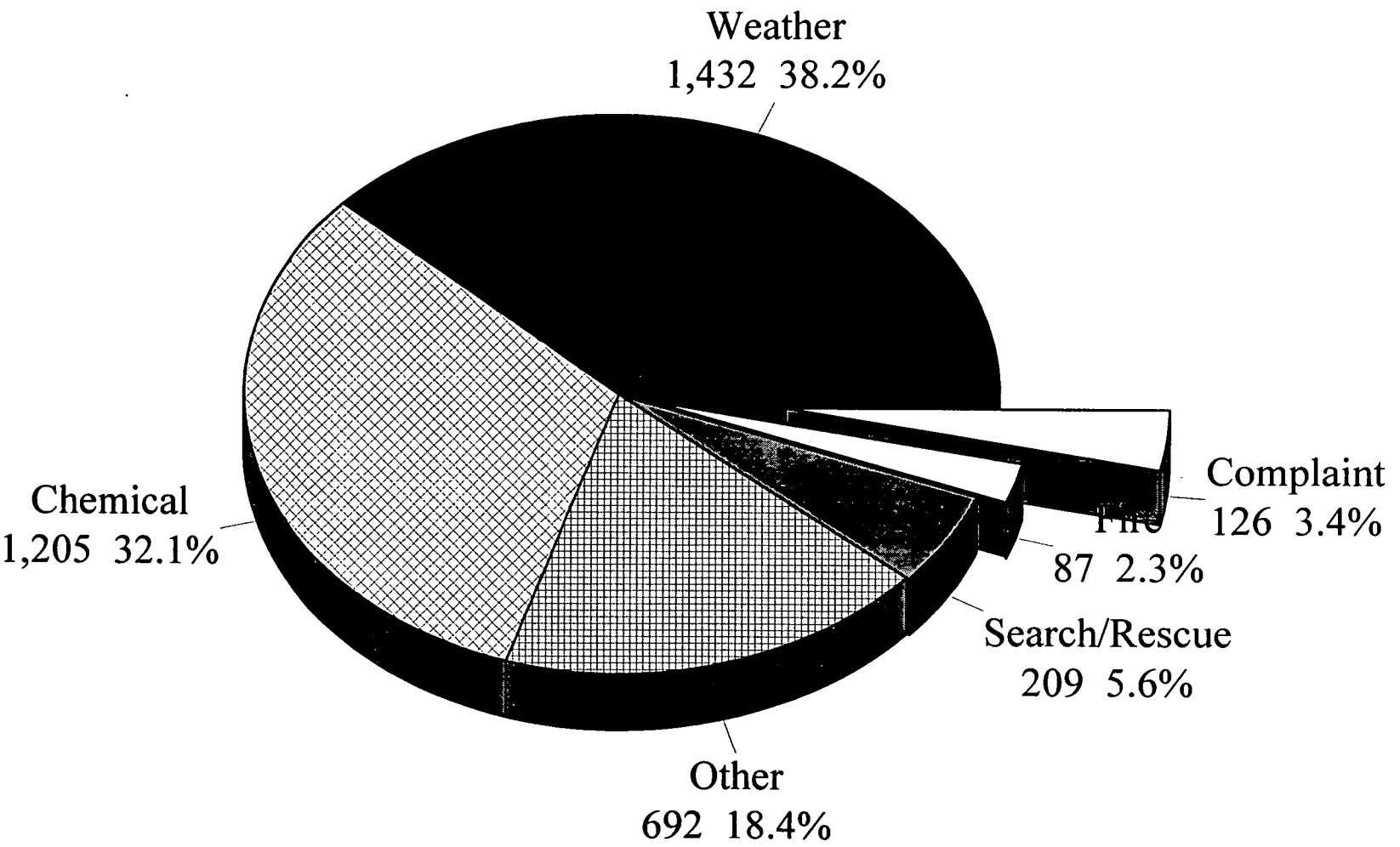
1998 Events by Month



Source: DEM 1998 Annual Report

Emergency Management

1998 Events By Category



Source: DEM 1998 Annual Report

Crime Control and Public Safety

General Fund Budget Growth

Emergency Management

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$16,059,019	$222,929,548	$74,064,204	$215,113,089	$9,323,015	$9,323,015
Less Receipts	($12,588,697)	($219,754,654)	($71,760,154)	($211,814,117)	($6,082,363)	($6,082,363)
State Appropriations	$3,470,322	$3,174,894	$2,304,050	$3,298,972	$3,240,652	$3,240,652
Positions	88.00	88.00	136.00	140.00	140.00	140.00

Percentage Decrease in State Appropriation is 4% since 1995-96.

Increase in positions are due to time limited recurring positions to handle increased workload when disaster occurs

Total Recommended State Appropriation is 8% of the Department's Total Recommended State Appropriation

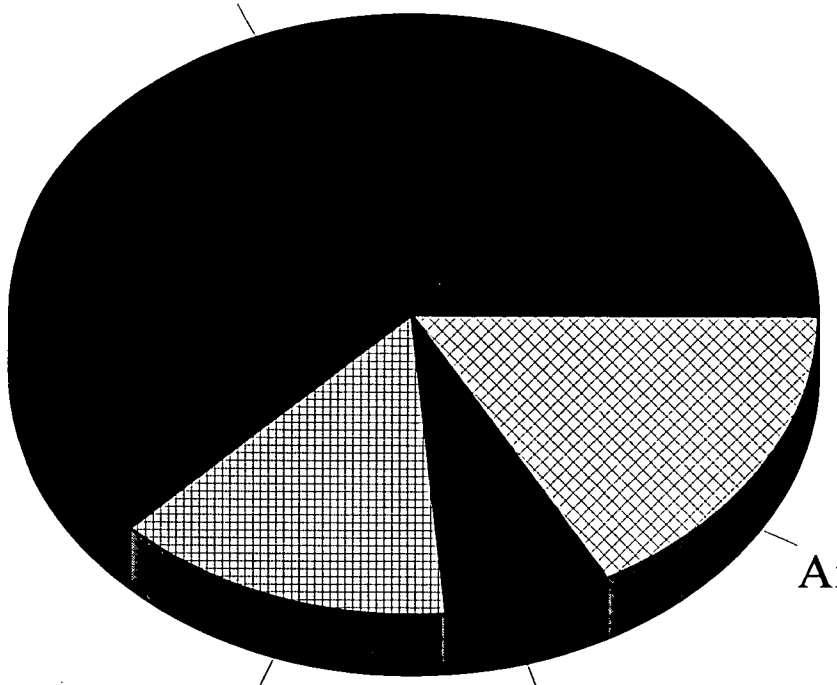
Major Changes in Continuation Budget Request: None

Major Budgetary Action
- 3 new positions funded in 1997-99
- Reduced funding for HazMat Response Teams/Reduce equipment funding

Issues for Consideration: None

Emergency Management

1999-2000 Recommended Budget by Purpose



Total Recommended Requirements: $9.3 m

$ in millions

Source: Worksheet 1

Butner Public Safety

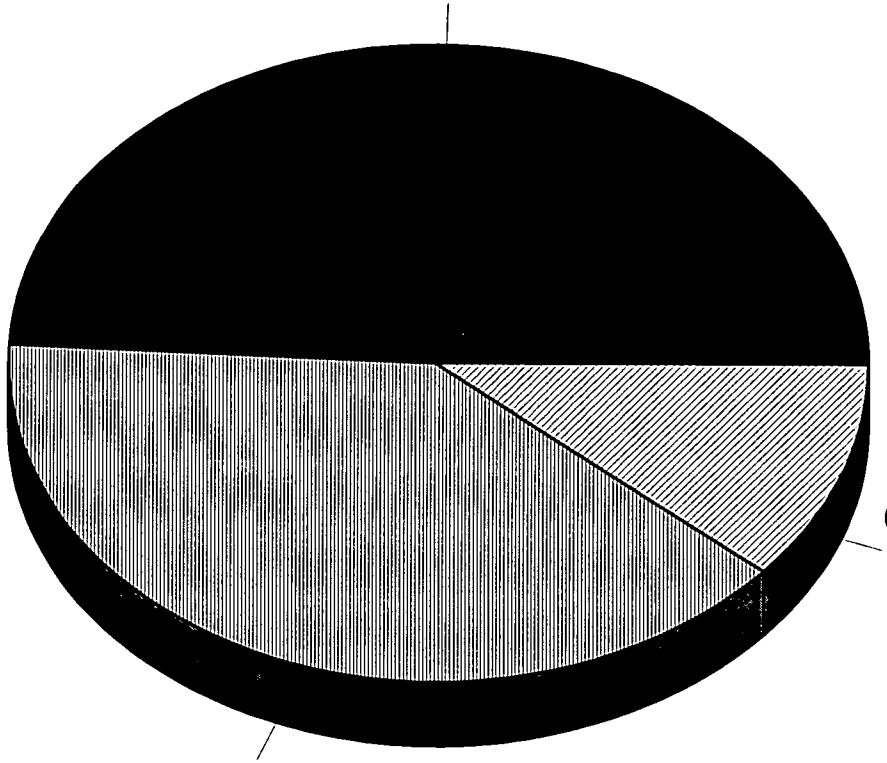
- Responsibilities
  - Provide police and fire protection for the patients, inmates, and students receiving treatment within the state and federal institutions and for the citizens within the territorial jurisdiction.

- Institution Served
  - 13 State facilities
  - 5 Federal facilities
    - Federal Medical Center w/ 600 beds is under construction
    - Medium security prison is in the planning and design phase
  - 20 Industries and 98 Small business
    - 3 new business expected to open Spring 1999
  - Approximately 1375 single family dwellings
    - 260 apartment complex units are in early construction phase

- Positions (49 Total)
  - 43 Officers (all cross-trained as law enforcement officers and fire fighters)
  - 5 Telecommunicators
  - 1 Administrative Secretary

Butner Public Safety

1998 Workload Statistics -- Police Calls



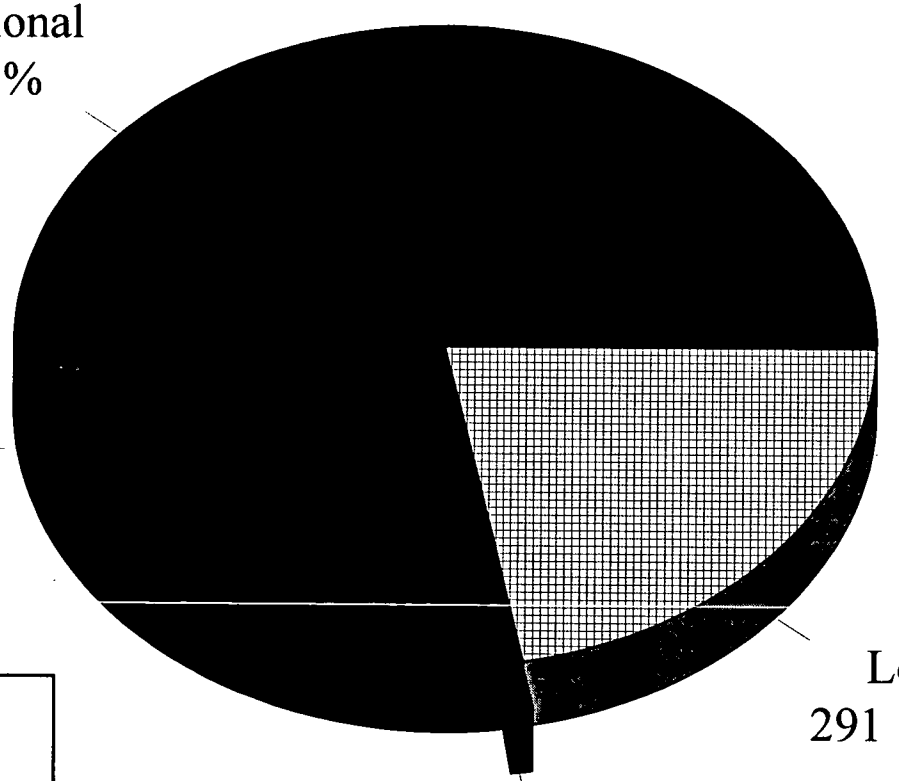
Total Calls: 10,063

91% of the calls are non-criminal assistance service calls

Source: BPS

Butner Public Safety

1998 Workload Statistics -- Fire Calls



Total Calls: 1357
Majority: Alarms/Drills

Source: BPS

Crime Control and Public Safety
General Fund Budget Growth

Butner Public Safety

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$2,314,670	$2,168,134	$2,305,658	$2,803,725	$2,579,392	$2,582,395
Less Receipts	($434,771)	($16,174)	($21,569)	($172,545)	($18,800)	($18,500)
State Appropriations	$1,879,899	$2,151,960	$2,284,089	$2,631,180	$2,560,592	$2,563,895
Positions	44.00	49.00	49.00	49.00	49.00	54.00

Percentage Increase in State Appropriation is 40% since 1995-96.

Recommended State Appropriation is 7% of the Department's Total Recommended State Appropriation.

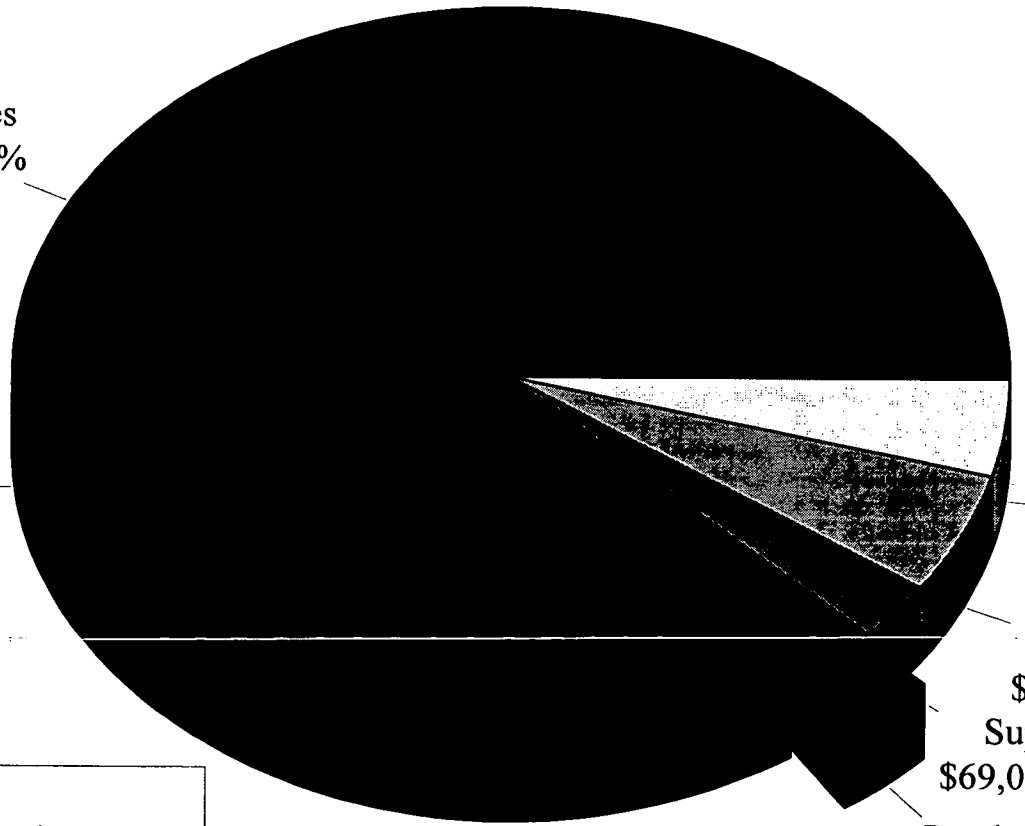
Major Changes in Continuation Budget Request:
Decrease in PP&E based on vehicle replacement schedule/Corresponding decrease in receipts for sale of surplus

Major Budgetary Action: None

Issues for Consideration: None

Butner Public Safety

1999-2000 Recommended Budget By Purpose



Total Recommended Requirements:
$2,579,392

Source: Worksheet 1

Civil Air Patrol

- Responsibilities
  - Provide the state, local governments, and private citizens assistance in national or man-made disasters or other emergency situations
    - Types of missions include missing aircraft, lost persons, crash site surveillance and disaster relief (89 missions in 1998)
  - Sponsor Cadet Program
    - teach cadets self-discipline through hands on search and rescue, survival and camping experiences.

- Resources
  - 2 full-time state funded positions at headquarters
  - 38 squadrons with approx. 1400 volunteer members (including 218 pilots)
  - 9 aircraft
  - 109 member owned aircraft
  - 17 passenger vans

Crime Control and Public Safety
General Fund Budget Growth

Civil Air Patrol

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$178,373	$121,693	$139,092	$128,402	$125,645	$125,645
Less Receipts	($22,759)		($15,159)			
State Appropriations	$155,614	$121,693	$123,933	$128,402	$125,645	$125,645
Positions	2.00	2.00	2.00	2.00	2.00	2.00

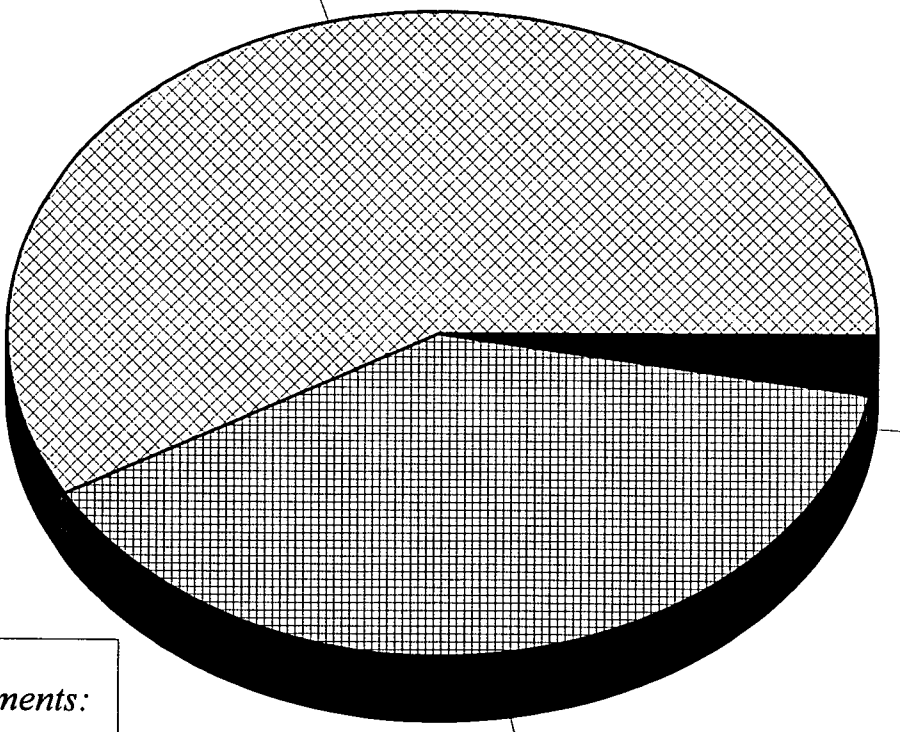
Percentage Decrease in State Appropriation is 17.5% since 1995-96.

Total budget is less than .4% of total state appropriation

Major Changes in Continuation Budget Request: None
Major Budgetary Action: None
Issues for Consideration: None

Civil Air Patrol

1999-2000 Recommended Budget By Purpose



Total Recommended Requirements:
$125,645

Source: Worksheet 1

Crime Control and Public Safety

Law Enforcement Divisions
Program and Budget Overview

Joint Appropriations Subcommittee on Justice and Public Safety
April 6, 1999

Law Enforcement Divisions

Alcohol Law Enforcement
State Highway Patrol

Crime Control and Public Safety

1998-99 General and Highway Fund Budgets By Areas

AREA	GENERAL FUND		HIGHWAY FUND		TOTAL	
	$	Area %	$	Area %	$	Area %
Administration	$3,670,005	1.12%		0.00%	$3,670,005	0.78%
Law Enforcement	$9,485,975	2.90%	$145,337,951	100.00%	$154,823,926	32.81%
Public Safety	$236,144,895	72.30%		0.00%	$236,144,895	50.04%
Crime and Victim Services	$77,299,064	23.67%		0.00%	$77,299,064	16.38%
TOTAL	$326,599,939	100.00%	$145,337,951	100.00%	$471,937,890	100.00%
Fund %	69.20%		30.80%		100.00%	

Source: 1998-99 Authorized Budget per the 12/31/98 BD701

Alcohol Law Enforcement

- Responsibilities
  - Enforce the Alcoholic Beverage Controls and Controlled Substance laws
  - Perform any law-enforcement duty assigned by the Secretary of Crime Control and Public Safety or the Governor

- Other Duties
  - Crime Prevention and Public Education
    - Provide training to local law enforcement in ABC laws and related criminal statutes and activities
    - Provide program for schools and civic organizations concerning alcohol and drugs, the laws governing their sale and use, impact of their use
  - Administrative Duties
    - Conduct inspections of all locations holding ABC permits and investigate any complaints concerning these establishments
    - Conduct background checks for permit applications

Alcohol Law Enforcement

Positions by District

Districts	# of Counties Served	# of Sworn Personnel	# of Support Personnel
I - Edenton	12	6	1
II-Tarboro	9	9	1
III-New Bern	6	7	1
IV-Raleigh	5	11	1
V-Fayetteville	8	8	1
VI-Greensboro	8	10	1
VII-Winston Salem	6	6	1
VIII-Charlotte	6	11	1
IX-Hickory	12	7	1
X-Asheville	16	7	1
XI-Wilmington	6	9	1
XII-Durham	6	7	1
Nuisance Abatement		3	
Headquarters		7	3
Current Vacancies		7	
Total	**100**	**115**	**15**

Source: ALE as of March 30, 1999

Alcohol Law Enforcement

Programs

- BARS
  - Educational program for licensed ABC permittees and their employees on responsible service of alcoholic beverages

- Cops in Shops
  - ALE agents work undercover in convenience stores as clerks or customers to look for underage persons attempting to purchase alcoholic beverages
  - Program funded through Governor's Highway Safety Program

- Nuisance Abatement
  - Targets locations and illegal operations that are breeding grounds for crime and violence.
  - Agents investigate and provide evidence necessary to bring a civil action to close the establishment

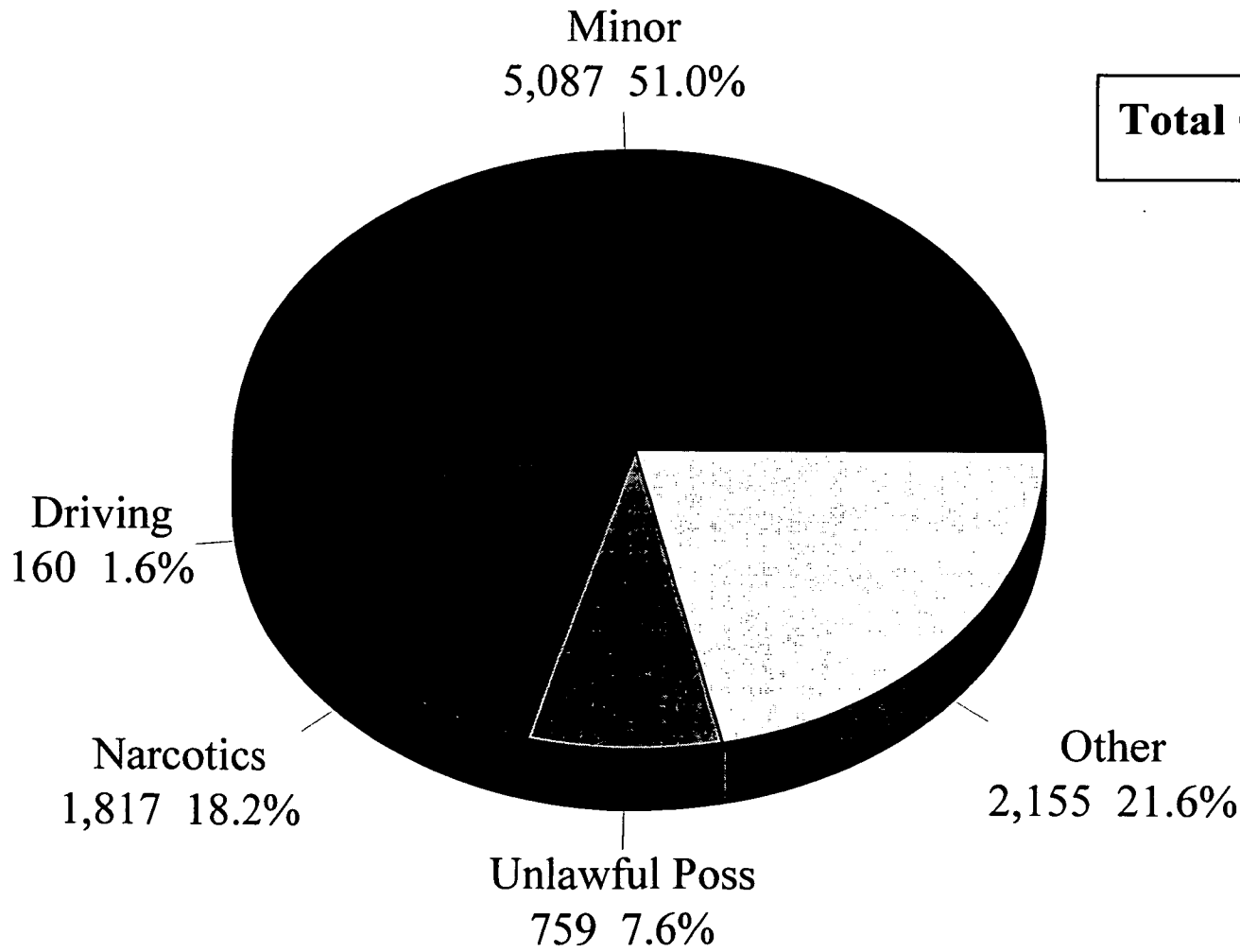
Alcohol Law Enforcement

Selected Workload Statistics

Activity	1998 Totals
Retail Outlets	15,958
Outlets Checked	31,617
Applications Investigations	4,852
Inspections	9,717
Violations	774
Warnings	1,810
Arrests	7,654
Arrests/Citation Charges	9,978

Alcohol Law Enforcement

Analysis of Charges By Type



Total Charges: 9,978

Source: ALE Operation Area Activity Report

Alcohol Law Enforcement

Selected Statistics for Nuisance Abatement

- Investigations -- 233 requested
  - 83 resulted in an abatement
  - 41 are pending
  - 41 are requests for information
  - 68 failed to qualify as a nuisance

- Local Impact
  - 233 Communities
  - 138 Police Departments
  - 69 Sheriff Departments
  - 26 District Attorney Offices

Above statistics are since inception of the Nuisance Abatement Team in 1994/95

Crime Control and Public Safety
General Fund Budget Growth

Alcohol Law Enforcement

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$7,675,991	$7,185,299	$8,003,059	$9,485,975	$7,945,928	$7,941,340
Less Receipts	($1,085,809)	($422,737)	($552,195)	($1,771,511)	($180,997)	$193,122
State Appropriations	$6,590,182	$6,762,562	$7,450,864	$7,714,464	$7,764,931	$8,134,462
Positions	129.00	129.00	129.00	130.00	130.00	130.00

Percentage Increase in State Appropriation is 17% since 1995-96.

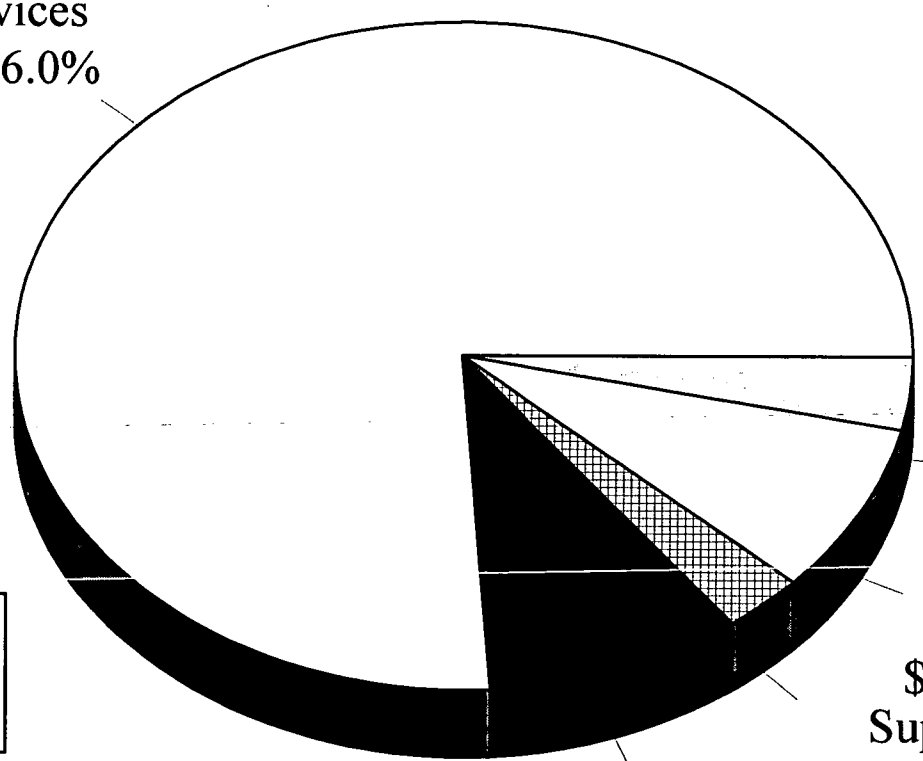
Major Changes in Continuation Budget Request:
- Annualization of position funded in 1998-99
- Increase in budget to reflect vehicle replacement @ 80K miles
- Allowable personnel related increases

Major Budgetary Action
- New position added in 1998-99

Issues for Discussion
- None

Alcohol Law Enforcement

1999-2000 Recommended Budget By Purpose



Total Requirement:
$7,945,928

Source: Worksheet 1

State Highway Patrol

- Mission
  - To ensure safe, efficient transportation on our streets and highways, reduce crime and respond to natural and manmade disasters

- Operations
  - Preventative patrolling of highways
  - Office operations and law enforcement support services
  - Investigations of accidents

State Highway Patrol

Units

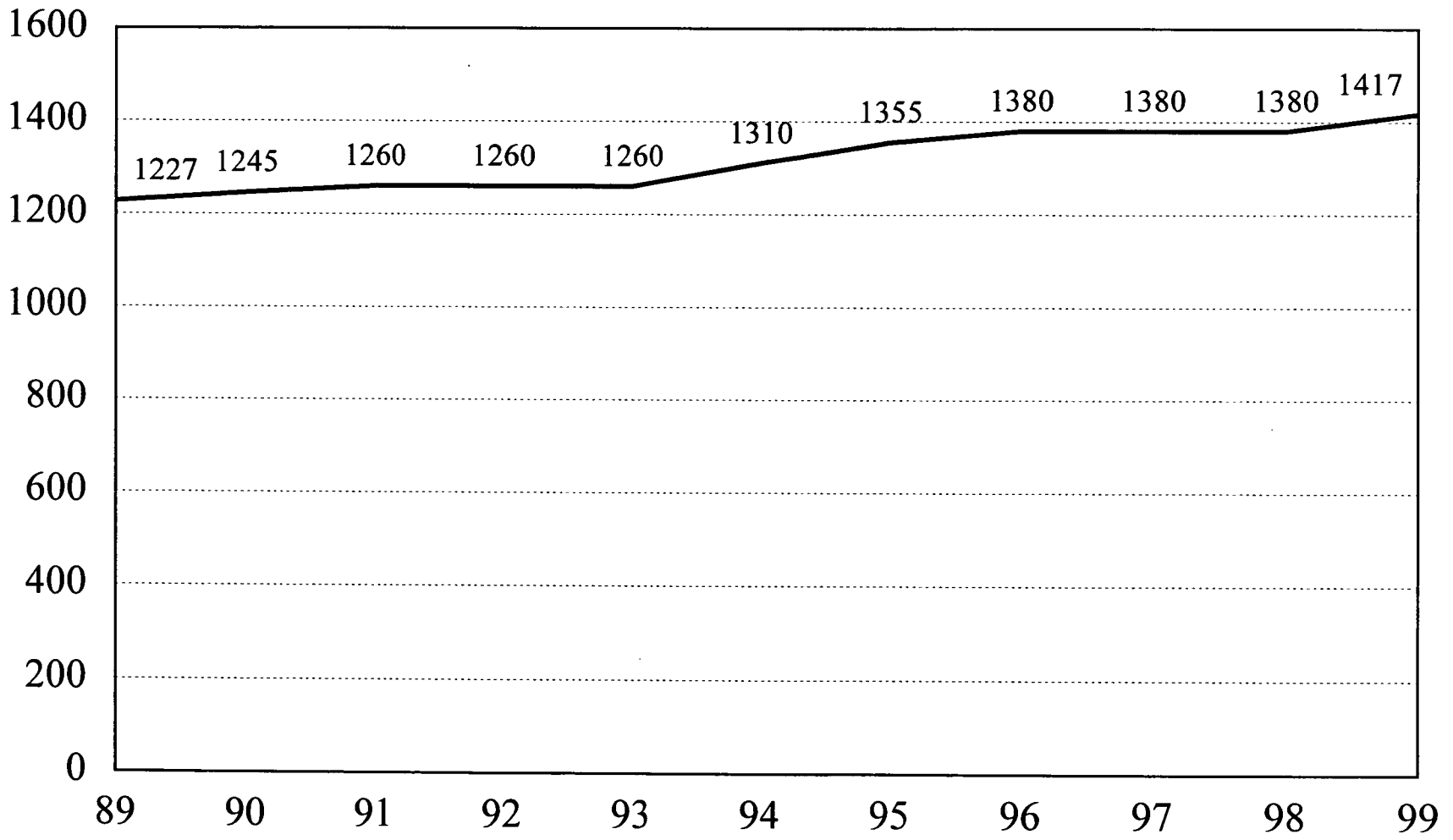
- Commander
  - Internal Affairs
  - Governor's Security
  - Legal

- Support Operations
  - Administrative Services
  - Training
  - Information Management
  - Communications and Logistics
  - Training
  - Research and Planning

- Field Operations
  - Special Operations
  - Troops (8)

State Highway Patrol

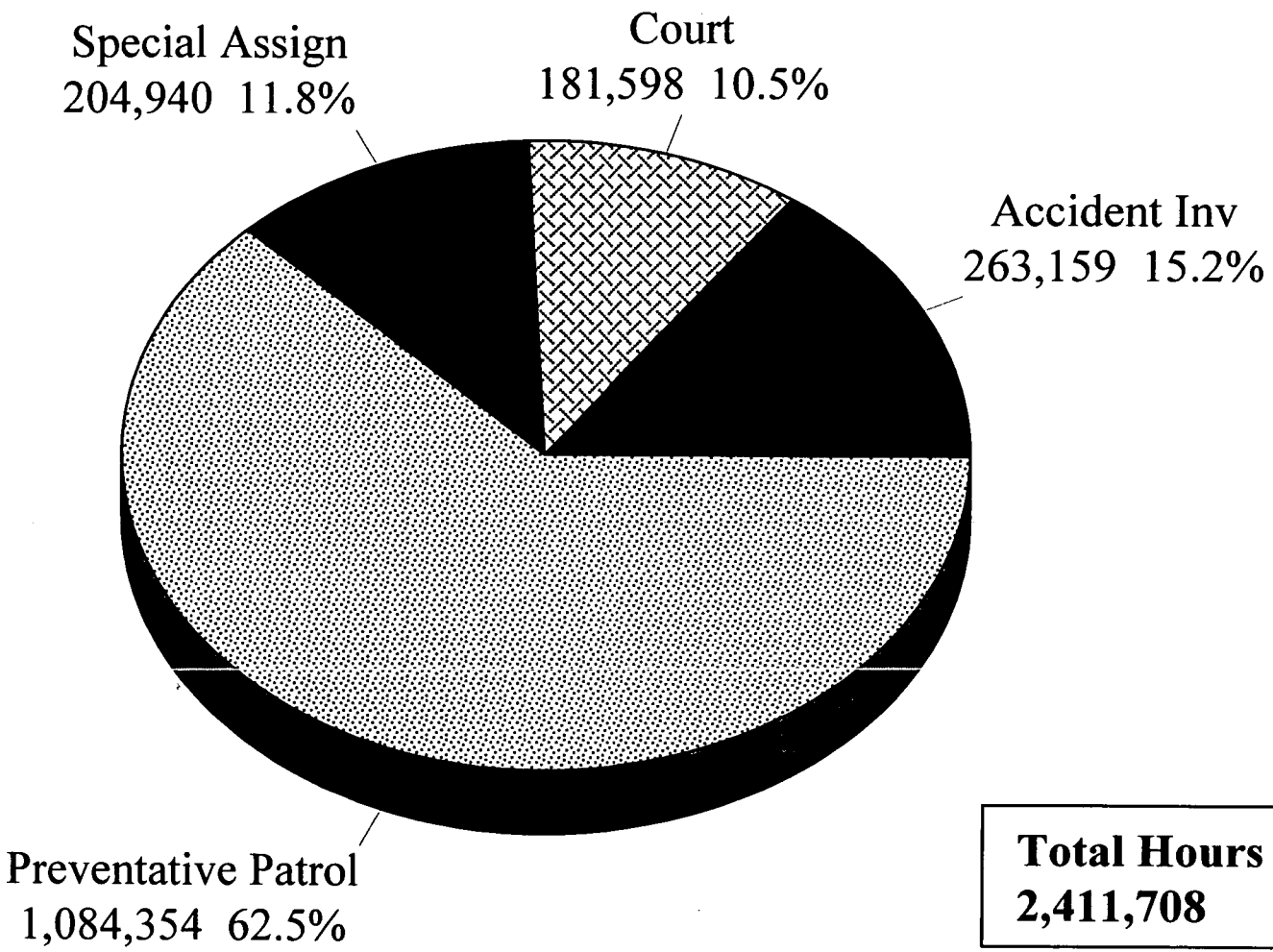
Authorized Trooper Strength



There are also 403 civilian positions in the SHP for a total of 1820 positions

State Highway Patrol

Allocation of Total Hours Worked for 1997

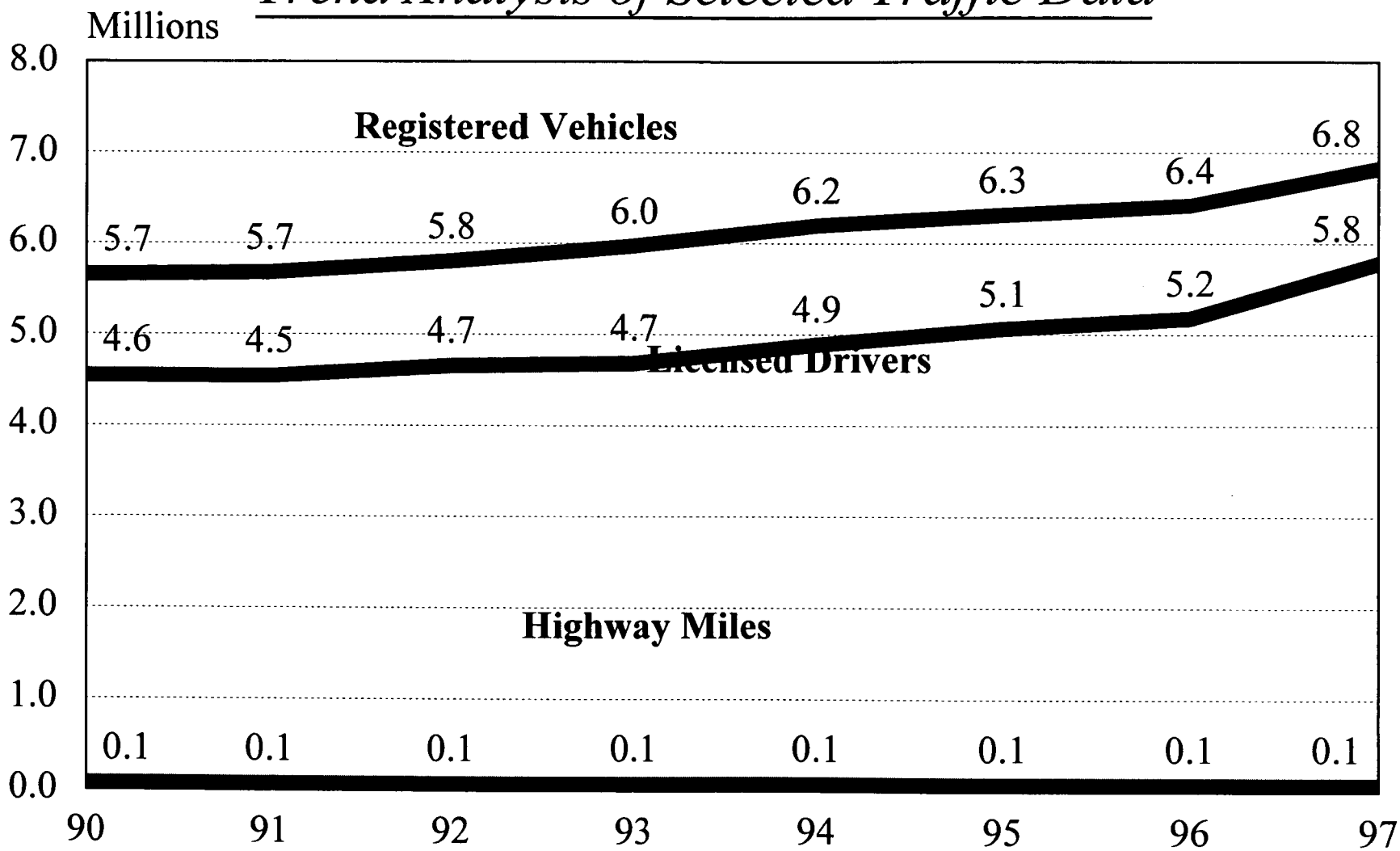


Total Hours Worked: 2,411,708

Source: NCHP Activities in Review

State Highway Patrol

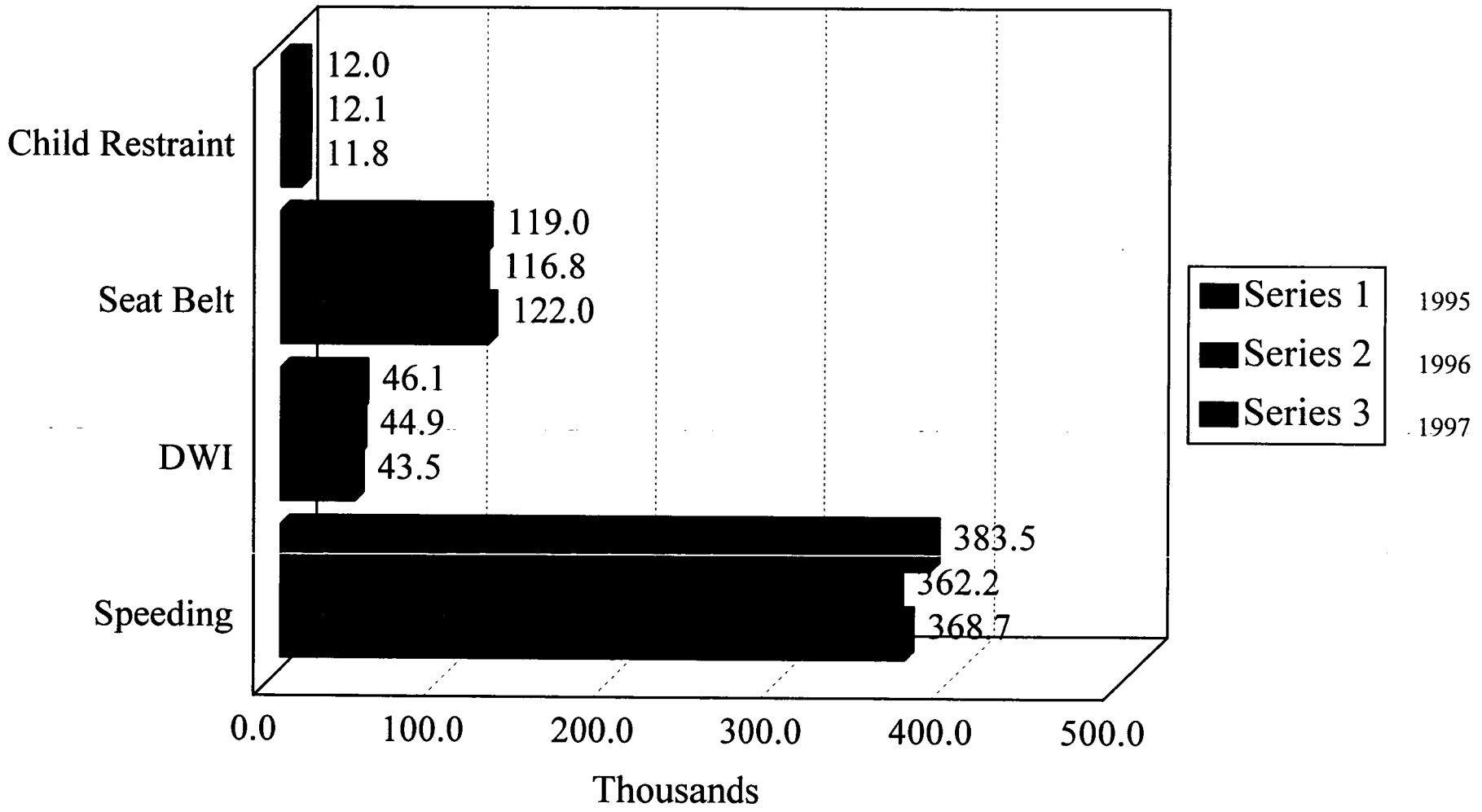
Trend Analysis of Selected Traffic Data



Source: NCHP Activities in Review

State Highway Patrol

Selected Statistics on Enforcement Activities



Source: NCHP Activities in Review

State Highway Patrol

Selected Statistics on Traffic Collision Investigations

Activity	1997 Statistics
Accidents Investigated	115,997
Fatal Accidents	995
Fatalities	1,161
Injury Accidents	41,678
Injuries	67,436

Source: NCHP Activities in Review

State Highway Patrol

Programs/Special Projects

- Click It Or Ticket
- Booze It or Lose It
- Buckle in Baby Safely
- School Bus Safety Program
- Adopt A High School

- Operation CARE
  - Combined Accident Reduction Effort in operation during holidays and other periods when heavy traffic is anticipated.
  - Involving SHP and State Police Forces across the country

Crime Control and Public Safety
General Fund Budget Growth

State Highway Patrol

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$113,891,828	$110,320,490	$128,368,572	$145,337,951	$126,934,376	$126,177,700
Less Receipts	($114,762,545)	($114,900,922)	($127,698,496)	($145,337,951)	($126,934,376)	($126,177,700)
State Appropriations	($870,717)	($4,580,432)	$670,076	$0	$0	$0
Positions	1764	1764	1785	1820	1820	1820

Percentage Increase in Requirements is 27 % since 1995-96.
- Additional Troopers
- Funding for CJIN
- Funding for automatic salary increase

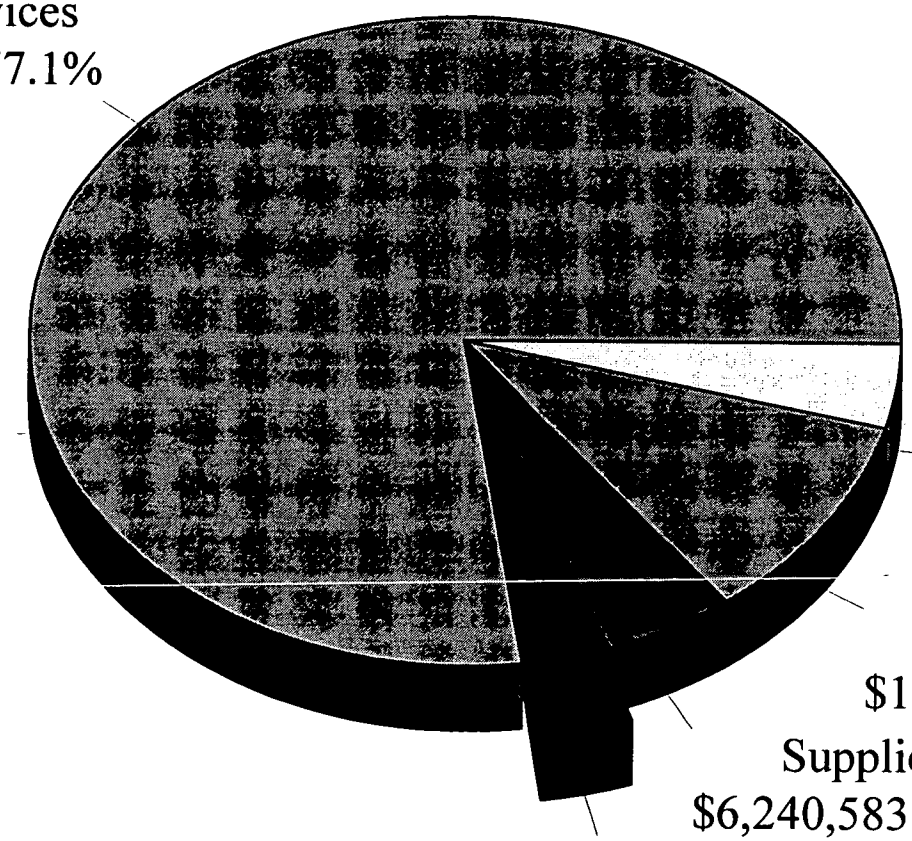
Major Changes in Continuation Budget Request:
- Elimination of one-time funding appropriated in 1998-99
- Reduction of PP&E to reflect vehicle replacement at 70K

Major Budgetary Action
- Funding for 40 additional troopers in 1998-9
- Funding for mobile data computes for patrol cruisers ($1.7 m in 1997-98, $2.25 m in 1998-99)
- Funding to expand mobile data network project ($2.25 m in 1997-98, $2.4 m in 1998-99)

Issues for Consideration: None

State Highway Patrol

1999-2000 Recommended Budget By Purpose



Total Requirements
$126,934,376

Source: Worksheet 1

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
FEDERALLY FUNDED PROGRAMS
JANUARY 31, 1999

CENTER	PROJECT TITLE	TOTAL ANNUAL BUDGET	STATE CASH MATCH	GRANTEE/ GRANT PERIOD	PROGRAM PURPOSE
CODE 14900					
1110114 LESS	Local Law Enforcement Block Grant	$ 150,000	$ 16,666	Governor's Crime Comm 10-01-98 - 09-30-99	To purchase law enforcement equipment to be loaned out to local governments
1110115 LESS	NC Police Corps Program	$ 338,781	$ -	US Dept of Justice 10-01-97 - 09-30-99	Administration of the Police Corps Program in NC Program Staff: 1
1110116 LESS	Law Enforcement Equipment Procurement Program	$ 188,272	$ -	US Dept of Justice 10-01-97 - 09-30-99	Administration of the LESS Equipment Equipment Prog Program Staff: 2
1210235 National Guard	Joint Counter Drug Task Force	$ 46,945	$ -	Governor's Crime Comm 10-01-97 -09-30-99	To provide training for National Guard Counter Drug Task Force through Middle Atlantic Training Academy at Fort Fisher
1210238 National Guard	GRASP Program	$ 82,270	$ -	Governor's Crime Comm 06-01-98 - 05-31-99	Administration of the Guard Response Alternative Sentence Program (GRASP)
1410440 ALE	Tobacco Investigations Grant	$ 612,522	$ -	US DHHS-FDA 02-23-98 - 08-22-99	To help eliminate tobacco purchases to minors Program Staff: 1

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
FEDERALLY FUNDED PROGRAMS
JANUARY 31, 1999

CENTER	PROJECT TITLE	TOTAL ANNUAL BUDGET	STATE CASH MATCH	GRANTEE/ GRANT PERIOD	PROGRAM PURPOSE
1410450 ALE	Nuisance Abatement Team Grant	$ 231,837	$ 57,959	Governor's Crime Comm 07-01-98 - 06-30-99	To implement the Nuisance Abatement Team Enhancement Project Program Staff: 3
1410460 ALE	Operation Helping Hand	$ 46,008	$ -	Governor's Crime Comm 07-01-98 - 06-30-99	To provide support for community policing efforts across the state
1410470 ALE	Underage Drinking Grant	$ 168,250	$ -	NC DHHS 09-01-98 - 06-30-99	To reduce sales, access and availability of alcohol to youth through targeted enforcement efforts
1510566 Emergency Management	Americorps Grant	$ 274,192	$ 49,816	Governor's Office of Citizens Affairs 10-20-98 - 10-19-99	To institute a public education campaign to raise awareness about risks of natural disasters
1610613 Victim & Justice	Administration of Victims Compensation Benefits	$ 40,450	$ -	US Dept of Justice 10-01-98 - 09-30-99	Administration of the Victims Compensation Benefits Program Program Staff: 1

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
FEDERALLY FUNDED PROGRAMS
JANUARY 31, 1999

CENTER	PROJECT TITLE	TOTAL ANNUAL BUDGET	STATE CASH MATCH	GRANTEE/ GRANT PERIOD	PROGRAM PURPOSE
1710710 Governor's Crime Commission	Planning and Administration of the JJDP Grant	$ 202,200	$ 202,200	US Dept of Justice (Ongoing Funding)	Funds are used to administer the JJDP Grant program Program Staff: 4.75
1710712 Governor's Crime Commission	State Advisory Group Allocation	$ 30,000	$ -	Governor's Crime Comm (Ongoing Funding)	Funds are used for travel and training for the State Advisory Group
1710715 Governor's Crime Commission	Administration of the Drug Control and System Improvement Assistance Program	$ 1,244,323	$ 414,774	US Dept of Justice (Ongoing Funding)	Funds are used to administer the DCSI Grant program, which the GCC uses to award grants to assist state and local units of government Program Staff: 9.3
1710722 Governor's Crime Commission	Center for Improvement for Juvenile Justice	$ 690,249	$ 53,360	Governor's Crime Comm 04-14-97 - 02-28-99	To conduct a comprehensive review of the juvenile justice system in NC
1710725 Governor's Crime Commission	SAVAN Research Project	$ 1,000,000	$ -	Governor's Crime Comm 05-01-98 - 12-31-99	To provide a Statewide Automated Victim Assistance and Notification System
1710726 Governor's Crime Commission	Training for Professionals Working with Child Abuse	$ 35,000	$ -	Governor's Crime Comm (Ongoing Funding)	Provides travel/training for professionals investigating cases of child abuse

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
FEDERALLY FUNDED PROGRAMS
JANUARY 31, 1999

CENTER	PROJECT TITLE	TOTAL ANNUAL BUDGET	STATE CASH MATCH	GRANTEE/ GRANT PERIOD	PROGRAM PURPOSE
1710730 Governor' Crime Commission	State and Local Training and Education Assistance Program	$ 79,306	$ -	US Dept of Justice 08-01-98 - 07-31-00	To provide law enforcement training and tuition assistance to local governments
1710748 Governor's Crime Commission	Victims of Crime Act Administration Funds	$ 523,750	$ -	US Dept of Justice (Ongoing Funding)	Funds are used to administer the VOCA Grant program Program Staff: 3.13
1710749 Governor's Crime Commission	Violence Against Women Act Administration Funds	$ 166,600	$ -	US Dept of Justice (Ongoing Funding)	Funds are used to administer the VAWA Grant program Program Staff: 3.37
1710750 Governor's Crime Commission	NC Statistical Analysis Center Program	$ 78,263	$ -	US Dept of Justice (Ongoing Funding)	To provide technical and financial assistance to state organizations in collecting and analyzing common justice system statistics Program Staff: 1
1710751 Governor's Crime Commission	Quad-County Drug Interdiction Training	$ 38,000	$ -	Governor's Crime Comm 08-01-98 - 09-30-99	To provide basic street narcotics interdiction training for uniformed patrol officers in Martin, Beaufort, Lenoir and Pitt Counties

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
FEDERALLY FUNDED PROGRAMS
JANUARY 31, 1999

CENTER	PROJECT TITLE	TOTAL ANNUAL BUDGET	STATE CASH MATCH	GRANTEE/ GRANT PERIOD	PROGRAM PURPOSE
1710752 Governor's Crime Commission	Comprehensive Juvenile Justice Initiative	$ 87,000	$ -	Governor's Crime Comm 07-01-98 - 06-30-99	To administer and support the "Communities That Care" Program working with high risk adolescents
1710753 Governor's Crime Commission	VAWA Training Initiative	$ 94,980	$ -	Governor's Crime Comm 07-01-98 - 06-30-99	To fund "train the trainers" seminars for law enforcement personnel dealing with domestic violence Program Staff: 1
1710754 Governor's Crime Commission	Developmental Analysis of Juvenile Day Treatment Centers	$ 37,536	$ -	US Dept of Justice 01-01-98 - 06-30-99	To evaluate the juvenile day treatment centers in Wake and New Hanover Counties
1710755 Governor's Crime Commission	Juvenile Accountability Incentive Block Grant Administrative Funds	$ 558,230	$ 55,823	US Dept of Justice 07-01-98 -09-30-00	To administer the JAIBG program which awards grants to local government Program Staff: 3
1810811 Crime Prevention	Operation Helping Hand	$ 29,496	$ -	Governor's Crime Comm 07-01-98 - 06-30-99	To provide support for community policing efforts across the state

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
FEDERALLY FUNDED PROGRAMS
JANUARY 31, 1999

CENTER	PROJECT TITLE	TOTAL ANNUAL BUDGET	STATE CASH MATCH	GRANTEE/ GRANT PERIOD	PROGRAM PURPOSE
1810817 Crime Prevention	Watch Your Car Program	$ 113,632	$ -	Governor's Crime Comm 10-01-97 - 03-31-99	To administer a national voluntary motor vehicle theft prevention program Program Staff: 1
1810818 Crime Prevention	Drug Deglamorization Project	$ 46,000	$ -	Governor's Crime Comm 08-15-97 - 06-30-99	To develop research and data on social market technology and results
1810819 Crime Prevention	Governor's Community Policing Award Grant	$ 38,270	$ - -	Governor's Crime Comm 07-01-98 - 06-30-00	To administer the Governor's Award for Excellence in Community Policing program
CODE 24960 2644 Highway Patrol	Aggressive Driving Grant	$ 243,668	$ 36,087	Governor's Highway Safety Program 10-01-98 - 09-30-99	To reduce hazardous driving risks caused by aggressive drivers through educational campaigns and patrols by unmarked vehicles
2652 Highway Patrol	Operation Helping Hand	$ 351,607	$ -	Governor's Crime Comm 07-01-98 - 06-30-99	To provide support for community policing efforts across the state
2660 Highway Patrol	Reaching Out to NC's Law Enforcement Community	$ 67,020	$ -	US Dept of Justice 10-01-98 - 10-01-99	To evaluate a statewide stress prevention and treatment program

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
FEDERALLY FUNDED PROGRAMS
JANUARY 31, 1999

CENTER	PROJECT TITLE	TOTAL ANNUAL BUDGET	STATE CASH MATCH	GRANTEE/ GRANT PERIOD	PROGRAM PURPOSE
2669 Highway Patrol	COPS More Grant	$ 2,534,490	$ -	US Dept of Justice 09-01-98 - 08-31-99	To provide funds for the purchase of mobile data computer systems
2670 Highway Patrol	National Law Enforcement Liaison Grant	$ 52,000	$ -	US Dept of Transportation 09-01-97 - 06-30-99	To provide assistance in the preparation of a plan to increase the use of safety belts nationwide
2680 Highway Patrol	Together In Education	$ 99,900	$ -	Cannon Foundation 05-01-98 - 05-01-00	To provide training to law enforcement officers throughout the state
TOTALS		**$ 10,621,047**	**$ 886,685**		
TOTAL FEDERAL AND STATE		**$ 11,507,732**			

DCCPS VACANCY LIST

March 31, 99

POS. NUMBER	SG/B-SAL	DATE VAC.	JOB TITLE	POSTED DATE	CLOSING DATE
Emergency Management					
4950-0000-0001-193 (Wake)	70/$32160 New funding requested	12/01/98	EM Planner I		
4950-1000-0000-710 (Wake)	70/$32296 New funding requested	03/05/98	EM Planner I	11/23/98	12/08/98
4950-2000-0001-000 (Wake)	72/$50276 Recommendation Pending	10/31/98	EM Plans Super	12/14/98	12/29/98
4950-0000-0000-677 (Buncombe)	63/$28659 Position under study for reclassification	01/01/99	Admin Asst I		
4959-0000-0001-040 (Wake)	67/$30000 Submitted for reclassification	11/01/97	Admin Off I		
4950-0000-0001-051 (Wake)	61/$20959 Time-limited	10/01/98	Program Asst V	01/11/99	01/25/99
4950-0000-0001-052 (Wake)	57/$17903 Time-limited	03/01/98	Office Asst III	06/22/98	07/06/98
6-TLFT Positions (Wake)	70/$30338 (Filled as needed)	03/01/98	Comm.Dev. Spec I	06/22/98	07/06/98
4950-0000-0001-088 (Wake)	71/$31640	03/01/98	EM Planner II	04/01/99	04/15/99
4950-0000-0001-198 (Wake)	69/$31682	03/01/99	EM Officer		
4950-0000-0001-158 (Wake)	60/$27242 Employee on disability thru 09/98, position under study	12/31/97	Admin Secretary II		
4950-0000-0001-159 (Wake)	67/$31643	04/12/99	Radio Engineer I		
Highway Patrol					
4960-0000-0001-810 (Wake)	63/$33475	02/26/99	Computing Support Tech II	03/09/99	03/22/99
4960-0002-0302-128 (Wake)	59/$28151	03/01/99	Office Assistant IV	03/15/99	03/26/99
4060-0007-0602-155 (Swain)	59/$27695	02/22/99	Office Assistant IV	02/22/99	03/05/99
4960-0200-0001-952 (Wake)	79/$46,958	02/01/99	Attorney II	02/05/99	02/26/99
4960-0002-0302-116 (Onslow)	59/$20160	12/31/98	Office Assistant IV	01/19/99	02/01/99
4960-0607-3007-214 (Buncombe)	67/$41521	02/28/99	Pat. Telec. Center Supv.	01/19/99	02/01/99

POS. NUMBER	SG/B-SAL	DATE VAC.	JOB TITLE	POSTED DATE	CLOSING DATE
Governor's Crime Commission					
4970-0000-0001-219 (Wake)	59/$23237	01-01-99	Processing Asst. IV	02/01/99	02/12/99
4970-0000-0001-254 (Wake)	68/$35207	03/01/99	Social Research Assoc. I	03/15/99	03/26/99
4970-0000-0001-247 (Wake)	57/$21111	01/14/99	Processing Assistant III	01/11/99	01/25/99
Victim and Justice Services					
4971-0000-0009-093 (Mecklenburg)	64/$24062	02/26/99	Comm. Serv. Dist. Coord.	03/08/99	03/19/99
4971-0000-0009-141 (Cabarrus)	64/$23595	02/17/99	Comm. Serv. Dist. Coord.	02/15/99	02/26/99
4971-0000-0009-194 (Granville)	64/$23595	11/30/98	Comm. Serv. Dist. Coord.	02/08/99	02/19/99
4971-0000-0009-097 (Cabarrus)	64/$23595	03/12/99	Comm. Ser. Dist. Coord.	03/22/99	04/05/99
4971-0000-0009-223 (Mecklenburg)	64/423595	03/16/99	Comm. Ser. Dist. Coord.	03/15/99	03/26/99
Butner Public Safety					
4991-0000-0001-716 (Butner)	65/$23382 Reposted	10/16/98	Public Safety Officer	01/25/99	02/05/99
4991-0000-0001-739 (Butner)	65/$23382	01/31/99	Public Safety Officer	02/08/99	02/19/99
4991-0000-0001-751 (Butner)	65/$25505 Reposted	10/15/98	Public Safety Officer	03/15/99	03/26/99
Administration					
4910-3010-0000-070 (Wake)	76/$61625 Contract with retired employee in position previously	09/30/98	Accountant III		
National Guard					
4920-0000-0000-126 (Wake)	65/$24551 Readvertised	09/04/98	HVAC Mechanic	02/22/99	03/05/99
4920-0000-0000-396 (Mecklenburg)	50/$16613 Readvertised	12/01/98	Housekeeper	02/22/99	03/05/99
4920-0000-0000-357 (Granville)	62/$22212	02/01/99	Maintenance Mech. III	03/22/99	04/02/99
4920-0000-0000-210 (Wake)	50/$17279 Readvertised	01/31/99	Housekeeper	03/01/99	03/12/99
4920-0000-0000-397 (Wake)	54/$17741	02/01/99	Grounds Worker	02/22/99	03/05/99
4920-0000-0000-398 (Mecklenburg)	62/$21781 Readvertised	12/01/98	Maintenance Mechanic III	02/22/99	03/05/99
4920-0000-0000-399 (Mecklenburg)	64/$23594	12/01/98	Maintenance Mechanic IV	02/22/99	03/05/99
4920-0000-0000-400 (Mecklenburg)	66/$28147	02/01/99	Facility Maintenance Super I	02/22/99	03/05/99
4920-2000-0000-222 (Wake)	53/$20134	02/26/99	General Utility Worker	03/01/99	03/12/99
4920-3000-0000-235	50/$18185	03/12/99	[illegible]keeper	03/22/99	04/02/99

VISITOR REGISTRATION SHEET

Justice and Public Safety — 4-6-99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bruce Hunzeker	OSBM
Gary Dix	OJJ
Mike Barham	CCPS
Joe Stewart	CCPS
F. Doug Shye	National Guard
Tony Quick	CCPS
Melissa Lovell	DOJ
Mark Beason	Capitol Group
Chuck Crane	OSPL
Leo Rubsuit	CYPC
AL DEITCH	DOA/YAZO

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	[illegible]
A A Adams	Victim Advocate
[illegible]	FMO
Flo Stein	Flo Stein DMH/DD/SAS

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday April 6, 1999 8:30 a.m and 2:30pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Ted Kinney
Representative Bill Culpepper
Representative Paul McCrary

II. PRESENTATIONS

Morning

Review of Department of Crime Control and Public Safety Continuation Budget

- **Overview of CCPS Public Safety Divisions**

  Marilyn Chism, Fiscal Research Staff
  Program Representatives

- **Overview of CCPS Law Enforcement Divisions**

  Marilyn Chism, Fiscal Research Staff
  Program Representatives

- **CCPS Federal Grants Report**
  CCPS Vacancies Report

  Joe Stewart, Legislative Liaison
  CCPS

Afternoon

- **Overview of Crime and Victims Services**

  Marilyn Chism, Fiscal Research Staff
  Program Representatives

- **Proposal to Move Crime Prevention to Governor's Crime Commission**

  Joe Stewart, Legislative Liason CCPS

- **Overview of Victim and Justice Services**

  Elisa Wolper, Fiscal Research Staff
  Program Representatives

- **Crime Control and Public Safety Special Provisions**

  Marilyn Chism and Elisa Wolper, Fiscal Research Staff
  Departmental Representatives

Remaining Items from Review of Department of Correction Continuation Budget

- **Department of Correction Vacancies and Misc. Items**

  Jim Mills, Fiscal Research Staff
  Program Representatives

- **Division of Community Corrections Special Provisions and Response to earlier questions**

  Elisa Wolper, Fiscal Research Staff
  Program Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
April 6, 1999

The Joint Appropriations on Justice and Public Safety met on April 6, 1999 at 3PM, in room 415 LOB. Two Senate members were present. The following House members attended:

Rep. Paul McCrary	Rep. Bill Culpepper
Rep. Scott Thomas	Rep. Phillip Haire
Rep. Jim Horn	Rep. Joe Kiser
Rep. Wayne Sexton	Rep. Andrew Dedmon

Rep. Bill Culpepper opened the meeting at 3PM. He reintroduced Marilyn Chism., staff. Ms. Chism distributed a handout titled Crime Control and Public Safety, Crime and Victim Services – Program and Budget Overview. Mr. Joe Stewart of Crime Control and Public Safety walked the committee through the handout. There is $31.7 million in grant money available for 1999, $6.3 for victims, $3.5 for violent crimes against women and $13.1 for drug control and system improvement. There has been a 9% decrease in State Appropriation since 1995-96. Page 10 of handout shows the recommended continuation budget of $453,099 for 1999-2000. Also recommended is a transfer to the Governor's Crime commission $286,040. Mr. Stewart continued, regarding the jproposal to move crime prevention to the Governor's Crime Commission. The concept of community policing has taken hold. Crime Commission by charge is supposed to do what crime prevention does and would make operation more efficient.

Ms. Elissa Wolper, staff, was introduced. She distributed a handout, Division of Victim and Justice Services, from which she spoke. Most of community service work program is still for DWI's though deferred prosecution is growing. Mr. Gary Eichleberg from Crime control and Public Safety was introduced. He said he did not think they had sufficient to supervise more than one female out on her own. Rep. Kiser said at least two people should be on the road together. Mr. Eichleberg said they will look into it. In response to a question by Rep. Haire, Mr. Eichleberg said in 1983, the safe roads act was passed. In 1984, it became a state program (community service). We are getting our money's worth because community service workers must pay $100 into the general fund in addition to their service. The only part of the program inadequately supervised is the highway letter pick up. Again in response to Rep. Kiser, the state is not liable in case of injury but insurance is carried on each worker.

Ms. Wolper resumed discussing the handout, page 6, Victims Compensation. In 1998, the maximum reimbursement of medical expenses for rape victims was increased from $500 to $1000. As of April 1, 1999 2/3 of the money paid out of $4,189, 981 has been for rape victims. In response to Rep. Kiser, Ms. Wolper said that rape victims are already 200 more than where they were last year. In order to be eligible, a victim must notify law enforcement within 72 hours and apply for compensation in 2 years.

Ms. Wolper distributed a handout titled Special Provisions Department of Crime Control and Public Safety. One of the items in the special provision is a requirement that a report be given on the expenditure of funds allocated for Victims Assistance network. Mr. Stewart said that the Victims Assistant Network is not a part of Crime Control and therefore the report would not be forthcoming from them.

Mr. Jim Mills, staff, was introduced. Mr. Mills distributed a handout, titled Department of Correction Review of Automobile Replacement Schedules for 1999-2000, and the Governor's Proposed Budget Reductions – Vacancies. There is a potential of 9 vacancies in the Division of Prisons (except #9), for a savings of $270,000. In reply to Rep. Haire, the 20 medical positions are predominantly nursing positions. The committee will discuss medical budget on Thursday. There are 10 to 12,000 certified as corrections officers. According to Mr. Greg Stahl, it is difficult to recruit correction officers in some places.

The next handout distributed is titled Major Categories of Budget Receipts – 1998-99 We do not know the amount of federal alien assistance for 1998-99. The projection for safekeeper may be high. On April 7, we will have a report on Enterprise Transfers. $3.8 million was actually received last year.

Ms. Wolper distributed a handout, titled Special Provisions, Division of Community corrections, April 6, 1999. If no new special provisions, Harriet's House, Summit House, etc. will not have to report and the committee should consider twice a year reporting to coincide with the fiscal year. Action is required for special provision 17.5 regarding State County Criminal Justice Partnership.

As a follow up to a previous request, a pie chart was distributed which shows structured sentencing viv a vis other sentencing.

Another handout was distributed which shows the Projected Decline of Parole Eligible Population.

At 4:45PM, Rep. Culpeppper adjourned the meeting.

Rep. Bill Culpepper
House Chair

Gloria Haywood
Senate Committee Clerk

Crime Control and Public Safety

Crime and Victim Services
Program and Budget Overview

Joint Appropriations Subcommittee on Justice and Public Safety
April 6, 1999

Crime and Victim Services

Governor's Crime Commission

Crime Prevention

Crime Control and Public Safety

1998-99 General and Highway Fund Budgets By Areas

AREA	GENERAL FUND		HIGHWAY FUND		TOTAL	
	$	Area %	$	Area %	$	Area %
Administration	$3,670,005	1.12%		0.00%	$3,670,005	0.78%
Law Enforcement	$9,485,975	2.90%	$145,337,951	100.00%	$154,823,926	32.81%
Public Safety	$236,144,895	72.30%		0.00%	$236,144,895	50.04%
Crime and Victim Services	$77,299,064	23.67%		0.00%	$77,299,064	16.38%
TOTAL	$326,599,939	100.00%	$145,337,951	100.00%	$471,937,890	100.00%
Fund %	69.20%		30.80%		100.00%	

Source: 1998-99 Authorized Budget per the 12/31/98 BD701

Governor's Crime Commission

- Mission
  - Provide staff support to advisory commission that serves the Governor and the Secretary on crime and justice issues

- Primary Functions
  - As the single state criminal justice planning agency: develops, coordinates, and implements comprehensive statewide system improvements, and policy and program development plans
  - Conducts, oversees, and disseminates the results of original research studies, program evaluations, and policy analyses (Criminal Justice Analysis Center)
  - Administers all federal block grants, and other criminal justice funds awarded by the US Dept of Justice

Governor's Crime Commission

Grants Administered

- Juvenile Justice & Delinquency Prevention ($2.3 million)
  - Funds used to establish innovative community juvenile based programs
  - 14 specific purposes for which the funds may be used

- Juvenile Accountability Incentive Block Grant (5.6 million)
  - Provide funds to state and local units of government to develop programs to promote greater accountability in the juvenile justice system
  - 12 specific program areas

- Children's Justice Grant ($220,000)
  - Provide funds for training in the areas of child abuse, neglect, exploitation and prosecution of those cases on a statewide level

- Challenge Grant ($225,000)
  - Provide funds help to direct policies and procedures in 10 specific purpose areas which mental health, prevention, intervention, diversion, and others

- Title V Grant ($450,000)
  - Prevention programs

Governor's Crime Commission

Grants Administered

- Victims of Crime Act ($6.3 million)
  - Funds for victims assistance programs in rape crisis centers, domestic violence shelters, child abuse centers, and criminal justice agencies

- Violence Against Women Act ($3.5 million)
  - Funds used to support the development and implementation of effective law enforcement and prosecution strategies to combat violent crimes against women and the development and enhancement of victim services in cases of violence against women

Governor's Crime Commission

Grants Administered

- Drug Control and System Improvement ($13.1 million)
  - Funds to assist state and local units in activities to decrease drug use and distribution, enforce drug laws, treat drug users, and for other system improvement strategies

Governor's Crime Commission

Committees

- Juvenile Delinquency Prevention
  - Prevent juveniles from becoming delinquent by demonstrating that prevention pays
- Juvenile Justice Intervention
  - Provide resources for delinquent and undisciplined juveniles involved in the court process as well as their families in order to prevent further illegal behavior
- Drug Control and Substance Abuse
  - Encourage proactive and innovative programs and methodologies that reduce and discourage drug use and associated problems
- Information Systems
  - Seeks data quality and criminal justice agency integration through information and technology that will maximize the efficiency and effectiveness of the criminal justice process
- Victim Services
  - Advocate for victims by promoting the development of effective programs that improve the response of human service professions and the criminal justice system to crime victims

Crime Control and Public Safety
General Fund Budget Growth

Governor's Crime Commission

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$15,803,760	$20,286,067	$28,997,908	$62,351,403	$31,177,682	$31,177,682
Less Receipts	($14,618,371)	($18,979,799)	($28,115,233)	($61,281,824)	($30,109,379)	($30,109,379)
State Appropriations	$1,185,389	$1,306,268	$882,675	$1,069,579	$1,068,303	$1,068,303
Positions	27	27	32	32	32	32

Percentage Decrease in State Appropriation is 9% since 1995-96.

Recommended State Appropriation is 2% of the Department's Total Recommended State Appropriation
Recommended Requirements is 38% of the Total General Fund Requirements ($79,944.048) for the Department

Major Changes in Continuation Budget Request: None

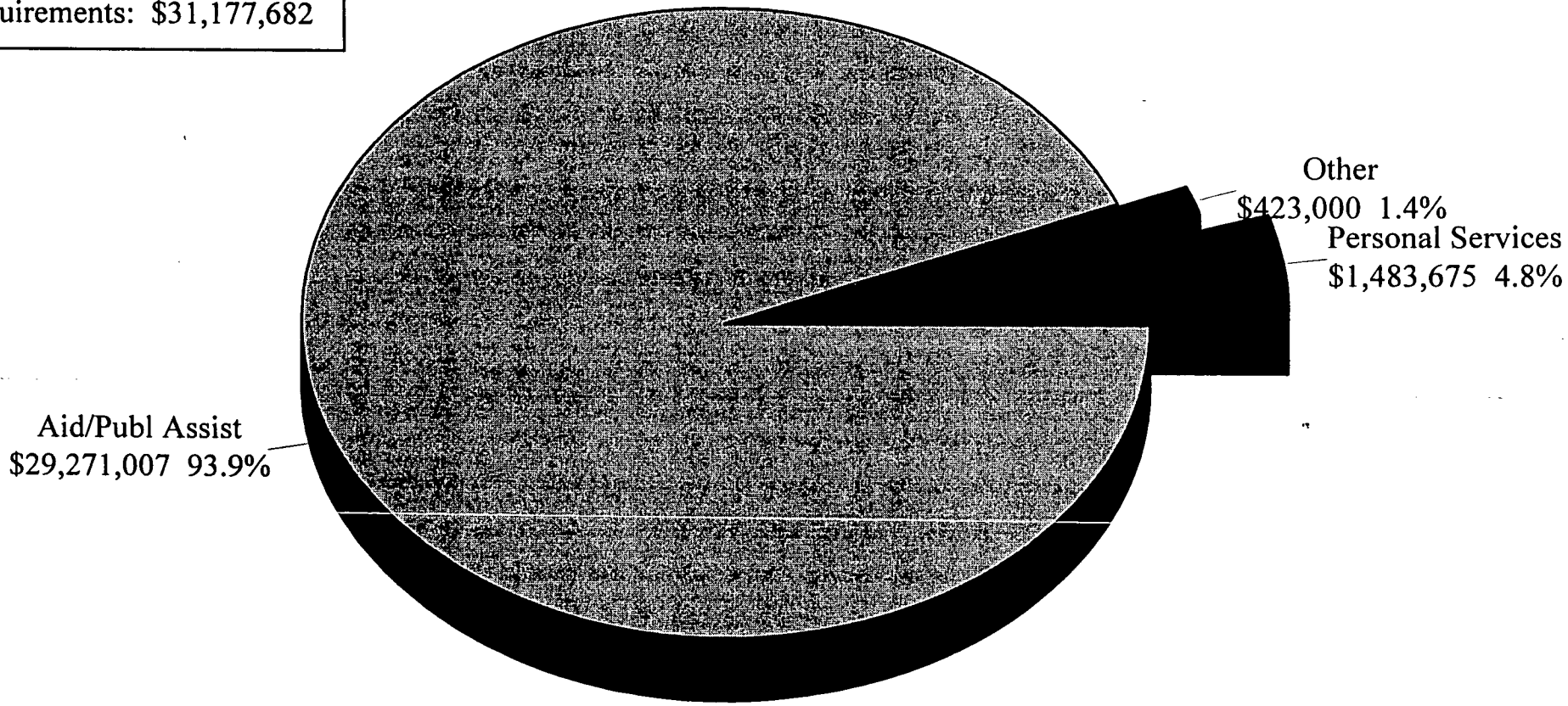
Major Budgetary Action: None

Issues for Consideration: None

Governor's Crime Commission

1999-2000 Recommended Budget By Purpose

Total Recommended Requirements: $31,177,682



Source: Worksheet 1

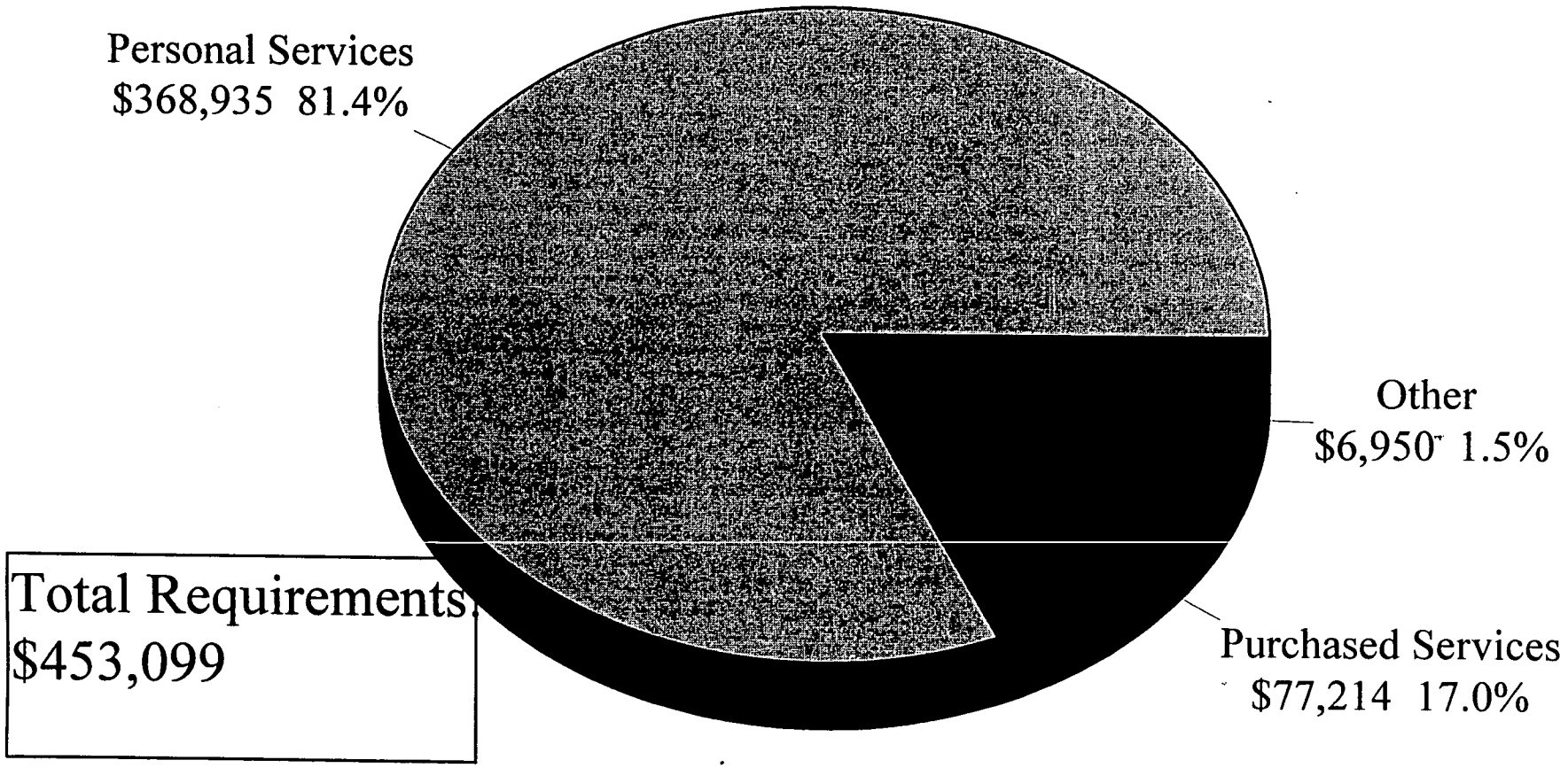
Crime Prevention

- Purpose
  - To work to prevent crimes against property, crimes of violence and juvenile crimes
    - Education
    - Public Awareness
    - Working Partnerships

- Programs Sponsored
  - Community Watch
  - Church Watch
  - Child Safety
  - Crime Stoppers
  - Youth Against Crime
  - Crime Prevention in Public Housing/Business
  - Sexual Assault Prevention

Crime Prevention

1999-2000 Recommended Budget by Purpose



Source: Worksheet 1

Crime Control and Public Safety
General Fund Budget Growth

Crime Prevention

	1995-96	1996-97	Actual 1997-98	Authorized 1998-99	Recommended Continuation 1999-2000	2000-2001
Expenditures/Requirements	$592,598	$738,349	$616,059	$679,980	$453,099	$453,099
Less Receipts	($47,010)	($136,162)	($108,806)	($212,067)	$0	$0
State Appropriations	$545,588	$602,187	$507,253	$467,913	$453,099	$453,099
Positions	11.00	11.00	9.00	8.00	8.00	8.00

Percentage Decrease in State Appropriation is 14% since 1995-96.
Decrease attributable to reduction to improve span of control
Two community development positions eliminated in 1997-99 ($96K)
One supervisory position eliminated in 98-99 ($52K)

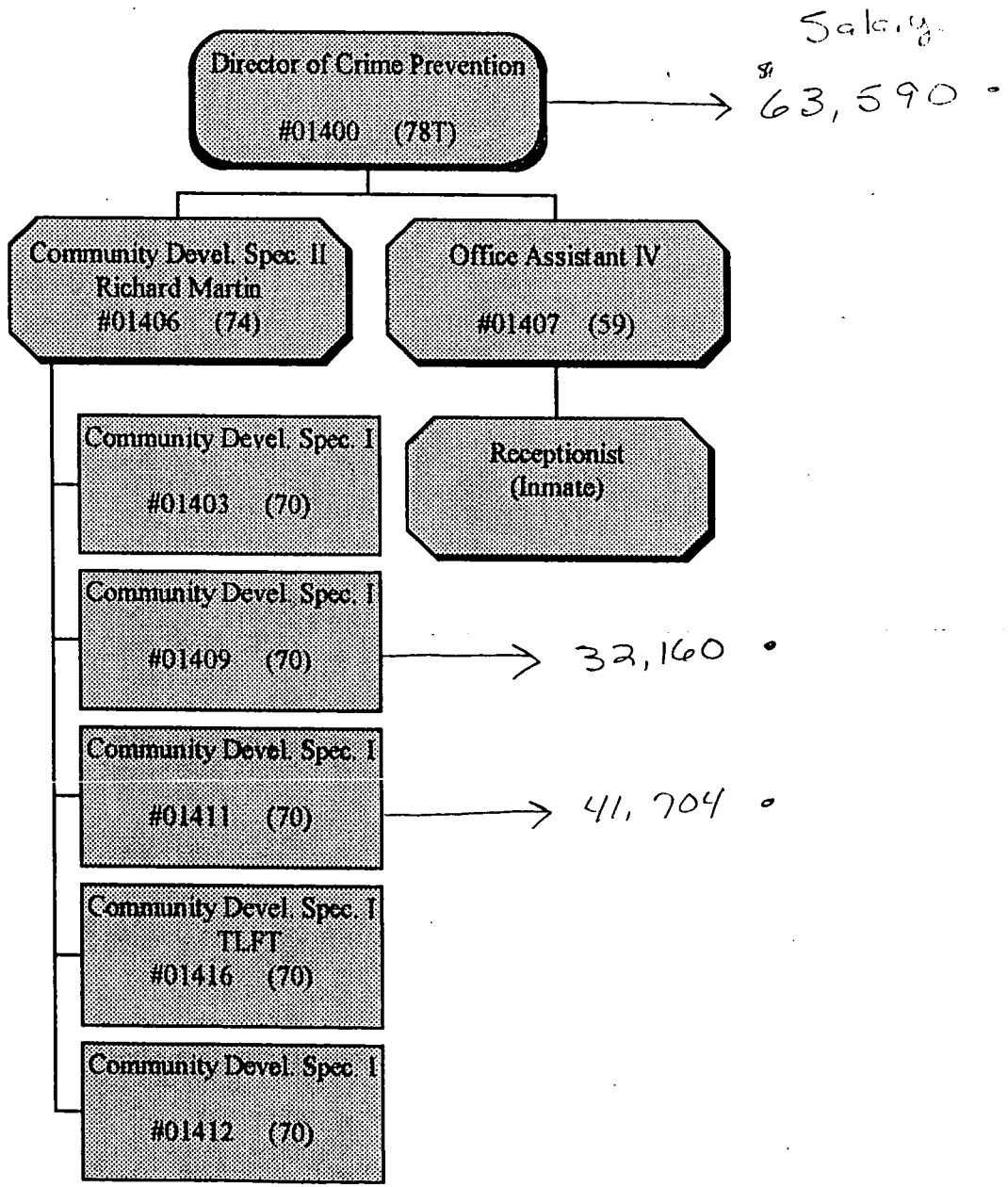
Major Changes in Continuation Budget Request: None for currently level of service
Governor's Recommended Expansions and Adjustments:
Abolishes 3 positions and recommends transferring the remaining 5 and the function to Governor's Crime Commission

Recommended Continuation Budget	$453,099	
Recommended Abolished Positions (3)	$167,059	
Recommended Transfer to GCC	$286,040	($202K Salaries, $77K Pur Services, $7K Other)

Issues for Consideration:
Governor's recommendation to reduce and transfer Crime Prevention to the Governor's Crime Commission
Whether greater efficiency and effectiveness can be realized with the transfer, thereby allowing for more reductions

01/15/99

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
CRIME PREVENTION DIVISION



1-15-99
JAC

• Positions Recommended to be Abolished by Governor

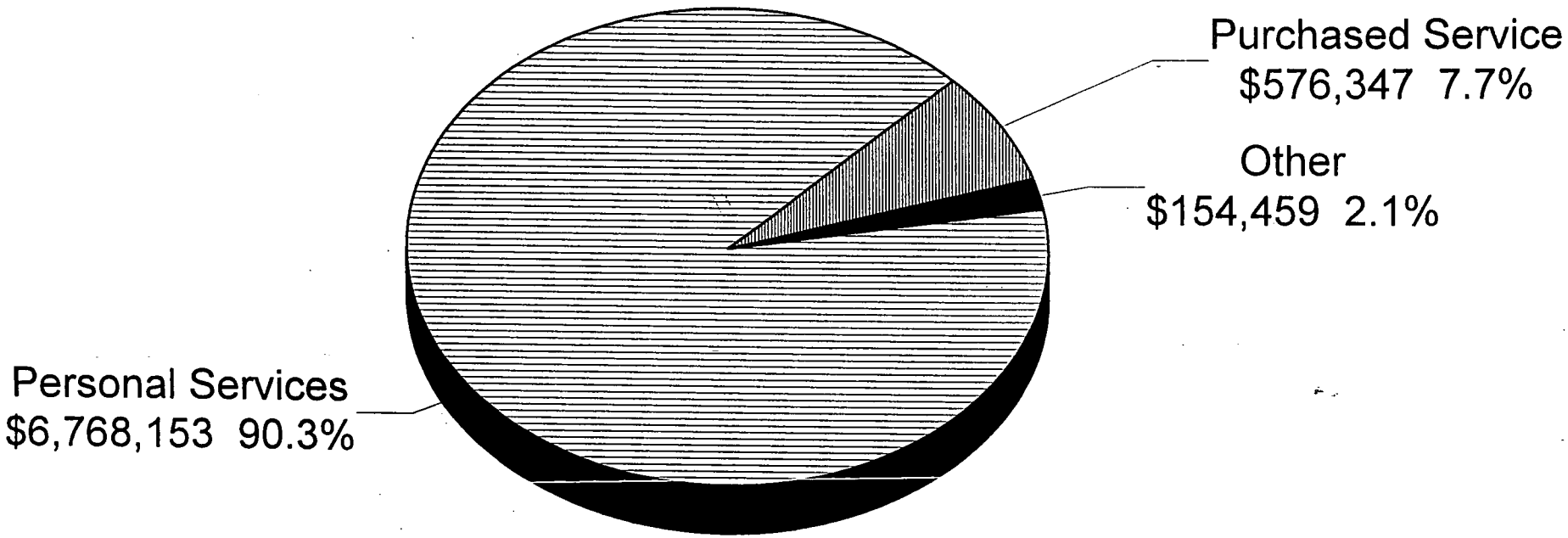
Division of Victim and Justice Services

Department of Crime Control & Public Safety

Joint Appropriations Subcommittee on Justice and Public Safety

April 6, 1999

Community Service and VJS Administration
1998-99 Authorized Budget by Purpose

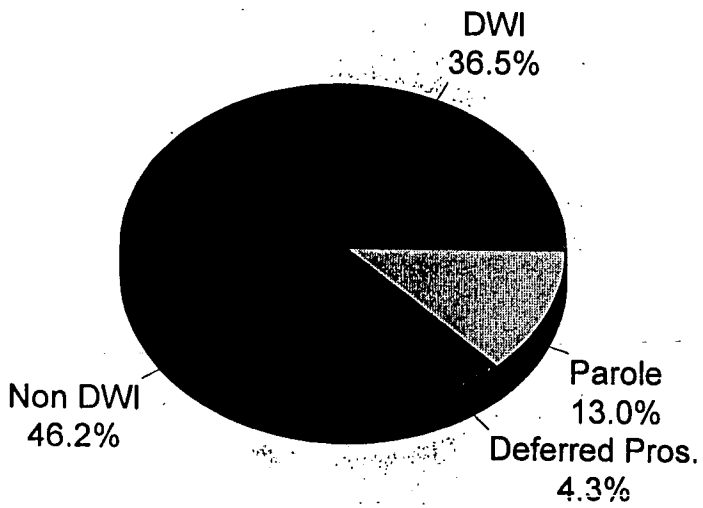


Total Requirements: $7,498,959
Total Positions: 197 (plus 6 shared with victims comp)

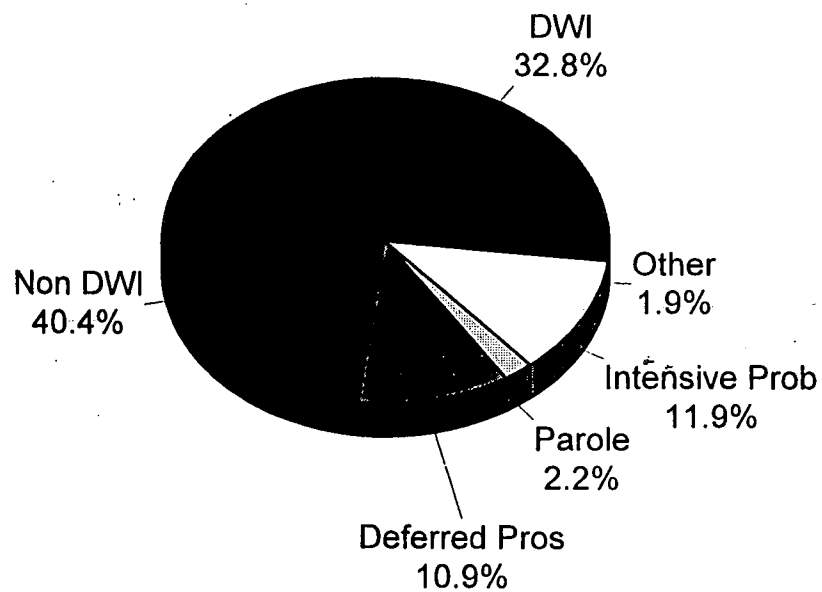
Community Service Work Program

- Purpose
  - Administration of a statewide program of community service for DWI and other offenders.
  - DWI program began in 1983; Expanded to Non-DWI in 1984
  - Offenders are parolees, probationers, or deferred prosecution
  - In deferred prosecution program , CSWP supervise offenders and reports to officers who decide on response.
- How Organized
  - Organized by Area(4), by District Court District and by Office (84)
  - Staff are Area Managers (4), Program Managers(24), Coordinators(141) and Office Assistants(28) for total of 197.
  - Caseloads and travel requirements vary with the district; staffing, geography and court activities. Admissions per coordinator ranged from 169.8 to 430 for 1st half of this year and miles driven per person per month varied from 0 to 724.
  - Administrative staff in Raleigh shared with Crime Victims program: 6 positions

Community Service Work Program



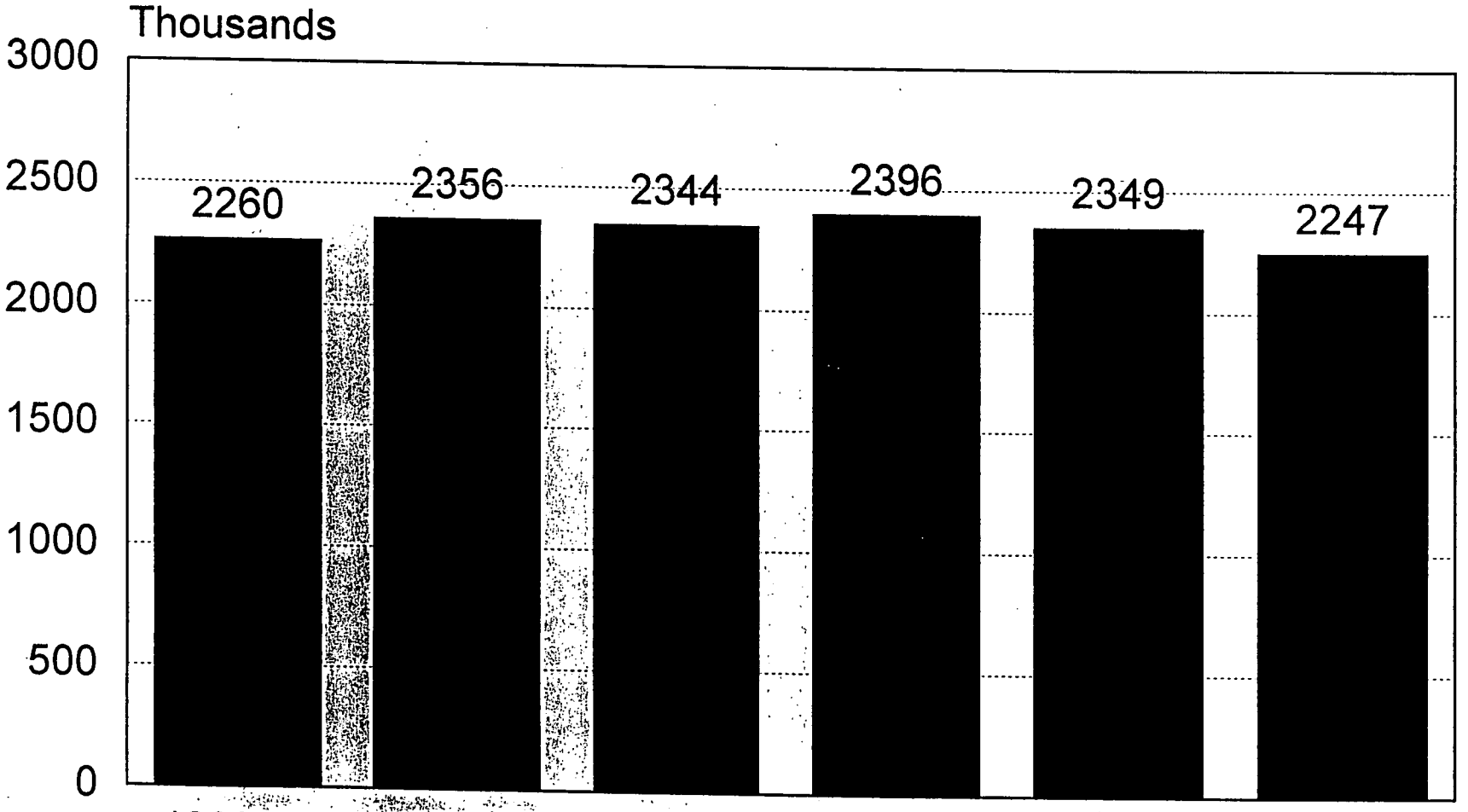
1993-94



1998-99

Hours Worked by Offenders

1993-94 through 1998-99



	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99 (proj)
Admits:	62,402	67,416	68,914	73,474	73,689	71,891

Other Community Service Statistics

- The completion rate for offenders was 75% in 1998-99 and is 75% year-to-date. Rate is higher for DWI offenders (85%) than for non-DWI (72%). Completion rates have stayed fairly stable since the program began.

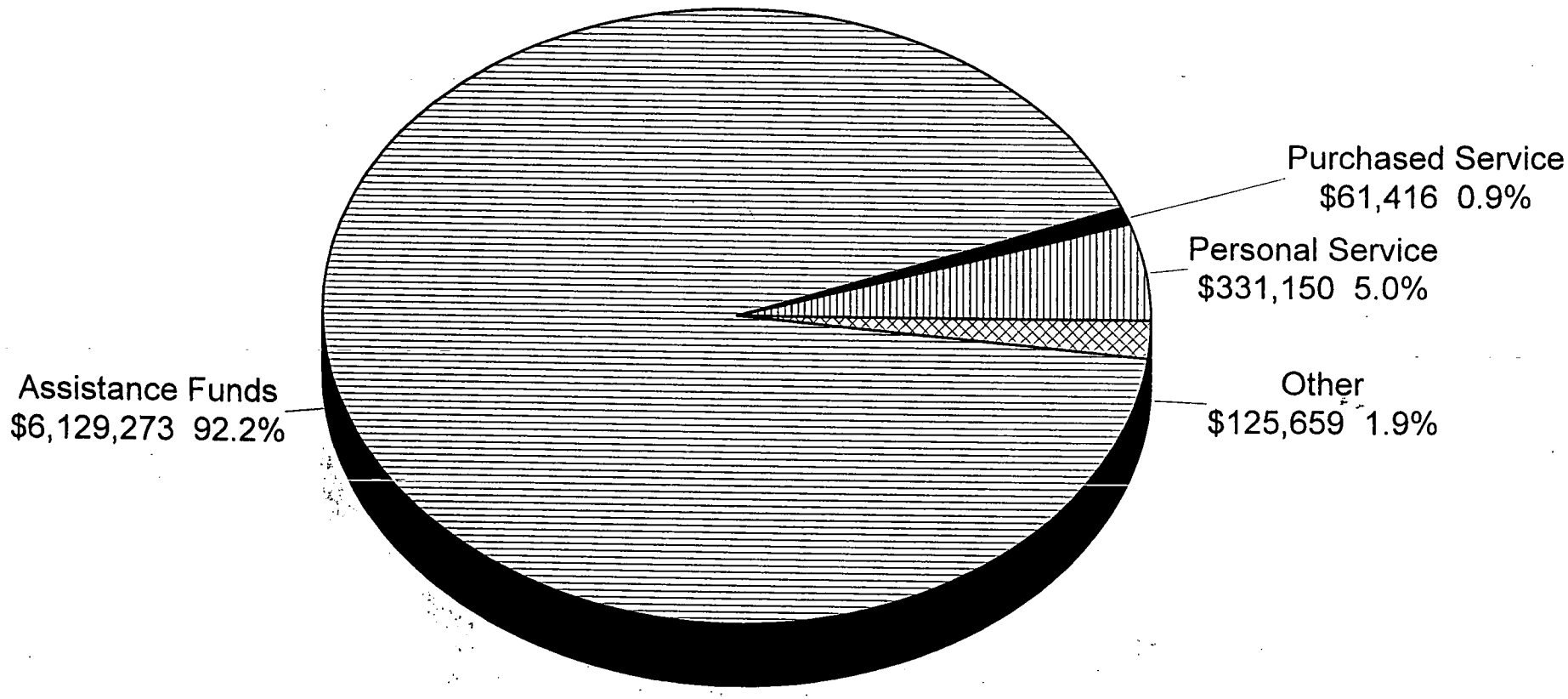
- Fees collected were $5.38 M in 1996-97, $5.4 Million in 1997-98 and $3.49 M year to date.

- Since 1995-96, the program has reduced the number of Program Managers from 34 to 24, increased the number of coordinators from 113 to 141 and decreased clerical positions from 40 to 28. This increased the coordinator:supv ratio from 3.3 to 5.8.

Victims Compensation Programs

- Compensate Innocent Victims of Violent Crime for economic costs (not property)
- Rape Victim Assistance Fund (1981) covers cost of medical care---no requirements on victim to cooperate with law enforcement.
- Crime Victims Compensation Fund (1987) requires report within 72 hours to and cooperation with law enforcement.
- Unspent CVCF funds carry-over. Unspent RAF funds revert to General Fund.
- Recent Changes:
  - 1997: maximum reimbursement for funeral expenses was increased from $2,000 to $3,500.
  - 1998: the overall maximum claim was increased from $20,000 to $30,000, the max compensation for work loss from $200/wk to $300/wk and a new category of household support loss added
  - 1998: Maximum reimbursement of medical expenses for rape victims was increased from $500 to $1,000.
  - 1999: Proposed increase discretion for Commission if victim guilty of misdemeanor

Crime Victims Compensation
1998-99 Authorized Budget by Purpose



Total Requirements: $6,647,498
Total Positions: 10 (plus 6 shared with CSWP)

FUNDING AND EXPENDITURE HISTORY
CRIME VICTIMS COMPENSATION FUND

	1996-97	1997-98	1998-99 (ytd)
GF Approp	$2,000,000.0	$2,000,000.0	$2,000,000.0
DOC (Canteen, Enterprise)	$723,432.0	$1,038,571.0	$937,615.0
New VOCA Funds*	$1,056,400.0	$895,850.0	$768,550.0
Carry Over of State Funds	$1,969,858.0	$2,000,000.0	$2,173,838.0
Carry Over of VOCA Funds	$0.0	$140,548.0	$1,107,595.0
Total Carry Over	*$1,969,858.0*	*$2,140,548.0*	*$3,281,433.0*
Total Available	**$5,749,690.0**	**$6,074,969.0**	**$6,987,598.0**
Paid Out	$3,561,992.0	$2,943,835.0	$4,189,981.0

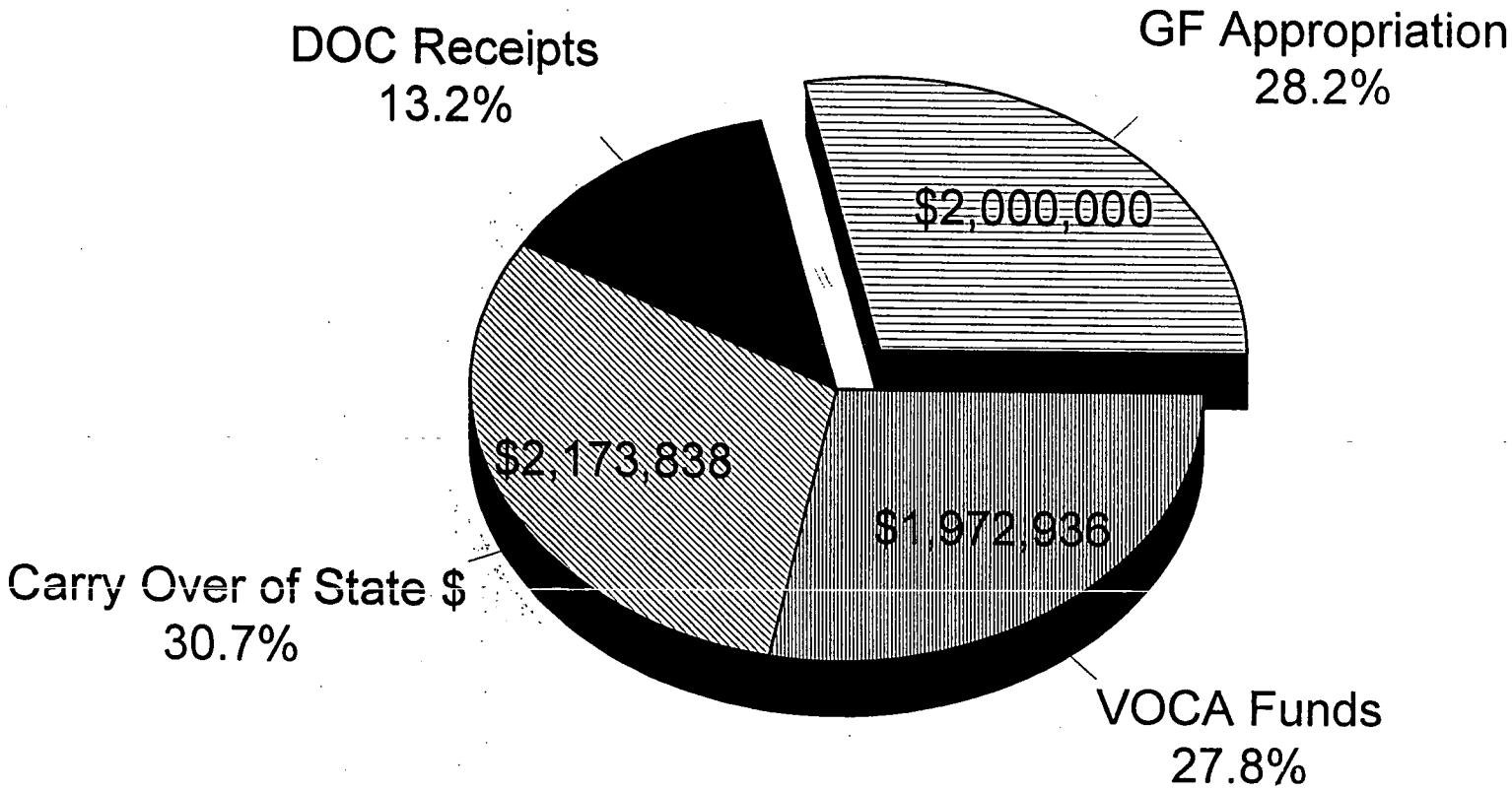
source: BD701 and Controllers Office Figures, CC&PS
* 5% of this can be used for administration--it supports 1 time limited position

RAPE VICTIM ASSISTANCE FUND

	1996-97	1997-98	1998-99 (ytd)
General Fund Appropriation	$158,422	$158,422	$158,422
Paid Out	$91,026	$136,961	$123,956
Amount Reverted to GF	$67,396	$21,461	$34,466

Source of Funds---Crime Victims Fund

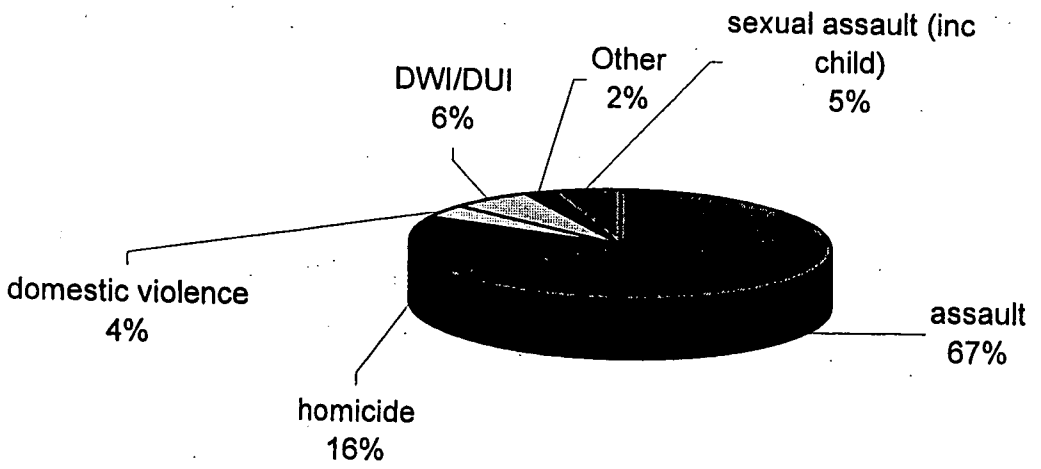
1998-1999



SUMMARY OF ANNUAL REPORTS

	1996-97	1997-98	1998-99 ytd (Mar 1)
Administrative Expenses	$403,032	$358,543	$262,064
Commissioners Reimbursement	$1,446	$3,686	$2,264
Claims Received	1,625	1,858	1,314
Claims Approved	879	914	838
Approval Percentage	54.1%	49.2%	63.8%
Time from claim to decision (wks)	31.7	34.8	33.4
Average Claim Approved	$4,044	$3,432	$3,537

Claims Paid by Type of Crime 1998-99



PROJECTED BALANCE IN CRIME VICTIMS COMPENSATION FUND

Claims Paid as of April 1	$4,189,981
Projected Full Year	$5,586,641
Total Resources for 1998-99	$6,987,598
Projected Carry Over	$1,400,957
Projected DOC 1999-2000	$937,615
Projected VOCA 1999-2000	$1,674,274
Projected General Fund 1999-2000	$2,000,000
Total Projected Resources 1999-2000	$6,012,846

may be low estimate--assumes all carryover is state dollars

Budgetary Changes 1997-01

- 5 New Coordinator Positions in 1997
- $15,000 in funding to upgrade clerical to coordinator positions in 1998. (11 positions upgraded using these funds and salary reserve)
- Elimination of one Supervisory Position (Span of Control) in 1997.
- Only recommended change for 1999-2001 is elimination of a vacant clerical (OA III) position--$25,642 Reduction. Position would have been additional claims examiner for Victims Comp.

SPECIAL PROVISIONS

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

APRIL 6, 1999

1997

PART XXI. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Section 21. (a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that the State application for Drug Law Enforcement Grants is subject to review by the State legislature or its designated body. Therefore, the Governor's Crime Commission of the Department of Crime Control and Public Safety shall report on the State application for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, to the Senate and House Appropriations Subcommittees on Justice and Public Safety when the General Assembly is in session. When the General Assembly is not in session, the Governor's Crime Commission shall report on the State application to the Joint Legislative Commission on Governmental Operations.

Ongoing

(b) Unless a State statute provides a different forum for review, when a federal law or regulation provides that an individual State application for a grant shall be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations.

Amended in 1998

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

1997 19.2

VICTIMS ASSISTANCE NETWORK FUNDS

Section 21.1. Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars ($150,000) for the 1997-98 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 1998-99 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims services;
(3) Provide an automated crime victims bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims advocacy groups;
(5) Identify training needs of crime victims services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

requires repeat to continue

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

REPORT ON COMMUNITY SERVICE WORKERS

Section 21.2. The Department of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by March 1 and September 1 of each fiscal year of the 1997-99 biennium on the number of community service workers who were available during each month of the time period preceding that report to perform repairs and maintenance of the parks and when and where they were available.

requires repeat

Special Provision on Crime Victims Compensation

STATUTE REQUIRES :

ANNUAL REPORT ON

Number of Claims Filed
Number of Awards Made
Amount of Each Award
Statistical Summary of Claims Denied/Awards Made
Administrative Costs including compensation of Commission

SPECIAL PROVISION (Sec 21.3 SB352 1997) REQUIRES:

ANNUAL REPORT (March 1) ON

Admin Expenses
Unencumbered balance
Funds Carried Over from Prior Year
Funds Received from DOC and VOCA
Amount paid to victims

For all items, amounts ytd and projected receipts by year end as well as from prior year

Special Provision made the report a permanent requirement

Requested by: Senators Gulley, Ballance, Rand, Representatives Justus, Kiser, Thompson, Hill

REPORT ON CRIME VICTIMS COMPENSATION FUND

1997 Section 21.3. The Department of Crime Control and Public Safety shall report to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly by March 15 each year on the North Carolina Crime Victims Compensation Fund. The report shall include a statement regarding:

(1) The administrative expenses of the Fund for the prior fiscal year and the current fiscal year on the date of the report;
(2) The current unencumbered balance of the Fund;
(3) The amount of funds carried over from the prior fiscal year;
(4) The amount of funds received in the prior fiscal year from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.;
(5) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and
(6) The total amount of funds paid to victims in the prior fiscal year and in the current fiscal year on the date of the report.

"Section 20.1. Of the funds appropriated in this act to the Department of Justice, State Bureau of Investigation, for the 1997-99 biennium for overtime payments, the first priority for use of the funds by the Department shall be:

(1) To make overtime payments to SBI agents in the Field Investigations ~~Division; and~~ Division and in the crime laboratories; and

(2) To make overtime payments to supervisory personnel receiving overtime payments as of June 30, 1997, up to a maximum of five thousand two hundred dollars ($5,200) annually per individual."

PART XIX. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson, Esposito, Sexton

ACTIVATION OF NATIONAL GUARD FOR SPECIAL OLYMPICS

Section 19. With funds available, the Governor may place units or portions of units of the North Carolina National Guard on State Active Duty during the period from January 1, 1999, to September 30, 1999, to assist with the planning, support, and execution of events associated with the International Special Olympic Games.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

STUDY TARHEEL CHALLENGE PROGRAM

Section 19.1. With funds available, the Department of Crime Control and Public Safety shall use up to twenty-five thousand dollars ($25,000) for the 1998-99 fiscal year to contract with an external consultant to study the effectiveness of the National Guard Tarheel Challenge Program as an intervention method for preventing delinquent or criminal behavior and improving individual skills and employment potential of the participants in the Program. The consultant selected shall have substantial professional experience in program evaluation, but shall have no current or prior association, direct or indirect, with the Department of Crime Control and Public Safety, the National Guard Tarheel Challenge Program, or the staff of either. The study shall include:

(1) An evaluation of the goals of the Program and long-term effects of participation in the Program;

(2) A comparison of the Program to (i) other similar programs that offer job training and behavior modification and (ii) a control group of students not participating in intervention programs; and

(3) A cost-benefit analysis of the Program.

The Department shall report the results of the study, including any recommendations, to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by April 1, 1999.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson

VICTIMS ASSISTANCE NETWORK REPORT

Section 19.2. The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated in Section 21.1 of S.L. 1997-443 for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by December 1, 1998.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

STUDY EMERGENCY MANAGEMENT POSITIONS

Section 19.7. (a) The Joint Legislative Corrections and Crime Control Oversight Committee shall study the State and local assistance funding eligibility criteria of the Division of Emergency Management of the Department of Crime Control and Public Safety that requires local governments to have a full-time or part-time Emergency Program Manager. In its deliberations, the Committee shall consider:

(1) The burden placed on local governments to maintain a full-time or part-time position pursuant to the funding eligibility requirements.

(2) The feasibility and advisability of revising the funding eligibility criteria of the Division of Emergency Management to allow small local governments to:

a. Share federal funds and an Emergency Program Manager; or

b. Add the responsibilities of an Emergency Program Manager to an appropriate official or employee of the local government.

(3) The feasibility and advisability of opening regional emergency management offices and allocating funds to regions rather than local governments.

(b) The Committee shall report its findings and recommendations to the 1999 General Assembly.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

STUDY DISASTER MITIGATION AND RELIEF FUNDING

Section 19.9. The Department of Crime Control and Public Safety shall study the feasibility and advisability of establishing a disaster mitigation and relief fund to provide disaster relief and recovery assistance to individuals and local governments adversely affected by natural or man-made disasters through grants awarded to persons, corporations, nonprofit corporations, local governments, or other political subdivisions of the State. The Department shall consider and make recommendations regarding:

(1) Administration of the fund, including the membership of the body that establishes grant criteria and awards grants to applicants.

(2) Objectives and criteria for awarding grants, including the eligibility requirements that are appropriate for obtaining grants.

(3) Limitations on the amount of funds to be awarded to individuals and private entities or corporations, including the requirement that grant recipients obtain and maintain insurance against future loss of the property to be replaced, restored, repaired, or constructed with the funds awarded.

(4) Guidelines for prioritizing the allocation of funds to serve the needs of those citizens of the State who cannot obtain financial assistance under any other State or federal program or from any other source and who do not have insurance, including consideration of whether grants should be awarded on a competitive basis only or should be distributed equally to local governments for disaster mitigation on an annual basis.

(5) The intended use of the funds awarded to local governments, including training, upgrade, and standardization of communications capabilities statewide.

(6) Establishment of a system of damage assessment whereby the Secretary of the Department of Crime Control and Public Safety determines whether the damage involved and its effects are of a severity and magnitude as to be beyond the response capabilities of the affected local government or political subdivision and makes recommendations regarding whether a grant should be awarded.

(7) The preferred method of funding a disaster mitigation and relief fund.

The Department shall report its recommendations and legislative proposals to the Joint Legislative Commission on Governmental Operations, the Chairs of the Appropriations Committees of the House of Representatives and the Senate, the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the House of Representatives and the Senate, and the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 1999. A written copy of the report shall be sent to the Fiscal Research Division of the General Assembly by March 1, 1999.

DEPARTMENT OF CORRECTION
REVIEW OF AUTOMOBILE REPLACEMENT SCHEDULES FOR 1999-2000

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Background

- State Budget allows state agencies to replace work vehicles – automobiles, trucks, vans, and buses – as part of the Continuation Budget. Each agency develops replacement schedules for review and approval by State Budget and the General Assembly.

- DOC increased the vehicle replacement schedule from 85,000 to 100,000 miles in 1997-99 (350,000 for diesel engines in some buses and trucks). This replacement schedule was continued for 1999-2001.

Governor's Recommended 1999-20001 Continuation Budget for DOC Vehicle Replacement (Departmental Management Program)

1999-2000

Actual 1997-98	Authorized 1998-99	Recommended 1999-2000	Difference
$829,065	$1,658,670	$4,335,501	**+$2,676,831**

2000-01

Authorized 1998-99	Recommended 2000-01	Difference
$1,658,670	$2,518,079	+859,409

Proposed Revision for Consideration by the Joint JPS Subcommittee

- Review by FRD indicated approximately 20 vehicles would not reach 100,000 miles in 1999-2000 but rather in 2000-01 or beyond. DOC reviewed their original computer program and schedule and indicated program had not projected all vehicle replacement schedules accurately. Revised schedule indicates the following budget adjustments are possible:

FY 99-2000	FY 2000-01
$2,676,831 Original Recom. Increase	$859,409 Original Recom. Increase
2,316,634 Proposed Increase	$865,197 Proposed Increase
(360,197) Potential Savings	**+ 5,788 Potential Increase**

FRD 4/5/99

DEPARTMENT OF CORRECTION
GOVERNOR'S PROPOSED BUDGET REDUCTIONS - VACANCIES
FY 1999-2001

Position *	Location
1. Personnel Tech. III	Piedmont Triad
2. Maint. Mech. V	Brown Creek
3. Processing Asst. IV	Lumberton C.I.
4. Processing Asst. III	Piedmont C.I.
5. Boiler Operator II	Odom C.I.
6. Reg. Op. Mgr.	Central Region
7. Plumber II	Pender C.I.
8. Boiler Operator II	Odom C.I.
9. Office Asst. III	Judicial District 21

TOTAL PROPOSED REDUCTION: $270,000

*All positions are Division of Prisons except #9, Office Asst. in Division of Community Corrections, Judicial District 21.

DOC VACANCIES – 6 MONTHS OR OLDER
AS OF MARCH 22, 1999*

# Vacancies	Type of Vacancy
79	Leave Without Pay (Including Disability)
23	Jobs Offered and Accepted
2	Administrative Positions held for New Secretary
62	Correctional Officers
20	Medical Positions
8	Reallocation for NCCIW/Central Prison Medical
40	Other**
234	

*Total is 234 (excludes DCC (27), Enterprise (24), Grants (3); Parole Commission (1))

****Other** includes positions to be abolished as part of 98-99 cuts; positions to be reallocated; positions proposed for reduction in Governor's 99-2001 budget; maintenance positions.

NOTE: Overall, DOC had 1,828 vacancies as of 3/22/99, or 9.6% of 98-99 authorized positions

Department of Correction – Major Categories of Budget Receipts – 1998-99

Receipt Description	1997-98 Actual Receipts	1998-99 Receipts Collected 2/28/99
Federal Alien Assistance*	$2,428,136	0
Federal Youth Nutrition Program	$3,265,909	$2,182,383
County Medical Reimbursement – Safe keepers*	$1,625,967	$872,059
County Per Diem Collections ($18 a day Safekeepers)	$844,961	$540,582
Internal Services (Enterprise Transfer to General Fund)**	$1,060,000	$720,000
Work Release Reimbursement ($14 a day from inmates)***	$3,802,480	$2,783,176
Highway Fund (for DOC Road Squads)	$7,064,516	$2,526,383

Source: DOC BD701 Budget Reports for 2/28/99.

*In 1998, the General Assembly reduced the DOC General Fund budget by $2,150,000 on the assumption that collection of receipts in 1998-99 would be comparable to actual collections in 1997-98 for three major programs. The amount of reductions was as follows:

Alien Assistance: ($1,000,0000)
Federal Youth Nutrition Program: ($475,000)
Medical Reimbursement from the Counties for Safekeepers: ($675,000)

** Prison Enterprises Special Fund reimburses the General Fund at a set amount from profits; the amount was established at $1,060,000 from 1979-80 through 1997-98. The 1998 General Assembly increased that amount to $1,560,000.

***Work Release Per Diem -- The 1998 General Assembly increased inmate per diem rates from $12.50 a day to $14, thus reducing the General Fund by $436,500.

FRD 3/24/1999

SPECIAL PROVISIONS FROM 1997-99

DIVISION OF COMMUNITY CORRECTIONS

DEPARTMENT OF CORRECTION

APRIL 6, 1999

Reports by Grant Funded

Requested by: Senator Gulley
HARRIET'S HOUSE FUNDS/FUNDS SHALL NOT REVERT

Section 19.6. (a) Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

(b) The balance of the two hundred thousand dollars ($200,000) appropriated in Chapter 507 of the 1995 Session Laws to the Department of Correction for the 1996-97 fiscal year to support the programs at Harriet's House shall not revert at the end of the fiscal year but shall remain available to the Department during the 1997-98 fiscal year to be used for program operating costs, the purchase of equipment, and the rental of real property.

(c) This section becomes effective June 30, 1997.

Requested by: Senators Gulley, Odom, Ballance
REPORT ON SUMMIT HOUSE

Section 19.7. (a) Summit House shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

(b) Summit House shall report by December 1, 1998, to the Joint Legislative Commission on Governmental Operations on (i) possible expansion of the programs in Mecklenburg and Guilford Counties; (ii) on possible expansion to other areas of the State; and (iii) the status of the Wake County program. This report shall include the estimated size of the population to be served, estimated costs, and anticipated obstacles to establishment of a residential program.

(c) The balance of the one million one hundred three thousand seven hundred fifty-eight dollars ($1,103,758), appropriated in Chapter 507 of the 1995 Session Laws and Chapter 18 of the Session Laws of the 1996 Second Extra Session to the Department of Correction for the 1996-97 fiscal year for support and expansion of the programs at Summit House in Greensboro and Mecklenburg and Wake Counties, shall not revert at the end of the fiscal year but shall remain in the Department during the 1997-98 fiscal year for that purpose.

(d) This section becomes effective June 30, 1997.

Requested by: Representatives Justus, Kiser, Thompson
REPORT ON WOMEN AT RISK

Section 19.12. Women at Risk shall report by December 1 and May 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 17.13. The Post-Release Supervision and Parole Commission shall report by March 1, 1999, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and upon request of the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee to that Committee after March 1, 1999, on:

(1) The Commission's progress in reviewing cases requiring review in light of the decision of the North Carolina Supreme Court in **Robbins v. Freeman**; and

(2) An updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 1999-2000 fiscal year over the 1998-99 fiscal year.

1998

HB 320

PART XVI. DEPARTMENT OF CORRECTION

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 84. Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2001 biennium shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1999-2001 biennium shall be distributed as specified in G.S. 143B-273.15(1).

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

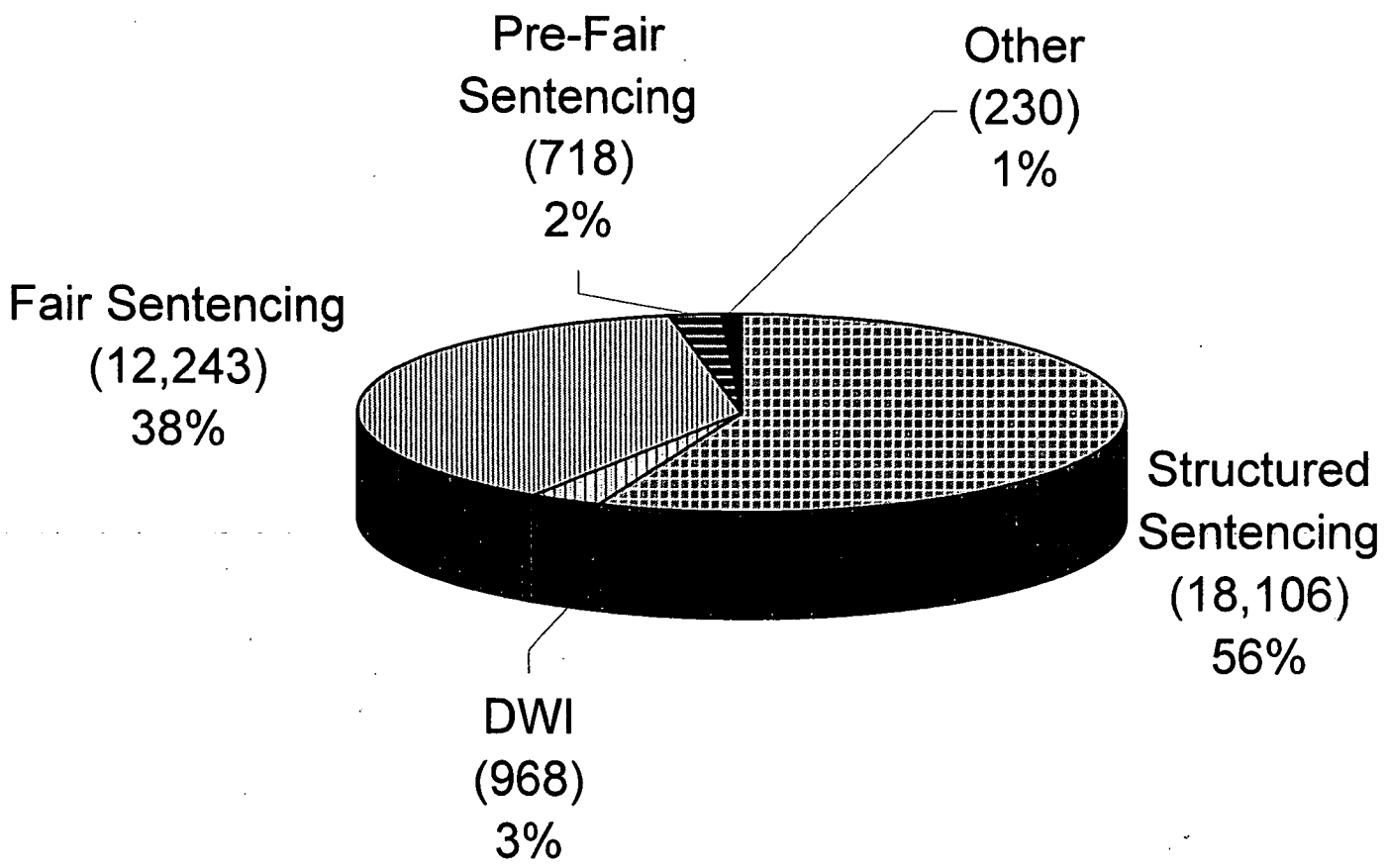
MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 17.5. Subsection (a) of Section 19.8 of S.L. 1997-443 reads as rewritten:

"(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, ~~grants~~ appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the ~~1997-98 fiscal year~~ 1997-99 biennium shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years. Appropriations not claimed or expended by the counties during the 1997-99 biennium shall be distributed as specified in G.S. 143B-273.15(1)."

Prison Population: Feb 28th, 1999

source: DOC ASQ Report Generator



PROJECTED DECLINE OF PAROLE ELIGIBLE POPULATION

NUMBER OF PRE-STRUCTURED SENTENCING CASES IN PRISON SYSTEM
(fair, pre-fair, fair or pre fair & structured) **AND PROJECTED REVIEWS**

	Eligible Population	Parole Review
1997-98	15,166	19,092
1998-99	12,104	15,585
1999-00	9,618	12,997
2000-01	7,911	9,907
2001-02	6,827	8,420
2002-03	6,051	na

These numbers are based on the prior year's (1997-98) record of what percentage of sentence is actually served To arrive at projected paroles, two things are added to these numbers: projected number of DWI paroles and number of new entries to prison that are old pre-Structured cases or revocations where the offender will reenter with a pre-structured sentence.

If paroles slow-down relative to 1997-98, decline of this population will slow down.
If paroles speed-up, it will decline faster.

VISITOR REGISTRATION SHEET

Justice and Public Safety — 4/6/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Eichelberger	CCPS
Joe Stewart	CCPS
Mike Barham	CCPS
Melissa Lovell	DOJ
Carey Dix	OJJ
Bunny Humphrey	OSJA
Lana Hartsell	NCBA
Doc Haggard	DOJ
Bryan Beatty	DOJ
EDDIE CALDWELL	H McC C&C, P.A.

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday April 7, 1999 8:30 a.m and 2:30pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Ted Kinney
Representative Bill Culpepper
Representative Paul McCrary, Presiding

II. PRESENTATIONS

Morning

Pilot Programs

- **Report on Drug Treatment Court**

  Elisa Wolper, Fiscal Research Staff
  Drug Treatment Court Representatives

- **Report on Bad Check Pilot Program**

  AOC Representatives

- **Programs Funded with Non-Recurring Funds 1998-99**

  Elisa Wolper , Fiscal Research Staff

Afternoon

Remaining Department of Correction Issues

- **Correction Enterprises**

  Jim Mills, Fiscal Research Staff
  Lynn Phillips, Assistant Secretary ,Department of Correction

- **Report on Private Prisons**

  Lynn Phillips, Assistant Secretary, Department of Correction

- **Staffing for Administration and Oversight of Private Prisons Contracts**

  Dan Steineke, Director, Division of Prisons

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPTIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
April 7, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on April 7, 1999 at 8:30AM in room 415 LOB. Three members of the Senate attended. The following House members attended:

Rep. Paul McCrary	Rep. William Culpepper
Rep. Scott Thomas	Rep. Jim Horn
Rep. Joe Kiser	Rep. Wayne Sexton

Rep. Andrew Dedmon

Senator Luther Jordan called the meeting to order at 8:30AM. He introduced Elissa Wolper, staff, to give a report on Drug Treatment Court. Ms. Wolper distributed a handout giving the funding history of the drug treatment court program. Rep. Sexton commented that the numbers completing the drug program seemed really low. (see page 2 of handout.) Mr. Randy Monchick, director of the Drug Treatment Court was introduced. He said the drug treatment really works. They are dealing with long term treatment. He distributed a handout titled Part II Executive Summary. Mr. Monchick said intensive outpatient treatment program or stronger drug treatment court insures that programs are available and because they are in court every two weeks, there is accountability.

In reply to Rep. Kiser, for ½ of the drug treatment court participants it is a condition of special pre-sentencing. Again to Rep. Kiser, non-graduates are kept n the program. In response to Rep. Kiser, the 49 graduates of 1997 have not been tracked. It is planned to begin tracking if participants stay on probation. There is program in Winston -Salem that includes follow up. In response to Rep. Sexton, it takes 14 to 16 months to complete a 12 month program. Mr. Monchick continued in the handout. It will take $688,000 to continue 5 programs; $580,000 to continue the four new programs in Vance, Durham Mecklenburg Superior Court, and Wake County District Court; $200,000 to implement four additional DTC programs; $75,000 for New Hanover County; $80,000 to begin the DTC planning process in four new jurisdictions; and $66,500 to continue ongoing education, training, and AOC administrative oversight for the North Carolina DTC program.

In response to Senator Ballance, Mr. Monchick said the pre-plea programs are perceived to be better but the same success rate has been noted for pre-plea or post plea. In response to Senator East, so little was spent because the length of the legislative session created a late start for the program. Mr. Monchick continued that the program in North Carolina is considered a model across the country. He thinks it should be up to the district attorneys to decide on whether pre-plea or post prosecution. In response to Rep. Kiser, Mr. Monchick said there are no violent offenders, and drug testing is random.

Mr. Matt Osborn from AOC, and Mr. Colin Willoughby, Wake County District Attorney were introduced to discuss the bad check pilot program. The program allows a bad check writer to pay $50 to the sate and restitution to the merchant. See handout titled Exhibit 8. If a bad check writer does not participate, the criminal process begins. The original pilot counties are Durham, Columbus, and Rockingham. The program has been operating in Wake County since February 1999. The program works. It takes a shorter time for restitution and frees the time of law enforcement officials. In February alone, in Wake County, 681 bad checks were reported to the program. The program collected $3,100 in fees and $7,2123.84 in restitution in that month. They would like to have the computers enhanced to allow for greater restitution. There are some variants in the program, eg. Durham will not take a check over90 days old and lower than $25. In response to Senator Ballance, there is no cost to the merchant. Durham also has a dispute settlement center. The merchant also my get the bank fee restituted.

Mr. Willoughby said the program has expanded to seven towns so that merchants do not have to travel to Raleigh. In response to Senator East, the program is run with new staff. Another handout, Report on The Pilot Program for Worthless Check Cases for the Calendar Year 1998.

A handout titled Justice and Public Safety Area Programs Funded with Nonrecurring Funds in FY 1998-99 was distributed. The Tarheel Challenge program needs a match of $659,302 but it is not included in the Governor's budget. There is a total of $4,020,982 in non recurring funds appropriated for 1998-99, excluding Juvenile Justice.

Senator Jordan adjourned the meeting at 9:30AM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

FUNDING HISTORY

NORTH CAROLINA DRUG TREATMENT COURT PROGRAM

1994 Drug Treatment Court Program Authorized

1995-96 Drug Treatment Court Act enacted with sunset of June 30, 1998
To be funded at rate of $800,000/year during pilot.

$600,000 in Funding

$142,255 Spent

Request for Proposals; Designation of 5 Pilot Sites;
First grants made in March 1998

1996-97 $800,000 in Funding

$468,000 Spent

1997-98 $800,000 in Funding

$642,288 Spent

1998-99 Drug Treatment Court Act made permanent / Required Annual Report
Evaluation Report presented to Legislature
Director's salary made part of Continuation Budget: $62,716
Carried Over $157,712 unspent funds from 1997-98

$919,210 in Non-Recurring Funding to:

Continue 5 Pilot Sites
Mecklenburg District Court
Forsyth
Wake Superior Court
Person/Caswell (District 9)
Warren

Expand in 3 Existing Sites
Mecklenburg Superior Court
Expand District 9 to Vance
Wake District Court

Add New Site (started with local iniatiave)
Durham County

Planning Funds to Initiate Programs in New Districts
#13 #25 #27A #29

TOTAL 1998-99 Budget: $1,139,638
SPENT AS OF MARCH 1: $366,000

MEASURES OF ACTIVITY

CY 1997	**377 Offenders Served**	**49 Graduates**
CY 1998	**392 Offenders Served**	**71 Graduates**
December 31, 1998 Snapshot		**146 Offenders Active in Program**

PART II: EXECUTIVE SUMMARY

Purpose of the Report

The 1998 General Assembly changed T*he North Carolina Drug Treatment Court* (DTC) *Program* from a *pilot* program to a permanent program and authorized substantial expansion for FY 1998-99. This Executive Summary of the *Annual Report on the Status of North Carolina's Drug Treatment Court Program* focuses upon the changes that have occurred or are underway in the North Carolina DTC Program as a result of the recently concluded 1998 legislative session. The Executive Summary also provides an updated summary description of each of the five original local drug treatment courts, including numbers of participants (by monthly admission and enrollment), number of graduates, number of terminations and other pertinent information. The Executive Summary further offers a brief update on the status of the 8 new DTC expansion sites that were recently authorized by the 1998 General Assembly and concludes with the North Carolina DTC Program's plan and funding needs for FY 1999-2000.

Summary of the Impact of the 1998 Legislative Session

On May 1, 1998, the AOC submitted a voluminous report on the status of the state's DTC pilot program. That report provided descriptive data on the progress of the five original pilot programs. The report also documented the overwhelming support for this program from local law enforcement, court and treatment officials as well as other key community representatives within each of the five pilot jurisdictions. (See Appendix E of the 1998 Report) As a result of this widespread community support and the preliminary indications of the program's cost-effectiveness, the 1998 General Assembly approved the removal of the program's "pilot" status and authorized significant expansion of the State DTC Program to include the planning and/or implementation of eight additional local DTC programs.

The DTC appropriation for FY 1998-99 was $982,000. This was sufficient to continue funding the original five local DTC programs, implement four new programs by the end of the fiscal year and begin the planning process for the four new DTC programs designated by the '98 General Assembly. In light of last year's expansion authorization, a significant increase in the DTC Program budget will be needed for FY 1999-2000. As of July 1, 1999, there will be nine operative DTC programs that will need continuation funding for FY 1999-2000 with the expectation that the four '98 General Assembly-designated DTC planning sites will implement by the middle of the upcoming fiscal year. The AOC is also requesting that funds be provided to take over funding of the previously federally funded New Hanover County DTC. Minimal planning funds are also requested to begin planning for the implementation of DTC programs in four new judicial districts during FY 2000-01. The State DTC Program's funding needs are presented on the last page of this Executive Summary.

Status of the Original 5 DTC Programs--Summary of Key Data

Program Participation, Retention and Graduation

During CY 1998, the five original DTC programs served 392 chemically dependent offenders. Those same programs served 377 chemically dependent offenders during CY 1997. A total of 120 participants have now graduated from these programs since January 1997, 71 having graduated during CY 1998. The overall retention rate for the program continues to hover around 55% (calculated as the percentage of participants still active or who have graduated as of 12/31/98, divided by the total number of participants served during the calendar year). This retention rate bodes well in light of the fact that each North Carolina program:

1. admits only pre-screened "chemically dependent" offenders whose lives are, by their own admission or that of their families and local law enforcement, "out of control and unmanageable;"

2. requires full involvement in an intensive treatment program that lasts a minimum of one year;

3. closely monitors each participant's behavior while in the program; and

4. holds each participant immediately accountable for their behavior by returning all participants to court for a biweekly review where immediate consequences are dispensed for any missed treatment attendance, positive drug test, or failure to comply with any other component of the participant's highly structured treatment plan.

The table below summarizes the number of active participants as of the end of CY 1998, as well as the number of graduates, terminations, and participants served.

Drug Treatment Court Participation Summary---CY 1997 and CY 1998

DTC Program by County:	Warren		Person/ Caswell		Wake		Forsyth		Mecklen-burg*		Total #s	
# of Active Participants as of 12/31/98:	9		12		23		22		80		146	
Calendar Year:	'97	**'98**	'97	**'98**	'97	**'98**	'97	**'98**	'97	**'98**	'97	**'98**
Graduated:	2	**2**	11	**8**	7	**19**	3	**14**	26	**28**	49	**71**
Terminated:	8	**4**	9	**7**	25	**36**	20	**39**	84	**89**	146	**175**
Total Served:	16	**15**	35	**27**	63	**78**	50	**75**	213	**197**	377	**392**

***Only Mecklenburg District Court DTC data is reported. The Mecklenburg Superior Court DTC which began operation July 1998, had 29 active participants as of January 31, 1999, with plans to increase that number to 45 by June 1999.**

Status of DTC Program Expansion

General Assembly-Authorized DTC Implementation Sites for FY 1998-99

The 1998 General Assembly revised the North Carolina Drug Treatment Court Act and authorized substantial expansion of the state program. Pursuant to a request from the AOC's Drug Treatment Court Office, the General Assembly authorized the **implementation** of the following four additional DTC programs for FY 1998-99:

- Durham County (Judicial District 14)—expected to implement in May 1999.
- Mecklenburg County Superior Court (Judicial District 26)--implemented July 10, 1998.
- Vance County (Judicial District 9)—expected to implement June, 1999.
- Wake County District Court (Judicial District 10)—expected to implement July 1999.

Although it was initially anticipated that all four of these programs would implement by early 1999, the unanticipated delay in the conclusion of the 1998 legislative session altered most of the programs' timetables for development. Nevertheless, all expect to implement prior to the end of FY 1998-99.

General Assembly-Designated DTC Planning Sites for FY 1998-99

Without solicitation from the AOC, the 1998 General Assembly directed the AOC to begin planning DTC programs in the following four additional judicial districts for FY 1998-99:

- District 13 (Brunswick, Columbus, and Bladen Counties)
- District 25 (Burke, Caldwell, and Catawba Counties)
- District 27A (Gaston County)
- District 29 (Henderson, McDowell, Polk, Rutherford, and Transylvania Counties)

In the aftermath of this legislative directive, the AOC's Drug Treatment Court Office contacted key judicial official(s) and the District Attorney, among others, in each of these jurisdictions to begin the DTC planning process.

AOC-Designated DTC Planning Sites for FY 1999-2000

The '98 General Assembly's decision to authorize four DTC planning sites for FY 1998-99 was consistent with the AOC's plan to implement up to four new DTC programs per year. In keeping with this approach, the AOC is seeking legislative authorization to begin planning DTC programs in the following four judicial districts during FY 1999-2000 with the expectation that these programs will be implemented in FY 2000-01.

- District 3B (Craven, Pamlico, and Carteret Counties)
- District 11 (Johnston, Harnett, and Lee Counties)
- District 18 (Guilford County)
- District 28 (Buncombe County)

Each of these judicial districts has prepared a letter of support for this DTC planning process signed by an interdisciplinary team consisting of a judge, district attorney, and representatives of the local defense bar and treatment communities.

DTC Program Funding Needs for FY 1999-2000

The DTC Program's proposed budget for FY 1999-2000 is based on funds needed to:

$688,000	Continue the original five DTC programs;
$580,000	Continue the four new programs (Vance County DTC, Durham County DTC, Mecklenburg Superior Court DTC, and Wake County District Court DTC) requested by the AOC and authorized by the 1998 General Assembly (all of which should be implemented prior to the close of FY 1998-99);
$200,000	Finalize plans and implement four additional DTC programs within the four districts (13, 25, 27A, and 29) designated by the '98 General Assembly;
$ 75,000	Take over the funding of the New Hanover County DTC program that has heretofore operated via locally dispersed federal Law Enforcement Block Grant funds; and
$ 80,000	Begin the DTC planning process in four new jurisdictions (Districts 3B, 11, 18 and 28) where the District Attorney and/or the judiciary has advised the AOC of their interest in developing a DTC program in their locale; and
$ 66,500	Continue to provide ongoing education, training, and AOC administrative oversight for the North Carolina DTC Program.

Total Request for Continuation and Expansion Funding for FY 1999-2000

$1,689,500

APPENDIX A

HIGHLIGHTS OF THE ORIGINAL 5 DRUG TREATMENT COURT PROGRAMS

- DISTRICT 9 (WARREN COUNTY)
- DISTRICT 9A (PERSON AND CASWELL COUNTIES)
- DISTRICT 10 (WAKE COUNTY)
- DISTRICT 21 (FORSYTH COUNTY)
- DISTRICT 26 (MECKLENBURG COUNTY)

Warren County Drug Treatment Court (DTC) (Judicial District 9)	
Type of Program	Post-sentence
Court Level	Superior Court/District Court
Fiscal Administrator	Warren County
Program Director (Part-time):	Mary Somerville Phone: 252-257-5172
Presiding DTC Judges	Robert H. Hobgood; J. Henry Banks
Other members of the DTC Core Team include:	Case Manager: *Kelly Henson (TASC)* Assistant D.A.: *Susan Thompson* Defense Attorneys: *Garey Balance; Jason Crump* Probation Officers: *Robert Terry (Supv.); Jonas Alston* DTC Volunteer: *Daria Holcomb* TASC Director: *Ken Marsh* Clinical Treatment Providers: *(1) John Hyman Center* *(2) VGFW Mental Health Center*
Program Implementation Date	December 5, 1996
State funds budgeted for FY 98-99	$38,164
# of clients served in CY 1998	15
# of graduates in CY 1998	2
# expected to serve in CY 1999	16
FY 99-00 Proposed Budget	$40,000 (Based on Projection of 7 New Admissions in FY 99-00)

Program Highlights:

Most program referrals come from the probation and district attorney's offices. Referred offenders are screened for addiction and eligibility by the part-time DTC Director or the TASC Case Manager. Interested and eligible offenders with pending charges must enter a guilty plea and accept successful completion of the DTC as a condition of a probationary sentence. Those with a pending probation violation(s) must admit the violation(s) in order to have their probation modified to include the condition of successful completion of the DTC. The Warren DTC is a small program located in a sparsely populated rural county (pop. = 18,140). Its geographical expansiveness, small population, and rural housing configuration add particularly challenging obstacles to the already imposing hurdles involved in addiction recovery. The community has embraced the DTC concept as a vehicle to confront the problems of addiction within their county. Partnerships have been forged with the Area Mental Health Center, Dept. of Social Services—Child Protective Services, Warren Family Institute, Children's Crime Protection Team, the Guardian ad Litem Program, and several local area churches to assist with meeting the diverse needs of this sub-population of addicts. In response to this outpouring of community commitment, many of the participants have made significant strides educationally and physically, and in carrying out their employment and familial responsibilities.

Person/Caswell Counties Drug Treatment Court (DTC) (Judicial District 9A)	
Type of Program	Pre-plea
Court Level	District Court
Fiscal Administrator	Person County
Program Director/Treatment Case Manager	Alfred Faulkner Phone: 336-597-0575
Presiding DTC Judge	Pattie S. Harrison
Other members of the DTC Core Team include:	Assistant D.A.: *Roger Echols* Defense Attorneys.: *Tom Fitzgerald; Theresa Pressley* Probation Officer: *Angie Johnson* Law Enforcement: *Lt. Kevin Crabtree; Det. Tony Kirby* Clinical Treatment Providers: *(1) CSAC* *(2) Life Changes, Inc.* Community Corrections Coordinator: *Dossie Goods*
Program Implementation Date	July 1, 1996
State funds budgeted for FY 98-99	$75,741
# of clients served in CY 1998	27
# of graduates in CY 1998	8
# expected to serve in CY 1999	36
FY 99-90 Proposed Budget	$73,000 (Based on Projection of 24 New Admissions in FY 99-00)

Program Highlights:

Magistrates keep a running list of all defendants charged with a drug-related offense and make available DTC brochures and application forms to all arrestees. The DTC Treatment Case Manager communicates regularly with the magistrates and screens interested defendants to determine addiction and eligibility for the DTC. DTC sessions convene every Friday afternoon immediately after the weekly DTC team staffing. The DTC works closely with the Day Reporting Center, Piedmont Community College, DART-CHERRY, Teen Challenge, Wilmington Treatment Center, Day-by-Day Treatment Center, NA/AA, and others in providing educational, vocational, residential treatment, and other services to DTC participants. Strict monitoring requirements are imposed on all participants: e.g., those missing work must call to inform the Treatment Case Manager; those who are unemployed are required to report to the county's Day Reporting Center to perform community service work. Each participant must contribute $300 to the program prior to graduation. Fees are collected by the Clerk of Court. The substance abuse treatment provider is located on-site at the DTC facility. Improvements to the Person/Caswell DTC in the planning stages include: addition of on-site parenting and employment counseling, twice-weekly on-site NA/AA meetings, ongoing DTC alumni aftercare and family support groups; pastoral counseling as requested, creation of a victim restoration component, and establishment of a halfway house for DTC participants.

Wake County Drug Treatment Court (DTC) (Judicial District 10)	
Type of Program	Post-sentence
Court Level	Superior Court
Fiscal Administrator	Carolina Correctional Services, Inc. (*Todd Edwards, Administrator*)
Program Coordinator	Joe Hazel Phone: 919-856-6197
Presiding DTC Judge	Robert L. Farmer (Henry V. Barnette, Jr., eff. Jan. 1999)
Other members of the DTC Core Team include:	Treatment Case Manager: *Lindy Brown, MSW* D.A.s: *Becky Holt; Frank Jackson; Michele Sparrow* Defense Attorneys: *Bryan Collins; Richard Graham* Probation Officers: *Theron Dennis; Bradley Richards; MaryAnn Sorice; Erica Ward* Clinical Treatment Provider: *Spectrum Health Services* CCS Director of Programs: *Thomas McLoughlin*
Program Implementation Date	May 24, 1996
State funds budgeted for FY 98-99	$180,030
# of clients served in CY 1998	78
# of graduates in CY 1998	19
# expected to serve in CY 1999	95
FY 99-00 Proposed State Budget	$169,000 (Based on Projection of 72 New Admissions in FY 99-00)

Program Highlights:

Developed and maintained under the leadership of Carolina Correctional Services, Inc., whose Board of Directors includes the D.A. and the Chief District Court Judge, the Wake County DTC prides itself on its highly efficient team approach to enhancing the recovery efforts of DTC clients. Empowered by the DTC Judge, each of the core team players can be counted on to carry out well-defined roles. One need only observe the DTC pre-court case "staffing" and court session to see and feel the cohesiveness, commitment, and efficiency of the DTC team. It is truly a "partnership" that has transcended the antagonistic roles long associated with criminal justice system adversaries. The Wake DTC continues to learn and modify its approach as it strives to add more comprehensive treatment options, more structure, and more participant encouragement to enhance the participants' likelihood of achieving and maintaining a recovery lifestyle. Program enhancements for the Superior Court DTC in FY 99-00 will include creation of a weekly support group for participants' families, expansion of the alumni aftercare group, and increased involvement of local religious groups. The Juvenile DTC was implemented in October, 1998, and the pre-plea District Court DTC is in the final planning stages. The District Court DTC will target addicts with less serious criminal histories than those targeted by the Superior Court DTC. It will also seek to include addicts who are not meeting their child support obligations as well as those who are under the supervision of DSS for child neglect.

Forsyth County Drug Treatment Court (DTC) (Judicial District 21)	
Type of Program	Pre-plea
Court Level	District Court
Fiscal Administrator	CenterPoint Human Services
Program Director	Sonia Riley Phone: 336-724-9891
Presiding DTC Judge	Ronald E. Spivey
Other members of the DTC Core Team include:	Treatment Case Manager: *Annettia Evans* D.A.s: *Fred Bauer; Tim Severo* Defense Attorney: *Theresa Hier* Probation Officers: *Scott Bauer; Jack Bullard* Law Enforcement: *B. Scott Ogle; Lt. Terry Jones* Clinical Treatment Provider: *Charter Behavioral Hlth Sys* Residential Treatment Provider: *ARCA; DART-CHERRY*
Program Implementation Date	June 14, 1996
State funds budgeted for FY 98-99	$138,107
# of clients served in CY 1998	75
# of graduates in CY 1998	14
# expected to serve in CY 1999	82
FY 99-00 Proposed State Budget	$145,000 (Based on Projection of 60 New Admissions in FY 99-00)

Program Highlights:

The Forsyth DTC targets addicts with extensive substance abuse histories. A cornerstone of the program can be found in the linkages established with the probation office and local law enforcement. All participants begin the DTC program under the supervision of a specially trained intensive probation team. The biweekly case review and DTC sessions are staffed not only by the judge, treatment staff, assistant district attorney, designated defense counsel and probation officer(s), but also a designated community police officer. Interestingly, the Winston-Salem Police Department maintains computerized records of all police contacts, allowing it to monitor the progress of all DTC participants. Their February 1998 analysis of the 40 active DTC participants revealed that the participants had a total of 1,470 police contacts (as suspect, complainant, witness or victim) prior to entry into the DTC. Since entry into the DTC, the corresponding number of police contacts made by active participants as of February 1998 has been 9. Needless to say, the Winston-Salem Police Department has become one of the most outspoken proponents of the DTC concept. (Data was not available for the DTC participants who were active as of February 1999.) While Forsyth DTC has been operating since inception as a pre-plea program, in 1999 the program will also begin admitting participants who have been formally convicted and sentenced to the DTC.

Mecklenburg County Drug Treatment Court (DTC) (Judicial District 26)	
Type of Program	Pre-plea and Post-sentence
Court Level	District Court and Superior Court
Fiscal Administrator	Administrative Office of the Courts
Program Director	Karen Simon Phone: 704-358-6216
Presiding DTC Judges	Philip F. Howerton, Jr.; C. Jerome Leonard, Jr.; Raymond A. Warren
Other members of the DTC Core Team include:	Treatment Case Managers: *Rosalyn James; Don Moore; John White* D.A.s: *Carla Archie; Maria Long; Amanda Mingo* Public Defenders: *Steve Meier; Kevin Tully; Bob Ward* Probation Officers: *Donna Downing (Supv.); Susie Flynn; Jennifer Kuehn; Anthony Mitchell; Tonya Oxendine; Scott Plaster* Law Enforcement: *Major Tommy Barnes; Capt. Emie Kirchen* IOP Treatment Providers: *Chemical Dependency Ctr; Dilworth Center; SE Addiction Inst. & Learning Ctr.* Residential Treatment Providers: *McLeod Center; Hope Valley*
Program Implementation Date	March 27, 1996
State funds budgeted for FY 98-99	$304,270
# of clients served in CY 1998	233
# of graduates in CY 1998	28
# expected to serve in CY 1999	319
FY 99-00 Proposed Budget	$453,000 (Based on Projection of 214 New Admissions in FY 99-00)

Program Highlights:

The Mecklenburg DTC improved significantly during CY 1998. It refined and expanded its management committee, management staff, treatment linkages, targeting and intake, sanctions and incentives, and treatment requirements so as to better achieve the program goals. It opened a Superior Court, post-sentence DTC, based in part on the experience and success of the Wake Superior Court DTC. As a result, Intensive Probation has now become a part of DTC. Additional providers have allowed for greater opportunity, participation and competition among treatment providers. The management has been placed in the Trial Court Administrators Office to allow for a more effective and efficient management process through the Management Committee, the Senior Resident Superior Court Judge, and the Chief District Court Judge. Case Managers and Probation Officers have developed a more comprehensive team approach, and Treatment Counselors participate more closely with the court on a regular basis to identify and resolve issues for clients or the court process. The Mecklenburg DTC has received $150,000 for a Smart Start grant to provide much needed child care services and assistance to the children of DTC clients and their families. This assistance has also been made available through DTC to other programs in Mecklenburg County, including the Structured Day Program (funded through the Criminal Justice Partnership Board) and other programs involving children of offenders in the criminal justice system.

APPENDIX B

PROGRAM HIGHLIGHTS
OF THE PILOT
JUVENILE DRUG TREATMENT COURT

- DISTRICT 10 (WAKE COUNTY)

Wake County Juvenile Drug Treatment Court (JDTC) (Judicial District 10)	
Type of Program	Post-adjudication
Court Level	Juvenile District Court
Fiscal Administrator	Carolina Correctional Services, Inc. (*Todd Edwards, Administrator*)
Program Manager	Rebecca Marks Phone: 919-857-9292
Presiding JDTC Judge	Russell G. Sherrill, III
Other members of the JDTC Core Team include:	Assistant D.A.: *Rosa Dula* Defense Attorneys: *Lori Christian* Court Counselors: *Tim Montgomery; Donald Pinchback MaryAnn Sorice* Clinical Treatment Provider: *Spectrum Health Services Southlight* Program Coordinator: *Joe Hazel* CCS Director of Programs: *Thomas McLoughlin*
Program Implementation Date	October 30, 1998
State funds budgeted for FY 98-99	Funded by the Governor's Crime Commission ($141,160)
# of clients served in CY 1998	12
# expected to serve in CY 1999	25
FY 99-00 Proposed State Budget	Funded by the Governor's Crime Commission

Program Highlights:

Developed and maintained under the leadership of Carolina Correctional Services, Inc., whose Board of Directors includes the D.A. and the Chief District Court Judge, the Wake County JDTC is the first court-driven treatment program of its kind in North Carolina. The JDTC operates by a team, comprised of: the Chief District Court Judge, Assistant District Attorney, Defense Attorney, Juvenile Court Counselors, Court Services Manager, and Substance Abuse Counselor. Each of the team members uniquely contributes to the holistic treatment plan implemented for each participant and his/her family. The team meets on a weekly basis to discuss each juvenile's progress and make recommendations to the Judge. In an effort to hold the participants accountable throughout the recovery process, all participants and their parent(s) are required to appear at a regularly scheduled bi-weekly court session for a review of each participant's behavior, drug tests, and accomplishments over the prior two weeks. Immediate sanctioning/rewarding is vital to the improved likelihood of achieving and maintaining a recovery lifestyle. The Wake JDTC continues to seek innovative treatment options and to encourage youths to make behavioral changes while improving communication within the family structure itself. Program enhancements will include the development of family therapy, continuing care, support groups, and mentorships.

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday April 7, 1999 8:30 a.m and 2:30pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Ted Kinney
Representative Bill Culpepper
Representative Paul McCrary, Presiding

II. PRESENTATIONS

Morning

Pilot Programs

- **Report on Drug Treatment Court**

  Elisa Wolper, Fiscal Research Staff
  Drug Treatment Court Representatives

- **Report on Bad Check Pilot Program**

  AOC Representatives

- **Programs Funded with Non-Recurring Funds 1998-99**

  Elisa Wolper , Fiscal Research Staff

Afternoon

Remaining Department of Correction Issues

- **Correction Enterprises**

  Jim Mills, Fiscal Research Staff
  Lynn Phillips, Assistant Secretary ,Department of Correction

- **Report on Private Prisons**

  Lynn Phillips, Assistant Secretary, Department of Correction

- **Staffing for Administration and Oversight of Private Prisons Contracts**

  Dan Steineke, Director, Division of Prisons

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
April 7, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on April 7, 1999 at 2:30PM in room 415 LOB. There were two senators present. The following House members were present:

Rep. Paul McCrary	Rep. William Culpepper
Rep. Theodore Kinney	Rep. Jim Horn
Rep. Joe Kiser	Rep. Andrew Dedmon

Senator Luther Jordan chaired the meeting. Mr. Jim Mills, staff, distributed a handout titled DOC Overview of Correction Enterprises Fund, from which he spoke.

Mr. Lynn Phillips, DOC was introduced. He distributed a handout titled Report on Correction Enterprises. The industries started in 1900. There have been no new ones since 1987. 2,354 inmates participate in the industries, which generate $76.6 million in sales for a net profit of $7.6 million. They provide a linkage to the private sector and job placement. The 1999 cash balance of $18.2 million will be carried forward to 2000 (see page 11). The end of 2001 shows $5 million cash balance, which is one month of operation reserve. NCCIW (women's manufacturing) will be making license plates. As Iredell is closing a replacement furniture plant is planned for Albermarle. This is subject to change. On page 14 of the handout, the new projects are listed.

In response to Senator Ballance, on page 9, the $13 million wages is for everyone who works for Enterprises. Senator Ballance wondered if there is statutory authorization for private sector programs. He was told yes. Senator Ballance commented that this item needs to be flagged as the committee needs a close watch on how this program is working. Mr. Phillips commented that the program is currently being managed as if prisoners were on work release. No fee is paid to the private company. In response to Senator Jordan, the total budget is $77 million. Of the $3.4 million in transfers (see page 9) $400,000 is to victims assistance, $1 million to the general fund, $100,000 is to accounting and $1.9 million represents incentive wages.

In response to Rep. Kiser, food and clothing is sold to themselves, to DOT, DOT Ferry Division , to other state agencies and to local governments, as well as to correction facilities in other states. They may sell overage of crops to the private sector. In response to Senator Jordan, they also raise chickens including for Perdue. They are losing money on the cattle herd and want to reduce it.

Mr. Phillips distributed another handout, Report on Private Prisons. $20 million a year is spent to house prisoners out of state in public prisons operated by the private sector. It has been decided that two private prisons can be developed in North Carolina. That

history is included in handout. Page 8 gives the chronology of private prisons. They will each have 528 cells. For each, there is a facility lease as well as a separate operating lease. Corrections Corporation of America is the private sector operator.

A state prison, Avery Mitchell is going next to Mountain View. On page 10, concerns are listed; staffing level in private prisons, and the trouble posting staff by shifts. There are vacancies and shortage of staff as well as turnovers. There is also concern regarding recruitment and retention of experienced staff. North Carolina is monitoring the performance and holding money if need be. The private prisons are responding by hiring more people and paying overtime.

Mr. Dan Steineke spoke regarding staffing for Administration and Oversight of Private Prisons. He distributed tow handouts, Division of Prisons – Out of state and contract jails, and Division of Prisons Status of Out of State Positions. The second handout details the 10 positions that have been reallocated and what they are involved in. Page 3b describes the positions assigned to security sections. The 10 positions are stationed in Raleigh. They have two contract positions who are housed on sites as monitors. Senator Ballance wondered if the state is really partners with the privately run prisons since they make a profit and the state does not. In response to Rep. Horn, Mr. Steineke said we are probably sending our best inmates to the private prisons. The inmates must also be able to work, attend school and be involved in programs. Rep. Horn commented that considering that, we cannot compare costs, and the state does not run single cell prisons.

Senator Jordan adjourned the meeting at 4:15PM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Chair

North Carolina
Department of Correction

Report on Private Prisons

March 23, 1999

Justice and Public Safety
Subcommittee of Appropriations

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PRIVATE PRISON OVERVIEW

The term "privatization" implies the delivery of governmental services by contracting for these services with public not-for-profit agencies or private for-profit entities. Throughout all levels of government, be it local, state, or federal, privatization of services has been considered as a means of reducing costs while delivering equal or improved services for their respective constituents.

The contracting for prisons is just one component of a broad public policy initiative to contract for the provision of services whose responsibility lies with government.

Brief History:

As a public policy issue in North Carolina, the contracting for prison space is fairly new. However, in examination of historical records, it is not a new public policy area for corrections. In the United States, in the late 1800s, there were a number of private prisons in operation and continued in operation until the early 1900s. Court and legal intervention occurred mostly related to the abuse of inmates which effectively ended this public policy initiative in the early 1900s.

Until 1983, the incarceration of citizens primarily was the domain of local, state, and federal government. In 1983, a company was incorporated as Corrections Corporation of America which started the rebirth of private prison development. Other companies followed thereafter such as US Corrections Corporation, Wackenhut Corrections, Desmor Corrections, and Cornell Corrections.

In 1984, Corrections Corporation of America contracted to operate a jail in Florida. This contract was later followed with a contract with the federal government in Texas to house illegal aliens for the Immigration and Naturalization Service. US Corrections Corporation developed a contract with the Kentucky Department of Correction in 1986 for the housing of minimum custody offenders and since that time, private prisons have developed in this country as well as in

foreign countries beginning in the early 1990s.

Current Status of Private Prisons:

Since 1983, private prison capacity has grown rapidly. By 1990, there were 15,000 beds of capacity available and by 1995, this number had grown to 65,000. Currently there are approximately 160 contracts in force which account for approximately 107,000 beds of prison capacity. Approximately thirty states have contracts providing for prison capacity and it is projected that in 1999, the growth of capacity will increase to approximately 176,000 and will grow to approximately 250,000 by 2001.

Several companies have emerged as larger contractual prison operators with their businesses supported by publicly traded stock. Those companies include Corrections Corporation of America and Wackenhut Corrections. It is estimated that the marketplace for private correctional companies is approximately $30 - $40 billion in State fund expenditures for required prison capacity.

North Carolina History:

While the public policy issue of privately managed prisons has been a part of the correctional management environment since the formation of Corrections Corporation of America in 1983, the North Carolina Department of Correction has taken a very gradual and deliberate approach to its application of this unique privatization initiative.

Prisons management first considered this issue as a strategy to address severe overcrowding in the State's prisons system in 1984 but rejected it because of the limited operational history of Corrections Corporation of America. In subsequent years, Prisons management developed a contractual relationship with a private not-for-profit organization for the housing of a limited number of minimum custody female offenders in a community residential facility. Faced with another crisis in 1993 of the "revolving-door criminal" due to a lack of prison capacity, a more aggressive action was necessary.

In order to create prison capacity as rapidly as possible, the contracting for additional correctional facilities was initiated. At that time, North Carolina General Statutes did not permit the Department of Correction to contract with privately owned correctional facilities for the housing of its inmates. However, several contracts were executed with publicly owned, but privately managed facilities in four different states. At the peak of its involvement with these types of prison operations, the Department had approximately 2,000 inmates assigned in out-of-state facilities at an approximate cost of $20 million per year. Contracts were executed in Rhode Island for a facility managed by Cornell Corrections, in Oklahoma for a facility managed by Correctional Partners Inc., in Texas for a facility managed by Capital Correctional Resources, and in Tennessee for a facility managed by Corrections Corporation of America. The use of these public facilities that were privately managed provided a basis of experience to the Department of Correction which allowed a more in-depth examination of privatization as a method of delivering needed prison capacity.

Legislative considerations of the Department's experience in contracting for prison capacity concluded that it would be in the best interest of the State to consider the privatization of facilities in North Carolina as a pilot project to further test this critical public policy area. The 1995 General Assembly in GS 148-37(g) authorized the Department to solicit for the construction and operation of two privately owned and managed correctional facilities totaling 1,000 beds.

In response to this authorization, the Office of State Purchase and Contract in collaboration with the Department of Correction issued a Request for Proposals (RFP). The RFP identified the State's interest in having two 500 cell medium security institutions designed, built, and operated with one facility in the eastern part of the State and one facility in the western part of the State. The RFP further specified that there would be no State funds expended until such a time as inmates were transferred to the facility.

An evaluation team was formed that included representatives of the Legislature, the Department of Correction and State Purchase and Contract. Cost proposals from five (5) technically qualified companies

were opened and were evaluated based upon company background, technical competence, field visits to several of their operational facilities, and overall cost. US Corrections Corporation was identified for the award in June 1996.

Beginning immediately after the award, representatives of the Department collaborated with US Corrections Corporation to complete the design of the correctional facility to be constructed and construction began in Pamlico County in June 1997 and in Avery/Mitchell Counties in July 1997. The State Construction Office (SCO) was charged with the responsibility of approving plans and specifications, monitoring construction, and accepting the facilities on behalf of the State. The Department of Correction also monitored ongoing construction activities.

The State's contractual obligation for each of these facilities is divided in two parts. For each facility, the State has an executed lease which provides for the payment of rent for the correctional facility. The second contract is a Correctional Services Agreement with the operating company and this provides for the staffing and day-to-day operational cost of the correctional facility.

The leases for each of these facilities were executed with US Corrections Corporation in June 1997. Under the terms of the lease, no lease payments would begin until such time as the facility was accepted for occupancy by the State. The terms of the lease are for ten years renewable for ten additional years. Within the lease, there is a provision and pre-determined price schedule that allows the State to purchase this facility under certain conditions.

During the period of negotiating the Correctional Services Agreement with US Corrections Corporation, US Corrections Corporation was purchased in total by Corrections Corporation of America. Correctional Services Agreements were later negotiated with Corrections Corporation of America for the operation of the two facilities. Also, in this time frame, CCA merged with a real estate investment trust called Prison Realty Trust (PZN), which later has become known as Prison Realty Corporation. The term of the Correctional Services Agreement is for five years and renewable for

additional years. Pamlico Correctional Facility opened in September 1998 while Mountain View Correctional Facility in Avery/Mitchell Counties opened in November 1998. Pamlico obtained full capacity on December 3, 1998 while Mountain View obtained full capacity on February 16, 1999.

PRIVATE PRISON CHRONOLOGY

Legislative Authorization	June 1995
Request for Proposals Issued	December 1995
Contract Awarded to USCC	July 1996
Mountain View Lease Execution	June 1997
Pamlico Lease Execution	June 1997
Pamlico Construction Began	June 1997
Mountain View Construction Began	July 1997
CCA Acquisition of USCC	April 1998
Pamlico Accepted by SCO for Occupancy	August 1998
Pamlico Correctional Services Agreement Execution	August 1998
First Inmate Transferred to Pamlico	September 1998
Mountain View Accepted by SCO for Occupancy	November 1998
Mountain View Correctional Services Agreement Execution	December 1998
First Inmate Transferred to Mountain View	December 1998
Reached Full Capacity at Pamlico	December 1998
Reached Full Capacity at Mountain View	February 1999

PRIVATE PRISON COSTS

PAMLICO CORRECTIONAL FACILITY

Lease Per Day Per Inmate	$14.60
Correctional Services Agreement Per Day Per Inmate	$35.94
Total Per Diem Cost	**$50.54**
Lease Annual[1]	$2,664,300
Correctional Services Agreement Annual[2]	$6,559,050
Total 1st Year Annual Cost	**$9,223,350**

MOUNTAIN VIEW CORRECTIONAL FACILITY

Lease Per Day Per Inmate	$15.17
Correctional Services Agreement Per Day Per Inmate	$36.14
Total Per Diem Cost	**$51.31**
Lease Annual[1]	$2,768,700
Correctional Services Agreement Annual[2]	$6,595,550
Total 1st Year Annual Cost	**$9,364,250**

[1]*Beginning on the first anniversary of the first rental payment date and on each anniversary date thereafter during the initial term of the lease, and any renewal term (each such anniversary date being referred to herein as an "adjustment date"), rent shall be increased by the greater of (1) three and one-half percent (3 ½%), or (2) the percentage of increase, if any, shown by the Consumer Price Index for All Urban Consumers US City Average, All Items (base years 1982 - 1984 + 100) (the "CPI Index"), published by the United States Department of Labor, Bureau of Labor Statistics (the "Bureau of Labor"), for the calendar month immediately preceding the Adjustment Date as compared with the CPI Index for the calendar month immediately preceding the rent commencement date, but in no event shall such increase on any Adjustment Date exceed four percent (4.0%) of the prior year's rent.*

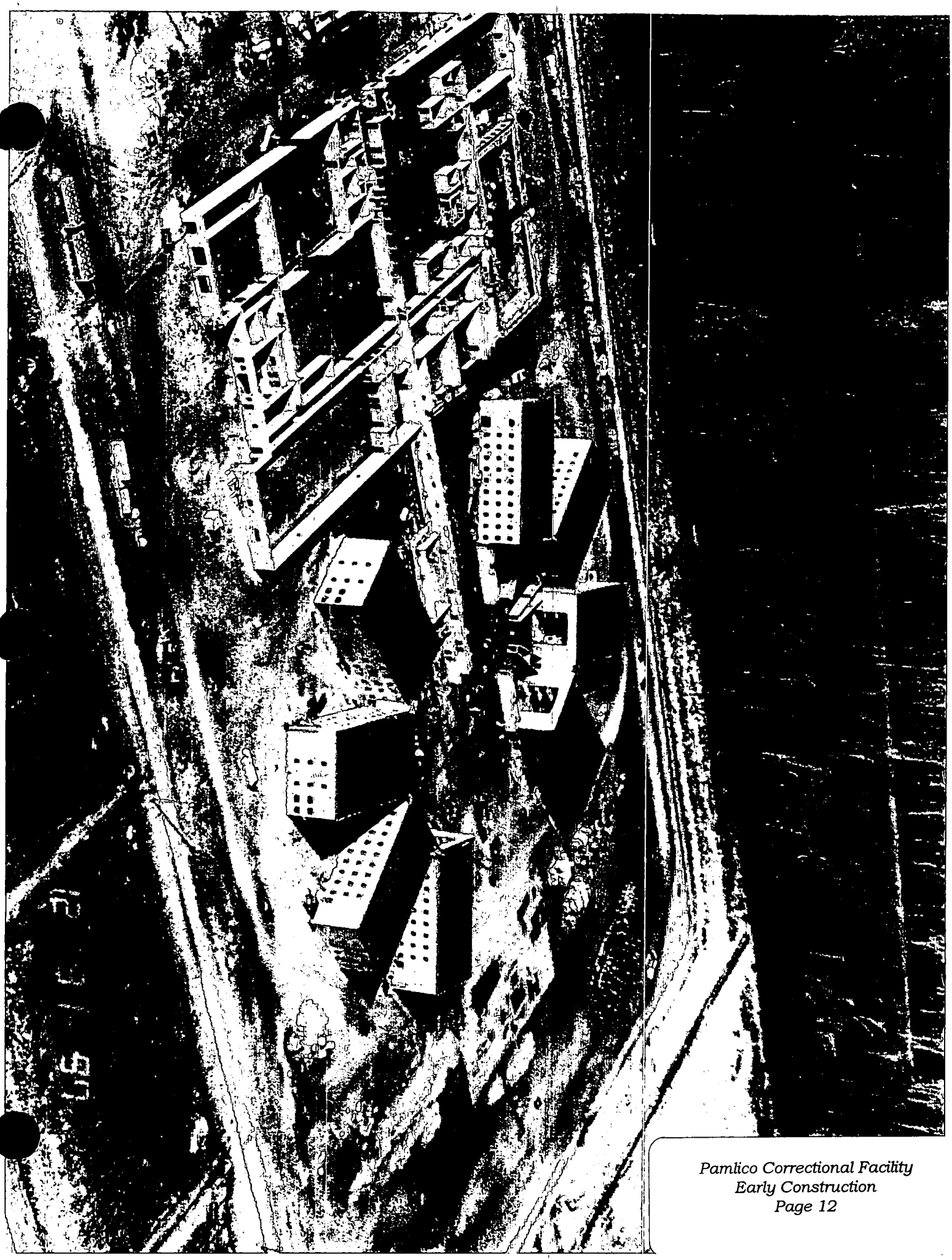
[2]*The Department will allow annual adjustments to the per diem price based on adjustments to the Consumer Price Index (CPI) as defined by the Bureau of Labor Statistics, "Services Less Medical Care" in the metropolitan area closest to the facility where CPI is calculated. The Contractor may request and justify such adjustments within 45 days before anniversary date.*

CURRENT OPERATIONAL CONCERNS

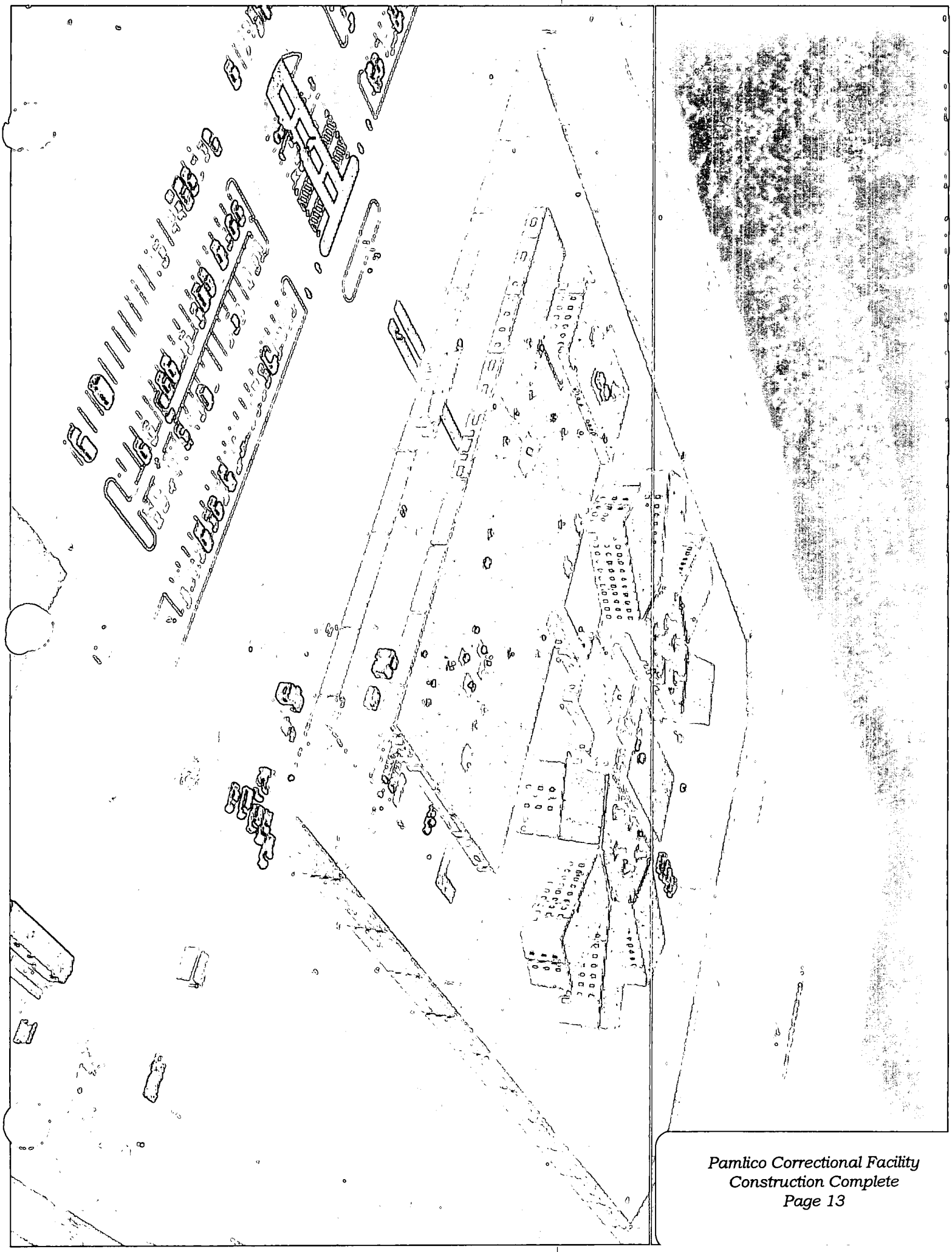
- Overall security staffing level
- Reliable posting of the facility
- Recruitment and retention of experienced staff
- Availability of inmate work programs

PAMLICO CORRECTIONAL FACILITY

- Location: Pamlico County
- Nearest Jurisdiction: Bayboro, NC
- Total Acreage of Site: 137 Acres
- Constructed by Miller Building Corporation, Wilmington, North Carolina
- Construction Time: 14 months
- Total Project Cost: $36,816,000
- Total Gross Square Feet: 236,900
- Construction Method
  - Concrete Slab on Grade
  - Masonry Exterior Walls
  - The 528 general population cells were pre-cast and furnished off site. Shipped to site and erected.
- Inmate Capacity
  - 528 Cells for general population inmates
  - 48 cells for disciplinary segregation
  - 4 cells for medical isolation



Pamlico Correctional Facility
Early Construction
Page 12



Pamlico Correctional Facility
Construction Complete
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MOUNTAIN VIEW CORRECTIONAL FACILITY

- Location: Avery County
- Nearest Jurisdiction: Spruce Pine, North Carolina
- Total Acreage of Site: 100 acres
- Constructed by Miller Building Corporation, Wilmington, North Carolina
- Construction Time: 17 months
- Total Project Cost: $38,108,000
- Total Gross Square Feet: 236,900
- Construction Method
  - Concrete Slab on Grade
  - Masonry Exterior Walls
  - The 528 general population cells were pre-cast and furnished off site. Shipped to site and erected.
- Inmate Capacity
  - 528 cells for general population inmates
  - 48 cells for disciplinary segregation
  - 4 cells for medical isolation

Mountain View Correctional Facility
Early Construction
Page 15

Mountain View Correctional Facility
Construction Complete
Page 16

Requested by: Representatives Justus, Thompson, Daughtry, Senators Ballance, Rand

CONTRACTS FOR HOUSING STATE PRISONERS IN LOCAL CONFINEMENT FACILITIES/ALLOW CONTRACTS FOR PRIVATE PRISONS/REMOVE SUNSET ON OUT-OF-STATE HOUSING/REMOVE LIMIT ON PRISONERS IN NON-STATE-OWNED FACILITIES

Sec. 19.10. (a) G.S. 148-37 reads as rewritten:

"§ 148-37. **Additional facilities authorized; contractual arrangements.**

(a) Subject to the provisions of G.S. 143-341, the State Department of Correction may establish additional facilities for use by the Department, such facilities to be either of a permanent type of construction or of a temporary or movable type as the Department may find most advantageous to the particular needs, to the end that the prisoners under its supervision may be so distributed throughout the State as to facilitate individualization of treatment designed to prepare them for lawful living in the community where they are most likely to reside after their release from prison. For this purpose, the Department may purchase or lease sites and suitable lands adjacent thereto and erect necessary buildings thereon, or purchase or lease existing facilities, all within the limits of allotments as approved by the Department of Administration.

(b) The Secretary of Correction may contract with the proper official of the United States or of any county or city of this State for the confinement of federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison system or for the confinement of State prisoners in any county or any city facility located in North Carolina, or any facility of the United States Bureau of Prisons, when to do so would most economically and effectively promote the purposes served by the Department of Correction. ~~Any~~ Except as otherwise provided, any contract made under the authority of this ~~section~~ subsection shall be for a period of not more than two years, and shall be renewable from time to time for a period not to exceed two years. Contracts made under the authority of this subsection for the confinement of State prisoners in local or district confinement facilities may be for a period of not more than 10 years and renewable from time to time for a period not to exceed 10 years, and shall be subject to the approval of the Council of State and the Department of Administration after consultation with the Joint Legislative Commission on Governmental Operations. Contracts for receiving federal, county and city prisoners shall provide for reimbursing the State in full for all costs involved. The financial provisions shall have the approval of the Department of Administration before the contract is executed. Payments received under such contracts shall be deposited in the State treasury for the use of the State Department of Correction. Such payments are hereby appropriated to the State Department of Correction as a supplementary fund to compensate for the additional care and maintenance of such prisoners as are received under such contracts.

© In addition to the authority contained in subsections (a) and (b) of this section, and in addition to the contracts ratified by subsection (f) of this section, the Secretary of Correction may enter into contracts with any public entity or any private nonprofit or for-profit firms for the confinement and care of State prisoners in any out-of-state ~~public~~ correctional facility when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered into under the authority of this subsection shall be for a period not to exceed two years and shall be renewable from time to time for a period not to exceed two years. ~~Subject to the provisions of subsection (e) of this section, the combined authority contained in this subsection and in subsection (f) of this section may be used to house a maximum of 1,000 prisoners at any one time, which maximum shall include those housed on March 25, 1994, under contracts ratified by subsection (f) of this section.~~ Prisoners may be sent to out-of-state correctional facilities only when there are no available facilities in this State within the State prison system to appropriately house those prisoners. Any contract made under the authority of this subsection ~~shall expire not later than June 30, 1995, and~~ shall be approved by the Department of Administration before the contract is executed. Before expending more than the amount specifically appropriated by the General Assembly for the out-of-state housing of inmates, the Department shall obtain the approval of the Joint Legislative Commission on Governmental Operations and shall report such expenditures to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Chairs of the Joint Legislative Corrections Oversight Committee.

(d) Prisoners confined in out-of-state correctional facilities pursuant to subsection © of this section shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The rules regarding good time and gain time, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility

for parole shall apply to inmates housed in those out-of-state correctional facilities. The operators of those out-of-state correctional facilities may promulgate any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by an out-of-state correctional facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction not inconsistent with the laws of the State of situs of the facility to defend themselves, to enforce the observance of discipline in compliance with correctional facility rules, to secure the person of a prisoner, and to prevent escape. Prisoners confined to out-of-state correctional facilities may be required to perform reasonable work assignments within those facilities. Private firms under subsection © of this section shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction.

~~(e) The Department of Correction shall not contract to house in non-State-owned facilities within the State more than a total of 1,500 inmates at any one time, excluding any beds in private substance abuse treatment centers authorized by the General Assembly. If the number of inmates housed in non-State-owned facilities pursuant to this section exceeds 500, then the maximum number of prisoners authorized to be housed out-of-state pursuant to subsection © of this section is reduced by the amount of the excess.~~

(f) Any contracts entered into by the Department of Correction with public contractors prior to March 25, 1994, for the out-of-state housing of inmates are ratified. ~~The Department of Correction shall take such actions not inconsistent with the terms of the contracts so that without further approval by the General Assembly they are not effective for the confinement or care of State prisoners after June 30, 1995.~~

(g) The Secretary of Correction may contract with private for- profit or nonprofit firms for the provision and operation of confinement facilities totaling up to 1,000 beds in the State to house State prisoners when to do so would most economically and effectively promote the purposes served by the Department of Correction. Contracts entered under the authority of this subsection shall be for a period not to exceed 10 years, shall be renewable from time to time for a period not to exceed 10 years, and are subject to the approval of the Council of State and the Department of Administration, after consultation with the Joint Legislative Commission on Governmental Operations. The Secretary of Correction shall enter contracts under this subsection only if funds are appropriated for this purpose by the General Assembly.

Contracts made under the authority of this subsection may provide the State with an option to purchase the confinement facility or may provide for the purchase of the confinement facility by the State. The Department of Correction may give preference to facilities intended for joint county and State use where such facilities are developed by public/private partnerships and financed by tax-exempt bond issues, and where such facilities offer general terms and conditions favorable to the State in the competitive bidding process pursuant to Article 8 of Chapter 143 of the General Statutes. All contracts for the housing of State prisoners in private confinement facilities shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private confinement facility.

Prisoners housed in private confinement facilities pursuant to this subsection shall remain subject to the rules adopted for the conduct of persons committed to the State prison system. The Secretary of Correction may review and approve the design and construction of private confinement facilities before housing State prisoners in these facilities. The rules regarding good time, gain time, and earned credits, discipline, classification, extension of the limits of confinement, transfers, housing arrangements, and eligibility for parole shall apply to inmates housed in private confinement facilities pursuant to this subsection. The operators of private confinement facilities may adopt any other rules as may be necessary for the operation of those facilities with the written approval of the Secretary of Correction. Custodial officials employed by a private confinement facility are agents of the Secretary of Correction and may use those procedures for use of force authorized by the Secretary of Correction to defend themselves, to enforce the observance of discipline in compliance with confinement facility rules, to secure the person of a prisoner, and to prevent escape. Private firms under this subsection shall employ inmate disciplinary and grievance policies of the North Carolina Department of Correction.

(h) Private confinement facilities under this section shall be designed, built, and operated in accordance with applicable State laws, court orders, fire safety codes, and local regulations.

(i) The Department of Correction shall make a written report, no later than March 1 of every odd-numbered year, beginning in 1997, on the substance of all outstanding contracts for the housing of State prisoners entered into under the authority of this section. The report shall be submitted to the Council of State, the Department of Administration, the Joint

SENATE

E

sted by: Representatives Justus, Thompson

TIONAL PRIVATE PRISON BEDS

Sec. 20. G.S. 148-37(g) reads as rewritten:

) The Secretary of Correction may contract with private for-profit or nonprofit for the provision and operation of ~~two~~ four or more confinement facilities ng up to ~~1,000~~ 2,000 beds in the State to house State prisoners when to do so most economically and effectively promote the purposes served by the rtment of Correction. This ~~1,000-bed~~ 2,000-bed limitation shall not apply to the beds in private substance abuse treatment centers authorized by the General mbly prior to July 1, 1995. Whenever the Department of Correction determines new prison facilities are required in addition to existing State-owned facilities, Department may contract for any remaining beds authorized by this section e constructing State-operated facilities.

ontracts entered under the authority of this subsection shall be for a period not to ed 10 years, shall be renewable from time to time for a period not to exceed 10 ~~s, and are subject to the approval of the Council of State and the Department of inistration, after consultation with the Joint Legislative Commission on ernmental Operations. Confinement facilities provided under the authority of this ection shall not be used for the purpose of consolidating existing State inement facilities.~~ years. The Secretary of Correction shall enter contracts under subsection only if funds are appropriated for this purpose by the General embly. Contracts entered under the authority of this subsection may be subject to requirements for the location of the confinement facilities set forth by the eral Assembly in appropriating those funds.

Once the Department has made a determination to contract for additional private on beds, it shall issue a request for proposals within 30 days of the decision. The uest for proposals shall require bids to be submitted within three months, and the partment shall award contracts within three months of the submission of bids. The l award decision shall be made by the Secretary of Correction, in consultation h the Chairs of the Joint Legislative Correction Oversight Committee and the airs of the House and Senate Appropriations Subcommittees on Justice and Public ety, and the contract shall then be subject to the approval of the Council of State er consultation with the Joint Legislative Commission on Governmental erations.

Contracts made under the authority of this subsection may provide the State with option to purchase the confinement facility or may provide for the purchase of the nfinement facility by the State. Contracts made under the authority of this bsection shall state that plans and specifications for private confinement facilities all be furnished to and reviewed by the Office of State Construction. The Office of ate Construction shall inspect and review each project during construction to sure that the project is suitable for habitation and to determine whether the project ould be suitable for future acquisition by the State. ~~The Department of Correction ay give preference to facilities intended for joint county and State use where such cilities are developed by public/private partnerships and financed by tax exempt nd issues, and where such facilities offer general terms and conditions favorable to e State in the competitive bidding process pursuant to Article 8 of Chapter 143 of e General Statutes.~~ All contracts for the housing of State prisoners in private onfinement facilities shall require a minimum of ten million dollars ($10,000,000) of ccurrence-based liability insurance and shall hold the State harmless and provide

1 reimbursement for all liability arising out of actions caused by operations an
2 employees of the private confinement facility.
3 Prisoners housed in private confinement facilities pursuant to this subsection sha
4 remain subject to the rules adopted for the conduct of persons committed to the Sta
5 prison system. The Secretary of Correction may review and approve the design an
6 construction of private confinement facilities before housing State prisoners in the
7 facilities. The rules regarding good time, gain time, and earned credits, discipline
8 classification, extension of the limits of confinement, transfers, housing arrangement
9 and eligibility for parole shall apply to inmates housed in private confinement
10 facilities pursuant to this subsection. The operators of private confinement facilities
11 may adopt any other rules as may be necessary for the operation of those facilities
12 with the written approval of the Secretary of Correction. Custodial officials employed
13 by a private confinement facility are agents of the Secretary of Correction and may
14 use those procedures for use of force authorized by the Secretary of Correction to
15 defend themselves, to enforce the observance of discipline in compliance with
16 confinement facility rules, to secure the person of a prisoner, and to prevent escape.
17 Private firms under this subsection shall employ inmate disciplinary and grievance
18 policies of the North Carolina Department of Correction."

NO SENATE

HOUSE

Requested by: Representatives Justus, Thompson

PRIVATE PRISON CONTRACTS

Sec. 20.5. (a) The Department of Correction shall award contracts for the 1,000 private prison beds authorized in G.S. 148-37(g) by June 30, 1996.

(b) This section is effective upon ratification.

legi1210.w

DIVISION OF PRISONS

Out of state and contract jails.
History of positions funded in 1994 short session.
Funded for 7/1/94 hire dates.

CLASSIFICATION	GRADE	PSN #	PRESENT USE OF POSITION
Correctional Programs Director I	67	10125	Private prisons support
Correctional Programs Director I	67	10126	Private prisons support
Correctional Programs Director I	67	10127	Private prisons support
Correctional Programs Director I	67	10128	Private prisons support
Office Assistant IV	59	10130	Private prisons support
Processing Assistant III	57	10132	Private prisons support
Office Assistant III	57	10131	Security Section-Clerical Support
Correctional Captain	68	10135	Security Section-Security Threat Groups
Correctional Lieutenant	66	10137	Security Section
Correctional Officer	62	10139	Security Section -Full rotation PIN desk
Correctional Program Director I	67	10129	Abolished 7/1/97
Office Assistant III	57	10151	Abolished 7/1/97
Office Assistant III	57	10133	Abolished 7/1/97
Office Assistant III	57	10134	Abolished 7/1/97
Correctional Lieutenant	66	10136	Abolished 7/1/97
Accountant I	71	10138	Abolished 7/1/97
Correctional Program Director I	67	10150	Abolished 7/1/97
TOTAL	17		

March 16, 1999

DIVISION OF PRISONS
STATUS OF OUT OF STATE POSITIONS

A. CONTRACTUAL HOUSING

The Contractual Housing Office provides support to the Assistant Director of Auxiliary Services and to the contractual facilities operating in North Carolina under contract to the Department of Correction.

Currently two 528-bed facilities are operating housing a total of 1056 North Carolina inmates. In order to fill and maintain these facilities at contract levels, approximately 7500 inmates have been screened for possible transfer to date. The screening process continues on a regular basis in order to keep a viable pool of inmates ready to transfer as needed. The screening process involves evaluating possible candidates who meet program, health, mental health and security requirements for housing at contractual facilities. Unassigned, processing complete, and Dart complete inmates as well as inmates who volunteer for transfer are routinely screened.

The staff assigned to this section are charged with seeing that the contractual facilities comply with Division policy and that inmates housed in these facilities receive treatment comparable to that received in the North Carolina operated units and institutions. In order to accomplish this, job and program assignments and disciplinary actions are monitored. Problem areas are targeted and responded to as required. This action includes additional group training by phone or in person, and interpretation of policy and procedure.

Grievances are monitored for compliance with Division policy. Appealed grievances are evaluated, researched and responded to. Currently 525 grievances have been received since Pamlico opened in September 1998, and Mountain View opened in December 1998.

Custody restrictions and time credit approvals are the responsibility of the Division in order to protect the public and to insure that treatment is consistent for all inmates. Custody reviews are conducted a minimum of every six months on each inmate which results in a minimum of 2100 per year. Each inmate has the potential for earned time or merit time credits. The credits recommended by the contractual facilities are reviewed and approved or denied by this section.

Numerous letters and phone calls are received by this office from family members, inmates, other agencies and the general public which must be responded to accurately and in a timely manner. To date, approximately 2,000 letters have been answered. In addition to normal correspondence screening letters are sent to the housing units on all inmates being considered for transfer in order to obtain current information.

Additional responsibilities include reviewing and correcting billing from the contractual units, monitoring the Private Industry Programs, obtaining and compiling data on total expenses incurred in addition to the usual contractual staff houses, monitoring the jail contracts, and coordination of supply orders.

JOB RESPONSIBILITIES FOR CONTRACTUAL HOUSING STAFF

Program Director I

1) Manages and oversees work group
2) Conducts TAPS and personnel actions on employees
3) Coordinates screening of inmates and makes transfer decisions
4) Completes unit level on all custody reviews and facility level authorizations on some custody reviews (approximately 2200 per year)
5) Review, evaluate and approve time credits for inmates.
6) Answer correspondence and phone calls from units, families, inmates and general public
7) Directs action in response to problems/concerns

Program Director I - 3 POSITIONS

1) Caseloads of 528 inmates at each facility
2) Make recommendations for custody changes and disciplinary action
3) Track grievances, research and respond to appealed grievances
4) Review and make appropriate adjustments to bills submitted by facility
5) Track and evaluate job and program participation
6) Provide training as needed to see that records are correct and policy followed
7) Provide grievance training
8) Assist contractual facilities with data entry and process of custody review and disciplinary process
9) Answer correspondence and calls from inmates, family members, other facility staff and general public
10) Monitors jail contracts and costs
11) Oversees PIE program and calculates discrepancies
12) Monitors and calculates cost outside the routine for contractual housing
13) Screens inmates for possible transfer

Processing Assistant III

1) Types letters and memos and composes draft responses to standard daily letters
2) Sets up and maintains over 1000 case management files and other files as needed
3) Processes mail
4) Assists Writ coordinator
5) Assists in screening of inmates
6) Answers phones
7) Assists with supplies

Office Assistant IV

1) Manages database with information on all inmates considered for possible transfer to contractual facilities
2) Updates information as needed and enters new data as received
3) Composes and types letters
4) Assists with screening of inmates
5) Assists with processing the mail as needed
6) Answers phone

B. POSITIONS ASSIGNED TO SECURITY SECTION

JOB RESPONSIBILITIES FOR SECURITY STAFF

10131 Office Assistant III...replaced a temporary position to coordinate drug testing and related assignments.

10135 Correctional Captain...coordinates and manages training for all security threat group issues; maintains central tracking system of all validated STG members; serves as liaison with the SBI on STG matters; supervises the Narcotics Detection Canine program scheduling and supervising facility searches using drug detection dogs; day to day supervision of dog handler and two lieutenants.

10137 Correctional Lieutenant... provides support in areas of responsibility assigned to the Security Section... security audits, PERT team

organization and training, standardization of weapons and inventory of weapons, tracking and approving emergency communication equipment, internal investigations, vehicle security equipment tracking, etc.

10139 Correctional Officer... Provides for full rotation (24 hr) or C/O's assigned to the DCI terminal and Randall building security. Replaces "borrowed" position that Triangle Correctional Center provided until it closed.

DEPARTMENT OF CORRECTION

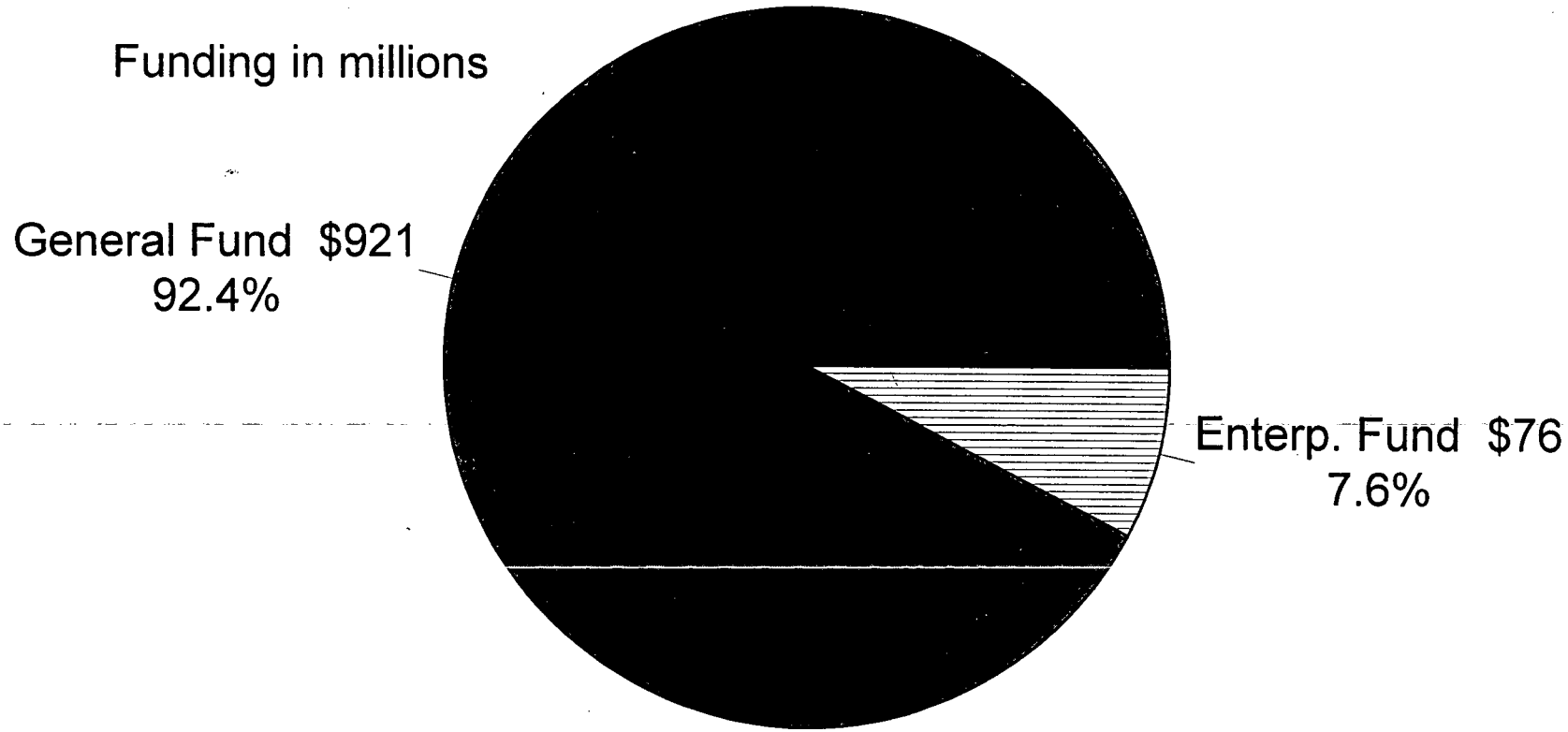
OVERVIEW OF CORRECTION ENTERPRISES FUND

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

APRIL 6, 1999

Department of Correction Total Budget Requirements

General Fund and Enterprises Funding 1998-99 Authorized Budget*



*Surce is BD 701 12/31/98; General Fund includes state appropriations and receipts

2

§ 148-2. Prison moneys and earnings.

(a) Persons authorized to collect or receive the moneys and earnings of the State prison system shall enter into bonds payable to the State of North Carolina in penal sums and with security approved by the Department of Correction, conditioned upon the faithful performance by these persons of their duties in collecting, receiving, and paying over prison moneys and earnings to the State Treasurer. Only corporate security with sureties licensed to do business in North Carolina shall be accepted.

(b) All revenues from the sale of articles and commodities manufactured or produced by prison enterprises shall be deposited with the State Treasurer to be kept and maintained as a special revolving working-capital fund designated "Prison Enterprises Fund." Revenue in the Prison Enterprises Fund shall be applied first to capital and operating expenditures, including salaries and wages of supervisory personnel, necessary to develop and operate prison industrial and forestry enterprises to provide diversified employment for prisoners, and incentive wages for non-Prison Enterprises Inmates. Of the remaining revenue in the Fund, five percent (5%) of the net profits, before expansion costs, shall be credited to the Crime Victims Compensation Fund established in G.S. 15B-23 as soon as practicable after profits have been determined for the previous year, and at the direction of the Governor, the remainder shall be used for other purposes within the State prison system or shall be transferred to the General Fund. The provisions of this section shall not apply to revenues generated from private prison enterprises conducted pursuant to G.S. 148-70 except for lease and rental income.

(c) Notwithstanding G.S. 147-77, Article 6A of Chapter 147 of the General Statutes, or any other provision of law, the Department of Correction may deposit revenue from prison canteens in local banks. The profits from prison canteens shall be deposited with the State Treasurer on a monthly basis in a fund denominated as the Correction Inmate Welfare Fund. Once the operating budget for the Correction Inmate Welfare Fund has been met, an amount equal to the funds allocated to each prison unit on a per inmate per year basis shall be credited to the Crime Victims Compensation Fund established in G.S 15B-23 as soon as practicable after the total amount paid to each unit per inmate per year has been determined.

(1901, c. 472, s. 7; Rev., s. 5389; C.S., s. 7704; 1923, c. 156; 1925, c. 163; 1933, c. 172, s. 18; 1957, c. 349, s. 2; 1967, c. 996, s. 14; 1973, c. 1262, s. 10; 1985 (Reg. Sess., 1986), c. 1014, s. 203; 1991 (Reg. Sess., 1992), c. 902, s. 4; 1993 (Reg. Sess., 1994), c. 769, s. 21.5(a).)

Editor's Note. - Session Laws 1993, c. 550, which appropriates the balance of funds from the proceeds of certain general obligation bonds authorized for the construction of state prison and youth services facilities, provides in s. 7 that to the extent that funds are not required to be expended for the specific projects described in the act, authorized appropriations may be used to complete project elements which could not be funded with the appropriations made in Session Laws 1991, c. 689, s. 239, that funds may also be used to construct, reconstruct, or renovate prison industrial and forestry enterprises facilities, as mentioned in G.S. 148-2, at prison facilities statewide, as replacement projects, and to make necessary prison facility repairs and renovations, but that no such funds may be used for operating expenditures, and that prior to taking any action under this section, the Governor may consult with the Advisory Budget Commission.

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 2 provides: "This act shall be known as 'The Current Operations and Capital Improvements Appropriations Act of 1994.'"

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.2 provides: "Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1994-95 fiscal year, the

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textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1994-95 fiscal year."

Session Laws 1993 (Reg. Sess., 1994), c. 769, s. 43.5 is a severability clause.

§

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NORTH CAROLINA CORRECTION ENTERPRISES
FINANCIAL RESULTS
FISCAL YEAR ENDED JUNE 30, 1998
(MILLIONS)

	1998	1997	1996
SALES BY INDUSTRY:			
Chemical	11.5	10.8	10.4
Farming	3.7	3.8	3.8
Foods Processing	16.4	16.3	13.7
Furniture	3.9	4.0	3.5
Laundry	6.8	7.0	6.1
Metal	6.8	5.9	5.1
Printing	7.1	7.0	6.2
Services	2.8	2.7	2.5
Sewing	9.7	8.9	7.0
Sign	7.6	7.0	10.1
Others	0.3	0.3	0.1
TOTAL SALES	**76.6**	**73.7**	**68.5**
MATERIAL COSTS	**41.1**	**37.7**	**36.6**
EXPENSES:			
Wages/Benefits	13.0	12.5	11.5
Inmate Labor	0.9	0.8	0.8
Utilities	1.3	1.3	1.3
Maintenance	2.4	3.1	3.0
Supplies	4.1	3.4	3.9
Depreciation	1.3	2.0	1.9
Other Expenses	1.5	1.3	1.2
TOTAL EXPENSES	**24.5**	**24.4**	**23.6**
GROSS PROFIT	**11.0**	**11.6**	**8.3**
TRANSFERS	**3.4**	**3.5**	**2.8**
NET PROFIT	**7.6**	**8.1**	**5.5**

DEPARTMENT OF CORRECTION

REPORT ON CORRECTION ENTERPRISES

MARCH 23, 1999

JUSTICE AND PUBLIC SAFETY SUBCOMMITTEE OF APPROPRIATIONS

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MISSION STATEMENT

The mission of North Carolina Correction Enterprises is to provide meaningful work experiences for inmates while providing quality goods and services to tax supported agencies at a savings to the citizens of North Carolina.

ADMINISTRATION GOALS

Inmates Working

Government Efficiency

Customer Satisfaction

BRIEF HISTORY

YEAR	INDUSTRY	LOCATION
1900	Farming	Caledonia Farm
1915	Printing	Central Prison
1927	License Tags	Central Prison
1937	Signs	Piedmont CC
1937	Meat Processing	Dunn, NC
1938	Sewing	NCCIW
1941	Soap	Harnett CI
1941	Paint	Central Prison
1941	Metal Products	Caswell CC
1951	Cannery	Caledonia Farm
1956	Manpower	Various Locations
1956	Forestry	Various Locations
1957	Farming	Odom CI
1957	Laundry	Various Locations
1962	Tailoring	Moore CC
1974	Upholstery	Iredell CC
1978	Upholstery	NCCIW
1987	Shirts	Lincoln CC
1987	Woodworking	Iredell CC
1987	Sign Reclaiming	Franklin CC

INDUSTRY GROUPS
COST CENTERS

SEWING

LAUNDRIES

FURNITURE

METAL

FOOD PROCESSING

CHEMICAL

SIGN

PRINTING

SERVICES

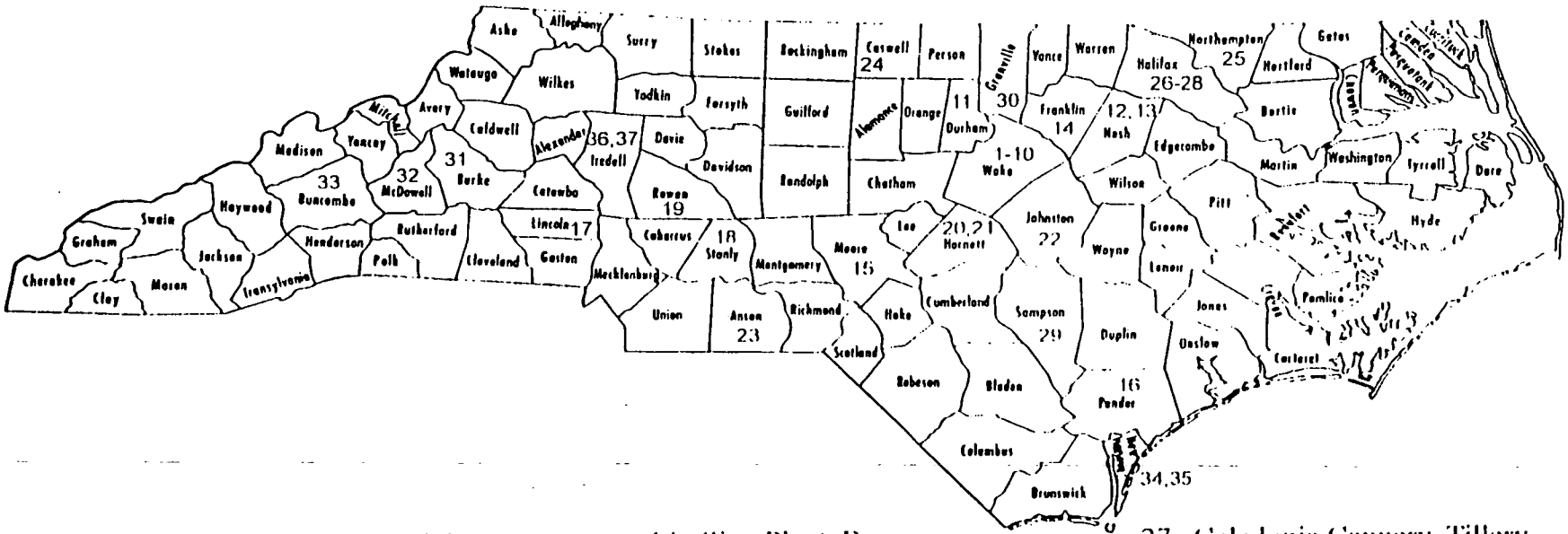
INDUSTRY LISTING

INDUSTRY	LOCATION	# OF INMATES ASSIGNED	PRODUCTS MANUFACTURED
Broughton Laundry	Broughton Hospital	60	Laundry Services
Caledonia Cannery	Caledonia Farm	75	Canned Fruits & Vegs
Caledonia Farm	Caledonia Farm	290	Farming Operations
Caledonia Laundry	Caledonia Farm	63	Laundry Services
Central Prison Laundry	Central Prison	10	Laundry Services
Craggy Laundry	Craggy CC	55	Laundry Services
Dan River Work Farm	Caswell CC	31	Work Farm
Duplicating	Mountford Avenue	49	Duplicating, Binding, Booklet Production
Duplicating	Durham Tech	2	Duplicating, Binding, Booklet Production
Forestry	Raleigh	as needed	Timber Management
Janitorial Products	Harnett CI	65	Cleansers, Dishwash Chemicals
Manpower Services	Raleigh, Wilmington, Lillington	42	Moving Services, Sidewalk Canopies, Painting, etc.
Meat Processing	Lillington	60	Meat Packaging/Processing
Metal Products	Blanch CI	56	Stainless Steel Fabrication

INDUSTRY	LOCATION	# OF INMATES ASSIGNED	PRODUCTS MANUFACTURED
Metal Products	Brown Creek CI	57	Black Iron & Hollow Metal Fabrication
New Hanover Landfill	Wilmington	6	Recycling Services
New Hanover Laundry	New Hanover CI	45	Laundry Services
Odom Farm	Odom CI	114	Farming Operations
Optical Plant	Nash CI	29	Optical Operation
Paint Plant	Johnston CC	65	Traffic Paint & Architectural Coating
Print Plant	Nash CI	105	Printing Services
Reupholstery Plant	NCCIW	20	Reupholstery Services
Reupholstery Plant	Stanly CC	12	Reupholstery Services
Sampson Laundry	Sampson CC	125	Laundry Services
Sewing Plant	NCCIW	80	Apparel Manufacture
Sewing Plant	Marion CI	120	Apparel Manufacture
Sewing Plant	Moore CC	58	Apparel Manufacture
Sewing Plant	Pender CC	109	Apparel Manufacture
Sewing Plant	Piedmont CI	45	Apparel Manufacture
Shirt Plant	Lincoln CC	60	Apparel Manufacture

INDUSTRY	LOCATION	# OF INMATES ASSIGNED	PRODUCTS MANUFACTURED
Sign Plant	Franklin CC	205	Highway & Project Sign Manufacturing
Sign Reclaiming	Moore CC	15	Reclaiming Highway Signs/Recycling License Tags
Tag Plant	Central Prison	60	License Tag Manufacturing
Umstead Laundry	Granville CC	52	Laundry Services
Upholstery Plant	Iredell CC	35	Office Seating and Reupholstery Svcs.
Warehouse Complex	Apex	15	Warehouse, Delivery, Packaging, and Distribution
Warehouse	Garner	7	Warehouse and Shipping Services
Woodworking	Iredell CC	57	Custom Cabinets, Bookcases, Tables
38 Industries		**2,354 Inmates**	

LOCATION OF NC CORRECTION ENTERPRISES PLANTS



1. Administration - Raleigh
2. Warehouses - Apex
3. Package & Distribution Center, Garner
4. Metal Tag Plant - Raleigh
5. Laundry - Raleigh
6. Reupholstery - Raleigh
7. Sewing - Raleigh
8. Manpower Services - Raleigh
9. Forestry - Raleigh
10. Duplicating, Raleigh
11. Duplicating, Durham
12. Print Plant, Nashville
13. Optical Plant, Nashville
14. Sign Plant, Bunn
15. Sewing Plant, Carthage
16. Sewing Plant, Burgaw
17. Sewing Plant, Lincolnton
18. Upholstery Annex, Albemarle
19. Sewing Plant, Salisbury
20. Meat Processing Plant, Lillington
21. Janitorial Products, Lillington
22. Paint Plant, Smithfield
23. Metal Products, Brown Creek
24. Metal Products, Blanch
25. Odom Farm, Jackson
26. Caledonia Farm, Tillery
27. Caledonia Cannery, Tillery
28. Caledonia Laundry, Tillery
29. Sampson County Laundry, Clinton
30. Umstead Laundry, Butner
31. Broughton Laundry, Morganton
32. Sewing Plant, Marion
33. Craggy Laundry, Asheville
34. New Hanover Laundry, Wilmington
35. New Hanover Landfill, Wilmington
36. Upholstery Plant, Statesville
37. Woodworking Plant, Statesville

NORTH CAROLINA CORRECTION ENTERPRISES
FINANCIAL RESULTS FISCAL YEAR ENDED 06/30/98

(MILLIONS)

SALES BY INDUSTRY	1998
Chemical	11.5
Farming	3.7
Foods Processing	16.4
Furniture	3.9
Laundry	6.8
Metal	6.8
Printing	7.1
Services	2.8
Sewing	9.7
Sign	7.6
Others	0.3
TOTAL SALES	**76.6**
MATERIAL COSTS	**41.1**
EXPENSES:	
Wages/Benefits	13.0
Inmate Labor	0.9
Utilities	1.3
Maintenance	2.4
Supplies	4.1
Depreciation	1.3
Other Expenses	1.5
TOTAL EXPENSES	**24.5**
GROSS PROFIT	**11.0**
TRANSFERS	**3.4**
NET PROFIT	**7.6**

JOB PLACEMENT OPPORTUNITIES

-IMPROVED JOB SKILLS

- On the Job Training
- Department of Labor Apprenticeship Programs
  - * Reupholstery - NCCIW
  - * Print - Nash CI

-IMPROVED JOB EXPERIENCE/WORK ETHIC

-LINKAGE TO PRIVATE SECTOR

-JOB PLACEMENT BY DOP CASEWORKERS

CASH FORECAST

January 01, 1999 through June 30, 2001

	(Millions) Fiscal Year Ending June 30		
	1999	2000	2001
Beginning Cash Balance	21.2	18.2	8.5
Cash Inflow for Fiscal Year	3.5	8.0	7.0
Cash Outflows:			
Committed Projects	3.5	12.7	7.5
Equipment Spending	3.0	5.0	3.0
Cash Balance	18.2	8.5	5.0

CASH FORECAST/FUTURE PLANS

January 01, 1999 through June 30, 2001

Construction Projects Schedule

(Millions)
Fiscal Year Ending June 30 -

	1999	2000	2001	Future	Totals	Comments
Committed Projects:						
Apex Warehouse Upgrade	1.8	0.8			2.6	Enterprise Building Completed 6/99 Upper Building Completed 06/00
Columbus Sewing Plant	0.6	1.0			1.6	Sewing Building, will consolidate several plants - estimated completion - 01/00
NCCIW Manufacturing Center	0.5	4.5	2.0		7.0	Duplicating and License Tag Plants - moved from Central Prison to facilitate DOP long range plan - estimated completion - 12/00
New Janitorial Products Plant	0.0	1.9	2.0	2.0	5.9	Warren County/Megastar Building purchased 10/98 - upfit of building in design stages

Committed Projects:	1999	2000	2001	Future	Totals	Comments
New Furniture Plant		2.5	2.5		5.0	New construction to house Wood and Upholstery Plants - to be located at Albemarle CI
Farm Buildings	0.2	1.0	0.5		1.7	Equipment and Chemical storage buildings - to meet safety codes
Meat Processing	0.1				0.1	Repair ceiling in processing room
Bunn Sprinkler System		0.5			0.5	Safety concerns
Miscellaneous Projects	0.3	0.5	0.5		1.3	
Total Committed Projects	3.5	12.7	7.5	2.0	25.7	

CASH FORECAST/FUTURE PLANS

January 01, 1999 through June 30, 2001

Construction Projects Schedule

(Millions)
Fiscal Year Ending June 30 -

	1999	2000	2001	Future	Totals	Comments
Future Projects:						
Cannery				3.0	3.0	Upgrade existing Cannery to meet customer needs - project is in design stage
Western Laundry				8.0	8.0	Consolidate several older laundries in western NC - project on hold at present
Maat Processing				2.0	2.0	Expansion of plant with addition of zero freezer - to meet customer needs
Print Plant				2.0	2.0	Establish Western Print Center - to meet customer needs
Administration				2.3	2.3	New building to enhance private sector involvement

FUTURE PLANS IMPACT STATEMENT

The consequences of cancelling selected construction projects:

NCCIW Manufacturing Center:
(Duplicating and Tag Operations)

Under the Central Prison reorganziation plan, the Duplicating building is slated to be demolished and the Tag building will be turned over to the prison for use as a maintenance facility. It is essential that these operations be in close proximity to our customer base (DOT and State government offices) if those operations are to remain fiscally sound. The cancellation or delay of this project would result in lost revenue from both operations. In addition, we would jeopardize our relationship with DOT and State government offices who rely on us for license tags and document reproduction.

New Janitorial Facility:

Any diversion of funds that would delay the planned progression of this project will result in a reduction of our capability to address potential marketing opportunities. This will have the effect of reducing our projected revenues for the facility. In addition, Correction Enterprises would probably experience OSHA fines as a result of our inability to address current safety issues.

New Furniture Facility:

The present facility is located at the Iredell Correctional Center. This facility is on the schedule for closure currently being reviewed by the Legislature. We believe that the closure of this facility is imminent, and it is important for us to plan for the construction of a new facility that will support this industry.

Farm Buildings:

Currently, shelters do not exist to adequately protect all farm equipment from the elements. The diversion of funds from this project would result in the reduction of the useful life of expensive farm machinery.

VISITOR REGISTRATION SHEET

Justice and Public Safety — 4/7/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Colon Willoughby	Wake Co Dist Atty's Office
LINDSAY McCoy	" "
Megan Primavera	NC Association of County DSS Directors
Melissa Lovell	DOJ
Jaclyn Dixon	Intern-Rep. Easterling
Gerald Arnold	AOC
Jeanne Bonds	AOC
Matt Osborne	AOC
Randy Menchick	AOC
Chris Mabry	AOC
Buddy Humphrey	DOTm
MIKE BARTHAM	CCPS
JOE STEWART	CCPS
F. Doug Phelps	National Guard
Scott Bradley	Mediation Network of NC

VISITOR REGISTRATION SHEET

Justice and Public Safety — 4/7/99 PM

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LARRY DIX	DOJ
Buddy Humphrey	OSTBM
[illegible]	DOC
Ken Strickle	DOP
Lynn Rhodes	DOC
Julie Gorrath	DOC
Larry Thompson	DOP
Melissa Lovell	DOJ
[illegible]	self
Lori Harris	LAH

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday April 8, 1999 8:30 a.m
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan,Presiding

Representative Ted Kinney
Representative Bill Culpepper
Representative Paul McCrary

II. PRESENTATIONS

- **Division of Criminal Information Fees**
  OSBM Study of Cost of Providing Criminal Record Checks

  Elisa Wolper, Fiscal Research Staff

  Anne Bander, Office of State Budget and Management
  Management Section

- **Department of Correction Food and Medical Budget**
  OSBM Study of Cost of Providing Food Service and Health Care

  Jim Mills, Fiscal Research Staff

  Tom Newsome, Office of State Budget and Management
  Management Section

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
April 8, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on April 8, 1999 at 8:30AM in room 415 LOB. Four members of the Senate were present. The following House members were present:

Rep. Paul McCrary	Rep. Theodore Kinney
Rep. Scott Thomas	Rep. Debbie Clary
Rep. Phillip Haire	Rep. Jim Horn

Rep. Joe Kiser

Senator Luther Jordan chaired the meeting. He recognized the pages and introduced Ms. Elissa Wolper, staff, who distributed a handout, Division of Criminal Information Receipts from Fees. If receipts surpass budgeted amount, the division must request permission from OSBM to use over-realized receipts for specified purposes, otherwise the funds revert to the General Fund. Ann Bander of OSBM was introduced. She said there are two kinds of fees, criminal submissions and expunged records have no fee attached.

Certain agencies are authorized to check certain things regarding potential employees. As of 1998, $14 was charged for a fingerprint check. Another handout was distributed, the Study of the Cost of Providing Criminal Records Checks. Page 6 of the handout discusses processing time and costs. The costs to process record checks, on average would be $6.67 for name checks, and $13.46 for finger print checks. The rate should stabilize over the next two years. In response to Rep. Clary, Mr. Ron Hawley of the division of criminal information, said wider spread checks take more time, and costs more. It costs $14 if the state does the check and $24 if the FBI does the check. Of the $24, $2 is kept by the state. In response to Rep. Kiser, Mr. Hawley said agencies must have authorization to request a national check, it is not automatic. Ms Bander said explanatory letters now go to agencies and it takes about three to four weeks for information to be received by the FBI. In response to Rep. Haire, Mr. Hawley said the development of automation should allow us to get most of the requested information electronically.

Mr. Jim Mills, staff, distributed a handout titled Overview of Department of Correction Inmate Food and Health Budget. The total prisons budget is $716.3 million, of which health is 14.5%. The authority is given to DOC to use lapsed salaries due to increased population, increase in food costs, and slowness in achieving cost efficiencies. The Governor's recommended budget increase for 2000-01 is just for inflation. Page 4 of the handout; bullet one, four and six have been accomplished. The upgrade or expansion of certain prison medical facilities and the elimination of staff at units with less than 100

inmates is under discussion. Inmate co-pay of $3.00 began April 1997. Page 6 of the handout outlines issues for discussion. The committee should look at contractual employees, and if 100 positions authorized last year will compensate for contractual employees.

In response to Rep. Kiser, Dr. Pullman, Director of Health Services, said salaries need internal improvements. Dr. Pullman also said there are two lawsuits pending, one is a class action suit by Women's Prison, the other is a medical malpractice suit at Central Prison. To Rep. Haire, Mr. Greg Stahl said the function of the medical co-pay is as an incentive to prevent people from sick call. In response to Rep. Clary, Mr. Mills said there is no national data regarding HIV risk assessments however people with tattoos and/or blood transfusions are suggested for testing. Dr. Pullman stated that we have 560 HIV infected inmates. They are on antibiotic therapy in conjunct with UNC Infectious Diseases unit. In response to Senator Ballance, Dr. Pullman said there were six deaths last year attributable to AIDS. Dr. Pullman to Rep. Kiser, tests are given for syphilis and tuberculosis. Leather diseases are tested for as needed. It is not known haw many of the prison population are HIV positive.

Mr. Tom Newsome, Ms. Sally Hunter and Ms. Ann Bander were introduced to discuss prison health care. They distributed a handout; Study of the Cost of Providing Food Service and Health Care to Inmates. and Prison Health Care Cost Study Summary. from which Ms Bander spoke. 23% of inmates are over age 50, 19% of sentences run 10 to 20 years, escalating health care costs. Two state run prisons have privately run health units in addition to two privately run prisons. The state is dropping below the Consumer Price Index in per inmate expenditures (See Chart B in handout). Pharmaceuticals are very costly. The top 20 costly pharmaceuticals are new drugs that do not have generic counterparts. About 8 of these are for HIV. Some are psychotropic drugs. Chart E in the handout compares medical plans, Medicaid and the Division of Prisons. Chart F shows the organizational features promoting cost containment.

Ms. Sally Hunter spoke regarding the food service. See handout Prison Food Service Cost Study Summary. There are 454 food positions of which over 300 are filled. The master menu is on software and available to each food service provider. The meats are supplied by the Prison Enterprise operation. There has been an increase in special diets and an increase in the need for foods with certain medications. 3,800 inmates are working daily. Chart D compares the per inmate costs in food service categories compared to the consumer price index.

Rep. Haire stated that the Division of Prisons has a contract with a restaurant in Black Mountain and he would like the costs. Mr. Steineke said the costs are significantly higher. To Senator Jordan, Ms. Hunter responded some food is raised in North Carolina but some are shipped in as well. To Rep. Kiser meals are provided to about 10 jails for about $2.12 per meal.

Rep. McCrary and Senator Ballance reiterated that screening should take place for HIV.

Senator Jordan adjourned the meeting at 9:55AM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

DIVISION OF CRIMINAL INFORMATION
RECEIPTS FROM FEES

BACKGROUND

- There are two major categories of fees related to the Division of Criminal Information
  - ❖ Vendor Fees (paid by local law enforcement and other agencies for access to mobile and stationary DCI terminals)
  - ❖ Service Fees (fees paid by non law enforcement agencies for criminal record checks—by name or by name and fingerprint

- In 1997-8, DCI collected $2.44 Million in Vendor Fees and $1.4 M in Service Fees
  In 1998-9, ytd, collected $2.35 Million in Vendor Fees and $1.4 M in Service Fees

- If receipts surpass budgeted amount, Division must request permission from OSBM to use over-realized receipts for specified purposes (eg to create positions to reduce backlog, equipment and supplies). Otherwise the funds revert to the General Fund.
  - ❖ In 1997-98, over-realized receipts for service fees were used to hire temporary staff and to pay overtime for 1997-98 and 1998-99 and to create 4 permanent positions to assist with processing .

- Approximately $280,000 of the 1997-8 receipts for service fees reverted to the General Fund.

GENERAL ASSEMBLY ACTION

- When the concealed handgun law was passed in 1995 and several other bills mandated checks for employees of schools, nursing home, etc , DCI anticipated a large volume of applications to process. Because of the uncertainty, the legislature directly funded up to 9 positions then gave DOJ permission to use up to $379,000 of fees as needed to create additional positions as needed, at the rate of 1.5 positions:10,000 checks.

- Recognizing that vendor fee receipts were surpassing budgeted amounts, the 1997 General Assembly reduced the General Fund Appropriation to DCI by $200,000 to reflect the increased fee revenue.

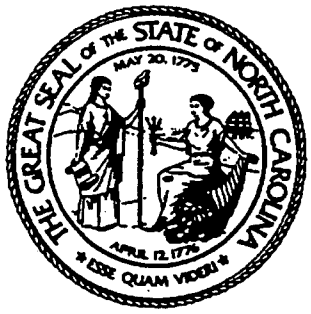
- Both the 1997 and 1998 General Assemblies directed the Office of State Budget and Management to study the cost of providing criminal record checks relative to the fees.

FRD April 8,1999

2

STUDY OF THE COST OF PROVIDING CRIMINAL RECORDS CHECKS

As Directed by Senate Bill 1366, Section 18.3, of the 1998 Session of the North Carolina General Assembly



STATE OF NORTH CAROLINA
Office of State Budget and Management
Management Section
Raleigh, NC 27603-8005

April, 1999

Background

Senate Bill 1366 of the 1998 Session of the North Carolina General Assembly directed the Office of State Budget and Management (OSBM) in consultation with the Department of Justice to ". . . *study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks and how those costs have changed since the 1995-96 fiscal year.*" (Appendix A contains the full text of the legislation.)

Methodologies

This study is a continuation of prior work with criminal record checks. As such, in order to identify all costs associated with providing criminal record checks, OSBM analysts obtained an updated listing of all Division of Criminal Information (DCI) staff, their organizational unit, and their budgeted salaries and benefits as of July 1, 1998. DCI's section chiefs provided estimates of every staff person's work time commitment to the ten main areas of DCI's responsibility. The activities were divided into fee-related and non fee-related activities. Actual non-personnel expenditure data was obtained from DCI's budget reports for FY97-98 year end report (BD-701). To account for capital equipment, which can be a major item in DCI's budget, a depreciation value (on a five-year depreciation schedule) is used rather than the actual expenditure. Volume and backlog data were gathered on criminal history record checks for both law enforcement and non-criminal justice agencies. Estimates were developed based on trends in volumes from prior years, since year to date figures are misleading; much of their work is highly seasonal (such as record checks for school employees, the bulk of whose applications arrive in the summer as students graduate, or teachers change positions with the end of the school year). Written surveys of all section chiefs were also conducted to determine what initiatives or issues they faced since the prior study, as well as future plans, especially those with a bearing on staffing levels. Processing time data from a DCI study was updated to determine staffing requirements for several aspects of work.

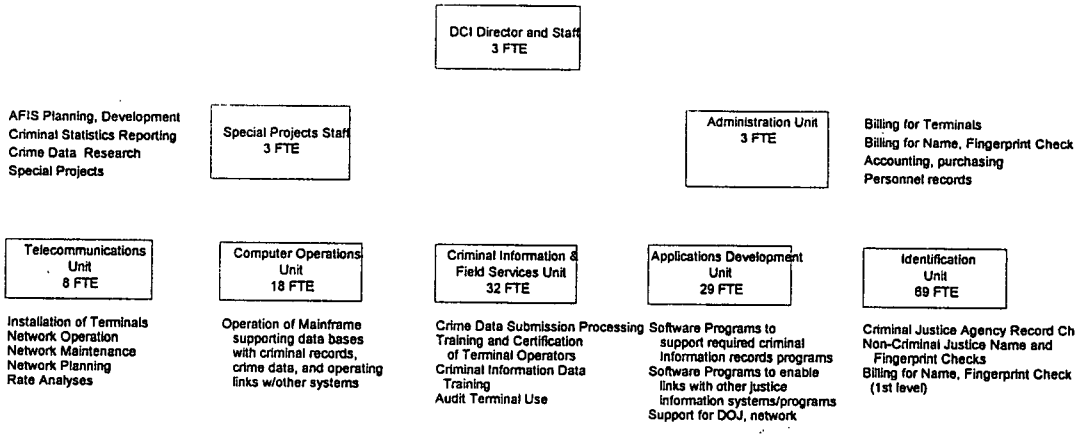
Organizational Structure, Staffing and Primary Functions

The Division of Criminal Information (DCI) is a complex organization. Its computers house the criminal history record based on positive identification of fingerprint information for North Carolina, and it is linked to similar state, national and international data bases in support of law enforcement everywhere. DCI staff work with local law enforcement to train them in the preparation of criminal history information to ensure that the information will be useful to the end users. They conduct research on the crime data they receive from criminal justice agencies. DCI also provides computers and training in their use to law enforcement. DCI audits agencies' use of the DCI terminals, as well as the agency-owned equipment, to ensure that only properly authorized users have access to the information. They maintain the computers and network related to criminal information as well as serve as liaison with other entities that provide

telecommunication lines and other linkages. In addition, they provide support services to the SBI's Field Offices, the SBI Laboratory, the NC Justice Department, and its divisions. And finally, they provide preventive services through the criminal history and fingerprint checks conducted for employers in the fields of law enforcement, schools, hospitals, and day care centers, among others.

DCI's work units are closely interrelated. The following organization chart contains a brief listing of the key functions and the full time equivalent (FTE) staff assigned to the units within DCI.

DCI STRUCTURE, STAFFING & KEY FUNCTIONS



To see the degree to which the functions of DCI's units are interrelated, the chart below lists the ten key functions of DCI across the top, and the units are on the left axis along with the FTE contribution each unit makes to those functions, as reported by the units' managers.

FUNCTIONS AND ALLOCATED STAFFING OF EACH UNIT TO THOSE FUNCTIONS

	Fee Activity - Allocation					Non-Fee Activity Allocation						
	UCR Reports	Special Computer Run	Terminal Rental	Criminal History	ARS Terminal	SBI	Justice	Criminal Reporting	Criminal History	Other		
Subtotal-Dir. Staff	0.20	0.05	0.85	0.30	0.40	1.25	0.40	1.00	0.75	0.80		6.0
Subtotal-Adm Staff			0.95	1.10		0.95						3.0
Subtotal-T/C	0.05	0.05	0.20		1.00	2.45	2.75	0.60	0.05	0.85		8.0
Subtotal - Computer Ops.		1.50	11.90			2.00	1.20		1.40			18.00
Subtotal - Field Svcs.			17.40	0.05		0.40		10.65		3.50		32.0
Subtotal-CP Svcs.	0.10	0.15	4.30	1.60	0.10	14.55	1.70	2.35	1.35	2.80		29.0
Subtotal-Identification				22.35					37.00	9.65		69.00
	0.35	1.75	35.60	25.40	1.50	21.60	6.05	14.60	40.55	17.60		165.0
	0.21%	1.09%	21.58%	15.39%	0.91%	13.09%	3.67%	8.85%	24.58%	10.67%		100.0

Costs of Services

As noted earlier, cost estimates for all DCI services were developed, using actual expendtiure figures from the end of fiscal year 97-98 for all non-personnel line items except for capital equipment. Budgeted personnel costs in effect for July 1, 1998 were used to capture personnel costs of DCI services. A depreciation value was used for the capital expenditures. The indirect cost rate was applied to all costs except for the depreciated capital. Unless certain expenditures were unique to a unit, the percentage estimates of staff allocation indicated for the ten key functions (see chart above) were applied to the total cost to develop an estimated cost of service for each of the ten functions, as shown below:

FEE SERVICE COST ALLOCATIONS

UCR Reports	Special Computer Runs	Terminal Rental	Criminal History	AFIS Terminal	Total & Percentage
$61,979	$139,219	$2,880,634	$1,753,173	$145,437	$4,980,926 35%

NON-FEE COST ALLOCATIONS

SBI Support	*Justice Support*	*Criminal Reporting*	*Criminal History*	*Other*	*Total & Percentage*
$1,961,144	$678,222	$1,385,628	$4,339,829	$829,545	$9,194,368 65%

The allocation of staff in DCI between fee processing and non-fee processing has remained relatively stable, with between 35-40% of the full time equivalency (FTE) going towards fee-related activities from 1994 to the present. What has changed over the same time period is that there was a dramatic increase in the workload volume, from 156,929 total applications processed in 1995 (both fee and non-fee) to over 308,500 with the current projection for this year. The number of total staff also increased from 149 to 169 in the same time period. In this same time period, DCI experienced a severe backlog in processing requests. This occurred because there had been sudden sharp increases in the number of fee activity applications, and when Charlotte-Mecklenburg's data base was added to the DCI files. This resulted in additional processing time to eliminate all duplicate data. In the last year, DCI's Identification Section managed to eliminate its backlog of over 100,000 applications through the use of temporary staff, extensive overtime, and reallocation of staff. They have now reallocated staff to other projects that are underway including a major automation project to streamline the process; an ongoing effort to ensure quality control between Department of Correction and Charlotte records with DCI's data; and they continue to convert manual and partial records by updating historical information. None of these is resulting in any backlog at this time.

FEE SERVICE COST ALLOCATIONS

Criminal Record Checks Costs and Volumes

Since last fiscal year's report to the General Assembly, there have been no major changes in the kinds of record checks that are done nor in the fees for them. DCI currently conducts the following kinds of records checks:

Type of Record Check	*Source of Request*	*Fee Charged to Agency*	*Amount Retained by DCI*	*Amount Forwarded*
Name Check Only	Non-Criminal Justice Agencies	$10.00	$10.00	-$0-
Fingerprint Check NC data only	Non-Criminal Justice Agencies	$14.00	$14.00	-$0-
Fingerprint Check NC and FBI data	Non-Criminal Justice Agencies	$38.00	$14.00 for NC data $ 2.00 for processing costs associated with forwarding request to and from FBI $16.00 – Total DCI receipts	$22.00 to FBI
Concealed Handgun NC data, FBI data	Applicants for permits	$45.00	$14.00 for NC data $ 2.00 for processing costs associated with forwarding request to and from FBI $7.00 for support positions $23.00 – Total DCI receipts	$22.00 to FBI
Criminal Justice Employment Applications	Law Enforcement Agencies (incl. Courts, correctional facilities, police and sheriffs, etc.)	No Charge	No Charge	No Charge
Criminal Record Checks – Name, Fingerprint (NC and FBI data)	Law Enforcement Agencies (incl. Courts, correctional facilities, police and sheriffs, etc.)	No Charge	No Charge	No Charge

When OSBM first worked with DCI in 1995, DCI had developed processing times for their record check functions. They have subsequently revised those processing times based on changes in processing requirements. The following displays the results of the internal time studies conducted by the Identification Section, which shows average processing times by type of check:

Type of Record Check	*Time Estimate to Process If Person Has No Prior Record*	*% Estimated Frequency*	*Time Estimate to Process If Person Is Found to Have a Prior Record*	*% Estimated Frequency*
1999 – Name Checks Only	9.20 minutes	97%	21.21 minutes	3%
1998 - Name Checks Only	9.20 minutes	97%	22.41 minutes	3%
1995 - Name Checks Only	10.00 minutes	98%	21.17 minutes	2%
CHANGE 1998 to 1999	**.80 mins/record decrease**		**1.02 mins./record decrease**	
1999 - Name & /Fingerprint	19.00 minutes	97%	29.36 minutes	3%
1998 - Name & /Fingerprint	23.05 minutes	97%	25.10 minutes	3%
1995 - Name & /Fingerprint	14.07 minutes	98%	25.37 minutes	2%
CHANGE 1998 to 1999	**4.05 mins./record decrease**		**4.26 mins./record increase**	

There has been an improvement in processing time between last year and the present in the Applicant Fingerprint Records Processing, which now takes only takes 5 minutes longer (down from nearly 9 minutes

longer last year) than it did four years ago. The processing slowness was explained by staff as being due in large part to the addition of 132,000 records for the DCI data base from Mecklenburg County; their fingerprint cards were loaded to the system but all histories have had to be manually loaded. Because some of these records are still being consolidated with those currently on the system or prints coming into the system, there are additional processing steps that have increased the processing time. This will continue until all records are consolidated. As these become consolidated, the times should continue to be reduced. However, other processing changes which have added processing time since these studies first began include increased edit checks for whether requestors were authorized and had forms correctly completed and adding cover letters to completed requests.

As noted earlier, last year the Identification Section's workload was severely impacted by the backlog that occurred during the rapid growth in record check requests and not getting new staff hired and trained at the same rate. As the chart on the next page shows, there has been dramatic growth in the volume of both name and fingerprint record checks since the early 1990's. It shows a full listing of the types of agencies included, as well as their application request history since 1994. This growth was due to the addition by the General Assembly of a number of programs to ensure that people working in areas such as schools, child care, health and home care, and other service areas do not have criminal records. As a consequence, the Identification Section had a significant backlog of applicant requests, and a turnaround time that had gone from days to months, according to staff. Last year they added processors and fingerprint identification technicians, reallocated staff from other areas, and began working overtime, as well as continuing to expand the role of automation to reduce the backlog and ensure it does not recur once they were able to clear it out. It appears that the growth among non-criminal justice agencies requesting record checks is stabilizing, as no new programs have been added this year. Their elapsed processing time is now down reportedly to 7 days for a name check, and 8 days for a North Carolina fingerprint check. FBI checks are down to 3 weeks elapsed time, as the FBI gradually reduces its backlog.

Also on the positive side, DCI is exploring several automation initiatives, including the possibility of fingerprint scanning technologies throughout the state, bar coding of criminal history data, and inquiries via Internet that should be operational by late 1999 or early 2000, at which time the processing times should be reduced. The processing times derived by the Identification Section will definitely need to be restudied at that time.

Unit Costs of Record Checks

In order to determine the cost of record checks, the time data for each of the major record check types was reviewed. It showed that for the vast majority (an estimated 97%) of name checks, the individual being checked did not have a prior record. Those only required 9 minutes total, based on DCI's time processing data. On the other hand, for the 3% who did have a prior record, the whole process took 21.21 minutes. With fingerprint checks, it required 29.36 minutes if a person had a prior record, and 19.00 minutes on average if a person had no prior record found.

These time estimates, as a percentage of the total, were applied to the projected workload for calendar year 1999 to determine staffing levels and to estimate costs associated with processing requirements. Based on this method, the costs to process the record checks, on average, would be $6.67 for name checks and $13.46 for fingerprint checks. This is assuming that the applications continue through the year as projected, and with no major changes in which agencies will be submitting. The basis for this is shown in the following chart, and compares it to prior years, which were revised to reflect actual data, rather than using the projections from prior years. Of note in looking at this method of determining the cost per record is that the percentage used against the cost figure is not the percentage of the total records, but rather the percentage of total time each type of record requires. As can be seen in the 1995 figures, the number of Name Check Only records was over one-third of the Name and Fingerprint checks. By 1996, and continuing to the present, the number of both types of record checks has soared, but because the fingerprint checks have a greater processing time, they require more resources. The Fingerprint Record Checks' processing time had increased by almost 9 minutes between 1995 and 1998 due to the problems discussed above, but it is now dropping (although it is still higher than originally)

Cost of Service Calculation	Criminal History Expenses	Percent of Time Required To Process	Actual Number of Applications
1995			
Applicant Processing - Name Check	$1,023,420	32.7%	13,064
Applicant Processing - w/Fingerprint		67.3%	14,470
1996			
Applicant Processing - Name Check	$1,068,071	26.1%	29,303
Applicant Processing - w/Fingerprint		73.9%	44,593
1997			
Applicant Processing - Name Check	$1,267,162	19.2%	35,162
Applicant Processing - w/Fingerprint		80.8%	79,497
1998			
Applicant Processing - Name Check	$1,808,293	19.6%	50,207
Applicant Processing - w/Fingerprint		80.4%	85,487
1999			
Applicant Processing - Name Check	$1,753,173	22.5%	59,244
Applicant Processing - w/Fingerprint		77.5%	100,875

Operational Improvements Anticipated

From an automation standpoint, the Identification Unit, as well as DCI as a whole, is in the midst of major transitions in types of equipment, telecommunications, and software that will be used both within DCI and by its client agencies. This transitional phase will continue into the foreseeable future, and could have a significant effect on the Identification Unit. Areas where change is likely to happen soon can include Internet requests for name checks, eliminating all paper requests and possibly allowing electronic billing to accompany the response; more local law enforcement capacity to do some of the fingerprint intake processing through live scan and flat bed scanning equipment, eliminating much paperwork processing and matching, as well as improving the quality of the impression; bar coding to eliminate much data entry

related to the records being checked; and automated billing in other areas of DCI's work. Some of these applications are being tested now, and some may be deployed soon. These automation improvements will come at a significant investment cost, possibly, since the scanning equipment can be costly. Moreover, the network must have the appropriate capacity to handle the data that would be transmitted, and in some areas served by DCI, this technology is not yet available and would have to be installed, again at a higher cost than traditional lines. OSBM is currently doing an analysis of the entire system of DCI's network to see what the cost implications will be and how these can affect both internal processing times, fee structures, and costs of service.

Because of these transitional efforts, OSBM recommends that this review of costs be continued for two more years, on an annual basis, to determine when adjustments should be made to the criminal record check rates, and to monitor progress of the deployment of automation improvements to reduce or contain records processing costs.

OSBM is currently working with DCI, at their request on an additional review of the network structure to determine the most cost-effective approach to provide the necessary telecommunications support that will enable local law enforcement and other criminal justice agencies to improve the capacity of their criminal justice automation, at a lower unit cost.

SUMMARY

OSBM analysts would like to express their appreciation for the assistance provided by DCI staff with data, and explanations of the various processes and systems. Their interest in making process improvements and in working with us to identify such areas is most welcome.

MANAGEMENT PERSPECTIVE

The Office of State Budget and Management is dedicated to the principles of efficiency and effectiveness in North Carolina state government. Its management role is oriented toward promoting and facilitating the implementation of sound management concepts and practices throughout state government by assisting and/or conducting management analysis and providing consulting services to the Governor, the State Budget Officer and department and agency heads. This report has been prepared in keeping with this management perspective.

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REQUESTS HISTORY, BY REQUESTING AGENCY

Agency Making Request	1995	1996	1997	1998	1999 Estimated
Law Enforcement Agencies					
Criminal Submissions	107,528	120,613	141,941	131,263	131,000
Crim. Justice Employment	15,658	12,850	11,537	10,826	10,000
Pre-expungement Judicial Review	2,724	2,695	2,953	2,977	2,900
AOC Expungement	3,485	3,620	4,075	4,571	4,500
TOTAL NON FEE LAW ENFORCEMENT	**129,395**	**139,778**	**160,506**	**149,637**	**148,400**
Non-Criminal Justice Agencies					
Schools	13,189	19,005	19,841	19,362	
Licensed Day Care	-	60	47		
Division of Child Development	-	11,852	28,022	31,318	
Foster Parent	-	4,477	6,397	6,698	
Federal Day Care	1,113	1,078	531	558	
Home Care	12	1,152	6,856	20,410	
Hospital	3,764	4,581	7,387	10,043	
Mental Health Contract	1,150	1,827	2,667	2,239	
Direct Patient Care	-	-	-	0	
Other Health Care Providers	75	1,434	1,609	1,977	
Nursing Homes	1,303	2,130	26,043	29,503	
Mental Health	2,028	2,282	2,026	1,555	
Department of Social Services	3	5	48	273	
Health Care Corporation	-	-	1,630	2,031	
Military Recruiters	117	193	290	115	
Postal Service	2	3	-	1	
Private Protection Services	332	242	169	222	
Local Ordinance	879	810	680	662	
State Bar	7	7	6	3	
Department of Labor	23	12	11	5	
Board of Law Examiners	1,124	1,157	1,119	1,172	
Board of Mortuary Science	137	155	172	140	
Board of Medical Examiners	-	-	-	0	
Board of Pharmacy	-	-	-	0	
Banking Commission	-	-	-	0	
Defense Investigative Services	-	-	-	0	
Department of Facility Services	24	17	-	0	
Department of Defense	-	-	-	0	
Department of Agriculture	1	-	-	0	
Office of Personnel Management	-	81	108	188	
Right to Review	3	1	5	19	
Bail Bondsman	-	-	379	341	
Concealed Handgun Permits	2,248	21,335	8,620	6,859	
Annual Totals-Fee Processing	**27,534**	**73,896**	**114,663**	**135,694**	**160,119**
Annual % Increase	88%	168%	55%	18%	18%
Name Check Only	13,064	29,303	35,162	50,207	59,244
Name and Fingerprint	14,470	44,593	79,497	85,487	100,875
Annual Totals–Fee Processing	27,534	73,896	114,659	135,694	160,119
Annual Total–Non-Fee Law Enforcement	129,395	139,778	160,506	149,637	148,400
TOTAL All	**156,929**	**213,674**	**275,165**	**285,331**	**308,519**
Annual % Increase–Fee		168%	55%	18%	18%
Annual % Increase–Law Enforcement		8%	15%	-7%	-1%
Annual % Increase–All		36%	29%	4%	8%

OVERVIEW OF DEPARTMENT OF CORRECTION

INMATE FOOD AND HEALTH BUDGET

Joint Appropriations Subcommittee on
Justice and Public Safety

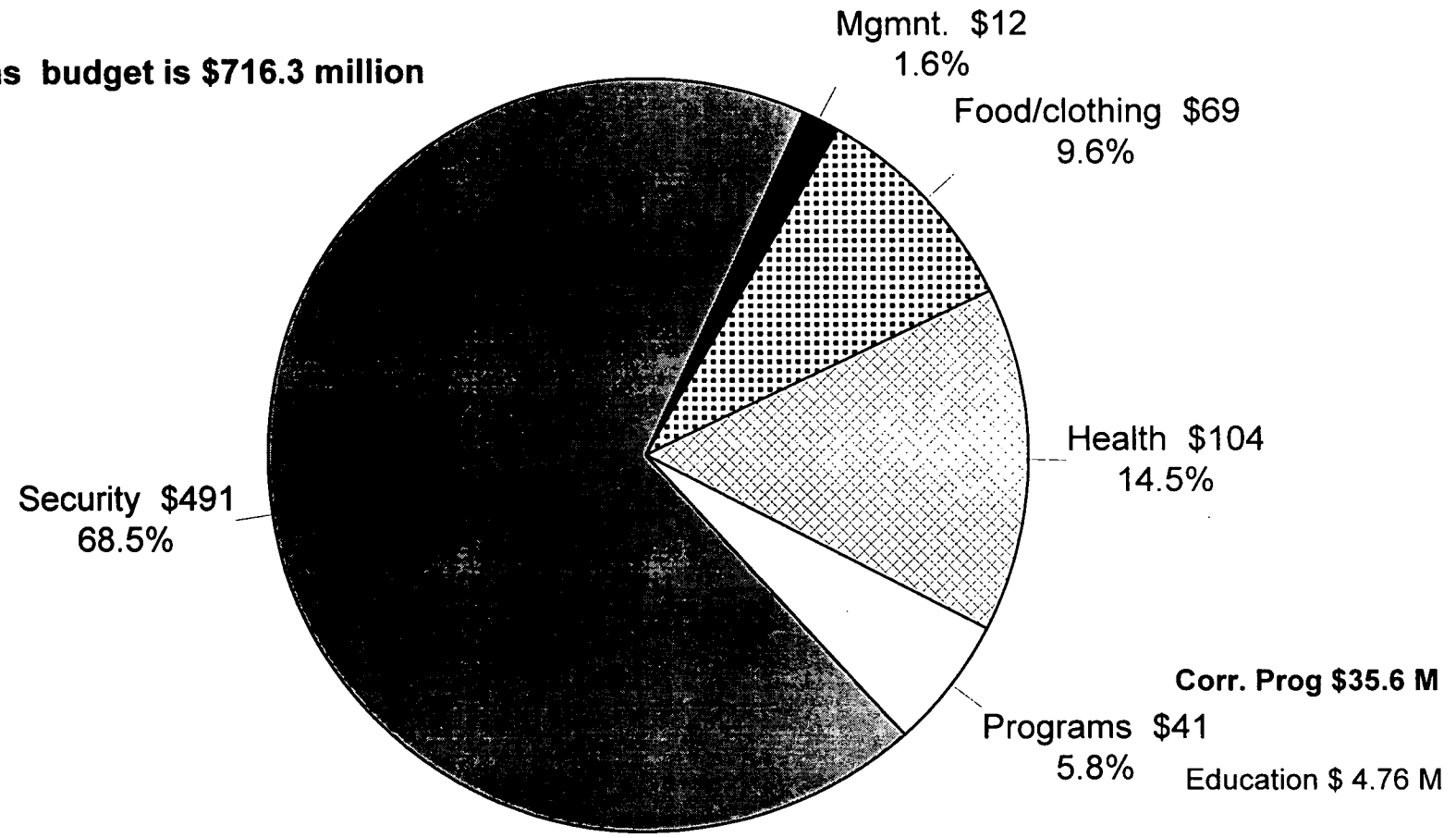
April 8, 1999

FRD

Department of Correction General Fund 1998-99 Authorized Budget*

Prisons Budget by Purpose (Dollars in millions rounded off)

Total Prisons budget is $716.3 million



* Authorized Total G.F. Budget 12/31/98

DEPARTMENT OF CORRECTION – INMATE FOOD BUDGET

2

General Assembly Budget Actions 1997-99

- **1997 Session** – Governor recommended reduction in inmate food budget of $5,000,000 below amount requested by Department; General Assembly further reduced food budget by $3,124,828 based on prison population projections and anticipated cost efficiencies such as more standardized menus; automated inventory system; and, reduced calorie intake without reducing nutritional value of meals. **Final 1997-98 budget was $29,452,684 and final 98-99 budget was $29,174,286.** General Assembly also authorized DOC to use available funds if costs exceeded budget and population was greater than projections.

- 1998 Interim – DOC requested and received General Assembly approval for use of approximately $3 million in lapsed salaries due to increased population, increase in food costs, and slowness in achieving cost efficiencies.

- **1999 Session** – General Assembly again gave DOC the authority to use available funds for food purchases if costs exceeded the continuation budget and authorized a one-time appropriation of $200,000. State Budget was also required to do a study of the cost effectiveness of DOC food service system.

Governor's Recommended Continuation Budget – Inmate Food*

Actual 1997-98 Expenditures	1998-99 Authorized Budget	Gov. Recom. 1999-2000 Budget	Gov. Recom. 2000-01 Budget
$32,623,343	$30,472,963	$34,058,770	$34,906,977

*Source: Worksheet 1 dated 1/28/99

- Increase in 99-2001 budget based on allowable inflationary allowance (4.4 percent increase over actual 97-98 expenditures = $34,058,770).

FRD 4/7/99

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 seven prisons with non-acute Mental Health Units with a total of 461 beds.
- Central (144 beds) and NCCIW (24 beds) operate acute care Mental Health Units.
- NCCIW , Central Prison and McCain operate 206 "hospital" beds.
- Admissions – Each inmate receives a physical; a mental health screening; HIV Risk Assessment; TB Test; and certain immunizations

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 and reorganize the Health Services function.
- Upgrade and/or expand certain prison medical facilities (e.g. Central and McCain); eliminate staff at units with less than 100 inmates (cuts made at GPAC units closed or converted).
- Hire more full-time physicians rather than use numerous contractors
- Use prison hospitals and infirmaries for all non-emergency inmate medical care and negotiate preferred provider contracts.
- Revise Pharmacy operations – close/expand and reduce at various units
- Establish Inmate Co-Pay requirements (**Inmate co- pay started 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). The primary purpose of the co-pay is to ensure health services are utilized by inmates who are truly sick.

Major Budget Actions 1997-99

- 1997 Session – Health budget was reduced by $2.3 million the first year and $3.1 million the second based on population projections. DOC was authorized to use available funds if necessary.

- 1998 Session – Health budget was appropriated $600,000 in one-time funds and State Budget was required to study efficiency and effectiveness of health services system. DOC was also appropriated funds for 51 new medical positions – 39 at NCCIW, 11 at Central, and one management position. DOC also reallocated 100 positions for use at Central and NCCIW – 50 for medical positions and 50 for custody positions.

Governor's Recommended Continuation Budget – Health Services (Program 1330)

Actual Expenditures 1997-98	Authorized Budget 1998-99	Gov. Recomm. 1999-2000 Budget	Gov. Recomm. 2000-01 Budget
$102,228,062	$101,615,572	$113,496,640	$113,496,640

Major increases over authorized budget:

- Hospital Purchased Services: $3.1 million

- Physician Purchased Services: $1.9 million

- Drug Supplies: $2.136 million

- Contractual Employees: $4.8 million (TOTAL $8.5 MILLION)

All increases for these budget programs are comparable to actual expenditures in 1997-98.

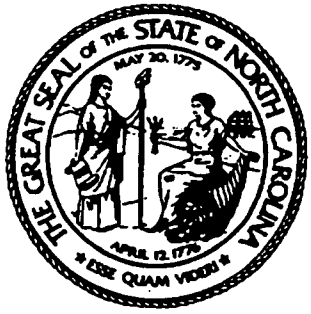
ISSUES FOR DISCUSSION

SHOULD $4.8 MILLION INCREASE FOR CONTRACTUAL EMPLOYEES BE AUTHORIZED OR SHOULD DOC USE AVAILABLE FUNDS AS ALLOWED BY EXECUTIVE BUDGET ACT?

CAN PORTION OF TOTAL $8.5 MILLION FOR CONTRACTUAL EMPLOYEES BE REDUCED DUE TO ESTABLISHMENT OF 100 NEW POSITIONS AT CENTRAL AND NCCIW (35 % OF 97-98 EXPENDITURES WERE FOR THESE TWO PRISONS – DOC IS CURRENTLY ANALYZING THESE EXPENDITURES TO SEE WHAT PORTION RELATES TO NEW POSITIONS)?

STUDY OF THE COST OF PROVIDING FOOD SERVICE AND HEALTH CARE TO INMATES

As Directed by Senate Bill 1366, Section 17.8, of the 1998 Session of the North Carolina General Assembly



STATE OF NORTH CAROLINA
Office of State Budget and Management
Management Section
Raleigh, NC 27603-8005

April, 1999

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EXECUTIVE SUMMARY

The General Assembly directed the "Office of State Budget and Management, in consultation with the Department of Correction,. . . to (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service an health care to inmates." This report is presented to the Senate and House Appropriations Committees and the Appropriations Subcommittees on Justice and Public Safety.

OSBM analysts consulted with Department of Correction/Division of Prison central office administrators in the fiscal, food service, health care, and purchasing areas; they interviewed staff who work with the processes daily; they commissioned special data reports on many elements that affect cost in food and health care; they contacted national organizations, North Carolina organizations, and other states where appropriate in order to obtain comparative data; they read articles about trends in various areas that affect these costs; and they conducted site visits to a number of prison units to see first hand how these services are being delivered.

As shown on the following chart, health services cost the department $100 million last fiscal year, and food services were an additional $50 million. This represents over 20% of the custody costs. Even slight increases in a particular food or medical item, when multiplied on the scale of 32,000 inmates, can have a dramatic effect on the total budget. As such, keeping a close watch on the costs will continue to be critical. In summary, what was found during this review falls into three major categories:

- Structured sentencing has had a major effect on the total cost in both food and health care in that inmates are staying in prison longer, and therefore the population has increased greatly, and as they age, their health needs will almost certainly increase. Long term, this will mean that the state will continue to incur these costs for a larger percentage of the current inmates, as well as for the new ones who will be sentenced in the future.

- Notwithstanding the total cost increases, however, the Department has instituted some key programs to control costs on a per inmate basis as much as possible, and except in certain specific areas, this has successfully kept costs very much in line with the relevant Consumer Price Indices. The main exception to this in the health area has been in pharmaceuticals for certain key illnesses that have extremely high unit costs that are still under patent and for which no generic substitute is yet available.

- Some of the effective programs that the Department has used include mandatory utilization review of certain medical procedures and drugs; claims review process prior to payment for outside medical providers; development of master menus with recipes and quantities to improve quantities ordered; and improved information reporting (some of which is in place and other under development).

The key recommendations regarding food service and health care costs likewise fall into three areas:

- Aggressive information monitoring and rapid adjustment: as noted above, with a $150 million health and food service expenditure last year, and the anticipated continued growth of the inmate population, individual unit costs in providing health care and food are extremely important. The information systems that both exist now and that are coming online will provide management with much better information for decision making.

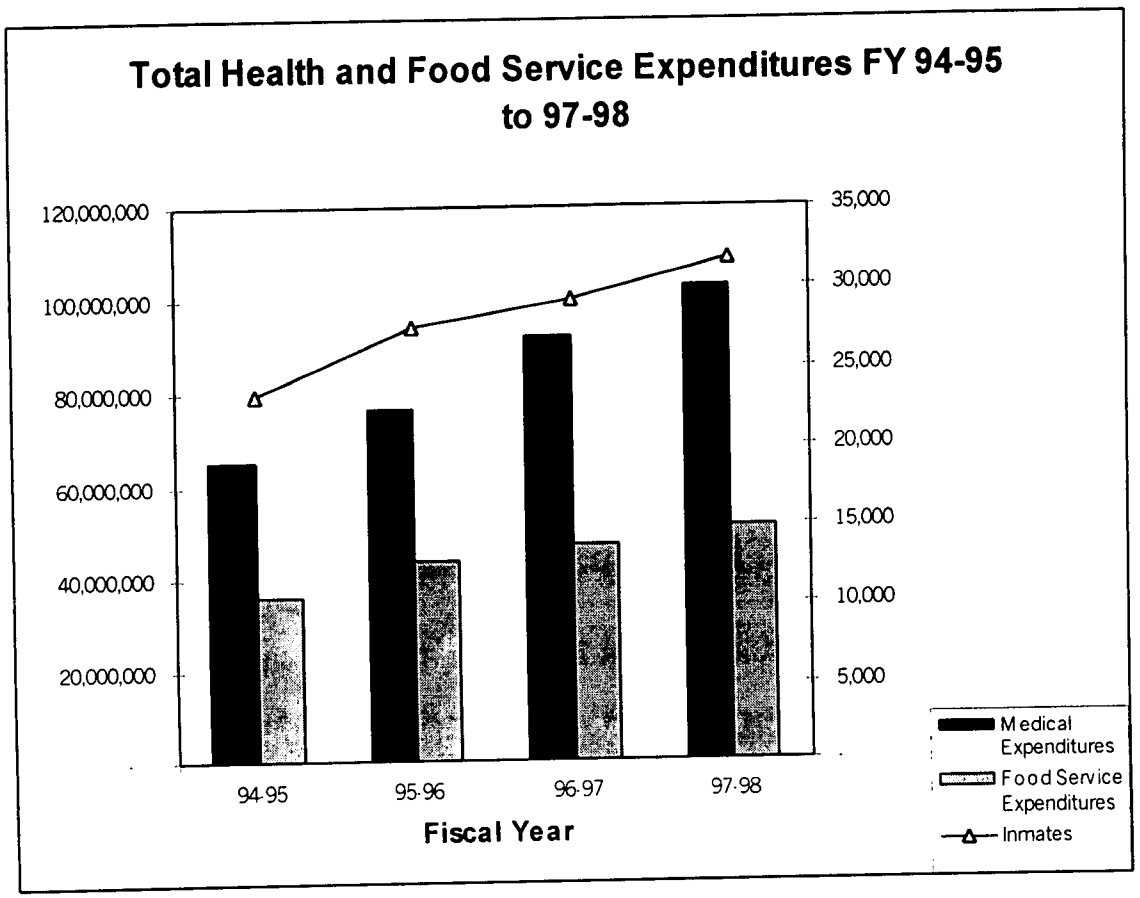
- Benchmarking: with the size of its population and expenditures, the Department must constantly use national, state, and corporate standards for comparison to what it is doing. This is a way to ensure that we are taking advantage of the best processes and practices in the nation for food and health, that we are within the norms of those we feel do the best job for best price, and that where we are better or where we need improvement, this can be measured.

- Cost Containment: related to the above two items is what the Department has begun and needs to continue, now that it has better management information and some organizations with whom it can

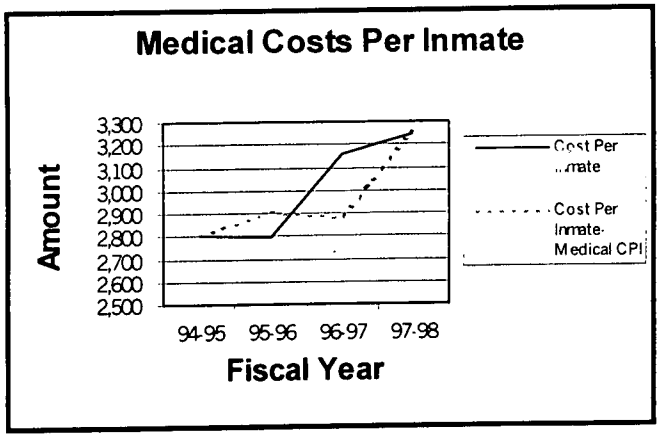
compare its operations, costs and services. Cost containment is an ongoing management commitment to look at unit costs, overall trend data, and individual and/or prison units or individual vendor costs in order to see what is needed to adjust expenditures and respond to changes quickly.

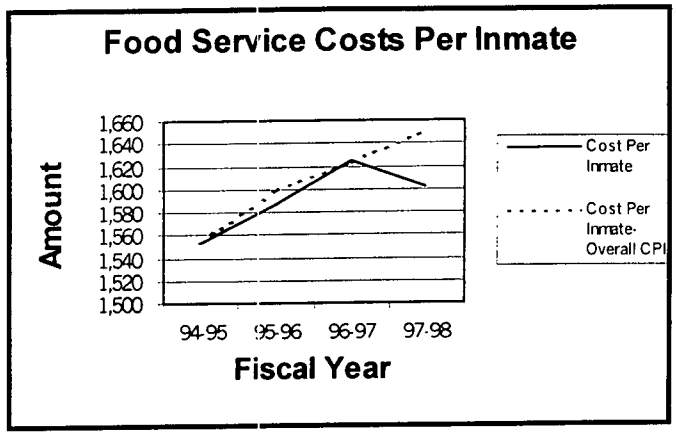
The Department appears to have made some major improvements that are reflected in their improved costs per inmate in most areas, and it is believed that this trend can continue if the management support and emphasis for this continues.

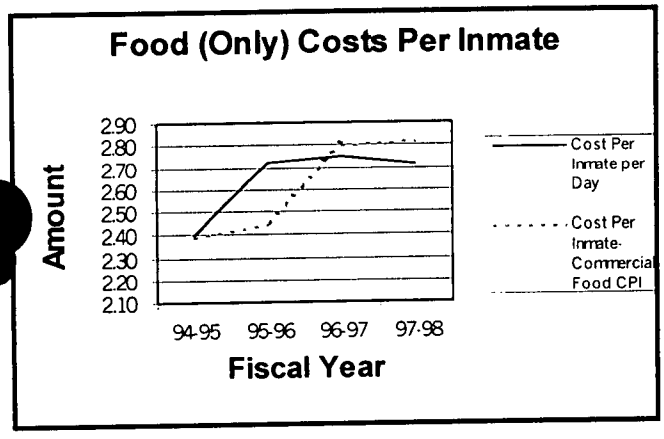
OSBM wishes to thank staff throughout the Department of Correction for their candor in talking with the analysts, for the provision of data, for responses on surveys, and for their time in responding to many requests for additional information or clarification. Without their assistance and participation, this report could not have been completed.

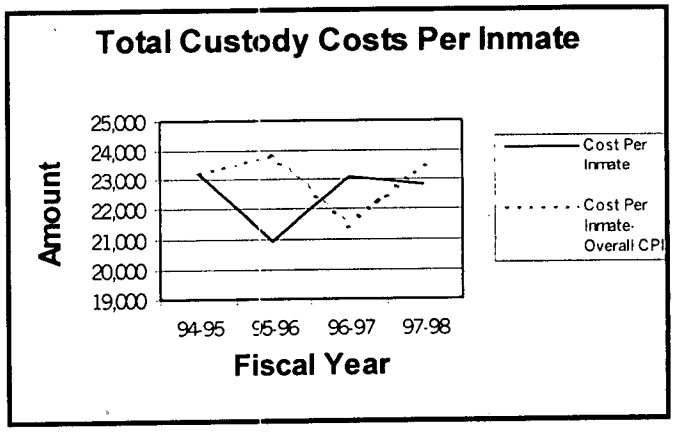


Per Inmate Costs (Actual vs. CPI)









STUDY OF PRISON HEALTH CARE COSTS

The General Assembly directed the Office of State Budget and Management (OSBM) to conduct a study of the health care costs, "...to analyze the basis for increases in the cost of providing...health care to inmates...including an analysis of the major areas of expenditure growth and an identification of major areas where cost-efficient actions have been taken, and determine future actions that will improve efficiency in the delivery of health care." The time frame to be studied was for the past four fiscal years (from fy94-95 through fy97-98). Appendix A contains the text of the legislation.

In order to conduct this study, OSBM analysts used the following methodologies:

- Identified the components and processes of inmate health care provision
- Where possible, made comparisons with other health care providers in the state
- Reviewed the organization of the health care process
- Analyzed the expenditure details for the previous four fiscal years
- Studied inmate demographic information that appeared to have a bearing on health care costs
- Flowcharted the key processes
- Made site visits to several prison facilities
- Reviewed the key systems that maintain health care cost information
- Interviewed key administrators in the department
- Interviewed Medicaid and State Health Plan administrators
- Conducted a survey of medical staff time use

ORGANIZATION AND STAFFING OF THE HEALTH CARE AREA

The Division of Prisons is managed by a Director who is responsible for the operations at all of the prison units in the state. Medical care for the inmates is overseen by a Health Services Director (physician) who reports to the Deputy Director of the Division of Prisons. All medical staff reporting flows to the central office to the heads of their respective disciplines and then to the Health Services Director. The organization chart on the following page depicts the structure, the staffing and responsibilities at each level. There are regional staff for the nursing disciplines, but these regional people are again the conduit of reporting to central office.

Other units which work closely with the Division of Prisons to provide the full range of health care services are the Purchasing Department which has recently assumed full responsibility for the negotiation and record keeping on all medical contracts; the Controller's office which pays bills from outside providers and also screens and adjudicates questionable medical bills, in conjunction with the Division of Prison's Utilization Review staff; and the Management Information Systems Division which is continuing to improve the automated medical records of inmates.

DIVISION OF PRISON HEALTH SERVICES

CHART 1: ORGANIZATION STRUCTURE

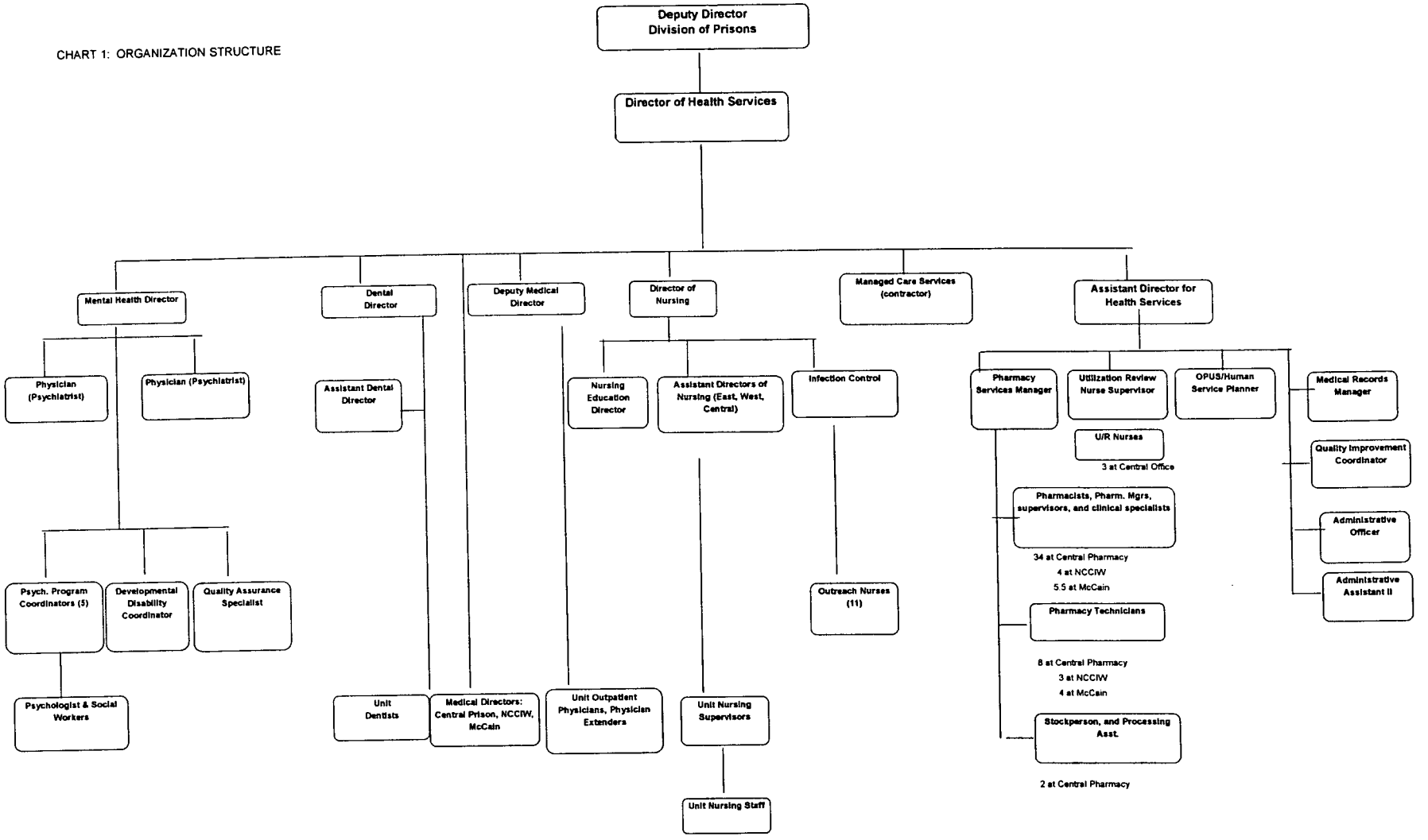


CHART 2: STAFFING LEVELS

	fy94-95	fy95-96	fy96-97	fy97-98
Number Medical	594	673	718	730
Number Mental Healt	305	314	328	355
Number Dental	64	70	76	84
TOTAL ALL MEDICA	963	1057	1122	1169

CHANGES IN THE PRISON SYSTEM DURING THE 4 YEARS AFFECTING HEALTH CARE DELIVERY

In the four years of the study period, the state has nearly completed its major building program, allowing inmates to return from out of state placements; the overall number of facilities has been reduced, so there are fewer small field units; a major increase in the number of inmates has been experienced; structured sentencing has been put in place where inmates given a sentence will serve the term of their sentence and cannot reduce it through gain time or other "incentives"; and a system of "co-payment" for certain medical procedures has been instituted to reduce the incidence of unnecessary medical visits. Although data don't exist from before the co-pay system, the general feeling is that it has reduced the number of unnecessary sick calls by as much as 50%. It operates through the Inmate Trust Fund, so if an inmate has funds, they are automatically deducted from his account for those identified "co-pay" medical contacts when he comes for a sick call visit subject to co-pay. [NOTE: Medical staff do not have access to the individual's account information and no service is denied due to inability to pay the co-pay]. In its first year, the co-pay's generated nearly $278,000, and there is already $200,000 generated this fiscal year to date.

Two other key changes in the structure of the health care and prison system are the openings of two privately administered prison units and the privatization of health functions in two state facilities. The two totally private prisons are operated by the Correction Corporation of America (CCA). One is located in the East in Bayboro and the other is in the West in Spruce Pine. Both units provide health care coverage on a set scale up to certain dollar limits (up to $10,000 per event is CCA's responsibility; from $10,000 to $40,000 the cost is shared equally by CCA and the state; and over $40,000, the state will take responsibility for the inmate.) At Hyde and Pasquotank Correctional facilities, the general health functions are contracted out (not included are mental health services). These private operations are required to provide the same level of care to the inmates in their charge as is provided at the state's other prison units. However, DOC staff note that in general these facilities house somewhat healthier groups of inmates.

Noteworthy, too, appears to be the recognition that by virtue of its obligation to provide a certain level of medical care to the inmates in its custody, the Department has structures in place that are becoming more like a managed care operation: development of better information about its specific population's health; mandatory utilization review for certain procedures, claims review system, the beginnings of a medical activity reporting system, and plans for medical accounting system. Being responsible for a population currently at 32,000 and a $100 million health care expenditure last year is a significant cost demand and one that must be closely and professionally managed. By all appearances, the Department is moving more and more in this direction as will be discussed below, as will the areas where continued attention is needed.

HEALTH CARE EXPENDITURES DURING THE TIME PERIOD

At the end of FY94-95, there were 94 prison units, with an average daily population of approximately 23,000 inmates, and the annual total expenditures for health care were $65,054,441, or an

average of $2,802 per inmate. At the end of fy97-98, there were 89 prison units (now 84), and an average daily population of 32,000 inmates; the annual total expenditures for health care were $103,033,241, or an average of $3,159 per inmate.

The state's expenditures for inmate health care have been increasing dramatically in this time period as the figures above indicate. Further analysis was conducted to learn why this was occurring. A closer review of the specific line item groups indicates several things:

- In the first three years of the study period, the expenditures for specialists and hospitals seemed to be the key contributing factors in the increase in expenditures
- The major expenditure category that is currently increasing dramatically is that of pharmaceuticals and related supplies.
- The increase in the total number of inmates in the care of the Department is also a significant contributing factor (a growth from 23,000 to 32,000 or a 40% increase in less than five years).

The charts which follow provide some detail.

CHART 3: HEALTH CARE EXPENDITURES

Expense Categories	Total Expenditures				Average Per Inmate Expenditures			
	1994-95	1995-96	1996-97	1997-98	1994-95	1995-96	1996-97	1997-98
Personnel Expenses	$40,676,747	$44,557,022	$51,425,576	$57,585,612	$1,752.00	$1,624.00	$1,764.00	$1,813.00
Hospital Related Expenses	$9,107,552	$9,119,064	$11,274,620	$11,783,419	$392.00	$332.00	$387.00	$371.00
Specialist Expenses (private & hospital based)	$6,834,212	$10,091,695	$13,505,278	$14,317,677	$294.00	$368.00	$463.00	$451.00
Pharmaceutical and Related Supplies	$7,522,669	$9,603,054	$11,300,268	$14,284,370	$324.00	$350.00	$388.00	$450.00
Other Medical Related Expenses	$14,547	$58,832	$74,632	$66,857	$0.63	$2.14	$2.56	$2.11
Special Medical Contract Expenses	$4,485	$2,503	$3,943,750	$4,227,066	$0.19	$0.09	$135.29	$133.10
Total Non Medical (furniture, office equipment, etc.)	$894,229	$3,221,942	$575,774	$768,242	$38.52	$117.40	$20.00	$24.19
TOTAL EXPENDITURES	$65,054,441	$76,654,112	$92,099,898	$103,033,243	$2,801	$2,794	$3,160	$3,244
		Overall Percentage Change				Per Inmate Percentage Change		
		18%	20%	12%		-0.28%	13.11%	2.68%
					CPI-Medical	4.00%	3.10%	2.80%

Sources: Year End Expenditure Reports (BD-701) and the Consumer Price Index-Medical Care Series

The above chart shows the expenditures, both by total expense category and on a per inmate basis for the four years of the study period. Also shown is the percent increase in each year, both overall and per inmate.

The basic cost per inmate at the privatized health care units is estimated to be $2250 (based on payment of $2.9 million last fiscal year to the company, and an average daily population at the two units of 1638, and adding back in the average mental health cost per inmate of $477), compared to $3,200 at the state's other facilities. The health care cost per inmate at the CCA facilities is not yet known since they are too new and we don't have year end data nor a breakout of medical vs. other costs. Again, DOC staff note that in general these facilities house somewhat healthier groups of inmates, so they would expect their costs to be lower.

The chart below shows specific expense categories for which Consumer Price Index (CPI) information is available. Noteworthy about the following chart is that expenditures per inmate are being brought more in line with the CPI over this time period, due in part to some initiatives the department has undertaken.

CHART 4: HEALTH CARE SUBCATEGORY EXPENDITURES AND THE CPI-MEDICAL

Expense Sub Categories	Percentage Increase in Per Inmate Costs in Certain Cost Categories					
	1995-96		1996-97		1997-98	
	DOC	CPI-Medical	DOC	CPI-Medical	DOC	CPI-Medical
Hospital Related Expenses	-15%	4.7%	17%	4.0%	-4%	3.0%
Specialist Expenses	25%	0.9%	26%	3.2%	-3%	3.0%
Pharmaceutical and Related supplies	8%	2.6%	11%	3.3%	16%	2.4%

Sources: Year End Expenditure Reports (BD-701) and the Consumer Price Index-Medical Care Series

The Consumer Price Index is shown in relation to the percentage increase per inmate in each of the main categories to give an indication of where the key areas of concern reside. Further analysis was conducted to determine what might be contributing to the increases as well as to the improved alignment with the CPI. This analysis was also to determine if there are factors that are within the Department of Correction's or the state's control to make improvements.

A first analysis was made to see within which major health category the costs were increasing. A comparison of the per inmate costs for General Medical, Mental Health, and Dental Health indicated that the area of growth was in General Medical, as the other two seem to be declining. It is important to note, however, that there are certain expenditures that are in General Medical that may belong partially elsewhere, such as pharmaceutical and facility costs, which are primarily recorded in the General Medical category, so this is somewhat misleading.

CHART 5: EXPENDITURES BY HEALTH DISCIPLINES

Subgroups of Medical Cost	1994-95 Avg Inmates	1995-96 Avg Inmates	1996-97 Avg Inmates	1997-98 Avg Inmates
	23,216	27,444	29,150	31,758
General Medical	$ 2,097	$ 2,165	$ 2,491	$ 2,601
Mental Health	$ 530	$ 478	$ 495	$ 477
Dental Health	$ 175	$ 150	$ 173	$ 166

Source: Year End Expenditure Reports (BD-701)

The second review to see where increases were occurring was in looking at specific groups of related line items. This review showed that pharmaceutical costs have increased dramatically. First, the sheer volume of prescriptions written is a factor as shown on the chart below, as is the average number per inmate.:

CHART 6: PRESCRIPTIONS WRITTEN AND AVERAGE PER INMATE

	1995-96	1996-97	1997-98
Total Prescriptions Written (not incl. Some inpatient and private provider Rx)	269,195	429,461	472,160
% Increase		60%	10%
Average Rx Per Inmate	9.81	14.73	14.87
% Increase/Inmate		50%	1%

Source: DOC/MIS Special Program of Rx

An analysis of the drugs that cost the most in total expenditures during the four year study period revealed several things related to the high costs of medications. Affecting the high cost most directly, is the fact that of the twenty drugs dispensed through the pharmacy which had the highest total cost last fiscal year, eight were used in the treatment of HIV/AIDS and seven were used in the treatment of mental health disorders. Of these same twenty drugs, eleven entered the market at some point during the study period, and as such, still have their patents in force, so there is no generic substitute. These twenty drugs accounted for over 50% of the dollar volume of pharmaceuticals ($5.5 million of the $10.7 million in prescription drugs expenditures). It was reported that these drugs are being used both for their effectiveness and reduction in side effects (see Appendix B for a copy of the memo). A similar data set has been requested that will list the top drugs dispensed by volume over the study period, to see what comprises the bulk of the drugs being prescribed, but as of this writing, the listing could not be prepared due to system problems. However, from a cost standpoint, it appears that it is the proprietary medicines (those still under patent for which the manufacturers may or may not give a special price) that are driving the cost in the pharmaceutical expense category to continue to be out of line. These treatments are emerging rapidly and are reportedly more effective in treating patients and are therefore the drugs of choice.

To help control the costs, the Pharmacy Section has three key systems. First is the use of a "formulary" which lists the drugs that have been approved for the treatment of specific conditions and which are allowed to be prescribed; requests for drugs not on the formulary must be approved by Utilization Review Section in Raleigh and according to a report of U/R activity last year, there were approximately 2,000 requests made for medicines off the formulary, of which only 23% were approved. The formulary is periodically reviewed by DOC doctors, nurses, and pharmacists based on effectiveness of treatment and cost. The second key initiative is the state's participation in a 29-state and 1-city purchasing consortium for drugs. Administered by the State of Minnesota on behalf of the other states, the consortium is able to negotiate reportedly very favorable rates with drug wholesalers because of volume. Both Medicaid and the State Health Plan have agreed to provide State Budget and the Department of Correction with comparative data on the costs of specific drugs once the data can be provided in a specific format by the Department; in this way we will be able to see the extent to which the Department is achieving the results it desires for those frequently used medicines by participation in this consortium. We will also be able to determine if the same medications are in regular use by those providers/organizations. According to the Minnesota administrator of the consortium in which DOC participates, they claim that on average they are able to achieve 8% savings over the average warehouse cost for all participants in the consortium. To confirm this, and to see North Carolina's actual savings, using actual volumes and specific drugs with other major health organizations will be useful.

A third key initiative of the Pharmacy Section is special programming to their pharmacy software that will allow linkages to the North Carolina Accounting System (NCAS), in order to give them better cost information on a routine basis, and better control over inventories and ordering, and a more streamlined system. It will also help identify patterns of prescribing outside the norm, so that closer reviews can be made. The improved automation is expected to come on-line in the summer of 1999. The pharmacy system is useful in confirming the appropriateness of a prescription to a patient's needs and other medications, as well as for inventory control and ordering.

THE POPULATION BEING SERVED

Over half the inmate population is aged 25-40 years old, but of greater significance is that another 23% is 50 or older. Related to that is the fact that nearly 19% have sentences of from 10 to 20 years, and 30% have more than 20 years. These two sets of figures tells us that the state is going to have the responsibility for inmates who are older and who are going to be the medical responsibility of the state for longer periods of time.

Data indicates that a number of inmates are currently diagnosed with the chronic diseases such as hypertension, pulmonary and asthma, HIV/AIDS, diabetes, cardiovascular diseases, seizure disorders and active tuberculosis. A preliminary report was requested from the Information Systems Division that would list for each unique inmate number how many had a medical encounter for one of these diagnoses; the report showed the following:

CHART 7: NUMBER OF UNDUPLICATED INMATES WITH MEDICAL ENCOUNTER WITH FOLLOWING DIAGNOSIS:

Chronic Diseases	Unduplicated Inmates
Hypertension	1,995
Pulmonary and Asthma	1,497
HIV/AIDS	1,029
Diabetes	860
Cardiovascular Diseases	642
Seizure Disorders	358
Tuberculosis, Active	199
TOTALS:	6,580
% OF TOTAL W/CHRONIC	20.72%

Source: MIS Report/Count of Encounters, calendar year 1998

The Department uses a "PULHEAT" rating for inmates when they enter the prison system. It is a measure of a variety of their medical and health concerns. This rating is reviewed as needed, as an illness can cause a rating to change, or a condition. One component of this system is the "Activity Score" by which the medical staff rate an inmate's ability to work or participate in other activities. A review of the PULHEAT Activity index in each of the prison units indicates that at the point in time when this report was written, 94% of the inmate population was capable of work or educational activity with few or no restrictions, having an activity score of 1 or 2. However, 6% of the population's health was very limited and the likelihood of their working or taking part in educational activities was remote, having an activity score of 3, 4 or 5. It would appear that with time, this percentage may increase, given the ages and lengths of sentences noted above. Another issue with respect to using the PULHEAT in managing the health care workload demand is that the inmates who were rated at 3, 4 and 5 in this analysis of the Activity Score are not all co-located in a few prison units staffed for this higher demand, but rather are distributed throughout the system. As the inmate population ages or their medical ratings change, this can have a bearing on staff requirements both of custody and medical care staff.

ACCESSING HEALTH CARE WITHIN THE PRISON UNIT, AND THE IMPACT OF INMATE HEALTH NEEDS ON STAFFING

In general, the Department is obligated to provide a standard of care equal to that available in the community. This translates into four kinds of health care contacts between inmates and medical staff in the state's prison system:

- Contacts that are based on an inmate's request to be seen by a medical person, which he initiates
- Contacts that are based on a medical decision that an inmate is in need of immediate medical or mental health care and the department initiates action
- Contacts that are based on departmental policy (inmates entering the prison system, transferring among prison units, visits to segregation units) where the department initiates the contact
- Contacts that are based on public health concerns (containment of contagious/infectious situations) where the department initiates the contact

To meet each of these varying demands, the department has established different methods and structures of delivering health care throughout the prison system:

ON-SITE	OFF-SITE
Primary Care (sick call, etc.)	Specialty Services
Specialty Care	Inpatient and acute care
Dialysis	Emergency Room
Infirmary Services	Major Surgery
Inpatient	
Minor Surgery	

For all except the services provided by outside facilities, staff (both departmental and contract) provide the services. A look at the expenditures shows that approximately 56% of the total expenditures for health care is in personnel-related costs; this has remained in the vicinity of 60% for all four years of the study period. It is a factor to remember because certain improvements in staff time use can make a difference in the overall cost of services, although there is a limit to this given the geographic dispersion of the prison units and the need for coverage at all facilities. However, there are opportunities for better staff time use that can be a factor as discussed below.

By far, the Sick Call and Health Assessment Medical Clinics comprise the bulk of the work performed by the Health Services staff of the Division of Prisons. It is where the bulk of the staff and the bulk of the workload exist. The Division is establishing an encounter tracking system that tracks each time an inmate is seen by a medical person or where there is a recordable action such as a review of a patient's file. It notes the reason the inmate came to the medical area that they reported, and it is coded by the nursing staff who sees the inmate (this is called an ICD-9 or Encounter Code, and is a recognized standard code). The Health Services staff prepared a computer run of calendar year 1998's encounters (this portion of the Offender Population Unified System (OPUS) system has been in effect only 18 months). Of the over 800,000 encounters recorded which were the majority of those in the system, 71,000 were for dental services (of which nearly 23,000 were initial screening exams), 165,000 were for mental health services; and

the remainder were for general health care. Of those encounters in the health care area, it appears that nearly 90% were handled by the nursing staff, as shown by the chart in Appendix C.

During the study, analysts attempted to identify approaches that seem to be positive cost containment efforts that did not operate to the detriment of the general health care. One such approach is the use of the Nursing Protocol, that prescribes what the nursing staff can do in terms of health care provision for an inmate, and at what point a physician must become involved. This seems to be a way to effectively deal with the majority of the encounters of the inmate population in much the same way managed care operations are doing in the private sector. Another innovation that seems to be working well and reduces staff time is the "self-administration" of medications; certain prescriptions can now be given to a select group of inmates to self-administer (not included are such things as controlled substances or the psychotropic medicines; rather, it is the time-limited medications that are allowed). Self-administration was not being done in youth facilities visited, but in the adult units where it is in effect, inmate adherence is closely monitored. The program has reportedly reduced the amount of time nursing and other staff spend in this activity.

A survey of all medical units' staffing was conducted to determine how their time was being used in providing services. Based on the preliminary review of the extensive data in the general health and dental areas that was returned, it appears that their time allocation is as follows:

CHART 8: STAFF TIME ALLOCATION BY DISCIPLINE, BASED ON ESTIMATES FROM OSBM SURVEY

	Nursing	LPN	Doctor	Record- keepers
Direct patient care services	66%	79%	85%	0%
Medical administration tasks (incl. Paperwork, QA, responding to inmate issues, equipment maintenance, etc.	34%	21%	15%	100%

Source: survey of estimated staff time use/summary

Although a good portion of the time allocated to medical administrative relates to patient care (e.g. patient records) and some relates to inmate-specific activities (such as responding to inmate grievances related to medical issues), what the above would indicate is that there may be some areas where additional study is needed to see if there are ways to reduce the non-value-added administrative time. This is also an area where well-run managed care/health maintenance organizations could be beneficial to the state as resources in streamlining certain administrative tasks, once further study is conducted to identify the key areas that are contributing to these times.

As noted earlier, the Department is obligated to provide a basic level of health care. However, there is one area where the Department seems to be creating demand for work, rather than simply responding to health care needs. Specifically, it appears that a certain volume of medical encounters are being done due to the extensive physical movement of inmates among prison units. As shown in the chart below of the admissions and exits of inmates around the prison system, inmates appear to be constantly moving. While there may be good reasons for some of the movement, it appears that if some of this could be reduced it could reduce the non value added work demand on some medical staff. This is because each

time an inmate transfers, he must be screened as he is leaving to ensure his file is complete, appointments are cancelled, prescriptions are packaged, etc. and then he must be screened again on arrival. These kinds of screenings accounted for thousands of encounters, and although the Department does not track the cost, there is nevertheless a real cost in staff time associated with this, as shown by the comparison to Medicaid equivalent for similar screening.

CHART 9: INMATE MOVEMENT AND RELATED HEALTH SCREENINGS

Average Daily Population	Total New Admissions (to the prison system)	Total Other Admissions (thru transfers from one unit to another, captures, etc.)	Total All Admissions	Total Exits
31,758	21,961	71,409	93,370	92,143
	Requires creation of patient record, lab work, medications review, vital signs, etc.	Requires review of a chart created elsewhere, coordination of care, review of medications, vital signs		Requires review of record, ensure medical appointments are cancelled or transferred, medications packaged, etc.
	Estimate 1/3 require extensive screening	Estimate 1/3 require more detailed review than others		
Medicaid Reimbursement Rates	Range: $27.31 -- $114.21	Range: $11.92-82.53		

Sources: Populations—Research and Planning special report
Tasks and estimates—DOP Senior Nursing Staff
Medicaid—DHHS/DMA Rate Section for CPT's-codes 99201 thru99205 and 99211 thru 99215 and W8001

The current method of tracking inmate encounters is limited in that it does not record hours nor does it assign a cost value to the time. Unlike a medical visit to a doctor's office, where a code is entered of what was done for which a consumer is billed and which becomes part of their record, there is no equivalent in the prison system for the routine visits. The code (a CPT or "Current Procedural Terminology") is a standard, which is used in most medical practices. The book which explains these codes, contains estimated times and activities associated with each CPT code and activity. A review of the current encounters that appear most often in the prison health system indicates that a large number fall within a small number of CPT codes. In discussing the encounter data with senior nursing staff, they estimated the time required for the different encounters and the percentage of inmates who would require higher levels of services (and therefore different CPT codes). These estimates would seem to be borne out by a review of the PULHEAT scores where the number in Activity Level 1 are 77% (and would presumably require minimal time per nursing visit), and 15% are at Level 2. Four per cent are Level 3, with the remainder in Levels 4 and 5.

Comparative data were obtained from Medicaid and the State Health Plan of what they reimburse for the CPT codes which seem to be closest to the kinds of work being done in many of these medical encounters in the prison system. As the Department becomes more business like in its health care operations, the use of CPT codes and unit costing of service, as well as the linkage between individual patients and the services/procedures they receive will become ever more important. The chart on the following page describes the CPT codes that seem to most closely match many of the most common procedures performed for inmates. Cost comparisons are included, as is the type of work and decision making that the industry associates with those codes. As can be seen from the list, it is a relatively short list and this, or something similar, could be relatively easily adapted to the system, in order to account for peoples' time spent with inmates providing medical care.

CORRELATION OF CPT CODES WITH DOP MEDICAL PROCEDURES

CPT CODE	POSSIBLE ICD-9 EQUIVALENT'S	FACE TO FACE TIME EST CPT	Number Diagnoses	Complexity of Data	Complication Risk	Decisionmaking	WHAT IS DONE	MEDICAID	INDUSTRY	STATE
Office or other outpatient visit for new patient										
99201	These codes seem to be rough equivalents to such things as what are ICD-9 "SCREEN" for inmates entering the system. The variation in time, cost and code being a function of patient severity of condition, following the actual	10	Minor	Minimal	Minimal	Straightforward	Problem focused history, Problem-focused exam, self-limited presenting problems (3 of 3)	$27.31	$39.00	
99202		20	Low to Moderate	Low to Moderate	Moderate	Straightforward	Expanded problem focused history, expanded focused exam, straightforward complexity(3of3)	$43.71	$48.00	
99203		30	Detailed	Detailed	Moderate	Low complexity	Detailed history, detailed examination, cordination of care, low complexity of decisionmaking (3 of 3)	$60.76	$62.00	
99204		45	Moderate to High	Moderate to High	Moderate	Moderate complexity	comprehensive history, comprehensive exam, decisionmaking of moderate complexity (3 of 3)	$90.53	$90.00	
99205		60	Moderate to High	Moderate to High	High	High complexity	comprehensive history, comprehensive exam, decisionmaking of high complexity (3 of 3)	$1 .4.21	$113.00	
W8001	Adult Health Check Screen		Detailed	Detailed	Moderate	Low complexity	Labs, new record creation, medication review, exame	$66.45		
Office or other outpatient visit for established patient										
99211	These codes seem to be rough equivalents to such things as what are ICD-9 EYRN, NSRN, KURN, etc. (which are nursing assessments for inmates already in the system. The variation in time, cost and code being a function of patient severity of condition, following the actual exam.	5	Minor	Minimal	Minimal	Straightforward	may not require physician to see patient	$11.92	$17.00	
99212		10	Minor	Minimal	Minimal	Straightforward	Problem focused history, Problem-focused exam, self-limited presenting problems/low complexity decisionmaking (2 of 3)	$24.04	$28.00	
99213		15	Expanded	Low to Moderate	Moderate	Low complexity	Expanded problem focused history, expanded focused exam, low complexity decisionmaking (2 of 3)	$34.41	$35.00	
99214		25	Detailed	Detailed	Moderate	Low complexity	Detailed history, detailed examination, cordination of care, moderate complexity of decisionmaking (2 of 3)	$52.30	$50.00	
99215		40	Moderate to High	Moderate to High	High	High complexity	comprehensive history, comprehensive exam, decisionmaking of high complexity (2 of 3)	$82.53	$79.00	

Source: CPT Code Book,DOC Encounter Form, and Discussions Regarding Types of Medical Visits

ACCESSING HEALTH CARE OUTSIDE THE PRISON UNIT

When an inmate requires a service outside what is available at his or her prison unit, arrangements must be made with custody staff for transportation of the inmate to and from the provider, as well as for custody staff during the time an inmate is at a provider's site (if the person is remaining overnight at a non-prison facility such as during hospitalization.)

In 1996, the practice of utilization review became mandatory for all prison units. For certain defined specialty services, a request has to be approved by a physician in the central office in advance of the service to ensure appropriateness of the treatment to the need and that it meets established criteria. This unit, housed in the central office, is staffed with three nurses and managed by a contract physician (who is the only one authorized to deny treatment; the nurses can approve or they can "pend" a request for the physician's further review). In looking at the reductions in certain medical line items for hospitals and specialists during the time period under review, it would appear that this utilization review effort has played a significant role in containing costs in certain key areas.

In 1997, the Health Services Section and Controller's Office undertook a joint project to further extend the work of the Utilization Review Section by instituting the Adjudication Review Section in the Controller's Office. It now reviews all outside provider bills to ensure the inmates for whom the state is being charged was an inmate of the prison system at the time of the procedure; to ensure that the service provided had been pre-approved by U/R; to ensure that the price being charged is in line with the contracted amount; that the procedures that was done was in line with the diagnosis; and that no multiple billing is accidentally done by the provider. The unit averages reviewing 700-800 bills a week according to their staff [Note: one visit to a specialist may result in multiple bills such as a charge for the X-ray itself; a second bill for the physician's time; a third for laboratory work; etc.] They estimate that they have been able to save the state from overpayment of bills by $1.5 million in denied claims in the first year since they have been reviewing all bills. Prior to the creation of this section, these reviews were done on a sample of bills, but staff were not allocated for this specific mission. There is currently a vacancy in the medical reviewer position which will provide medical interpretation of a procedure but there are two staff working full time in making the reviews now and who call on Health Services staff when a medical opinion is required. Ensuring that this process can be done in a timely yet thorough manner is key to satisfied vendors, and yet protects use of the taxpayer dollars. [NOTE: at this time, the Controller's Office has issued an RFP to have a company that specializes in claims review to provide supplemental services to the Adjudication Review Section. Services being requested include training at an hourly rate for the section staff; claims review assistance when the number of claims becomes excessive and can't be handled by staff in a timely thorough manner, for which the vendor would be paid from savings only; and for peer review of doctors on an as-needed basis]

PRIVATIZATION AND CONTRACTING FOR SERVICES

Another change that has been made is in the area of contracting for medical services. The Health Services Section formerly negotiated contracts with physicians and other providers. This function has now

been assigned to the Purchasing Division, who have 4.5 full time equivalent staff working in this area. There are a number of contracts in effect for health care alone, based on a review of the different listings provided by the Controller's office and by DOP Fiscal. With the variety of contract types in use by the Department for health care alone, it makes sense to have professional purchasers take the responsibility for this function; however, health care is a sufficiently complex area due to the variety of ways health care services are provided that it appears that more frequent involvement of a medical person or a managed care professional would be extremely useful to this purchasing team to ensure the performance standards of the contracts are clear and well-defined and appropriate to the service for which the state is paying. The data that is currently on the NCAS regarding contractors is also somewhat confusing because it has not been cleaned up sufficiently to remove inactive contractors, and there are some significant encumbrances that appear on the information.

AUTOMATION AND THE HEALTH SERVICES FUNCTION

As noted earlier, the Offender Population Unified System (OPUS) is a comprehensive inmate information system, which has been in place approximately 18 months' with the health data. It is a key improvement for the Department. Currently it is used to track encounters, schedule appointments, keep case histories and case notes. Much of the medical encounter information is being keyed into it, although not the full amount. For example, inpatient information is not in the system yet, nor are there fields for tracking the costs associated with specific inmates' medical procedures. It does track some CPT codes in addition to the ICD-9 Encounter Codes. The reason it has the CPT codes is for purposes of the Utilization Review. At present there is no link between the system and the NCAS.

One of the difficulties in conducting the study was in obtaining sufficient information about the many aspects of the health care delivery system. Many different systems' records had to be accessed and reports programmed in order to obtain study data. For example, staff in both Research & Planning and MIS had to program special reports on inmate populations, prescriptions, worker slots, and PULHEAT scores. PMIS was the source for some of the staffing data, though not all. NCAS contained some of the health contract information, but as noted earlier, it still did not seem to have the full set of data, nor to be very "clean" in terms of generating a simple listing of all contractors (regardless of type), the term of the contract, the specific services, and the unit prices. A special PC-based program provided additional information about certain preferred providers used by the prison system for some inmates. Staff in various units provided other reports. In short, the data seems to exist in a variety of locations, but the necessary linkages still need to be made. The new Medical Accounting System under development will be an improvement in the area of automating payment of invoices for health care and will have a direct link to the Utilization Review process; it will have contract discounts already factored in and allow the invoice to be keyed and the system to then determine all other discount information. It will also help in generating reports about where expenditures are going for specific diagnoses.

This is most apparent in the area of health care costs and patient information. The link between both internal and external services provided and the costs related to the specific services is extremely important in a managed care environment. And even though the Department has a primary mission of

custody, a key sub-mission is the cost-effective provision of health care. It is apparent from this review of the costs that the savings the state will achieve in the area of health care will occur in the strong day to day oversight of services, expenditures, verification of bills, and the continuing review of what the standards of care should be.

BENCHMARKING

North Carolina State government has access to excellent benchmark information about the vast majority of health services that are provided in the prison system. With Medicaid rates, there is a source of information about similar populations and services, and good information about what are acceptable costs of services for which Medicaid reimburses. In addition, there is the State Health Plan which can be a resource. The Plan administers a variety of health options for state employees, which is a somewhat different population. However, each of these systems offers different features and has associated costs for them, but overall they can be a wealth of information for the prison system about different kinds of managed care, and for information about what are acceptable rates for services for the type of population it covers. As the prison population increases, and their age and related medical costs increase, maintaining a good strong control over cost and what comprises a standard of care for other groups will become increasingly important. The chart on the following page offers a look at how the prison system appears related to these others in the state. While their populations might differ, the chart does show what each is like in terms of services.

CHART 10: COMPARISON OF PRISON SYSTEM HEALTH "PLAN" TO OTHER HEALTH PLANS AND MEDICAID

	BC/BS Major Medical	BC/BS PCP	Kaiser Plan	PruHealth Plan	Medicaid	DOC/DOP	DOC Private Health Contract
General Limitations	Subject to deductible and co-pay, reimbursed at Plan's UCR	Services provided and/or approved in advance by plan doctor	Services provided and/or approved in advance by plan doctor	Services provided and/or approved in advance by plan doctor			
Maximum Benefit	$2,000,000	$2,000,000	Unlimited unless specified	Unlimited unless specified	24 Office Visits	Unlimited	Unlimited
Deductible	$250	None	None	None	None	None	None
Copayment	20% of first $5000 after deductible	None unless specified	None unless specified	None unless specified	$3 per visit	None unless specified	None unless specified
Physician Care							
Office Visits	Additional $10 copay per visit	$10 per visit, $15 if after hours	$10 per visit	$10 per visit, $15 if after hours	$3 per visit	$3 per visit, or $5 per inmate declared emergency	$3 per visit, or $5 per inmate declared emergency
Preventive Care (breast, colon, prostate, rectal, x-ray BP checks, urine, TB tests, other health check-ups)	$10 copay, all else covered up to $150 per year (services limited to 1/3yrs if < 40, 1/2 yrs. If 40-50)	$10 per visit	$10 per visit	$10 per visit	$3 per visit	$0	$0
OB/GYN	$10 copay, all else covered up to $150 per year (services limited to 1/3yrs if < 40, 1/2 yrs. If 40-50)	Direct Access	Direct Access	Direct Access	$3 per visit	$0	$0
Surgery & Anesthesia	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Inpatient Care	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Radiation, X-ray, Lab Therapy	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Immunizations and Medications	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0 immunization, $3 prescriptions	$0	$0
Hospital Care							
General Limitations	$75 deductible per admission. Admission certified Use preferred/contract hospital or pay 20% up to $5,000.	$0	$0	$0	$0	$0	$0
Room and Board	semi-private	semi-private	semi-private	semi-private	$0	Custody Level Determined	Custody Level Determined
Other Hospital Services; intensive and cardiac care, drugs and meds, radiation services, x-ray and lab, ekg and eeg, and I/v solutions	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Outpatient Surgery	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
MH Services and Chemical Dependency Services							
Inpatient, residential and intensive outpatient services	Case manager approved, use contract provider or pay additional 20% copayment up to $5000	Authorized in advance			$0	$0	$0
Outpatient services	Covered, per copayment above. Unlimited, but must approve by case manager if more than 26/year	$10	$10	$10	$3	$0	$0
ANNUAL INSURANCE PREMIUM/EMPLOYEE CONTRIBUTION	$0.00	$575.28	$803.04	$468.00	$0.00	$0.00	$0.00
ANNUAL INSURANCE PREMIUM/EMPLOYER CONTRIBUTION	$1,735.20	$1,735.20	$1,735.20	$1,735.20	$4,120.00	$3,244.32	$2,442.00
TOTAL PLAN COST	$1,735.20	$2,310.48	$2,538.24	$2,203.20	$4,120.00	$3,244.32	$2,442.00

Sources: State Health Plan Data from "It's Your Choice" 1998 Medicaid: from DMA Website DPC/DOP: from cost analysis DOC Private Contract: from actual expenditure divided by ADP for fiscal 97-98 + mental health cost

NOTE: according to DOC staff, part of the lower cost per inmate at the private health contract units is due to the generally healthier inmates assigned to the unit.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Department seems to have moved forward in its efforts to structure its health care system and have stronger controls. It has instituted some of the key elements of a good managed care operation:

- It uses a mix of contract and full time staff for both general and specialty services
- It has established nursing protocols for delivering services cost-efficiently but within the guidelines of good care
- It has the beginnings of a tracking workload volume and problems
- There is front-end (through utilization review) gatekeeping for all non-standard procedures
- There is back-end verification of legitimate costs (through claims review and adjudication)
- There is centralized oversight of all medical services purchasing for consistency and adherence to regulations
- There are excellent resources within the state who can provide benchmark information on the vast majority of services
- Procedures are being put in place to strengthen the control of contract staff time reporting at units

The key recommendations that result from this study of the costs of delivering health care services are primarily in the area of encouraging continued effort in certain key areas that should yield long term cost savings as well as a greatly strengthened health care organization. Although the Division of Prisons' primary mission is custody, the $100 million health services budget makes it a sizeable health care organization that needs to be professionally and systematically managed. As noted above, the Division seems to have made strides in doing this. However, as can be seen in the chart below, there are requests for additional budget to reflect more realistic expenditures in the medical area:

CHART 11: PROJECTED EXPENDITURES AND INMATE POPULATION

fy98-99 auth	% Change	**fy99-2000**	% Change	**fy2000-2001**	% Change
auth. Budget,adj		**request**		**request**	
$111,254,236.00	7.97%	$114,096,640.00	2.5%	$114,096,640.00	0.00%
fy98-99 inmates		fy99-2000 inmates		fy2000-01 inmates	
31,624	-0.42%	31,467	-0.50%	31,472	0.02%
avg. cost/inmate		avg. cost/inmate		avg. cost/inmate	
$3,518.03	8.40%	$3,625.91	3.00%	$3,625.34	-0.02%

Sources: Budget projections are from the authorized budget and budget requests for fy99-01 biennium
Inmate population projections from the Sentencing Commission 2/99 Projections

The recommendations which follow are intended to expand on what has begun and to help keep both overall costs under control as well as the cost per inmate.

1. The Health Services Section should continue to make available a person to work extensively with the Purchasing Section to ensure that the contract specifications for all contract employees, professional services, contract prison companies, and preferred providers are clear, able to be measured, and at a fair price. This will provide the front-end controls that are needed in a well-run managed care organization and will ensure that the state's mixed model of staff, contractors, and service providers is fine-tuned to the changing needs of the inmate population. It will also help Purchasing by offering additional resources and information about the field until such time as they have been doing this type of contracting.

2. The work to improve accounting for medical services electronically needs to be continued on several fronts. First, all links between NCAS and such software as the Pharmacy Software, which is nearly complete, need to be made. Secondly, there needs to be recognition that services provided in-house have costs associated with them in the same way that outside providers' services have costs. As such, it is important for the system to have the ability to identify all services provided as part of a person's care with the cost of those services, regardless of whether they were provided internally or externally. A portion of the information is available through encounter data and some CPT data, but it is not complete (missing inpatient data, missing procedure codes and missing the tie to specific patients). A comprehensive electronic patient record with all the links needs to be a direction towards which the department should move. Every division also needs to access the OPUS system to have the most accurate and current information.

3. The Division needs to develop unit costs based on its health care procedures in order to control them and make adjustments in staffing, workload, or processes. The Dental Section is doing this manually, but it needs to be a standard procedure as part of the OPUS Medical Accounting System for all procedures. In addition, the Division needs to be very clear about the time per process expectations in order to schedule appointments optimally and in order to make staffing predictions as more data is gathered about the types of services being rendered to this population. This could be a very key piece of information if the projection of a sicker, older, and more long-term population comes to pass, because the kind of care that will be required will go into the higher CPT-time categories and will affect staffing requirements if not monitored carefully.

4. The Division needs to take advantage of its peers in the state (Medicaid, State Health Plan) and use them as a basis for making certain key decisions that affect both services and costs. Specifically, we recommend that at least annually, the Division review its drug formulary, its specific procedures, and its procedure costs with both of these groups to assist it in two ways. First, the State Health Plan and Medicaid both have structured ways of determining the levels and types of services they provide to their populations, and it is important that the Division compare its services and define a standard of care that is aligned with these groups. Secondly, once the Division begins capturing procedure (CPT)

information and determines a means to assign a cost value based on staff time and other direct costs for the majority of its encounters, it will be able to easily compare its cost of services with a variety of other providers to ensure that their costs remain under control.

5. A review of the state's drug formulary with Medicaid and the State Health Plan should be conducted immediately to ensure that the state is using medicines that are in line with standard treatment. They may also wish to survey other states for specific medicines to determine what are contained in their formulary for specific treatments in the inmate population. These expenditures are sufficiently out of line with the Consumer Price Index and more research needs to be done to determine if this is because of the nature of the prison population or if it is a treatment choice that could be altered.

6. Cost comparisons should be routinely run between the state and its own private contractors to determine when it is cost effective to shift from one model to another. A key aspect of doing this, however, is ensuring that the contracts are written in such a way that the state can enforce the terms of its contracts and minimizes the risk when giving over inmate health care to an outside party.

7. From a policy standpoint, the Department needs to consider the volume of inmate transfers to ensure they are cost-justified. When an inmate goes off-site for medical care, the custody demand is a direct cost to that prison unit. When an inmate is transferred to another unit, regardless of the reason, there is a direct medical cost associated with it by both units who must provide certain services. Obviously, where there are custody or other public safety reasons for this, then the costs must be borne. However, it appears that there is a tremendous amount of inmate movement, and this should be closely reviewed, for its impact on all prison services, not just medical care.

8. An annual review of all procedures that require prior approval by the Utilization Review section should be conducted, as discussed above.

9. A detailed staffing study should be conducted of both the Utilization Review Section and the Adjudication Review Section to ensure that work levels are appropriate and to staff according to objective work standards, since both units are key elements in a strong and effective managed care operation. The use of a contractor to assist, as being developed now, is also recommended.

10. A detailed cost-benefit study should be conducted of the inmate population demographics and health issues to determine if it would be more cost-effective to convert one unit to house those inmates with low PULHEAT scores who are unlikely to work or participate in activities. This could alter some of the transportation and medical costs and workload demands, and improve delivery of services to certain chronically ill inmates.

11. A more detailed study should be conducted based on the staffing data returned to OSBM to determine where there are work improvement opportunities through improved workflow, scheduling, automation, forms design, etc. to reduce the non-direct patient time and improve the time use of health care staff.

STUDY OF PRISON FOOD COSTS

STUDY OF PRISON FOOD COSTS

The General Assembly directed the Office of State Budget and Management to conduct a study of the food costs "...to analyze the basis for increases in the cost of providing food to inmates...including an analysis of the major areas of expenditure growth and an identification of major areas where cost-efficient actions have been taken, and determine future actions that will improve efficiency in the delivery of food services ..." The time frame to be studied was for the past four fiscal years (from fy94-95 through fy97-98).

In order to conduct this study, OSBM analysts used the following methodologies:

- Identified the components of prison food system
- Reviewed the food system organization in the division
- Analyzed the expenditure details for the previous four fiscal years
- Made site visits to several prison facilities
- Reviewed the systems in use in the food service operations
- Interviewed key administrators in the department and food service managers in prison units
- Researched other states' food service operations
- Conducted a survey of food service staff and inmate time use

OVERVIEW OF THE FOOD SERVICE FUNCTION IN PRISONS

The Food Service operation of the Division of Prisons is responsible for purchasing food, preparing, administering and feeding all inmates incarcerated in the state's prison system. The central office food service staff consists of a Director of Food and Nutrition Management, an Office Assistant, five Administrative Dietitians, and one Environmental Health Program Supervisor. This staff is responsible for preparing the Master Menu, supervising and approving all special diets, conducting annual inspections of the institutions, reviewing food products, reviewing equipment purchases, and assisting food service supervisors with any concerns or needs at the unit level. The Food Service Supervisor in each prison reports to the Superintendent or warden of that unit. The central office Food Service staff have advisory and technical assistance roles with the individual prison unit food service staff.

The Master Menu noted above is prepared under the direction of the Food and Nutrition Director, a registered dietitian. The menu outlines meal plans for each day in a five week period. All meals outlined in the menu provide all Recommended Daily Dietary Allowances established by the Food and Nutrition Board, the National Academy of Sciences, and the United States Department of Agriculture. The menus are to be used at all state-run institutions to provide uniformity of items served to each inmate, and to aid in volume purchases. Any variances from the master menu by individual prison units must be reported to the central office each month.

All prison food service operations at each prison unit have computers and the Food Service software package. This package provides them with an automated version of the Master Menu, master recipes, an inventory and ordering package tied to the Master Menu and recipes, and the software also includes an inmate meal count worksheet. All units are reportedly using the Master Menu, the recipes, and are entering the meal count information. Some units use the inventory and ordering packages, but others do not because it does not interface with the data in the North Carolina

Accounting System, the required accounting system for entering all requisitions and purchase orders. Using both the Food Service software and the NCAS requires double entry of the same information. All computer training for the food service program is provided by the central office staff.

Other units which work closely with the food service operation are the Purchasing Division which orders all food products according to bid specifications; the Central Warehouse which stores and ships many of the food and food-related items ordered from vendors; the Controller's Office which processes all invoices; and the Prison Enterprise operation which handles the meat processing, produce and cannery operations, including raw product ordering, processing and shipping of goods.

CHANGES IN THE PRISON SYSTEM DURING THE STUDY PERIOD

The Food Service Software program was implemented during this time period and at the same time the use of a standardized menu was required. It was hoped that the software would link to the North Carolina Accounting System (NCAS) so that local prison inventories would be tied in with the requisitioning process and with menus. While this has not happened, the food service software and NCAS seem to have given units greater control of inventory and of consistency in what is being served to inmates throughout the system. Emphasis was also placed on portion control. This was carried out in three ways: first, actual portions were spelled out in the master menu, second, certain foods were ordered that lent themselves to easy portion control (such as blocks of meat, rather than pieces); and third, different serving methods for more consistent portions to individuals were instituted, which will be discussed later. One loss during this period which is being reinstated were the monthly food cost reports issued to each Food Service Manager to help them better monitor their costs each month; this was discontinued because of the two separate software systems.

During this four year period, other changes included the introduction of dietary standards, a reported increase in the number of special diets (both therapeutic/medical and those for religious reasons), the use of foods to accompany medication administration, and the purchase of prepackaged products for easier handling.

Two privately owned and operated prison units also opened in the final year of the study period, and while data are not yet available on a per meal cost, the Department can request such data at any time. The Correction Corporation of America owns the two facilities, one in Spruce Pine and the other in Bayboro. CCA subcontracts with the Kelwell Corporation to provide food services. These units do not have to follow the state's Master Menu, and they are not allowed to purchase through the Enterprise System. However, Kelwell has its own master menu, follows its own company's purchasing procedures, and uses its company's bulk purchasing system.

The number of inmates grew from 23,000 to 32,000 and the state went through a major building expansion program to reduce the number of small, inefficient field units and increase space available for the population increases. One positive outcome of this increase in new buildings for food service was the design of kitchen facilities with co-located stock and warehouse space. One unfortunate aspect of the expansion of existing facilities was that the kitchen and storage space were not always expanded when the capacity of inmates was expanded. OSBM is in the process of preparing some comparative data on this for the department, based on the results of the survey that was conducted to see if there is any correlation between storage space and individual unit food costs in the last fiscal year.

BENCHMARKING

To ensure that the Department is in compliance with meeting inmate needs, the Food Service Manager uses national standards in terms of what menus should contain. An example of this is contained in Appendix D, which are the Recommended Dietary Allowances (RDA). What may not be done to as great an extent or in a systematic fashion is routine benchmarking with other states as to food processing methods, specific meal contents, use of cold versus hot meals, meat substitutes, and cost per meal, based on reviews of DOP's actual cost information when certain commodities begin to affect prices.

FOOD SERVICE PROCESSES

To understand DOP's food service costs, it is important to understand the food service processes. Every month, bids are issued to qualified vendors for meats (both raw and processed) by DOC's Division of Purchasing on behalf of all prison units. The DOP Dietitian attends all bid openings and has provided Purchasing with the quantities and varieties needed. Awards are made and meat products are shipped to Prison Enterprises Meat plant at the Harnett Correctional Center. Approximately 20% of the meat product ordered for the prison units is actually processed by inmates at the Meat Processing Center (grinding, extending with vegetable product or repackaging). The remainder is merely stored awaiting distribution to the prison units.

A similar process is followed for dried and canned goods that are not grown by prison farm units, and for paper products and other kitchen supplies. These goods are shipped directly to the Central Warehouse in Raleigh for distribution to individual units.

Individual prison units issue monthly bids to qualified vendors in their regions to supply them with fresh produce if they are not supplied by the Produce Farm. Statewide contracts are established for bread and milk products.

Driving these orders is the requisition process that begins at local prison units. Food service supervisors look up master menus on their food service software and if necessary look at the recipes for food content and quantities. They review their inventories to determine what is on hand and what is needed. They then exit the food service software and enter the NC Accounting System (NCAS) requisition package and enter the commodities and quantities needed. This information is processed in the central office in Raleigh and forms the basis of the bids that will be issued by Purchasing.

Each week, depending on schedules, trucks deliver from the Meat Processing Plant and the Central Warehouse to the individual units. Goods are unloaded at the units by inmates and shipping tickets are verified against actual contents. Food service staff add goods to the inventories on their food service software as well. In addition, prison units receive goods from the U.S Department of Agriculture periodically. The youth facilities in particular receive goods through the National School Lunch Program.

During site visits, general satisfaction was expressed both with the ordering processes, shipping schedules, and the information available through the food service software.

Actual meal preparation consists of pulling stock from inventory, deducting it off the systems inventory, and overseeing inmates working in the kitchens. Strict controls are in place about access to storerooms, to kitchen utensils and the like. Most kitchen shifts begin at 4:30 a.m. for breakfast preparation and continue through the day with the second shift ending at approximately 7:30 p.m. Inmates assigned to one of the two shifts are supervised by food service staff, and additional custody staff are also often present in the kitchen area to ensure safety, since there are usually only a few food service staff at any given time in the area. Based on the type of work performed in the kitchen, inmates are paid $0.40, $0.70, or $1.00 per day.

Some prison units are serving food by "blind" feeding, where inmates coming through the lines cannot see who is serving them, nor can servers see who they are feeding. This has reportedly improved behavior and helped with portion control. The Division is also experimenting with using scan cards to ensure that inmates do not go through the line twice, since in some of the larger institutions, this is hard to control. Special diets are handled directly with inmates who must show identification and/or sign in that they received the special diets that were medically ordered or requested for other non-medical purposes such as religious beliefs. One factor that affects the food service process and staffing requirements, is the physical layout of the facility. In some facilities, food is taken out of the dining area and delivered to inmates in other sections of the prison units. This extends the time required for feeding and involves more inmates and staff in loading trays and transporting food and getting supplies back.

In the private prisons operated by Correction Corporation of America, their feeding methods vary somewhat. They use what is called "progressive" feeding, which means that not all the food is cooked in advance of a specific meal; rather they try to cook the meat slightly in advance of inmates' arrival to get closer to cooking for actual usage at a particular meal. This method is more like a fast food restaurant so that they don't have many leftovers. They also serve only the meat or protein and breads on the tray, and allow inmates to serve themselves to rice, potatoes, and vegetables. Some complaints were reported that this method results in sometimes food running out before a meal is complete, and inadequate substitutes, but the units are sufficiently new and the volume of complaints is being closely watched to ensure inmates are getting their nutritional requirements.

FOOD SERVICE EXPENDITURES

At the end of fiscal year 1994-95, total food service expenditures were slightly over $36 million; at the end of fiscal year 1997-98, these had increased to nearly $51 million. This represents a cumulative increase of 41.1%. However, in this same time span, the number of inmates went from 23,000 to nearly 32,000. The cost per inmate for food services rose only from $1,553 to $1,601 in this four year period, a cumulative increase per inmate of only 3.1%, compared to the Consumer Price Index of 7.1% overall (or 8.0% for commercial foods.) Although the numbers imply that the department is moving in the right direction by remaining under the CPI on a cumulative basis, additional analysis was made to see where the increases were occurring. This was done in order to see if departmental initiatives could further control cost and also to understand the major percentage increase between fiscal year 1994-95 and 1995-96 in total expenditures. The chart which follows details this.

CHART 1: FOOD SERVICE TOTAL EXPENDITURES AND PER INMATE EXPENDITURES

Expense Categories	Total Expenditures				Average Per Inmate Expenditures			
	1994-95	1995-96	1996-97	1997-98	1994-95	1995-96	1996-97	1997-98
Personal Services	$ 10,875,961	$ 11,081,042	$ 12,630,005	$ 13,697,887	$ 468.47	$ 403.77	$ 433.28	$ 431.32
Personal Services - Central Office				$ 309,595	$ -	$ -	$ -	$ 9.75
Purchased Services	$ 331,809	$ 328,388	$ 544,155	$ 539,089	$ 14.29	$ 11.97	$ 18.67	$ 16.97
Supplies (includes food costs)	$ 23,199,889	$ 30,626,595	$ 33,073,436	$ 36,612,787	$ 999.31	$ 1,115.97	$ 1,134.59	$ 1,152.87
Property, Plant, Equipment	$ 1,614,653	$ 1,543,076	$ 1,057,535	$ 513,208	$ 69.55	$ 56.23	$ 36.28	$ 16.16
Other Equipment and Adjustments	$ 31,846		$ 35,158	$ 39,169	$ 1.37	$ -	$ 1.21	$ 1.23
TOTAL EXPENDITURES	$ 36,054,157	$ 43,579,100	$ 47,340,289	$ 51,711,736	$ 1,552.99	$ 1,587.93	$ 1,624.02	$ 1,628.31
Receipts								
Employee Meals				$ 108,205				$ 3.41
Jail Meals				$ 744,040				$ 23.43
ADJUSTED TOTAL EXPENDITURE	$ 36,054,157	$ 43,579,100	$ 47,340,289	$ 50,859,491	$ 1,552.99	$ 1,587.93	$ 1,624.02	$ 1,601.47
		Overall Percent Change				Per Inmate Percent Change		
		20.9%	8.6%	7.4%		2.2%	2.3%	-1.4%
			Cum. Incr.	41.1%			Cum. Incr.	3.1%
					Annual CPI	3.0%	2.2%	1.7%
							Cum. CPI	7.1%

Sources: Year end Budget Expenditure Reports (BD-701's)
Research & Planning Average Daily Population Reports

A review was made of the actual commodities that comprise the inmate's meals. As can be seen on the chart below, meats and dried/canned goods account for nearly 75% of the food costs, and food costs themselves account for nearly 62% of the total food service expenditures.

The following chart is also revealing for a couple of other reasons. First, it shows that while the annual Consumer Price Index for Commercial Food rose 8%, the per inmate increase was a cumulative 13.3%. Much of this can be accounted for the percentage increase in meats and dried/canned goods between the first two fiscal years. Second, looking at where the increases are currently occurring by food type shows that while meat and dried/canned goods have begun to decline, it is the other food commodities that are starting to increase.

CHART 2: FOOD COSTS EXPENDITURES ONLY

Food Costs	Total Expenditures				Average Per Inmate Expenditures			
	1994-95	1995-96	1996-97	1997-98	1994-95	1995-96	1996-97	1997-98
Meats	$ 8,864,585	$ 12,880,360	$ 13,630,412	$ 14,103,899	$ 381.83	$ 459.33	$ 467.60	$ 444.11
Dried/Canned	$ 6,996,459	$ 9,582,578	$ 9,848,448	$ 10,715,220	$ 301.36	$ 349.17	$ 337.85	$ 337.40
Bread/Bakery	$ 847,071	$ 1,003,149	$ 1,151,614	$ 1,469,999	$ 36.49	$ 36.55	$ 39.51	$ 46.29
Vegetables & Fruit	$ 1,507,513	$ 1,646,437	$ 1,788,488	$ 2,067,845	$ 64.93	$ 59.99	$ 61.35	$ 65.11
Frozen Vegetables	$ 98,087	$ -	$ -	$ -	$ 4.22	$ -	$ -	$ -
Dairy	$ 1,936,222	$ 2,169,777	$ 2,755,370	$ 2,837,567	$ 83.40	$ 79.06	$ 94.52	$ 89.35
Other			$ 118,729	$ 204,107				
	$ 20,249,937	$ 27,282,302	$ 29,293,061	$ 31,398,637	$ 872.24	$ 994.11	$ 1,004.91	$ 988.68
Total	$ 20,249,937	$ 27,282,302	$ 29,293,061	$ 31,398,637	$ 872.24	$ 994.11	$ 1,004.91	$ 988.68
					Average Daily Cost Per Inmate			
					$ 2.39	$ 2.72	$ 2.75	$ 2.71
		Overall Percent Change				Per Inmate Percent Change		
		34.7%	7.4%	7.2%		14.0%	1.1%	-1.6%
			Cum. Incr.	55.1%			Cum. Incr.	13.3%
					Annual CPI (Commercial Food)	2.3%	2.9%	2.6%
							Cum. Incr.	8.0%

Sources: Year End Expenditure Reports (BD-701's)
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		Overall Percent Change				Per Inmate Percent Change		
		20.9%	8.6%	7.4%		2.2%	2.3%	-1.4%
			Cum. Incr.	41.1%			Cum. Incr.	3.1%
					Annual CPI	3.0%	2.2%	1.7%
							Cum. CPI	7.1%

Sources: Year end Budget Expenditure Reports (BD-701's)
Research & Planning Average Daily Population Reports

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		Overall Percent Change				14.0%	1.1%	-1.6%
		34.7%	7.4%	7.2%			Cum. Incr.	13.3%
			Cum. Incr.	55.1%				
					Annual CPI (Commercial Food)	2.3%	2.9%	2.6%
							Cum. Incr.	8.0%

Sources: Year End Expenditure Reports (BD-701's)
Research & Planning Average Daily Population Reports

A recent survey of the American Correction Food Service Association was distributed to officials throughout the country. Its purpose was to provide members with benchmark information and to show similarities and differences. Of the 34 states that responded to the questionnaire, it showed that the average daily food cost ranged from $1.05 to $3.80 per inmate with an average of $2.55. This compares to North Carolina's $2.71 for last fiscal year.

Additional analyses were conducted to determine what factors seemed to account for increases and decreases in the food costs, and to see if there were a means to minimize the volatility shown by some of the wide variations in cost. Obviously, the Department is limited in what it can do based on what the food market is charging for a wide variety of goods served to inmates in order to provide balanced meals; however, it appears that the Department has also chosen to limit its options in meats and canned goods by "single-sourcing" through Prison Enterprise operations rather than having meats shipped directly to units. It was reported that regardless of whether or not Prison Enterprise Meat Plant processed meat that was shipped there, an administrative fee of was added to the price. Moreover, at the end of the past fiscal year, Enterprise returned $1.18 million to the Division since it had a surplus, and it anticipates doing a similar rebate this fiscal year.

Several analyses were run of just these portions of Enterprise Operations to determine the impact of their operations on the per inmate food costs in the meat area. Over the four year period, it appears that Enterprise only processed from 20% to 25% of the meat they order and distribute to the prison units. This information was provided by Prison Enterprise, and additional detail can be found in Appendix E. Based on this, it appears that only a small portion of the meat going through Enterprise is actually being processed by inmates and staff. Yet on a note sent to the DOC Secretary's office, it indicates that the prices shown, in fiscal year 1997-98, a percentage "was added to the cost of a pass through item and ... [a percentage] was added to the cost of a processed item." Upon seeing this, a rough analysis was prepared of several top-selling/poundage meats from last year, compared to USDA estimated prices per pound, which is also shown in Appendix E.

As can be seen from such an analysis, the cost impact of using Enterprise as the sole provider of meats can be significant. Admittedly, this analysis was done from paper data, not from an actual comparison, but it raises the question nonetheless of whether DOP should be purchasing through Enterprise, or whether an alternative needs to be explored.

SUMMARY AND RECOMMENDATIONS

It is apparent from the review of the Food Service Operations and costs that the areas within DOP's control are threefold:

- Choice of foods (and the combinations) that will be included in the menus for the Prison Units that can still achieve the national RDA of calories and nutrients
- Aggressive routine cost reviews and adjustments
- Benchmarking

The stricter adherence to a single menu, in order to improve purchasing economies; the availability of recipes to make preparation more consistent and predictable; and the use of NCAS for purchasing are all improvements that have helped keep the costs more in line. What follows are recommendations about those areas over which DOP has control, and where they can continue to make improvements to keep costs under control.

1. The Food Service Central Office staff has assigned an actual per meal cost for each meal on the master menu, based on the prices in effect at the time. Meal costs at the units should also be calculated to determine if the actual cost is in line with the central office estimate. Such information would help the unit Food Service Managers see what their costs should be.

2. Each month, each unit should receive its average meal costs for breakfast, lunch, and dinner, and their overall per inmate cost for food items. This should be a listing that contains all units. A formal review of those that are more than 10% above or below the Master Menu estimate should be explained by each Food Service Manager to the Food Service Director. Consistently high or low costs should be brought to the attention of the unit superintendent and to the Assistant Director of Prisons for remedial action.

3. The Food Service Managers should be asked to name representatives to be on a Food Service Committee with the central office staff in order to provide input into specific food items, preparation methods, etc. to ensure that operationally what is requested by the central office also fits in with the units' facilities and the skill levels of the inmates, etc. Recommendations for changes should have cost analyses included to ensure they do not increase the costs .

4. The same committee referenced above should have a process by which they talk with similar states to see if there are methods that have applicability to North Carolina. Again, proposals for change should include a cost-benefit component in addition to the other reasons for proposing changes that would be included.

5. The central office staff should routinely obtain data from the Consumer Price Index, USDA, the National School Lunch Program, the Department of Public Instruction, and the state's medical and mental institutions regarding their

food costs, their supplies costs, menus, and food preparation techniques. These data should be compared with their own information to ensure their food costs are in line with other similar entities. Where there are problems, corrective action should be instituted quickly, whether it is in the area of menu adjustments, purchasing changes, etc.

6. The division should explore the generation of an automated monthly report through the Food Service Software package. The report should provide comparative data on each unit and its cost for the month.

APPENDIX A

TEXT OF LEGISLATION AUTHORIZING STUDY OF PRISON HEALTH AND FOOD COSTS

Requested by: Senator Gulley, Representatives Justus, Kiser, Thompson

INMATE COSTS

Section 17.8. Section 19.20 of S.L. 1997-443 reads as rewritten:

"Section 19.20. The Department of Correction may use funds available to the Department for the 1997-99 biennium to pay the cost of providing food and health care to inmates housed in the Division of Prisons ~~if:~~

~~(1) The prison population exceeds the December 1996 population projections of the North Carolina Sentencing and Policy Advisory Commission, and~~

~~(2) The~~ if the cost of providing food and health care to inmates is anticipated to exceed the continuation budget amounts provided for that purpose in this act.

Prior to making any expenditure authorized by this section, the Department of Correction shall report on its need to use these additional funds to the Joint Legislative Commission on Governmental Operations, ~~the Joint Legislative Corrections Oversight Committee, and~~ the Chairs of the House and Senate Appropriations ~~Committees.~~ Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

The Office of State Budget and Management, in consultation with the Department of Correction, shall (i) analyze the basis for increases in the cost of providing food service and health care to inmates since the 1994-95 fiscal year, including an analysis of the major areas of expenditure growth, and an identification of major areas where cost-efficient actions have been taken, and (ii) determine future actions that will improve efficiency in the delivery of food service and health care to inmates. The Office of State Budget and Management shall report on the results of this study to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by February 15, 1999."

APPENDIX B

MEMORANDUM CONCERNING HIGH COST PHARMACEUTICALS

NORTH CAROLINA
DEPARTMENT OF CORRECTION
DIVISION OF PRISONS

James B. Hunt Jr.
Governor

Mack Jarvis
Secretary

Daniel L. Stieneke
Director

TO: Betty McGuire
Health Services

DATE: April 27, 1998

FROM: Jill G. Hall, Rph
Central Pharmacy

RE: Increase in pharmacy budget for fiscal year 1997-1998

The increase in the pharmacy budget can largely be attributed to the following three factors:

1. HIV/Aids therapy-- The emergence of combination antiretroviral therapy as the standard of care has significantly impacted the pharmacy budget. Patients are now initiated on three or four antiretroviral medications earlier in the course of the disease. A typical three drug regimen costs approximately $1,000/month. In early 1996, it was estimated that approximately 100 patients received monthly antiretroviral therapy. That figure is now estimated to be 150 to 200 patients. Additionally, patients who experience drug intolerance or develop viral resistance now have multiple therapeutic options. Viracept® and Viramune® are two examples of relatively new antiretroviral agents. These two drugs alone have added an approximate $ 430,000 to date since 7/01/97.

2. Development of Atypical antipsychotics-- Atypical antipsychotics include such agents as clozapine, risperidone and olanzapine. These agents are much more costly than traditional neuroleptic medications but offer the advantage of greater efficacy, especially in recalcitrant patients, and an improved side effect profile. Since Olanzapine (Zyprexa®) was added to the mental health formulary in early 1997, expenditures for this drug alone exceed $325,000. During this same period of time the expenditure for Risperidone (Risperdal®) approached $300,000. Due to the recalcitrant nature of our patient population, the usage of these agents can be expected to increase.

3. Increase in the inmate population and increase in pharmaceutical prices-- Brand name pharmaceuticals account for a significant portion of the pharmacy budget. During the last fiscal year, twenty drugs accounted for approximately 50% of the pharmacy budget. All were brand name (no generic available) with the exception of one. According to our current vendor, contract prices for brand name pharmaceuticals rose an average of 3.6% for fiscal 1996-1997. This increase in pharmaceutical manufacturer prices coupled with the increase in the inmate population of 12% for the current fiscal year has contributed to the increased pharmacy budget.

cc: John O. Brown, Rph

APPENDIX C

ENCOUNTERS PRESUMED TO BE HANDLED PRIMARILY BY NURSING STAFF

MEDICAL ENCOUNTERS FOR CALENDAR YEAR 1998 (ALL EXCEEDING 1,000 ENCOUNTERS)--BY PRIMARY CAREGIVERS

Category of Care	ICD-9	Diagnosis Name	Number of Encounters	% of Total	
No Complaint/Diagnosis	V74.1	TB Screening/PPD	36,589		
No Complaint/Diagnosis	V72.6	Lab Test	53,256		
No Complaint/Diagnosis	V72.5	X-Ray	11,056		
Female Reproductive System	V72.3	GYN Exam	993		
No Complaint/Diagnosis	V70	General Medical Exam	25,152		
No Complaint/Diagnosis	V68.8	Health Record Review	150,867		
No Complaint/Diagnosis	V68.1	Prescription Renewal	36,834		
No Complaint/Diagnosis	V67	Follow up on Treatment	66,350		
No Complaint/Diagnosis	V65.4	Medication Counseling	17,905		
No Complaint/Diagnosis	V65.2	Malingering	258		
No Complaint/Diagnosis	V58.3	Suture Removal/Dressing Change	2,323		
No Complaint/Diagnosis	V52	Fitting/Adjustment Prosthetic	786		
Female Reproductive System	V25.9	Contraceptive Management			
Female Reproductive System	V24	Postpartum Care & Exam			
Female Reproductive System	V22.2	Pregnant State			
Infectious & Parasitic	V07.3	TB/INH Treatment	1,032		
Infectious & Parasitic	V02	Carrier of Infectious DZ	168		
Infectious & Parasitic	V01	Contact/Exposure Commun. Dz	85		
No Complaint/Diagnosis	TO	Transfer Out Review	36,786		
Skin/Subcutaneous Tissue	SSRN	Nursing Assessment/Skin	28,178		
No Complaint/Diagnosis	SEG	Segregation Review	34,582		
Orientation/Health Education	SCREE	Health Screening/Admission Review	44,060		
Respiratory System	RSRN	Nursing Assessment/Respiratory System	19,250		
No Complaint/Diagnosis	RF	Refused Appointment	2,455		
No Complaint/Diagnosis	PUL	PULHEAT Re-evaluation	15,037		
No Complaint/Diagnosis	PRR	Pre Release Record Review	2,967		
Orientation/Health Education	PRC	Pre-Release Counseling	321		
No Complaint/Diagnosis	OCME	OC/Mace Exposure	492		
No Complaint/Diagnosis	NUT	Nutritional Assessment	1,400		
Nervous System	NSRN	Nursing Assessment/Nervous System	4,727		
No Complaint/Diagnosis	NS	No Show, Not Available	32,247		
Musculoskeletal System	MSRN	Nursing Assessment/Musculoskeletal	25,362		
Mental Health	MHRN	Nursing Assessment/Mental Health	1,673		
Kidney & Urinary Tract	KURN	Nursing Assessment/Kidney & Urinary	2,878		
Injury & Trauma	ITRN	Nursing Assessment/Injury & Trauma	6,951		
Infectious & Parasitic	IPRN	Nursing Assessment/Infectious & Parasitic	7,077		
Female Reproductive System	FRRN	Nursing Assessment/Female Reprod. System	1,187		
No Complaint/Diagnosis	FMH	Follow up on Mental Health Medications	2,356		
Eye	EYRN	Nursing Assessment, Eye	5,290		
Ear, Nose & Throat	ETRN	Nursing Assessment/ENT	5,473		
Endocrine, Nutritional & Metabolic	ENRN	Nursing Assessment/Endocrine, etc.	4,873		
Injury & Trauma	E988	Injury by Unspecified Means	1,296		
Injury & Trauma	E986	Accidental Laceration	1,438		
Injury & Trauma	E968	Assault by Unspecified Means	264		
Injury & Trauma	E960	Fight, Brawl, Rape	505		
Mental Health	E958	Self Inflicted Injury	204		
Injury & Trauma	E947.9	Adverse Effect of Medications			
Digestive System	DSRN	Nursing Assessment/Digestive System	10,089		
Dental	DDRN	Nursing Assessment/Dental	9,032		
Circulatory System	CSRN	Nursing Assessment/Circulatory System	11,134		
Blood, Blood Forming Organs/Immunity	BBRN	Nursing Assessment/Blood etc	248		
No Complaint/Diagnosis	NCRN	Nursing Assessment	41,217		
SUBTOTAL NURSING ASSESSMENTS			**764,703**	**88.7%**	
Blood, Blood Forming Organs/Immunity	995.3	Allergy, unspecified	386		
Eye	918.1	Corneal Abrasion	120		
Musculoskeletal System	848.9	Sprain or Strain	3,893		
Musculoskeletal System	829.0	Fracture, closed	1,364		
Infectious & Parasitic	795.8	HIV Positive	1,893		
Digestive System	787.0	Nausea & Vomiting	335		
Respiratory System	786.5	Chest pain, unspecified	891		
Respiratory System	786.2	Cough	311		
Respiratory System	786.09	Dyspnea, SOB	447		
Circulatory System	785.6	Enlarged Lymph Nodes	118		
Ear, Nose & Throat	784.7	Nosebleed			

MEDICAL ENCOUNTERS FOR CALENDAR YEAR 1998 (ALL EXCEEDING 1,000 ENCOUNTERS)--BY PRIMARY CAREGIVERS

Category of Care	ICD-9	Diagnosis Name	Number of Encounters	% of Total	
Nervous System	784.0	Headache, unspecified	1,263		
Endocrine, Nutritional & Metabolic	783.2	Weight Loss, abnormal	202		
Circulatory System	782.3	Edema, unspecified	463		
Skin/Subcutaneous Tissue	782.1	Rash	3,657		
Skin/Subcutaneous Tissue	782.0	Numbness	90		
Nervous System	780.7	Fatigue/Malaise	116		
Nervous System	780.6	Fever/unknown origin			
Mental Health	780.52	Insomnia			
Nervous System	780.4	Dizziness/Vertigo	426		
Nervous System	780.3	Convulsions/Seizures	820		
Nervous System	780.2	Syncope, fainting	141		
Musculoskeletal System	737.3	Scoliosis			
Musculoskeletal System	733.99	Costochondritis	250		
Musculoskeletal System	729.2	Neuralgia/Neuritis	571		
Musculoskeletal System	727.3	Bursitis	452		
Musculoskeletal System	724.5	Back Pain, unspecified	5,656		
Musculoskeletal System	719.40	Joint Pain	6,628		
Musculoskeletal System	716.9	Arthritis	1,521		
Skin/Subcutaneous Tissue	708.9	Urticaria/Hives	356		
Skin/Subcutaneous Tissue	706.2	Cyst	1,442		
Skin/Subcutaneous Tissue	706.1	Acne	1,059		
Skin/Subcutaneous Tissue	704.8	Psedo folliculitis barbae			
Skin/Subcutaneous Tissue	703.0	Ingrown Nail	608		
Skin/Subcutaneous Tissue	700	Corn/Callous	835		
Skin/Subcutaneous Tissue	692.9	Contact Dermatitis	635		
Skin/Subcutaneous Tissue	691.8	Atopic Dermatitis	673		
Skin/Subcutaneous Tissue	690	Dandruff	690		
Skin/Subcutaneous Tissue	682.9	Abscess/Cellulitis	1,782		
Skin/Subcutaneous Tissue	680.9	Boil	559		
Female Reproductive System	625.3	Dysmennorhea			
Female Reproductive System	623.5	Vaginal Discharge	541		
Female Reproductive System	614.9	Pelvic Inflammatory Disease			
Female Reproductive System	611.72	Breast Mass	198		
Female Reproductive System	610.1	Fibrocystic Breast Disease			
Kidney & Urinary Tract	601.9	Prostatitis	512		
Kidney & Urinary Tract	599.0	Urinary Tract Infection	796		
Kidney & Urinary Tract	597	Urethritis	229		
Digestive System	589.0	Abdominal Pain, unspecified	1,336		
Digestive System	573.3	Hepatitis/noninfectious	326		
Digestive System	569.3	Rectal Bleeding	316		
Digestive System	564	Constipation	566		
Digestive System	558,9	Diarrhea/Gastroenteritis	403		
Digestive System	553.3	Hiatal Hernia	295		
Digestive System	550.9	Inguinal Hernia	474		
Digestive System	535.5	Gastritis/Gastroduodenitis	764		
Digestive System	533.9	Peptic Ulcer Disease	969		
Digestive System	522.5	Abscess of Tooth			
Respiratory System	511	Pleurisy			
Respiratory System	496	COPD	3,913		
Respiratory System	493.9	Asthma, unspecified	4,327		
Respiratory System	490	Bronchitis	1,439		
Respiratory System	487.1	Flu-like syndrome (resp.)	306		
Respiratory System	486	Pneumonia	171		
Respiratory System	473.9	Sinusitis (chronic)	1,608		
Respiratory System	465.9	Upper Respiratory Infection	1,158		
Respiratory System	462	Sore throat	454		
Respiratory System	460	Common cold	552		
Circulatory System	455.6	Hemorrhoids	627		
Circulatory System	451.9	Thrombophlebitis	196		
Circulatory System	429.2	ASCVD	266		
Circulatory System	427.9	Cardiac Arrhythmia	230		
Circulatory System	413.9	Angina	332		
Circulatory System	401.9	Hypertension	8,705		
Ear, Nose & Throat	389.9	Hearing loss, unspecified	275		

MEDICAL ENCOUNTERS FOR CALENDAR YEAR 1998 (ALL EXCEEDING 1,000 ENCOUNTERS)--BY PRIMARY CAREGIVERS

Category of Care	ICD-9	Diagnosis Name	Number of Encounters	% of Total	
Ear, Nose & Throat	388.7	Earache	632		
Ear, Nose & Throat	388.4	Abnormal auditory percept.	124		
Ear, Nose & Throat	382.9	Infected Ear, middle	535		
Ear, Nose & Throat	380.10	Infected Ear, external	664		
Eye	372.3	Conjunctivitis	650		
Eye	368.9	Visual Disturbance, unspecified	3,258		
Nervous System	346.9	Headache, Migraine	655		
Nervous System	345.9	Epilepsy	373		
Mental Health	311	Depression	195		
Mental Health	300.0	Anxiety	211		
Blood, Blood Forming Organs/Immunity	285.9	Anemia, unspecified			
Blood, Blood Forming Organs/Immunity	282.6	Sickle Cell Anemia	109		
Blood, Blood Forming Organs/Immunity	282.5	Sickle Cell Trait			
Endocrine, Nutritional & Metabolic	278	Obesity	210		
Endocrine, Nutritional & Metabolic	274	Gout	97		
Endocrine, Nutritional & Metabolic	272.4	Heperlipidemia	147		
Endocrine, Nutritional & Metabolic	272.1	Hypertriglyceridemia			
Endocrine, Nutritional & Metabolic	272.0	Hypercholesterolemia	156		
Endocrine, Nutritional & Metabolic	250.9	Diabetes/Complications	505		
Endocrine, Nutritional & Metabolic	250	Diabetes Mellitus	11,218		
Endocrine, Nutritional & Metabolic	246.9	Thyroid Disorder, unspecified	222		
Skin/Subcutaneous Tissue	110.4	Athlete's Foot	1,028		
Skin/Subcutaneous Tissue	110.3	Jock Itch	325		
Infectious & Parasitic	099.9	Sexually Transmitted Disease/unspecified	533		
Infectious & Parasitic	078.1	Warts (any & all)	1,457		
Infectious & Parasitic	054.9	Herpes	307		
Infectious & Parasitic	042.9	AIDS	896		
Infectious & Parasitic	011.9	TB/Pulmonary	111		
Infectious & Parasitic	008.8	Intestinal Flu			
Subtotal/Doctor (w/nurse assisting) Encounters			**97,555**	**11.3%**	
TOTAL ALL STUDIED ENCOUNTERS			**862,258**	**100.0%**	

ENCOUNTER FORM (3)

NORTH CAROLINA DEPARTMENT OF CORRECTION
COUNT OF ENCOUNTERS BY PRIMARY DIAGNOSIS
FROM JANUARY 1, 1998 THROUGH DECEMBER 31, 1998

ICD-9

DIAGNOSIS	COUNT	
**	236,620	MENTAL HEALTH or DENTAL ENCOUNTERS
V68.8	150,867	RECORD REVIEW
V67	66,350	FOLLOW UP ON TREATMENT (MEDICAL)
V72.6	53,526	LAB TEST
SCREEN	44,060	ADMISSION or HEALTH SCREENING
NCRN	41,217	NURSING ASSESSMENT by RN
V68.1	36,834	PRESCRIPTION RENEWAL
TO	36,786	TRANSFER OUT REVIEW
V74.1	36,589	TB SCREENING
SEG = 344 (p.3)	34,420	SEGREGATION REVIEW
NS	32,247	NO SHOW for APPT.
SSRN	28,178	SKIN ASSESSMENT by RN
MSRN	25,362	MUSCULOSKELETAL ASSESSMENT by RN
V70	25,152	GENERAL PHYSICAL EXAM
RSRN	19,250	RESPIRATORY ASSESSMENT by RN
V65.4	17,905	MEDICATION COUNSELING
PUL	15,037	HEALTH GRADE RE-EVALUATION
250	11,218	DIABETES
CSRN	11,134	CIRCULATORY ASSESSMENT by RN
V72.5	11,056	X-RAY
DSRN	10,089	DIGESTIVE ASSESSMENT by RN
DDRN	9,032	DENTAL ASSESSMENT by RN
401.9	8,705	HYPERTENSION
IPRN	7,077	INFECTIOUS ASSESSMENT by RN
ITRN	6,951	INJURY ASSESSMENT by RN
719.40 SEE P.3	6,453	JOINT PAIN
724.5	5,656	BACK PAIN
ETRN	5,473	EAR, NOSE, THROAT ASSESSMENT by RN
EYRN	5,290	EYE ASSESSMENT by RN
ENRN	4,873	ENDOCRINE ASSESSMENT by RN
NSRN	4,727	NERVOUS SYSTEM ASSESSMENT by RN
493.90	4,327	ASTHMA
496	3,913	COPD
848.9	3,893	SPRAIN
782.1	3,657	RASH
368.9	3,258	VISUAL DISTURBANCE
PRR	2,967	PRE RELEASE REVIEW
KURN	2,878	KIDNEY/URINARY ASSESSMENT by RN
RF	2,455	REFUSED APPT.
FMH	2,356	FOLLOWUP ON MENTAL HEALTH MEDS
V58.3	2,323	SUTURE REMOVAL/DRESSING CHANGE
795.8	1,893	HIV
682.9	1,782	ABSCESS/CELLULITIS
MHRN	1,673	MENTAL HEALTH ASSESSMENT by RN
V04.8	1,640	FLU SHOT
473.9	1,608	SINUSITIS
716.9	1,521	ARTHRITIS
078.1	1,457	WARTS
706.2	1,442	CYST
490	1,439	BRONCHITIS
E986	1,438	LACERATION
NUT	1,400	NUTRITIONAL ASSESSMENT

NORTH CAROLINA DEPARTMENT OF CORRECTION
COUNT OF ENCOUNTERS BY PRIMARY DIAGNOSIS
FROM JANUARY 1, 1998 THROUGH DECEMBER 31, 1998

DIAGNOSIS	COUNT	
829.0	1,364	FRACTURE, CLOSED
789.0	1,336	ABDOMINAL PAIN
E988	1,296	INJURY UNSPECIFIED
784.0	1,263	HEADACHE
FRRN	1,187	FEMALE REPRODUCTIVE ASSESSMENT by RN
465.9	1,158	UPPER RESPIRATORY SYSTEM
706.1	1,059	ACNE
V07.3	1,032	INH (TB) TREATMENT
110.4	1,028	ATHELETE'S FOOT
V72.3	993	GYN EXAM
533.9	969	PEPTIC ULCER
042.9	896	AIDS
786.50	891	CHEST PAIN
V06.5	880	TETANUS VACCINE
700	835	CORNS / CALLOSITIES
780.3	820	CONVULSIONS
599.0	796	URINARY TRACT INFECTION
V52	786	PROTHESIS FITTING
535.5	764	GASTRITIS
691.8	673	DERMATITIS ATOPIC
380.10	664	INFECTED EAR
346.9	655	MIGRAINE
372.30	650	CONJUNCTIVITIS
692.9	635	DERMATITIS NOS
388.70	632	EARACHE
455.6	627	HEMORRHOIDS
703.0	608	INGROWN NAIL
729.2	571	NEURALGIA / NEURITIS
564.0	566	CONSTIPATION
680.9	559	BOIL
460	552	COMMON COLD
623.5	541	VAGINAL DISCHARGE
367	538	REFRACTION DISORDER
382.9	535	EAR INFECTION
099.9	533	VENERAL DISEASE
704.8	528	RAZOR RASH
601.9	512	PROSTATITIS
E960	505	FIGHT / BRAWL / RAPE
250.9	505	DIABETES with COMPLICATIONS
OCME	492	MACE EXPOSURE
550.9	474	INGUINAL HERNIA
782.3	463	EDEMA
462	454	PHARYNGITIS
727.3	452	BURSITIS
786.09	447	SHORT of BREATH
780.4	426	DIZZINESS
558.9	403	DIARRHEA
995.3	386	ALLERGY
345.9	373	EPILEPSY NOS
708.9	356	ITCHING
729.5	346	LIMB PAIN
787.0	335	NAUSEA + VOMITING

APPENDIX D

U.S. RECOMMENDED DAILY ALLOWANCES (RDA'S) FOR FOODS BY AGE GROUP

Recommended Dietary Allowances (RDA)

AGE (YR)	Weight (kg)	Weight (lb)	Height (cm)	Height (inches)	(kcal) ENERGY	(g) PROTEIN	(µg RE) VITAMIN A	(µg) VITAMIN D	(mg α-TE) VITAMIN E	(µg) VITAMIN K	(mg) VITAMIN C	(mg) THIAMIN	(mg) RIBOFLAVIN	(mg NE) NIACIN	(mg) VITAMIN B_6	(µg) FOLATE	(µg) VITAMIN B_{12}	(mg) CALCIUM	(mg) PHOSPHORUS	(mg) MAGNESIUM	(mg) IRON	(mg) ZINC	(µg) IODINE	(µg) SELENIUM
Infants																								
0.0–0.5	6	13	60	24	650	13	375	7.5	3	5	30	0.3	0.4	5	0.3	25	0.3	400	300	40	6	5	40	10
0.5–1.0	9	20	71	28	850	14	375	10	4	10	35	0.4	0.5	6	0.6	35	0.5	600	500	60	10	5	50	15
Children																								
1–3	13	29	90	35	1300	16	400	10	6	15	40	0.7	0.8	9	1.0	50	0.7	800	800	80	10	10	70	20
4–6	20	44	112	44	1800	24	500	10	7	20	45	0.9	1.1	12	1.1	75	1.0	800	800	120	10	10	90	20
7–10	28	62	132	52	2000	28	700	10	7	30	45	1.0	1.2	13	1.4	100	1.4	800	800	170	10	10	120	30
Males																								
11–14	45	99	157	62	2500	45	1000	10	10	45	50	1.3	1.5	17	1.7	150	2.0	1200	1200	270	12	15	150	40
15–18	66	145	176	69	3000	59	1000	10	10	65	60	1.5	1.8	20	2.0	200	2.0	1200	1200	400	12	15	150	50
19–24	72	160	177	70	2900	58	1000	10	10	70	60	1.5	1.7	19	2.0	200	2.0	1200	1200	350	10	15	150	70
25–50	79	174	176	70	2900	63	1000	5	10	80	60	1.5	1.7	19	2.0	200	2.0	800	800	350	10	15	150	70
51+	77	170	173	68	2300	63	1000	5	10	80	60	1.2	1.4	15	2.0	200	2.0	800	800	350	10	15	150	70
Females																								
11–14	46	101	157	62	2200	46	800	10	8	45	50	1.1	1.3	15	1.4	150	2.0	1200	1200	280	15	12	150	45
15–18	55	120	163	64	2200	44	800	10	8	55	60	1.1	1.3	15	1.5	180	2.0	1200	1200	300	15	12	150	50
19–24	58	128	164	65	2200	46	800	10	8	60	60	1.1	1.3	15	1.6	180	2.0	1200	1200	280	15	12	150	55
25–50	63	138	163	64	2200	50	800	5	8	65	60	1.1	1.3	15	1.6	180	2.0	800	800	280	15	12	150	55
51+	65	143	160	63	1900	50	800	5	8	65	60	1.0	1.2	13	1.6	180	2.0	800	800	280	10	12	150	55
Pregnant					+300	60	800	10	10	65	70	1.5	1.6	17	2.2	400	2.2	1200	1200	320	30	15	175	65
Lactating																								
1st 6 mo.					+500	65	1300	10	12	65	95	1.6	1.8	20	2.1	280	2.6	1200	1200	355	15	19	200	75
2nd 6 mo.					+500	62	1200	10	11	65	90	1.6	1.7	20	2.1	260	2.6	1200	1200	340	15	16	200	75

APPENDIX E

CORRECTION ENTERPRISE PROCESSING COSTS FOR SPECIFIC FOOD ITEMS AND USDA SAMPLE LISTINGS

COMPARISON OF ENTERPRISE PER POUND COSTS AND WHOLESALE COSTS BASED ON A USDA COMMODITIES LISTING

ENTERPRISE ITEMS AND COST				ORIGINAL ITEMS AS BID TO DOC			USDA COMPARISON ITEMS			COST COMPARISONS				
Enterprise Stock #	Product Name on Enterprise List	Total Poundage	Average Cost/Pound Enterprise	Product Name on Bid Sheet	Stock #	Average Cost/Pound Bid	USDA Item #	Description on USDA Commodities List	Est. USDA Cost/Lb.	Est. Enterprise Cost	Est. DOC Orig. Cost	Est. USDA Cost	Net Add'l Cost (Ent. To DOC)	Net Add'l Cost (Ent. To USDA)
3717	Turkey Roast	239,735	$1.63	Turkey Rolls	3717	$1.19	630	Turkey Roast, Frozen	$1.28	$390,768	$285,285	$307,101	$105,483	$83,668
3720	Turkey Ham	233,606	$1.20				625	Turkey Hams	$0.95	$280,327		$221,832		$58,495
3702	Turkey Sausage*	350,330	$1.45	Ground Turkey*	3702	$0.42	619	Turkey Sausage, Chubs	$0.85	$507,979	$147,139	$296,379	$360,840	$211,599
3674	Beef Steak Patty*	181,830	$1.35				432	Lean Beef Frozen patties	$1.29	$245,471		$234,743		$10,728
3672	Beef Patty*	173,490	$1.35				431	Beef Patties Frozen (all beef)	$1.14	$234,212		$197,779		$36,433
3719	Poultry Bologna	156,838	$0.69				396	Lunchmeat, Canned	$1.27	$108,218		$199,184		-$90,966
3678	Fresh Ham	201,703	$1.67	Ham, Frozen		$0.87	379	Ham	$1.50	$336,844	$175,482	$302,555	$161,362	$34,290
	Ham, Rolled		$1.67	Ham, Rolled		$1.12								
3666	Frozen Fish Fillets	237,390	$1.25				308	Fish Portions Frozen	$1.53	$296,738		$363,207		-$66,469
3670	Chicken Legs	781,305	$0.72	Chicken Legs	3670	$0.37	241	Chicken Legs Chilled.50	$0.46	$562,540	$289,083	$355,494	$273,457	$207,046
3673	Ground Beef*	462,070	$1.30	Ground Beef*		$0.87	106	Frozen Ground Beef	$1.05	$600,691	$402,001	$484,665	$198,690	$116,026
3644	Boneless Beef Stew*	267,650	$2.11				103	Beef Special Trim Boneless	$1.45	$564,742		$389,163		$175,578
3638	Bacon	279,687	$1.71											
3688	Broccoli	278,480	$0.59											
3703	Turkey Thighs	248,222	$0.77	Turkey Thighs	3703	$0.47				$191,131	$116,664		$74,467	
3665	Breaded Fish	246,803	$1.10											
3646	Top Round Beef Roast	231,566	$1.65	Top Round Roast Beef	3646	$1.34				$382,084	$310,298		$71,785	
3642	Beef Cube Steak	216,680	$2.17	Top Round Roast Beef*	3642	$1.31				$470,196	$283,851		$186,345	
3697	Okra	179,740	$0.65											
3675	Beef Franks	179,391	$1.35											
3694	Smoked Sausage	157,770	$1.49											
3669	Meatloaf Mix*	133,710	$1.20											
		5,437,996											$1,432,429	$776,427

NOTE: asterisk indicates items made from raw materials by plan

Enterprise costs are what the prison units are charged for the specific items.

Original DOC costs are the per pound cost which vendors bid to the Department for these same items, in their most recent bid. These will be shipped to Enterprise for processing and/or pass-thru distribution to the prison units

USDA prices are those most recently bid, based on a nationwide request for bids. Note: USDA items do not have a corresponding stock # to the state and as such may not be an exact match to the DOC/Enterprise, but it appears from their titles they may be close.

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Correction Enterprises
P. O. Box 29540
2020 Yonkers Road • Raleigh, North Carolina 27626-0540

James B. Hunt Jr., Governor
L.M. (Les) Martin
Enterprise Director
Mack Jarvis, Secretary

May 14, 1998

TO: Lynn Phillips
DOC Assistant Secretary

THROUGH: James G. Godwin
Correction Enterprises Acting Director

FROM: Anne Morgan
Correction Enterprises Financial Analyst

SUBJECT: Meat Processing Items Analysis

We have conducted an analysis of the twenty top selling items the DOC buys from the Meat Processing plant for the past three fiscal year. We have used the period July 1 through April 30 for each fiscal year.

Our findings are as follows:

The serving size of meat for the first two years of the study was 4 oz. per serving. However, the serving sizes have been decreased back to 3 oz when the Food Service System software package was totally installed, between September and October of 1997.

The inmate population growth has been slowing during the periods reviewed. However, the number of pounds bought for the items studied has increased disproportionately with the growth of the population. Example: between 1997 and 1998, the inmate population grew by 3.3%, but the poundage of the items studied grew by 23.7%.

Those items showing the highest increases tend to be the items that have

cost the most: Bacon, Turkey Roast, Beef Roast, Fresh Hams, Ground Beef.

On several of these studied items, our prices have actually declined: Chicken Legs, Broccoli, Beef Stew, Breaded Fish, Turkey Roast, Beef Roast, Cube Steak.

Formulation changes in several products, initiated by the dietitian, have caused prices to increase. In October of 1995, the type of bacon bought was changed from the slab type to that of individual strips with pattie paper between each strip. This caused the cost to increase from $.90 to $1.50 per pound. Another item similarly effected is ground beef. During the period studied, the formulation was changed from an equal mix of beef trimmings and lean beef to an 85% lean beef, 15% beef trimmings mixture. This caused the cost of this item to rise from $1.10 to $1.30 per pound. These items also show the greatest increases over the previous years.

In conclusion, based upon these twenty top selling items, the increase in the DOC food budget is due to menu and meat formulation changes which consequently resulted in higher costs.

If you have any questions or comments, please do not hesitate to call.

As per Prisons Enterprises, increase in DOC Food Expenditures due to:

1) Menu changes
2) Meat Formulation Changes

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MEAT PROCESSING

ANALYSIS OF QUANTITIES, PRODUCTS AND PRICING

10 MONTH PERIODS

July thru April		Inmate Population
Fy 1996		28,478
Fy 1997		30,802
Fy 1998		31,819

Stock #	Product	FY 1996 Total Poundage	FY 1996 Average Cost	FY 1996 Total Avg Charged	FY 1997 Total Poundage	FY 1997 Average Cost	FY 1997 Total Avg Charged	FY 1998 Total Poundage	FY 1998 Average Cost	FY 1998 Total Avg Charged
3670	Chicken Legs	697,810	0.84	586,160	718,949	0.75	539,212	781,305	0.72	562,540
3673	Ground Beef*	282,670	1.10	310,937	198,732	1.31	260,339	462,070	1.30	600,691
3702	Turkey Sausage*	152,940	1.03	157,528	238,240	1.34	319,242	350,330	1.45	507,979
3638	Bacon	198,527	1.53	303,746	226,947	1.69	383,540	279,687	1.71	478,265
3688	Broccoli	205,232	0.62	127,244	274,931	0.63	173,207	278,480	0.59	164,303
3644	Boneless Beef Stew*	200,140	2.08	416,291	254,474	2.22	564,932	267,650	2.11	564,742
3703	Turkey Thighs	109,740	0.79	86,695	90,840	0.98	89,023	248,222	0.77	191,131
3665	Breaded Fish	132,438	1.15	152,304	147,420	1.12	165,110	246,803	1.10	271,483
3717	Turkey Roast	164,582	1.66	273,206	77,865	1.69	131,592	239,735	1.63	390,768
3666	Frozen Fish Fillets	183,065	1.10	201,372	262,660	1.17	307,312	237,390	1.25	296,738
3720	Turkey Ham	290,907	1.14	331,634	287,358	1.19	341,956	233,606	1.20	280,327
3646	Top Round Beef Roast	181,339	1.78	322,783	145,427	1.70	247,226	231,566	1.65	382,084
3642	Beef Cube Steak	271,240	2.25	610,290	343,580	2.30	790,234	216,680	2.17	470,196
3678	Fresh Ham	128,932	1.30	167,612	163,085	1.50	244,628	201,703	1.67	336,844
3674	Beef Steak Patty*	109,030	1.14	124,294	119,122	1.35	160,815	181,830	1.35	245,471
3697	Okra	159,160	0.68	108,229	238,130	0.72	171,454	179,740	0.65	116,831
3675	Beef Franks	49,100	1.30	63,830	101,250	1.36	137,700	179,391	1.35	242,178
3672	Beef Patty*	139,430	1.14	158,950	137,030	1.35	184,991	173,490	1.35	234,212
3694	Smoked Sausage	128,830	1.24	159,749	118,110	1.54	181,889	157,770	1.49	235,077
3719	Poultry Bologna	159,832	0.73	116,677	177,833	0.74	131,596	156,838	0.69	108,218
3669	Meatloaf Mix*	88,680	1.08	95,774	73,740	1.33	98,074	133,710	1.20	160,452
* Items made from raw materials by plant										
Totals		4,033,624		4,875,306	4,395,723		5,624,071	5,437,996		6,840,527
Avg. Cost per Pound				1.2087			1.2794			1.2579

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NOTES TO MEAT PROCESSING ANALYSIS

The prices shown are an average over a ten month period. Overhead additions are as follows:

FY 1996	.16 added to the cost of the item
FY 1997	.16 added to the cost of the item
FY 1998	16% added to the cost of a pass through item
	8% added to the cost of a processed item
	(for the period, the percentage has dropped from 22% to 18% to 16% for in and out items)

(1) Drop in ground beef usage is due to the availability of USDA ground beef Feb. thru April 1997

(2) In October 10 1995, the specifications on Bacon were changed to include layering of strips between paper. The cost of this item jumped from $1.08 to $1.53 as a result of this change

(3) Increase in this item is partly due to switch from Beef Cube steak to this item with a lower cost
Beef Cube steaks shows a significant drop from the previous year

JAN 21 1999

United States Department of Agriculture
Food and Consumer Service

Southeast Region

15 JAN 1999

Reply to
Attn. of: FD 1-3

Subject: Commodity File for School Year (SY) 2000
for Processing Contracts

To: All State Food Distribution Directors
Southeast Region

Please find attached a copy of the PCIMS Commodity File Listing (FNSR80) dated January 14, 1999, that is to be used for approval of SY 2000 processing contracts. This commodity file should be used for determining commodity values for those processors using a refund or discount value pass through system. In addition, this commodity file should be used in the event of a claim against a processor for missed yields, condemned products, and inventory reconciliations.

Should you have any questions regarding this matter, please contact Debra Long of my staff at (404) 562-7076.

Karen L. Dean

KAREN L. DEAN
Chief
Food Distribution Section
Special Nutrition Programs

Attachment

61 Forsyth Street, S.W., Room 8T36, Atlanta, GA 30303-3415

COMMODITY NAME/ SEQ NO COMMODITY SHORT TITLE	FCS CODE	KCC CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	CAR LOADING T/R	UNITS	NET WT
TURKEYS, CHILLED BULK	A534	2333	90 BULK	01/11/99	98	$.51050000	1.0000	T	36,000	36,000
0617 TURKEY BULK							1.0000	R	36,000	36,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY ROASTS, FROZEN	A537	2336	48 32-48 LB CTN	01/07/99	98	$1.28119318	1.0500	T	40,000	40,000
0630 TURKEY ROASTS							1.0000	R	40,000	40,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY ROAST, WHITE, FROZEN	A539	2338	40 40 LB CONTAINER	01/29/99	98	$1.40386000	1.0500	T	40,000	40,000
0629 TURKEY ROAST WHITE							1.0000	R	80,000	80,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY, FROZEN GROUND	A540	2335	40 4/10 LB CTN	12/29/98	98	$.48294737	1.0500	T	40,000	40,000
0624 TURKEY GROUND							1.0000	R	40,000	40,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY FRZ GROUND BURGERS	A541	2383	36 36 LB CTN	12/29/98	98	$.96110000	1.0500	T	36,000	36,000
0618 TURKEY BURGERS							1.0000	R	72,000	72,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY SAUSAGE, CHUBS	A542	2311	30 30 LB CTN	11/25/98	98	$.84630000	1.0500	T	39,000	39,000
0619 TURKEY CHUBS							1.0000	R	78,000	78,000
NO ALLOWABLE SUBSTITUTES FOUND										
COMMERCIAL TURKEY BREAST SMALL	A545	2351	40 24-40	05/06/98	98	$1.00340548	1.0600	T	38,000	38,000
0615 TURKEY BRST SM							1.0000	R	76,000	76,000
NO ALLOWABLE SUBSTITUTES FOUND										
COMMERICAL TURKEY BREAST LARGE	A546	2350	40 32-64 LBS	05/08/98	98	$1.04699608	1.0600	T	38,000	38,000
0615 TURKEY BRST LG							1.0000	R	76,000	76,000
NO ALLOWABLE SUBSTITUTES FOUND										

COMMODITY NAME/ SEQ NO	COMMODITY SHORT TITLE	FCS CODE	ECC CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	T/R	CAR LOADING UNITS	NET WT
TURKEY ROAST SLICED		A547	2339	32 32-48 LB CNTNR	07/09/98	98	$1.26000000	1.0500	T	40,000	40,000
0628	TURKEY ROAST SL SOC							1.0000	R	80,000	80,000
	NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY HAMS, SMOKED, FRZ		A548	2340	40 40 LB CTN	01/07/99	98	$.94965600	1.0500	T	40,000	40,000
0625	TURKEY HAMS							1.0000	R	80,000	80,000
	NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY BREAST, DELI, FROZEN		A549	2330	40 40 LB CONTAINER	01/29/98	98	$1.39233200	1.0500	T	40,000	40,000
0613	TURKEY BREAST DELI							1.0000	R	80,000	80,000
	NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY BREAST, DELI, SMOKED		A550	2331	40 40 LB CONTAINER	01/29/98	98	$1.40733846	1.0500	T	40,000	40,000
0614	TURKEY BRST DELI SMK							1.0000	R	80,000	80,000
	NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY BREAST, DELI, SMALL		A551	2329	41 40 LB CONTAINER	11/13/97	98	$1.69698311	1.0500	T	40,000	40,000
0622	TURKEY DELI SMALL							1.0000	R	80,000	80,000
	NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY BREAST, DELI, SMOKED SM		A552	2328	41 40 LB CONTAINER	11/13/97	98	$1.76633333	1.0500	T	40,000	40,000
0623	TURKEY DELI SMK SMAL							1.0000	R	80,000	80,000
	NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY, WHITE, CANNED BONED		A553	2132	12 12/50 OZ CAN	04/30/98	98	$1.75000000	44.0000	T	1,000	37,500
0632	TURKEY W 50							37.5000	R	2,000	75,000
	NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY, WHITE, CANNED BONED		A554	2132	24 24/29 OZ CAN	06/10/98	98	$2.10236750	52.0000	T	840	36,540
0631	TURKEY W 29							43.5000	R	1,680	73,080
	NO ALLOWABLE SUBSTITUTES FOUND										

COMMODITY NAME/ SEQ NO COMMODITY SHORT TITLE	FCS CODE	ECC CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	CAR LOADING T/R	UNITS	NET WT
EGG MIX	A570	0760	48 48/6 OZ PKG	11/27/98	98	$2.21300000	22.0000	T	2.000	36.000
0289 EGG MIX 6							18.0000	R	4.000	72.000
NO ALLOWABLE SUBSTITUTES FOUND										
EGG MIX	A575	0760	10 4/10 LB BAG	02/03/98	98	$1.78645000	42.5000	T	1.000	40.000
0288 EGG MIX 10							40.0000	R	2.000	80.000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF ROASTS SELECT/CHOICE	A576	2525	28 28-40 LB CTN	07/02/98	14	$2.30060000	1.0800	T	40.000	40.000
0100 BEEF ROASTS CHOICE							1.0000	R	80.000	80.000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF, FROZEN GROUND	A577	2513	36 36 LB CTN	01/12/99	14	$1.04849200	39.0000	T	1.100	39.600
0106 BEEF 25							36.0000	R	2.200	79.200
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF PATTIES VPP	A588	2514	36 36 LB CTN	01/06/99	14	$1.00659231	39.0000	T	1.100	39.600
0433 PATTIES VPP							36.0000	R	2.200	79.200
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF MEATBALL STEW	A589	2430	30 24/15 OZ CAN	10/29/97	98	$.95844286	28.0000	T	1.600	36.000
0582 STEW 24/15							22.5000	R	4.800	108.000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF STEW, CHUNKY, CANNED	A590	2420	24 24/24 OZ CAN	09/09/98	14	$1.80000000	43.0000	T	1.000	36.000
0104 BEEF STEW CHUNKY							36.0000	R	3.000	108.000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF PATTIES FROZEN	A591	2515	36 36 LB CTN	01/06/99	14	$1.14068182	39.0000	T	1.100	39.600
0431 PATTIES ALL BEEF							36.0000	R	2.200	79.200
NO ALLOWABLE SUBSTITUTES FOUND										

COMMODITY NAME/ SEQ NO COMMODITY SHORT TITLE	FCS CODE	KCC CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	CAR LOADING T/R	CAR LOADING UNITS	CAR LOADING NET WT
BEEF PATTIES, LEAN FRZ	A592	2517	36 36 LB CTN	01/06/99	14	$1.29113571	39.0000	T	1,100	39,600
0432 PATTIES LEAN							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF,COARSE FRZ GRD-PROCESSING	A594	2510	61 60 LB CTN	01/06/99	14	$1.05376190	62.0000	T	700	42,000
0091 BEEF BLK COARSE							60.0000	R	1,400	84,000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF-FROZEN FINE GROUND	A598	2513	39 36/1 LB PKGS	01/06/99	12	$1.63518000	39.0000	T	1,100	39,600
0105 BEEF 1							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF VFP PATTY, FRZ-COOKED-SOC	A600	2521	36 36 LB CTN	04/13/98	14	$1.00000000	39.0000	T	1,100	39,600
0097 BEEF PATS VFP SOC							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF PATY, 100%BF, FRZ-CK-SOC	A601	2522	36 36 LB CTN	04/13/98	14	$1.12000000	39.0000	T	1,100	39,600
0095 BEEF PATS ALL SOC							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF, SPECIAL TRIM- BONELESS	A602	2512	60 60 LB CTN	01/06/99	14	$1.45400000	62.0000	T	700	42,000
0103 BEEF SPECIAL							60.0000	R	1,400	84,000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF ROAST, COOKED, SLICED	A603	2527	40 40 LB CTN	04/03/97	14	$2.02114676	43.0000	T	1,000	40,000
0099 BEEF ROAST SLC							40.0000	R	2,000	80,000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF CHUCK ROASTS 3LB SEL/CH	A604	2528	38 38-42 LB CTN	09/29/98	14	$2.01869231	1.0800	T	40,000	40,000
0253 CHUCK ROAST 3							1.0000	R	80,000	80,000
NO ALLOWABLE SUBSTITUTES FOUND										

COMMODITY NAME/ SEQ NO COMMODITY SHORT TITLE	FCS CODE	KCC CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	CAR LOADING T/R	UNITS	NET WT
HAM, SLC WATER ADDED CKD SOC	A639	2672	85 8/5 LB PKGS	05/28/98	14	$1.50000000	43.0000	T	1,000	40,000
0379 HAM SLC							40.0000	R	2,000	80,000
NO ALLOWABLE SUBSTITUTES FOUND										
PORK FROZEN GROUND	A640	2662	36 36 LB CTN	01/07/99	14	$.51022500	39.0000	T	1,100	39,600
0492 PORK FRZ 36							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
PORK PATTY, COOKED FRZ SOC	A642	2615	36 36 LB CTN	01/07/99	14	$.74100000	39.0000	T	1,100	39,600
0495 PORK PTY. CK-SOC							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
BONELESS PORK	A644	2680	60 60 LB CTN	01/07/99	14	$.83788000	62.0000	T	700	42,000
0127 BONELESS PORK							60.0000	R	1,400	84,000
NO ALLOWABLE SUBSTITUTES FOUND										
PORK FRO GRD COARSE-PROCESSING	A646	2661	61 60 LB CTN	12/08/98	14	$.50710870	63.0000	T	660	39,600
0488 PORK BLK COARSE							60.0000	R	1,320	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
BNLS PORK LEGS (HAM)	A647	2681	61 56-60 LB CTN	01/12/99	14	$.82000000	1.0500	T	40,500	40,500
0030 B. PORK HAMS							1.0000	R	81,000	81,000
NO ALLOWABLE SUBSTITUTES FOUND										
BONELESS PORK TRIMMINGS	A648	2680	61 56-60 LB CTN	01/12/99	14	$.82000000	1.0500	T	40,500	40,500
0031 B. PORK TRIMMINGS							1.0000	R	81,000	81,000
NO ALLOWABLE SUBSTITUTES FOUND										
PORK SAUSAGE, FRZ BULK	A651	2640	36 36 LB CTN	12/23/98	14	$.83340000	39.0000	T	1,100	39,600
0507 PORK SAUSAGE							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										

COMMODITY NAME/ SEQ NO COMMODITY SHORT TITLE	FCS CODE	KCC CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	CAR LOADING T/R	UNITS	NET WT
CHICKEN, FROZEN THIGHS ONLY	A514	2227	40 40 LB CTN	09/30/98	98	$.37100000	1.0600	T	40,000	40,000
0249 CHIX THIGHS							1.0000	R	80,000	80,000
NO ALLOWABLE SUBSTITUTES FOUND										
CHICKEN, CHILLED, LEGS	A516	2241	90 BULK PACK	04/25/94	98	$.50000000	1.0600	T	36,000	36,000
0241 CHIX LEGS CHILL							1.0000	R	36,000	36,000
NO ALLOWABLE SUBSTITUTES FOUND										
CHICKEN NUGGETS, FROZEN	A520	2220	40 40 LB CTN	06/11/93	98	$1.25710000	1.0500	T	38,000	38,000
0242 CHIX NUGGETS							1.0000	R	38,000	38,000
NO ALLOWABLE SUBSTITUTES FOUND										
CHICKEN PATTIES, FRZ BREADED	A537	2217	40 40 LB CTN	02/28/85	98	$1.28020000	1.0500	T	38,000	38,000
0245 CHIX PATTIES							1.0000	R	38,000	38,000
NO ALLOWABLE SUBSTITUTES FOUND										
CHICKEN, CHILLED, THIGHS	A531	2242	90 BULK PACK	04/25/94	98	$.50000000	1.0600	T	36,000	36,000
0251 CHIX THIGHS CHILL							1.0000	R	36,000	36,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY, CANNED, BONED	A536	2131	50 12/50 OZ CAN	09/18/92	98	$1.95000000	44.0000	T	1,000	37,500
0621 TURKEY CND 50							37.5000	R	2,000	75,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY, SMOKED, PATTIES, 50C	A543	2312	36 36 LB CTN	12/08/94	98	$.59290000	1.0500	T	36,000	36,000
0247 TURKEY PATTIES 50C							1.0000	R	72,000	72,000
NO ALLOWABLE SUBSTITUTES FOUND										
TURKEY SAUSAGE, LINKS, 50C	A544	2310	40 40 LB CTN	08/04/94	98	$.65000000	1.0500	T	40,000	40,000
0246 TURKEY LINKS 50C							1.0000	R	80,000	80,000
NO ALLOWABLE SUBSTITUTES FOUND										

COMMODITY NAME/ SEQ NO COMMODITY SHORT TITLE	FCS CODE	KCC CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	CAR LOADING T/R	CAR LOADING UNITS	CAR LOADING NET WT
BEEF, FRZ BONELESS-PROCESSING	A595	2511	60 60 LB CTN	09/22/86	05	$1.11240000	62.0000	T	700	42,000
0092 BEEF BONELESS							60.0000	R	1,400	84,000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF, WAFER STEAK SOD	A596	2505	36 6/6 LB CTN	09/22/86	05	$1.11240000	39.0000	T	1,000	36,000
0102 BEEF SOD							36.0000	R	2,000	72,000
NO ALLOWABLE SUBSTITUTES FOUND										
BEEF PATTY, 100% [illegible]	A599	2526	36 36 LB CTN	09/22/94	14	$1.63746705	39.0000	T	1,100	39,600
0096 BEEF PTY 100% STD							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
MEAT, LUNCHEON, CANNED	A619	2440	50 24/30 OZ CAN	01/01/92	98	$1.27810000	53.2000	T	800	36,000
0395 LUNCHMEAT 24							45.0000	R	2,400	108,000
NO ALLOWABLE SUBSTITUTES FOUND										
MEAT, LUNCHEON, CANNED	A621	2440	60 6/6 LB CAN	07/12/89	98	$1.32220000	43.0000	T	1,000	36,000
0397 LUNCHMEAT 6							36.0000	R	2,000	72,000
NO ALLOWABLE SUBSTITUTES FOUND										
PORK, GRD PIE-SHAPED PATTY FRZ	A641	2610	36 36 LB CTN	06/07/94	14	$1.05000000	39.0000	T	1,100	39,600
0471 PORK FRZ PATTIES							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
PORK FRZ GND COARSE-PROCESSING	A643	2661	60 60 LB CTN	12/23/92	05	$1.00394348	63.0000	T	660	39,600
0469 PORK BULK COARSE							60.0000	R	1,320	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
PORK FRZ COARSE GRD-PROCESSING	A645	2661	60 60 LB CTN	03/25/92	07	$1.14080000	63.0000	T	660	39,600
0490 PORK FRZ COARSE							60.0000	R	1,320	79,200
NO ALLOWABLE SUBSTITUTES FOUND										

COMMODITY NAME/ SEQ NO COMMODITY SHORT TITLE	FCS CODE	KCO CODE	PACK SIZE	PURCHASE DATE	SHIP CODE	EST COST PER LB	AVG GROSS PACK WT/ NET PACK WT	CAR LOADING T/R	UNITS	NET WT
CATFISH, FILET STRIPS FRZ	A750	2822	30 30 LB CTN	02/18/92	98	$1.90000000	31.5000	T	1,200	36,000
0197 CATFISH FRZ							30.0000	R	2,400	72,000
NO ALLOWABLE SUBSTITUTES FOUND										
CATFISH, FILLET STRIPS FRZ	A751	2822	40 40 LB CTN	07/17/92	98	$2.91000000	43.0000	T	900	36,000
0196 CATFISH FILLET							40.0000	R	1,800	72,000
NO ALLOWABLE SUBSTITUTES FOUND										
FISH NUGGETS, FROZEN	A760	2810	40 40 LB CTN	11/23/88	98	$1.13140000	42.5000	T	950	38,000
0307 FISH NUGGETS							40.0000	R	1,900	76,000
NO ALLOWABLE SUBSTITUTES FOUND										
FISH PORTIONS, FROZEN	A762	2811	36 36 LB CTN	02/19/87	98	$1.53000000	39.0000	T	1,100	39,600
0308 FISH PORTIONS							36.0000	R	2,200	79,200
NO ALLOWABLE SUBSTITUTES FOUND										
BEANS, DRY	A905	4201	12 12/2 LB PKG	03/13/92	98	$.28740000	25.5000	T	1,680	40,320
0046 BEANS DRY							24.0000	R	3,360	80,640
NO ALLOWABLE SUBSTITUTES FOUND										
BEANS, BLACK TURTLE, DRY	A909	4238	25 25 LB BAG	08/05/94	98	$.32750000	25.5000	T	1,600	40,000
0039 BEANS BLK TRTL 25							25.0000	R	3,200	80,000
NO ALLOWABLE SUBSTITUTES FOUND										
BEANS, DRY GARBANZO	A911	4210	12 12/2 LB PKG	01/11/95	98	$.56875000	25.5000	T	1,680	40,320
0049 BEANS GBZO 2							24.0000	R	3,360	80,640
NO ALLOWABLE SUBSTITUTES FOUND										
BEANS, DRY PINK	A913	4220	12 12 2/20 PKG	03/16/92	98	$.31370000	25.5000	T	1,680	40,320
0070 BEANS PINK 2							24.0000	R	3,360	80,640
NO ALLOWABLE SUBSTITUTES FOUND										

MANAGEMENT PERSPECTIVE

The Office of State Budget and Management is dedicated to the principles of efficiency and effectiveness in North Carolina state government. Its management role is oriented toward promoting and facilitating the implementation of sound management concepts and practices throughout state government by assisting and/or conducting management analysis and providing consulting services to the Governor, the State Budget Officer and department and agency heads. This report has been prepared in keeping with this management perspective.

STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT
Management Section
116 West Jones Street
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Prison Health Care Cost Study Summary

Total Health Care Expenditures—Four Year Study Period

- Increase in overall expenditures from $65 million to $103 million during the four-year period
- Increase in inmate population from 23,000 to 32,000 during the same time period, or a 40% increase
- Cost per inmate for health care expenditures rose from $2,800 to $3,240 during the same time period, or a 16% increase

Apparent Trends Health Care Expenditures – Most Recent Two Years

- Increase in overall expenditures in last two years is at 12%
- Increase in per inmate health care expenditures is at 2.68% in the last two years, which is lower than the Consumer Price Index-Medical

Factors Affecting Health Care Expenditures

- Pharmaceutical expenditures increased at 16% last year
- Hospital and specialist services went down in the last two years

Initiatives To Control Health Care Expenditures

- Medical Encounter Tracking System and Other System Improvements
- Mandatory Utilization Review
- Claims Processing of all Bills by Outside Providers
- Central Office Emphasis on Cost Containment and Quality Control
- Pharmaceutical Purchasing Consortium

Recommendations To Further Control Health Care Expenditures

- Information Systems & Reporting Enhancements: Unit Costing for All Services, Linkages among accounting, medical, and inmate information systems
- Benchmarking: with other states, private organizations, and within the prison system
- Cost Containment Emphasis from the top down and from the prison unit level up

CHART A

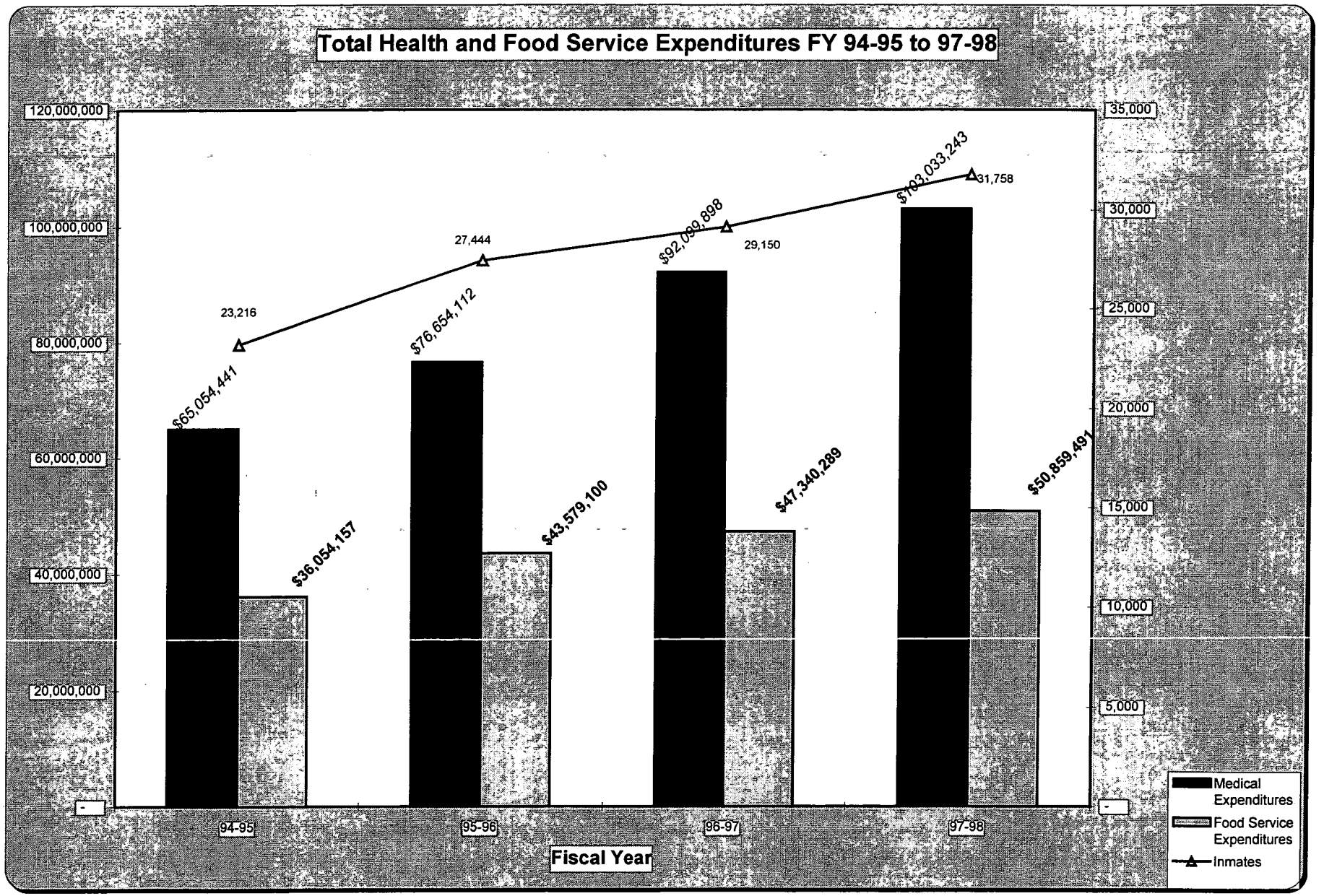

Total Health and Food Service Expenditures FY 94-95 to 97-98
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
-
35,000
30,000
25,000
20,000
15,000
10,000
5,000
-
23,216
27,444
29,150
31,758
$65,054,441
$36,054,157
$76,654,112
$43,579,100
$92,099,898
$47,340,289
$103,033,243
$50,859,491
94-95
95-96
96-97
97-98
Fiscal Year
Medical Expenditures
Food Service Expenditures
Inmates

CHART B

SUMMARY OF EXPENDITURES, TOTAL AND PER INMATE IN HEALTH CARE SUBCATEGORIES, COMPARED TO THE MEDICAL CONSUMER PRICE INDEX

HEALTH CARE EXPENDITURES

	Total Expenditures				
Expense Categories	**1994-95**	**1995-96**	**1996-97**	**1997-98**	**% of Total Health Exp.**
Personnel Expenses	$40,676,747	$44,557,022	$51,425,576	$57,585,612	55.89%
Hospital Related Expenses	$9,107,552	$9,119,064	$11,274,620	$11,783,419	11.44%
Specialist Expenses (private & hospit	$6,834,212	$10,091,695	$13,505,278	$14,317,677	13.90%
Pharmaceutical and Related Supplies	$7,522,669	$9,603,054	$11,300,268	$14,284,370	13.86%
Other Medical Related Expenses	$14,547	$58,832	$74,632	$66,857	0.06%
Special Medical Contract Expenses	$4,485	$2,503	$3,943,750	$4,227,066	4.10%
Total Non Medical (furniture, office eq	$894,229	$3,221,942	$575,774	$768,242	0.75%
TOTAL EXPENDITURES	**$65,054,441**	**$76,654,112**	**$92,099,898**	**$103,033,243**	
		Overall Percentage Change			
		18%	20%	12%	

Average Per Inmate Expenditures			
1994-95	**1995-96**	**1996-97**	**1997-98**
$1,752.00	$1,624.00	$1,764.00	$1,813.00
$392.00	$332.00	$387.00	$371.00
$294.00	$368.00	$463.00	$451.00
$324.00	$350.00	$388.00	$450.00
$0.63	$2.14	$2.56	$2.11
$0.19	$0.09	$135.29	$133.10
$38.52	$117.40	$20.00	$24.19
$2,801	**$2,794**	**$3,160**	**$3,244**

Inmate % Change	-0.28%	13.11%	2.68%
CPI-Medical % Change	4.00%	3.10%	2.80%

Sources: Year End Expenditure Reports (BD-701) and the Consumer Price Index-Medical Care Series

CHART C

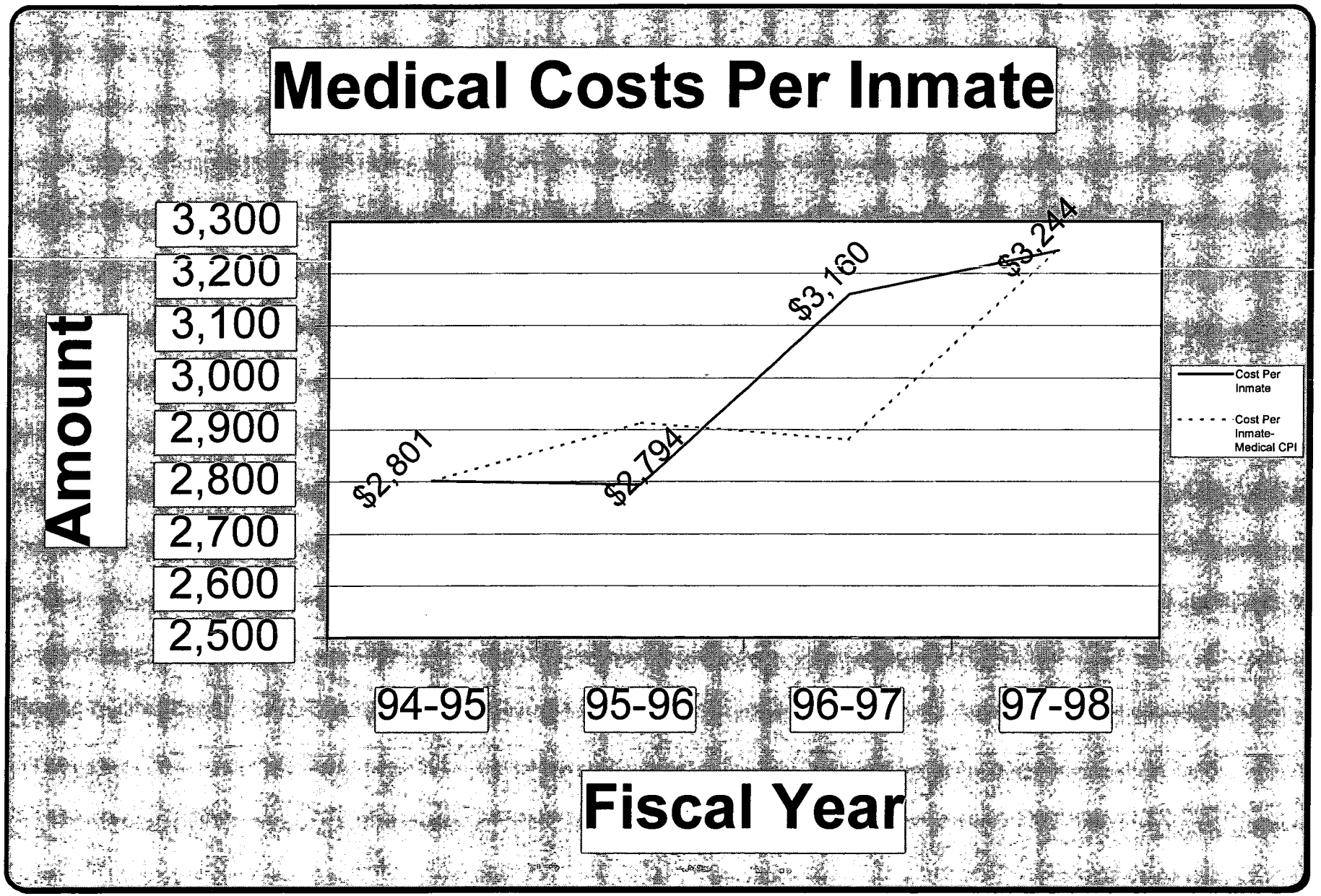

Medical Costs Per Inmate
Amount
3,300
3,200
3,100
3,000
2,900
2,800
2,700
2,600
2,500
$2,801
$2,794
$3,160
$3,244
Cost Per Inmate
Cost Per Inmate-Medical CPI
94-95
95-96
96-97
97-98
Fiscal Year

CHART D

SUMMARY OF EXPENDITURES, TOTAL AND PER INMATE IN HEALTH CARE SUBCATEGORIES, COMPARED TO THE MEDICAL CONSUMER PRICE INDEX

Expense Sub Categories	1995-96		1996-97		1997-98	
	DOC	CPI-Medical	DOC	CPI-Medical	DOC	CPI-Medical
Hospital Related Expenses	-15%	4.70%	17%	4.00%	-4%	3.00%
Specialist Expenses	25%	0.90%	26%	3.20%	-3%	3.00%
Pharmaceutical and Related supplies	8%	2.60%	11%	3.30%	16%	2.40%

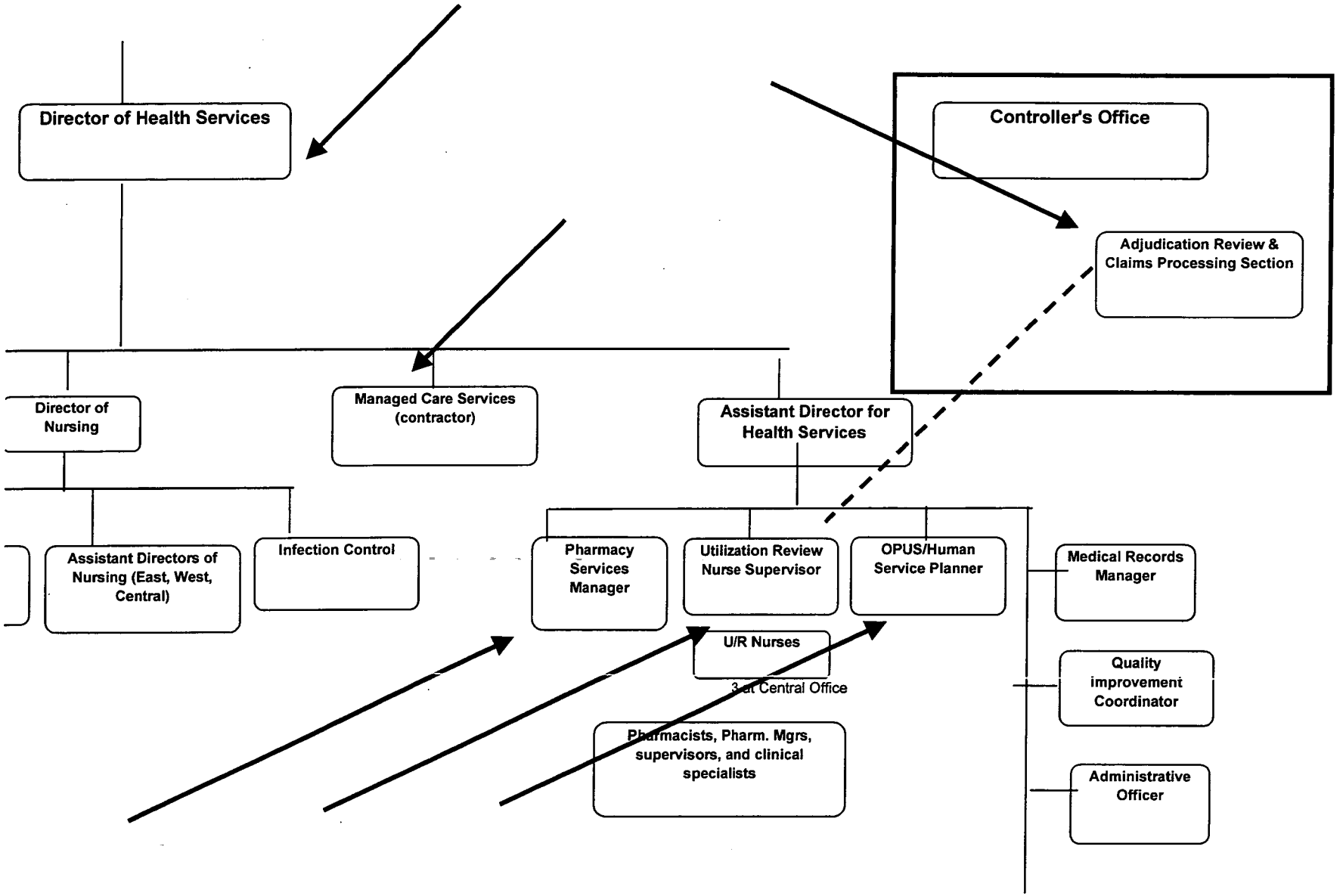
Sources: Year End Expenditure Reports (BD-701) and the Consumer Price Index-Medical Care Series

CHART E

COMPARISON OF VARIOUS STATE HEALTH PLANS, MEDICAID, & DOP PLAN COSTS--1998-1999

	BC/BS Major Medical	BC/BS PCP	Kaiser Plan	PruHealth Plan	Medicaid	DOC/DOP	DOC Private Health Contract
General Limitations	Subject to deductible and co-pay, reimbursed at Plan's UCR	Services provided and/or approved in advance by plan doctor	Services provided and/or approved in advance by plan doctor	Services provided and/or approved in advance by plan doctor			
Maximum Benefit	$2,000,000	$2,000,000	Unlimited unless specified	Unlimited unless specified	24 Office Visits	Unlimited	Unlimited
Deductible	$250	None	None	None	None	None	None
Copayment	20% of first $5000 after deductible	None unless specified	None unless specified	None unless specified	$3 per visit	None unless specified	None unless specified
Physician Care							
Office Visits	Additional $10 copay per visit	$10 per visit, $15 if after hours	$10 per visit	$10 per visit, $15 if after hours	$3 per visit	$3 per visit, or $5 per inmate declared emergency	$3 per visit, or $5 per inmate declared emergency
Preventive Care (breast, colon, prostate, rectal, x-ray BP checks, urine, TB tests, other health check-ups)	$10 copay, all else covered up to $150 per year (services limited to 1/3yrs if < 40, 1/2 yrs. if 40-50)	$10 per visit	$10 per visit	$10 per visit	$3 per visit	$0	$0
OB/GYN	$10 copay, all else covered up to $150 per year (services limited to 1/3yrs if < 40, 1/2 yrs. if 40-50)	Direct Acces	Direct Access	Direct Access	$3 per visit	$0	$0
Surgery & Anesthesia	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Inpatient Care	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Radiation, X-ray, Lab Therapy	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Immunizations and Medications	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0 immunization, $3 prescription	$0	$0
Hospital Care							
General Limitations	$75 deductible per admission. Admission certified Use preferred/contract hospital or pay 20% up to $5,000.	$0	$0	$0	$0	$0	$0
Room and Board	semi-private	semi-private	semi-private	semi-private	$0	Custody Level Determined	Custody Level Determined
Other Hospital Services; intensive and cardiac care, drugs andmeds, radiation services, x-ray and lab, ekg and eeg, and I/v solutions	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
Outpatient Surgery	Covered. Copay per general copay requirements noted above	$0	$0	$0	$0	$0	$0
MH Services and Chemical Dependency Services							
Inpatient, residential and intensive outpatient services	Case manager approved, use contract provider or pay additional 20% copayment up to $5000	Authorized in advance			$0	$0	$0
Outpatient services	Covered, per copayment above. Unlimited, but must approve by case manager if more than 26/year	$10	$10	$10	$3	$0	$0
ANNUAL INSURANCE PREMIUM/EMPLOYEE CONTRIBUTION	$0.00	$575.28	$803.04	$468.00	$0.00	$0.00	$0.00
ANNUAL INSURANCE PREMIUM/EMPLOYER CONTRIBUTION	$1,735.20	$1,735.20	$1,735.20	$1,735.20	$4,120.00	$3,244.32	$2,247.45
TOTAL PLAN COST	$1,735.20	$2,310.48	$2,538.24	$2,203.20	$4,120.00	$3,244.32	$2,247.45

CHART F
ORGANIZATIONAL FEATURES PROMOTING COST CONTAINMENT



Prison Food Service Cost Study Summary

Total Food Service Expenditures—Four Year Study Period

- Increase in overall food service cost from $36 million to $51 million during the four-year period or a 41% increase
- Annual cost per inmate increased from $1,553 to $1,601, a cumulative increase of 3.1%. Consumer Product Index (CPI) for the same period was 7.1%
- 72% of all food costs are attributed to the purchase of raw food. 28% is attributed to personnel, equipment, and supplies

Food Costs (Raw food) Expenditures only—Four Year Study Period

- Annual CPI for commercial food increased 8% cumulatively and the per inmate increase was 13.3% cumulatively for the four year period
- Daily inmate food cost increased from $2.31 to $2.71 for fy 1994-1998
- National average food cost per day per inmate is $2.55. North Carolina's daily average food cost is $2.71. (Source: American Correction Food Service Association Report)

Factors Affecting Food Service Expenditures

- Inability to control what the food market is charging for goods and services to provide balanced meals
- Dietary changes and increase in purchase of portion control products
- Meats and canned goods "single-sourced" through Prison Enterprise operation

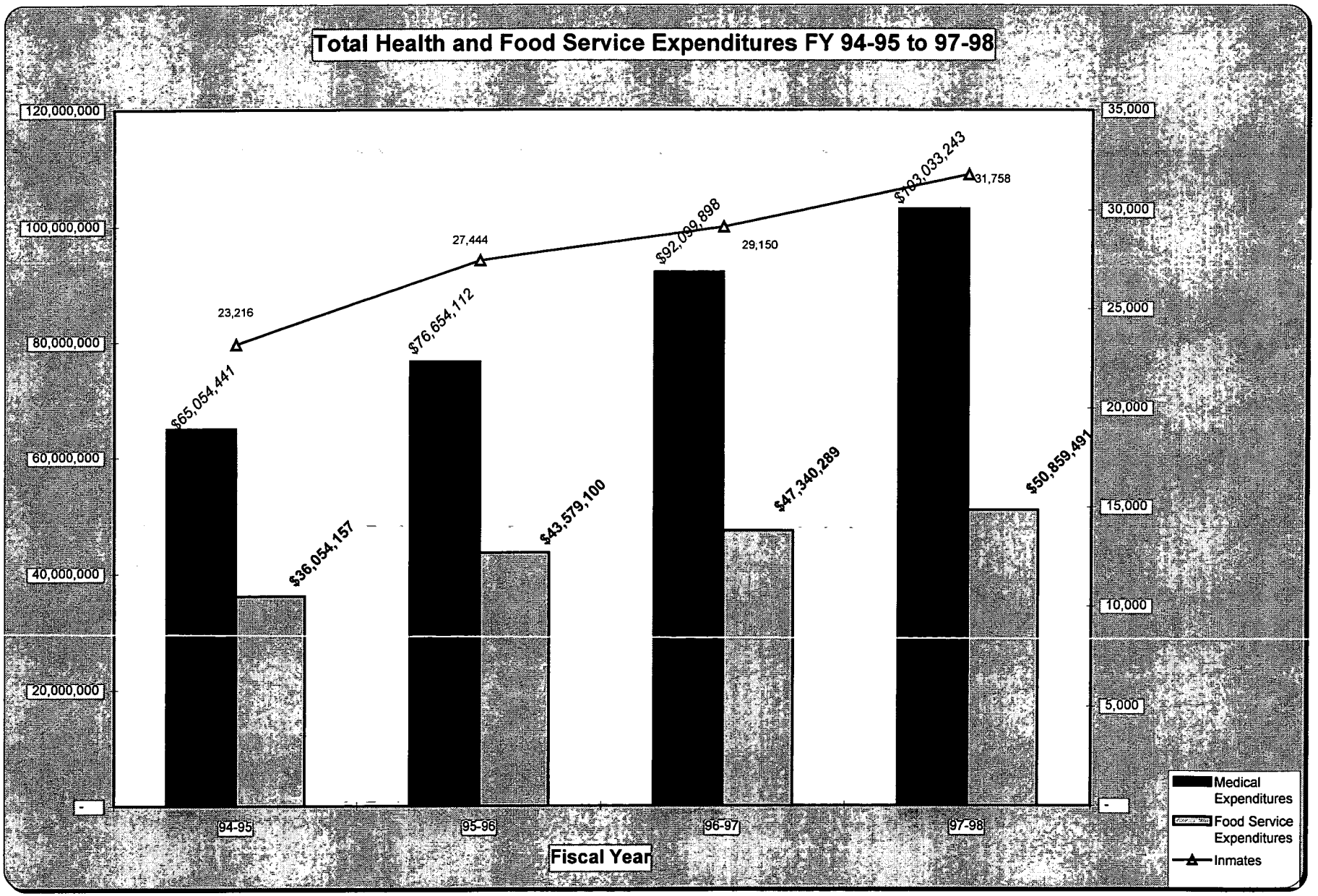
Initiatives to Control Food Service Costs

- Strict adherence to the Master Menu
- Use of the Food Software Package for master recipes and inventory control.
- Volume buying of goods and services
- Guidelines for serving standardized portions.

Recommendations:

- Review of master menu and operations to ensure uniform quality food service usage and production throughout the system
- Information Systems and Reporting Enhancement: Unit costing for all food operations and linkage between the food service system and NCAS
- Benchmarking and comparisons with other states and units within our food service system
- Utilization of a food service committee of central staff and food service managers to provide input into the state food service operation

CHART A


Total Health and Food Service Expenditures FY 94-95 to 97-98
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
-
35,000
30,000
25,000
20,000
15,000
10,000
5,000
-
23,216
27,444
29,150
31,758
$65,054,441
$36,054,157
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$43,579,100
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$47,340,289
$103,033,243
$50,859,491
94-95
95-96
96-97
97-98
Fiscal Year
Medical Expenditures
Food Service Expenditures
Inmates

CHART B

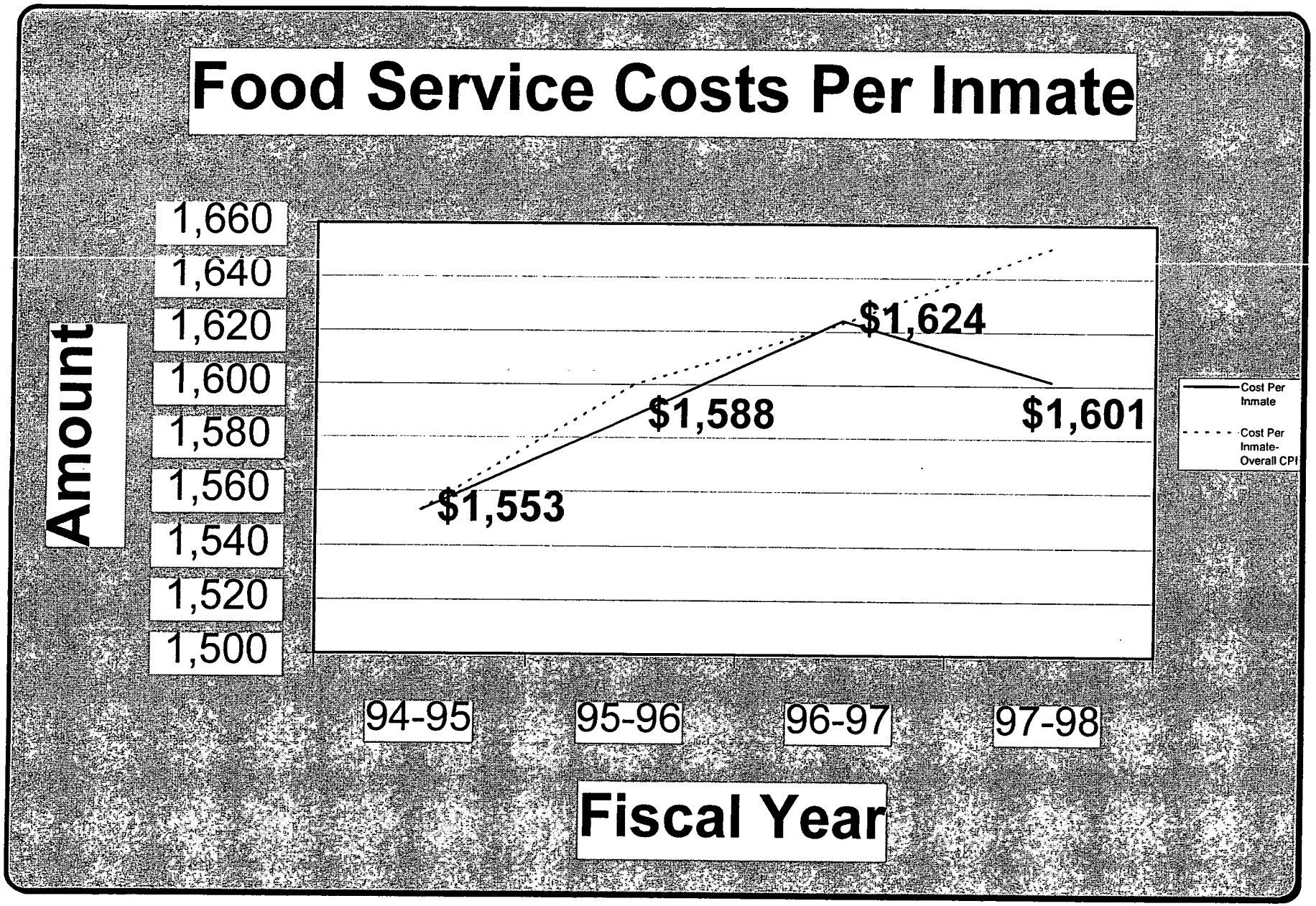

Food Service Costs Per Inmate
Amount
1,660
1,640
1,620
1,600
1,580
1,560
1,540
1,520
1,500
$1,553
$1,588
$1,624
$1,601
Cost Per Inmate
Cost Per Inmate-Overall CPI
94-95
95-96
96-97
97-98
Fiscal Year

CHART C

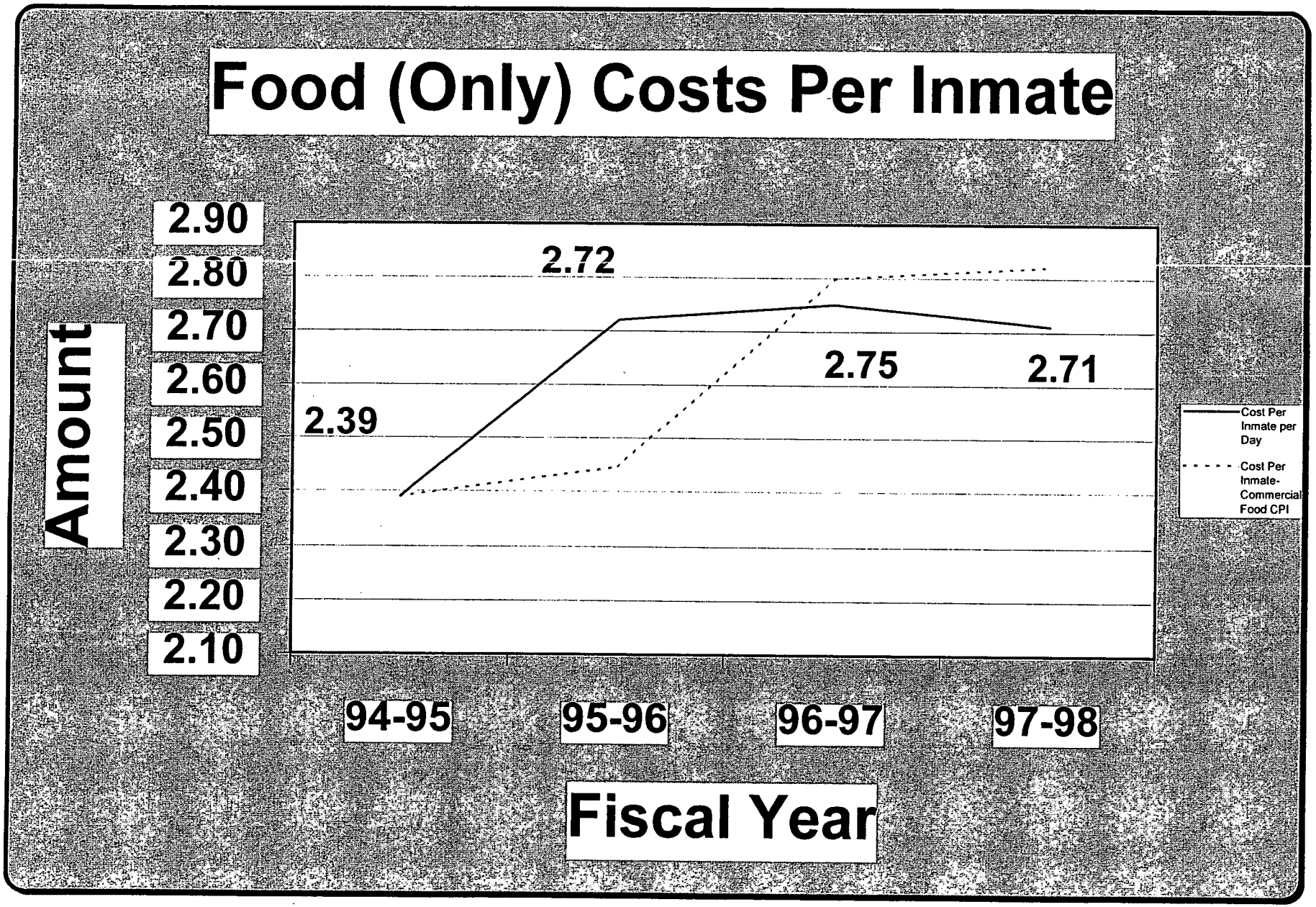

Food (Only) Costs Per Inmate
Amount
2.90
2.80
2.70
2.60
2.50
2.40
2.30
2.20
2.10
2.72
2.39
2.75
2.71
Cost Per Inmate per Day
Cost Per Inmate-Commercial Food CPI
94-95
95-96
96-97
97-98
Fiscal Year

CHART D
SUMMARY OF EXPENDITURES, TOTAL AND PER INMATE IN FOOD SERVICE CATEGORIES, COMPARED TO THE APPROPRIATE CONSUMER PRICE INDEX

Expense Categories	Total Expenditures				Average Per Inmate Expenditures			
	1994-95	1995-96	1996-97	1997-98	1994-95	1995-96	1996-97	1997-98
Personal Services	$ 10,875,961	$ 11,081,042	$ 12,630,005	$ 13,697,887	$ 468.47	$ 403.77	$ 433.28	$ 431.32
Personal Services - Central Office				$ 309,595	$ -	$ -	$ -	$ 9.75
Purchased Services	$ 331,809	$ 328,388	$ 544,155	$ 539,089	$ 14.29	$ 11.97	$ 18.67	$ 16.97
Supplies (includes food costs)	$ 23,199,889	$ 30,626,595	$ 33,073,436	$ 36,612,787	$ 999.31	$ 1,115.97	$ 1,134.59	$ 1,152.87
Property, Plant, Equipment	$ 1,614,653	$ 1,543,076	$ 1,057,535	$ 513,208	$ 69.55	$ 56.23	$ 36.28	$ 16.16
Other Equipment and Adjustments	$ 31,846		$ 35,158	$ 39,169	$ 1.37	$ -	$ 1.21	$ 1.23
TOTAL EXPENDITURES	$ 36,054,157	$ 43,579,100	$ 47,340,289	$ 51,711,736	$ 1,552.99	$ 1,587.93	$ 1,624.02	$ 1,628.31
Receipts								
Employee Meals				$ 108,205				$ 3.41
Jail Meals				$ 744,040				$ 23.43
ADJUSTED TOTAL EXPENDITURE	$ 36,054,157	$ 43,579,100	$ 47,340,289	$ 50,859,491	$ 1,552.99	$ 1,587.93	$ 1,624.02	$ 1,601.47
		Overall Percent Change				Per Inmate Percent Change		
		20.9%	8.6%	7.4%		2.2%	2.3%	-1.4%
			Cum. Incr.	41.1%			Cum. Incr.	3.1%
					Annual CPI	3.0%	2.2%	1.7%
							Cum. CPI	7.1%

CHART E
SUMMARY OF EXPENDITURES, TOTAL AND PER INMATE IN FOOD (ONLY) CATEGORIES, COMPARED TO THE COMMERCIAL FOOD CONSUMER PRICE INDEX

Food Costs	Total Expenditures				Average Per Inmate Expenditures			
	1994-95	1995-96	1996-97	1997-98	1994-95	1995-96	1996-97	1997-98
Meats	$ 8,864,585	$ 12,880,360	$ 13,630,412	$ 14,103,899	$ 381.83	$ 469.33	$ 467.60	$ 444.11
Dried/Canned	$ 6,996,459	$ 9,582,578	$ 9,848,448	$ 10,715,220	$ 301.36	$ 349.17	$ 337.85	$ 337.40
Bread/Bakery	$ 847,071	$ 1,003,149	$ 1,151,614	$ 1,469,999	$ 36.49	$ 36.55	$ 39.51	$ 46.29
Vegetables & Fruit	$ 1,507,513	$ 1,646,437	$ 1,788,488	$ 2,067,845	$ 64.93	$ 59.99	$ 61.35	$ 65.11
Frozen Vegetables	$ 98,087	$ -	$ -	$ -	$ 4.22	$ -	$ -	$ -
Dairy	$ 1,936,222	$ 2,169,777	$ 2,755,370	$ 2,837,567	$ 83.40	$ 79.06	$ 94.52	$ 89.35
Other			$ 118,729	$ 204,107				
	$ 20,249,937	$ 27,282,302	$ 29,293,061	$ 31,398,637	$ 872.24	$ 994.11	$ 1,004.91	$ 988.68
Total	$ 20,249,937	$ 27,282,302	$ 29,293,061	$ 31,398,637	$ 872.24	$ 994.11	$ 1,004.91	$ 988.68
					Average Daily Cost Per Inmate			
					$ 2.39	$ 2.72	$ 2.75	$ 2.71
			Overall Percent Change			Per Inmate Percent Change		
		34.7%	7.4%	7.2%		14.0%	1.1%	-1.6%
			Cum. Incr.	55.1%			Cum. Incr.	13.3%
					Annual CPI (Commercial Food)	2.3%	2.9%	2.6%
							Cum. Incr.	8.0%

VISITOR REGISTRATION SHEET

Justice and Public Safety — 4/8/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Melissa Lovell	DOJ
Bryan Beatty	DOJ
Ron Hawley	DOT/SBD
Tom Newsom	OSBM
Burley Humphrey	OSBM
Anne Bauder	OSBM
Sally Hunter	OSBM
[illegible]	DOC
[illegible]	DOC
[illegible]	DOP
[illegible]	DOP

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mike Stern	MSterrAZ.com
Joe Hamilton	DOC
Chuck Cram	OSPB

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES	AM 4/13	PM 4/13													
Rep. Kinney, Chair	✓	✓													
Rep. McCrary, Chair	✓	✓													
Rep. Culpepper, Chair	A	A													
Rep. Thomas, Vice Chair	✓	✓													
Rep. Clary	✓	A													
Rep. Haire	✓	A													
Rep. Horn	✓	✓													
Rep. Justus	✓	✓													
Rep. Kiser	✓	✓													
Rep. Sexton	✓	A													
Senate Members															
Sen. Luther Jordan	✓	✓													
Sen. Frank Ballance	✓	✓													
Sen. Tony Rand	A	A													
Sen. John Carrington	✓	A													
Sen. Don East	✓	A													
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio	✓														
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday April 13, 1999 8:30 a.m and afternoon time TBA
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Ted Kinney, Presiding
Representative Bill Culpepper
Representative Paul McCrary

II. PRESENTATIONS

Morning

- **Overview of the Juvenile Justice Act and the Office of Juvenile Justice**

  Jim Mills, Fiscal Research Staff

- **Status and Activities of Office of Juvenile Justice**

  George Sweatt, Director OJJ

- **Expansion Budget Request, Office of Juvenile Justice**

  George Sweatt, Director OJJ

Afternoon

- **Juvenile Probation and Aftercare**

  Charles Perusse, Fiscal Research Staff
  Agency Representatives

- **Additional Court Programs for Juveniles**

  Marilyn Chism, Charles Perusse and Jim Mills,
  Fiscal Research Staff
  Agency Representatives

- **Detention Centers**

  Jim Mills, Fiscal Research Staff
  Agency Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

APRIL 13, 1999

MINUTES

HOUSE MEMBERS PRESENT: [10] Representatives Kinney, McCrary, Clary, Dedmon, Haire, Horn, Justus, Kiser, Sexton and Thomas

Senate Members Present: [4] Senators Jordan, Ballance, Carrington and East

The Joint Appropriations Subcommittee on Justice and Public Safety met on Tuesday March 30 at 8:30 a.m. and 5:00 p.m. in room 415. Representative Kinney, presiding called the first meeting to order and introduced the pages. Jim Mills was introduced to present the Budget Overview of the Juvenile Justice Reform Act and Office of Juvenile Justice (See Attachment A). Mr. Mills gave his presentation and then questions were entertained.

Representative Kiser asked Mr. Mills to explain when juveniles are retained until their 21st birthday and when they are not.

Mr. Mills informed the Representative that the retention is for first degree sexual offenses.

Representative Justus, referring to page 4, asked what the beginning salary and salary cap is for the 200 new counselors.

Mr. Mills answered that the General Assembly funded 100 new counselors in the Act and 26 court staff. In a fiscal note, staff estimated a potential for more than 200. He referred to members from the Department to answer the question of pay grade. Ed Taylor, from the Administrative Office of the Courts, answered that the beginning level of a trainee is $24,000.

Representative Justus asked what is the educational requirement.

Mr. Taylor answered that a Bachelor of Arts or Bachelor of Science in Human Services or a related field is the requirement.

Representative Justus asked what is the maximum salary.

Mr. Taylor answered that he believes the maximum is around $40,000, but he would find out exactly.

Representative Sexton, referring to page 13, asked what is the $500,000 used for, given to the Center for Prevention of School Violence.

Larry Diggs, from the Office of Juvenile Justice, answered that to his knowledge the money is going toward school offices, but there will be someone from the office to answer that question later in the week.

Representative Sexton, referring to page 11, asked if the Guard Response Program has started.

Mr. Mills replied that it has not officially started, the target date is July 1.

Representative Sexton said that he was curious about the fact of the program being upgraded from 3 to 9 locations, without knowing how well the program will work.

Mr. Mills responded that the Juvenile Justice Act does indicate that it is a pilot program, and the decision is up to this Committee whether or not to expand the program that rapidly.

Representative Kiser asked if the Department was having any trouble hiring college graduates at $24,000.

Mr. Taylor responded no, after the trainee status, within 2 years, the salary goes up to $28,000. At this point, several applications have been submitted.

Mr. George Sweat, Director of the Office of Juvenile Justice (OJJ), then came to the front to speak to the Committee about the new Department. During his speech, Mr. Sweat gave his mission statement (See Attachment B) and the Goals of the Office (See Attachment C).

Senator Jordan asked for the site locations of the Guard programs.

Mr. Sweat answered Raleigh, Goldsboro and Charlotte.

Senator Jordan asked about the expanded programs to be funded in the budget.

Mr. Sweat said that at this time, those sites have not been yet determined.

Representative Haire asked if there are any provisions for juveniles at places other than home, after they have been accused of a crime, but before trial.

Mr. Sweat answered that there are detention facilities. Ken Foster from the department added, there are community programs. Some juveniles are referred by law enforcement. While most juveniles are court-referred, there is some flexibility allowed for "high risk" juveniles to enter one of those programs.

Representative Haire clarified his question. He said that in his district, pre-trial juveniles are put into foster homes, and that takes beds away from children that actually need to be there.

Senator Ballance wanted to interject and say that Representative Haire is addressing a real problem. In many instances, the judge will choose to put a juvenile in detention as opposed to sending the child home, before the trial. Senator Ballance suggests possibly changing the rules for those instances. In his opinion, it is much more beneficial for a child to be at home, carrying on with daily activities, instead of being put in detention.

Larry Diggs from the Department addressed Representative Haire's question. He stated that the judge will (with or without the arresting officer's recommendation) arrange either a secure custody order in which the child is put in a detention center, or a non-secure custody order in which the child is sent to a temporary group home.

Representative Haire followed up with the recommendation that this situation is worth being studied for other possible solutions.

Representative Kiser asked if there is an estimated number of juveniles that will be dealt with in the court system over the next year.

Mr. Sweat said that someone will address figures in a presentation later.

Representative Kiser asked again how many juveniles will come into the court system during the next twelve months.

Someone from the department answered that the average for last year was about 25,000 to 26,000.

Representative Kiser asked if a juvenile comes more than once, is he/she counted each time.

Yes.

Representative Kiser mentioned that he would like to know the number of individuals that come into the system.

Representative Justus offered that with the new system, some things will be changed like situations to which Representative Haire was alluding.

Mr. Sweat agreed. He said that the Chief Court Counselor will still play a key role, but the juvenile court structure is under OJJ and would have direct supervision over decisions that are made.

Representative Horn observed that only a small amount of money is being used on preventive programs. Are at-risk juveniles being actively targeted?

Mr. Sweat answered that, to his knowledge, yes. Many of the young people in programs like SOS are those who have idle time and little structure after school. Most of them are taken in prior to any adjudication.

Representative Horn recognized that most of the money spent is directed to correction. He suggests that more money be spent on preventive measures to reduce the need of trying to correct or reform delinquents after the fact.

Mr. Sweat agreed, noting that 'prevention pays'. It costs far less to save a child *before* he gets into the system.

Representative Sexton commented that investing in after-school programs is costing a lot of money. He suggested that students go to school during different hours so that they and the parents leave home and return around the same time.

Mr. Sweat said that there is a study being done by DPI on changing school times and/or extending the school day.

Representative Kiser offered his opinion to perhaps work students harder during extra curricular activities so that they will be too tired to get into trouble.

Representative Haire said that there are too many "piecemeal" programs being done. Everything is a patchwork approach and the State, as a whole needs to figure out real solutions and set a way of thinking to make a difference in the outcome of juvenile delinquents.

The meeting was adjourned, scheduled to reconvene 15 minutes after session.

The meeting reconvened at 5:00 and Representative McCrary, now presiding, introduced Charles Perusse to give a presentation on the Overview of Court Services Division (See Attachment D). During the presentation he addressed Representative Kiser's earlier question, with the juvenile justice reform act, a juvenile can now be detained up to age 19 for a B1, B2, C, D or E felony, and up to 21 for 1st degree murder, rape and sexual offenses.

Representative Haire asked if there is a reserve amount to be rolled over into the next fiscal year.

Mr. Perusse replied that he assumed not because most of the money is applied annualization of the court counselors. So most of the money, once applied to the budget will not revert. Jim Mills added that actually only $1.4 million is in reserve.

Representative Justus asked how many vacancies there are in the total Court Services Division staff of 462.5 people.

Mr. Perusse admitted that staff does not have an exact figure. Most positions are filled, but the exact number will be given at a later time.

Representative Justus asked where do the 200+ additional court counselors appear.

Mr. Perusse clarified that last year, the General Assembly funded 126 additional positions for court services: 100 court counselors, 20 secretaries and 6 supervisors. The 200 (figure given this morning) is an estimate of how many new counselors will be needed. The General Assembly has already approved 126 new positions.

Representative Kiser asked if the 126 positions were included in the 462.5 listed on page 3.

Mr. Perusse answered no.

Representative Kiser asked how many juveniles does a court counselor have; what is the workload. And what is the difference between Chief Court Counselors and the Supervising Counselors.

Mr. Perusse answered that to his understanding, the Chief Court Counselors, (one of which is in all except one of the 39 districts), do not carry a caseload. The Supervising counselors supervise other counselors, do not really carry caseloads, and do mostly administrative work.

Representative Kiser addressed the point that there are more Chief Court Counselors and Supervising Counselors than there are Intake Counselors.

Ed Taylor, from OJJ, acknowledged that with 29,000 cases coming in, there needs to be more Intake counselors. Currently, more people are being hired.

Mr. Perusse indicated that page 4 addresses some of the questions that Representative Kiser raised earlier.

Representative Kiser asked who supervises the districts that do not have supervisors.

Mr. Perusse answered the Chief Court Counselor.

Representative Haire asked how many people are on each team, listed on page 8?

Mr. Perusse answered that the teams are made up of two part-time people.

Senator Ballance asked to be given the number of pre-trial juveniles that are in 'secure' custody. Also, on page 8, he asked who is funded out of the lapsed salaries.

Mr. Perusse answered the transportation officers.

Senator Ballance asked if the transportation officers were permanent and/or if they receive any benefits.

Mr. Perusse responded that they are neither permanent nor do they receive benefits. Currently they are under contractual services.

Representative Horn asked how the 126 new positions will affect the Department.

Mr. Perusse said that determination would be hard at this point. Because the new Juvenile Justice Reform Act was expected to create more juvenile cases, the 126 positions were funded to offset that increase on current employees.

Representative Kiser noted that apparently juvenile crime is on the decline, but indications are now that it is on the rise, but also things are being made to appear that adult crime is being lowered. It appears that the slant is driving where they want to put the money in the budget, at a given time.

Jim Mills stated that there are kids being diverted from the system at intake. Counselors are not required to track those diversion activities or develop a plan. In preparing the fiscal note, it is assumed that this will be a new responsibility of the counselors with the Juvenile Justice Reform Act. The same holds true for intermediate sanctions and post release supervision.

Mr. Perusse went over the next handout, Overview of Family Court Pilot Programs (See Attachment E). He mentioned that although this program is funded through the court system and not Juvenile Justice, this seemed to be an opportune time to present an update, as it relates to juvenile justice.

Representative Haire asked who has been coordinating this program so far.

Mr. Perusse answered the Administrative Office of the Courts.

Representative Haire asked when does the $318,228 run out, as it started on 3/1/99.

Mr. Perusse explained that a large portion of that was one time funding needed to buy computers and provide training. The remainder of the money was used to pay salaries for March 1 to June 30, after that the General Assembly will need to provide money for 1999-2000 to continue the program.

Representative Haire asked if the $666,000 represents 2 years or is that amount needed per year.

Mr. Perusse answered that it is per year; it is the annualization of $318,228. Jim Mills added that whatever money is not spent, reverts back to the General Fund.

Representative Haire asked if the judges are regular district court judges and already funded for their services.

Mr. Perusse answered yes.

Representative Kiser asked if a family court judge is assigned to a particular family throughout the year.

Mr. Perusse answered yes. The Court Futures Commission recommends that a judge be assigned to families for at least three years.

Marilyn Chism was introduced to give a presentation on the Program and Budget Overview of GRASP (See Attachment F).

Representative Kiser said that this program has been patterned after Sgt. Red's program in Fayetteville, and while there he noticed that snacks were not provided. When visiting that program he was impressed by the fact that there was no allocated budget.

Representative Haire, referring to page 1, noticed that in Durham, a site was funded with $82,270, but with 3 additional sites the amount shown is $96,313. Representative Haire asked if that second amount was for each site or for all three.

Ms. Chism clarified that the $82,270 funds that site for the whole year, whereas the $96,313 is for all three sites to cover one quarter, April 1 through June 30.

Representative Haire pointed out on page 2 the continuation budget cost as $254,000. He asked if it would cover all four sites.

Ms. Chism explained that the amount is for three sites, not including the Durham pilot program.

Representative Haire asked what happened to that program.

Larry Dix, of OJJ, explained that the Durham site is currently working under a grant.

Members of the Department, themselves, did not have a conclusive answer. Jim Mills added that the Durham site is not included in the $254,00. The amount only covers the other three sites; the Durham site would have to be addressed separately. The $746,000 in the expansion budget would be to add nine new programs.

Representative Haire asked if the $746,000,which is approximately $80,000 per site, covers those sites for the whole year.

Mr. Mills answered yes.

Representative Haire then asked for an explanation of the two other amounts of $10,468 and $42,000 (referring to the bottom of page 2).

Ms. Chism responded that the sites cost roughly $42,000 per year with addition central office expenses. Since this additional amount seems to be overstated, Ms. Chism promised to get more information to the committee to clarify the confusion.

There being no further business, Representative McCrary adjourned the meeting until 8:30 tomorrow morning.

Paul R. McCrary
Rep. Ted Kinney
(Signed by Rep. McCrary due to the illness of Rep. Kinney)

Eryn M. Gee
Eryn M. Gee
Committee Assistant

BUDGET OVERVIEW -- JUVENILE JUSTICE REFORM ACT AND OFFICE OF JUVENILE JUSTICE

Joint Appropriations Subcommittee on Justice and Public Safety

FRD 4/13/99

Attachment A

Office of Juvenile Justice

January 1, 1999

1. Juvenile Services (formerly in Judicial Department)

    - Intake
    - Adjudication/Probation
    - Post Release/Aftercare
    - Programs/Sanctions -- Nat. Guard Grasp; On-Track; EHA

2. Youth Services (formerly in DHHS)

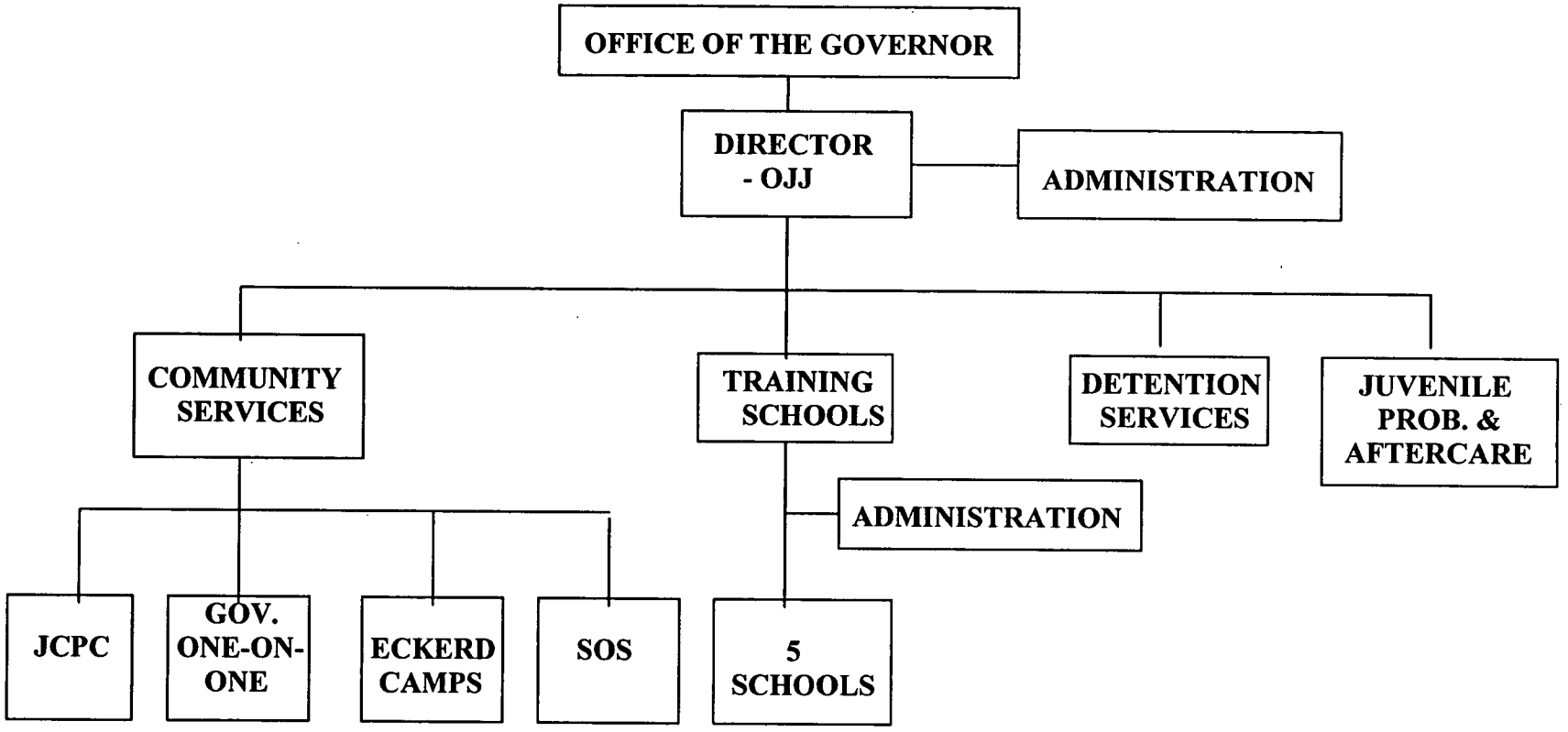
    - Local Community Based Programs (now JCPC's)
    - Eckerd Wilderness Camps
    - Governor's One on One
    - Support our Students (SOS)
    - Multi-Purpose Group Homes
    - Training Schools
    - Detention Centers/Alternatives to Detention

→ Office of Juvenile Justice, Office of the Governor

Final Organizational Placement -- Report by April, 2000

2

OFFICE OF JUVENILE JUSTICE ORGANIZATION – 3/99*



ort on proposed organization structure due May 1, 1999. s current organization.

JUVENILE JUSTICE REFORM ACT -- SB 1260

3

- Act establishes new Office of Juvenile Justice (established 1/1/99)
- Act sets up State Advisory Board and new local Juvenile Crime Prevention Councils to develop new programs
- Act requires a number of long range studies and plans relating to treatment, prevention, and evaluation
- Act establishes new Juvenile Code July 1, 1999. Examples include:
  - New uniform disposition grid for courts -- Court disposition for adjudicated delinquents based on prior delinquency history and seriousness of offense (shifts misdemeanants to intermediate/community and violent/serious to training schools).
  - Expands range of sanctions/programs the court can require at disposition.
  - Expands court jurisdiction to age 18 for undisciplined juveniles
  - Encourages diversion plans for juveniles not sent to court and mandates post release plans for juveniles released from training schools

Juvenile Justice Reform Act -- SB1260*

4

Major Cost Drivers in the Act

- Training Schools (5 Schools/843 beds -- Adjudicated Delinquents)
  - **Act** -- Requires focus on violent/serious offenders; minimum 6 month stay; extends jurisdiction to age 19; to age 21 for first degree felonies
  - **$ Impact** -- 250+ new beds (10/98 figures)
- Detention Services (14 Detention centers;314/358 beds 5/99 -- Pre and Post Adjudication)
  - **Act** -- Allows expanded use of detention as a court disposition (post adjudication)
  - **$ Impact** -- 90 to 140 new beds needed (10/98 figures)
- Court Counselors
  - **Act** -- Allows new diversion plans at intake; increases age of undisciplined children under court jurisdiction to 18; adds intensive counselors as intermediate court sanction; expands post release supervision
  - **$ Impact** -- New Counselors, up to 200 + and support staff

* Juvenile Code Changes Effective July 1, 1999

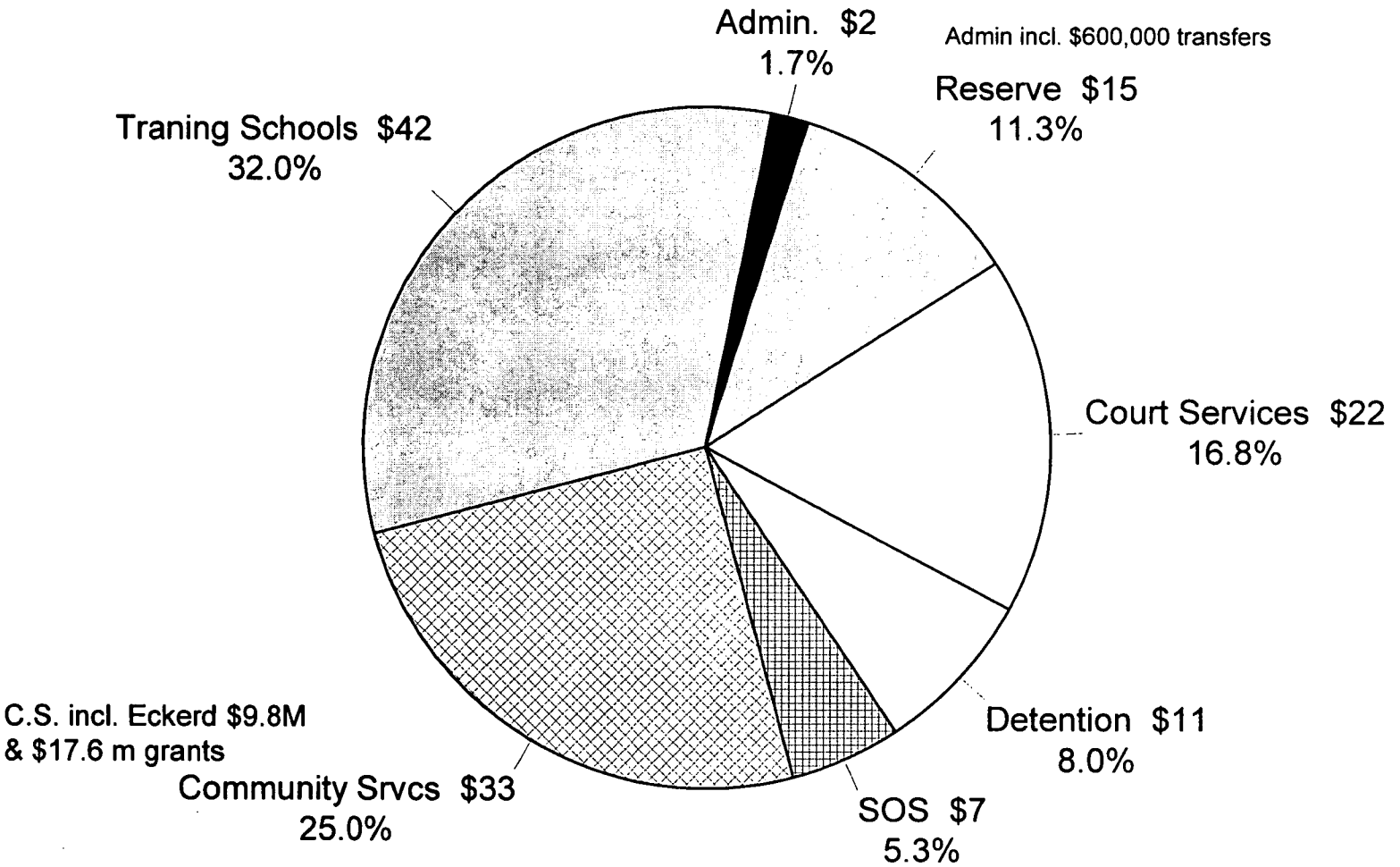
Major Cost Drivers of Juvenile Justice Act (continued)

5

- Programs
  - **Act** -- Prioritizes services to adjudicated delinquents (intermediate and community sanctions with emphasis on wider range of intermediate sanctions (e.g. day reporting, wilderness camps, substance abuse treatment). Continues commitment to prevention. Adds diversion plans and post release.
  - **$ Impact** -- Expand intermediate and community programs to ensure judicial access to range of dispositions and to target needs of individual juveniles. Develop programs for diverted youth and post release offenders.
- Study Requirements/Plans in Act
  - **Act** -- Directs development of a juvenile info. plan and system; studies of substance abuse and delinquency prevention and alternative schools; and, development of a new risk assessment system
  - **$ Impact** -- To be determined upon review of Plans and Studies

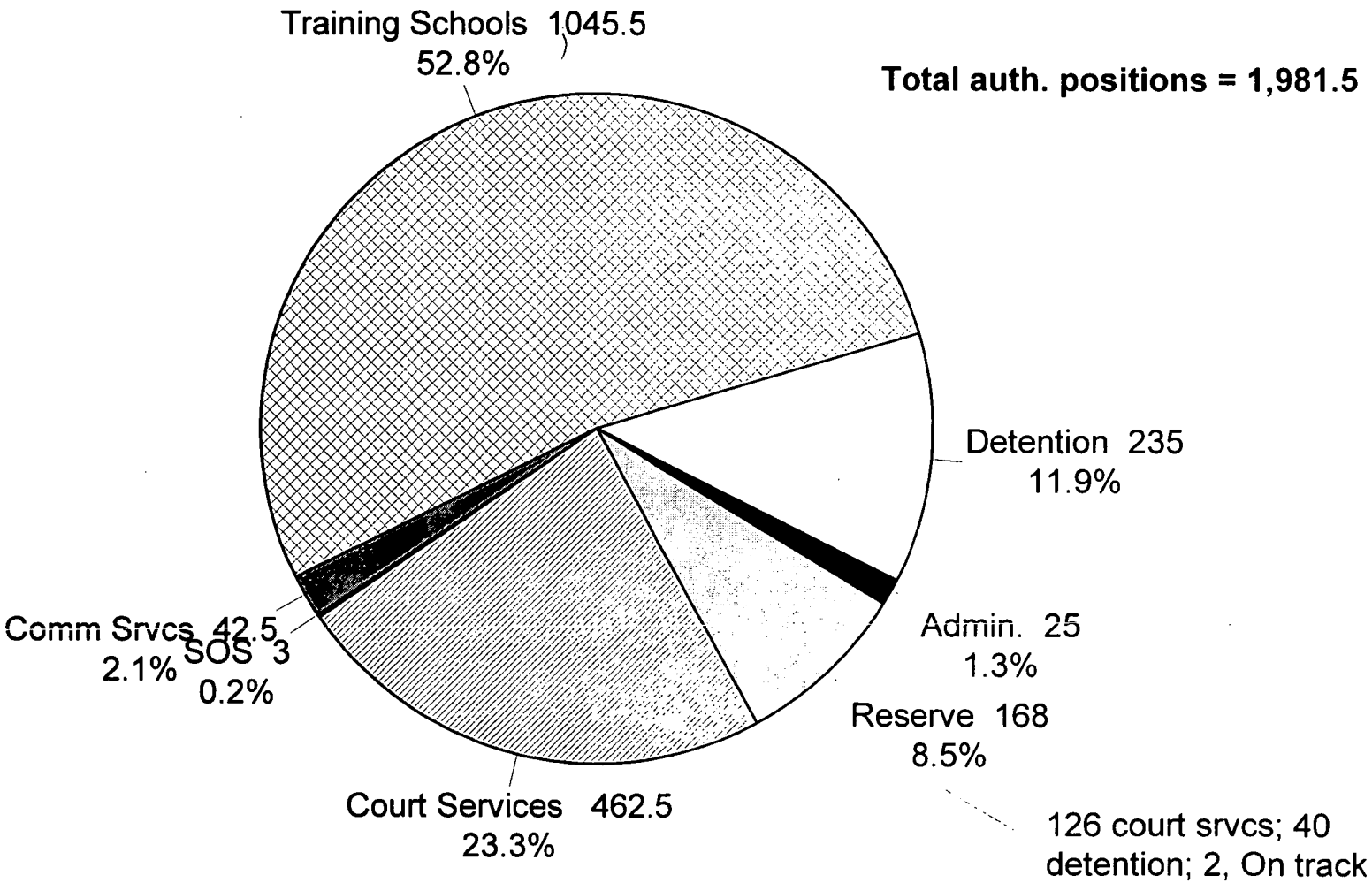
Office of Juvenile Justice -- 1998-99 Authorized Budget

Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Source: BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services (2) Juvenile Justice Reserve ($14.9 M) (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

Office of Juvenile Justice Authorized 98-99 Positions*

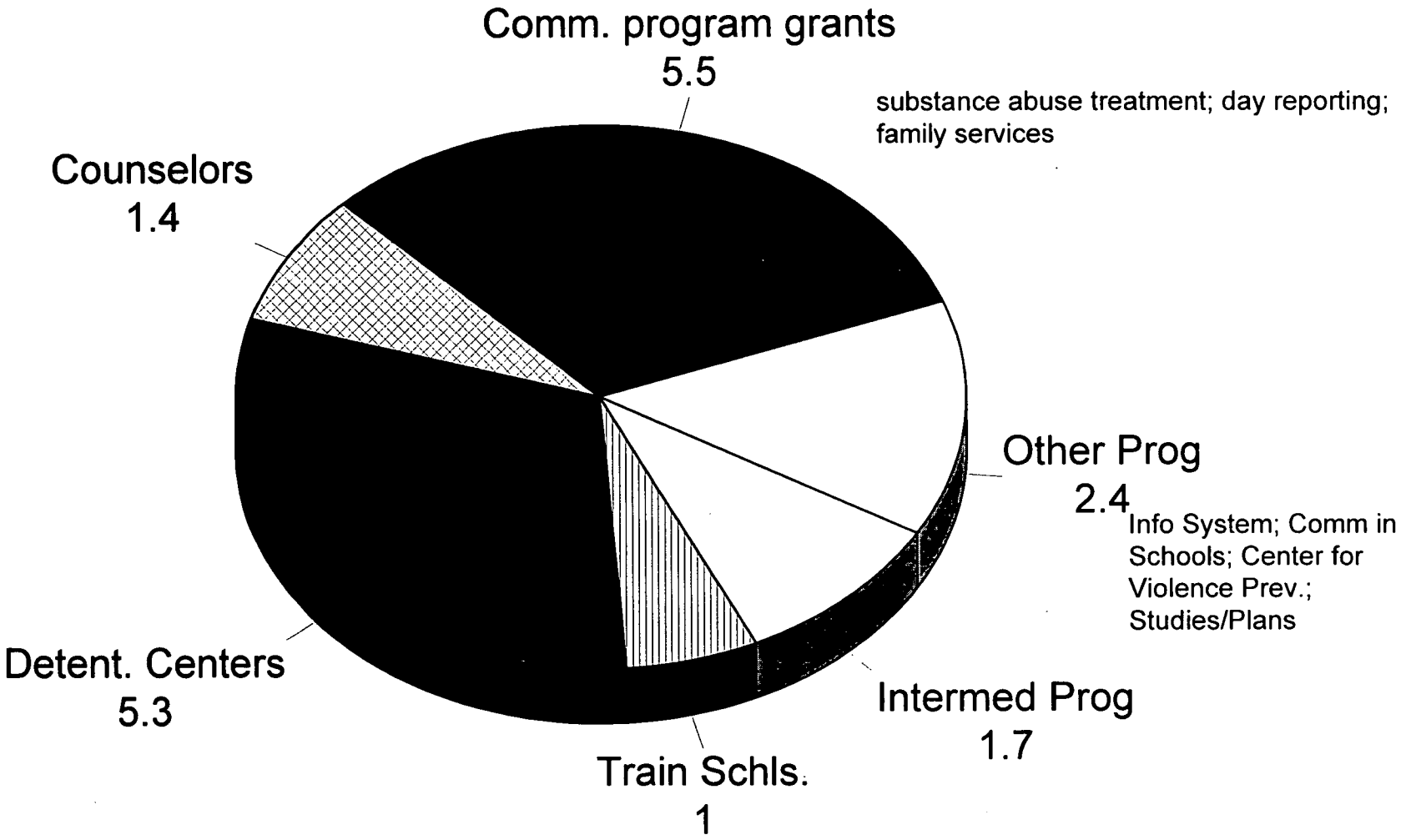


Authorized positions for OJJ from Worksheet 1 1/28/99; certified positions on 11/19/98 were 1,976.35 (5.15 fewer)

8

Juvenile Justice Budget Reserve 1998-99

(Figures are Dollars in Millions)



Total Reserve $17.3 million

1998-99 Juvenile Justice Reserve

Major Funding Initiatives

- **Office of Juvenile Justice**

  - **Facilities ($5.8 million nonrecurring/$484K recurring)**
    - $1 million for planning and designing 208 training school beds
    - $4.8 million to construct 2 -24 bed detention centers
    - $484K to operate 32 beds converted from temporary beds

  - **Court Services ($563K nonrecurring/$930K recurring)**
    - $1.5 million for 100 court counselors/26 support staff effective 4/1/99 and 6/1/99.

  - **Programs/Sanctions ($4.6 million nonrecurring/$2.5 million recurring)**
    - $5.5 million for local grants with priority to day reporting, substance abuse treatment and family services
    - $1.2 million for an Eckerd Wilderness Camp and 4 -8 bed Multipurpose Homes
    - $226K for 3 GRASP sites, 2 On-Track pilots, and Electronic House Arrest devices
    - $150K for at-risk study and development of substance abuse prevention plan

1998-99 Juvenile Justice Reserve

Major Funding Initiatives

- **Other Agencies**
  - **Department of Justice:**
    - $720K to begin development of the Juvenile Information System (JNet)
  - **Administrative Office of the Courts:**
    - $318K for 3 family court pilots to begin March 1.
  - **UNC Board of Governors**
    - $500K for the Center for the Prevention of School Violence
  - **Sentencing Commission**
    - $120K for Research Analysts & Contractual Services to support juvenile data collection and simulation model
  - **Department of Public Instruction**
    - $700K for Communities in Schools

JUVENILE JUSTICE BUDGET – 1998-99 APPROPRIATIONS AND GOVERNOR'S RECOMMENDED CONTINUATION AND EXPANSION BUDGET 1999-2001

Program	Appropriation 98-99	Continuation Budget 99-2000	Continuation Budget 2000-01	Expansion Budget 99-2000	Expansion Budget 2000-01
OJJ					
1. 208 Training School Beds	$1,000,000 (Plan and Design)	0	0	**0**	**0**
2. Umstead T.S. Beds Permanent (32)	517,424 (R/NR)	968,888	968,888	**0**	**0**
3. Detention Centers – 48 Beds					
a. Construct -- NR	4,800,000	0	0	**0**	**0**
b. Operate	0	0	840,000	**0**	**525,480 NR**
4. Eckerd Wilderness Camp (Contract)	700,000 NR	0	0	**850,000**	**2,000,000**
5. Multipurpose Homes (Contract for 32 beds – 4 w/8 beds each) (Recurr.)	517,000	0	0	**1,000,000 (1/1/99)**	**2,000,000**
6. Juvenile Court Counselors/support staff – 126	1,493,725 (126)	5,185,946 (126)	5,185,946 (126)	**0**	**0**
7. Local Grant Programs - Intermediate and Community Sanctions	5,511,990 (3.7m NR)	5,511,990	5,511,990	**3,088,010**	**3,088,010**
8. Guard Response Program Pilot	96,313 (3 prog.R/NR)	254,000 (3 prog.)	254,000 (3)	**746,000 (9 prog.)**	**746,000 (9 prog.)**

Program	Appropriation 98-99	Continuation Budget 99-2000	Continuation Budget 2000-01	Expansion Budget 99-2000	Expansion Budget 2000-01
OJJ (continued)					
9. On-Track Pilot	$29,832 (2 counselors)	$85,000 (2)	$85,000 (2)	**0**	**0**
10. Electronic House Arrest	100,000	200,000	200,000	**0**	**0**
11. Studies – Risk Assessment and Substance Abuse Prevention Plan	150,000	0	0	**0**	**0**
12. Support Our Students	0	0	0	**$975,000**	**$975,000**
13. New Office Expenses	0	510,000	510,000	**0**	**0**
SUBTOTAL - OJJ	**$14,916,284**	**$12,715,824**	**$13,555,824**	**$6,659,010**	**$9,334,490**

Program	Appropriation 98-99	Continuation Budget 99-2000	Continuation Budget 2000-01	Expansion Budget 99-2000	Expansion Budget 2000-01
Other Agencies					
14. Family Court Pilot (AOC)	318,228 (3 prog/14 posit.)	0	0	**$666,000** (3/14)	**$666,000** (3/14)
15. Sentencing Commission (2 Staff/ contract work)	192,975 R/NR (2)	126,347 (2)	126,347 (2)	**0**	**0**
16. Communities in School (DPI)	$700,000 NR	0	0	**700,000**	**700,000**
17. Center for Prevention of School Violence (UNC)	$500,000	0	0	**500,000**	**500,000**
18. Juvenile Justice Info. System (Justice)	720,000 ($600NR/3 posit)	210,000 (3)	210,000 (3)	**800,000 NR**	**800,000 NR**
SUBTOTAL – Other State Agencies	**$2,431,203**	**$336,347**	**$336,347**	**$2,666,000**	**$2,666,000**
GRAND TOTAL JUVENILE JUSTICE	**$17,347,487**	**$13,052,171**	**$13,892,171**	**$9,325,010**	**$12,000,490**

JUVENILE JUSTICE REPORTS/STUDIES DUE TO GENERAL ASSEMBLY

SB 1366 – Juvenile Justice Reserve

Report	Due Date	Reporting Entity
1. Sexual Offenders Need for Residential Treatment Facility, (Governor, AOC, DYS, DHHR)	April 1,1999	Sen./H. Approp.
2. Juvenile Acct. Incentive Block Grants –Report prior to allocation of federal funds on amount of funds for 98-99 and 99-2000 and allocation in 98-99 (OSB & GCC)	Prior to allocation	1. Sen./H. Approp. 2. Gov. Ops.
3. Local Grants –Provide list of recipients, purpose of funding	On or before May 1, 1999	1. Sen./H. Approp. 2. Gov. Ops. 3. FRD
4. New Training School/and Detention Beds – Report on Sites to be Selected	Prior to final site selection	Gov. Ops.
5. Juvenile Justice Info System Plan -- No state/federal funds expended until CJIN Board submits Plan (over and above funds in Reserve)	On or before May 1, 1999 (date in SB 1260--JJ Reform Act)	1. Sen./H. Approp. 2. FRD

SB 1260 (Juvenile Justice Reform Act)

1. Risk/Needs Assessment Instrument (OJJ)	May 1, 1999	Gov. Ops.
2. Screening/Prevention Programs (OJJ)	April 1, 2000	General Assembly
3. Substance Abuse and Delinq. Prev.—Study Funding (OJJ/DHHR)	May 1, 1999	1. JPS & DHHR Chairs 2. FRD
4. Study Use of Detention Facilities-- Efficiency in use of facilities (OJJ)	May 1, 1999 Jan. 15, 2001	1. JPS Chairs 2. FRD

SB 1260 (Juvenile Justice Reform Act) (Con't.)

Report	Due Date	Reporting Entity
5. Minority Sensitivity Training--Develop guidelines, initiate training (Justice)	May 1, 1999 (guidelines/ training started)	NA
6. Org. Structure and Staffing of OJJ (OJJ/Governor)	On or before May 1, 1999	1. Sen./H. Approp. 2. Gov. Ops.
7. Plan of Reorganization	April 1, 2000	General Assembly
8. Plan for Statewide Community Based Alternatives for Delinquent Juveniles (OJJ)	April 1, 2000	1. JPS Chairs 2. FRD
9. Study "Blended," Sentencing and Direct Filing by D.A.'s in Certain Cases (Sent. Comm.)	March 15, 2000	General Assembly
10. Family Court "Pilots" (AOC)	March 1, 2000	1. JPS Chairs 2. FRD
11. Evaluate Juvenile Delinq. Programs/ Report on Case Mgmnt. w/DPI (OJJ/DPI)	April 1, 2000	General Assembly
12. Report on Effectiveness of Juv. Justice Reform Act	Oct. 1, 2000	Gov. Ops.
13. Minorities in Juvenile Justice System—Study Over-representation (OJJ)	1. May 1, 1999 2. Final May 1, 2002	1. Governor 2. General Assembly 3. Chief Justice
14. Alternative Education Study (DPI)	May 1, 1999	Education Oversight

JUVENILE JUSTICE BUDGET ISSUES -- 1999

- Status of Programs Funded Through Juvenile Justice Reserve
- Timelines and Funding Sources for Construction of Detention Centers and Training Schools and for Operation of Eckerd camp and Multi- Purpose Group Homes
- Local Community Grant Programs -- Areas of Emphasis for 98-99 Funded Programs and for Proposed Expansion. SOS Expansion Proposal
- Population Projections – Training Schools, Detention Beds, Programs
- Federal Grant Programs for Juvenile Justice – Areas of Emphasis and Impact on State Funding
- Cost of Operating Detention and Training School Beds
- Juvenile Information System – Plan Approval before Additional Spending.

MISSION STATEMENT OF THE OFFICE OF JUVENILE JUSTICE

The primary goal of the Office of Juvenile Justice is to ensure and enhance safe communities for North Carolina's citizens by preventing and reducing juvenile crime. Preventing and reducing juvenile crime begins with recognizing the connection between bad childhoods and bad juvenile behavior. Accordingly, we must simultaneously get tough on those who do harm to children as well as on those young people who harm others. Getting tough means holding juveniles, their families, their communities and our public systems accountable for their roles in the problem of juvenile crime.

We will pursue proven and effective solutions in every county so that all of our communities are safe and all of our young people have a real chance to become healthy, productive adults. We will have achieved our goal when as many young people as possible experience childhoods that lead them away from juvenile delinquency; when those juveniles who commit nonviolent crimes are taken seriously the first time and helped to turn their lives around; and when those few juveniles who commit violent felonies are restrained from doing further harm and dealt with appropriately.

GUIDING PRINCIPLES:

PREVENTION: Prevention must be more than a verbal plea. Major laws, policies and resources must be directed to stop juvenile delinquency before its starts or becomes a pattern. Effective prevention includes many actions, but first among them is to educate people to be good parents and to provide the support they need to raise children in healthy environments.

RESOURCES: Money must follow the child. We must develop funding and incentives to ensure access to appropriate programs and therapeutic responses in a timely manner.

COLLABORATION: To plan and execute a support system for children and their families, all interested parties, public and private, must re-engineer their systems into connected services with a shared vision.

COMMUNITY PROGRAMMING: Providing program responses on a community level is still the most successful way to work with children and youth, both those "at risk" or those already involved in criminal behaviors.

UNIQUENESS OF CHILDHOOD: Let us not forget, in all our deliberations, the uniqueness of children. We must balance the need to punish the few with the need to protect the many.

OFFICE OF JUVENILE JUSTICE
GOALS

1. To meet all the Legislative mandates recorded in the Juvenile Justice Reform Act.

2. To provide leadership in building system capacity at the State and Local level to take maximum advantage of available knowledge and resources.

3. The Office of Juvenile Justice must insure that at each point in the system the focus is to stop the juveniles further penetration into the system by inducing law-abiding behavior as early as possible through the combination of appropriate intervention, treatment and detention sanctions.

4. To insure the Juvenile Justice System combines accountability and sanctions with increasingly intensive treatment and rehabilitation/habilitation services.

5. The Office of Juvenile Justice will stress the importance that intervention efforts be swift, certain, consistent, appropriate to the offense or behavior exhibited, and incorporate graduated sanctions including confinement.

6. To identify all State agencies that channel resources toward children with the intent of collaboration and coordination of services on a continuum that enhances the placement of adequate resources at the earliest point of a child's need.

7. To insure that the local Juvenile Crime Prevention Councils (JCPC's) have the necessary support, resources, funding, and advice to successfully integrate prevention and graduated sanctions that reduce and/or deter juvenile crime and undisciplined behavior.

8. To realize that the Local Leadership in communities across N.C. are not only the key to our success but they are in the best position to identify the Risk Factors present as well as the protective factors needed to save all our children.

9. To give the State of N.C. a Comprehensive Strategy that reduces juvenile crime.

10. To insure that Community Protection be the cornerstone in the State's Juvenile Juvenile System.

"FOCUSED ON CHILDREN, OUR FUTURE"

VISITOR REGISTRATION SHEET

JUSTICE & PUB. SAFETY 4-13-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. [illegible]	NC [illegible]
2. Buddy Humphrey	OSTM
3. Mark Benson	Capitol Group
4. Juli Kim	NC Sent. Commission
5. Debbie Meagher	NC Sentencing Commission
6. Gary Dix	OJJ
7. George Sweat	OJJ.
8. [illegible]	OJJ
9. James Bowden	OJJ
10. Jeanne Bonds	AOC
11. Frank Jenbuck	AOC
12. Dennis Patterson	OJJ
13. Ed Taylor	OJJ
14. Melissa Lovell	DOJ
15. Anne Wilson	NCAOCL
16. Chris MARKS	AOC
17. Lee Barham	TRIANGLE RCT SER. INC
18. S. Katzenelson	Sentencing Commission
19. Lou Pulliam	CJPC
20.	
21.	

Office of Juvenile Justice

Overview of Court Services Division

Joint Appropriations Subcommittee on Justice and Public Safety
April 13, 1999

Attachment D

Overview of Court Services Division

- Juvenile Offenders
  - Includes ages 6<16 who are deemed delinquent (offense would crime committed by an adult) or undisciplined (runaways, regularly absent from school)
  - Effective July 1, 1999, age of jurisdiction for undisciplined increases to age 18 (except for truancy), and delinquent committed to training school increases to 19 and 21 for certain felonies.
- Intake
  - Screen complaints - determine whether it should be heard or diverted from court
  - Refer diversions to community resources when appropriate
  - Services may include:
    - Consultations with parents and others
    - Information and reports to court
    - Petition preparation
    - Resolution of complaints

Overview of Court Services Division (continued)

- Court
  - Provide information and recommendation for disposition hearings
  - Advocate for child's and community's best interest
  - Assist with court management
- Probation / Aftercare
  - Counseling and management
  - Developing care supervision plans
  - Explaining and enforcing court orders
  - Intensive (lower caseloads), alternative to detention, and post-training school transitional counseling
- Training School Services
  - Provide medical and social information at admission
  - Assist in developing treatment plans
  - Visit child monthly
  - Participate in release plans
  - Arrange and supervise home visits

Overview of Court Services Division (continued)

Division Staffing

Administration	12
Chief Court Counselors	38
Supervising Counselors	24
Intake Counselors	55
Probation / Aftercare	249
Intensive	26
Secretaries	58.5
Total	***462.5***

Program Funding

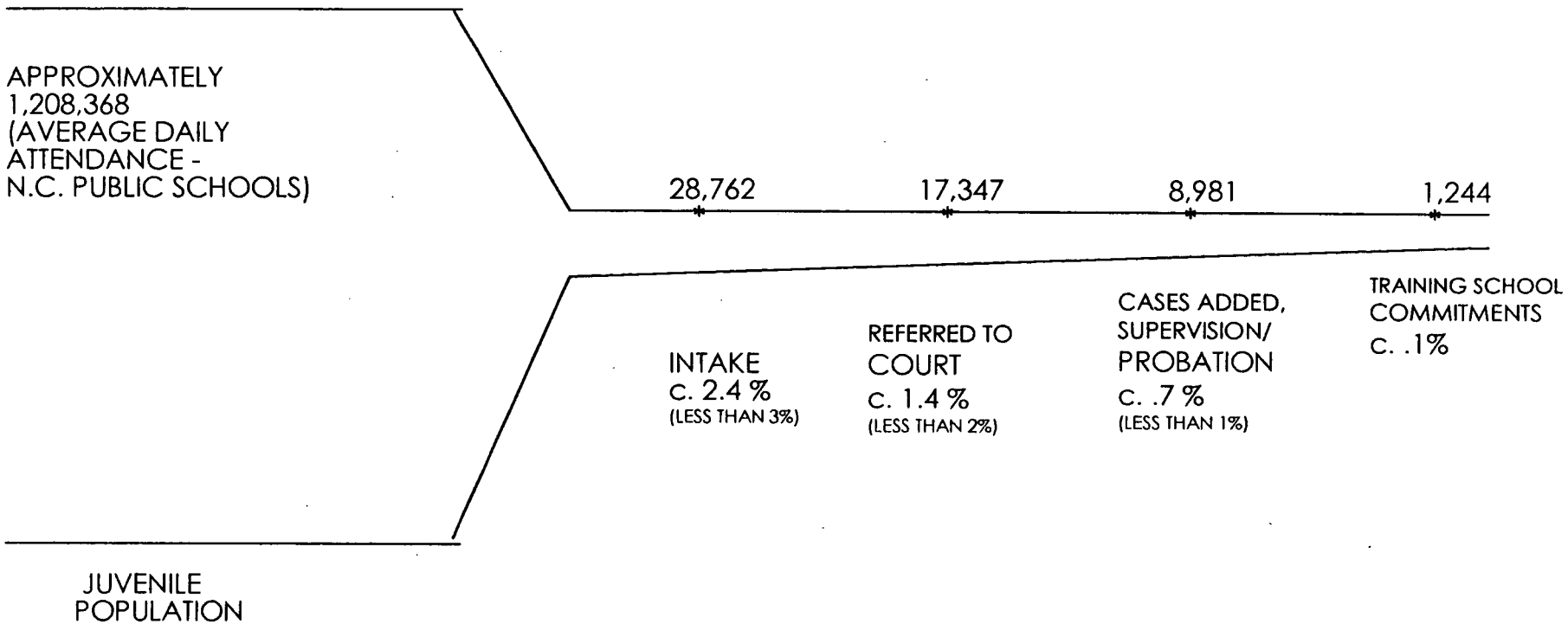
	Actual 1997-98	Authorized 1998-99	Requested in 1999-00
Expenditures	$21,108,141	$22,165,866	$27,135,798 (includes $5.7m reserves)

Court Services Caseload Averages

Fiscal Years 1995-96 through 1998-99

Type of Counselor	1995-96	1996-97	1997-98	1998-99
Intake	37.8	36.5	35	30.7
Probation	36.8	36.4	35.7	34.6
Intensive	10	10	10	10

*Caseload goals are 30 for intake / probation and 10 for intensive.



JUVENILES AND THE JUSTICE SYSTEM IN NORTH CAROLINA
YEAR: 1998

\JUV1998.DOC
02/22/1999

Juveniles in the North Carolina Justice System

1995 through 1998

Year	Intake	Referred to Court	Supervision	Training School
1995	29,945	18,300	9,074	965
1996	30,347	18,580	9,380	1,019
1997	30,298	18,848	9,724	1,117
1998	28,762	17,347	8,981	1,244

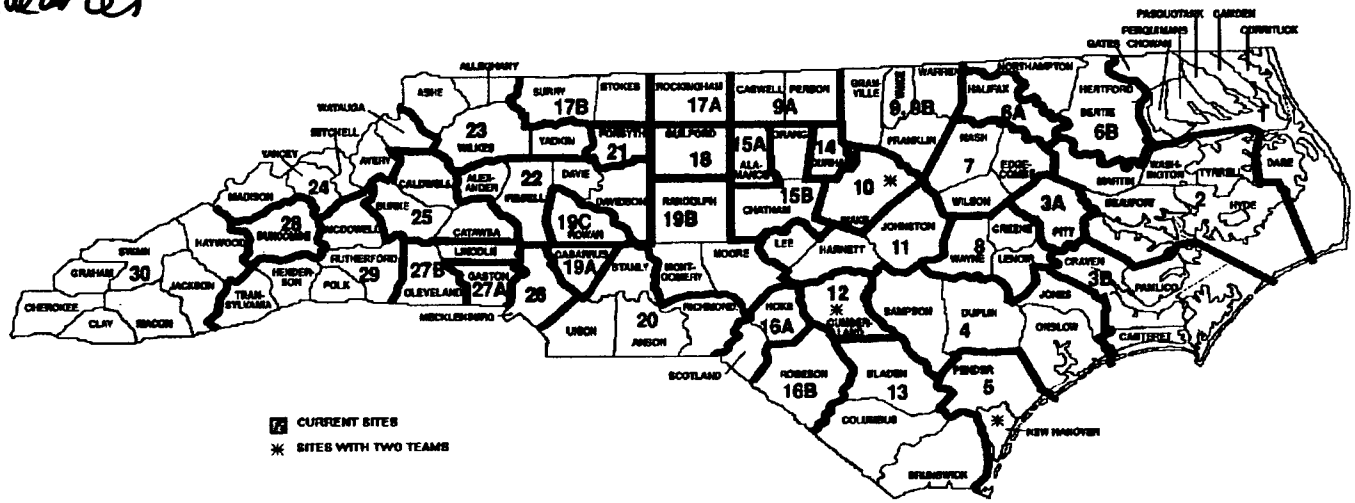
Court Services Cost Per Case

1995 through 1998

Year	Intake	Probation	Intensive
1995	$141	$789	$2,652
1996	$134	$790	$2,906
1997	$152	$818	$2,780
1998	$160	$878	$2,815

TRANSPORTATION PROGRAM – Personnel, Locations, & Budget
FY 99-00

* Currently funded from lapsed salaries



PERMANENT JUVENILE COURT TRANSPORTATION DETENTION OFFICERS – ACTUAL COSTS						
TRANSPORTATION TEAMS						
DIST	# OF TEAMS	# OF ½ TIME EQUIVALENT POS	SALARY	FICA	RETIREMENT	TOTAL PERS COSTS
2	1	2	$22,360	$1,711	$2,339	$26,409
3A	1	2	$22,360	$1,711	$2,339	$26,409
5	2	4	$45,407	$3,474	$4,750	$53,630
6A	1	2	$22,360	$1,711	$2,339	$26,409
9	1	2	$22,360	$1,711	$2,339	$26,409
10	2	4	$44,720	$3,421	$4,678	$52,819
12	2	4	$44,949	$3,439	$4,702	$53,089
14	1	2	$22,589	$1,728	$2,363	$26,680
18	1	2	$22,360	$1,711	$2,339	$26,409
19B	1	2	$22,360	$1,711	$2,339	$26,409
20	1	2	$22,360	$1,711	$2,339	$26,409
21	1	2	$22,818	$1,746	$2,387	$26,950
22	1	2	$22,818	$1,746	$2,387	$26,950
23	1	2	$22,513	$1,722	$2,355	$26,590
25	1	2	$22,360	$1,711	$2,339	$26,409
26	1	2	$22,360	$1,711	$2,339	$26,409
27B	1	2	$22,360	$1,711	$2,339	$26,409
28	1	2	$22,360	$1,711	$2,339	$26,409
30	1	2	$22,360	$1,711	$2,339	$26,409
STATE TOTAL	22	44	$494,134	$37,801	$51,686	$583,622

532714	In-state transportation	$200,508
532721 &24	In-state subsistence	$17,820
532814	Cellular phone service	$13,200
532732	Youth subsistence	$2,640
535900	Pagers	$3,740
	Personnel costs	$583,622
	STATE TOTAL	$821,530

The 22 full-time equivalent Juvenile Court Transportation/Detention Officer positions are funded via lapsed salaries. Positions need to be placed on permanent funding.

Overview of Court Services Division (continued)

Major Cost Drivers Resulting from Juvenile Reform Act

- Increases age of undisciplined juvenile from 16 till 18 (additional juveniles being referred to intake results in more juveniles on counselor caseloads)
- Diversion plans (brand new responsibility)
- Intermediate Disposition (additional juveniles would be on an intensive caseload)

Overview of Juvenile Services Staffing

District	Supervisors	Counselors	Secretaries	Probation/Aftercare Cases	Avg Case
1		7	1	193	38.6
2		7	1	168	33.6
3A		6	1	132	33
3B		7	1	181	36.2
4		6	1	160	37.2
5	2	12	2	305	35.9
6A		4	1	70	23.3
6B		4	1	99	31.9
7	1	10	2	283	35.4
8	1	9	2	226	37.7
9		6	1	144	36
9A		3		90	37.5
10	2	20	3	537	37
11	1	8	1	219	40.6
12	2	16	2	398	34.6
13		6	1	140	32.8
14	1	9	1	247	35.3
15A		7	1	136	34
15B		5	1	100	33.3
16A		6	1	101	24
16B	1	9	2	222	36.4
17A		3	1	66	27.3
17B		5	1	145	36.2
18	2	15	3	397	37.8
19A		4	1	77	25.7
19B	1	9	1.5	208	29.3
19C		6	1	134	33.5
20		11	1.5	292	38.9
21	2	12	3	259	32.4
22	1	10	2	257	37.8
23	1	7	1	178	35.6
24		5	1	114	29.2
25	1	11	2	300	37.5
26	3	29	5	761	33.8
27A		8	2	2111	35.2
27B		6	1	177	39.3
28	1	8	2	159	31.8
29		8	1.5	192	38.4
30	1	6	1	137	25.8
Totals	***24***	***330***	***58.5***		

1999 POSITIONS NEEDED

	POSITIONS NEEDED OVERALL			POSITIONS NEEDED IN APRIL			POSITIONS NEEDED IN JUNE		
DIST	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES
1	1	0	1	0	0	1	1		0
2	1	0	1	0	0	0	1		1
3A	2	0	0	1	0	0	1		0
3B	1	0	1	0	0	1	1		0
4	2	0	1	2	0	0	0	0	1
5	5	0	1	3	0	0	2	0	1
6A	1	0	0				1		
6B	1	0	0	0	0	0	1	0	0
7	3	0	0	2	0	0	1	0	0
8	5	0	0	3	0	0	2	0	0

1999 POSITIONS NEEDED

	POSITIONS NEEDED OVERALL			POSITIONS NEEDED IN APRIL			POSITIONS NEEDED IN JUNE		
DIST	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES
9	2	0	1	1	0	1	1	0	0
9A	2		1	1			1		1
10	4	1	1	3	0	1	1	1	0
11	4	0	0.5	2	0	0	2	0	0.5
12	2	1	1	1	1	1	1	0	0
13	2	0	1	1	0	0	1	0	1
14	3	0	1	2	0	0	1	0	1
15A	0	0	1	0	0	1	0	0	0
15B	1	0	0	0	0	0	1	0	0
16A	2		1	1		1	1		

1999 POSITIONS NEEDED

	POSITIONS NEEDED OVERALL			POSITIONS NEEDED IN APRIL			POSITIONS NEEDED IN JUNE		
DIST	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES
16B	3	0	0	1	0	0	2	0	0
17A	1						1		
17B	2			1			1		
18	6	1		3			3	1	
19A	2			1			1		
19B	4		0.5	2		0.5	2		
19C	2			1			1		
20	5	1	.5 * .5	2		0.5	3	1	0.5
21	2			1			1		
22	3		0.5	1			2		0.5

1999 POSITIONS NEEDED

	POSITIONS NEEDED OVERALL			POSITIONS NEEDED IN APRIL			POSITIONS NEEDED IN JUNE		
DIST	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES	COURT COUNSELORS	SUPERVISORS	SECRETARIES
23	2		2	1		1	1		1
24	1			1					
25	3			2			1		
26	10	1	1	5	1		5		1
27A	2	1		1	1		1		
27B	2			1			1		
28	2			1			1		
29	2		0.5	1			1		0.5
30	2		1	1		1	1		
	100	6	20	50	3	10	50	3	10
		126			63			63	

Overview of Family Court Pilot Programs

- Program History

  - Court Futures Commission recommended establishing family courts in their 1996 report to General Assembly
  - Several bills were introduced to establish pilots over next two years
  - Governor's Juvenile Commission recommended establishing three pilot program to last for two years
  - General Assembly passes legislation and approves funding for three pilots in the 1998 Short Session

- Program Summary

  - Basic premise is that all matters affecting the family - divorce, alimony, child custody, child support, delinquency, abuse, etc. - would be heard by specially trained judges
  - Matters involving the same family would be heard together with same judge when possible
  - Judges would be assisted by case managers and support staff

Attachment E

Overview of Family Court Pilot Programs (continued)

Program Funding / Personnel:

FY 1998-99	FY's 1999-00 and 2000-01 Requested
$318,228	$666,000
(start three pilots 3/1/99)	(annualization of pilots in Gov's expansion budget)

- Funding includes 2 program administrators, 10 case managers, and 2 judicial assistants

Status of Programs:

- Districts 14 (Durham) and 20 (Anson, Stanly, Union, Richmond) have hired all their staff
- District 26 (Mecklenburg) has hired all staff except for judicial assistants.
- All districts are in Raleigh this week for training

Issue for Committee Discussion:

- Report on effectiveness of programs due March 1, 2000
- Included in Gov's budget for both fiscal years - should pilot program be funded for an additional year and then reevaluated in Short Session?

D02
-03
THE JUDICIAL DEPARTMENT
AOC-GENERAL
FAMILY COURT PILOT PROGRAM

STATE OF NORTH CAROLINA GENERAL LEDGER SYSTEM
AUTHORIZED MONTHLY BUDGET REPORT
FOR THE PERIOD ENDING MARCH 31, 1999

DETAIL REPORT BY FUND

NT	DESCRIPTION	** AUTHORIZED ** BUDGET	ACTUAL CURRENT	ACTUAL QUARTERLY	ACTUAL TO DATE	BALANCE	ENCUMBRANCES	UNENCUMBERED	RATE
DITURES-BUDGET AND ACTUAL									
1	EPA-REG SALARIES-APPRO	159,667.00	12,272.38	12,272.38	12,272.38	147,394.62	.00	147,394.62	.10
1	SOCIAL SEC CONTRIB-APPRO	12,218.00	906.60	906.60	906.60	11,311.40	.00	11,311.40	.10
1	REG RETIRE CONTRIB-APPRO	17,295.00	1,239.50	1,239.50	1,239.50	16,055.50	.00	16,055.50	.10
1	MED INS CONTRIB-APPRO	8,101.00	.00	.00	.00	8,101.00	.00	8,101.00	.00
X	PERSONAL SERVICES	197,281.00	14,418.48	14,418.48	14,418.48	182,862.52	.00	182,862.52	.10
0	MAINT AGREEMENT-EQUIP	644.00	.00	.00	.00	644.00	.00	644.00	.00
4	TRANSP-GRND - IN STATE	4,196.00	.00	.00	.00	4,196.00	97.50	4,098.50	.03
1	LODGING - IN STATE	2,969.00	.00	.00	.00	2,969.00	.00	2,969.00	.00
4	MEALS - IN STATE	1,933.00	.00	.00	.00	1,933.00	.00	1,933.00	.00
1	TELEPHONE SERVICE	2,445.00	.00	.00	.00	2,445.00	.00	2,445.00	.00
2	TELECOMMUN DATA CHRG	1,246.00	.00	.00	.00	1,246.00	.00	1,246.00	.00
0003	POST,FR&DEL-POSTAL METER	96.00	.00	.00	.00	96.00	.00	96.00	.00
0	ADVERTISING	7,090.00	7,090.00	7,090.00	7,090.00	.00	.00	.00	1.33
0	REGISTRATION FEES	210.00	.00	.00	.00	210.00	.00	210.00	.00
X	PURCHASED SERVICES	20,829.00	7,090.00	7,090.00	7,090.00	13,739.00	97.50	13,641.50	.46
0	GENERAL OFFICE SUPPLIES	2,367.00	.00	.00	.00	2,367.00	.00	2,367.00	.00
X	SUPPLIES	2,367.00	.00	.00	.00	2,367.00	.00	2,367.00	.00
1	OFFICE EQUIPMENT	11,145.00	.00	.00	.00	11,145.00	.00	11,145.00	.00
2	EQUIP-COMPUTERS	41,280.00	25,543.24	25,543.24	25,543.24	15,736.76	15,582.00	154.76	1.33
8	EQUIP-COMMUNICATIONS	5,684.00	.00	.00	.00	5,684.00	.00	5,684.00	.00
0	COMPUTER SOFTWARE	13,268.00	7,467.49	7,467.49	7,467.49	5,800.51	.00	5,800.51	.75
X	PROPERTY, PLANT & EQUIP	71,377.00	33,010.73	33,010.73	33,010.73	38,366.27	15,582.00	22,784.27	.91
0	RES-COMPUTER TRAINING	5,600.00	.00	.00	.00	5,600.00	.00	5,600.00	.00
7	RES-LI DEFICIT	20,774.00	.00	.00	.00	20,774.00	.00	20,774.00	.00
X	RESERVES	26,374.00	.00	.00	.00	26,374.00	.00	26,374.00	.00
	EXPENDITURES	318,228.00	54,519.21	54,519.21	54,519.21	263,708.79	15,679.50	248,029.29	.29
NUES-ESTIMATED AND ACTUAL									
	APPROPRIATION	318,228.00	54,519.21	54,519.21	54,519.21	263,708.79	15,679.50		.23

Office of Juvenile Justice

Program and Budget Overview of GRASP

Joint Appropriations Subcommittee on Justice and Public Safety
April 13, 1999

Attachment F

GRASP

Guard Response Alternative Sentencing Program

- Description:
  - Regimented Training Program coordinated and administered by the North Carolina National Guard
  - An intermediate sanction for juvenile offenders (ages 13-15) referred by judges and court counselors
  - Emphasizes the consequence of individual action and builds self-esteem
  - 3-hour block of instruction/interaction over a four day period for 10 weeks
  - Physical training, drill and ceremonies (marching), team building, life skills training and mentoring

- Program Statistics:
  - Currently one site in Durham which began as a pilot in September 1998 w/ GCC grant ($82,270)
    - Two completed rotations (44 referrals/16 graduates)
  - Three additional sites (Goldsboro, Raleigh, Charlotte) funded through 1998-99 Juvenile Justice Reserve will start in July, 1999 ($96,313)
  - Goal is to have 20 sites across the state with each serving 120 students per year (4-10 week rotations/year; 30 students/rotation)

GRASP

Program Resources/Cost

- Program will utilize existing National Guard facilities (weekdays between 4 pm and 7pm)

- Proposed Staffing:
  - Headquarters: State Coordinator, Administrative Assistant, Clerk (all on contractual basis)
  - Site: Site Director and Fitness Coordinator (both on a contractual basis), volunteers

- Proposed Budget/Cost:
  - Continuation: $254,000 to continue existing sites
  - Expansion: $746,000 for 9 additional sites w/staggered effective dates throughout the year
  - Site Cost/Rotation: $10,468 (Dir, Fitness Coordinator, Uniforms, Physicals/Drug Tests/Food) = $42,000/site/year + central office expenses

GRASP

Issues for Discussion

- Carryover/reversion of unused funds appropriated in 1998-99 reserve
  - Reserve provided funding for start up effective April 1 for 3 sites, sites expected to open in early July

- Combining the administrative and budgetary responsibilities of the program.
  - Program is administered by NC National Guard (CCPS)
  - Program Budget is in the Office of Juvenile Justice

- Rate of expansion to additional sites
  - 9 additional sites ($746K) included in Governor's Expansion Budget
  - Expand at a slower rate in 1999-2000 to provide an opportunity to evaluate the programs as an effective intermediate sanction for offenders under the new code

VISITOR REGISTRATION SHEET

Justice & Public Safety 4/13 pm

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Ed Taylor	OJJ
2. [illegible]	OJJ
3. Julie [illegible]	NC Sent. Cmsn
4. Carey Dick	OJJ
5. Dwayne Patterson	OJJ
6. Michael Bryan	OJJ
7. BRUCE THOMPSON	PARKER POE ADAMS + BERNSTEIN
8.	
9.	
10.	
11.	
12.	
13.	
14.	
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VISITOR REGISTRATION SHEET

Justice & Public Safety 4-13-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. [illegible]	Governor's Crime Commission
2. Melissa Lovell	DOJ
3. Ronald Hawkins	FARM BUREAU
4. Reid Helton	Rutherford County Farm Bureau
5. Margaret Helton	Rutherford County Farm Bureau
6. Larry & Jo-Ann Roper	Henderson Co. Farm Bureau
7. [illegible]	AOC
8. Buddy Humphrey	OSBM
9. Michael Bryant	OJJ
10. [illegible]	OJJ
11. Dwayne Patterson	OJJ
12. Larry Dix	OJJ
13. Jim Shaber	Poyner & Spruill
14. Patricia Lambe	NCACC
15. Juli Kim	NC Sent. Cmsn
16. B. Katzenelson	" "
17. Robin Swagner	" "
18.	
19.	
20.	
21.	

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday April 14, 1999 8:30 a.m and 2:30 pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Morning

Office of Juvenile Justice Budget Review

- **Budget Overview of Detention Services**

  Jim Mills, Fiscal Research Staff
  Office Representatives

- **Budget Overview of Training Schools**

  Jim Mills, Fiscal Research Staff
  Office Representatives

- **Overview of Community Based Programs**

  Ken Foster, OJJ

Afternoon

- **Budget Overview – New JCPC Grants**

  Jim Mills, Fiscal Research Staff
  Office Representatives

- **Budget Overview – Other OJJ Community Programs**

  Marilyn Chism, Fiscal Research Staff
  Office Representatives

- **Update on Juvenile Population Projections**

  Susan Katzenelson, Staff Director
  Sentencing and Policy Advisory Commission

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee) April 14th

DATES															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair															
Rep. Thomas, Vice Chair															
Rep. Clary															
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton															
Senate Members															
Sen. Luther Jordan	✓														
Sen. Frank Ballance	✓														
Sen. Tony Rand															
Sen. John Carrington	✓														
Sen. Don East	✓														
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio	✓														
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Wednesday, April 14, 1999 –8:30
Room 415, Legislative Office Building

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending are Representative Paul McCrary, Co-Chairman, presiding; also attending Rep. Ted Kinney, Co-Chair; Rep. Haire, Rep. Horn, Rep. Kiser and Rep. Justice on the Senate side Senator Luther Jordon, Chair; Frank Balance, John Carrington and Don East.

Co-Chairman McCrary recognized the pages in attendance and the members of the Sergeant at Arms staff assisting in the Committee.

Co-Chairman McCrary then stated the purpose of the meeting **Budget Overview of Detention Services** and recognized Jim Mills, Fiscal Research Staff . Jim stated that this morning and this afternoon they would continue discussing the **Office of Juvenile Justice Budget Review** and related **Juvenile programs**. First Handout (Office of Juvenile Justice Overview of Training Schools) See Attached **The 1998-99 Authorized Budget**, Division of Youth Services Training Schools.

The Institutional issues in the second handout Office of Juvenile Justice. Overview of Detention Services 1)Community Based Programs 2)Mission and Purpose(See Attachment) 3) Background and Facts 4) Where Detention Centers are located 5)Juvenile Detention Beds and Operating Capacity- State & County (6) County Operating Capacities (7)Wake Detention Center. (8)Budget for a Detention Center (Attachment) Pie Chart. (9) Governors Recommended Budget for Detention Services . (10) Characteristics of Detention Center Budget. (11) Budget (Pie Chart) for Residential Care and Direct Service Staff. (12) Detention Center Lawsuit Lawsuits in 1993 and 1994/Settlement in Jan. 1995/Lawsuit Dismissed in 1998. (13) Organizational Structure of Wake Detention(14) Detention Services Budget Related to Juvenile Justice Act which the Governor is recommending. (15) Detention Services Budget issues Construction and operating issues. (16) Continued Detention Center Issues. What are future detention service needs? Population projections?

Jim stated that one of the issues not in the handout was the fact that the **Juvenile Justice Reform Act** requires that the Office take a look at the potential for developing Regional Detention Facilities. Jim Mills followed up by answering questions from the committee: The Chairman recognized questions from Representative Kiser regarding legal Capacities in Detention Centers. The Chairman then recognized Senator Ballance Who asked the question why are there so many vacant prisons and why can they not be retro fitted to fit some of the programs they are discussing. Answer was that it would cost more to retro fit up to specs than to build new facilities and also the new design with the central pod could look down both wings which would save on staff.

Co-Chairman Representative McCrary then recognized Jim Mills again, to give an Overview of Community Based Programs (Overview of Training Schools) starting with the Authorized Budget (See Attached) Jim Mills shared with the Committee the Schools, the Location, Bed Capacity and Special Programs within this Division. Jim Mills discussed the Mission and Purpose of the Juvenile Training School, stating that these schools are very different from a prison system in that the training schools are set up as treatment education and rehab facilities.(See Attached) Jim Mills continued to give the operating Cost per bed in 1997-98-Training School Staffing Budget Issues and Average Monthly Population for Juvenile Training Schools(See Attached)

One of the staffing issues that Jim Mills wants the Committee to consider is whether these positions should stay temporary and not be funded permanently until the population of offenders actually rises within the facility.

Jim Mills followed up by answering questions from the Committee, the co-chair recognized Representative Kiser stating that The Juvenile Justice Act lengthens the stay of people that go to the Training School that it actually lengthens the stay as much as double. Jim Mills responded by stating that there is now a minimum requirement that offenders now have to have a minimum sentence of 6 months.

Representative Justice requested that the Committee slow down and ask more questions and educate ourselves in asking where the money is coming from Representative Justice requested that we just take a little extra time on Juvenile Justice making sure that we all understand where we are going. Co-Chairman McCrary responded by saying the Committee planned on spending the next few days on Juvenile Justice and that we would certainly slow down.

The Meeting adjourned, to meet again at 2:30.

Respectively Submitted,

Paul McCrary — Rep. Paul McCrary, Co-Chairman

Barbara A. Berry — Barbara A. Berry, Committee Assistant

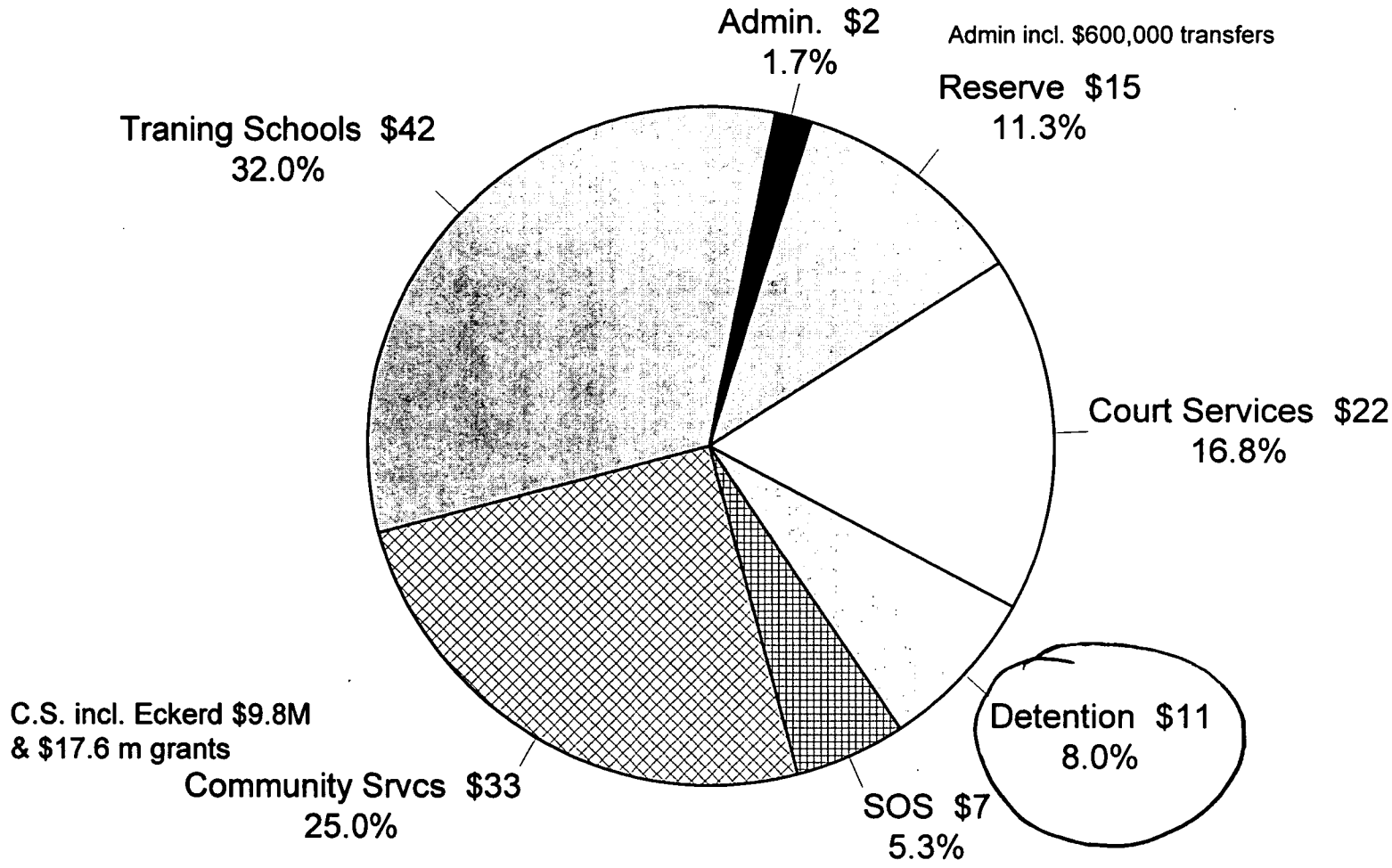
OFFICE OF JUVENILE JUSTICE-- OVERVIEW OF DETENTION SERVICES

Joint Appropriations Subcommittee on
Justice and Public Safety

FRD 4/13/99

Office of Juvenile Justice -- 1998-99 Authorized Budget

Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Source: BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services (2) Juvenile Justice Reserve ($14.9 M) (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

Detention Centers --Mission and Purpose

- Pre- Disposition: Safe, Secure Juvenile Custody Prior to Court Adjudication (84%)
  - Juveniles: delinquent, status offenders (undisciplined); boundovers to adult court
- Post Disposition: Dispositional Alternative for Court Adjudicated Juveniles
- Current Law: **Pre-Disposition**: No limit on length of stay for delinquents; must have court hearing within 5 days and every 7 days thereafter (undisciplined only 72 hours). **Post Disposition** --not more than 5, 24 hour periods (unless held after adjudication but before dispostion)
- Juvenile Justice Act:
  - Expand as Post-Dispositional Alternative: not more than 5, 24 hour periods**and** up to 14, 24 hour periods (may get misdemeanants that would have been in training schools)
  - Jails can be used as Temporary Detention for 72 hours if sight and sound barriers met (A-E felonies)
  - Undisciplined (runaways) up to age 18 (up to 16 now).
  - Also may use detention centers for contempt of court

Detention Center Background Facts*

- Admissions: 1997-98: 6,092 1996-97: 5,546

- Average Length of Stay: 1997-98: 13.7 days 1996-97: 14 days (peak was 20 days in 1993-94)

- Offense Type:

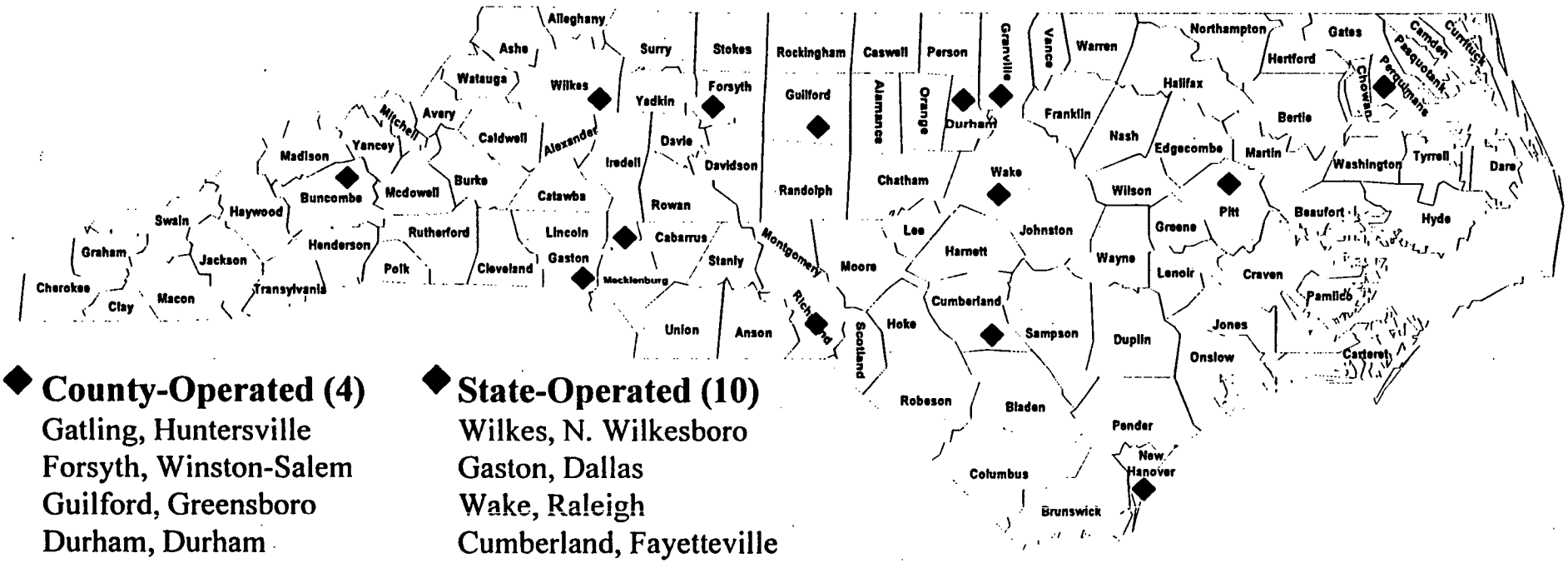
	97-98	96-97
Crimes Against Person:	31%	30%
Property Crimes:	33	35
Probation Violations:	36	35

- Admissions by Age: 1997-98
  - Ages 8 to 10: 34 11 to 13: 1,198; **14&15: 4,134**; 16+: 726

- Population vs. Capacity
  - Beds as of 5/99: 314 at 100% Capacity/358 at Expanded Capacity (State: 255 County: 103)
  - Beds Funded in 98-99: +48 Beds. 2001 Completion?

*Source: 1997 DYS Sourcebook; 1998 OJJ Sourcebook

DIVISION OF YOUTH SERVICES
DETENTION CENTERS



- **County-Operated (4)**
  Gatling, Huntersville
  Forsyth, Winston-Salem
  Guilford, Greensboro
  Durham, Durham

- **State-Operated (10)**
  Wilkes, N. Wilkesboro
  Gaston, Dallas
  Wake, Raleigh
  Cumberland, Fayetteville
  Pitt, Greenville
  New Hanover, Castle Hayne
  Buncombe, Asheville
  Perquimans, Winfall (Open ~~November 1998~~ May, 99)
  Richmond Boundover Facility, Rockingham (Open April 1999)
  Umstead, Butner (~~Temporary Facility~~)

JUVENILE DETENTION BEDS AND OPERATING CAPACITY – STATE AND COUNTY

DETENTION CENTERS State Operated	# BEDS	OPERATING CAPACITY*
North Wilkesboro (Wilkes)	8	13
Dallas (Gaston)	24	29
Raleigh (Wake)	24	29
Fayetteville (Cumberland)	18	23
Greenville (Leonard/Pitt)	19	23
Castle Hayne (New Hanover)	18	23
Asheville (Buncombe)	14	18
Umstead (Butner)	32	32
Windfall (Perquimans)	24 (5-99)	29
Richmond (Rockingham – Boundovers)	30 (4-99)	36
Total State Beds/Capacity	**211**	**255**

County Operated	# BEDS	OPERATING CAPACITY*
Huntersville (Gatling—Mecklenburg County) (Local use only)	25	25
Winston-Salem (Forsyth) (+ surrounding counties)	16	16
Greensboro (Guilford) (+surrounding counties)	48	48
Durham (20% from surrounding counties)	14	14
Total County Beds	**103**	**103**
TOTAL BEDS SYSTEM WIDE (As of 5/99)	**314**	**358**
FUNDED STATE BEDS (2000-01) (SITES TO BE SELECTED)**	48	58
TOTAL BEDS BY 2000-01	**362**	**416**

***Operating Capacity**: Office of Juvenile Justice follows American Correctional Association (ACA) standards for juvenile facilities, which allow expanded operating capacity of 120% . (Assumes two juveniles to a room with proper population mix – OJJ does not mix older and younger offenders; male/female; or violent and non-violent juveniles).

** 1998 General Assembly funded the construction of two 24 bed detention centers in 1998-99; recommended sites for the new centers and the method of construction (new or renovation of prison GPAC units) are to be reported to the General Assembly prior to final site selection. **Total Beds by 2000-01** assumes occupancy date of January 1, 2001 (approximately 18 months from July 1, 1999)

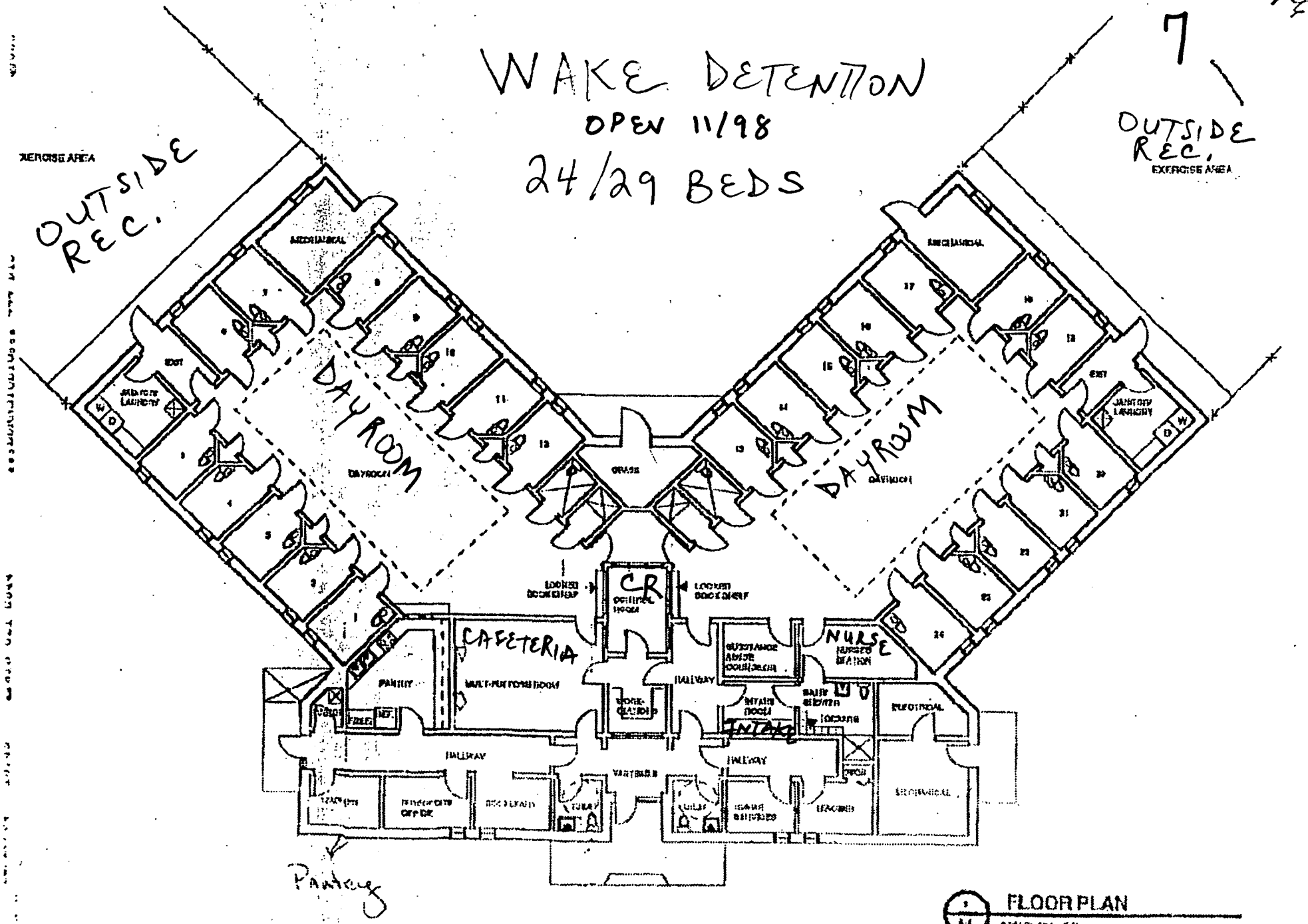
Source: Office of Juvenile Justice 4/99

WAKE DETENTION

OPEN 11/98

24/29 BEDS

7

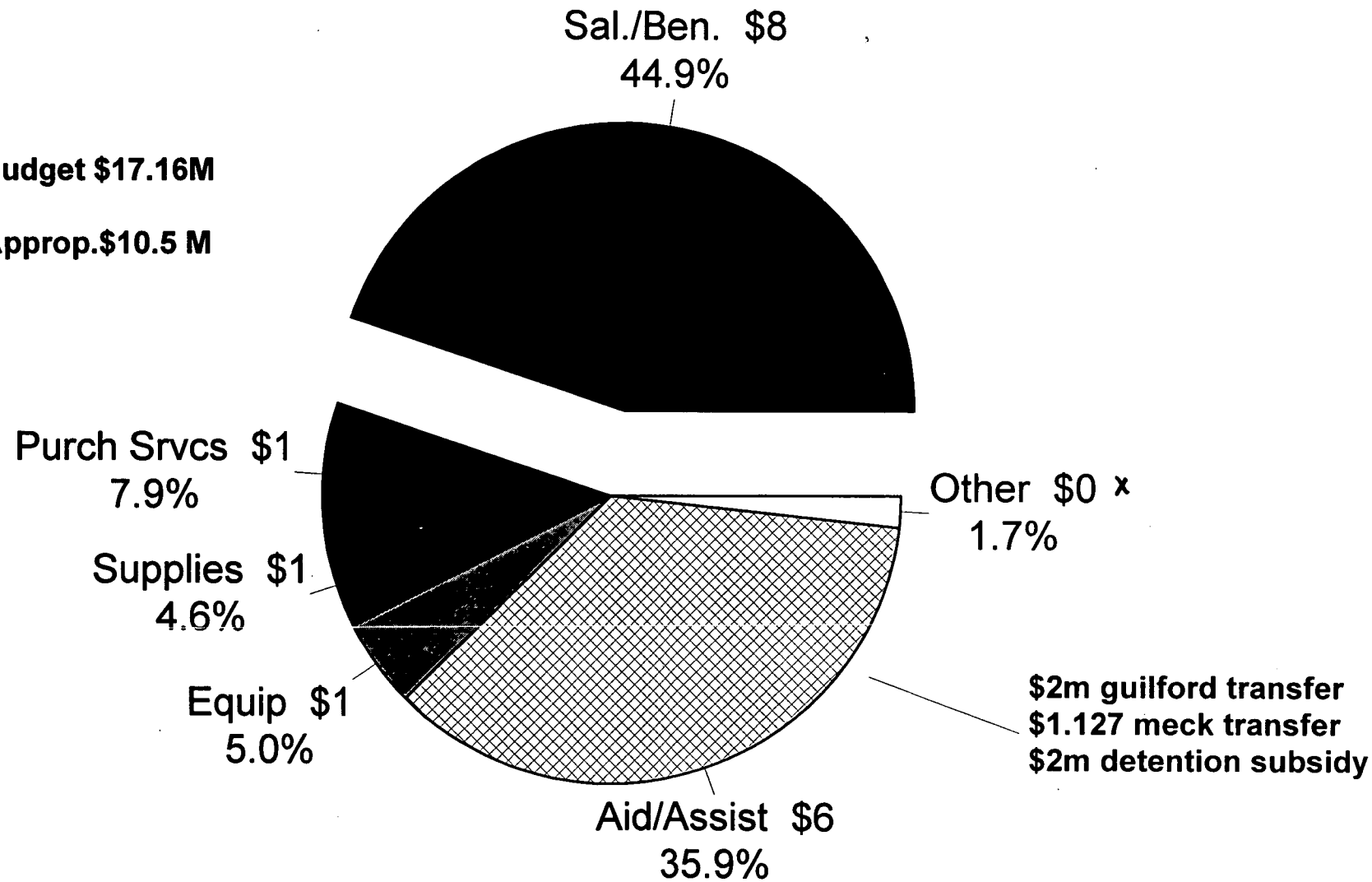


FLOOR PLAN

Detention Center 1998-99 Authorized Budget by Area*

Total Budget $17.16M

State Approp.$10.5 M



*Source: BD 701 12/31/98

Detention Services 1999-2000 Gov. Recom. Budget*

($ in millions)

Total Budget: $12.8 M

State Budget: $8.4 M
(Diff. is county receipts)

Diff from 98-99?
No temp $ & no Leg. Sal. Inc.

Diff from 98-99?
No transfer $ for Guilford & Meck.

*Source: OSBM Worksheet 1 dated 1/28/99

Detention Centers -- Budget Characteristics

- State/County Share of Operating Costs
  - **State Run Centers**: State and County Split 50/50 -- charge for 1998-99 is $144 daily ($72 each)
  - **Locally Operated Centers**: State pays 100% up front/then county reimburses 50%. County that pays is the county where the juvenile is arrested and charged; judge can shift charge to home county at disposition
- Cost Per Bed: 1997-98 $49,032 ($134 daily)
  - 63% is in residential care -- custody and treatment
- Major Cost Driver is Staffing
  - 80% is salaries and benefits; 11% is purchased services (medical; utilities); 6% is supplies (food,education, office)
  - Staffing ratios at Centers are approximately one staff per juvenile except Wilkes (1 1/2 staff for every juvenile and Buncombe -- 1.25 staff for every juvenile)

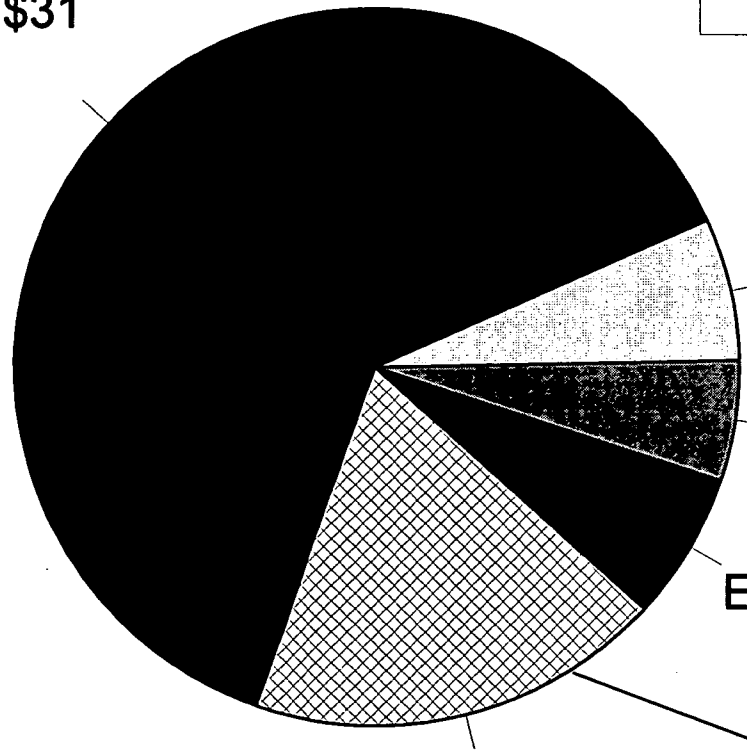
11

Detention Centers -- Cost per Bed 1997-98

Dollars in thousands

Cost per bed is $49,032 or $134 a day

staffing is 80% of budget



* Source: OJJ Budget Worksheets 4/10/99. Excludes transfers and reserves

Detention Center Lawsuit

- Lawsuits in 1993 and 1994/Settlement in Jan. 1995/Lawsuit Dismissed in 1998
- Major Lawsuit Issues
  - Overcrowding -- beds were up to 200% over capacity; Cap now at 120% EOC; General Assembly funded new beds.
  - Education - Limited emphasis; Now: minimum of one teacher and 5.5 hours of schoolwork daily
  - Medical Staffing -- As needed medical treatment; Now: Nurses on-site; mental health contracts.
  - Custody Staffing -- Court said make "good faith effort"; Added positions on second and 3rd shift
  - Alternatives to Detention -- Limited programs; Court directed DYS to work with AOC to develop Alternatives to Detention. Now: 15 districts with 19 intensive counselors

ORGANIZATION STRUCTURE

1) Presently, Wake Detention has a total of 32 positions.

1 - Director
2 - Shift Supervisors
1 - Program Assistant
18 - Full-time counselor techs
4 - Part-time counselor techs
1 - Administrative Assistant
1 - Human Services Coordinator
2- Teachers
1 - Full-time cook
1 - Part-time Cook

1st Shift
1 Director
1 Administrative Asst
1 Supervisor
1 Human Services Coord
6 Counselor Techs
2 Teachers
1 Cook

2nd Shift
1 Supervisor
1 Program Assistant
8 Counselor Techs ✓

3rd Shift
5 Counselor Techs ✓

1 Part-time cook (weekends)
3 Part-time counselor techs that float between all shifts

WAKE BEDS: 24

OPERATING LIMIT: 29

3

Detention Services Budget Related to Juvenile Justice Act

98-99	99-2000 Cont	2000-01 Cont	99-2000 Expan	2000-01 Expan
$517,424 Umstead 32 Beds	$968,888	$968,888	$0	$0
$4,800,000 Construct 48 Beds	$0	$0	$0	$0
$0 Operate 48 Beds	$0	$840,000	$0	$525,480

Detention Services Budget Issues

- ***How soon will funded 48 beds (two, 24 bed units) be constructed and ready for occupancy?***
  - Designers to be selected in April
  - Construction Contract to be awarded in August (Fast Track)
  - Construction to be completed between 9/2000 and March 2001
  - 2000-01 Funding assumes start date of 1/1/2001 and 60/40 state county funding

- ***Where will two 24 bed units be located?***
  - Report to Gov Ops before final site Selection (also training schools)

- ***What is status of planned 8 beds for females in Mecklenburg?***
  - Funding of $1.127 million in 1997 -- local area against adding 8 more beds to current Gatling site
  - Should funds be reallocated to another project or allowed to revert?

- ***Will 1999-2000 operating receipts from counties exceed 99-2000 budget ?*** (budgeted at $3.669 million; receipts this year at $2.8 million through 2/28/99)

Detention Center Budget Issues (Continued)

- ***What are future detention services needs?***
  - Governor requested 144 new beds (6, 24 bed centers) in 98-99 based on population projections by Sent Comm. and GCC survey of judges for pre-disposition
  - Fiscal Research estimated need for 90+ beds (matched population to capacity including beds under construction and due for occupancy in 98-99). Based on 98-99 figures, at least two more 24 bed units are needed (48 funded last year plus 48 more)
- ***Issues***
  - What will new population projections show?
  - Will judges use detention as frequently as assumed under new Act ?
  - What is purpose of GCC proposed grant to OJJ for detention (amount is $1.89 million or approx. 73% of cost of one new 24 bed unit (Const. cost est. = $2.6 million)
  - Are there alternatives to detention? Gov Crime Commission Grants and Gen'l Assembly funding for group homes; Alternatives to Detention programs in OJJ; New JCPC grants?
  - Should court- based Alternatives to Detention Program be expanded? Continuation Budget has 15 districts covering 19 counties at $713,000 each year.

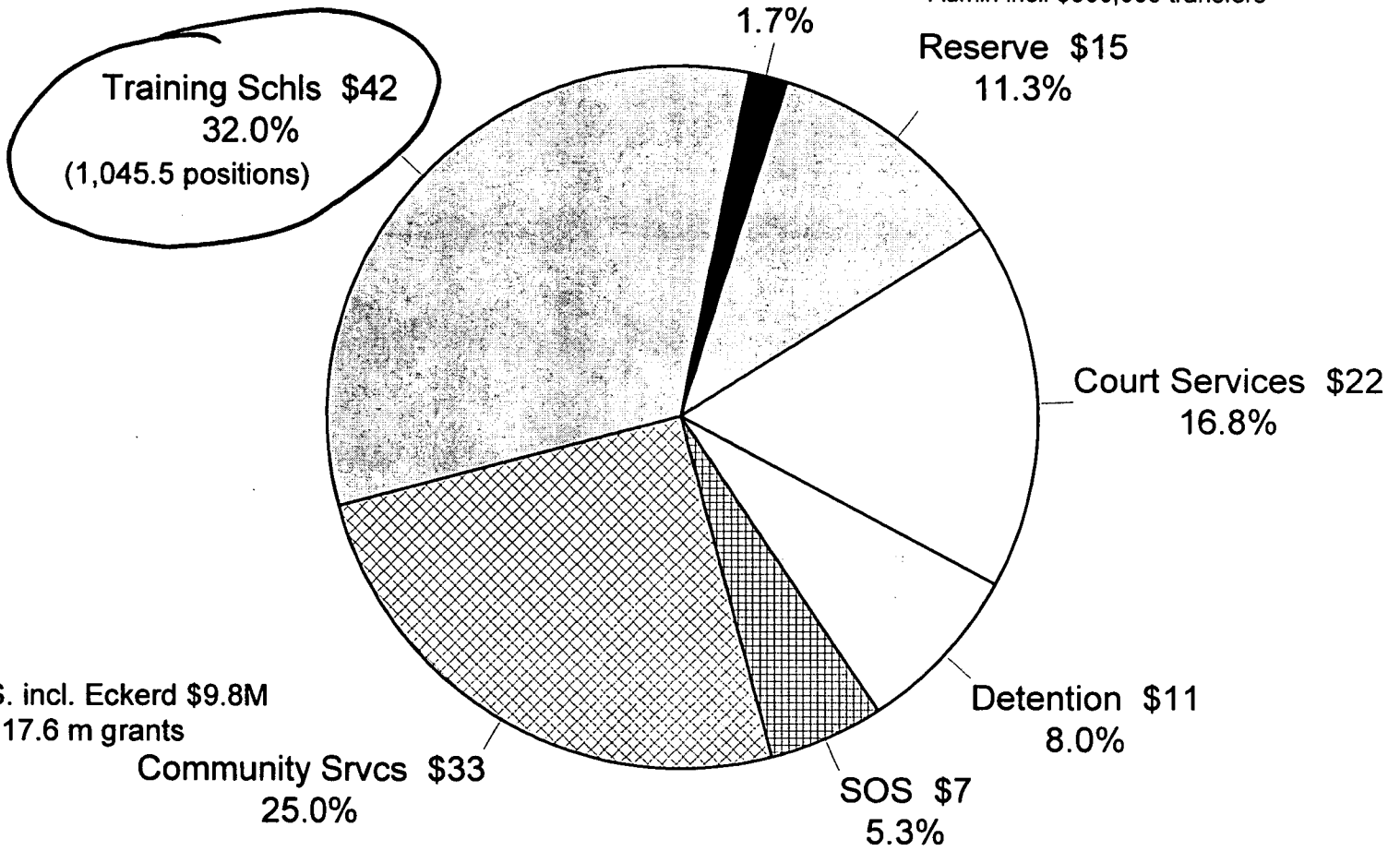
OFFICE OF JUVENILE JUSTICE -- OVERVIEW OF TRAINING SCHOOLS

Joint Appropriations Subcommittee on
Justice and Public Safety

FRD 4/14/99

Office of Juvenile Justice -- 1998-99 Authorized Budget

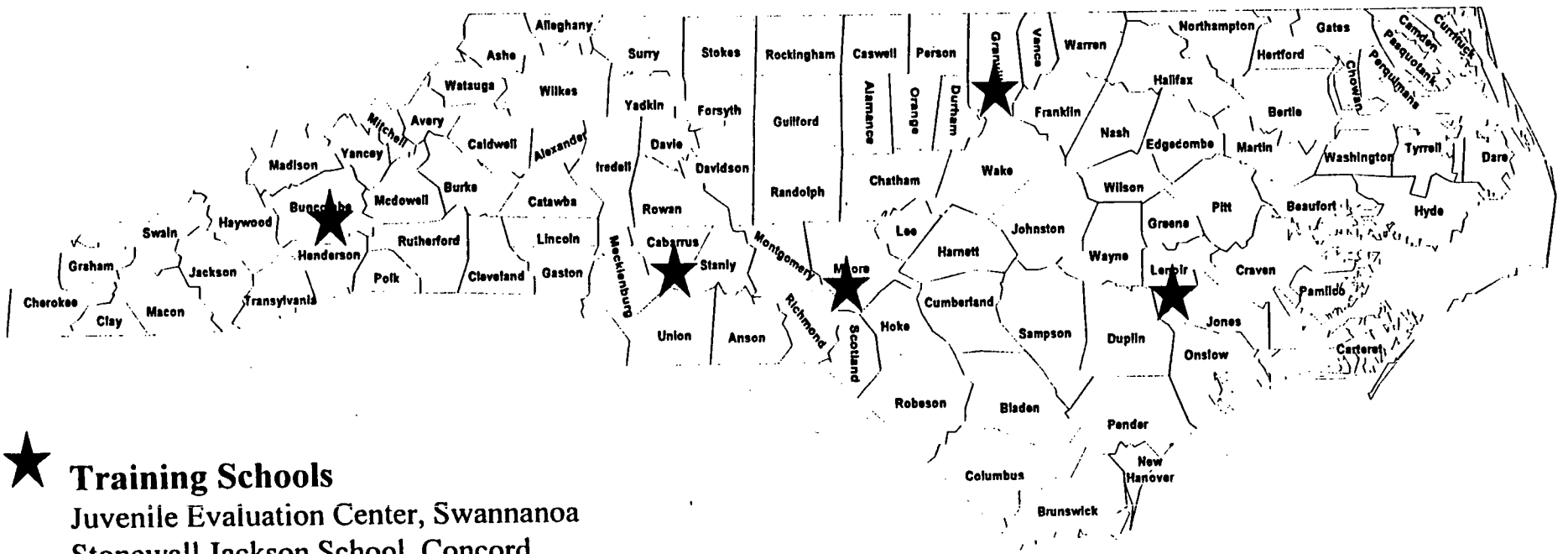
Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Source: BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services (2) Juvenile Justice Reserve ($14.9 M) (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

DIVISION OF YOUTH SERVICES
TRAINING SCHOOLS

2



★ **Training Schools**

Juvenile Evaluation Center, Swannanoa
Stonewall Jackson School, Concord
Samarkand Manor, Eagle Springs
C. A. Dillon School, Butner
Dobbs School, Kinston

Juvenile Training Schools

School	Location	Bed Capacity*	Special Programs
Stonewall Jackson	Cabarrus	134	
Samarkand Manor	Moore Co.	202	Females & New Beginn.
Dobbs	Lenoir Co.	162	
Juvenile Eval. Center	Buncombe Co.	224	**
C.A. Dillon	Granville (Butner)	121	Serious Offend.
Total		843	

* NOTE: Training Schools do not have an SOC (100%) and EOC capacity; goal is to operate at 100% -- 843 ** JEC houses serious offenders and also runs sex offender program and residential substance abuse treatment

Juvenile Training Schools -- Mission and Purpose

- **Purpose**: Provide treatment, education and rehabilitative services for juveniles committed to OJJ by the Court according to the needs of the children in care. Intent and purpose was to avoid punitive penal philosphies of adult facilities. (G.S.134A-1)

- **Programs**: Provide appropriate treatment "including but not limited to educational, clinical, psychological, vocational, recreational, medical..."

- **Scope of Current Law**: Juveniles ages 10 - 15 adjudicated delinquent can be committed to DYS (training schools) but must be released by age 18

- **Juvenile Justice Reform Act**: Juveniles adjudicated delinquent can be committed up to age 19 (A-e felonies) and up to age 21 for first degree felonies. New sentencing grid also shifts misdemeanant population that would have been in training schools to community sanctions (41% in 96-97). Result will be a population with more serious offense histories.

- Juvenile Justice Act retains program language cited above but removes most of purpose language

Juvenile Training Schools -- Program Facts*

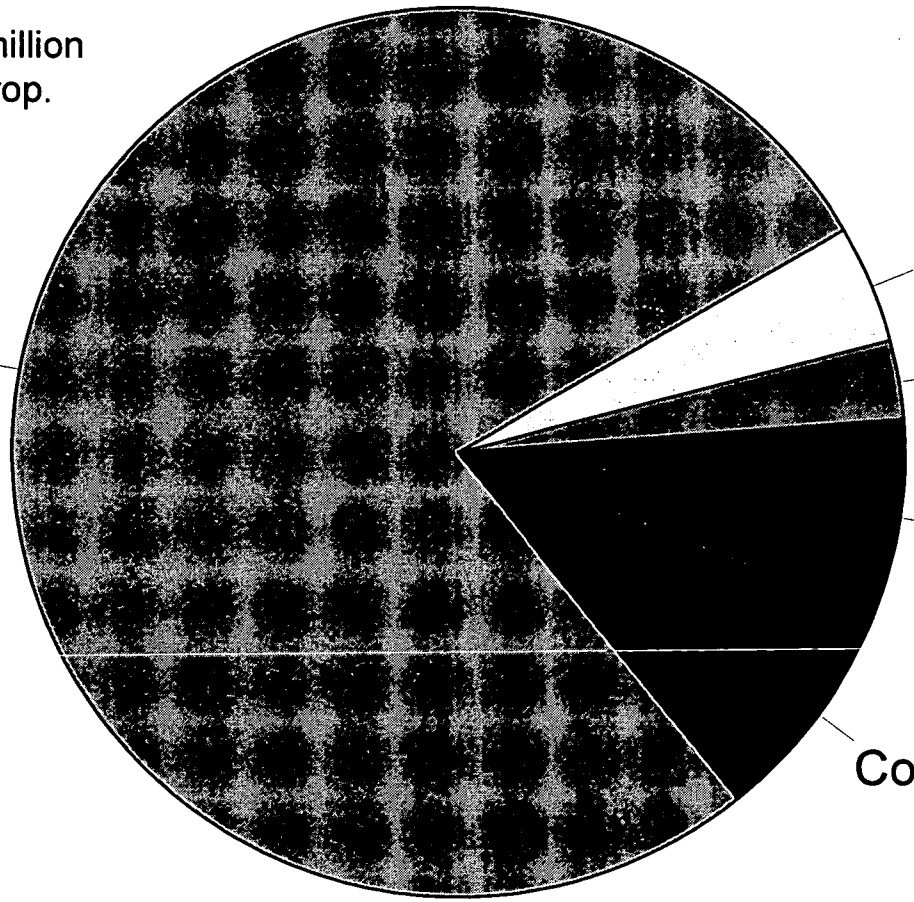
- Admissions:
  - 96-97: 1,118 (99 -- Recommitments; 115 Revocations)
  - 97-98: 1,149 (120 - Recommitments; 105 revocations
- Admissions by Age:
  - 1996-97: Ages 10 - 12: 36 Ages 13-14: 362 Age 15: 475 Ages 16-17: 245
  - 1997-98: " 34 " 369 " 505 " 241
- Average Length of Stay:
  - 96-97: 259 days (8 months +)
  - 97-98: Not available
- Offenses
  - 96-97: 665 felons (59%) 453 misd. (41%) Violent Felons (A-E): 10% of total
  - 97-98: 618 felons (54%) 531 misd (46%) " 11% of total
- Average Daily Population (Bed Capacity was 811)
  - 96-97: 836 (+38 in transition programs)
  - 97-98: Not available

* Source: DYS Sourcebook 1997 and OJJ Sourcebook 1998

Governor's Recommended Continuation Budget 1999-2000

Dollars in Millions

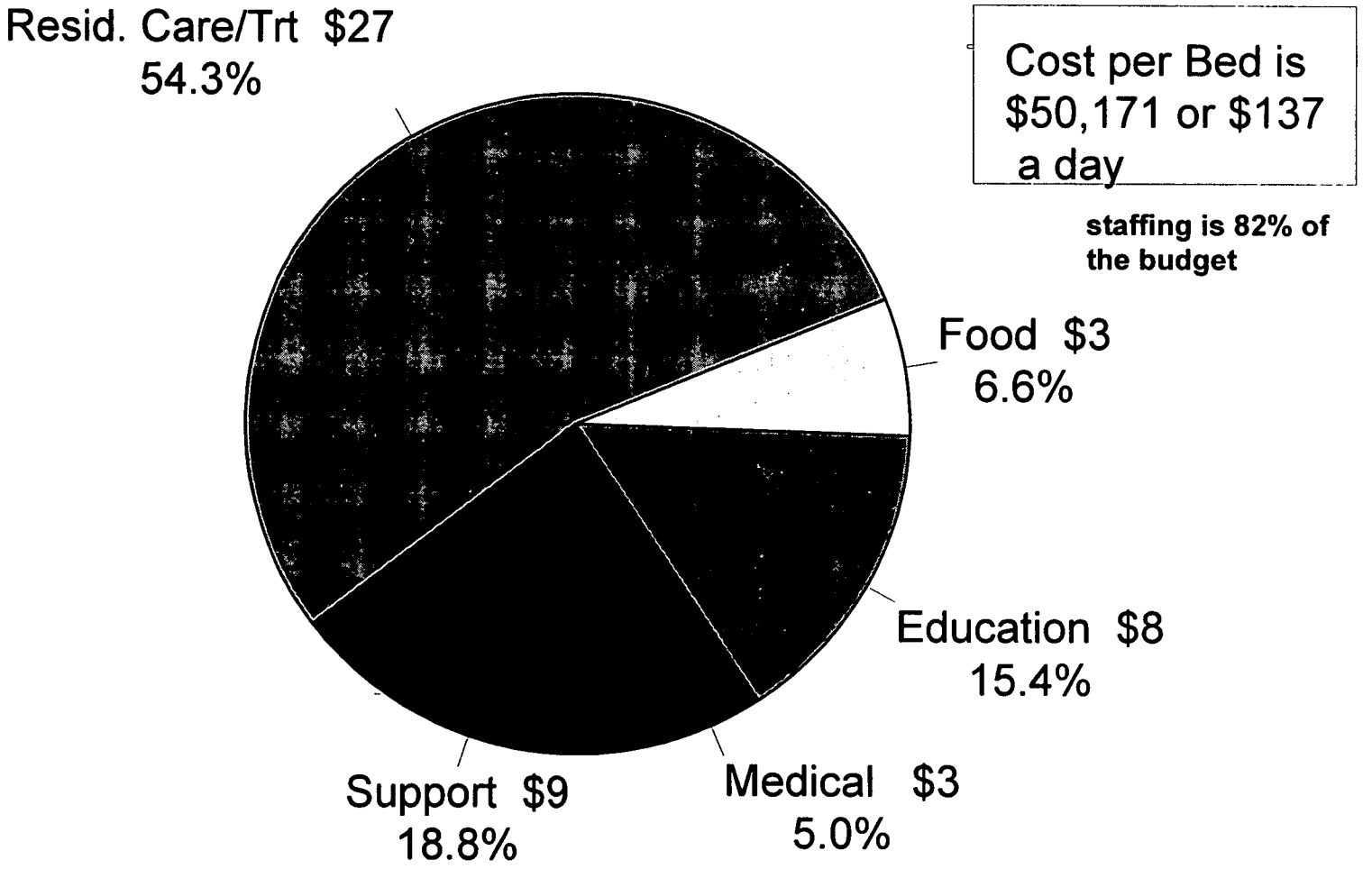
Total Budget is $46.5 million
with $45.5 in state approp.



*Source: OSBM Worksheet 1 dated 1/28/99. Major changes over 98-99 are Hope Cottage Reserve and $2M for 72 perm. staff

Juvenile Training Schools -- Operating Cost Per Bed in 1997-98*

Dollars in Thousands



*Source: OJJ Worksheets dated 4/10/99

Training School Staffing 1999

School	# Positions	Bed/Pop. Capacity	Staff Per Offender*
CA Dillon	207	121	1.7
Dobbs	201	162	1.24
Jackson	184	134	1.37
Juv Eval Center	253	224	1.12
Samarkand	250	221	1.24
Overall	1095	843	1.3

*Example of staff per student: Dillon has 1.7 staff for every student since it houses most serious offenders (DOC has converse situation -- .5 staff for every inmate)

Juvenile Training School Staffing

- Why are staffing ratios high?
  - Training Schools have had treatment and programming mission --goal is clearly rehabilitation; must run full- time public school program
  - Layout of most campuses is not compact
  - Many Individual Cottages and Buildings -- not large dorms or large single room buildings
    - Sammarkand Manor --8 housing units/202 beds
    - Dobbs - 9 housing units/162 beds
    - JEC is the exception 5 housing units/224 beds
  - Emphasis on safety and security of juveniles
- Staffing Issues
  - Rate of turnover significant for cottage staff (counselor techs) -- Salary issues? Are training schools staffed on premise of high turnover?
  - Are training schools staffed with right kind of positions?-- custody versus treatment; multiple classifications (phasing out "cottage parents"); supervision layers?

Hope Cottage Staffing - New in 1998-99*

- Staffing is 32 positions for population of 32
- Direct Juvenile Staff:
  - 20 Counselor Techs: 3 on day shift; 4 on evening; 3 on night = 10 X1.75 = 18 (rounded to 20) Minimum operation is 2-4-2 staffing pattern
  - 1 Cottage Parent Supervisor
  - 1 Social Worker (1: 25 standard)
  - 1 Psychologist (1:50 standard)
  - 1 Rec Worker
  - 3 Teachers (1:10 standard)
  - 3 Behavior Specialists/Counselors (1:10 standard) assigned to cottages from 1pm to 9 pm
- Support Staff:
  - 1 maint. mechanic
  - 1 cook

* Hope Cottage at Samarkand Manor was renovated in order to add 32 beds to the system

Division of Youth Services
Youth Services Counselor Technician
Retention

Period 11/01/97 To 10/31/98

School	# Positions In Class	Voluntary Separations	Voluntary Turnover %	# Employees Separated	Turnover Rate	Approx. # Employees
Stonewall Jackson	35	16	45.71%	18	51.43%	183
Samarkand Manor	64	7	10.94%	10	15.63%	208
Dobbs School	64	3	4.69%	5	7.81%	200
Juvenile Eval. Center	80	31	38.75%	32	40.00%	264
C. A. Dillon School	58	10	17.24%	15	25.86%	203
Juvenile Service Centers	115	32	27.83%	35	30.43%	163
Totals	***416***	***99***	**23.80%**	***115***	***27.64%***	
Totals for Training Schools	***301***	***67***	**22.26%**	***80***	***26.58%***	

Months of Aggregate Service	No. of Separations	% of Aggregate Svc Range to Total
Less Than 12 Months	**35**	**30.43%**
12 - 23 Months	**20**	**17.39%**
24 - 35 Months	**18**	**15.65%**
36 - 47 Months	**14**	**12.17%**

Division of Youth Services
Non-Supervisory Cottage Life *
Retention

11/1/97 - 10/31/98

12

By Division of Youth Services

School	# Positions In Class	Voluntary Separations	Voluntary Turnover %	# Employees Separated	Turnover Rate	# Employees
Stonewall Jackson	67	23	34.33%	27	40.30%	183
Samarkand Manor	101	15	14.85%	20	19.80%	208
Dobbs School	91	7	7.69%	11	12.09%	200
Juvenile Eval. Center	110	36	32.73%	37	33.64%	264
C. A. Dillon School	93	19	20.43%	26	27.96%	203
Juvenile Service Centers	115	32	27.83%	35	30.43%	
Totals	***577***	***132***	***22.88%***	***156***	***27.04%***	
Totals for Training Schools	***462***	***100***	***21.65%***	***121***	***26.19%***	

* Includes Youth Services Counselor Technicians, Cottage Parents and Behavioral Specialist

Juvenile Training Schools -- Budget Issues for Discussion

- *Should the proposal to make 72 positions permanent in the Continuation Budget be approved?*
  - Training Schools hired temporary staff to handle increase in population in 1998 and 1999; Continuation Budget for 99-2000 includes $2 million dollars to make these positions permanent
  - *Are all 72 positions related to population increase or requested for other identified staffing needs? (Majority of increased population going to two schools but posiitions identified for 4 schools)*
  - *1998 projections showed decrease in population in 99-2000 as misdemeanants shift to community and intermediate sanctions.*

- *What is the status of the planning, design and construction of new training school beds?*

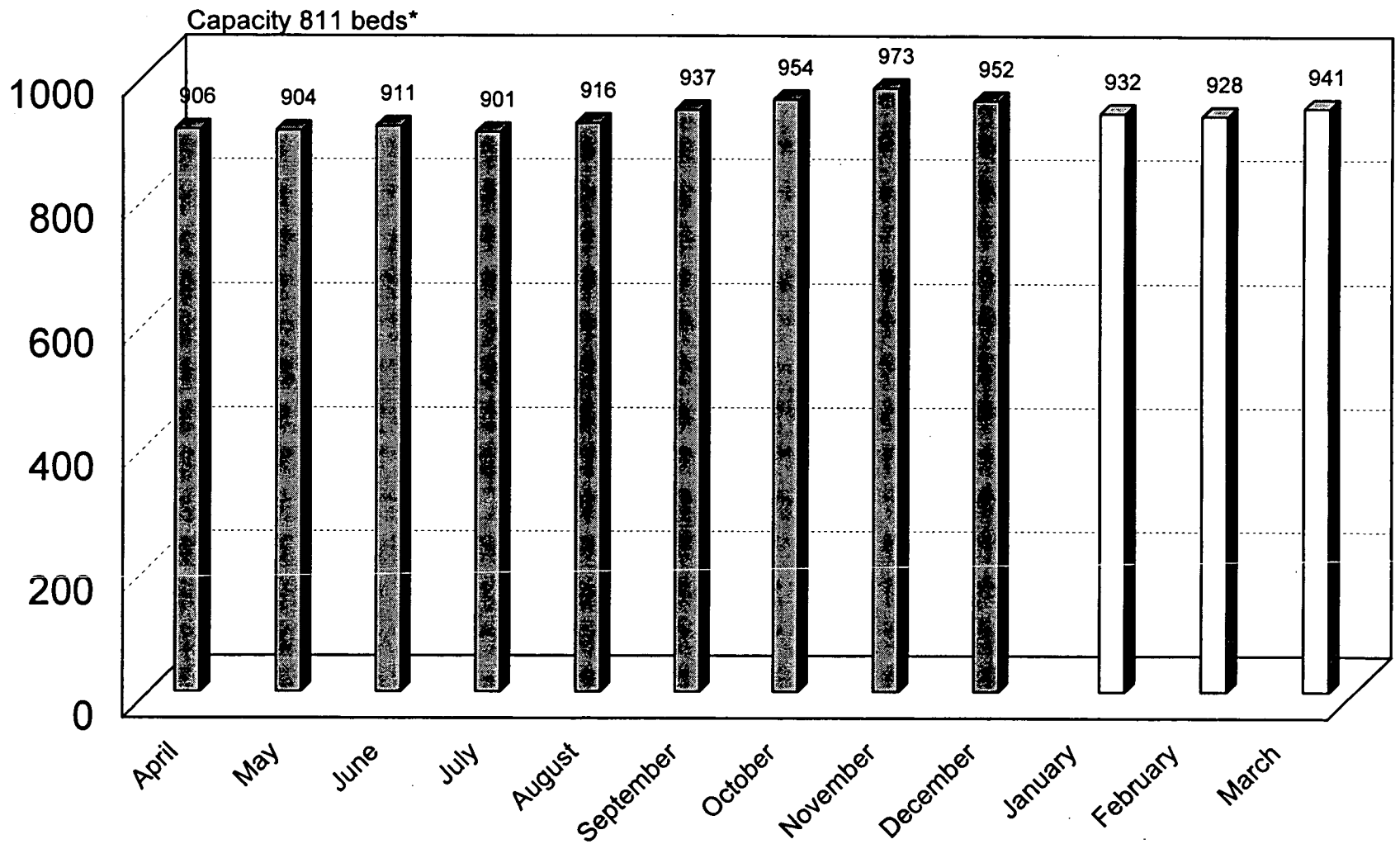
  - Design contracts to be let April 99; construction award possible 8/99
  - No funding source identified for any of 208 beds as of 4/14/99
  - Sites for new beds must be presented to Gov Ops before finalizing

- What are current training school bed projections?
  - 1998-99 projections assumed 250 beds by year 5 including A and B felony offenders to age 21
  - Are there alternative programs that could reduce this future need?

AVERAGE MONTHLY POPULATION FOR JUVENILE TRAINING SCHOOLS

APRIL 1998 - MARCH 1999

14



*Capacity will be 843 in 5/99

OFFICE OF JUVENILE JUSTICE TRAINING SCHOOLS - - -
GOVERNOR'S RECOMMENDATION TO MAKE 72 TEMPORARY POSITIONS PERMANENT

ALLOCATION BY TYPE OF POSITION AND TRAINING SCHOOL*

Training School	Counselor Tech	Teachers Aide	Recreation Worker	Social Worker	Clerk	Teacher	Total
Juvenile Evaluation Center	12	3	1	1	1	0	18
Samk. Manor	15	3	0	0	0	0	18
Dobbs	14	2	0	1	0	0	17
Stonewall Jackson	13	2	1	2	0	1	19
CA Dillion	0	0	0	0	0	0	0
TOTAL	**54**	**10**	**2**	**4**	**1**	**1**	**72**

*Funding of $1,998,584 is in Governor's Recommended Continuation Budget in 1999-2000 and 2000-01.

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	Office of Juvenile Justice
J. Raber	DOJ
Melissa Lovell	DOJ
Denise A. Sessoms	DOJ
Gregg Fabel	DOC
Chuck Olsen	OSPR
Peg Doren	
Wendy Mills	SEANC

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday April 14, 1999 8:30 a.m and 2:30 pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Morning

Office of Juvenile Justice Budget Review

- **Budget Overview of Detention Services**

  Jim Mills, Fiscal Research Staff
  Office Representatives

- **Budget Overview of Training Schools**

  Jim Mills, Fiscal Research Staff
  Office Representatives

- **Overview of Community Based Programs**

  Ken Foster, OJJ

Afternoon

- **Budget Overview – New JCPC Grants**

  Jim Mills, Fiscal Research Staff
  Office Representatives

- **Budget Overview – Other OJJ Community Programs**

  Marilyn Chism, Fiscal Research Staff
  Office Representatives

- **Update on Juvenile Population Projections**

  Susan Katzenelson, Staff Director
  Sentencing and Policy Advisory Commission

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

April 14, '99
2:30

(Name of Committee)

DATES															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair															
Rep. Thomas, Vice Chair															
Rep. Clary															
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton															
Senate Members															
Sen. Luther Jordan															
Sen. Frank Ballance															
Sen. Tony Rand															
Sen. John Carrington															
Sen. Don East	✓														
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

VISITOR REGISTRATION SHEET

JOINT JUSTICE & PUB. SAFETY 4-14-99

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. Ed Taylor	OJJ
2. George Sweat	OJJ
3. Jim Bowden	OJJ
4. Larry Dix	OJJ
5. Michael Bryant	OJJ
6. Duwayne Patterson	OJJ
7. Ken Foster	OJJ.
8. S. Katzenelson	NC Sentencing Com.
9. Lyli Kim	" " "
10. L M Shaber	Powers Squires
11. Melissa Lovell	DOJ
12. David Jones	GCC
13. Becca Hampton	DSB
14. T. Vaid	Tom P. Lopez (Sen. Pres.)
15.	
16.	
17.	
18.	
19.	
20.	
21.	

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Wednesday, April 14, 1999 – 2:30
Room 415, Legislative Office Building

The Meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The Members of the Committee attending are Representative Paul McCrary, Co-Chairman presiding; also attending Rep. Ted Kinney, Co-Chairman, Rep. Haire, Rep. Horn, Rep. Justus and Rep. Kiser. On the Senate side Senator Don East.

Co-Chairman McCrary recognized Ken Foster to give an Overview of the Community Based Programs.

First Handout (Community Services Historical Overview) Ken Foster stated that he would do a brief overview of the background and history of the Community service Programs with the focus on the CBA which is the largest of the Community Service Programs which was entitled "As the Twig is Bent" was "greater utilization of Community-based facilities and programs to deal with the delinquent youth in lieu of commitment to training school." (See Attachment)

The other major portions of the Community Service Section include: Eckerd Wilderness Camps—Governor's one-on-one---Multipurpose Juvenile Homes. The programs were designed to meet the needs of rural areas where the expense and the demand are not such that anyone of the counties can support both the temporary shelter care (residential facility) and a treatment group home. They have based these in multi-county districts and dedicate some of the beds for detention purposes and some for treatment. The Courts use the beds as they see fit.(See Attached) Kids are in these programs for detentions purposes for an average of about 8 days and treatment purposes for an average of about 140 days.

Ken Foster followed up by answering questions by the Committee.

Co-Chairman McCrary then recognized Marilyn Chism, (Fiscal Research Staff Representative) she stated that her report would be on the same programs that Mr. Foster had just gone over, that she would attempt to not repeat what he had just shared with the Committee.

Marilyn Chism handed out to the Committee the **Office of Juvenile Justice Program** and **Budget Overview Community Programs** beginning with the **SOS** Support our Students (See Attached) **Targeted group** (ages 9-14) **Purpose**: to provide support and guidance to students through high quality after-school activities. **Goals**: Reduce juvenile crime. **Grants**: $6.9 million for 1998-99 in state appropriation with $4.6 million in cash and in-kind contributions. **Administrative Support**: Special provision caps administrative expenses at $350K. Also included is the Funding History(See Attached)

Marilyn then switched over to the **Governor's One on One Program** (See Attached) page 6. **Purpose**: Match court involved and at-risk youth with adult volunteers in a one on one relationship intended to increase self-esteem and alter behavior patterns. **Responsibilities**: on state level to provide technical assistance, training and funding for local program coordinators to Recruit, screen and match volunteers, administers to the program.

Marilyn stated that the Impact Measures on the **Governor's One-On-One Program** Of the 2,233 court involved youth admitted to the program between 1992 and 1997, 58 or 2.6% were committed to training schools Other information that was in the report Program Funding Pie Chart(See Attached)

Marilyn continued by sharing more information on the **Eckerd Wilderness Camp** Purpose: Serve High risk group (behavior problems makes them likely candidates for continued delinquent behavior. 4 programs were established in 1977 and fully operational by 1979 2 additional programs opened in 1995 and 1997. 1 modular program was funded through the 1998-99 Juvenile Justice Reserve.(See Attached) Another Program its purpose is to provide secure non-institutional alternative to training school and detention centers Operating cost $461,700; approximately $58K per bed. (See Attached)

The recommended budget Summary (See Attached) for these Community Programs.

Marilyn Chism followed up by answering questions from the Committee, Co-Chair McCrary recognized Senator Don East, he asked the question "Are we paying $58K per bed" responding Marilyn stated that the operating cost came to $461,700 which came to approximately $58K per bed per year. The answer by Marilyn was yes, Senator Don East continued by sharing his concern about the state spending that kind of money per bed. Co-Chair McCrary then recognized Jim Mills which he shared with the Committee that there are a variety of after school programs through out the state. Jim went over the **Overview of Community Based Grant Programs** OJJ (See Attached)

Jim Mills followed up by answering questions from the Committee, Co-Chair McCrary recognized Senator Don East his question concerned if the Governor's Crime Commission scrutinize these grant applications. Jim stated that the grants are reviewed by the local councils and reviewed at the state level, each year they are reviewed by the central office staff.

The Meeting adjourned, to meet again at 8:30 in the morning April 15, 1999.

Respectively Submitted,

Paul McCrary

Rep. Paul McCrary, Co-Chairman

Barbara A. Berry

Barbara A. Berry, Committee Assistant

Community Services Historical Overview

At the time the Division of Youth Services was first established (1971), a major study of the State's training schools was under way. Sparked by the distinction of having the highest training school commitment rate per capita in the nation and by numerous other expressed concerns about the care and treatment of young people within the system. Governor Robert W. Scott in 1968 requested a major study of the system to be conducted by the State Bar Association.

- **CBA** The number one recommendation of that study, which was entitled"As the Twig is Bent" was, "greater utilization of community-based facilities and programs to deal with the delinquent youth in lieu of commitment to training school". This led in 1975 to the enactment of HB 456 which was a recommendation of the Legislative Study Commission on Sentencing, Criminal Punishment and Rehabilitation and which served as the enabling legislation for the Community Based Alternatives (CBA) program the first programmatic component of the Community Services Section. The primary intent of the CBA enabling legislation was "to provide a comprehensive plan for the development of community-based alternatives to training school commitment...[and] to provide non institutional disposition options in any case before the juvenile court..."

Other Components of the Community Services Section Include:

- **Eckerd Wilderness Camps** The second component began as a special project out of the Secretary's Office in 1977 as a result of Governor Hunt and key legislative leaders' interest in bringing the Eckerd Wilderness Camping program to North Carolina. Administrative responsibility for that program was transferred to The Division of Youth Services in 1982 and was added to the Community Services Section in 1985.

- **Governor's One on One** In 1982, another component was added to the Community Services Section as a result of Governor Hunt's initiative to create a statewide adult volunteer program for juvenile court youth. This program, modeled after the nationally renowned Partner's program, is the Governor's One on One program and today serves over 1,500 youth annually in over 60 counties.

- **Multipurpose Juvenile Homes** This component was established as a result of the passage of the 1990 Prison Bond Referendum which provided funding for several capital construction projects within the juvenile services system. These eight bed residential treatment units opened in 1993, serving as alternatives to detention and as dispositional options for youth who might otherwise be committed to training school. They have become important resources for the 33 counties they serve.

- **Support our Students** The most recent component, established in 1994 as part of Governor Hunts Delinquency Prevention initiative in the Special Session on Crime and transferred to the Community Services Section in 1996. SOS is aimed at preventing juvenile crime by providing after-school tutoring assistance and enrichment activities for at-risk middle school youth.

CBA Last year North Carolina spent just over $16M to support 50% of the total cost of 619 local programs, in all 100 counties to serve 25,065 delinquent and at-risk youth @ an average cost to the State of $1,700. Approximately 70% of those served were referred into the programs by juvenile court or local law enforcement and of those released during the 1997-98 fiscal year only 734 (4.6%) have been committed to training school as of Monday, April 12.

Eckerd Last year we spent $9.4M to support 6 Eckerd Camps serving 357 troubled youth from 74 counties at an average cost of $26,000 per juvenile. Of those released from Eckerd Camps during fiscal year 1997-98 only 30 (9.5%) have been committed to training school.

Governor's One on One Last year this program cost the State $1.6M, served 1,901 youth (90% court referred) in 66 counties @ an average cost of just over $2,200 per youth. Of those released from this program during fiscal year 1997-98 only 24 (3.5%) have been committed to training school.

Multipurpose Juvenile Homes Last year 6 homes served 319 delinquent youth from 33 counties all of them were on court ordered secure detention or disposition placement and of those released last year only 50 (18.8%) have been committed to training school.

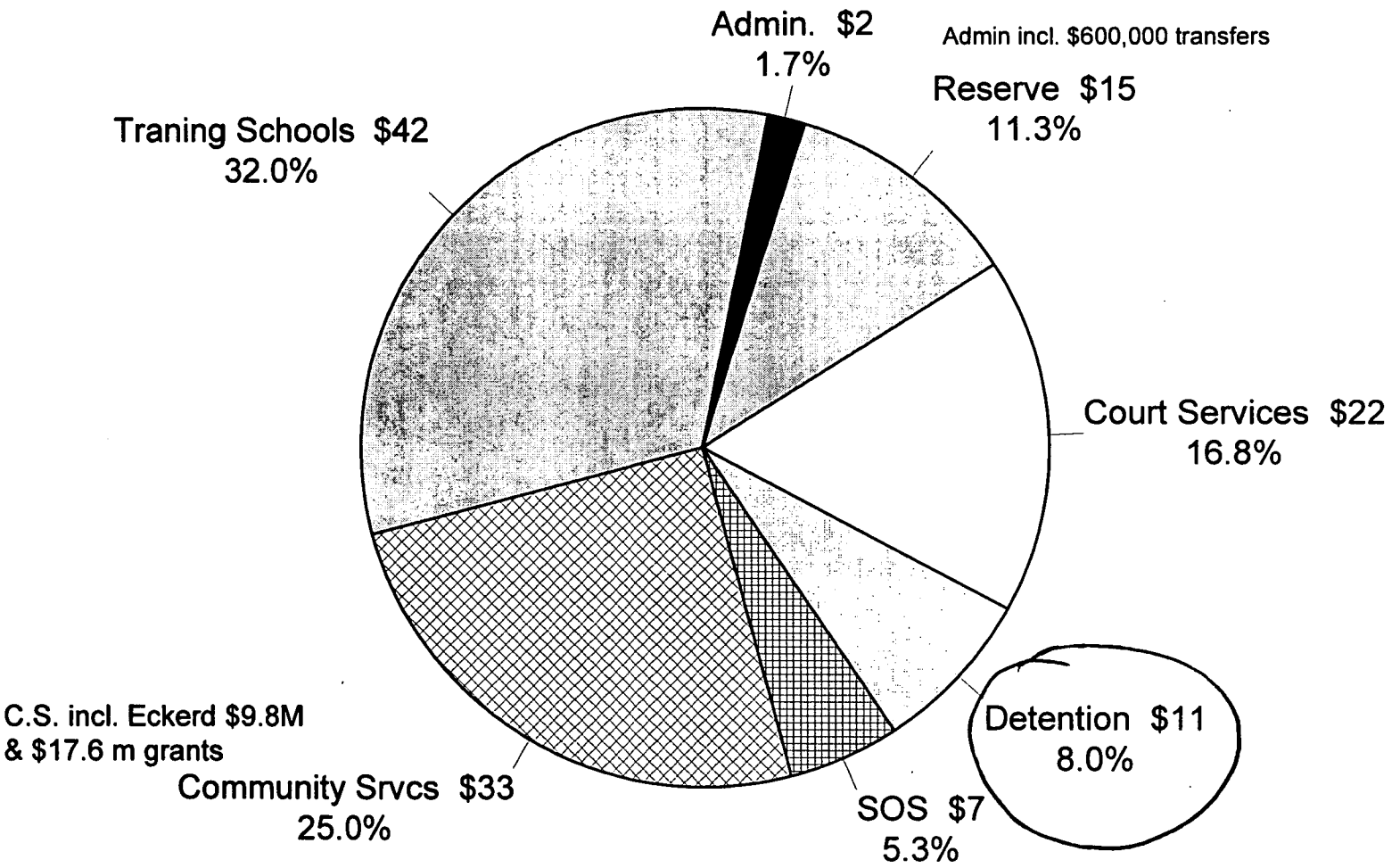
OFFICE OF JUVENILE JUSTICE-- OVERVIEW OF DETENTION SERVICES

Joint Appropriations Subcommittee on
Justice and Public Safety

FRD 4/13/99

Office of Juvenile Justice -- 1998-99 Authorized Budget

Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Source: BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services (2) Juvenile Justice Reserve ($14.9 M) (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

Detention Centers --Mission and Purpose

- Pre- Disposition: Safe, Secure Juvenile Custody Prior to Court Adjudication (84%)
  - Juveniles: delinquent, status offenders (undisciplined); boundovers to adult court
- Post Disposition: Dispositional Alternative for Court Adjudicated Juveniles
- Current Law: **Pre-Disposition**: No limit on length of stay for delinquents; must have court hearing within 5 days and every 7 days thereafter (undisciplined only 72 hours). **Post Disposition** --not more than 5, 24 hour periods (unless held after adjudication but before dispostion)
- Juvenile Justice Act:
  - Expand as Post-Dispositional Alternative: not more than 5, 24 hour periods**and** up to 14, 24 hour periods (may get misdemeanants that would have been in training schools)
  - Jails can be used as Temporary Detention for 72 hours if sight and sound barriers met (A-E felonies)
  - Undisciplined (runaways) up to age 18 (up to 16 now).
  - Also may use detention centers for contempt of court

Detention Center Background Facts*

- Admissions: 1997-98: 6,092 1996-97: 5,546

- Average Length of Stay: 1997-98: 13.7 days 1996-97: 14 days (peak was 20 days in 1993-94)

- Offense Type:

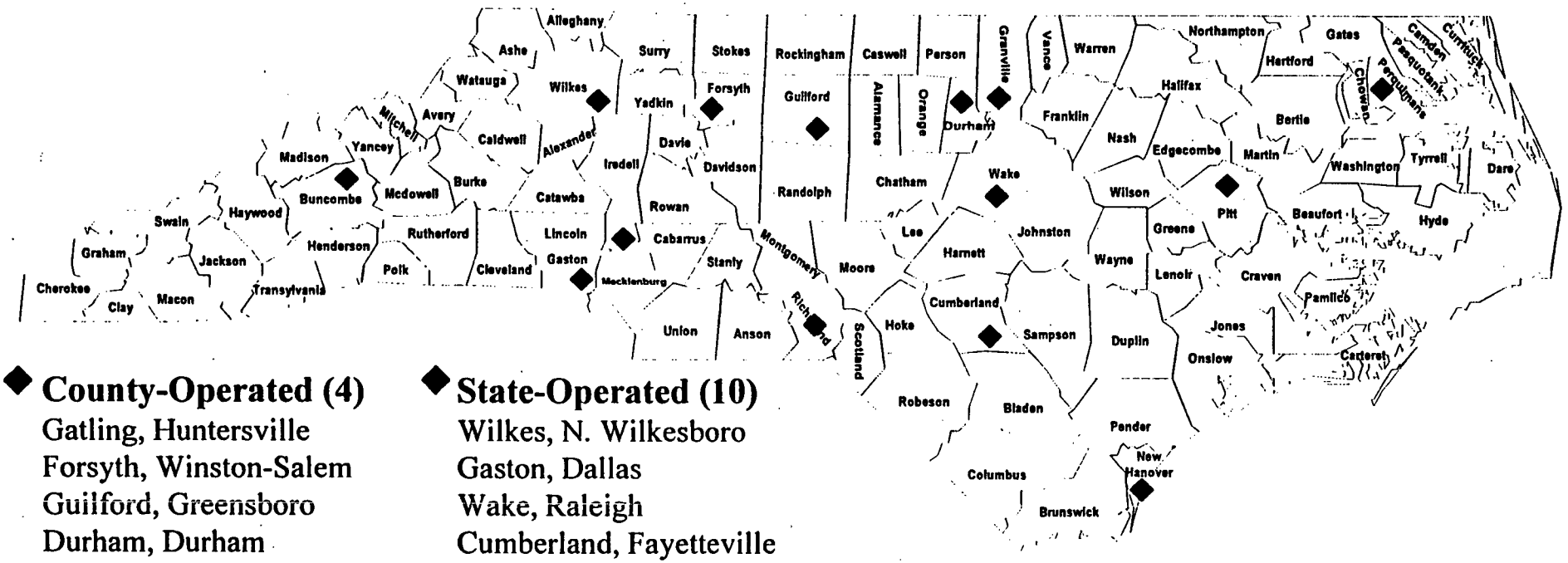
	97-98	96-97
Crimes Against Person:	31%	30%
Property Crimes:	33	35
Probation Violations:	36	35

- Admissions by Age: 1997-98
  - Ages 8 to 10: 34 11 to 13: 1,198; **14&15: 4,134**; 16+: 726

- Population vs. Capacity
  - Beds as of 5/99: 314 at 100% Capacity/358 at Expanded Capacity (State: 255 County: 103)
  - Beds Funded in 98-99: +48 Beds. 2001 Completion?

*Source: 1997 DYS Sourcebook; 1998 OJJ Sourcebook

DIVISION OF YOUTH SERVICES
DETENTION CENTERS



- **County-Operated (4)**
  Gatling, Huntersville
  Forsyth, Winston-Salem
  Guilford, Greensboro
  Durham, Durham

- **State-Operated (10)**
  Wilkes, N. Wilkesboro
  Gaston, Dallas
  Wake, Raleigh
  Cumberland, Fayetteville
  Pitt, Greenville
  New Hanover, Castle Hayne
  Buncombe, Asheville May, 99
  Perquimans, Winfall (Open ~~November 1998~~)
  Richmond Boundover Facility, Rockingham (Open April 1999)
  Umstead, Butner (~~Temporary Facility~~)

JUVENILE DETENTION BEDS AND OPERATING CAPACITY – STATE AND COUNTY

DETENTION CENTERS State Operated	# BEDS	OPERATING CAPACITY*
North Wilkesboro (Wilkes)	8	13
Dallas (Gaston)	24	29
Raleigh (Wake)	24	29
Fayetteville (Cumberland)	18	23
Greenville (Leonard/Pitt)	19	23
Castle Hayne (New Hanover)	18	23
Asheville (Buncombe)	14	18
Umstead (Butner)	32	32
Windfall (Perquimans)	24 (5-99)	29
Richmond (Rockingham – Boundovers)	30 (4-99)	36
Total State Beds/Capacity	**211**	**255**

County Operated	# BEDS	OPERATING CAPACITY*
Huntersville (Gatling—Mecklenburg County) (Local use only)	25	25
Winston-Salem (Forsyth) (+ surrounding counties)	16	16
Greensboro (Guilford) (+surrounding counties)	48	48
Durham (20% from surrounding counties)	14	14
Total County Beds	**103**	**103**
TOTAL BEDS SYSTEM WIDE (As of 5/99)	**314**	**358**
FUNDED STATE BEDS (2000-01) (SITES TO BE SELECTED)**	48	58
TOTAL BEDS BY 2000-01	**362**	**416**

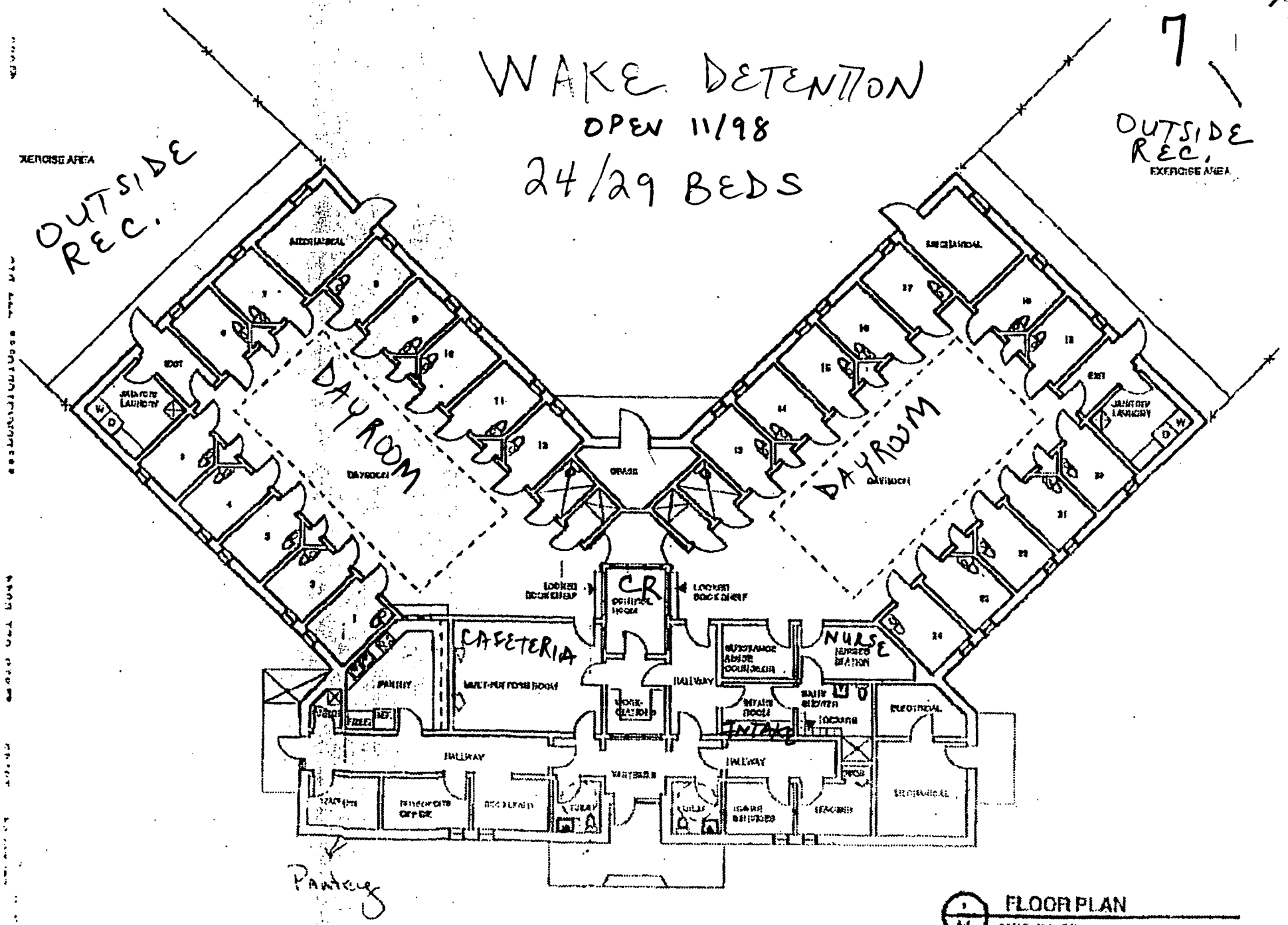
***Operating Capacity**: Office of Juvenile Justice follows American Correctional Association (ACA) standards for juvenile facilities, which allow expanded operating capacity of 120% . (Assumes two juveniles to a room with proper population mix – OJJ does not mix older and younger offenders; male/female; or violent and non-violent juveniles).

** 1998 General Assembly funded the construction of two 24 bed detention centers in 1998-99; recommended sites for the new centers and the method of construction (new or renovation of prison GPAC units) are to be reported to the General Assembly prior to final site selection. **Total Beds by 2000-01** assumes occupancy date of January 1, 2001 (approximately 18 months from July 1, 1999)

Source: Office of Juvenile Justice 4/99

7

WAKE DETENTION
OPEN 11/98
24/29 BEDS

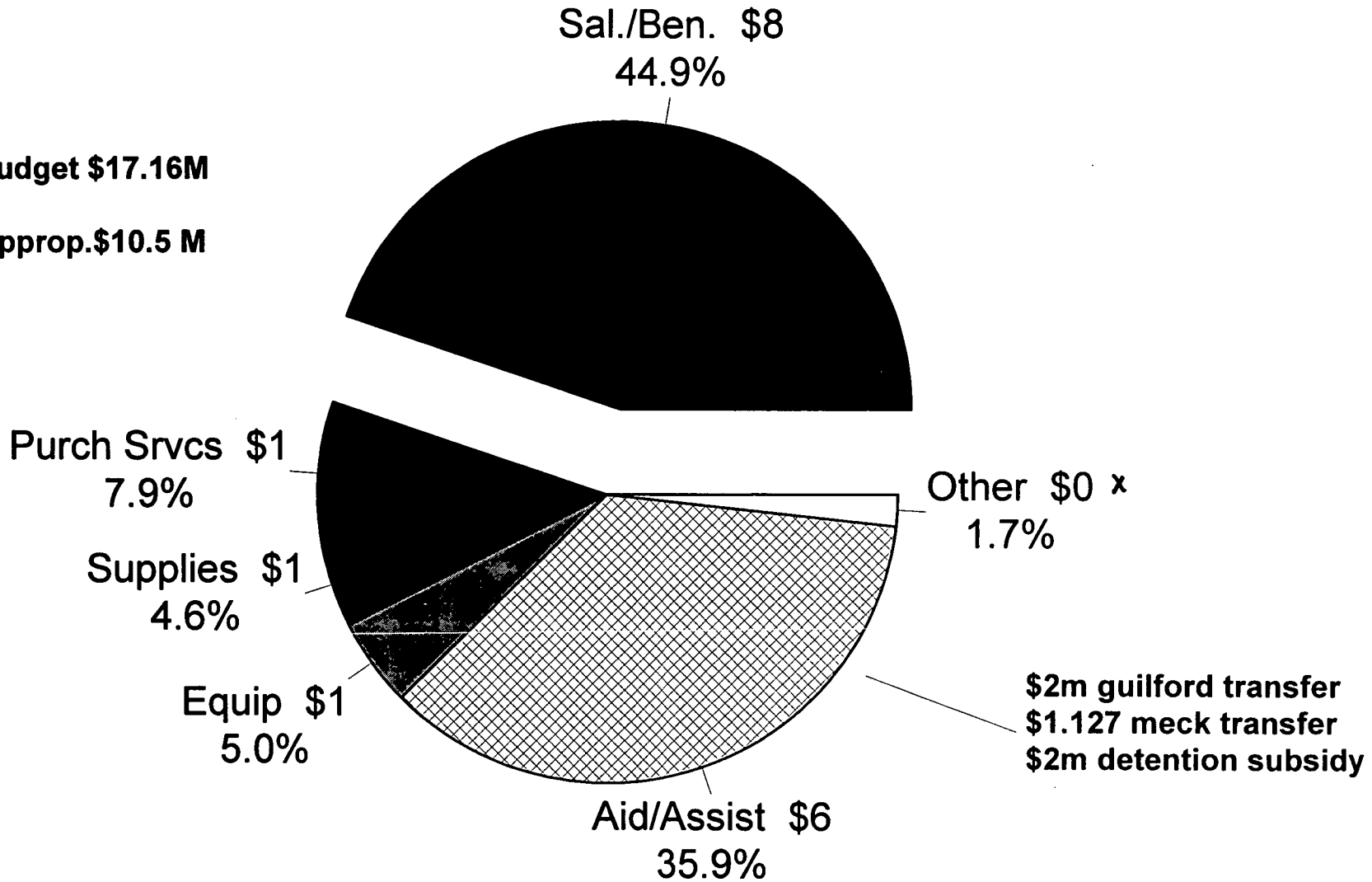


FLOOR PLAN

Detention Center 1998-99 Authorized Budget by Area*

Total Budget $17.16M

State Approp.$10.5 M



*Source: BD 701 12/31/98

Detention Services 1999-2000 Gov. Recom. Budget*

($ in millions)

Total Budget: $12.8 M

State Budget: $8.4 M
(Diff. is county receipts)

Diff from 98-99?
No temp $ & no Leg. Sal. Inc.

Diff from 98-99?
No transfer $ for Guilford & Meck.

*Source: OSBM Worksheet 1 dated 1/28/99

Detention Centers -- Budget Characteristics

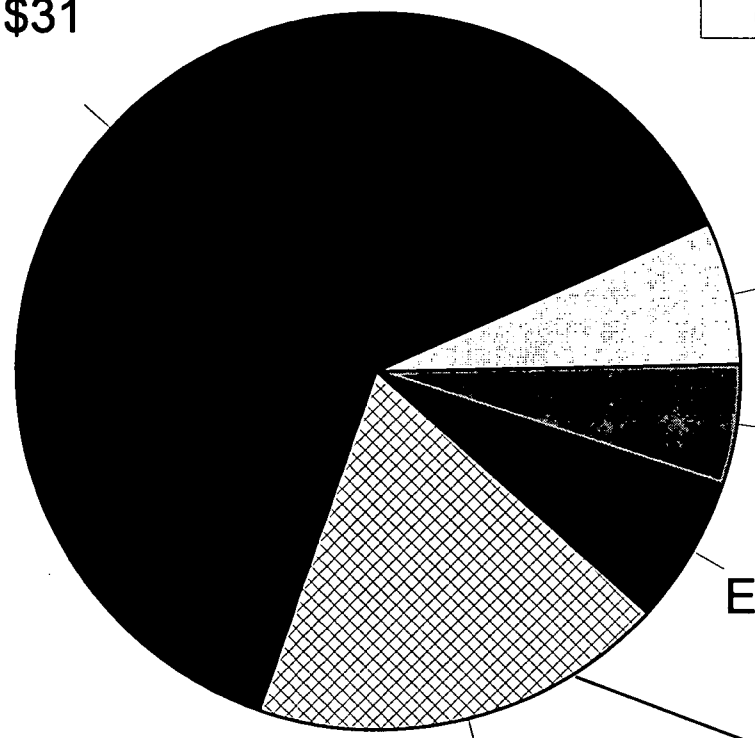
- State/County Share of Operating Costs
  - **State Run Centers**: State and County Split 50/50 -- charge for 1998-99 is $144 daily ($72 each)
  - **Locally Operated Centers**: State pays 100% up front/then county reimburses 50%. County that pays is the county where the juvenile is arrested and charged; judge can shift charge to home county at disposition
- Cost Per Bed: 1997-98 $49,032 ($134 daily)
  - 63% is in residential care -- custody and treatment
- Major Cost Driver is Staffing
  - 80% is salaries and benefits; 11% is purchased services (medical; utilities); 6% is supplies (food,education, office)
  - Staffing ratios at Centers are approximately one staff per juvenile except Wilkes (1 1/2 staff for every juvenile and Buncombe -- 1.25 staff for every juvenile)

Detention Centers -- Cost per Bed 1997-98

Dollars in thousands

Cost per bed is $49,032 or $134 a day

staffing is 80% of budget



* Source: OJJ Budget Worksheets 4/10/99. Excludes transfers and reserves

Detention Center Lawsuit

- Lawsuits in 1993 and 1994/Settlement in Jan. 1995/Lawsuit Dismissed in 1998
- Major Lawsuit Issues
  - Overcrowding -- beds were up to 200% over capacity; Cap now at 120% EOC; General Assembly funded new beds.
  - Education - Limited emphasis; Now: minimum of one teacher and 5.5 hours of schoolwork daily
  - Medical Staffing -- As needed medical treatment; Now: Nurses on-site; mental health contracts.
  - Custody Staffing -- Court said make "good faith effort"; Added positions on second and 3rd shift
  - Alternatives to Detention -- Limited programs; Court directed DYS to work with AOC to develop Alternatives to Detention. Now: 15 districts with 19 intensive counselors

ORGANIZATION STRUCTURE

1) Presently, Wake Detention has a total of 32 positions.

1 - Director
2 - Shift Supervisors
1 - Program Assistant
18 - Full-time counselor techs
4 - Part-time counselor techs
1 - Administrative Assistant
1 - Human Services Coordinator
2- Teachers
1 - Full-time cook
1 - Part-time Cook

1st Shift
1 Director
1 Administrative Asst
1 Supervisor
1 Human Services Coord
6 Counselor Techs
2 Teachers
1 Cook

2nd Shift
1 Supervisor
1 Program Assistant
8 Counselor Techs ✓

3rd Shift
5 Counselor Techs ✓

1 Part-time cook (weekends)
3 Part-time counselor techs that float between all shifts

WAKE BEDS: 24

OPERATING LIMIT: 29

3

Detention Services Budget Related to Juvenile Justice Act

98-99	99-2000 Cont	2000-01 Cont	99-2000 Expan	2000-01 Expan
$517,424 Umstead 32 Beds	$968,888	$968,888	$0	$0
$4,800,000 Construct 48 Beds	$0	$0	$0	$0
$0 Operate 48 Beds	$0	$840,000	$0	$525,480

Detention Services Budget Issues

- ***How soon will funded 48 beds (two, 24 bed units) be constructed and ready for occupancy?***
  - Designers to be selected in April
  - Construction Contract to be awarded in August (Fast Track)
  - Construction to be completed between 9/2000 and March 2001
  - 2000-01 Funding assumes start date of 1/1/2001 and 60/40 state county funding

- ***Where will two 24 bed units be located?***
  - Report to Gov Ops before final site Selection (also training schools)

- ***What is status of planned 8 beds for females in Mecklenburg?***
  - Funding of $1.127 million in 1997 -- local area against adding 8 more beds to current Gatling site
  - Should funds be reallocated to another project or allowed to revert?

- ***Will 1999-2000 operating receipts from counties exceed 99-2000 budget ?*** (budgeted at $3.669 million; receipts this year at $2.8 million through 2/28/99)

Detention Center Budget Issues (Continued)

- ***What are future detention services needs?***
  - Governor requested 144 new beds (6, 24 bed centers) in 98-99 based on population projections by Sent Comm. and GCC survey of judges for pre-disposition
  - Fiscal Research estimated need for 90+ beds (matched population to capacity including beds under construction and due for occupancy in 98-99). Based on 98-99 figures, at least two more 24 bed units are needed (48 funded last year plus 48 more)
- ***Issues***
  - What will new population projections show?
  - Will judges use detention as frequently as assumed under new Act ?
  - What is purpose of GCC proposed grant to OJJ for detention (amount is $1.89 million or approx. 73% of cost of one new 24 bed unit (Const. cost est. = $2.6 million)
  - Are there alternatives to detention? Gov Crime Commission Grants and Gen'l Assembly funding for group homes; Alternatives to Detention programs in OJJ; New JCPC grants?
  - Should court- based Alternatives to Detention Program be expanded? Continuation Budget has 15 districts covering 19 counties at $713,000 each year.

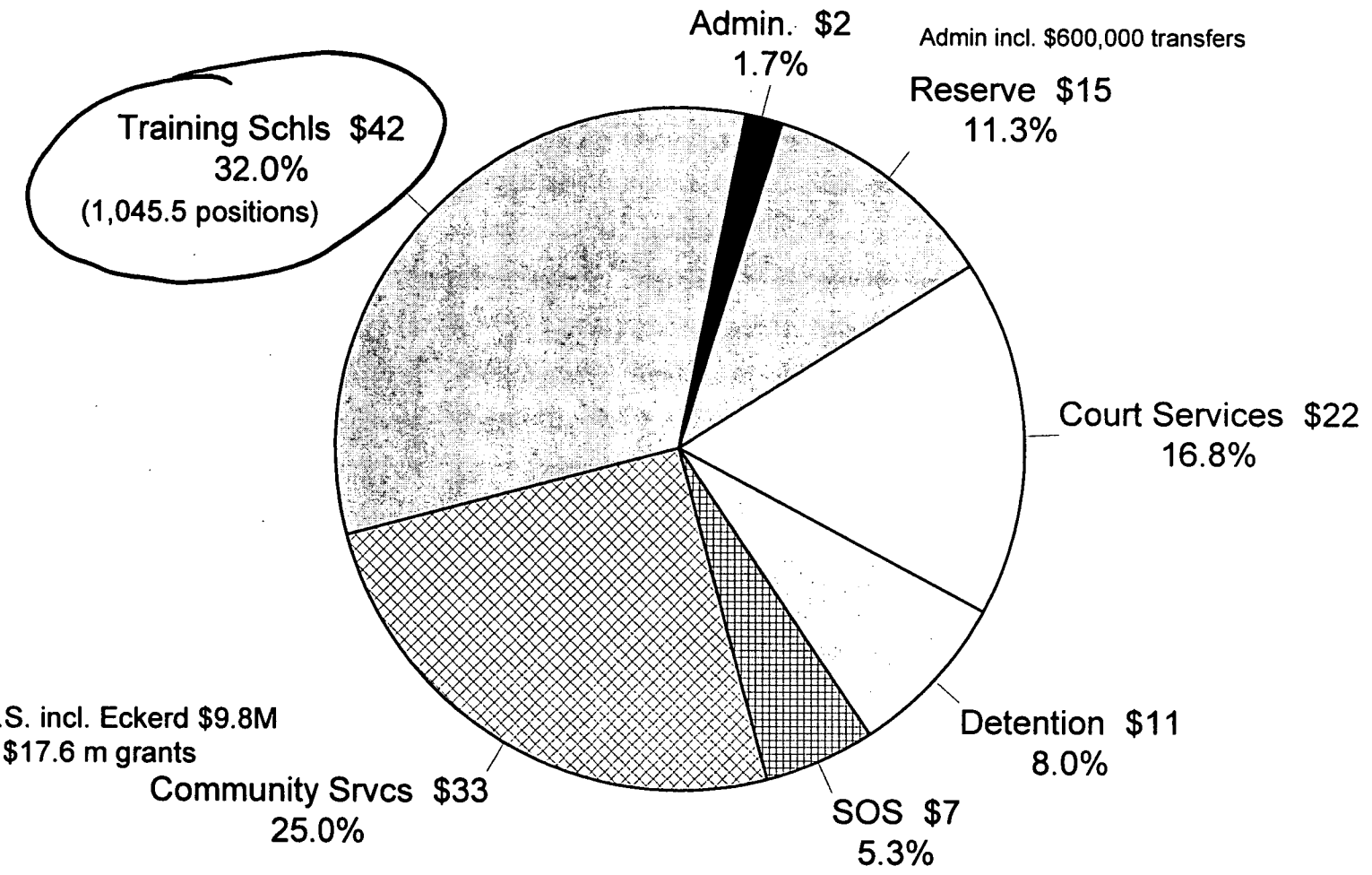
OFFICE OF JUVENILE JUSTICE -- OVERVIEW OF TRAINING SCHOOLS

Joint Appropriations Subcommittee on
Justice and Public Safety

FRD 4/14/99

Office of Juvenile Justice -- 1998-99 Authorized Budget

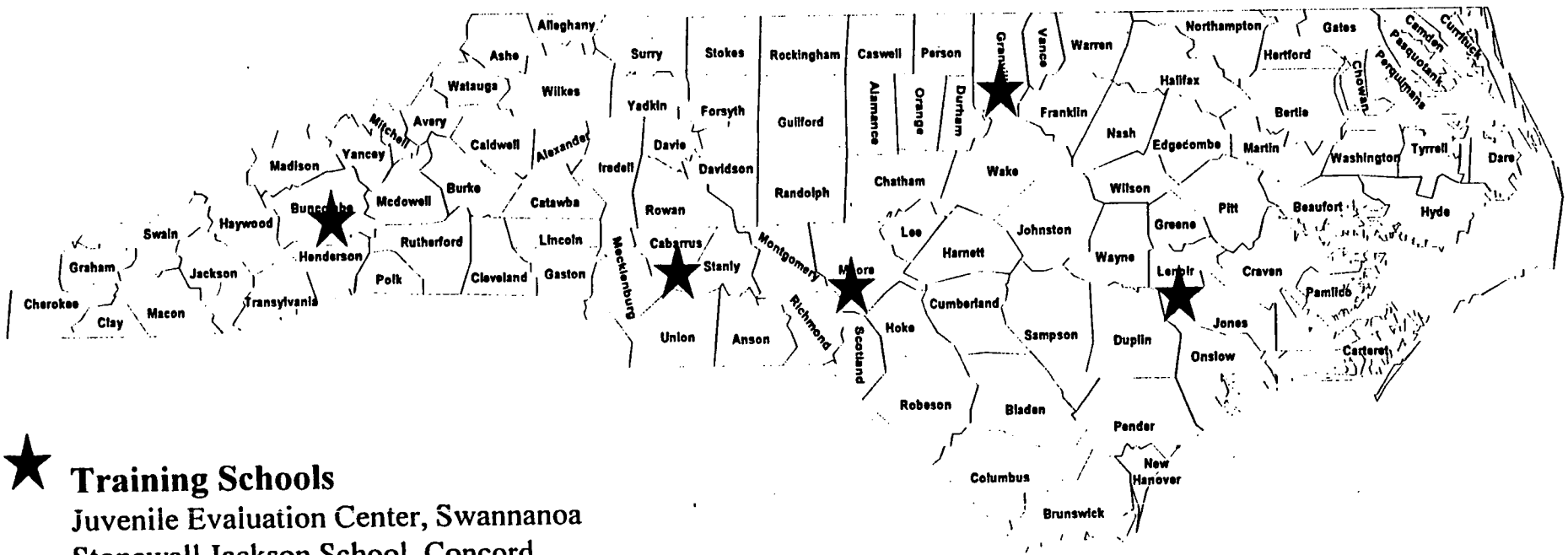
Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Source: BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services (2) Juvenile Justice Reserve ($14.9 M) (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

DIVISION OF YOUTH SERVICES
TRAINING SCHOOLS

2



★ **Training Schools**

Juvenile Evaluation Center, Swannanoa
Stonewall Jackson School, Concord
Samarkand Manor, Eagle Springs
C. A. Dillon School, Butner
Dobbs School, Kinston

Juvenile Training Schools

School	Location	Bed Capacity*	Special Programs
Stonewall Jackson	Cabarrus	134	
Samarkand Manor	Moore Co.	202	Females & New Beginn.
Dobbs	Lenoir Co.	162	
Juvenile Eval. Center	Buncombe Co.	224	**
C.A. Dillon	Granville (Butner)	121	Serious Offend.
Total		843	

* NOTE: Training Schools do not have an SOC (100%) and EOC capacity; goal is to operate at 100% -- 843 ** JEC houses serious offenders and also runs sex offender program and residential substance abuse treatment

Juvenile Training Schools -- Mission and Purpose

- **Purpose**: Provide treatment, education and rehabilitative services for juveniles committed to OJJ by the Court according to the needs of the children in care. Intent and purpose was to avoid punitive penal philosphies of adult facilities. (G.S.134A-1)

- **Programs**: Provide appropriate treatment "including but not limited to educational, clinical, psychological, vocational, recreational, medical..."

- **Scope of Current Law**: Juveniles ages 10 - 15 adjudicated delinquent can be committed to DYS (training schools) but must be released by age 18

- **Juvenile Justice Reform Act**: Juveniles adjudicated delinquent can be committed up to age 19 (A-e felonies) and up to age 21 for first degree felonies. New sentencing grid also shifts misdemeanant population that would have been in training schools to community sanctions (41% in 96-97). Result will be a population with more serious offense histories.

- Juvenile Justice Act retains program language cited above but removes most of purpose language

Juvenile Training Schools -- Program Facts*

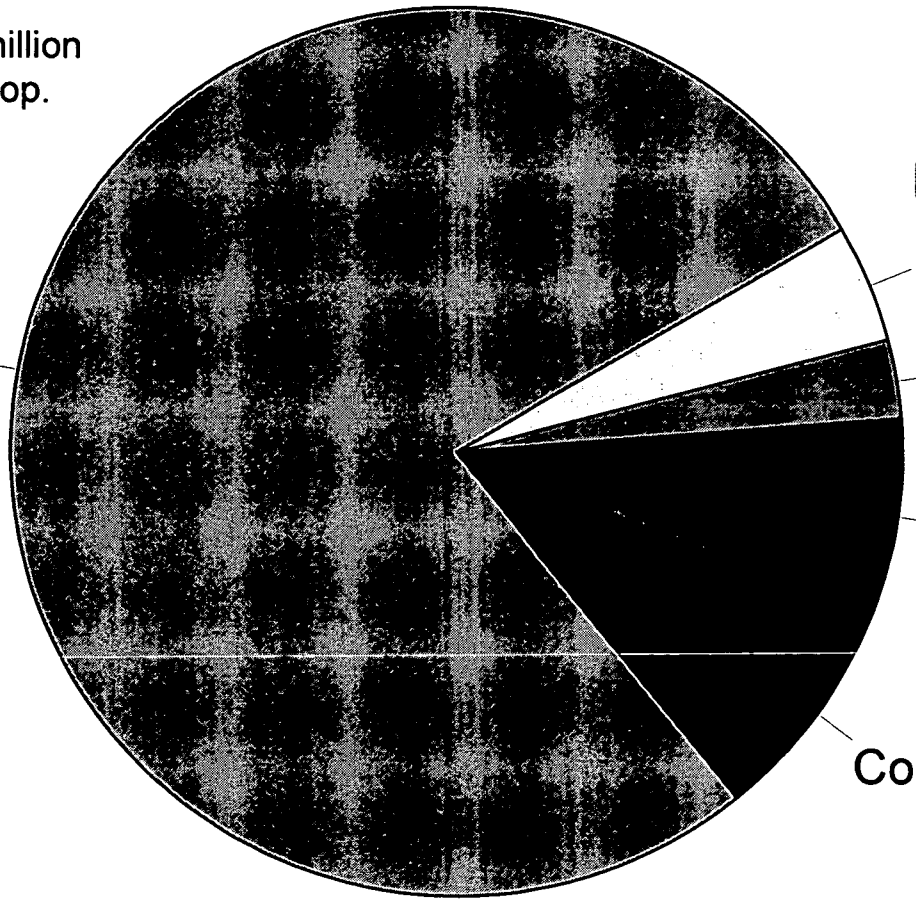
- Admissions:
  - 96-97: 1,118 (99 -- Recommitments; 115 Revocations)
  - 97-98: 1,149 (120 - Recommitments; 105 revocations
- Admissions by Age:
  - 1996-97: Ages 10 - 12: 36 Ages 13-14: 362 Age 15: 475 Ages 16-17: 245
  - 1997-98: " 34 " 369 " 505 " 241
- Average Length of Stay:
  - 96-97: 259 days (8 months +)
  - 97-98: Not available
- Offenses
  - 96-97: 665 felons (59%) 453 misd. (41%) Violent Felons (A-E): 10% of total
  - 97-98: 618 felons (54%) 531 misd (46%) " 11% of total
- Average Daily Population (Bed Capacity was 811)
  - 96-97: 836 (+38 in transition programs)
  - 97-98: Not available

* Source: DYS Sourcebook 1997 and OJJ Sourcebook 1998

Governor's Recommended Continuation Budget 1999-2000

Dollars in Millions

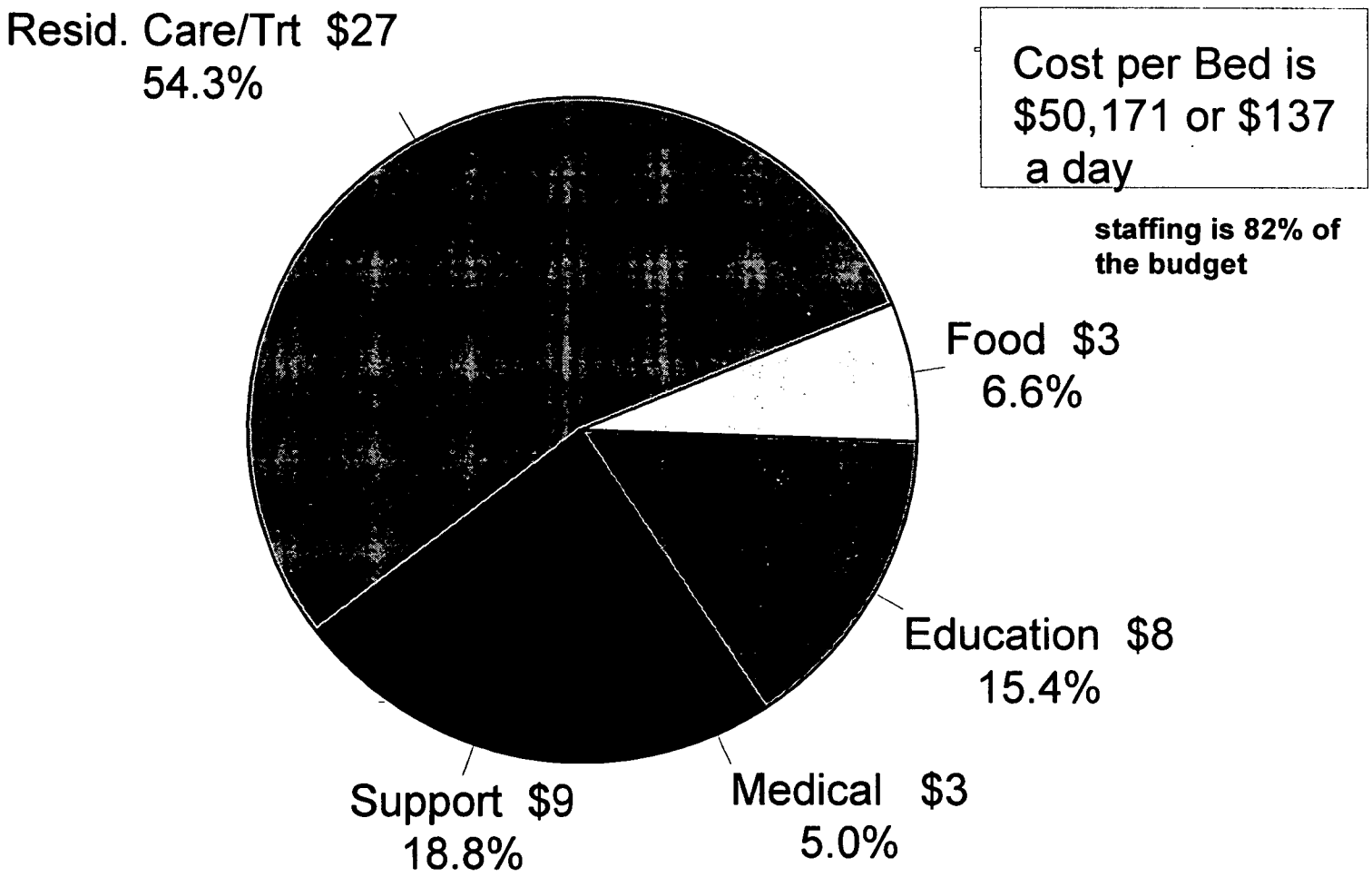
Total Budget is $46.5 million
with $45.5 in state approp.



*Source: OSBM Worksheet 1 dated 1/28/99. Major changes over 98-99 are Hope Cottage Reserve and $2M for 72 perm. staff

Juvenile Training Schools -- Operating Cost Per Bed in 1997-98*

Dollars in Thousands



Cost per Bed is $50,171 or $137 a day

staffing is 82% of the budget

*Source: OJJ Worksheets dated 4/10/99

Training School Staffing 1999

School	# Positions	Bed/Pop. Capacity	Staff Per Offender*
CA Dillon	207	121	1.7
Dobbs	201	162	1.24
Jackson	184	134	1.37
Juv Eval Center	253	224	1.12
Samarkand	250	221	1.24
Overall	1095	843	1.3

*Example of staff per student: Dillon has 1.7 staff for every student since it houses most serious offenders (DOC has converse situation -- .5 staff for every inmate)

Juvenile Training School Staffing

- Why are staffing ratios high?
  - Training Schools have had treatment and programming mission --goal is clearly rehabilitation; must run full- time public school program
  - Layout of most campuses is not compact
  - Many Individual Cottages and Buildings -- not large dorms or large single room buildings
    - Sammarkand Manor --8 housing units/202 beds
    - Dobbs - 9 housing units/162 beds
    - JEC is the exception 5 housing units/224 beds
  - Emphasis on safety and security of juveniles
- Staffing Issues
  - Rate of turnover significant for cottage staff (counselor techs) -- Salary issues? Are training schools staffed on premise of high turnover?
  - Are training schools staffed with right kind of positions?-- custody versus treatment; multiple classifications (phasing out "cottage parents"); supervision layers?

Hope Cottage Staffing - New in 1998-99*

- Staffing is 32 positions for population of 32
- Direct Juvenile Staff:
  - 20 Counselor Techs: 3 on day shift; 4 on evening; 3 on night = 10 X1.75 = 18 (rounded to 20) Minimum operation is 2-4-2 staffing pattern
  - 1 Cottage Parent Supervisor
  - 1 Social Worker (1: 25 standard)
  - 1 Psychologist (1:50 standard)
  - 1 Rec Worker
  - 3 Teachers (1:10 standard)
  - 3 Behavior Specialists/Counselors (1:10 standard) assigned to cottages from 1pm to 9 pm
- Support Staff:
  - 1 maint. mechanic
  - 1 cook

* Hope Cottage at Samarkand Manor was renovated in order to add 32 beds to the system

Division of Youth Services
Youth Services Counselor Technician
Retention

Period 11/01/97 To 10/31/98

School	# Positions In Class	Voluntary Separations	Voluntary Turnover %	# Employees Separated	Turnover Rate	Approx. # Employees
Stonewall Jackson	35	16	45.71%	18	51.43%	183
Samarkand Manor	64	7	10.94%	10	15.63%	208
Dobbs School	64	3	4.69%	5	7.81%	200
Juvenile Eval. Center	80	31	38.75%	32	40.00%	264
C. A. Dillon School	58	10	17.24%	15	25.86%	203
Juvenile Service Centers	115	32	27.83%	35	30.43%	163
Totals	***416***	***99***	**23.80%**	***115***	***27.64%***	
Totals for Training Schools	***301***	***67***	**22.26%**	***80***	***26.58%***	

Months of Aggregate Service	No. of Separations	% of Aggregate Svc Range to Total
Less Than 12 Months	**35**	**30.43%**
12 - 23 Months	**20**	**17.39%**
24 - 35 Months	**18**	**15.65%**
36 - 47 Months	**14**	**12.17%**

12

Division of Youth Services
Non-Supervisory Cottage Life *
Retention

11/1/97 – 10/31/98

By Division of Youth Services

School	# Positions In Class	Voluntary Separations	Voluntary Turnover %	# Employees Separated	Turnover Rate	# Employees
Stonewall Jackson	67	23	34.33%	27	40.30%	183
Samarkand Manor	101	15	14.85%	20	19.80%	208
Dobbs School	91	7	7.69%	11	12.09%	200
Juvenile Eval. Center	110	36	32.73%	37	33.64%	264
C. A. Dillon School	93	19	20.43%	26	27.96%	203
Juvenile Service Centers	115	32	27.83%	35	30.43%	
Totals	*577*	*132*	*22.88%*	*156*	*27.04%*	
Totals for Training Schools	*462*	*100*	*21.65%*	*121*	*26.19%*	

* Includes Youth Services Counselor Technicians, Cottage Parents and Behavioral Specialist

Juvenile Training Schools -- Budget Issues for Discussion

- *Should the proposal to make 72 positions permanent in the Continuation Budget be approved?*
  - Training Schools hired temporary staff to handle increase in population in 1998 and 1999; Continuation Budget for 99-2000 includes $2 million dollars to make these positions permanent
  - *Are all 72 positions related to population increase or requested for other identified staffing needs? (Majority of increased population going to two schools but posiitions identified for 4 schools)*
  - *1998 projections showed decrease in population in 99-2000 as misdemeanants shift to community and intermediate sanctions.*

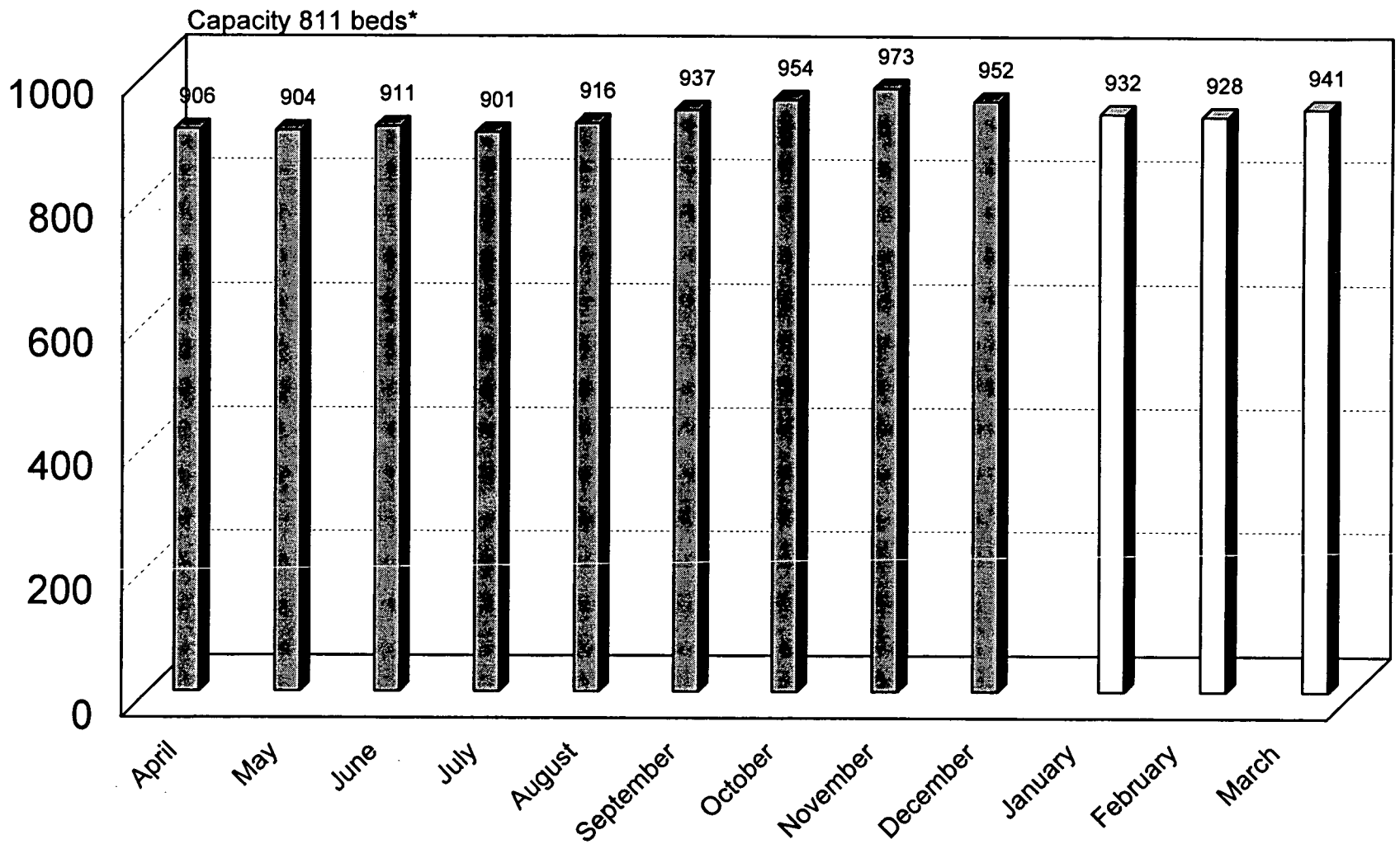
- *What is the status of the planning, design and construction of new training school beds?*
  - Design contracts to be let April 99; construction award possible 8/99
  - No funding source identified for any of 208 beds as of 4/14/99
  - Sites for new beds must be presented to Gov Ops before finalizing

- What are current training school bed projections?
  - 1998-99 projections assumed 250 beds by year 5 including A and B felony offenders to age 21
  - Are there alternative programs that could reduce this future need?

AVERAGE MONTHLY POPULATION FOR JUVENILE TRAINING SCHOOLS

APRIL 1998 - MARCH 1999

14



*Capacity will be 843 in 5/99

OFFICE OF JUVENILE JUSTICE TRAINING SCHOOLS - - -
GOVERNOR'S RECOMMENDATION TO MAKE 72 TEMPORARY POSITIONS PERMANENT

ALLOCATION BY TYPE OF POSITION AND TRAINING SCHOOL*

Training School	Counselor Tech	Teachers Aide	Recreation Worker	Social Worker	Clerk	Teacher	Total
Juvenile Evaluation Center	12	3	1	1	1	0	18
Samk. Manor	15	3	0	0	0	0	18
Dobbs	14	2	0	1	0	0	17
Stonewall Jackson	13	2	1	2	0	1	19
CA Dillion	0	0	0	0	0	0	0
TOTAL	**54**	**10**	**2**	**4**	**1**	**1**	**72**

*Funding of $1,998,584 is in Governor's Recommended Continuation Budget in 1999-2000 and 2000-01.

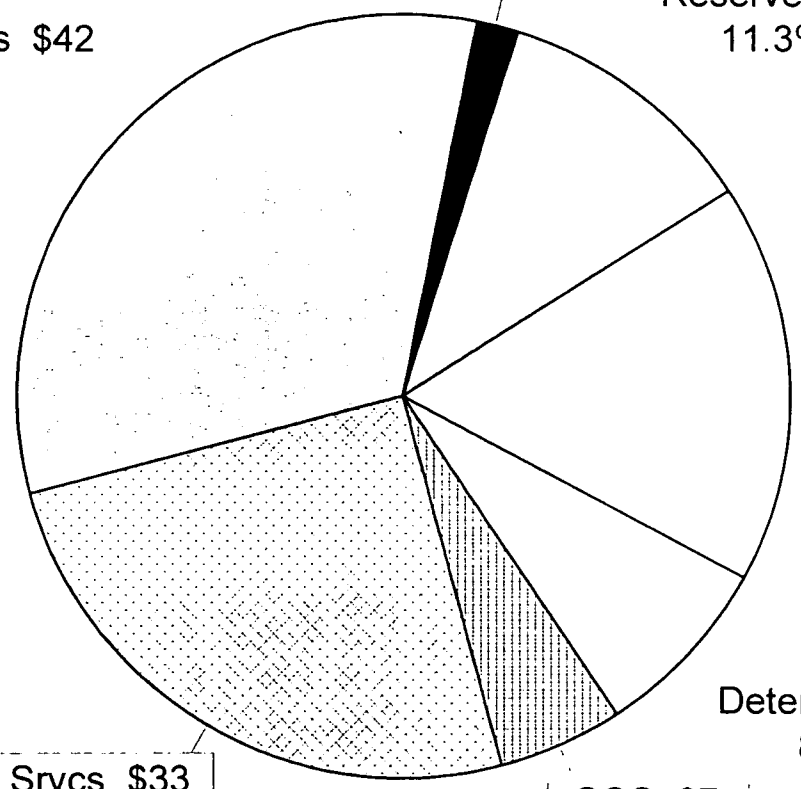
Overview of Community Based Grant Programs - -OJJ

Joint Appropriations Subcommittee on Justice and Public Safety

April 14, 1999

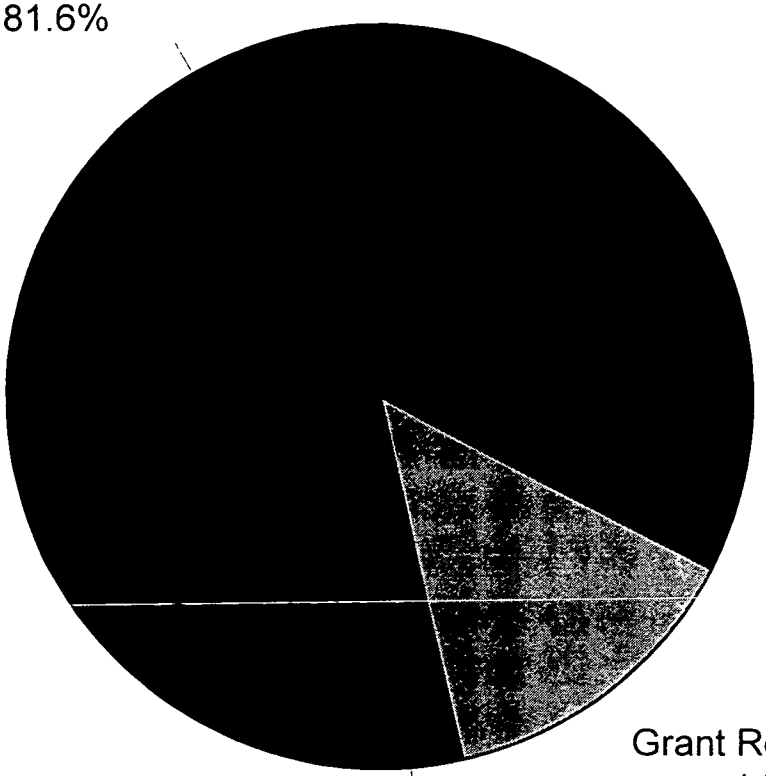
Office of Juvenile Justice -- 1998-99 Authorized Budget

Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Source: BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services (2) Juvenile Justice Reserve ($14.9 M) (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

Community Services Recommended Budget 1999-2000



Total Budget = $39M

CBA=$17.6
Eckerd =$9.8
Group Homes= $2.7
1 on 1 = $1.8

Source is OSBM Worksheet 1 1/28/99

Community Services Fact Sheet

Scope of Problem (FY 1997-98)

- 24,701 juveniles were brought before the court charged with 40,407 delinquent offenses
- 1,785 of those offenses were serious offenses
- 6,092 juveniles were held in secure detention. The average cost per day for holding a juvenile in secure detention was $127. Half of this amount was paid for by county governments and half by the State of North Carolina.
- 1,149 juveniles were committed to training schools during FY 1997-98. The average daily cost of providing housing and treatment for a juvenile in a training school was $131.

An Ounce of Prevention

The Community Services Section is responsible for developing an array of community-based alternative programs to help local communities address the problems of troubled youth, reduce crime and delinquency and save the taxpayers money. Services last year included:

CBA Programs (619 programs)	**Funding**	**Youth Served**
Residential Services	$4,908,979	1,724
Nonresidential Services	11,192,503	32,427
Local Match	8,716,907	
Federal and Other	6,843,074	
Total	$31,675,526	
Governor's One-on-One (66 programs)	$1,633,456	1,901
Local Cash	1,018,935	
In-Kind	584,110	
Total	$3,236,501	
Eckerd Wilderness Camps (6 camps)	$9,488,614	284
Multipurpose Juvenile Homes (6 homes)	$2,751,927	319
Support Our Students (76 programs)	$6,946,428	13,788
Local Cash and In-Kind	4,743,308	
Total	$11,689,736	
Total Community Services: FY 1997-98	$58,842,304	50,443 ($1,167 / child)
Total Cost to the State	$36,921,907	

Community Services: Community-Based Alternatives

Overview

The Community-Based Alternatives (CBA) Programs have become a mainstay in North Carolina's delinquency prevention and intervention efforts. Funds are used to support a continuum of different types of programs providing residential care in group homes, temporary and emergency shelter, and specialized foster care; community service and restitution; non-residential counseling; after-school tutoring and guidance.

Admissions

Age

Under 7	107 (0.6%)
7-9	933 (5.4%)
10-13	5,857 (33.8%)
14-17	10,368 (59.9%)
Over 17	46 (0.3%)
Total	17,311 (100%)

Gender

Male	12,158 (70.2%)
Female	5,153 (29.8%)
Total	17,311 (100%)

Legal Status

At risk	4,672 (27.0%)
Intake diverted	2,631 (15.2%)
Petition filed	915 (05.3%)
Adjudicated	888 (05.1%)
Court superv.	488 (02.8%)
Probation	7,574 (43.8%)
Aftercare	126 (00.7%)
Superior Court referral	17 (00.1%)
Total	17,311 (100%)

Referral Source

Juvenile court	11,842 (68.4%)
Social services	563 (03.3%)
School	2,088 (12.1%)
Mental health	283 (01.6%)
Law enforcement	1,115 (06.4%)
Parent/guardian	953 (05.5%)
Self	108 (00.6%)
Clergy	37 (00.2%)
Other	317 (01.8%)
Detention	3 (0.0%)
Eckerd Camp	2 (0.0%)
Total	17,311 (100%)

Living Arrangement

Both parents	6,075 (35.3%)
Single parent	8,305 (48.3%)
Other family	1,487 (08.6%)
Foster care	632 (03.7%)
Institutional	106 (00.6%)
Detention	236 (01.4%)
Other	370 (02.1%)
Total	17,311 (100%)

Race

White	7985 (46.1%)
Black	8423 (48.7%)
Other	903 (05.2%)
Total	17,311 (100%)

Impact Measures

Court referrals during program	2,139
Court referrals during prior year	15,795
% change	86% reduction
Runaways during program	1,092
Runaways during prior year	6,410
% change	83% reduction
Suspensions/expulsions during program	4,489
Suspensions/expulsions during prior year	22,631
% change	80% reduction

Program Cost

	Programs Providing Data	Annual Budget (avg.)	# Youth Served	Days/ Client (avg.)	Cost-Child Per Day	Cost Per Child (avg.)	% of Cost to CBA
Group Home	22	$272,749	589	110	$154	$16,998	40%
Counseling	79	$82,076	6,809	23	$70	$1,603	50%
Temporary Shelter	16	$246,257	637	33	$231	$7,577	44%
Restitution	95	$35,950	6,029	11	$85	$940	68%
Specialized Foster Care	10	$57,261	161	37	$14	$511	53%
Guided Growth	120	$38,563	6,218	36	$33	$1,204	61%
Home-Based Family Serv.	43	$56,905	1,313	30	$93	$2,790	58%
All CBA Programs	385	$59,375	13,472	27	$63	$1,697	64%

NOTE: To improve the accuracy of the cost analysis for FY 1997-98 fewer programs were used to compile the data for this page. Programs with multiple service components with a consolidated budget were eliminated from the computation. Programs which were primarily purchase of service agreements where the total cost of care was not clearly specified were also not used this year. The total cost of the programs that are used includes over 70% of the total CBA program costs and reflects a reasonable representation of the individual program costs for the major types of programs that are supported by the CBA program.

CBA Funding Levels By County

COUNTY	AGES 10-17	ALLOCATION	COUNTY	AGES 10-17	ALLOCATION
Alamance	11,363	$240,845	Jones	1,023	$40,903
Alexander	3,258	$80,929	Lee	5,331	$112,093
Alleghany	827	$37,290	Lenoir	6,502	$159,380
Anson	2,630	$78,069	Lincoln	5,938	$126,800
Ashe	2,056	$64,630	Macon	2,343	$62,454
Avery	1,486	$52,680	Madison	1,698	$55,448
Beaufort	4,622	$115,591	Martin	2,938	$81,080
Bertie	2,575	$70,370	Mcdowell	3,594	$99,086
Bladen	3,333	$90,913	Mecklenberg	63,626	$1,073,939
Brunswick	6,025	$124,619	Mitchell	1,437	$47,589
Buncombe	18,918	$373,525	Montgomery	2,568	$69,889
Burke	8,429	$186,692	Moore	6,873	$135,233
Cabarrus	12,077	$230,419	Nash	9,384	$194,909
Caldwell	7,191	$176,266	New Hanover	14,204	$279,012
Camden	674	$30,787	Northampton	2,259	$70,541
Carteret	5,831	$124,495	Onslow	16,036	$333,361
Caswell	2,162	$66,807	Orange	9,255	$187,080
Catawba	12,822	$277,110	Pamlico	1,180	$41,546
Chatham	4,201	$92,967	Pasquotank	4,214	$92,721
Cherokee	2,136	$60,547	Pender	3,689	$77,830
Chowan	1,606	$47,487	Perquimans	1,167	$39,684
Clay	772	$31,767	Person	3,260	$83,746
Cleveland	9,168	$217,460	Pitt	12,980	$252,176
Columbus	6,140	$143,545	Polk	1,267	$44,881
Craven	9,415	$202,099	Randolph	12,298	$244,960
Cumberland	35,541	$678,638	Richmond	5,084	$125,021
Currituck	1,856	$49,440	Robeson	14,450	$299,895
Dare	2,680	$54,250	Rockingham	8,922	$203,889
Davidson	14,067	$289,608	Rowan	12,996	$249,634
Davie	2,879	$78,338	Rutherford	6,142	$145,863
Duplin	4,891	$118,153	Sampson	5,771	$135,873
Durham	18,672	$384,843	Scotland	4,283	$104,869
Edgecombe	6,678	$163,526	Stanly	5,902	$131,265
Forsyth	29,235	$575,478	Stokes	4,284	$99,171
Franklin	4,759	$97,284	Surry	6,284	$151,440
Gaston	18,892	$414,585	Swain	1,270	$43,739
Gates	1,166	$38,404	Transylvania	2,588	$74,513
Graham	735	$33,978	Tyrrell	467	$27,117
Granville	4,359	$104,144	Union	12,121	$221,682
Greene	1,875	$56,961	Vance	4,610	$109,548
Guilford	36,634	$736,605	Wake	55,968	$871,593
Halifax	6,849	$157,334	Warren	1,966	$57,498
Harnett	8,819	$169,954	Washington	1,569	$53,701
Haywood	4,371	$112,850	Watauga	3,124	$90,052
Henderson	6,923	$148,745	Wayne	12,365	$259,118
Hertford	2,802	$79,734	Wilkes	6,181	$150,619
Hoke	3,671	$79,995	Wilson	7,958	$178,497
Hyde	543	$30,511	Yadkin	3,328	$81,263
Iredell	10,922	$218,527	Yancey	1,470	$50,697
Jackson	2,587	$78,122	STATEWIDE	766,587	$16,286,077
Johnston	10,297	$195,263			

Impact of the Juvenile Justice Reform Act on Community Based Programs

- Replaced Local Youth Advisory Councils with Juvenile Crime Prevention Councils and State Advisory Board. Membership now more specific and number of members increased from average of 16 up to 25

- Local responsibility to annually review needs of troubled juveniles, develop a Plan of Action, advertise RFP for services and submit Plan to county all continue; **changes** program evaulation responsibility to locals rather than state

- Continued dual emphasis on programs for court involved youth and prevention programs for "at-risk" youth but shifted balance to programs for court involved youth and specifically "intermediate sanctions" for juveniles who will no longer be in training schools. "Intent is to prevent juveniles at risk from becomeing delinquent.. and to develop comunity based alternatives to training schools and .. community based substance abuse treatment and delinquency prevention." "General Assembly intent to provide noninstitutional alternatives"

- Program Funding Guidelines in Act

  - Fund Programs Effective in preventing delinquency and recidivism; if ineffective, do not fund
  - Use a Formula to Distribute Funds to ensure smallest counties participate
  - Encourage local flexibility
  - Combine resources

GOVERNOR'S RECOMMENDED
BUDGET – 1999 – 2001
COMMUNITY SERVICES GRANTS*
(STATE FUNDS)

	98-99	99-2000		2000-01	
		Continuation	Expansion	Continuation	Expansion
CBA Funds	$17.6 M	$17.6 M	0	$17.6 M	0
JCPC Funds	$ 5.5 M	$ 5.5 M	$ 3.1 M	$ 5.5 M	$ 3.1 M
	$23.1 M	$23.1 M	$ 3.1 M	$23.1 M	$ 3.1 M

* Total would be $26.2 million in 99-2000 if approved; 48% increase since 1997-98.

Allocation of 1998-99 Local Grant Funds

- General Assembly 1998-99
  - $5.5 million dollars; funds do not revert
  - Give priority to substance abuse treatment; day reporting centers; and in-home family services visiting services

- Allocation of Funds: Formula Grants $3.7 million
  - Counties informed 1/6/99
  - Base of $5,000 per county and additional amount based on # adjudicated delinquents in each county in 97-98
  - Target 3 priority areas or document that services are provided
  - Must target adjudicated delinquents at community or intermediate level
  - Status: two funded/handful of applications -- focusing on $17.6 million in former CBA monies

- Competitive Grants: ($1.8 million)

  - Counties informed 2/3/99
  - Deadline 4/30/99; award 6/30/99
  - Priorities: Day Reporting Centers; Multi- County; Innovative Programs with emphasis on maternal and child health home visiting (at or below 100% of federal poverty level with emphasis on referrals from juvenile court).

Community Based Grant Programs -- Budget and Program Issues

- How much funding is needed for programs?
  - Projections indicate we will have more offenders in community so will need more programs but.. need some experience with Act and impact on judicial practice as well as evaluations of what works and long term studies of need.
  - Will GCC grants provide some of needs while state gets more experience with Act?
- What programs should be emphasized - -continue with program and offender priorities in 98-99 Budget Bill or allow local JCPC's to decide? ($17.6 and new money) Balance between prevention, court involved, and adjudicated
- Should grants be formula or competitve or continue mix (Act has dual goal: formula and fund effective programs) ($17.6 and new money)
- General Assembly requires grant report 5/1/99 -- should this report continue

PRIMARY GCC FUNDS: PART OF 1999 GRANT CYCLE

11

Parts of the juvenile justice system	Training School Beds	Training School Programs	Detention Beds	Detention Programs	Information Systems	Intermediate Sanctions including # 13-23	Intermediate Sanctions including #1-13	Prevention Programs Ages 8-15	Prevention Programs Ages 0-8
JAIBG $4,410,000	X	X	X	X	X	X	X		
BYRNE $11,790,000		X		X	X	X	X	X	
OJJDP $2,080,000						X	X	X	X

Juvenile Justice Related DCSI Funded Programs for 1998 and 1999				
		Percent of		Percent of
	1998	Total Allocation	1999	Total Allocation
	Amount		Amount	
Prevention	$495,806	4.4%	$2,475,968	22.3%
SRO's	$698,320	6.1%	$238,723	2.2%
Intervention	$711,131	6.2%	$1,650,297	14.9%
Treatment	$400,989	3.5%	$1,215,344	11.0%
Information Systems			$505,000	4.6%
Total Juvenile Justice	$2,306,246	20.3%	$6,085,332	54.9%
Total DCSI Allocation	$11,380,541	100%	$11,090,956	100%

Office of Juvenile Justice

Program and Budget Overview

Community Programs

Joint Appropriations Subcommittee on Justice and Public Safety
April 14, 1999

Community Programs

Support Our Students (SOS)

Governor's One on One

Eckerd Wilderness Camps

Multipurpose Juvenile Homes

SOS

Support Our Students

- Purpose:
  - Provide support and guidance to students through high quality after-school activities
  - Target group: middle school students (ages 9 - 14) who are at risk for dropping out of school or entering the juvenile justice system
  - Established during the 1994 Special Session on Crime

- Goals:
  - Reduce juvenile crime
  - Reduce the number of students who are unsupervised after school
  - Recruit community volunteers to provide positive role models
  - Improve the academic performance of the students
  - Improve coordination of existing resources and enhance community collaboration to provide effective and efficient services

Support Our Students

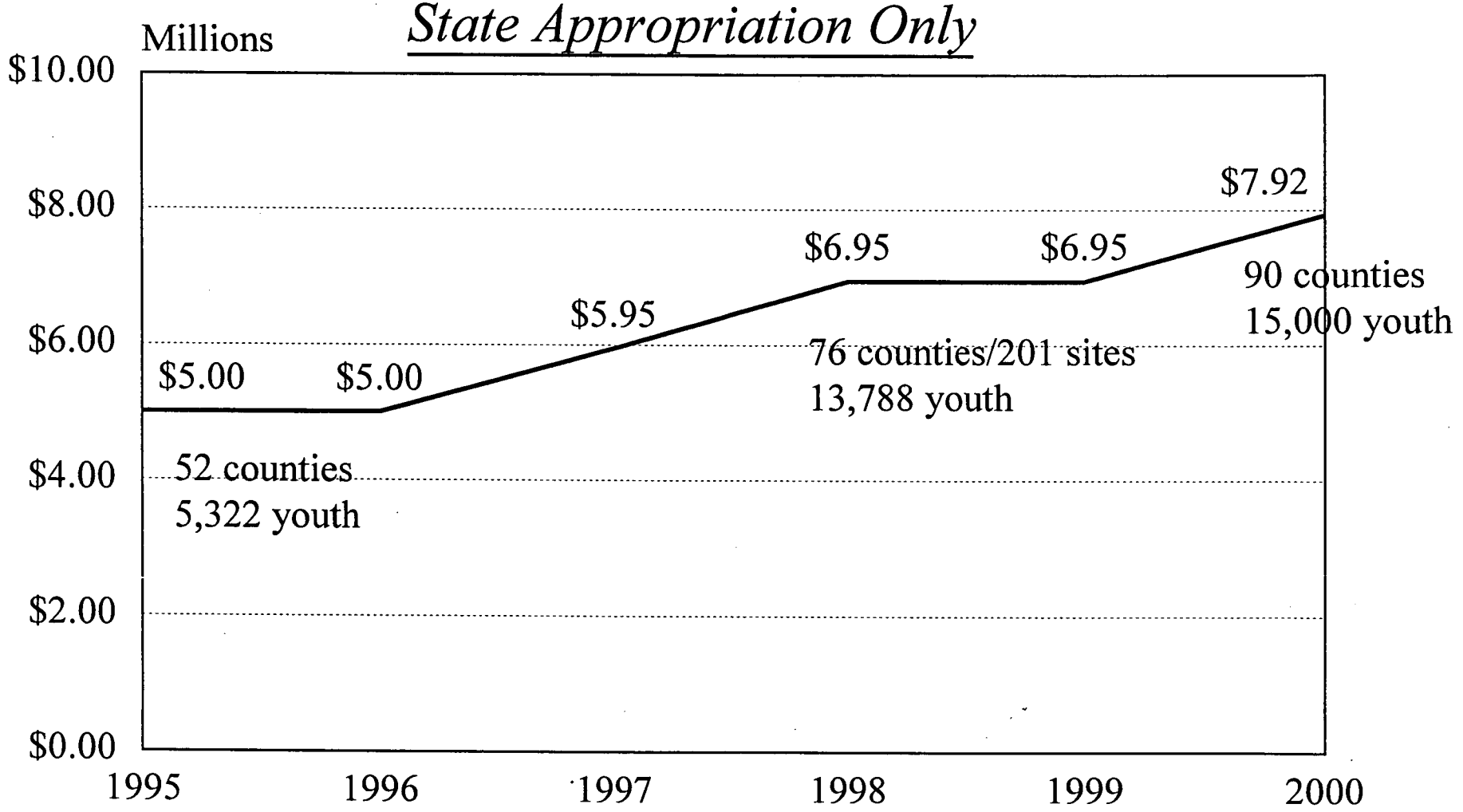
Funding/Support

- Grants:
  - $6.9 million for 1998-99 in state appropriation with $4.6 million in cash and in-kind contributions
  - 501(c)(3) organizations apply for neighborhood grants of up to $75,000 or county-wide programs which average $225K
  - Over 2,600 volunteers

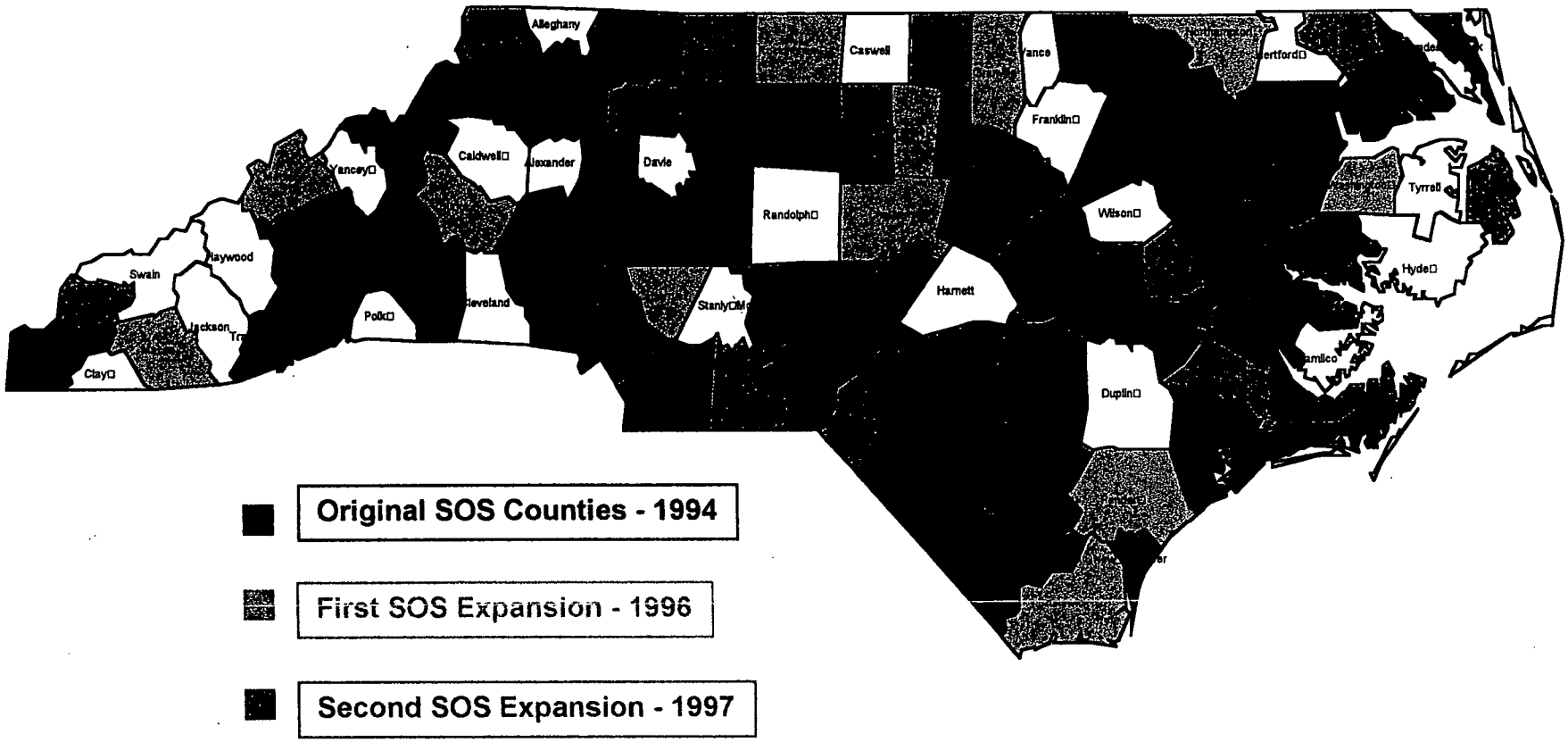
- Administrative Support
  - Special Provision caps administrative expenses at $350K
  - 3 full-time state employees
  - Contract with NCCU to analyze information collected through the client tracking system
  - Contract with NCSU 4-H Youth Development to provide technical assistance

SOS

Funding History
State Appropriation Only



North Carolina Department of Health & Human Services
Division of Youth Services
SUPPORT OUR STUDENTS



Original SOS Counties - 1994

First SOS Expansion - 1996

Second SOS Expansion - 1997

Governor's One on One

- Purpose
  - Match court involved and at-risk youth w/ adult volunteers in a one-on-one relationship intended to increase self-esteem and alter behavior patterns
  - Began in 1982 to promote development of adult volunteer programs
  - Primary objective: serve as a deterrent to training schools; 90% of admissions from referrals by the courts or law enforcement.

- Responsibilities
  - State: Provide technical assistance, training, monitoring and funding for local program coordinators; (2 full-time positions)
  - Local Coordinators: Recruit, screen, and match volunteers, administers the program
  - Local Board of Directors: Monitors program and raises local match
  - Volunteer: Meet with youth a minimum of 4 hours/week for 1 year (avg match for 1997-98 was 398 days)

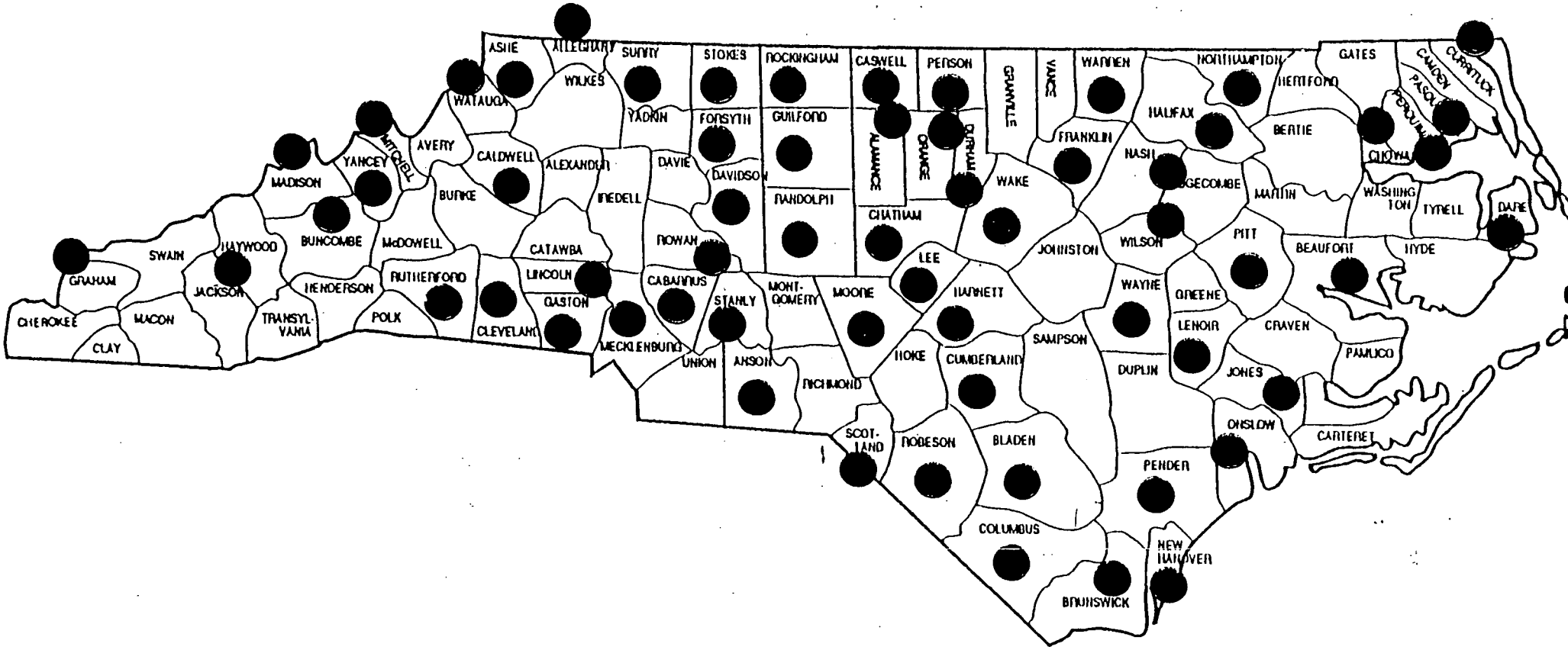
Governor's One-on-One Program

Types of Program for 1997-98

Program Type	# of Programs	State Grant	Minimum Caseload
Full-Time	31	30,000	20-25 active matches/15 new vol
Half-Time	27	15,000	10-15 active matches/8 new vol
Double-Time	6	60,000	40-50 active matches/30 new vol
3/4 Time	2	22,500	Prorated
Total	66		

Source: 1997-98 Evaluation Report

Governor's One-on-One Volunteer Program



GOVERNOR'S
One-on-One
VOLUNTEER PROGRAM

8

Governor's One-on-One Program

Impact Measures

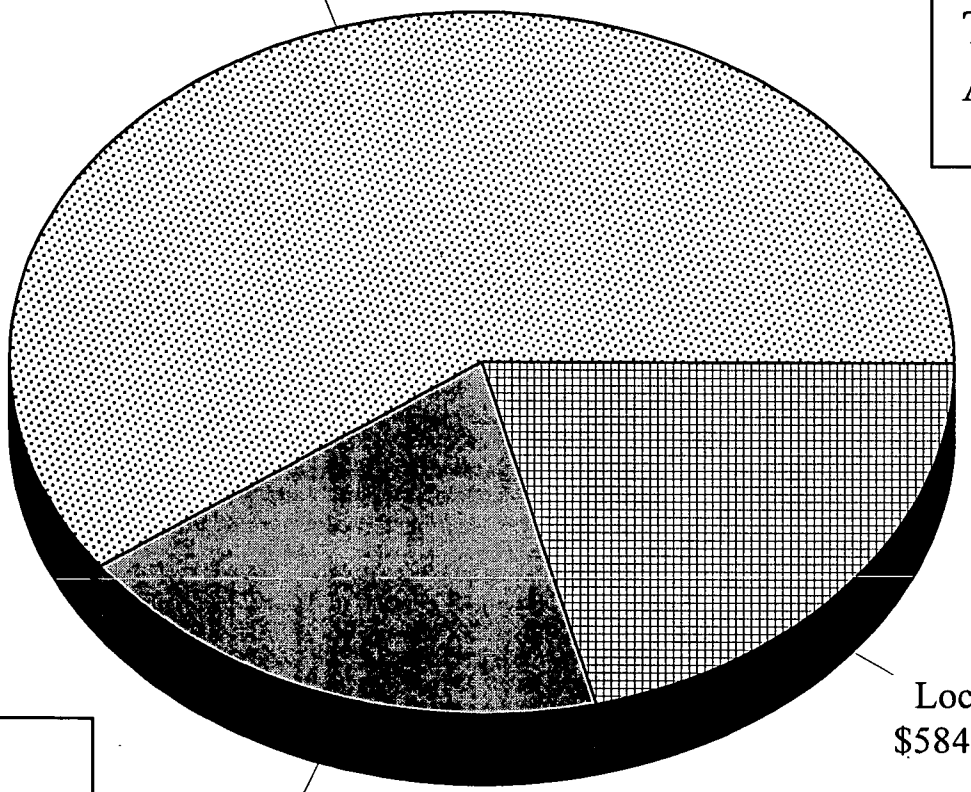
- Court Referrals
  - Before-571/During-101/Reduction-82%

- Out of School Suspensions
  - Before-592/ During-271/Reduction-54%

- Training School Commitments
  - 11 of the 703 youth who completed the program in 1997-98 were committed to training schools
  - Of the 2,233 court involved youth admitted to the program between 1992 and 1997, 58 or 2.6% were committed to training schools
  - Compare to 4.4% commitment rate for all court involved youth during the same period

Governor's One-on-One Program

Program Funding



Total Cost:$ 2,764,990
Total Youth:1,901
Avg Cost/Youth: $1,500

1998-99 Budget $1.9 m
1999-00 Rec Budget: $1.8 m

Source: 1997-98 Evaluation Report/One on One Program

Eckerd Wilderness Camp

- Purpose:
  - Serve high risk group whose behavior (difficulty with anger mgmt and verbalizing thoughts/feelings, low self-esteem) makes them likely candidates for continued delinquent behavior
  - Focus on improving social skills, academic skills and basic attitudes
  - 4 programs were established in 1977 and fully operational by 1979
  - 2 additional programs (one traditional and one modular - intensive) opened in 1995 and 1997, respectively
  - 1 modular program was funded through the 1998-99 Juvenile Justice Reserve

- Administration
  - State contracts with Eckerd Family Youth Alternative, Inc
  - All staff are employed by Eckerd
  - State and Eckerd share cost of constructing the camp
  - State pays Eckerd a per diem rate of $79/day for each child at the standard program and $118/day for each child in the modular program (approx. $28K/space/year for the std program, $43K/space/year for the modular program)

Eckerd Wilderness Camps

- Program:
  - Small, self-sufficient groups of 10
  - Treatment includes adventure-based counseling, group peer counseling, experiential education, individual treatment planning, and family support
  - Campers visit home every 6 weeks to practice new skills
  - Campers move to transitional classroom environment during last 2-3 months and visit home each weekend

- Statistics/Results
  - Referrals - 554; Admissions - 357; Graduates - 282
  - Average Length of Stay - 12 months for traditional camps/ 6.5 months for modular camp
  - 96% of the graduates from the traditional camp had 1 year or more improvement in their grade placement; while 85% of the graduates from the modular camp showed similar improvement

Multipurpose Juvenile Homes

- Description
  - Purpose is to provide secure non-institutional alternative to training school and detention centers
  - 8-bed residential homes with live-in house parents, a certified teacher, and a full-time family counselor
  - Youth spends up to 30 days if pre-adjudication and up to 240 days if post disposition
  - Operating cost:$461,700/home for personnel, purchased services/supplies, administrative overhead; approximately $58K per bed

- Goals
  - Relieve demands on regular secure detention facilities
  - Reduce time and expense of transporting juveniles
  - Lower training school commitment rates
  - More family involvement/shorter stays

- Administration
  - State contracts for the services (current contracts with Methodist Home for Children for 5 homes and Mountain Youth Resources for 1 home)
  - Contractor provides the facility/State provides the operating cost

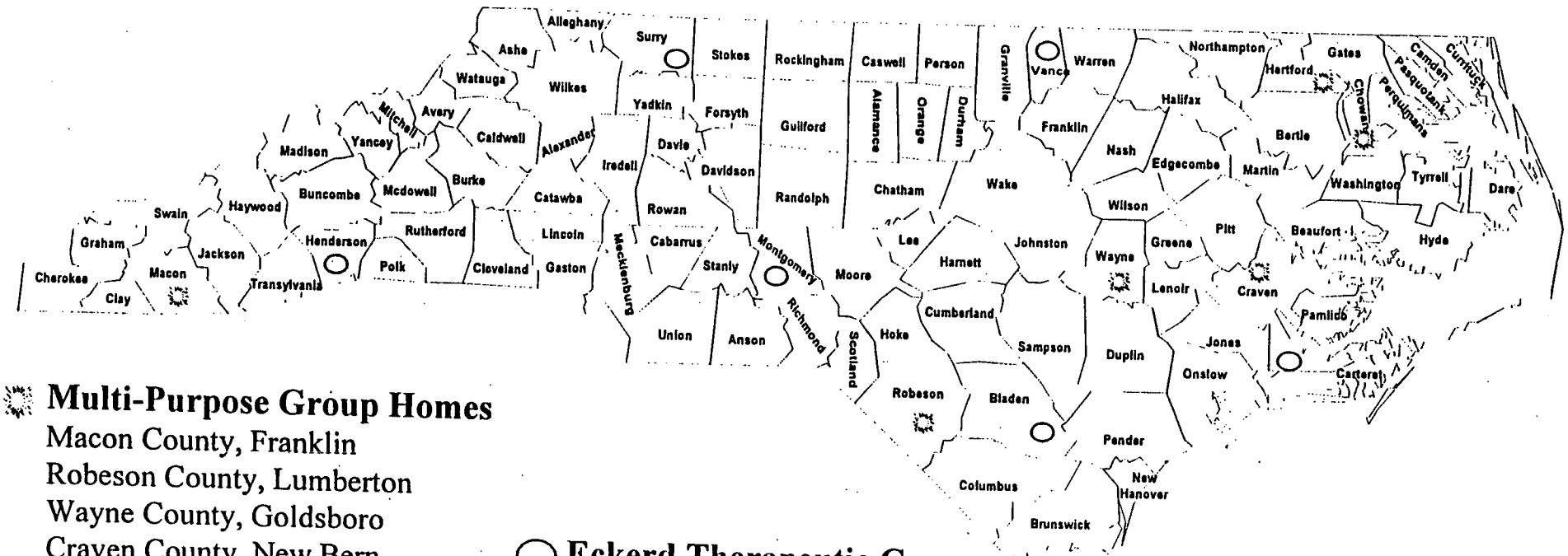
Multipurpose Juvenile Home Program

Selected Statistics for 1997-98

- Admissions in 1997-98 - 268
- Average Length of Stay - 56 days

- Suspension/Expulsions
  - Before - 248; During - 34; Change - 86%
- Court referrals
  - Before - 534; During - 24; Change - 96%

DIVISION OF YOUTH SERVICES
ECKERD CAMPS/MULTIPURPOSE GROUP HOMES



Multi-Purpose Group Homes
Macon County, Franklin
Robeson County, Lumberton
Wayne County, Goldsboro
Craven County, New Bern
Hertford County, Winton
Chowan County, Edenton

Eckerd Therapeutic Camps
E-TOH-KALU, Hendersonville
E-KU-SUMEE, Candor
E-MA-HENWU, Newport
E-MUN-TALEE, Lowgap
E-TIK-ETU, Elizabethtown
E-TEN-ETU, Manson

Office of Juvenile Justice
Community Programs
Actual/Recommended Budget

	1998-99 Authorized	Recommended for 1999-2000 Continuation	Expansion
One-on-One	$1,953,176	$1,793,176	$0
Eckerd Wilderness Camps	$10,553,388	$9,849,388	$850,000
Multipurpose Homes	$3,268,927	$2,751,927	$1,000,000
Support our Students	$7,064,693	$6,949,593	$975,000

Issues for Discussion

- SOS
  - Special Provision caps the amount that may be used at $350,000.
  - Program has increased by 40% since inception (with requested expansion the increase would be 60%)
  - There has been no increase in administrative support

- Eckerd/Multipurpose Homes
  - Start-up funding provided for 1 Modular Eckerd Camp and 4 8-bed multipurpose homes in the Juvenile Justice Reserve
  - Funding to operate the facilities in the 1999-2001 biennium included in the expansion request rather than the continuation request.

among other things, the focus shall be on directing youth toward long-term positive and productive noncriminal behavior. The review shall be qualitative and quantitative.

Requested by: Senator Martin of Guilford, Representatives Gardner, Cansler, Clary

DYS TRAINING SCHOOLS/STUDENT EVALUATIONS

Section 11.52. The Department of Human Resources shall take immediate steps to ensure that multidisciplinary diagnoses and evaluations, as provided for in G.S. 115C-113, are made on all students in training schools operated by the Division of Youth Services and that the requisite resources and services are provided for all DYS training school students who are identified as children with special needs. The Department may use funds available to provide evaluations, resources, and services, but shall not reduce current DYS services. Lapsed salary funds shall not be used to create new permanent positions.

Requested by: Senator Martin of Guilford, Representatives Gardner, Cansler, Clary

COMMUNITY-BASED ALTERNATIVES PARTICIPATION

Section 11.53. County governments participating in the Community-Based Alternatives Program shall certify annually to the Division of Youth Services, Department of Human Resources, that Community-Based Alternatives Aid to Counties shall not be used to duplicate or supplant other programs within the county.

Requested by: Senator Martin of Guilford, Representatives Gardner, Cansler, Clary

S.O.S. AND FAMILY RESOURCE CENTER GRANT PROGRAMS ADMINISTRATIVE COST LIMITS

Section 11.54. (a) Of the funds appropriated to the Department of Human Resources in this act, not more than three hundred fifty thousand dollars ($350,000) for the 1997-98 fiscal year and not more than three hundred fifty thousand dollars ($350,000) for the 1998-99 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Department may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

(b) Of the funds appropriated in this act to the Department of Human Resources for the Family Resource Center Grant Program, the Department may use up to two hundred fifty thousand dollars ($250,000) in each fiscal year to administer the Program.

Requested by: Senator Martin of Guilford, Representatives Gardner, Cansler, Clary, Shubert

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES PROGRAM

Section 11.55. (a) The General Assembly finds that it is essential to continue developing comprehensive programs that provide high quality early childhood education and development services locally for children and their families. The General Assembly intends to expand the Early Childhood Education and Development Initiatives Program (the "Program") in a manner which ensures quality assurance and performance-based accountability for the Program.

(b) Notwithstanding any provision of Part 10B of Article 3 of Chapter 143B of the General Statutes or any other provision of law or policy, the Department of Human Resources and the North Carolina Partnership for Children, Inc., jointly shall continue to implement the recommendations contained in the Smart Start Performance Audit prepared pursuant to Section 27A(1)b. of Chapter 324 of the 1995

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday, April 15, 1999 8:30 a.m
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper, Presiding
Representative Paul McCrary
Representative Ted Kinney

II. PRESENTATIONS

Morning

Office of Juvenile Justice Budget Review

- **Budget Overview of Community Services Local JCPC Grants**

  Jim Mills, Fiscal Research Staff
  Office Representatives

- **Update on Juvenile Population Projections**

  Susan Katzenelson, Staff Director
  Sentencing and Policy Advisory Commission

- **OJJ Juvenile Grants**

  Larry Dix, OJJ

- **OJJ Vacancy List**

  Larry Dix, OJJ

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

Justice and Public Safety — Name of Committee

April 15, 1999 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Patrice Reuben	NCACC
[illegible]	NC Bar
Judy Humphrey	OSBM
LARRY DICK	OJJ
Juli Kim	Sentencing Commission
Susan Katzenelson	"
Debbie Meagher	"
David Jones	GCC
Melissa Lavell	DOJ
[illegible] Shaber	Poyner + Spruill
Duwayne Patterson	OJJ
J. Boardman	OJJ
B. Sweat	OJJ
Ed Taylor	OJJ
Ken Foote	OJJ

VISITOR REGISTRATION SHEET

Justice and Public Safety — 4-15-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Alonzo C Pugh	Self emp — Rad-
Lou Pickard	CSPC
Ron Moore	DIST. ATTY
[illegible]	OSBA
A.A. Adams	Victim Advocate

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY April 15th '99

(Name of Committee)

DATES															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair															
Rep. Thomas, Vice Chair	✓														
Rep. Clary	✓														
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan															
Sen. Frank Ballance	✓														
Sen. Tony Rand															
Sen. John Carrington	✓														
Sen. Don East	✓														
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND
PUBLIC SAFETY OF THE HOUSE
Thursday, April 15, 1999 – 8:30
Room 415 – Legislative Office Building

The meeting of the Joint Appropriations Subcommittee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the committee attending, Representative Paul McCrary, Co-Chairman, presiding; also in attendance Rep. Ted Kinney, Co-Chairman; Rep. Thomas, Rep. Debbie Clary, Rep. Phillip Haire, Rep. Jim Horn, Rep. Larry Justice, Rep. Joe Kiser and Rep. Wayne Sexton. There were three Senators in attandence.

Co-Chairman McCrary recognized Jim Mills from Fiscal Research and he began with the **Budget Overview of Community Services Local JCPC Grants**.(See Attached)

In this Budget Overview Jim Mills began with the Impact of the Juvenile Justice Reform Act on Community Based Programs.

Starting on page 7 (Impact of the Juvenile Justice Reform Act) four key points that Jim Mills wanted to share with the Committee, under the Program Funding Guidelines in Act are (1) Fund Programs Effective in preventing delinquency and recidivism; if ineffective, do not fund (2) Use a Formula to Distribute Funds to ensure smallest counties participate (3) Encourage local flexibility (4) Combine resources.

Jim Mills continued with the Governor's Recommended Budget. (See Attached) and the Allocation of 1998-99 Local Grant Funds and how they came up with these pots of money. Jim went over with the Committee some of the issues he felt that the Committee would be wrestling with this year, how much funding will be needed for these programs? Page 10(See Attached) Jim indicated that Projections show that we will have more offenders in the community so we will need more Community Based Programs.

Jim spoke briefly on the Governor's Crime Commission Grant so that the Committee would be aware of the other money that is out there, on page 11, Jim shared with the Committee that these are local based Community programs, part of the 1999 Grant Cycle(see Attached). On page 12, Jim Shared with the Committee the Percentage of All total Allocation for Juvenile Justice Related DCSI Funded Program for 1998-1999.(See Attached) Representative Sexton asked why SRO's Program dropped from 1998 to

1999, David Jones from the Crime Commission responded by saying that they had other federal funds that will fill those needs, with a separate pot of money. Representative Paul McCrary then asked Chief Sweat "What do you plan to do with the 3.1 million, the C.B.A. Funding? Chief Sweat responded by saying that the money is there for each County in helping them determine what programs to put into place for individuals that will not be participating in training programs which in the past we have taken. Chief Sweat stated that the money is there in anticipation of what are we going to do in each county with misdeamers.

Representative Justice stated that there was a lot of relience on the Governor's Crime Commission and then asked how much money was going to spent in the next year? the total amount of the Crime Commission money? Chief Sweat Responded by saying that it was around 25 million dollars over half going to Juvenile Justice and half going to violence against women. Chief Sweat continued by saying that one of his objectives is to put into place under his Deputy Director an Evaluation and Monitoring Component that hasn't been done because of resources. Chief Sweat plans to have this in place by January 1, 2000.

Co-Chairman recognized Representative Haire, he asked "*in the allocation of the 1998-99 local Grant Funds why are the applications so low?*" Rep. Sweat *responded by saying that the Counties had new faces and extra money, they were taken there time to do it write.*

Co-Chairman McCrary then recognized Susan Katzenelson, Staff Director from the Sentencing and Policy Advisory Commission to discuss and give an update on Juvenile Population Projections.

Susan began by handing out to the Committee members a summary of the points in the new Juvenile Justice Reform Act of 1998. Susan shared with the Committee that the mandate for her Commission is to give Policy input, to report on Blending Sentencing and Direct File which is under way right now in cooperation with OJJ. To assist OJJ with Data analyses and simulate population projections for the Juvenile Justice System as it embarks in implementing a new law(See Attached). Susan handed out to the Committee **the Juvenile Justice Disposition Grid and Dispositional Alternatives**(See Attached)

Susan shared with the Committee that this Advisory Committee is based on projection assumptions and showed in her handouts the **Projected Dispositional Resources**. In her **Juvenile Justice Disposition Grid** and Dispositional Alternatives Offenses are **Violent, Serious**, and **Minor** with **Low, Medium** and **High** in different levels(See Attached).

Representative Kiser was recognized and asked how the North Carolina Juvenile population was figured into the (Chart) projection. Susan stated that it had been figured into the growth rate, that this is a 5 year projection. Representative Kiser then asked "*do we know the population of Juveniles in NC based on any statistics that might be available As to male and female juvenile population*?" Susan responded by saying absolutely that the Bureau of Vital Statistics is available and that her Commission has looked at them.

Co-Chairman McCrary then recognized Larry Dix , OJJ to discuss the OJJ Juvenile Grants. He handed out to the committee the **Grant Funding for Office of Juvenile Justice, Active Grants as of 4/1/99.**(See Attached) Starting with page (1) **Juvenile Case Management System**, then to **Intensive Aftercare** this project will be ending, it was used to reduce training schools. . The next project Larry discussed was **Expanding Secure Custody**, He went onto page (2) the **Juvenile Network** (J-Net) Phase I and Phase II, are temporary time limited positions that the Committee will be discussing next week. **Good Beginnings** and **STOP THE MADNESS** programs which focus on female offenders. On the last page Larry Dix wanted the Committee to be aware of Grants which are under the **Governors Crime Commission Grants**. Rep. Haire asked *"regarding the grant ,some were going over to Department of Public Instruction are they to be rolled back in to supplement or do they help out OJJ?"* Larry responded by saying that they were educational grants from the Governors Crime Commission that focus and work with training schools.

Larry Dix then had the Committee look at the Vacancy List (See Attached).

The meeting adjourned, to meet again, Tuesday April 20, 1999.

Paul R. McCrary

Paul McCrary Co-Chairman

Barbara A. Berry

Barbara A. Berry, Committee Assistant

TABLE 2

JUVENILES ADJUDICATED DELINQUENT

PROJECTED DISPOSITIONAL RESOURCES*

FISCAL YEAR ENDING	TRAINING SCHOOL			INTERMEDIATE			COMMUNITY		
	LOW	MEDIUM	HIGH	LOW	MEDIUM	HIGH	LOW	MEDIUM	HIGH
2000	539	680	821	2,818	3,249	3,679	6,612	6,037	5,462
2001	642	835	1,028	2,903	3,346	3,790	6,810	6,218	5,626
2002	732	966	1,198	2,990	3,447	3,903	7,014	6,405	5,795
2003	744	986	1,226	3,080	3,550	4,021	7,225	6,597	5,968
2004	791	1,051	1,311	3,172	3,657	4,141	7,442	6,795	6,148

* Based on the provisions of the 1998 Juvenile Justice Reform Act

SOURCE: 1997 N.C. Juvenile Delinquent Sample

JUVENILE JUSTICE DISPOSITION GRID AND DISPOSITIONAL ALTERNATIVES

OFFENSE	DELINQUENCY HISTORY		
	LOW 0 - 1 pts.	MEDIUM 2 - 3 pts.	HIGH 4+ pts.
VIOLENT	**LEVEL 2** 1. Eckerd Wilderness Camp 2. Structured Day Program 3. Community Service (100-200 hrs) 4. Restitution (+$500) 5. Regimented Training Program 6. Intensive Supervision Probation 7. House Arrest with/without EM 8. Multi-purpose Group Home 9. Residential Placement in treatment facility or group home 10. Placement in an intensive nonresidential treatment program or intensive substance abuse program 11. Short-term Secure Confinement (up to 14 days during probation period) **LEVEL 3** 1. Commitment	**LEVEL 3** 1. Commitment	**LEVEL 3** 1. Commitment
SERIOUS	**LEVEL 1** 1. Community-Based Program 2. Victim-Offender Reconciliation Program 3. Community Service (up to 100 hrs) 4. Restitution (up to $500) 5. Suspension of driver's license 6. Curfew 7. Counseling, incl. intensive SA treatment 8. Vocational or Educational Program 9. Regular Probation 10. Residential Placement with relative or group home 11. Intermittent Confinement (up to 5 days during probation period) 12. Fine 13. Eckerd Wilderness Camp **LEVEL 2** 1. Eckerd Wilderness Camp 2. Structured Day Program 3. Community Service (100-200 hrs) 4. Restitution (+$500) 5. Regimented Training Program 6. Intensive Supervision Probation 7. House Arrest with/without EM 8. Multi-purpose Group Home 9. Residential Placement in treatment facility or group home 10. Placement in an intensive nonresidential treatment program or intensive substance abuse program 11. Short-term Secure Confinement (up to 14 days during probation period)	**LEVEL 2** 1. Eckerd Wilderness Camp 2. Structured Day Program 3. Community Service (100-200 hrs) 4. Restitution (+$500) 5. Regimented Training Program 6. Intensive Supervision Probation 7. House Arrest with/without EM 8. Multi-purpose Group Home 9. Residential Placement in treatment facility or group home 10. Placement in an intensive nonresidential treatment program or intensive substance abuse program 11. Short-term Secure Confinement (up to 14 days during probation period)	**LEVEL 2** 1. Eckerd Wilderness Camp 2. Structured Day Program 3. Community Service (100-200 hrs) 4. Restitution (+$500) 5. Regimented Training Program 6. Intensive Supervision Probation 7. House Arrest with/without EM 8. Multi-purpose Group Home 9. Residential Placement in treatment facility or group home 10. Placement in an intensive nonresidential treatment program or intensive substance abuse program 11. Short-term Secure Confinement (up to 14 days during probation period) **LEVEL 3** 1. Commitment
MINOR	**LEVEL 1** 1. Community-Based Program 2. Victim-Offender Reconciliation Program 3. Community Service (up to 100 hrs) 4. Restitution (up to $500) 5. Suspension of driver's license 6. Curfew 7. Counseling, incl. intensive SA treatment 8. Vocational or Educational Program 9. Regular Probation 10. Residential Placement with relative or group home 11. Intermittent Confinement (up to 5 days during probation period) 12. Fine 13. Eckerd Wilderness Camp	**LEVEL 1** 1. Community-Based Program 2. Victim-Offender Reconciliation Program 3. Community Service (up to 100 hrs) 4. Restitution (up to $500) 5. Suspension of driver's license 6. Curfew 7. Counseling, incl. intensive SA treatment 8. Vocational or Educational Program 9. Regular Probation 10. Residential Placement with relative or group home 11. Intermittent Confinement (up to 5 days during probation period) 12. Fine 13. Eckerd Wilderness Camp **LEVEL 2** 1. Eckerd Wilderness Camp 2. Structured Day Program 3. Community Service (100-200 hrs) 4. Restitution (+$500) 5. Regimented Training Program 6. Intensive Supervision Probation 7. House Arrest with/without EM 8. Multi-purpose Group Home 9. Residential Placement in treatment facility or group home 10. Placement in an intensive nonresidential treatment program or intensive substance abuse program 11. Short-term Secure Confinement (up to 14 days during probation period)	**LEVEL 2** 1. Eckerd Wilderness Camp 2. Structured Day Program 3. Community Service (100-200 hrs) 4. Restitution (+$500) 5. Regimented Training Program 6. Intensive Supervision Probation 7. House Arrest with/without EM 8. Multi-purpose Group Home 9. Residential Placement in treatment facility or group home 10. Placement in an intensive nonresidential treatment program or intensive substance abuse program 11. Short-term Secure Confinement (up to 14 days during probation period)

APPLICATION OF THE DISPOSITION GRID

For offenses committed on or after 7/1/99

Offense Classification
[G.S. 7B-2508(a)(1);-(2);-(3)]

- **Violent:** Adjudication of a Class A through E felony
- **Serious:** Adjudication of a Class F through I felony or a Class A1 misdemeanor
- **Minor:** Adjudication of a Class 1, 2, or 3 misdemeanor

Delinquent History Points
[G.S. 7B-2507(b)(1);-(2);-(3);-(4)]

- Each prior adjudication of a Class A through E felony = **4 points**
- Each prior adjudication of a Class F through I felony or Class A1 misdemeanor = **2 points**
- Each prior adjudication of a Class 1, 2, or 3 misdemeanor = **1 point**
- If the juvenile was on probation at the time of offense = **2 points**

Multiple Prior Adjudications
[G.S. 7B-2507(d)]

- For purposes of determining the delinquent history level, if a juvenile is adjudicated delinquent for more than one offense in a single session of district court, only the adjudication for the offense with the highest point total is used.

Special Dispositional Circumstances

- If the disposition grid prescribes a Level 2 disposition, the court may impose a Level 3 (commitment) disposition if the juvenile was previously committed to training school in a prior juvenile action. [G.S. 7B-2508(d)]
- The court may impose a Level 2 disposition rather than a Level 3 (commitment) disposition if the court submits written findings on the record that substantiate *extraordinary needs* on the part of the offending juvenile. [G.S. 7B-2508(e)]
- A juvenile who has been adjudicated for a minor offense may be committed to a Level 3 (commitment) disposition if the juvenile has been adjudicated of four or more prior offenses. For purposes of determining the number of prior offenses, each successive offense is one that was committed after adjudication of the preceding offense. [G.S. 7B-2508(g)]

Violation of Probation

- The court shall not order a Level 3 (commitment) disposition for violation of the conditions of probation by a juvenile adjudicated delinquent for a minor offense.

TABLE 1

JUVENILES ADJUDICATED DELINQUENT DISTRIBUTION BY PROPOSED DISPOSITION GRID

JULY 1, 1996-JUNE 30, 1997

OFFENSE LEVEL	DELINQUENT HISTORY LEVEL*						TOTAL	
	LOW		MEDIUM		HIGH			
	N	%	N	%	N	%	N	%
VIOLENT	298	74.2	43	10.8	60	15.0	401	4.2
SERIOUS	2,502	69.6	527	14.6	567	15.8	3,596	37.5
MINOR	4,181	74.9	706	12.7	695	12.4	5,582	58.3
TOTAL	6,981	72.9	1,276	13.3	1,322	13.8	9,579	100.0

*Reflects the basic scenario in which delinquent history level is calculated as follows:

- Prior adjudication for a violent offense = 4 points; for a serious offense = 2 points; for a minor offense = 1 point.
- Probation status at the time of the instant offense = 2 points.
- Low Level = 0 - 1 total points
- Medium Level = 2 - 3 total points
- High Level = 4 or more total points

SOURCE: 1997 N.C. Juvenile Delinquent Sample

Office of Juvenile Justice
Unfilled vacancies for more than six months

Position Number	*SG/B-Salary*	*Date Vac.*	*Job Title*	*Reason*
Perquimans Detention Center				
4491-9035-0009-600				
4491-9035-0009-601	39,785	09/01/98	Detention Director	All listed below: Positions are projected to be filled by 06/01/99. Delayed due to construction problems. Interviews will be conducted 04/30/99for all positions at Perquimans.
4491-9035-0009-602	21,780	09/01/98	Admin. Services Asst.V	
4491-9035-0009-603	23,578	09/01/98	Human Svcs. Coord. I	
4491-9035-0009-604	25,523	09/01/98	Youth Program Asst. III	
4491-9035-0009-605	27,768	09/01/98	Youth Cntr. Shift Supv.	
4491-9035-0009-606	27,768	09/01/98	Youth Cntr. Shift Supv.	
4491-9035-0009-607	36,000	09/01/98	Teacher	
4491-9035-0009-608	36,000	09/01/98	Teacher	
4491-9035-0009-609	16,000	09/01/98	Staff Nurse	
4491-9035-0009-610	17,230	09/01/98	Cook II	
4491-9035-0009-611	8,615	09/01/98	Cook II	
4491-9035-0009-612	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-613	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-614	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-615	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-616	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-617	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-618	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-619	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-620	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-621	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-622	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-623	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-624	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-625	20,900	09/01/98	Y. S. Counselor Tech.	
4491-9035-0009-626	20,900	09/01/98	Y. S. Counselor Tech.	
	20,900	09/01/98	Y. S. Counselor Tech.	
New Hanover				
None to report.				
Wake Detention Center				
4491-9028-0009-210	9,512		Part Time Cook	Limited number of applicants responding.
Cumberland Detention Center				
None to report				
Pitt Detention Center				
4491-9030-0009-247	15,518	01/01/98	Y. S. Counselor Tech	Recruitment problems.

Position Number	*SG/B-Salary*	*Date Vac.*	*Job Title*	*Reason*
Juvenile Svs./Admin.	55,425	06/30/98	Juv. Serv. Administrator	Vacant due to reorganization. An employee is acting against this position to fulfil the duties for the director roles.
Gaston Detention Center				
4491-9029-0009-120	30,408	03/31/98		Pre-employment policy for recommended applicant did not pass. Have been recruitment problems. Will be a recommendation made before 04/23/99. Position may be filled by 05/15/99.
Wilkes Detention Center None to report				
Umstead None to report				
Stonewall Jackson School				
4492-2011-0000-414	32,937	09/17/97	Personnel Tech. II	On disability
4492-2021-0000-519	24,140	10/15/98	Y. S. Cott. Parent Supv.	Applicant recommended, awaiting approval.
4492-2021-0000-520	31,699	09/15/98	Y. S. Cott. Parent Supv.	Applicants failed to quality, another is pending.
4492-2021-0000-537	20,104	06/30/98	Y. S. Counselor Tech.	All other listed below: Recruitment problems due to low pay. Have posted on continuous recruitment vacancy report since date vacated.
4492-2011-0000-578	20,502	10/06/98	Y. S. Cottage Parent	
4492-2021-0000-582	18,759	06/30/98	Y. S. Cottage Parent	
4492-2021-0000-592	19,699	09/02/98	Y. S. Cottage Parent	
4492-2021-0000-598	20,295	06/01/98	Y. S. Counselor Tech.	
4492-2021-0000-601	20,692	08/30/98	Y. S. Counselor Tech.	
4492-2021-0000-604	21,313	08/19/98	Y. S. Counselor Tech.	
Samarkand Manor				
4493-3031-0001-025	35,100	12/31/97	Teacher	Applicant has been selected pending Criminal Justice Certification.
4493-3031-0001-032	38,112	09/02/98	Teacher	Difficulty recruiting certified instructors in this area.
4493-3032-0001-040	32,652	06/30/98	Teacher	Difficulty recruiting certified instructors in this area.
Dobbs School				
4496-6031-0002-224	46,512	01/09/98	Teacher	Employee that was selected in July 1998 DPI did not issue a certificate until Feb. 1999. In the process of sending in Criminal Justice paperwork for this position.
Juvenile Evaluation Center None to report				
C.A. Dillon School				
4498-8023-0040-201	37,656	10/01/98	Staff Psychologist II	All recommended candidates have declined position due to other job offers with higher salaries. Interviews are in progress.

JUVENILE JUSTICE REFORM ACT OF 1998
N.C. SENTENCING AND POLICY ADVISORY COMMISSION DIRECTIVES

§164-36. Powers and duties.
(b) ...The Commission shall:

- evaluate dispositional laws and policies in relationship to both the stated purposes of Chapter 7B of the General Statutes and the availability of dispositional alternatives;
- make recommendations to the General Assembly for the modification of dispositional alternatives and policies, and for the addition, deletion, or expansion of dispositional alternatives as necessary to achieve policy goals; and
- make a report of its recommendations, including any recommended legislation, to the General Assembly annually.

§164-40. Correction population simulation model; Office of Juvenile Justice facilities population simulation model.
(b) The Commission shall develop an Office of Juvenile Justice facilities population simulation model, and shall have first priority to apply the model to a given fact situation, or theoretical change in the dispositional laws set forth in Chapter 7B of the General Statutes, when requested to do so by the Chairman, the Executive Director, or the Commission as a whole.

The Executive Director or the Chairman shall make the model available to respond to inquiries by any State legislator, or by the Office of Juvenile Justice, in second priority to the work of the Commission.

§164-42.1. Policy recommendations.
(b) Using the studies and analyses available, including testimony from representatives of the bodies that conducted the analyses, the Commission shall:

- Determine the long-range needs of the juvenile justice system and recommend policy priorities of that system;
- Determine the long-range information needs of the juvenile justice system and acquire that information as it becomes available;
- Identify critical problems in the juvenile justice system and recommend strategies to solve those problems;
- Assess the cost-effectiveness of the use of State and local funds in the juvenile justice system; and
- Recommend the goals, priorities, and standards for the allocation of juvenile justice funds.

§164-43. Priority of duties; reports; continuing duties.
(d) ...[The Commission] shall have the continuing duty to monitor and review...the juvenile justice system in this State to ensure that...dispositions remain uniform and consistent, and the goals and policies established by the State are being implemented by...dispositional practices, and it shall recommend methods by which this ongoing work may be accomplished and by which the...Office of Juvenile Justice facilities population simulation model developed pursuant to G.S. 164-40 shall continue to be used by the State.

§164-37. Membership; chairman; meetings; quorum
[A representative of the Office of Juvenile Justice is added to the existing membership of the Commission.]

Part XI, Section 30 (Uncodified): Blended Sentencing and Direct File
The Office of Juvenile Justice in consultation with the North Carolina Sentencing and Policy Advisory Commission shall study blended sentencing and direct filing in certain juvenile cases. The study shall include, among other issues:

- a consideration of whether NC should adopt a criminal-inclusive model of blended sentencing;
- an examination of various models of blended sentencing (may include a survey of other states with blended sentencing);
- an examination of direct file, specifically, whether the prosecutor should have the authority to directly file charges in superior court against 15 year old juveniles charged with A-E felony offenses.

The Office shall report the results of the study, including any legislative recommendations, to the General Assembly no later than March 15, 2000.

GRANT FUNDING FOR OFFICE OF JUVENILE JUSTICE
Active Grants as of 4/1/99

Fund No.	Project Title	Grant Amount	State Match	Grant Period	Grantor	Project Purpose	Grant-Funded Positions
2156	Juvenile Case Management System	479,636	25%	7/1/96 – 9/30/99	Governor's Crime Commission	Develop a plan for statewide juvenile information system	2
2220	Intensive Aftercare	65,939	N/A	2/1/99-7/31/99	Governor's Crime Commission	To reduce recidivism and recommitment of Juveniles by providing more intensive supervision and structured, client specific interventions and release from training schools.	3
9138	Samarkand Rooms of Their Own	241,299	N/A	07/01/99 – 06/30/2000	Governor's Crime Commission	To provide funding for a specialized treatment program for young female offenders	1
9172	Expanding Secure Custody	1,879,999.85	25%	05/01/99 – 01/31/2001	Governor's Crime Commission	This project will allow the new Office of Juvenile Justice to ensure that there are enough detention beds to meet the requirements under the new juvenile code.	To Be Determined
9558	Statewide Juvenile Crime Prevention Council Education Campaign	49,999.50	25%	Through October 1, 1999	Governor's Crime Commission	This project will provide a comprehensive statewide public awareness compaign, as well as an education and training component for the Juvenile Crime Prevention Councils.	Contractual Staff to be determined as needed.

GRANT FUNDING FOR OFFICE OF JUVENILE JUSTICE
Active Grants as of 4/1/99

Fund No.	Project Title	Grant Amount	State Match	Grant Period	Grantor	Project Purpose	Grant-Funded Positions
9559	Juvenile Network (J-Net) – Phase I	600,000	25%	07/01/99 – 01/31/2001	Governor's Crime Commission	This project will implement the Juvenile Justice Planning Project under the guidance of the CJIN Network. This proposal will help all law enforcement agencies in North Carolina.	8
9169	Juvenile Network (J-Net) – Phase II	400,000	25%	07/01/99 – 06/30/2000	Governor's Crime Commission	This project will implement the Juvenile Network Planning Project under the guidance of the CJIN network. This proposal will help all law enforcement agencies in North Carolina.	6
2250	Job Training Partnership Act (JTPA)	52,500	N/A	School Year 98/99	Eastern Carolina Workforce Development Board	To coordinate the Pre-employment Training and Career Exploration Program	½ (2), 1
2240 9247	Good Beginnings	89,000	N/A	10/97 – 06/99	Juvenile Justice Delinquency & Prevention Grant	To provide and coordinate prenatal care and child care education for training school pregnant girls and provide parenting education to training school students with children.	Through contracts-1/2 time nurse consultant
2240 9246	STOP THE MADNESS	99,600 first year 70,500 second year	N/A	10/98 – 09/00	Juvenile Justice Delinquency & Prevention Grant	To prevent and reduce substance abuse by female juveniles at risk of court involvement and female juvenile offenders through the use of coordinated and multifaceted gender specific programming. (target county--Cumberland)	Through contract-a program planner and trainer

GRANT FUNDING FOR OFFICE OF JUVENILE JUSTICE
Active Grants as of 4/1/99

Fund No.	Project Title	Grant Amount	State Match	Grant Period	Grantor	Project Purpose	Grant-Funded Positions
44	Sliver Grant – Idea VI-B	10,008	N/A	07/01/98-06/30/99	Department of Public Instruction (Federal Funds)	Special Education ATW	0
50	IASA Chapter I	472,410	N/A	07/01/98-06/30/99	Department of Public Instruction (Federal Funds)	Education	11
59	Title VI	13,026	N/A	07/01/98-06/30/99	Department of Public Instruction (Federal Funds)	Library Development	0
60	IDEA VI-B	317,922	N/A	07/01/98-06/30/99	Department of Public Instruction (Federal Funds)	Education	6
67	Eisenhower Prof. Development	6,939	N/A	07/01/98-06/30/99	Department of Public Instruction (Federal Funds)	Professional Development in Math/Science	0
2231	Carl Perkins	50,000	N/A	School Year 98/99	Department of Public Instruction (Federal Funds)	To upgrade vocational programs	0
2250	Job Training Partnership Act (JTPA)	45,000	N/A	School Year 98/99	Department of Public Instruction (Federal Funds)	To facilitate the Basic Skills Program	1

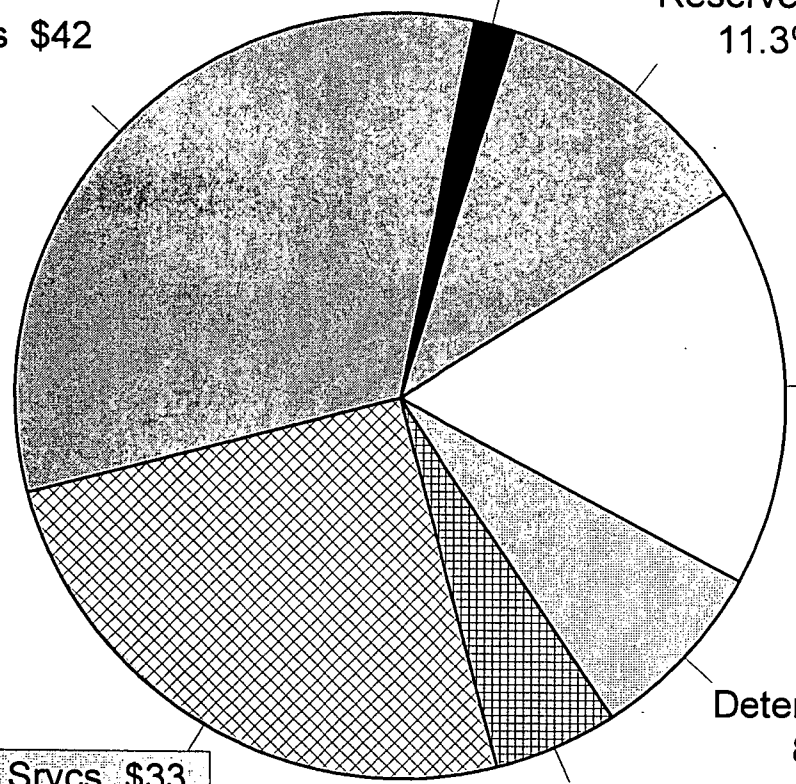
Overview of Community Based Grant Programs - -OJJ

Joint Appropriations Subcommittee on Justice and Public Safety

April 14, 1999

Office of Juvenile Justice -- 1998-99 Authorized Budget

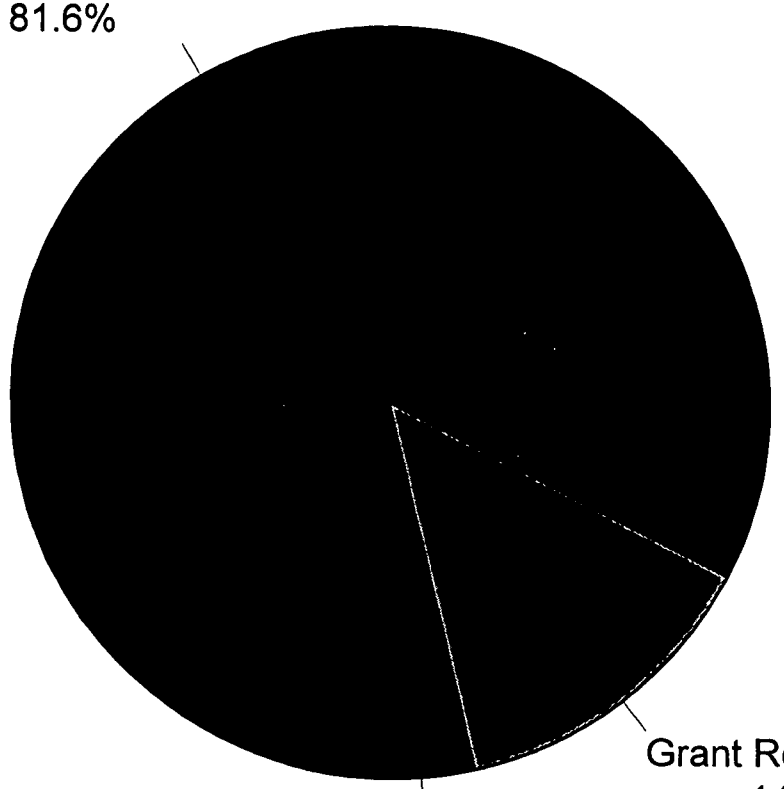
Net Appropriation is $132.3 Million as shown/Total Budget is $141.47 M



Source: BD 701 Reports 12/31/98 for DYS and AOC Juvenile Services (2) Juvenile Justice Reserve ($14.9 M) (3) Transfers to OJJ from AOC and DHHS per OSBM -$600,000

Community Services Recommended Budget 1999-2000

Total Budget = $39M



CBA=$17.6
Eckerd =$9.8
Group Homes= $2.7
1 on 1 = $1.8

Source is OSBM Worksheet 1 1/28/99

Community Services Fact Sheet

Scope of Problem (FY 1997-98)

- 24,701 juveniles were brought before the court charged with 40,407 delinquent offenses
- 1,785 of those offenses were serious offenses
- 6,092 juveniles were held in secure detention. The average cost per day for holding a juvenile in secure detention was $127. Half of this amount was paid for by county governments and half by the State of North Carolina.
- 1,149 juveniles were committed to training schools during FY 1997-98. The average daily cost of providing housing and treatment for a juvenile in a training school was $131.

An Ounce of Prevention

The Community Services Section is responsible for developing an array of community-based alternative programs to help local communities address the problems of troubled youth, reduce crime and delinquency and save the taxpayers money. Services last year included:

CBA Programs (619 programs)	**Funding**	**Youth Served**
Residential Services	$4,908,979	1,724
Nonresidential Services	11,192,503	32,427
Local Match	8,716,907	
Federal and Other	6,843,074	
Total	$31,675,526	
Governor's One-on-One (66 programs)	$1,633,456	1,901
Local Cash	1,018,935	
In-Kind	584,110	
Total	$3,236,501	
Eckerd Wilderness Camps (6 camps)	$9,488,614	284
Multipurpose Juvenile Homes (6 homes)	$2,751,927	319
Support Our Students (76 programs)	$6,946,428	13,788
Local Cash and In-Kind	4,743,308	
Total	$11,689,736	
Total Community Services: FY 1997-98	$58,842,304	50,443 ($1,167 / child)
Total Cost to the State	$36,921,907	

Community Services: Community-Based Alternatives

Overview

The Community-Based Alternatives (CBA) Programs have become a mainstay in North Carolina's delinquency prevention and intervention efforts. Funds are used to support a continuum of different types of programs providing residential care in group homes, temporary and emergency shelter, and specialized foster care; community service and restitution; non-residential counseling; after-school tutoring and guidance.

Admissions

Age

Under 7	107 (0.6%)
7-9	933 (5.4%)
10-13	5,857 (33.8%)
14-17	10,368 (59.9%)
Over 17	46 (0.3%)
Total	17,311 (100%)

Gender

Male	12,158 (70.2%)
Female	5,153 (29.8%)
Total	17,311 (100%)

Legal Status

At risk	4,672 (27.0%)
Intake diverted	2,631 (15.2%)
Petition filed	915 (05.3%)
Adjudicated	888 (05.1%)
Court superv.	488 (02.8%)
Probation	7,574 (43.8%)
Aftercare	126 (00.7%)
Superior Court referral	17 (00.1%)
Total	17,311 (100%)

Referral Source

Juvenile court	11,842 (68.4%)
Social services	563 (03.3%)
School	2,088 (12.1%)
Mental health	283 (01.6%)
Law enforcement	1,115 (06.4%)
Parent/guardian	953 (05.5%)
Self	108 (00.6%)
Clergy	37 (00.2%)
Other	317 (01.8%)
Detention	3 (0.0%)
Eckerd Camp	2 (0.0%)
Total	17,311 (100%)

Living Arrangement

Both parents	6,075 (35.3%)
Single parent	8,305 (48.3%)
Other family	1,487 (08.6%)
Foster care	632 (03.7%)
Institutional	106 (00.6%)
Detention	236 (01.4%)
Other	370 (02.1%)
Total	17,311 (100%)

Race

White	7985 (46.1%)
Black	8423 (48.7%)
Other	903 (05.2%)
Total	17,311 (100%)

Impact Measures

Court referrals during program	2,139
Court referrals during prior year	15,795
% change	86% reduction
Runaways during program	1,092
Runaways during prior year	6,410
% change	83% reduction
Suspensions/expulsions during program	4,489
Suspensions/expulsions during prior year	22,631
% change	80% reduction

Program Cost

	Programs Providing Data	Annual Budget (avg.)	# Youth Served	Days/ Client (avg.)	Cost-Child Per Day	Cost Per Child (avg.)	% of Cost to CBA
Group Home	22	$272,749	589	110	$154	$16,998	40%
Counseling	79	$82,076	6,809	23	$70	$1,603	50%
Temporary Shelter	16	$246,257	637	33	$231	$7,577	44%
Restitution	95	$35,950	6,029	11	$85	$940	68%
Specialized Foster Care	10	$57,261	161	37	$14	$511	53%
Guided Growth	120	$38,563	6,218	36	$33	$1,204	61%
Home-Based Family Serv.	43	$56,905	1,313	30	$93	$2,790	58%
All CBA Programs	385	$59,375	13,472	27	$63	$1,697	64%

NOTE: To improve the accuracy of the cost analysis for FY 1997-98 fewer programs were used to compile the data for this page. Programs with multiple service components with a consolidated budget were eliminated from the computation. Programs which were primarily purchase of service agreements where the total cost of care was not clearly specified were also not used this year. The total cost of the programs that are used includes over 70% of the total CBA program costs and reflects a reasonable representation of the individual program costs for the major types of programs that are supported by the CBA program.

CBA Funding Levels By County

COUNTY	AGES 10-17	ALLOCATION	COUNTY	AGES 10-17	ALLOCATION
Alamance	11,363	$240,845	Jones	1,023	$40,903
Alexander	3,258	$80,929	Lee	5,331	$112,093
Alleghany	827	$37,290	Lenoir	6,502	$159,380
Anson	2,630	$78,069	Lincoln	5,938	$126,800
Ashe	2,056	$64,630	Macon	2,343	$62,454
Avery	1,486	$52,680	Madison	1,698	$55,448
Beaufort	4,622	$115,591	Martin	2,938	$81,080
Bertie	2,575	$70,370	Mcdowell	3,594	$99,086
Bladen	3,333	$90,913	Mecklenberg	63,626	$1,073,939
Brunswick	6,025	$124,619	Mitchell	1,437	$47,589
Buncombe	18,918	$373,525	Montgomery	2,568	$69,889
Burke	8,429	$186,692	Moore	6,873	$135,233
Cabarrus	12,077	$230,419	Nash	9,384	$194,909
Caldwell	7,191	$176,266	New Hanover	14,204	$279,012
Camden	674	$30,787	Northampton	2,259	$70,541
Carteret	5,831	$124,495	Onslow	16,036	$333,361
Caswell	2,162	$66,807	Orange	9,255	$187,080
Catawba	12,822	$277,110	Pamlico	1,180	$41,546
Chatham	4,201	$92,967	Pasquotank	4,214	$92,721
Cherokee	2,136	$60,547	Pender	3,689	$77,830
Chowan	1,606	$47,487	Perquimans	1,167	$39,684
Clay	772	$31,767	Person	3,260	$83,746
Cleveland	9,168	$217,460	Pitt	12,980	$252,176
Columbus	6,140	$143,545	Polk	1,267	$44,881
Craven	9,115	$202,099	Randolph	12,298	$244,960
Cumberland	35,541	$678,638	Richmond	5,084	$125,021
Currituck	1,856	$49,440	Robeson	14,450	$299,895
Dare	2,680	$54,250	Rockingham	8,922	$203,889
Davidson	14,067	$289,608	Rowan	12,996	$249,634
Davie	2,879	$78,338	Rutherford	6,142	$145,863
Duplin	4,891	$118,153	Sampson	5,771	$135,873
Durham	18,672	$384,843	Scotland	4,283	$104,869
Edgecombe	6,678	$163,526	Stanly	5,902	$131,265
Forsyth	29,235	$575,478	Stokes	4,284	$99,171
Franklin	4,759	$97,284	Surry	6,284	$151,440
Gaston	18,892	$414,585	Swain	1,270	$43,739
Gates	1,166	$38,404	Transylvania	2,588	$74,513
Graham	735	$33,978	Tyrrell	467	$27,117
Granville	4,359	$104,144	Union	12,121	$221,682
Greene	1,875	$56,961	Vance	4,610	$109,548
Guilford	36,634	$736,605	Wake	55,968	$871,593
Halifax	6,849	$157,334	Warren	1,966	$57,498
Harnett	8,819	$169,954	Washington	1,569	$53,701
Haywood	4,371	$112,850	Watauga	3,124	$90,052
Henderson	6,923	$148,745	Wayne	12,365	$259,118
Hertford	2,802	$79,734	Wilkes	6,181	$150,619
Hoke	3,671	$79,995	Wilson	7,958	$178,497
Hyde	543	$30,511	Yadkin	3,328	$81,263
Iredell	10,922	$218,527	Yancey	1,470	$50,697
Jackson	2,587	$78,122	STATEWIDE	766,587	$16,286,077
Johnston	10,297	$195,263			

Impact of the Juvenile Justice Reform Act on Community Based Programs

- Replaced Local Youth Advisory Councils with Juvenile Crime Prevention Councils and State Advisory Board. Membership now more specific and number of members increased from average of 16 up to 25

- Local responsibility to annually review needs of troubled juveniles, develop a Plan of Action, advertise RFP for services and submit Plan to county all continue; **changes** program evaulation responsibility to locals rather than state

- Continued dual emphasis on programs for court involved youth and prevention programs for "at-risk" youth but shifted balance to programs for court involved youth and specifically "intermediate sanctions" for juveniles who will no longer be in training schools. "Intent is to prevent juveniles at risk from becomeing delinquent.. and to develop comunity based alternatives to training schools and .. community based substance abuse treatment and delinquency prevention." "General Assembly intent to provide noninstitutional alternatives"

- Program Funding Guidelines in Act

  - Fund Programs Effective in preventing delinquency and recidivism; if ineffective, do not fund
  - Use a Formula to Distribute Funds to ensure smallest counties participate
  - Encourage local flexibility
  - Combine resources

GOVERNOR'S RECOMMENDED
BUDGET – 1999 – 2001
COMMUNITY SERVICES GRANTS*
(STATE FUNDS)

	98-99	99-2000		2000-01	
		Continuation	Expansion	Continuation	Expansion
CBA Funds	$17.6 M	$17.6 M	0	$17.6 M	0
JCPC Funds	$ 5.5 M	$ 5.5 M	$ 3.1 M	$ 5.5 M	$ 3.1 M
	$23.1 M	$23.1 M	$ 3.1 M	$23.1 M	$ 3.1 M

* Total would be $26.2 million in 99-2000 if approved; 48% increase since 1997-98.

Allocation of 1998-99 Local Grant Funds

- General Assembly 1998-99
  - $5.5 million dollars; funds do not revert
  - Give priority to substance abuse treatment; day reporting centers; and in-home family services visiting services

- Allocation of Funds: Formula Grants $3.7 million
  - Counties informed 1/6/99
  - Base of $5,000 per county and additional amount based on # adjudicated delinquents in each county in 97-98
  - Target 3 priority areas or document that services are provided
  - Must target adjudicated delinquents at community or intermediate level
  - Status: two funded/handful of applications -- focusing on $17.6 million in former CBA monies

- Competitive Grants: ($1.8 million)

  - Counties informed 2/3/99
  - Deadline 4/30/99; award 6/30/99
  - Priorities: Day Reporting Centers; Multi- County; Innovative Programs with emphasis on maternal and child health home visiting (at or below 100% of federal poverty level with emphasis on referrals from juvenile court).

Community Based Grant Programs -- Budget and Program Issues

- How much funding is needed for programs?
  - Projections indicate we will have more offenders in community so will need more programs but.. need some experience with Act and impact on judicial practice as well as evaluations of what works and long term studies of need.
  - Will GCC grants provide some of needs while state gets more experience with Act?
- What programs should be emphasized - -continue with program and offender priorities in 98-99 Budget Bill or allow local JCPC's to decide? ($17.6 and new money) Balance between prevention, court involved, and adjudicated
- Should grants be formula or competitve or continue mix (Act has dual goal: formula and fund effective programs) ($17.6 and new money)
- General Assembly requires grant report 5/1/99 -- should this report continue

PRIMAR[illegible]CC FUNDS: PART OF 1999 GRANT CYCLE

Parts of the juvenile justice system	Training School Beds	Training School Programs	Detention Beds	Detention Programs	Information Systems	Intermediate Sanctions including # 13-23	Intermediate Sanctions including #1-13	Prevention Programs Ages 8-15	Prevention Programs Ages 0-8
JAIBG $4,410,000	X	X	X	X	X	X	X		
BYRNE $11,790,000		X		X	X	X	X	X	
OJJDP $2,080,000						X	X	X	X

Juvenile Justice Related DCSI Funded Programs for 1998 and 1999				
		Percent of		Percent of
	1998	Total Allocation	1999	Total Allocation
	Amount		Amount	
Prevention	$495,806	4.4%	$2,475,968	22.3%
SRO's	$698,320	6.1%	$238,723	2.2%
Intervention	$711,131	6.2%	$1,650,297	14.9%
Treatment	$400,989	3.5%	$1,215,344	11.0%
Information Systems			$505,000	4.6%
Total Juvenile Justice	$2,306,246	20.3%	$6,085,332	54.9%
Total DCSI Allocation	$11,380,541	100%	$11,090,956	100%

12

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday, April 20, 1999 8:30 a.m
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding
Representative Bill Culpepper
Representative Paul McCrary
Representative Ted Kinney

II. PRESENTATIONS

Expansion Budget Review

- **Expansion Budget Request – Department of Justice**

  Bryan Beatty, Deputy Attorney General

- **Expansion Budget Request – Judicial Department**

  Jeanne Bonds, Deputy Director

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
April 20, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on April 20, 1999 in room 415, LOB. There were three members of the Senate present. The following members of the House attended:

Rep. Paul McCrary	Rep. William Culpepper
Rep. Phillip Haire	Rep. Scott Thomas
Rep. Jim Horn	Rep. Larry Justus
Rep. Joe Kiser	Rep. Wayne Sexton

Senator Frank Ballance chaired the meeting. He introduced Mr. Bryan Beatty, Deputy Attorney General. Mr. Beatty distributed a handout, Summary List of Expansion Requests, from which he spoke. The expansion items are; Criminal Justice Training Coordinator; Equity pay for SBI, (one of four SBI's Nationally accredited);legal services – 8 positions; SBI equipment and network; Citizens Rights – 3 positions; overtime pay; Sheriffs Standards Committee needs 1 criminal justice field representative; North Carolina Justice administration; staff and equipment for SBI lab; SBI critical personnel needs.

In reply to Senator Ballance, Mr. Beatty said 16 new agents were hired last year but requests for additional investigations have increased accordingly. Federal law requires payment of overtime. One must work 171 hours within 28 days before eligibility for overtime. Again to Senator Ballance, Mr. James Coman , SBI director, said that equity pay is designed to bring people up to scale and to prevent loss of candidates. Rep. Haire questioned the $186,000 for 1 position. Mr. Marty Stanford of the justice academy said the position is for training, which includes video tapes, and material for all of law enforcement. The position will only pay about $35,000. Mr. Coman said to Rep. Justus that crime statistics will be available in May but there is a propensity among young people to use violence. The southeast has more violence against law enforcement than any where in the country.

Ms. Jeanne Bonds was introduced. She distributed handouts, North Carolina Administrative Office of the Courts, and, The NC Judicial Branch 1999 Session Expansion Budget, from which she spoke. Needed are 4 new special superior court judges, 7 judicial assistants and 12 court reporters. The workload table for district judges is being revised and will be brought to the committee. The request for additional magistrates may also be revised based on pending legislation. Additional need is for 19 clerks for victims' rights and 2 court of appeals clerks. The Appellate court is moving to electronic filing.

Senator Don East took the Chair as Senator Ballance had to leave.

Ms. Bonds continued through the handout. Page 7 of handout is a request for an increase in the Daily Rate for Emergency court judges from $200 to $400 per day. There is also a need to go statewide with court ordered Arbitration and Custody Mediation.

Page 13 of the handout shows the request to reauthorize the Bad Check Pilot Program. Mr. Rex Gore would like that program extended to Columbus, Bladen, and Brunswick Counties. Page 14 of the handout outlines the need for The design and planning of the justice building. And the last page is for non-technology needs. Funding is already in place for the study of information systems needs.

Rep. Thomas asked how the staff ratios are determined. Ms. Bonds stated that the Superior Court has a 1/1 ratio of support staff to professional staff. District Attorneys also have a 1/1 ratio usually which is based on workload. District Court Judges are moving from 5 to 3. District Court Judges and District Attorneys do not have computer equipment and must rely on support staff. In response to Rep. Kiser, Mr. Chris Marks said that court reporters have a regular salary. We pay for copies for indigents and District Attorneys as follows: 65 cents for 1st page, 60 cents for 2nd copy and 35 each for two copies.

The meeting was adjourned at 9:50AM.

Senator Frank Ballance
Senate Vice-Chair

Gloria Haywood
Senate Committee Clerk

SUMMARY LIST OF EXPANSION REQUESTS

Agency: North Carolina Department of Justice

Priority Number	Program Description (Concise Sentences)		Requested 1999-00	Requested 2000-01
1	Minority Sensitivity Training for Law Enforcement as required by Juvenile Justice legislation. Funds are requested for one CJ Training Coordinator. Set-up and daily operational funds are also needed.	Requirements	$186,021	$191,875
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$186,021	$191,875
		No. of Positions	1.00	1.00
2	Equity pay for SBI lab and field personnel.	Requirements	$327,092	$643,409
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$327,092	$643,409
		No. of Positions	0.00	0.00
3	Legal Services requests eight positions: The Special Litigation Division needs two Attorney IV's and one Paralegal II. One Attorney IV will be assigned to better defend the State's interests regarding environmental issues. One Attorney IV position and a Paralegal II position will be assigned to assist and represent all state agencies and the General Assembly with technology issues. The Administrative Division requests five positions. The Elections Section needs one Paralegal II to assist in maintaining files, preparing briefs and gathering information in elections litigation. This section also needs one Program Assistant V to provide staff support. The Tort Claims Section needs two Paralegal II positions to assist attorneys who currently carry a case load of 150 cases each. The Service to State Agencies Section needs an Attorney III to represent Judicial Branch employees in the increasing number of cases brought against them.	Requirements	$355,920	$412,660
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$355,920	$412,660
		No. of Positions	8.00	8.00

SUMMARY LIST OF EXPANSION REQUESTS

Agency: North Carolina Department of Justice

Priority Number	Program Description (Concise Sentences)		Requested 1999-00	Requested 2000-01
4	SBI critical equipment and network needs. This request covers the migration from a proprietary mainframe to an open environment platform. It includes the cost for licensing a redesigned version of our Law Enforcement Message System (LEMS), a multi-vendor UNIX platform, contractual services, and meet IRMC requirements to migrate to the TCP/IP protocol. The computers and specialized equipment used in field investigations will be replaced. The ability to recover business operations, an IRMC requirement, will be provided through a contractual service covering the Unisys mainframe, UNIX servers and selective/critical multi-drop locations. The cost for maintaining the AFIS and the SBI investigative records system will be funded through this request.	Requirements	$3,198,405	$2,366,852
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$3,198,405	$2,366,852
		No. of Positions	0.00	0.00
5	Legal Services/Citizens' Rights Division requests three new positions to better serve consumers with regards to health issues. An explosion in the work load requires one Attorney II, one Attorney III, and one Consumer Specialist to provide more effective and efficient service to the public, and ensure a health care marketplace more responsive to the needs of citizens.	Requirements	$142,493	$172,457
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$142,493	$172,457
		No. of Positions	3.00	3.00
6	Overtime pay for SBI lab and field personnel.	Requirements	$270,475	$270,475
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$270,475	$270,475
		No. of Positions	0.00	0.00
7	The Sheriffs' Standards Committee requests funds due to an increased workload caused, in part, by the adoption of two new programs - certification of Telecommunitcators in NC and Detention Officer Certification. One Criminal Justice Field Representative position is needed.	Requirements	$51,539	$37,052
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$51,539	$37,052
		No. of Positions	1.00	1.00

SUMMARY LIST OF EXPANSION REQUESTS

Agency: North Carolina Department of Justice

Priority Number	Program Description (Concise Sentences)		Requested 1999-00	Requested 2000-01
8	The NCJA requests nine full time and one part time positions to maintain operations. The new Western Dormitory requires two full time and one part time position - one CJ Student Housing Coordinator, one Processing Assistant III and one part time Student Services Assistant. Funds for furnishings, utilities and security services are also needed to complete operational support in Edneyville. Seven full time positions are needed for facilities operations in Salemburg. Two General Utility Workers, three Housekeepers, one Stock Clerk II and one Warehouse Manager are being requested. Additional funds for utilities, custody and security systems, vehicles and continuing classroom updates are requested to maintain operations. Receipts from the sale of bookstore items will offset requirements for bookstore staff.	Requirements	$826,266	$555,630
		Receipts		
		Federal	0	0
		Local	0	0
		Other	39,447	51,437
		Appropriation	$786,819	$504,193
		No. of Positions	9.50	9.50
9	Staff and equipment for SBI Lab. With the addition of three Chemist I's in December 1999 and another three Chemist I's in July 2000 the lab will reduce backlog and decrease the turn-around time of cases. The new equipment will bring the lab current technology and allow for more accurate analysis.	Requirements	$762,488	$662,463
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$762,488	$662,463
		No. of Positions	3.00	6.00
10	SBI critical personnel needs to meet important needs within the organization that will improve internal operations and support for specialized criminal investigations. Nine positions are requested as follows: one Processing Assistant IV, two Processing Assistant V's, three DNA Database Technicians, one HVAC Technician and two Special Investigators. All positions would begin 12/01/99.	Requirements	$279,412	$328,062
		Receipts		
		Federal	0	0
		Local	0	0
		Other	0	0
		Appropriation	$279,412	$328,062
		No. of Positions	9.00	9.00

Total for Department of Justice

	Requirements	$6,400,111	$5,640,935
	Receipts		
	Federal	0	0
	Local	0	0
	Other	39,447	51,437
	Appropriation	$6,360,664	$5,589,498
	No. of Positions	34.50	37.50

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
I. NECESSARY CORE-FUNCTION PERSONNEL		
A. New Superior Court Judges		
4 Special Superior Court Judges (Eff. 7/1/99)		
Positions: 100 Judges, consisting of 46 Senior Resident, 44 Superior Court Judges and 10 Special Superior Court Judges		
Ratio: Superior Court Judge to Staff: 1.06:1		
1998 Request: 6 Special Superior Court Judges		
1998 Legislative Authorization		
1 Special Superior Court Judge effective 12/1/98		
RECURRING COSTS:	**$587,324**	**$565,676**
NON-RECURRING COSTS:	**$38,076**	**$0**
SUBTOTAL:	**$625,400**	**$565,676**
NO. OF POSITIONS:	**4.00**	**4.00**
B. Additional Superior Court Support Staff		
7 Superior Court Judicial Assistants I (Eff. 7/1/99)		
Positions: 85 Staff, consisting of 11 TCA's, 14 TCC's and 60 Judicial Assistants.		
Ratio: Superior Court Judge to Staff: 1.06:1		
(Ratio does not include court reporters)		
1998 Request: 6 Judicial Assistant II		
1998 Legislative Authorization - Funding Not Provided		
RECURRING COSTS:	**$237,573**	**$241,262**
NON-RECURRING COSTS:	**$37,114**	**$0**
SUBTOTAL:	**$274,687**	**$241,262**
NO. OF POSITIONS:	**7.00**	**7.00**

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
C. New Superior Court Reporter Positions		
12 Official Court Reporters (Eff. 7/1/99)		
(4 Of Which are Roving)		
Positions: 96 Court Reporters, consisting of 14 roving and 82 designated by district		
Ratio: Superior Court Judge to Court Reporter: 1.04:1		
Ratio Goal: Superior Court Judge to Court Reporter: 1.00:1		
(plus 4 additional roving)		
1998 Request: 6 Court Reporters		
1998 Legislative Authorization		
4 Roving Court Reporters effective 12/1/98		
RECURRING COSTS:	**$576,288**	**$582,624**
NON-RECURRING COSTS:	**$74,772**	**$0**
SUBTOTAL:	**$651,060**	**$582,624**
NO. OF POSITIONS:	**12.00**	**12.00**
D. Additional District Court Judges		
(Request Pending Results of Study)		
Positions: 217 Judges, consisting of 39 Chief District Court Judges and 178 District Court Judges		
Ratio: District Court Judge to Staff Ratio: 3.95:1		
1998 Request: 34 District Court Judges		
1998 Legislative Authorization		
13 District Court Judges effective 12/1/98		
Districts: 3A, 4, 7, 10, 11, 12, 14, 19B, 19C, 21, 25, 26, 29		
RECURRING COSTS:	***Pending Study***	***Pending Study***
NON-RECURRING COSTS:	***Pending Study***	***Pending Study***
SUBTOTAL:	**$0**	**$0**
NO. OF POSITIONS:	**0.00**	**0.00**

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
E. Additional District Court Support Staff		
# District Court Judicial Assistants I (Eff. 7/1/99)		
Positions: 55 (FTE) District Court Staff to support 217 District Court Judges		
Ratio: District Court Judge to Staff Ratio: 3.95:1 *(Excludes Magistrates)*		
1998 Request: 5 Judicial Assist. II, 8 Judicial Assist. I		
1998 Legislative Authorization		
9 Judicial Assistants I effective 12/1/98		
Districts: 5, 7, 8, 9, 12, 19A, 19B, 20, 25		
RECURRING COSTS:	***Pending Study***	***Pending Study***
NON-RECURRING COSTS:	***Pending Study***	***Pending Study***
SUBTOTAL:	**$0**	**$0**
NO. OF POSITIONS:	**0.00**	**0.00**
F. Additional Magistrate Positions		
7 Magistrates (Eff. 7/1/99)		
Anson, Camden, Cumberland, Jackson, Rowan, Stanley, Union		
1998 Request: 6 Magistrates		
1998 Legislative Authorization		
6.50 Magistrates effective 12/1/98		
Avery, Brunswick, Currituck, Gaston, Mecklenburg, Pamlico and Columbus (.50)		
RECURRING COSTS:	**$231,966**	**$236,187**
NON-RECURRING COSTS:	**$36,827**	**$0**
SUBTOTAL:	**$268,793**	**$236,187**
NO. OF POSITIONS:	**7.00**	**7.00**

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
G. Additional Clerk Personnel		
23 Deputy Clerks (Eff. 7/1/99)		
1998 Request: 161 Deputy Clerks		
1998 Legislative Authorization		
149 Deputy Clerks effective 12/1/98		
RECURRING COSTS:	**$642,896**	**$656,075**
NON-RECURRING COSTS:	**$93,748**	**$0**
SUBTOTAL:	**$736,644**	**$656,075**
NO. OF POSITIONS:	**23.00**	**23.00**
H. Additional Clerk Personnel Needed to Implement Crime Victims' Right Act		
19 Deputy Clerks (Eff. 7/1/99)		
RECURRING COSTS:	**$531,088**	**$541,975**
NON-RECURRING COSTS:	**$77,444**	**$0**
SUBTOTAL:	**$608,532**	**$541,975**
NO. OF POSITIONS:	**19.00**	**19.0**
I. Additional Supreme Court Staff		
1 Assistant Appellate Reporter (Eff. 7/1/99)		
1 Assistant Appellate Reporter (Eff. 7/1/00)		
1 Supreme Court Librarian (Eff. 7/1/99)		
1 Library Technical Assistant (Eff. 7/1/99)		
1998 Request: 1 Appellate Reporter, 1 Library Tech. Assist.		
1998 Legislative Authorization - Funding Not Provided		
RECURRING COSTS:	**$167,935**	**$245,297**
NON-RECURRING COSTS:	**$10,976**	**$6,434**
SUBTOTAL:	**$178,911**	**$251,731**
NO. OF POSITIONS:	**3.00**	**4.00**

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
J. Additional Court of Appeals Staff		
2 Court of Appeals Research Assistants (Eff. 7/1/99)		
1998 Request: No Positions Requested		
RECURRING COSTS:	**$94,962**	**$100,586**
NON-RECURRING COSTS:	**$14,056**	**$0**
SUBTOTAL:	**$109,018**	**$100,586**
NO. OF POSITIONS:	**2.00**	**2.00**
K. Additional Special Counsel Support Staff		
1 Assistant to the Special Counsel (Eff. 7/1/99)		
Stationed at Cherry Hospital		
Positions: 7 Staff to support 4 Special Counselors		
There are four Offices of Special Counsel, located at the Regional hospitals: Dix, Umstead, Cherry and Broughton		
1998 Request: 1 Assist. To Special Counsel - Cherry Hospital		
1998 Legislative Authorization - Funding Not Provided		
RECURRING COSTS:	**$42,605**	**$42,616**
NON-RECURRING COSTS:	**$963**	**$0**
SUBTOTAL:	**$43,568**	**$42,616**
NO. OF POSITIONS:	**1.00**	**1.00**

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
L. New AOC General Administration Personnel		
1 Information & Communication Specialist I (Web Page) (Eff. 7/1/99)		
1 Trial Judges' Research Associate (Eff. 7/1/99)		
1 Court Management Specialist (Eff. 7/1/99)		
1 Adm. Assistant - Defense Services (Eff. 7/1/99)		
3 AOC Secretaries (Eff. 7/1/99)		
4 Microfilm Clerks (Eff. 7/1/99)		
1998 Request: 1 Information Specialist I & II, 3 AOC Secretaries, 2 Microfilm Clerks, 1 Trial Judges' Research Associate		
1998 Legislative Authorization - Funding Not Provided		
RECURRING COSTS:	**$491,157**	**$496,639**
NON-RECURRING COSTS:	**$65,515**	**$0**
SUBTOTAL:	**$556,672**	**$496,639**
NO. OF POSITIONS:	**11.00**	**11.00**
M. District Attorney's Support Staff		
62 Victim-Witness/Legal Assistants - Effective 7/1/99		
62 Victim-Witness/Legal Assistants - Effective 7/1/00		
Positions: 392 Staff, consisting of 39 Administrative Assistants and 353 Victim-Witness/Legal Assistants. Also assisted by 25 DA Investigators.		
1998 Request: No Positions Requested		
1998 Legislative Authorization		
2 DA Investigator positions effective 12/1/98		
RECURRING COSTS:	**$2,307,826**	**$4,652,232**
NON-RECURRING COSTS:	**$335,420**	**$338,768**
SUBTOTAL:	**$2,643,246**	**$4,991,000**
NO. OF POSITIONS:	**62.00**	**124.00**
RECURRING TOTALS:	***$5,911,620***	***$8,361,169***
NON-RECURRING TOTALS:	***$784,911***	***$345,202***
CORE-FUNCTION PERSONNEL SUBTOTALS:	***$6,696,531.00***	***$8,706,371.00***
NUMBER OF PERSONNEL	***151.00***	***214.00***

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
II. ONGOING DEPARTMENT OPERATING REQUIREMENTS		
A. Increase in the Daily Rate for Emergency Judges in the Appellate and Trial Court Divisions from $200 to $400 a Day		
1998 Legislative Authorization Statutory Change G.S. 7A-39(b) & 7A-52 effective 10/30/98 allowing increase of $200 to $300 per day from funds available		
RECURRING COSTS:	**$556,490**	**$556,490**
NON-RECURRING COSTS:	**$0**	**$0**
SUBTOTAL:	**$556,490**	**$556,490**
B. Shortfalls within the Department's Budget **(Court Reporter Expenses $45,621)** **(Postage $57,590)** **(Sentencing Commission Program Lease (Rent) $31,260)**		
1998 Legislative Authorization - Funding Not Provided		
RECURRING COSTS:	**$134,471**	**$134,471**
NON-RECURRING COSTS:	**$0**	**$0**
SUBTOTAL:	**$134,471**	**$134,471**
RECURRING TOTALS:	***$690,961***	***$690,961***
NON-RECURRING TOTALS:	***$0***	***$0***
OPERATING REQUIREMENTS SUBTOTALS:	***$690,961***	***$690,961***

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

	DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
III.	IMPROVE COURT DEFENSE SERVICES		

A. New Public Defender Support Staff

4 Public Defender Investigators (Eff. 7/1/99)
Districts: 3A, 14, 15B, 26
9 Public Defender Legal Assistants (Eff. 7/1/99)
Districts: 3A, 12 (2), 14, 18 (2), 26 (2), 1 Undesignated

Positions: 71 Staff, consisting of 27 PD Investigators and 44 Legal & Administrative Assistants to support 127 PDs and APDs.
Ratio: Public Defenders to Support Staff Ratio: 1.79:1

1998 Request: 5 PD Investigators, 5 PD Paralegals, 1 PD Administrative Assistant II, 10 PD Legal Assistants
1998 Legislative Authorization
3 PD Investigators & 3 PD Legal Assistants effective 12/1/98
PD Investigators: 16B, 27A, 28; PD Legal Assistants: 12, 15B, 16A

RECURRING COSTS:	$508,241	$515,061
NON-RECURRING COSTS:	$66,764	$
SUBTOTAL:	$575,005	$515,061
NO. OF POSITIONS:	13.00	13.00

B. New Assistant Public Defenders
(Via Transfer of $829,125 in 1999-00 and $783,310 in 2000-01 from Indigent Defense Fund)

11 Assistant Public Defenders (Eff. 7/1/99)
Districts: 3A, 12, 14, 16B, 18 (3), 26 (2), 27A, 1 Undesignated

Positions: 116 APDs & 11 PDs
Ratio: Public Defenders to Staff Ratio: 1.79:1

1998 Request: 7 APDs
1998 Legislative Authorization
4 Assistant Public Defenders effective 12/1/98
Districts: 3A, 14, 18, 26

RECURRING COSTS:	Transfer	Transfer
NON-RECURRING COSTS:	Transfer	Transfer
SUBTOTAL:	$0	$0
NO. OF POSITIONS:	11.00	11.00

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
RECURRING TOTALS:	*$508,241*	*$515,061*
NON-RECURRING TOTALS:	*$66,764*	*$0*
DEFENSE SERVICES SUBTOTALS:	*$575,005.00*	*$515,061.00*
NUMBER OF PERSONNEL	*24.00*	*24.00*

IV. ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

A. Expansion of Court-Ordered Arbitration Program

5 30-Hour (3.75 FTE) Arbitration Coordinators
Expansion into 10 Superior Court Judicial Districts

1999-00 Districts: 2, 4A, 4B, 7A, 7B, 9, 11A, 11B, 19A, 23
(2 additional Districts are Undetermined)

Positions: 15.50 Staff Members
Program Established in 1986 and is Funded in 36 Superior Court Districts.

1998 Request: 7 (30-Hr) Coordinators & Expansion into final 12 Districts
1998 Legislative Authorization
2 (30-Hr) Coordinators and Upgrade 3 (20-Hr)
Coordinators to (30-Hr)

RECURRING COSTS:	$353,699	$444,295
NON-RECURRING COSTS:	$24,665	$0
SUBTOTAL:	$378,364	$444,295
NO. OF POSITIONS (FTE):	3.75	3.75

THE NORTH CAROLINA JUDICIAL BRANCH

1999 SESSION EXPANSION BUDGET

1999-01 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
B. Statewide Expansion of Custody Mediation Programs		
Expansion into 11 Districts to Complete Statewide Implementation		
1999-00 Districts: 7, 18, 23, 29, 30		
2000-01 Districts: 1, 2, 3B, 16B, 22, 24		
Program Expansion through 6/1/99: 28 Districts		
Program Established in 1983		
Positions: 24.10 Staff Members, consisting of 1 TCC, 18.85 Custody Mediators & 4.25 Secretaries		
1998 Request: 1 Program Administrator, Statewide Expansion		
1998 Legislative Authorization		
2 (40-Hr) Mediators; District 20 and AOC, effective 12/1/98		
2 (30-Hr) Mediators; District 8 and 13, effective 12/1/98		
RECURRING COSTS:	**$377,000**	**$666,000**
NON-RECURRING COSTS:	**$0**	**$0**
SUBTOTAL:	**$377,000**	**$666,000**
NO. OF POSITIONS:	**0.00**	**0.00**
RECURRING TOTALS:	***$730,699***	***$1,110,295***
NON-RECURRING TOTALS:	***$24,665***	***$0***
ADR PROGRAM SUBTOTALS:	***$755,364.00***	***$1,110,295.00***
NUMBER OF PERSONNEL	***3.75***	***3.75***

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
V. EXPANSION OF THE COMMUNITY PENALTIES PROGRAM		

A. Community Penalties Program Expansion

1 Applications Analyst Programmer (Eff. 7/1/99)

Positions: 30 Staff Members

1998 Request: 1 CPC Accounting Specialist
1998 Legislative Authorization
1 Accounting Specialist effective 12/1/99
$109,139 for Program Expansion

RECURRING COSTS:	$471,418	$483,915
NON-RECURRING COSTS:	$7,068	$0
SUBTOTAL:	$478,486	$483,915
NO. OF POSITIONS:	1.00	1.00

RECURRING TOTALS:	*$471,418*	*$483,915*
NON-RECURRING TOTALS:	*$7,068*	*$0*
ADR PROGRAM SUBTOTALS:	*$478,486.00*	*$483,915.00*
NUMBER OF PERSONNEL	*1.00*	*1.00*

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

	DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
VI.	REAUTHORIZATION OR IMPLEMENTATION OF PILOT PROGRAM OPERATIONS		

A. Reauthorization & Expansion of the N.C. Drug Treatment Court Program
1 Drug Treatment Court Coordinator - 26th District (Eff. 7/1/99)
Funds to continue and expand existing programs and expand into 5th District

Program began in 1995

1998 Request: 1 Program Administrator, 1 Coordinator (District 26)
1998 Legislative Authorization
Positions: Program Administrator *(Recurring Funds)* & Program Coordinator (District 26 - *Non-recurring Funds*)
Continue: Mecklenburg, Wake, Person/Caswell, Warren & Forsyth.
Expand: Mecklenburg, Vance & Wake. Add: Durham.

RECURRING COSTS:	$1,689,500	$1,689,500
NON-RECURRING COSTS:	$0	$0
SUBTOTAL:	$1,689,500	$1,689,500
NO. OF POSITIONS:	1.00	1.0

B. Civil Case Calendaring in the District Court
3 District Court Judicial Assistants (Eff. 7/1/99)
To continue program in Districts 13, 18, 30

1998 Request: 3 Judicial Assistants, Continuation of Program
1998 Legislative Authorization
3 Judicial Assistant II effective 7/1/98 from *Non-Recurring Funds*
to continue program in Districts 13, 18 & 30

RECURRING COSTS:	$111,393	$111,582
NON-RECURRING COSTS:	$0	$0
SUBTOTAL:	$111,393	$111,582
NO. OF POSITIONS:	3.00	3.00

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
C. Reauthorization of the Bad Check Pilot Program		
Funds to continue program in Districts 10, 14, 17A and Expand into Bladen County in District 13		
4 D.A.'s Legal Assistants (Eff. 7/1/99)		
2 D.A. Investigators (Eff. 7/1/99)		
1 D.A. Investigator *(New)* (Eff. 7/1/99)		
2 Half-Time D.A. Investigators (Eff. 7/1/99)		
1998 Request: 3 DA Legal Assistants, 1 DA Investigator, 2 (20-Hr) Investigators		
1998 Legislative Authorization		
Continue: Columbus, Durham & Rockingham. Add: Wake.		
Positions effective 12/1/98 from *Non-Recurring Funds*		
RECURRING COSTS:	**$294,283**	**$294,931**
NON-RECURRING COSTS:	**$1,855**	**$0**
SUBTOTAL:	**$296,138**	**$294,931**
NO. OF POSITIONS (FTE):	**8.00**	**8.00**
D. Capital Case Pilot Program		
2 Capital Assistant Public Defenders (Eff. 7/1/99)		
1 Capital Assistant Public Defender *(New)* (Eff. 1/1/00)		
1 Capital Public Defender Investigator (Eff. 7/1/99)		
(Via Transfer of $358,103 in 1999-00 and $396,845 in 2000-01 from Indigent Defense Fund)		
1998 Request: 3 APDs, 1 PD Investigator, 1 PD Legal Assistant		
1998 Legislative Authorization		
2 Assistant PDs, 1 PD Investigator & 1 PD Legal Assistant effective 12/1/98 via transfer of $180,040 from Indigent Fund		
RECURRING COSTS:	**Transfer**	**Transfer**
NON-RECURRING COSTS:	**Transfer**	**Transfer**
SUBTOTAL:	**$0**	**$0**
NO. OF POSITIONS:	**4.00**	**4.00**

THE NORTH CAROLINA JUDICIAL BRANCH
1999 SESSION EXPANSION BUDGET
1999-01 NON-TECHNOLOGY EXPANSION REQUESTS
EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
E. District Court Mediated Settlement Pilot Program		
1 Secretary (Eff. 7/1/99)		
1998 Request: Funding for Program Inserted By Legislature		
1998 Legislative Authorization		
1 Secretary effective 12/1/98 & Funds to establish program		
in District Court from *Non-Recurring Funds*		
RECURRING COSTS:	**$45,142**	**$45,380**
NON-RECURRING COSTS:	**$0**	**$0**
SUBTOTAL:	**$45,142**	**$45,380**
NO. OF POSITIONS:	**1.00**	**1.00**
RECURRING TOTALS:	***$2,140,318***	***$2,141,393***
NON-RECURRING TOTALS:	***$1,855***	***$0***
PILOT PROGRAM SUBTOTAL:	***$2,142,173***	***$2,141,393***
NUMBER OF PERSONNEL (FTE)	***17.00***	***17.0***

VII. ***1998-99 CAPITAL IMPROVEMENT REQUEST***
THE NORTH CAROLINA JUSTICE BUILDING

The Planning and Design of Improvements to North Carolina

CAPITAL IMPROVEMENT REQUIREMENTS:	**$250,000**	**$250,000**
SUBTOTAL:	**$250,000**	**$250,000**
PLANNING & DESIGN REQUIREMENTS:	***$250,000***	***$250,000***
JUSTICE BUILDING DESIGN SUBTOTAL:	***$250,000.00***	***$250,000.00***

THE NORTH CAROLINA JUDICIAL BRANCH

1999 SESSION EXPANSION BUDGET

1999-01 NON-TECHNOLOGY EXPANSION REQUESTS

EXECUTIVE SUMMARY

DESCRIPTION	1999-00 TOTALS	2000-01 TOTALS
TOTAL NON-TECHNOLOGY REQUEST		
TOTAL RECURRING:	$10,453,257	$13,302,794
TOTAL NON-RECURRING:	$885,263	$345,202
CAPITAL IMPROVEMENT REQUIREMENTS:	$250,000	$250,000
TOTAL NON-TECHNOLOGY :	$11,588,520	$13,897,996
NUMBER OF POSITIONS	196.75	259.75

NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE COURTS

SUMMARY OF PROGRAMS AND PROJECTS

October 1998

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Pilot Drug Treatment Courts ..... Page 19
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District Attorney/Public Defender
Case Management System ..... Page 21
Map (District Attorney Offices) ..... Page 22
Map (Public Defender Offices) ..... Page 23

Magistrate Segment of the Criminal Tracking System (CTS) ..... Page 24
Map ..... Page 25

NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE COURTS

courtroom programs

PROGRAM
Civil Case Calendaring

DESCRIPTION
Chapter 443, Section 18.23 of the 1997 Session Laws established three pilot programs to provide management staff to assist the District Court Judges "in reducing the backlog of civil court cases and in resolving new cases more quickly." The pilot sites are Judicial Districts 13, 18, and 30. These pilots became effective on January 1, 1997, although the staff person in the 30th district was unable to start in this position until late March of that year.

The Chief District Court Judges in these three districts believe that this additional staff has been effective in meeting their goals of reducing civil case backlogs and moving civil cases more expeditiously. However, they are still working toward fulfillment of these goals and would like to retain these positions, on a permanent basis, to continue their improvements in civil case management. Based on the success of these pilot efforts, other Chief District Court Judges would like to obtain similar staffing assistance.

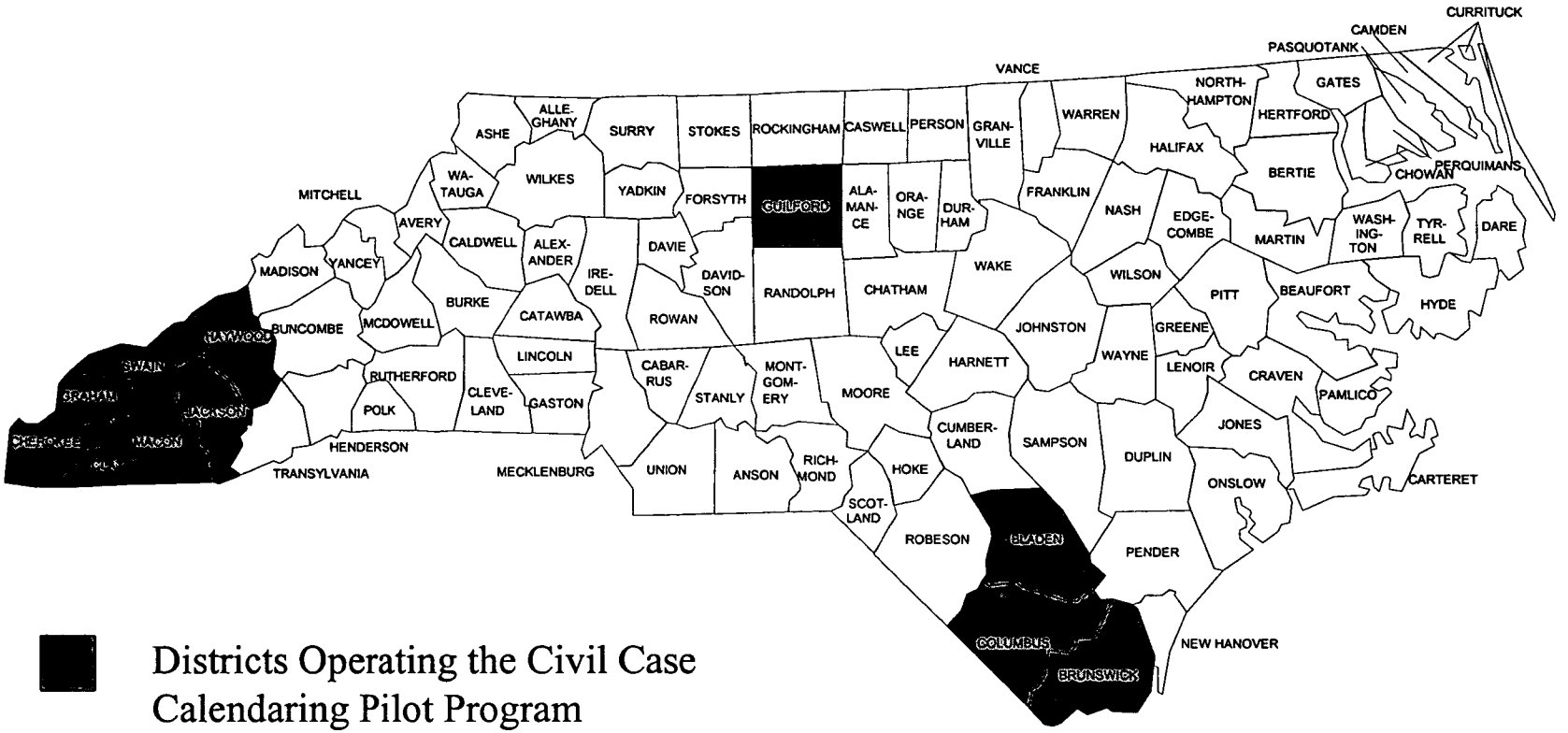
STATUS

Pilot:	Effective January 1, 1997
Pilot Districts:	District 13 (Bladen, Brunswick and Columbus Counties) District 18 (Guilford County) District 30 (Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties)

Administrative Office of the Courts

Civil Case Calendaring Pilot Program

October 1998



Districts Operating the Civil Case Calendaring Pilot Program (Districts 13, 18 and 30)

NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE COURTS

courtroom programs

PROGRAM
CourtFlow

DESCRIPTION

CourtFlow is a Personal Computer (PC) based automated disposition system used in Criminal Superior Court. Case information from the Superior Court Calendar is downloaded to a database on the PC. The clerk will enter the disposition information into CourtFlow. Once this has been done, the clerk will select the appropriate form which is then pre-filled with the downloaded information and the judgment information. The clerk then marks the appropriate boxes and enters any miscellaneous data, not captured on the criminal system. The judgement data is then uploaded and transmitted to the Criminal System by the clerk.

This system is helpful to the judge because the judgment is entered immediately in the courtroom where it can be signed. The compilation of pending and closed cases is a valuable feature of the system. The district attorney's office can view the judgment the next day and will avoid scheduling cases that have already been disposed.

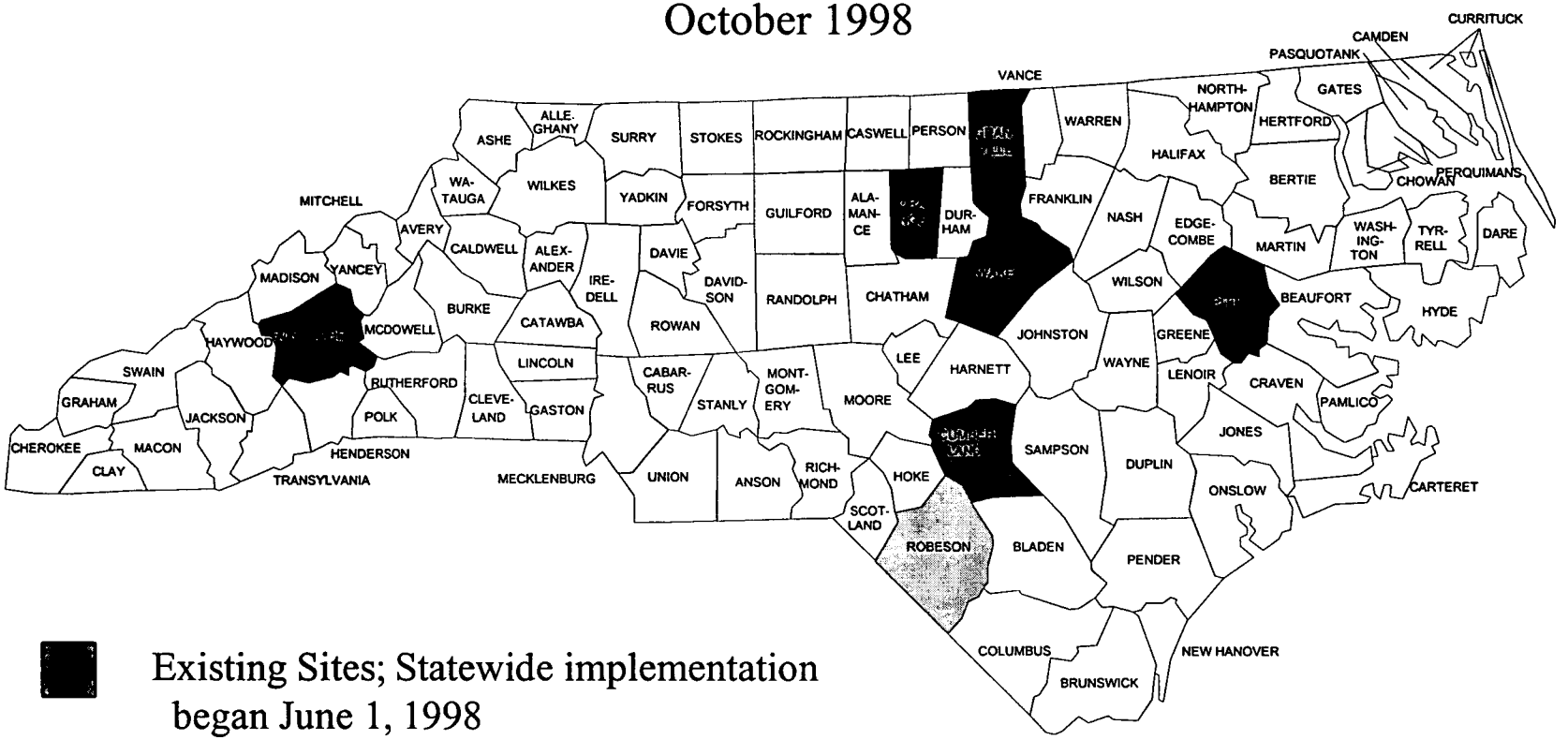
STATUS

Existing Sites:	Cumberland County Wake County Orange County Buncombe County Granville County Pitt County
Expansion Site:	Robeson County

In late January 1999, implementation of five to six counties per month will begin until all counties are implemented on CourtFlow.

The Administrative Office of the Courts

CourtFlow
Superior Courtroom Automation
October 1998



Existing Sites; Statewide implementation began June 1, 1998

Expansion Site

NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE COURTS

courtroom programs

PROGRAM
Court Security

DESCRIPTION
The AOC received grant funds from the Governor's Crime Commission to develop standards for court security in North Carolina. The project completed a survey of court security systems statewide, and on-site evaluations of court security systems in five counties. Based on finding from those phases, and assistance of an expert consultant, the guidelines have been developed by an advisory committee of court, county, and law enforcement representatives.

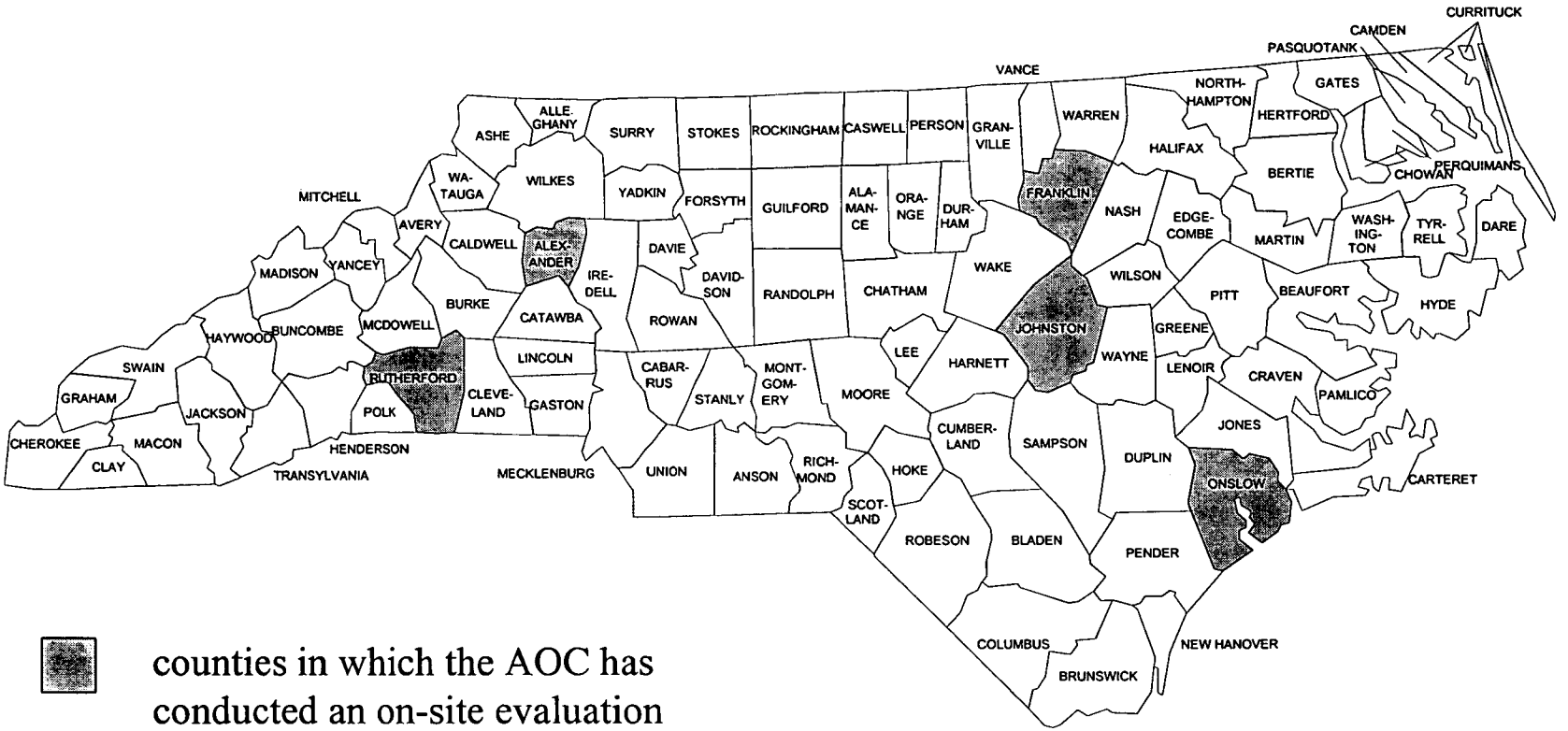
STATUS
Statewide survey completed;

Site visits completed to Johnston, Onslow, Franklin, Alexander and Rutherford counties. Confidential reports on these site visits have been distributed to the counties; and
Final Report of courthouse security guidelines to be distributed statewide around October 1, 1998.

Administrative Office of the Courts

Court Security Study

October 1998



counties in which the AOC has conducted an on-site evaluation

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. The 1997 General Assembly made those two programs permanent and authorized expansion into eight additional districts, which are in various stages of implementation. As implemented in the two original jurisdictions, one week per month 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 CDM program believe that the system results in timely dispositions; logical procedures that keep all parties well-informed about their cases; reliable pleas; more realistic and reliable trial calendars; and less in-court wait time for victims, witnesses, law enforcement officers, and defense attorneys.

The AOC April 1998 report describes the status of CDM implementation in the eight additional districts, but largely focuses on the CDM programs in the two original jurisdictions. The report describes the CDM sessions in each district, presents the time standards that have been adopted and identifies the goals of CDM in the two districts. The general conclusion is that CDM continues to be a promising approach to enhance management of the criminal docket. Further, there is substantial support of and confidence in the CDM approach in the two districts. Similar results and conclusions are now reported in seven of the eight expansion districts: 5 (New Hanover and Pender), 14 (Durham), 15A (Alamance), 26 (Mecklenburg), 27A (Gaston), 27B (Cleveland and Lincoln), and 9 (Franklin, Granville, Vance, and Warren). No report has been received from 29 (Rutherford, McDowell, Polk, Henderson, and Transylvania).

Finally, the April 1998 report recommends that in lieu of further expansion at this time, the AOC should follow the progress of the newly authorized programs, and gauge the degree of interest in the CDM approach on the part of the remaining districts. Thus, the recommendation is that expansion of the CDM program should be deferred, at least until the 1999 legislative session.

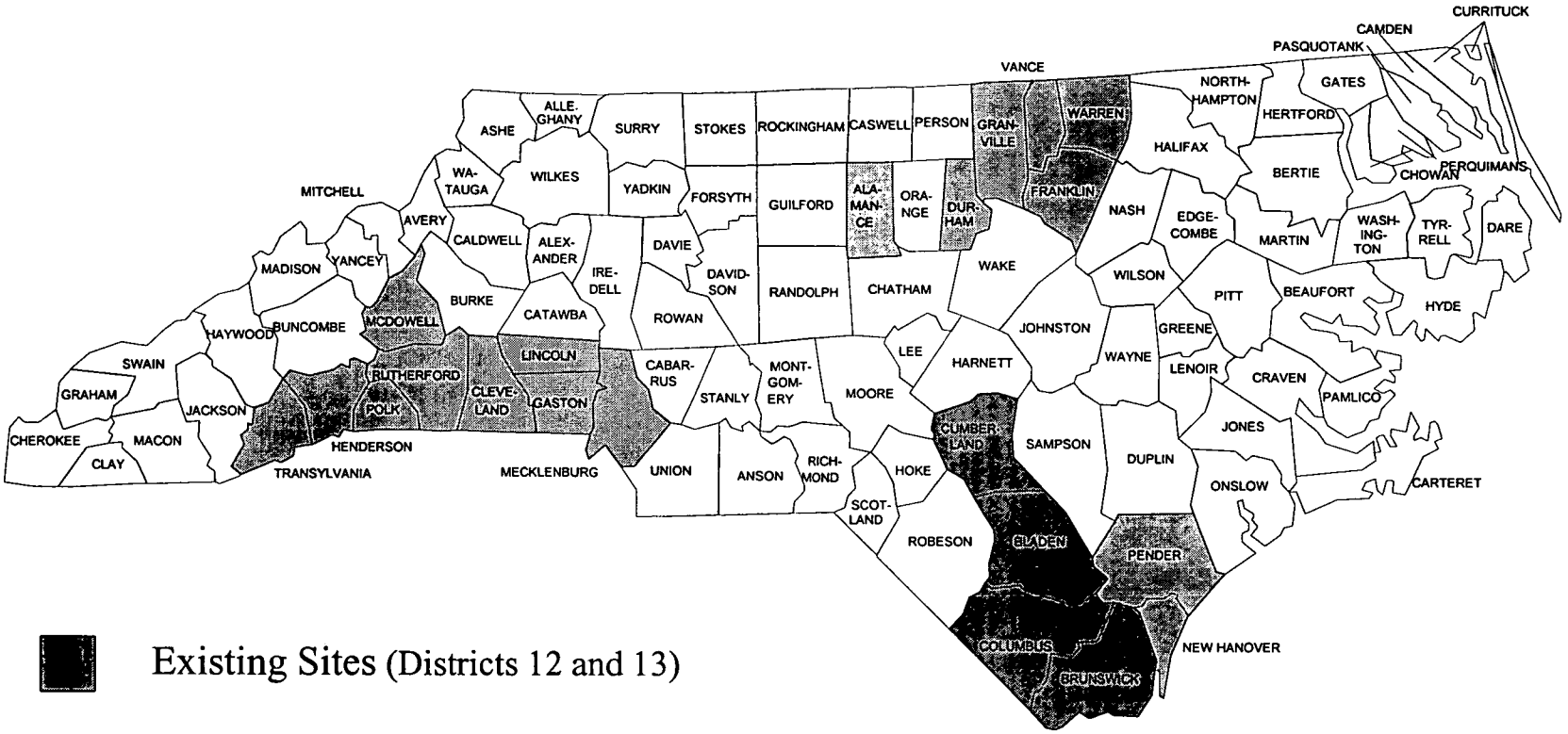
STATUS

Original Sites:	
	District 12 (Cumberland County) District 13 (Bladen, Brunswick, and Columbus Counties)
Pilot Period:	July 1, 1995 - June 30, 1997
Report Submitted:	May 1996 (in May 1996, the AOC presented the report to the House Appropriations Subcommittee on Justice and Public Safety). FY 1997-1999 Budget provided funding to make the 2 criminal case docket management pilot programs in District 12 and 13 permanent, effective July 1, 1997; and, to expand the program into 8 additional districts in October 1997.
Expansion Sites:	Districts 5, New Hanover and Pender Counties; 15A, Alamance County; 26, Mecklenburg County; 27A, Gaston County; and 27B, Cleveland and Lincoln Counties (Allocations made November 1997). District 14, Durham County (Allocation made December 1997). District 29, Henderson, McDowell, Polk, Rutherford, and Transylvania Counties (Allocation made March 1998). District 9, Franklin, Granville, Vance, and Warren Counties (Allocation made April 1998.)
Report Submitted:	April 1998 (in April 1998, copies of the report were submitted to the House and Senate Appropriations Subcommittees on Justice and Public Safety and to the Senate and House Appropriations Committees).

Administrative Office of the Courts

Criminal Docket Management Program

October 1998



Existing Sites (Districts 12 and 13)

FY 1997-1998 Expansion Sites
(Districts 5, 9, 14, 15A, 26, 27A, 27B and 29)

NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE COURTS

courtroom programs

PROGRAM

District Court Indigent Defense Fee Schedule Pilot Project

DESCRIPTION

The AOC conducted 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 found that, subject to the need for periodic review to ensure fair and adequate compensation levels a fee schedule made the administration of indigent defense funds for district court more efficient and predictable -- including prompt payment to defense counsel. The AOC pilot evaluation report, which was distributed to district court judges statewide, recommended statewide implementation. The AOC is considering requesting introduction of legislation that would give the AOC authority to promulgate a fee schedule for district court, subject to the approval of the Conference of Chief District Court Judges. It is anticipated that the short session of this year's General Assembly will request a comprehensive study of indigent defense programs, and that the AOC's recommendations regarding a fee schedule will be considered in that study and reported to the 1999 long session.

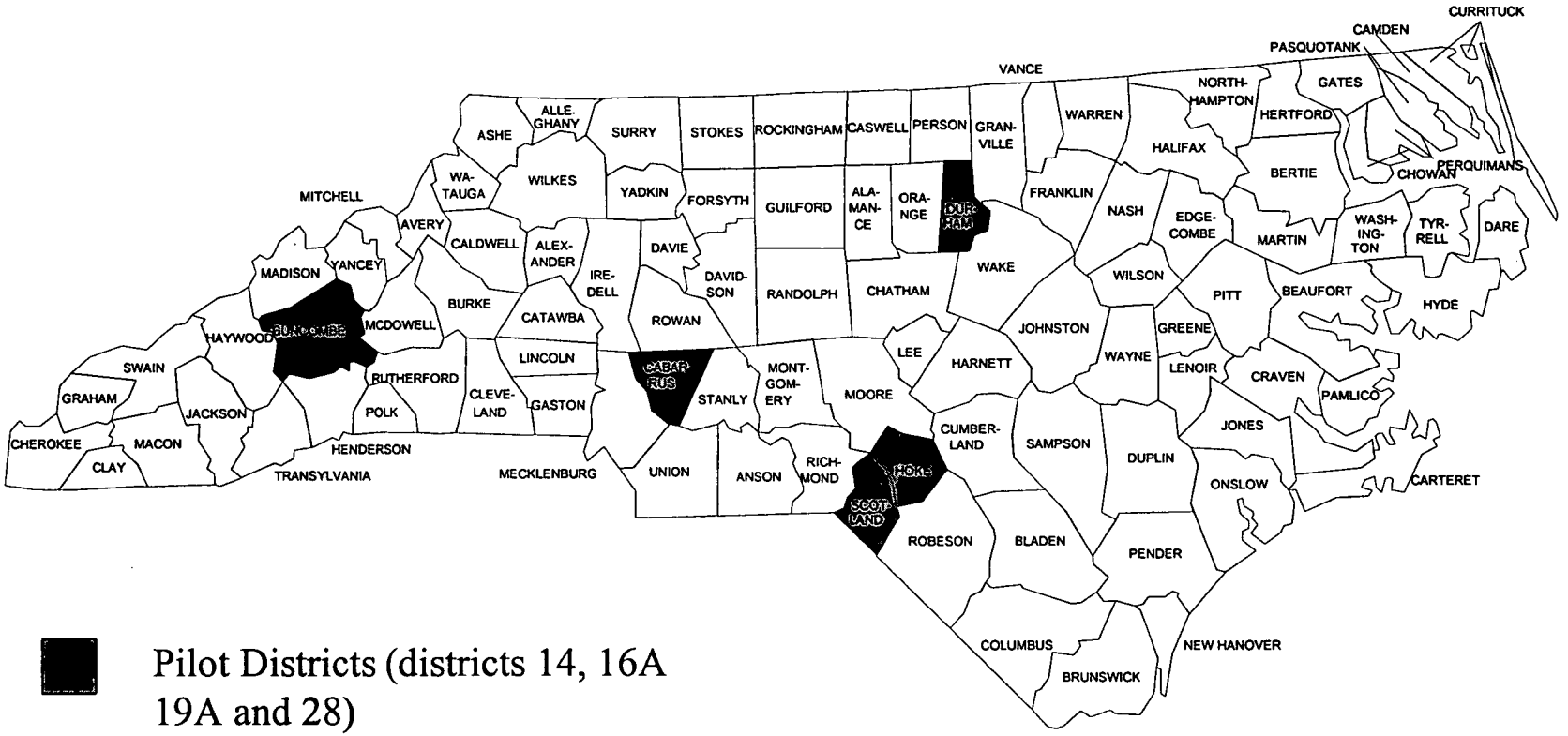
STATUS

Pilot Districts:	District 14 (Durham County) District 16A (Hoke and Scotland Counties) District 19A (Cabarrus County) District 28 (Buncombe County)
Pilot Period:	September 1, 1995 - February 28,1997
Report completed:	Report completed and distributed to judges and attorneys statewide, October 1997.
Statewide:	Implementing legislation being considered.

Administrative Office of the Courts

District Court Indigent Defense
Fee Schedule Pilot Project

Pilot Period: 1 September 1995 to 28 February 1997



Pilot Districts (districts 14, 16A 19A and 28)

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: Statewide coverage

Plans Presented to the Court for June-August 1998-99:	400
Plans Accepted by the Court for June-August 1998-99:	314

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.

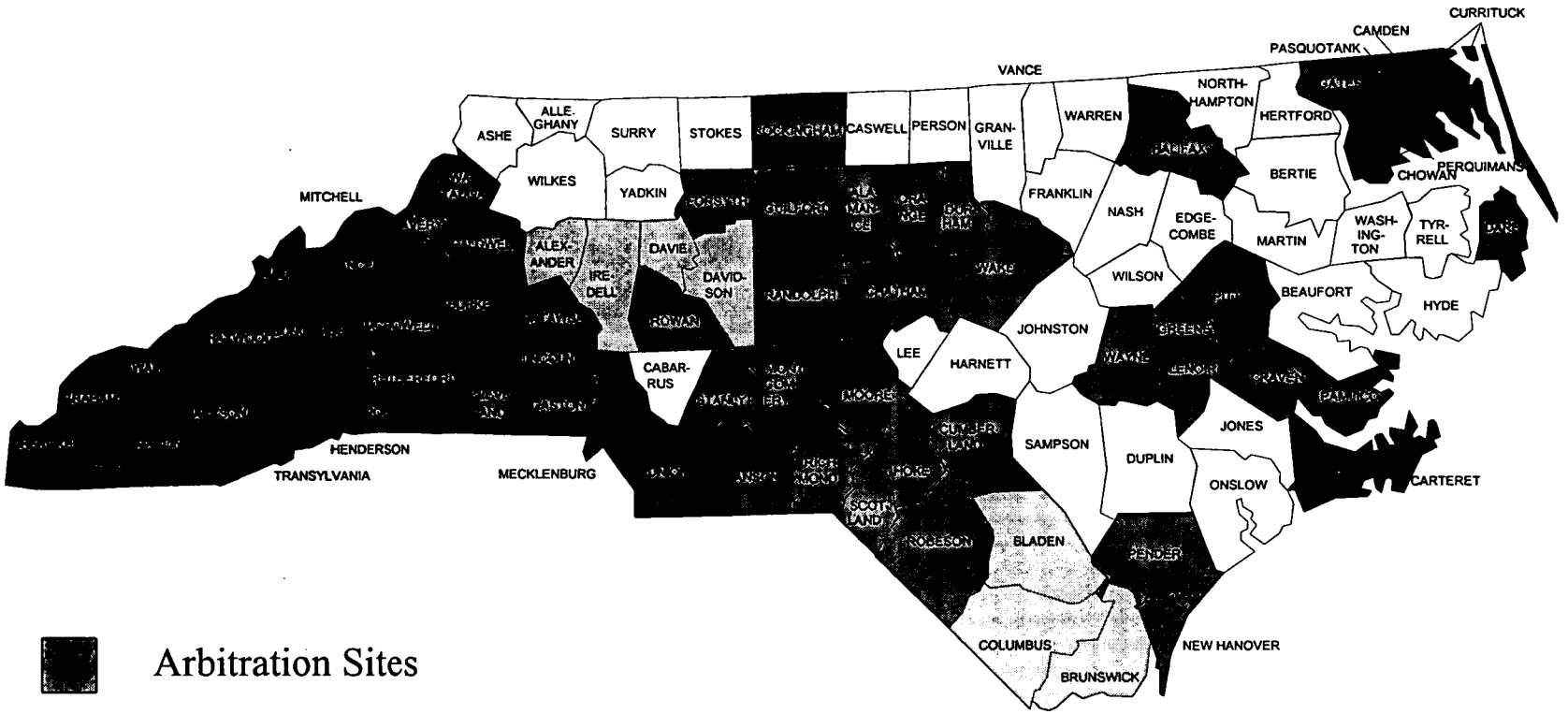
STATUS

As of October 1998, arbitration operates in 31 superior court districts, covering 62 counties. Currently, 70% of the arbitrators' awards become final court judgments. Of the 30% of cases that are referred for trial de novo, most (70%) are dismissed before the trial date. Funding was provided in the 1998-99 expansion budget to establish programs in District 13 (Bladen, Brunswick and Columbus counties)and District 22 (Alexander, Davidson, Davie and Iredell counties).

Administrative Office of the Courts

Arbitration Sites

October 1998



Arbitration Sites

Expansion Sites

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 relation's 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.

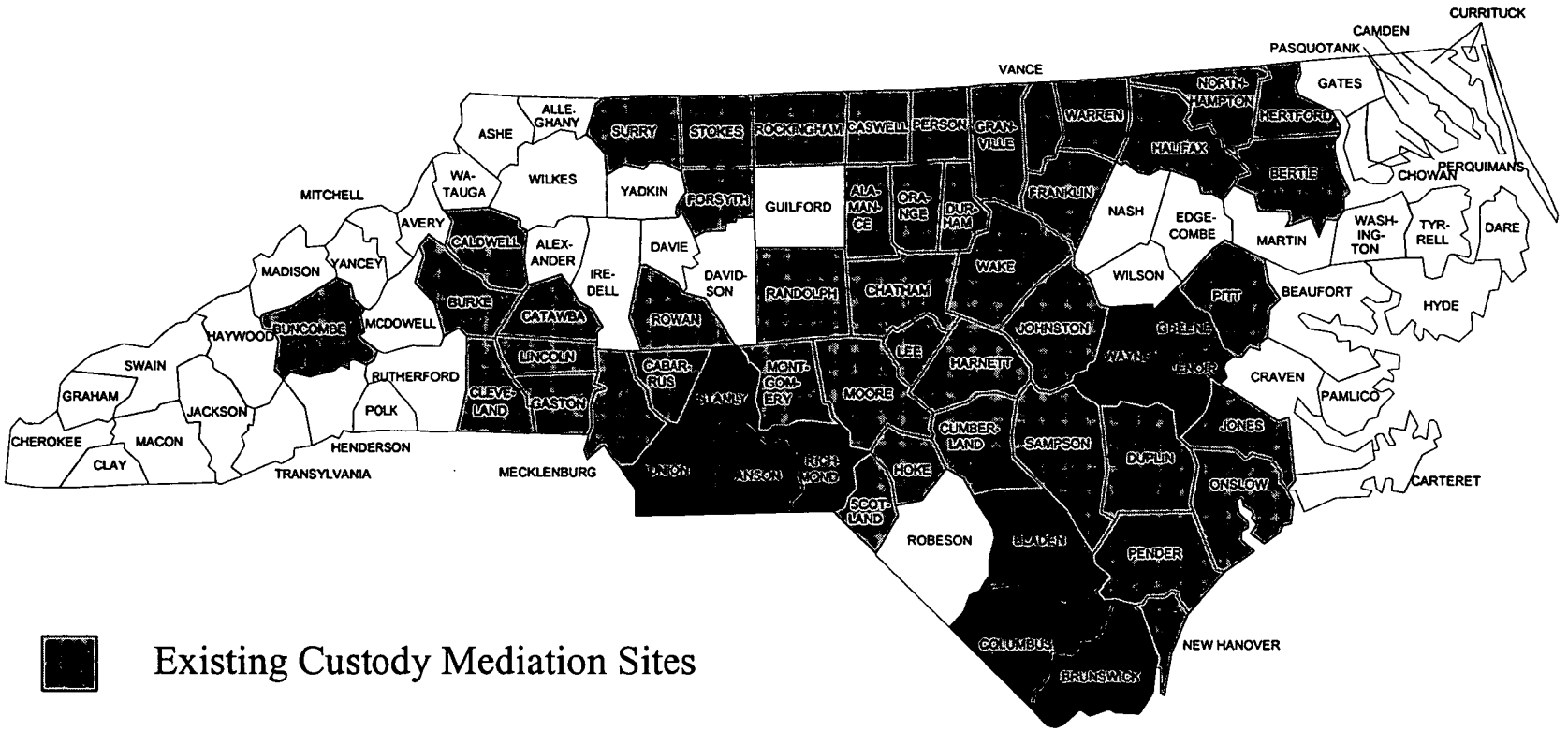
STATUS

As of October 1998, the custody mediation program is operational in 25 district court districts (45 counties). Funding was provided in the 1998-99 expansion budget, and work is ongoing to establish programs in up to 3 additional districts (10 counties). Currently, there is a 50-60% rate of resolution (signed parental agreements), which is equivalent to the national rate of success.

Administrative Office of the Courts

Custody and Visitation Mediation Program

October 1998



Existing Custody Mediation Sites

Custody Mediation Expansion Sites

NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE COURTS

alternatives to court

PROGRAM
Teen Court Program

DESCRIPTION

Teen Court Programs serve as an alternative to juvenile court or as a resource for junior and senior high school students in selected judicial districts. Cases may be heard for juveniles who allegedly commit an offense within the jurisdiction of the juvenile court. A law enforcement officer, a juvenile court intake counselor, or the court may refer a juvenile to the teen court. (The district attorney also makes referrals to teen court in some existing teen court programs.) Other cases may involve handling problems that developed at school but that have not been turned over to juvenile authorities.

All non-offender participants are volunteers who undergo training or instruction prior to serving. Attorneys and district court judges volunteer to serve as teen court judges. Volunteers also serve as adult bailiffs and monitors. All other participants, including the prosecutor, the defense attorney, the jurors, the court clerk, and the student bailiff, are peers of the juvenile offender.

The offender is sworn in, tells what happened, and responds to questions by the prosecuting attorney and the defense attorney. Other witnesses may be called to the stand and questioned. At the conclusion of the presentation of evidence, the attorneys make closing arguments and sentencing recommendations to the jury, which generally comprises four to eight members. Since the offender admits guilt, the jury's duty is to agree unanimously to a constructive sentence. If the offender does not complete the sentence rendered by the jury, this fact is reported to the referral source, who takes whatever action deemed appropriate.

STATUS

Area Served: As of September 30, 1998, AOC-sponsored teen court programs were funded in Brunswick/Columbus, Buncombe, Cabarrus, Cumberland, Durham, Forsyth, Orange, Rockingham, and Wake Counties.

Sentences Imposed in 1997-98: 609

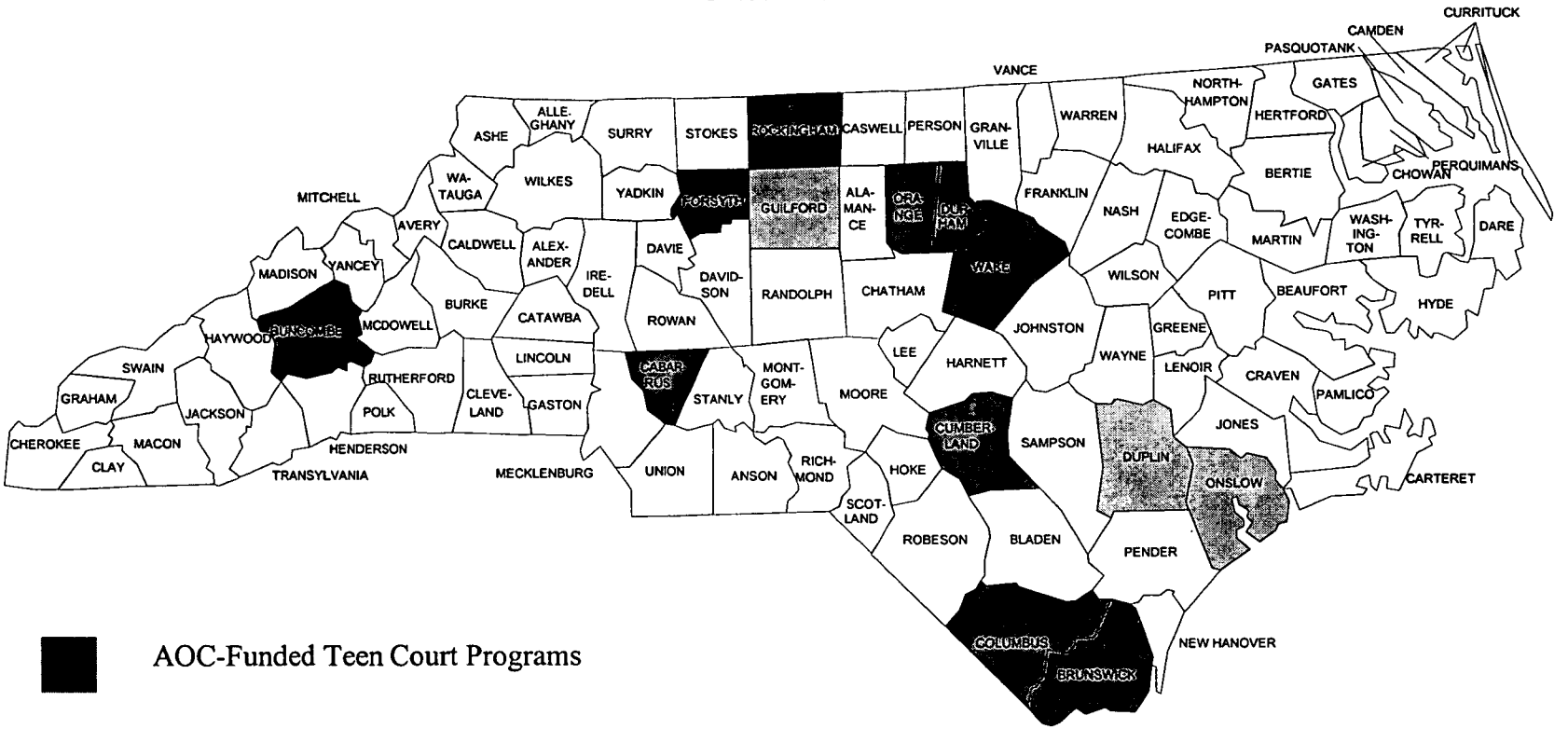
Sentences Completed in 1997-98 420

Program Expansion: The 1998 General Assembly appropriated non-recurring funds to the Administrative Office of the Courts for new programs in Duplin, Onslow and Guilford counties.

Administrative Office of the Courts

Teen Court Program

October 1998



AOC-Funded Teen Court Programs

Expansion Sites

NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE COURTS

alternatives to court

PROGRAM
Pilot Drug Treatment Courts

DESCRIPTION
Drug treatment courts are an innovative court-based intervention wherein the judge, prosecutor, defense attorney, probation officer, community policing officer and treatment case manager (i.e., "the drug treatment court team") collaborate in a non-adversarial fashion to help ensure that chemically dependent offenders are: (1) given the appropriate resources to address their treatment needs, and (2) held rigorously accountable for their behavior while in the program. The Drug Treatment Court Program operated as a pilot program from 1995-June 30, 1998. In 1998, the General Assembly removed the pilot language (NCGS 7A-790, *et seq.)* and authorized expansion beyond the original five sites. The ongoing drug treatment court evaluation tracks participants enrolled in the programs as of January 1, 1997. Program numbers between January 1, 1997 and October 31, 1998 are shown in the table below:

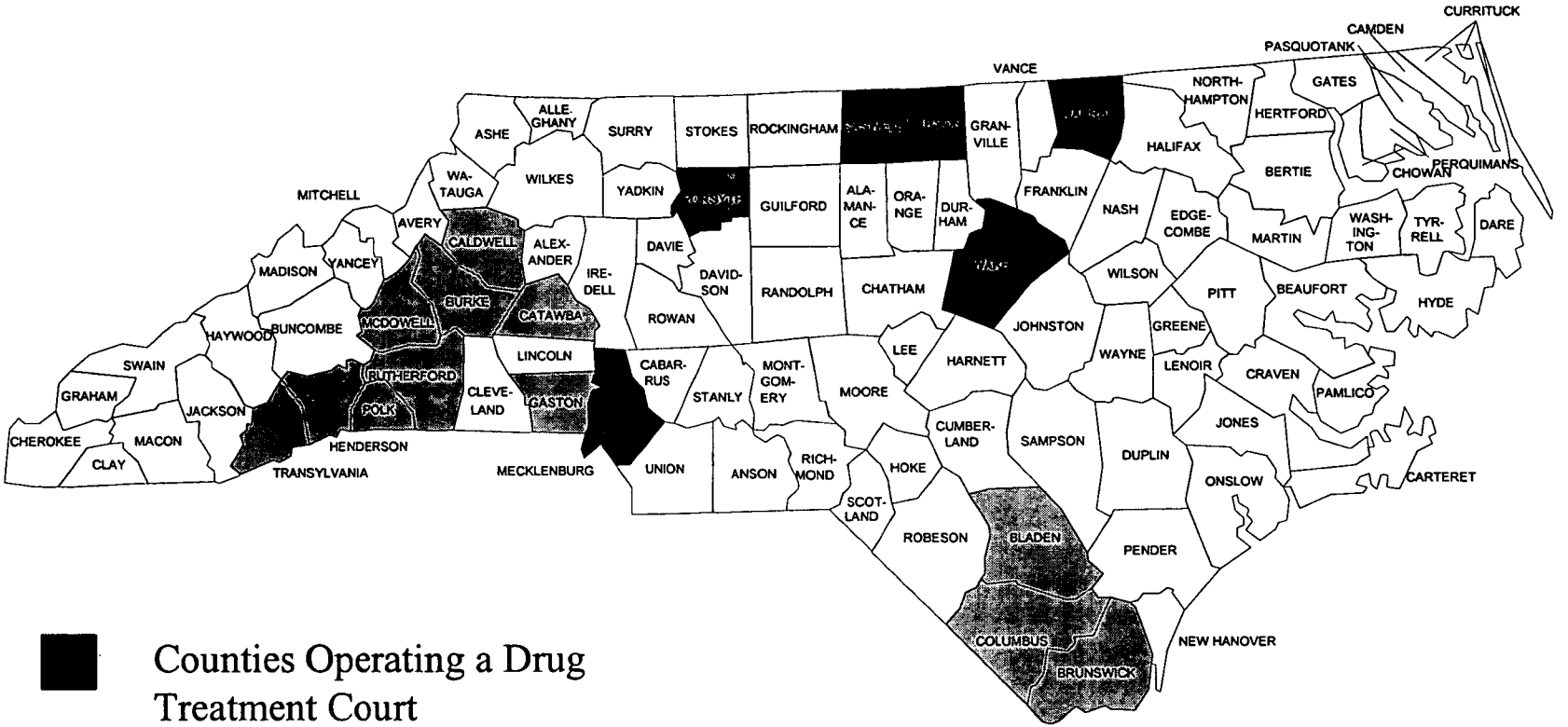
Drug Treatment Court Program	Type of Program/ Court Level	Program Implementation Date	# Admitted in 1998 (from 1/1/98 to 10/31/98)	Total # Served since 1/1/97	Retention Rate (% of participants who have graduated or remain active as of 10/31/98)*
District 9A—Person/Caswell	Pre-plea/ District Court	July 1, 1996	12	47	66%
District 10---Wake	Post-sentence/ Superior Court	May 24, 1996	39	102	44%
District 10---Wake Juvenile**	Post-adjudication/ District Court	October 30, 1998	6	6	N/A (new program)
District 21---Forsyth	Pre-plea/ District Court	June 14, 1996	28	78	47%
District 26---Mecklenburg	Pre-plea/ District Court	March 27, 1996	67	264	43%
District 26---Mecklenburg	Post-sentence/ Superior Court	July 10, 1998	33	33	N/A (new program)
District 9-----Warren	Post-sentence/ District & Superior Courts	December 5, 1996	7	23	48%

* The "Retention Rate" is calculated by adding the # of program graduates since 1/1/97 to the # of participants still active as of 10/31/98, and dividing by the total # served since 1/1/97.
** The Wake Juvenile Drug Treatment Court is funded through June 2000 by the Governor's Crime Commission.

STATUS
Pilot Period: October 1, 1995 - June 30, 1998.
Evaluation Report: Submitted to the Legislature on May 1, 1998.
Effective June 30, 1998, the General Assembly removed the pilot status and revised the enabling legislation, granting the program a more permanent stature. Legislative authorization was given to expand programs in Mecklenburg and Wake Counties and implement new programs in Durham and Vance Counties. Funds were also designated to plan for new programs in Judicial Districts 13, 25, 27A, and 29.
Next Legislative Report: Due March 1, 1999.

Administrative Office of the Courts

Drug Treatment Court Program
October 1998



Counties Operating a Drug Treatment Court

Expansion Sites

technological innovations

PROGRAM
District Attorney/Public Defender Case Management System (CMS)

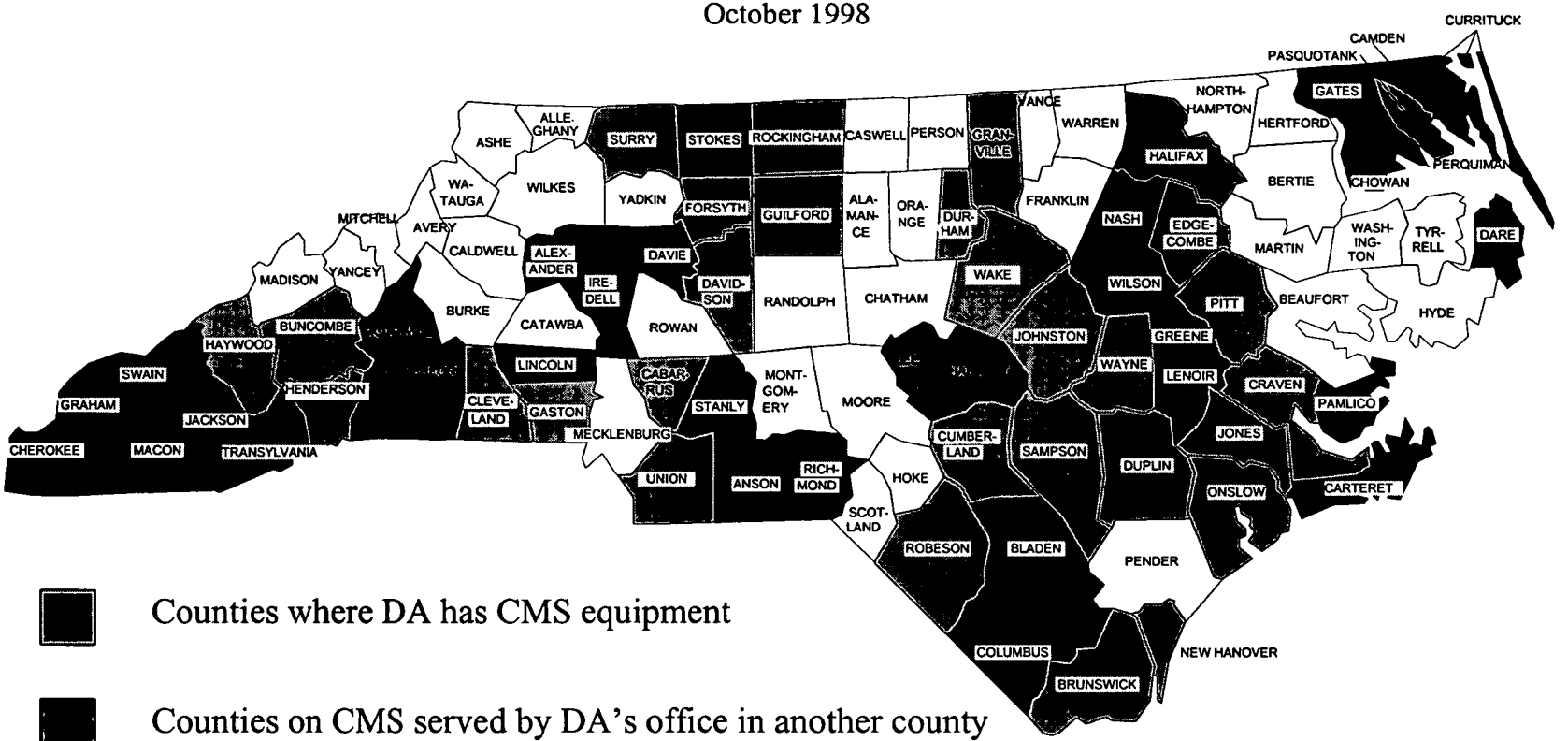
DESCRIPTION
This prosecutor and public defender oriented automated system provides local case management and office support. It is designed to support scheduling and management of attorney resources within an office, capture of individualized case notes, and tracking/scheduling of action-oriented events and decision points relevant to prosecution or defense of each case. To take advantage of data already entered by Clerk staff, needed data is 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:	Began in August 1994: 6 sites (5 Prosecutorial and 1 Public Defender sites). Funded by Governor's Crime Commission grant.
Current Sites:	See maps for sites with equipment and future sites.

The Administrative Office of the Courts

District Attorney/Public Defender
Case Management System (CMS):
District Attorney Offices on CMS
October 1998

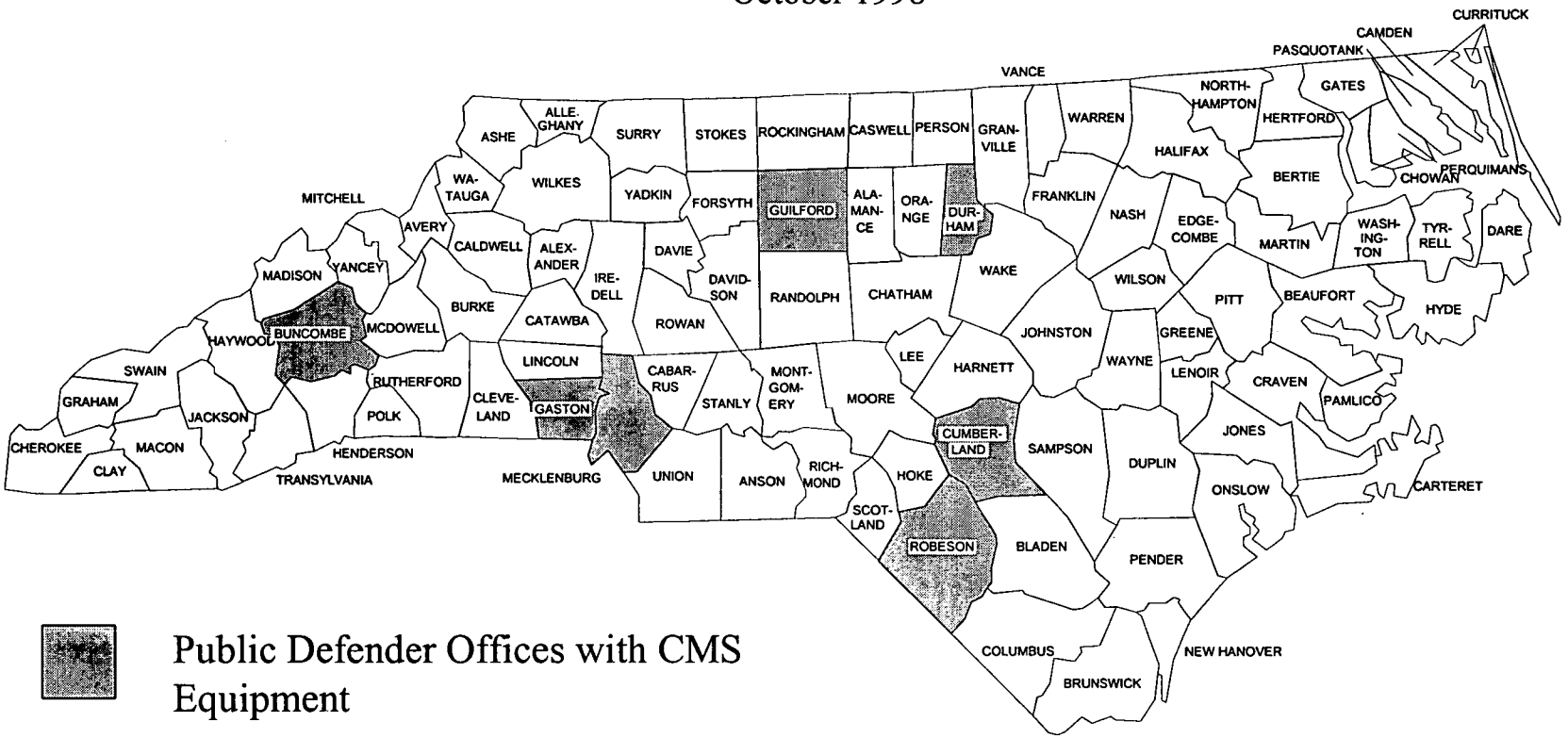


Counties where DA has CMS equipment

Counties on CMS served by DA's office in another county
(No CMS equipment located in these counties).

The Administrative Office of the Courts

District Attorney/Public Defender
Case Management System (CMS):
Public Defender Offices on CMS
October 1998



Public Defender Offices with CMS Equipment

technological innovations

PROGRAM
Magistrate Segment of the Criminal Tracking System (CTS)

DESCRIPTION

The Criminal Tracking System (CTS) automates the work of magistrates by managing warrants and other arrest information. The magistrate segment of CTS is a major milestone in developing a statewide criminal justice information network and automates the processing and handling of criminal cases at their point of entering the court system. After a court case number is assigned, the information passes automatically to the Criminal Information System (CIS). This eliminates data entry in the Clerk's office.

The Criminal Tracking System shares information with the existing Court Information System, the system now used by clerks, judges, district attorneys, and public defenders. The Criminal Tracking System promotes efficiency in the courts by eliminating repetitive data entry and enabling communication of information between court officials and with other agencies.

The Criminal Justice Information Network is a partnership between our state's Administrative Office of the Courts, Department of Justice, Department of Correction, and Department of Crime, Control & Public Safety/State Highway Patrol.

The North Carolina Courts' Criminal Tracking System has been made possible through Federal and State Appropriations. To date, the North Carolina General Assembly has provided $2,000,000, and the Federal Government has provided $4,396,702. *

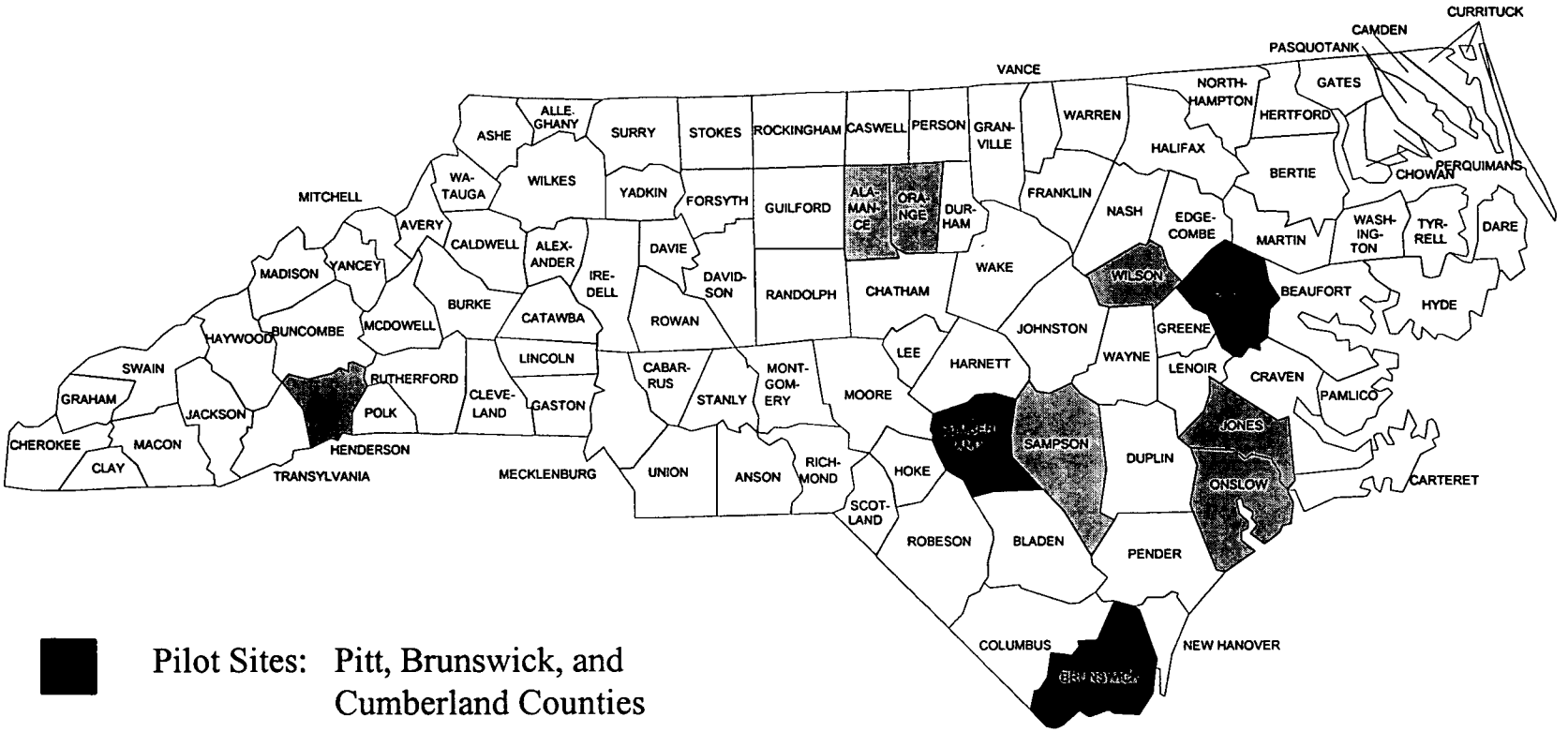
STATUS

Pilot Sites:	Pitt, Brunswick, and Cumberland Counties
Expansion Sites:	Wilson and Henderson counties will "go live" in early December 1998. In February of 1999, five more counties will be implemented (Alamance, Orange, Sampson, Onslow and Jones).

* New Federal Government funding was approved at the end of October – details in next report.

Administrative Office of the Courts

Criminal Tracking System/Magistrate Segment
October 1998



Pilot Sites: Pitt, Brunswick, and Cumberland Counties

Expansion Sites

VISITOR REGISTRATION SHEET

Justice and Public Safety — 4-20-99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	OJJ
Kenneth Johnson	P.O. Box 25953 Raleigh, NC 27611
Doc Hoggard	NC DOJ T+S
Martin Stanford	NC Justice Academy
E. Spivey	A.G. Office
Denise A. Sessoms	DOJ
Ellen Humphrey	OSJM
[illegible]	NCHA
Chris Martin	AOC
Jeanne Bonds	AOC
A.A. Adams	Victim Advocate

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	N.C. [illegible]
Susan Rabon	DOJ
Jim Coman	SBI - DOJ
Ron Hawley	SBI - DOJ
Melissa Lovell	DOJ
Peg Dorn	Conference of D.A.'s
Scott Bandy	Mediation Network of NC
Anne Winner	NCAOCR
[illegible]	CJPC
Ray Bare	DAs
G Arnold	AOC

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Keysha Redd	Senate Intern

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES	4/21														
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair	✓														
Rep. Thomas, Vice Chair	✓														
Rep. Clary	✓														
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan	A														
Sen. Frank Ballance	A														
Sen. Tony Rand	A														
Sen. John Carrington	✓														
Sen. Don East	✓														
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio	✓														
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday, April 21, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper, Presiding
Representative Paul McCrary
Representative Ted Kinney

II. PRESENTATIONS

Expansion Budget Review – State Agencies with Juvenile Justice Programs

Juvenile Justice Information System Plan (JNET) and Expansion Budget Request – Department of Justice

Ron Hawley, Director
Division of Criminal Information

Harold Rogerson, Project Director
Office of Juvenile Justice

Expansion Budget Request – Communities in Schools Program (Department of Public Instruction)

Michael Stephens, Director of Operations

Expansion Budget Request – Center for the Prevention of School Violence (UNC System)

Dr. Pamela Riley, Director

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE & PUBLIC SAFETY

APRIL 21, 1999

MINUTES

HOUSE MEMBERS PRESENT: [11] Representatives Culpepper, Kinney, McCrary, Clary, Dedmon, Haire, Horn, Justus, Kiser, Sexton and Thomas

Senate Members Present: [2] Senators Carrington and East

The Joint Appropriations Subcommittee on Justice and Public Safety met on Wednesday April 21 at 8:30 a.m. Representative Culpepper, presiding, called the meeting to order and introduced the pages. Jim Mills was recognized for opening comments. Today's presentations cover expansion budget review and requests. Ron Hawley, Director of the Division of Criminal Information, was introduced to give a presentation on the Juvenile Justice Information System Plan and Expansion Budget Request. To begin, Mr. Hawley gave an overview of the Criminal Justice Information Network (CJIN) (See attachment A), Juvenile Network (J-NET) (Attachment B), and the Criminal Justice Information Network Governing Board Report (Attachment C).

Senator East asked what mobile 'voice' is.

Mr. Hawley explained that it is one infrastructure, one voice system that each agency in the state can use to communicate with the others.

Representative Kiser suspects that richer counties will benefit from this system while the poorer counties will be left out.

Mr. Hawley acknowledged that this has been true in the past, but the purpose of CJIN and J-NET is to eliminate that problem.

Representative Kiser asked if the agency is able to pick up prior adjudication records of juveniles when compiling J-NET.

Mr. Hawley said that it is difficult because there is very little automation in the juvenile "world". There may be some areas where some of that data can be retrieved, but acquiring all or most of that information would be too labor intensive and cost prohibitive.

Representative Kiser asked if disparity would exist between areas that have the prior records and those that do not, in treatment of juveniles.

Mr. Hawley admitted that it would; however the General Assembly could probably dictate the process to start from the first day forward.

Mr. Hawley turned the presentation over to Harold Rogerson, Project Director of the Office of Juvenile Justice, to continue the presentation.

Representative Kiser asked if a uniform needs sheet has been developed.

Mr. Rogerson said that such would be necessary and will be developed.

Representative Haire asked what causes a juvenile to first be entered into the system.

Mr. Rogerson answered that currently the original point of contact for the court counselor system is at intake. In the future, system input will occur as a law enforcement officer makes an incident report. Mr. George Sweat, Director of the Office of Juvenile Justice, added that waiting until the juvenile gets to court to be entered into the system is not prudent. Law Enforcement has the option of exactly when the juvenile is entered. At the time the system is integrated, information can be entered from DSS.

Representative Kiser asked if the information will be entered into NCIC.

Mr. Hawley answered that it will depend on what policy dictates regarding specific information.

Representative Kiser asked if DSS is able to enter information in NCIC.

Mr. Hawley answered no.

Representative Justus asked how the Department would ensure that the same standards of information would come from different areas.

Mr. Hawley hopes that people will participate voluntarily once they see the benefits of the system and how vital their information is to the rest of the State.

Representative Kiser asked how much of the $1,756,000 will be recurring and how much is non-recurring.

Mr. Rogerson said that all of the money is grant money and there are no permanent positions associated with it at this time.

Representative Kiser noted that many times, one-time grant money is requested and later, more money is asked for, to sustain the project.

Jim Mills stated that this grant money is used to buy equipment and contractual services. Later money may be requested for operating costs but the current figures are strictly for the grant.

Representative Kiser stated he believes that a lot of one-time money, especially associated with computers, often leads to more money needed later on.

Jim Mills pointed out that due to the newness of the Department, there is much information that is as yet unavailable. Mr. Sweat reiterated that fact.

Representative Horn asked how confidentiality would be preserved.

Mr. Sweat explained that there is a program in Winston-Salem/Forsyth County called JASON. In this program the School Superintendent, the Head of the Department of Social Services, the Head of Mental Health, the Head of Juvenile Court and the Police Chief all collaborated and signed a confidentiality agreement based on providing information to one another for the sake of public safety. Mr. Sweat wants to mirror that program for the whole State.

Representative Haire interprets this as putting the whole life of every juvenile on record. It seems to him that this process may be "overkill". Because of accessibility, many problems could result.

Representative Culpepper moved on with introducing Michael Stephens, the Director of Operations. Mr. Stephens added that with him, is Ms. Arlene Waters and together they direct "Communities In Schools of North Carolina" (See Attachment D).

Representative Haire asked if the program is predominately school-based.

Mr. Stephens replied that it depends on the needs of the community.

Representative Haire asked how this program differs from SOS and similar programs.

Mr. Stephens answered that this program is more comprehensive and intensive, the whole community is involved.

Dr. Pamela Riley, Director of the Center for the Prevention of School Violence, was introduced to speak for her organization and passed out information (See Attachment E).

Representative Kiser commented that there are people in the school system that need to be removed.

Dr. Riley concurred that alternative school is a plausible solution. Students removed from the typical classroom need to be in a structured learning setting and to be reintegrated into the regular classroom environment in order to be productive citizens.

After Dr. Riley's presentation, the time having expired and there being no further business, the meeting was adjourned for the day.

Paul R. McCrary

Rep. Ted Kinney
(Signed by Rep. McCrary due to the illness of Rep. Kinney)

Eryn Gee

Eryn M. Gee
Committee Assistant

State of North Carolina

Criminal Justice Information Network

Ron Hawley, Assistant Director
NC State Bureau of Investigation
Vice-Chairman, CJIN Governing Board
April 21, 1999

Attachment A

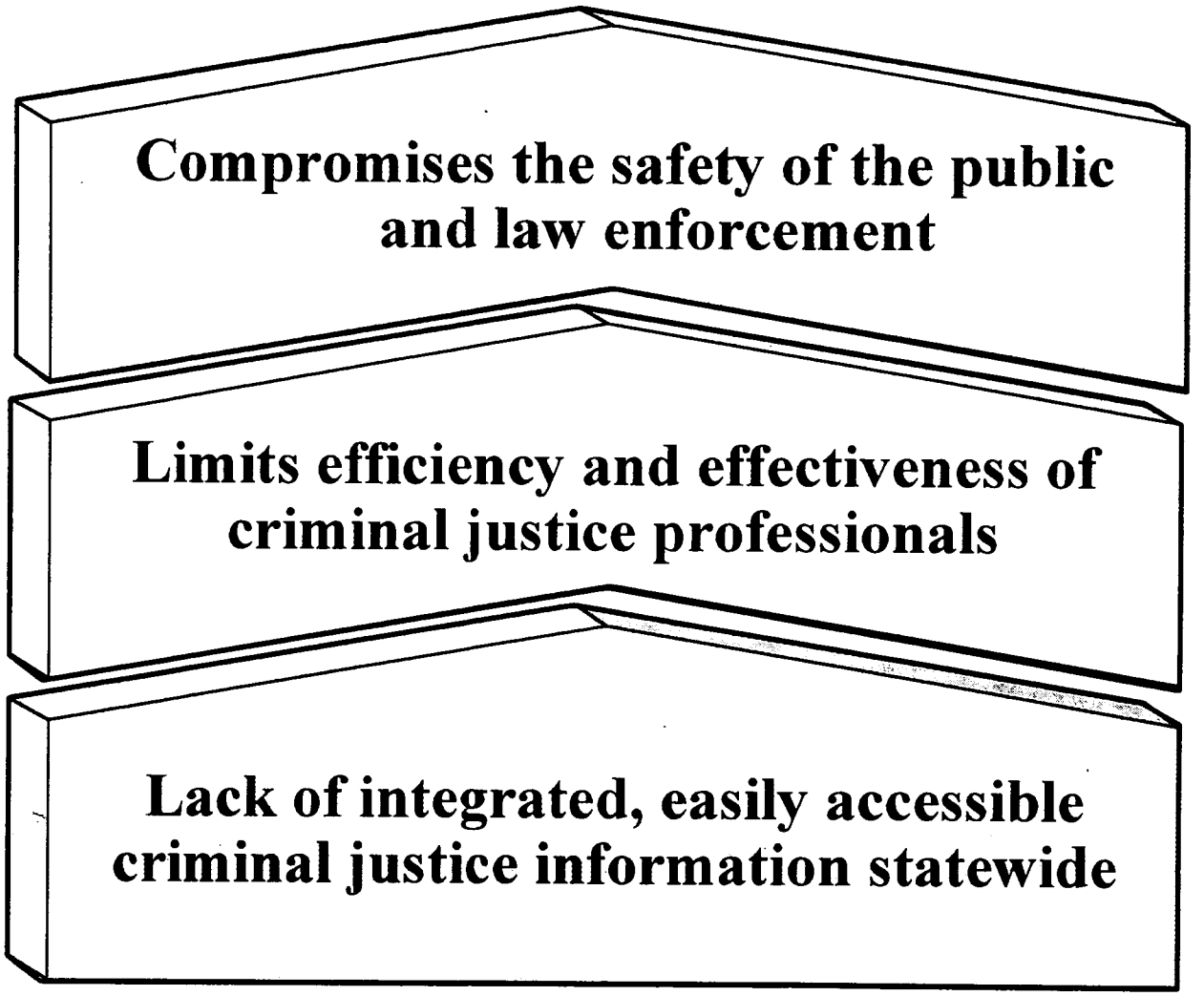
Project Objective

"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."

CJIN Study Approach

- 55 stakeholder interviews
- 6 regional public hearings
- 19 focus groups
- National best practices survey of 49 states
- In-state survey sent to 1,100
- 3 OPEN/net shows

Summary of Findings



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
- ✓ Juvenile Records Automation

What are the first steps?

Implement TCP/IP

CJIN security pilots

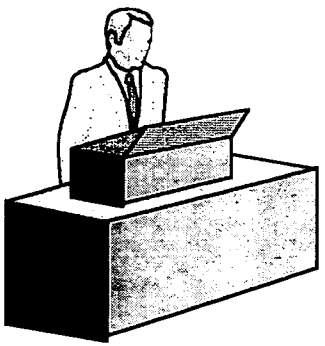
Implement livescan systems

Establish data sharing standards

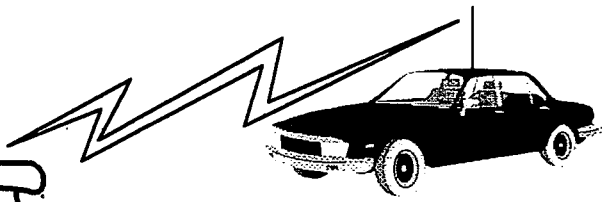
Create CJIN Governance Board through Legislation

What does North Carolina gain?

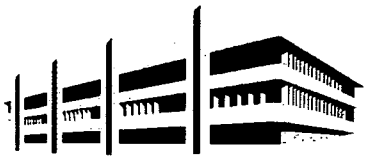
Warrants available immediately



Magistrate

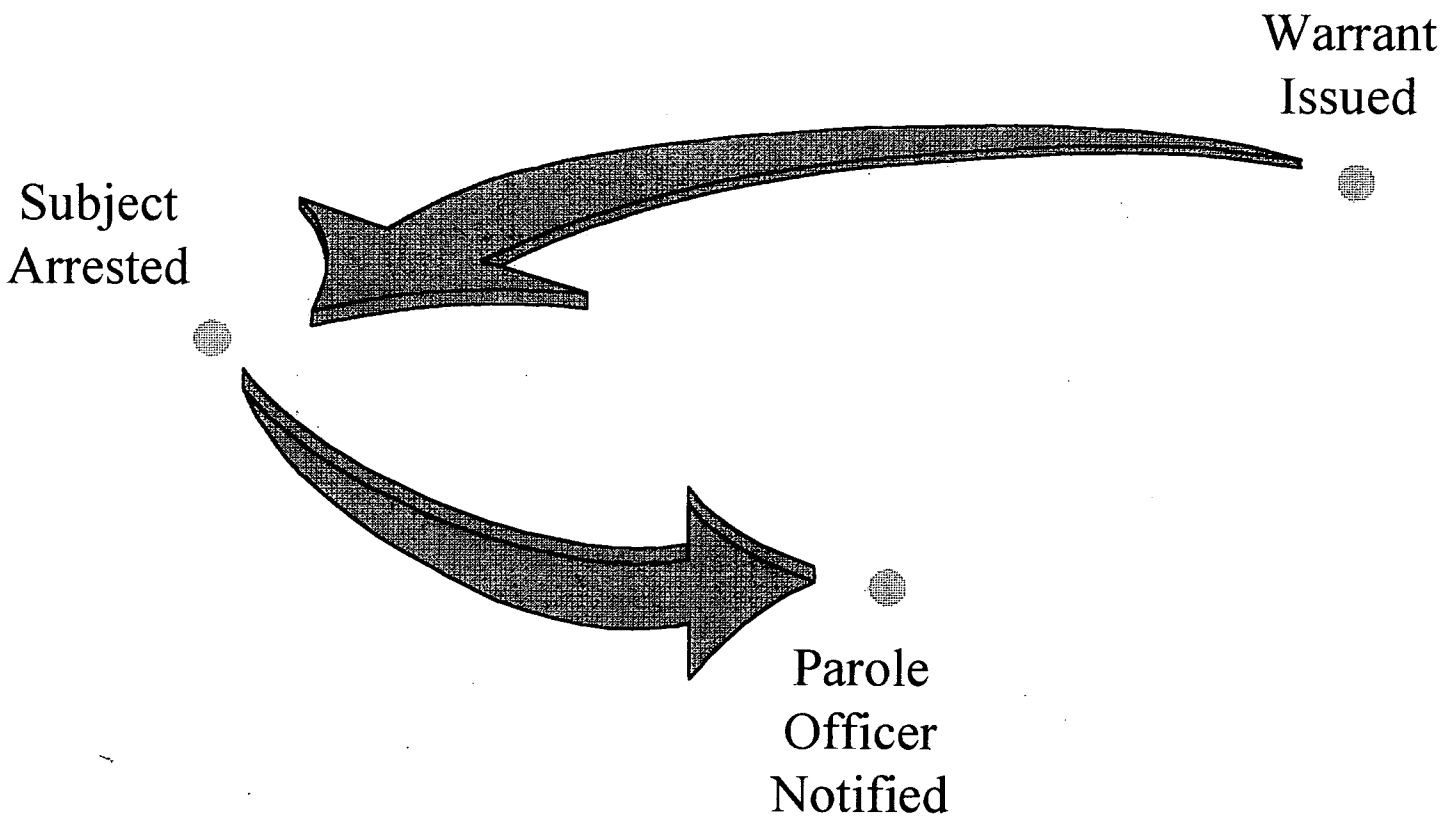


Law Enforcement

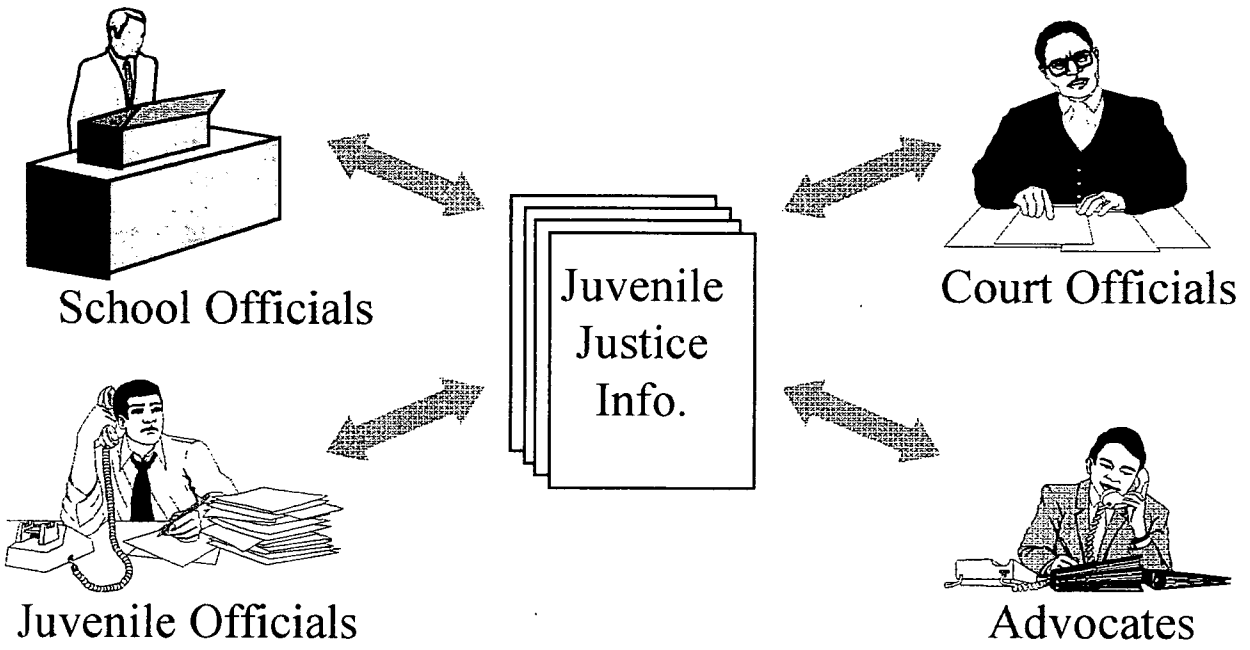


Courts

Interagency Data Sharing



Immediate, easy to access juvenile justice information



JUVENILE NETWORK (J-NET)

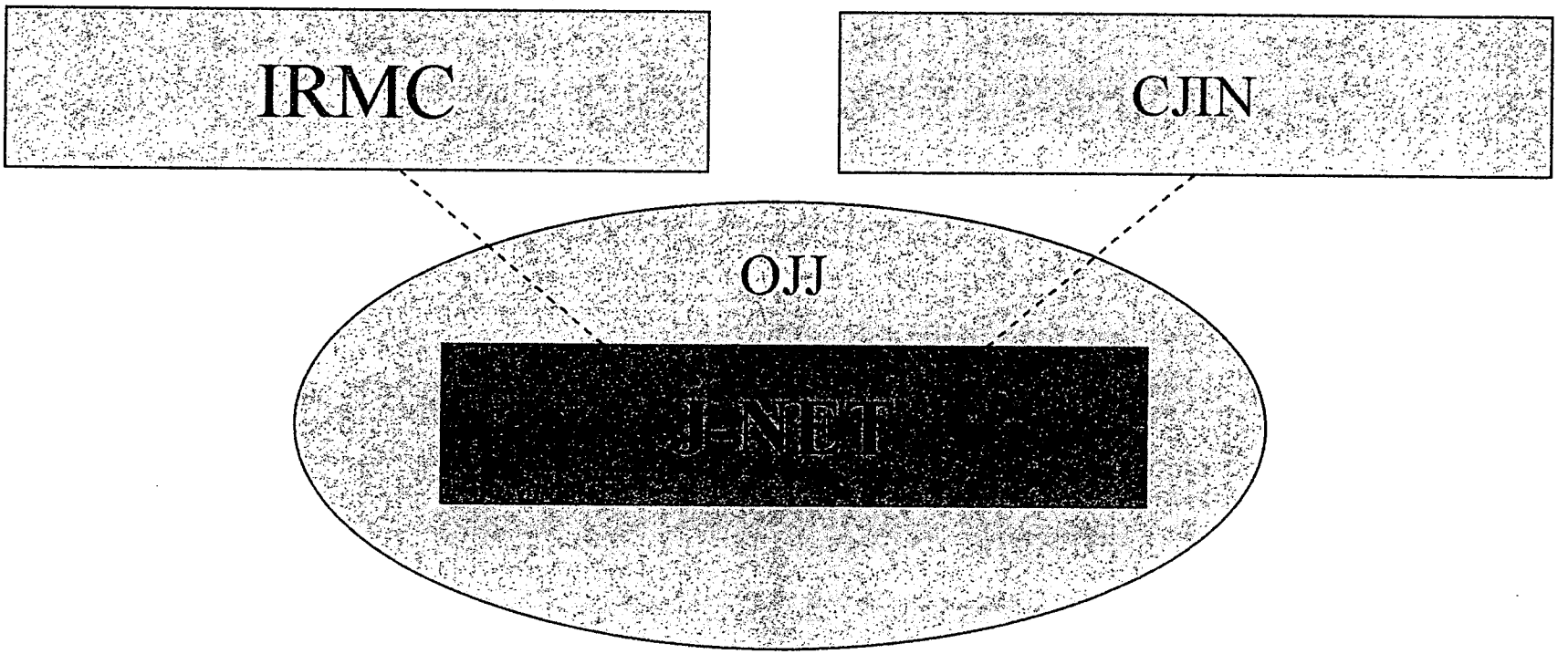
REPORT TO THE SENATE AND HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Attachment B

MISSION

- TO IMPLEMENT A STATEWIDE INFORMATION SYSTEM THAT WILL:
  - Provide Timely, Accurate Information Regarding Juveniles To The Courts, Law Enforcement Officers, And Those Providing Treatment And Other Services For Youth In The Juvenile Justice System
  - Relate Effectively To The Criminal Justice System.

HOW IT WILL BE ACCOMPLISHED- ORGANIZATION



HOW IT WILL BE ACCOMPLISHED
PHASE 1 AND 2 PROJECTIONS

TASK	TIME	COST	OUTCOME
USER NEEDS	8 MONTHS	$1,620,619	DOCUMENT DATA ELEMENTS THAT NEED TO BE COLLECTED: NAME, ADDRESS, OFFENSE...
DESIGN	7 MONTHS	$2,395,201	TECHNICAL DOCUMENT OF HOW SYSTEM WILL BE PROGRAMMED: SCREENS, REPORTS, EVALUATIONS
PROGRAMMING/ TESTING	9 MONTHS	$7,734,482	PROGRAMMING/TESTING/DEBUGGING
TRAINING	5 MONTHS	$ 375,000	TRAINING ALL USERS
ROLLOUT TO COUNTIES	7 MONTHS	$2,840,860	ROLLOUT J-NET TO COUNTIES STATEWIDE
SUPPORT	ONGOING	$2,915,860	MAINTAINING/ENHANCING/UPGRADING/ LINKS TO OTHER SYSTEMS

J-NET BENEFITS

- **Access to Information 24 hours / 7 days**
  - **Immediate notification about violent, suicidal, or runaway youth**
- **Greater Sharing / Interagency Collaboration:**
  - **Eliminate redundant data entries**
  - **Better case planning**
  - **More effective use of personnel**
  - **Greater data integrity**
- **Program Evaluation:**
  - **Determine best use of State resources**

CURRENT FUNDING

- General Assembly Appropriation
  - $120,000 recurring ($210,000 annual)
  - $600,000 nonrecurring
- Governor's Crime Commission
  - $1,756,000 (based on pre-approvals)
    - National Criminal History Improvement Program ($610,000: no match required)
    - Juvenile Accountability Incentive Block Grant ($600,000: $150,000 match required)
    - Drug Control and System Improvement ($400,000: $100,000 match required)
    - Current Governor's Crime Commission Grant ($146,000: match made)

(Total Funding: $2,566,000)

FUTURE FUNDING POSSIBILITIES

- $800,000 Proposed in Governor's Budget
  - If allocated, available July 1999 and July 2000
- $5,000,000 CJIN Federal Request
  - If allocated, available July 2000

ISSUES

- Total Project Cost: $14,966,162
- $1,397,320 is needed to complete design (task 2)
  - with $800,000 in the Governor's Budget, this year, $597,320 is needed
    - Options for $597,320
      - seek additional grant dollars
      - seek additional support from the Office of Juvenile Justice
      - adjust timelines/scope as necessary
- $10,950,342 is needed to finish building J-NET
  - if allocated, future funding only totals 5,800,00
- $2,915,860 is needed to support J-NET annually once built

KEY POINTS

- J-NET builds a system to collect and share juvenile information.
- J-NET conforms to strict standards set out by the General Assembly through CJIN and the IRMC.
- J-NET is flexible to adapt to funding issues.

Criminal Justice Information Network Governing Board Report
to the
The Joint Senate and House Justice and Public Safety Committee,
on
Juvenile Justice Information Systems
April 21, 1999

BACKGROUND:
The topic of juvenile justice has become an extremely important issue for the state particularly as it relates to juvenile delinquency. The Governor's Commission on Juvenile Crime and Justice made recommendations for addressing issues associated with this problem. The Commission's Final Report, dated March 10, 1998, includes numerous recommendations regarding the information system needs of the various programs intended to address juvenile crime.

Prior to the establishment of the Governor's Commission on Juvenile Crime and Justice, the Governor's Crime Commission funded the Juvenile Information Network Planning Project. The mission of the project was to "develop a plan for a statewide information system that will 1) provide timely accurate information regarding juveniles to the courts, law enforcement officers, and those providing treatment and other services for youth in the juvenile justice system; and 2) relate effectively to the criminal justice (adult) system." The Juvenile Information Network Planning Project recommended that initial application development support Court Counselors, Juvenile Clerks Court, and Division of Youth Services Programs. Current estimates of costs for an automated information network that would include delinquent and undisciplined juveniles are $14,966,162. Estimates for maintaining the information network are $3,000,000 annually. Completion of these applications is projected for August 2001. Cost estimates for first year projects are approximately $5,000,000. The juvenile justice information system is referred to as the Juvenile Network (J-NET).

FUNDING:
Currently, the newly created Office of Juvenile Justice (OJJ) is managing the Governor's Crime Commission grant that funded the establishment of the project team that will develop J-NET. The J-NET core group, composed of agency representatives, continues to carry out an advisory and oversight role for the project and is doing the recruiting, screening, and hiring of personnel.

In the last fiscal year, the General Assembly appropriated $120,000 recurring funds to be used for a project coordinator and two business analysts. Interviews are currently being conducted for the J-NET Project Coordinator. This position should be filled within the next thirty days. Job descriptions for the two business analyst positions have been approved by the Office of State Personnel and posted within the last week. Six hundred thousand ($600,000) non-recurring funds appropriated will be used for contractual services and equipment to begin the project. Contracts are being established for one additional business analysts and three systems analysts.

The merger of two divisions of state agencies from different branches of government will ultimately benefit the overall effort. However, the physical merger and the time needed to develop the Office infrastructure has slowed progress in getting the project moving. The

Administrative Office of the Courts and Department of Human Resources have been very supportive of this transition and continue to be committed to the development of the automated information system. The Office has applied for federal funds and is doing initial planning for implementation. The Office has dedicated staff to provide project management.

More detail on funding projections and availability is contained on pages 5-10.

JUVENILE JUSTICE REFORM ACT REQUIREMENTS:

The Juvenile Justice Reform Act, Senate Bill 1260, Section 21 requires the Criminal Justice Information Network (CJIN) Governing Board develop a juvenile justice information plan for creation of the juvenile justice information system. The CJIN Governing Board has requested that the J-NET project complete this plan. This law requires that the plan ensure that the information system will enable the State to evaluate the efficiency and effectiveness of the overall juvenile justice system as well as to monitor and evaluate the progress of individual clients and shall specify certain criteria. The following is a list of the criteria required by law and the plan response to the criteria or the projected completion date.

(1) Scope and purpose of the system; *(to be completed by June 1999, see page 6 for detail)*
(2) Management information that will be collected and tracked; *(to be determined by November 1999, see page 6 for detail)*
(3) General design of the system; *(to be completed by June 2000, see page 6 for detail)*
(4) Estimates of the short- and long-range cost of the system and the potential sources and amounts of federal funding; and *(included in this report, see page 8 and 10)*
(5) Estimated time required to develop the system *(system should be complete Aug 2001, see page 6)*

The plan shall include priorities for system development, implementation, and options, including cost estimates for phasing in components of the system. In developing the plan, the Criminal Justice Information Network Governing Board shall consult with the Information Resources Management Commission on the design and estimated cost of the system. The Board shall also consult with the Sentencing and Policy Advisory Commission and with all agencies likely to be part of or need access to the juvenile justice information system.

System development priorities for J-NET are to build and link automated systems for clerks of juvenile court, court counselors, and training schools/detention centers. Once complete, information links to the adult criminal justice system (law enforcement and the Department of Correction) and to other agencies dealing with juvenile information (Division of Social Services, Department of Public Instruction, and the Division of Mental Health) will be established.

The Information Resource Management Commission approved certification of the J-NET project on April 6, 1999.

The Sentencing and Policy Advisory Commission are active participants of the J-NET project and sit on the group of Stakeholders providing oversight of the project.

The J-NET Core and Stakeholder groups are made up of representatives of agencies likely to be a part of or need access to J-NET.

Pursuant to the juvenile justice information plan, the Criminal Justice Information Network Governing Board shall develop a comprehensive juvenile justice information system. The Board shall develop a system to collect data and information about every juvenile who is alleged to be delinquent from the time a complaint is filed against the juvenile, including:

(1) Fingerprints and photographs taken of the juvenile; *(currently being developed by the SBI's, Division of Criminal Information, proper interfaces will be established with J-NET)*
(2) Diversion agreements or plans entered into by the juvenile; *(will be included in system requirements, see page 6)*
(3) Community services provided to the juvenile and any participation of the juvenile in community-based programs; *(will be included in system requirements, see page 6)*
(4) Court orders or dispositions of the juvenile; and *(will be included in system requirements, see page 6)*
(5) Plans for care or treatment or for post-release supervision prepared by the Office of Juvenile Justice. *(will be included in system requirements, see page 6)*

The system shall allow for information and data on juveniles to be kept in a form to be shared among appropriate agencies to develop treatment and intervention plans based on specific data and to allow reliable assessment and evaluation of the effectiveness of rehabilitative and preventive services provided to delinquent juveniles.

Information will be developed in a manner consistent with state requirements that facilitate sharing between State agencies. Treatment and intervention plans as well as reliable assessment and evaluation of the effectiveness of rehabilitative and preventative services will be included in system requirements (see page 6).

The Criminal Justice Information Network Governing Board shall also study the most appropriate methods and procedures for obtaining, retaining, and releasing fingerprints and photographs of juveniles alleged to be delinquent, including:

(1) How to identify fingerprints and photographs of juveniles, including the use of social security numbers;
(2) How long fingerprints and photographs of juveniles should be maintained in the criminal justice information system;
(3) The extent to which juvenile fingerprints and photographs are kept confidential;
(4) The circumstances or conditions under which juvenile fingerprints and photographs should be disseminated;
(5) Whether juvenile fingerprints and photographs should be kept separate from adult records and files; and
(6) When the juvenile fingerprints and photographs should be destroyed.

(d) The Criminal Justice Information Network Governing Board shall consider the issue of expunction of juvenile records, including the appropriate length of time juvenile records should

be available to law enforcement, prosecutors, and service providers and under what limitations and conditions records should be expunged.

There is a current process that addresses these issues in place within the State Bureau of Investigation, Division of Criminal Information. At the March 11, 1999 CJIN Governing Board meeting it was recommended and approved that the Board form a small committee to review current law to determine if changes in procedures are warranted. The recommendation of this committee is pending.

JUVENILE NETWORK (J-NET)
Development Detail and Attachment Points

Work Plan Summary

- Overall development of system with number of individuals and job description.
- Gets J-NET to the point of statewide implementation.
- Automates Court Counselor, Clerks of Juvenile Court, and Detention/Training School Functions.

Phase 1 Work Plan

- Detailed tasks of individuals from April'99 through June'00.
- The project management team consists of the project director and project manager currently provided by OJJ.

Phase 1 Cost Estimates

- Cost the Short Term Work Plan
- Provides information on recurring expenditure ($120,000) ($210,000 annual)
- Provides detail on per month nonrecurring expenditure
- Current Funding Availability in priority expenditure order
  - $146,000 current GCC grant (will be spent within first month)
  - $600,000 appropriation (will be spent by Aug '99)
  - $610,000 NCHIP (will be spent by Oct '99)
  - $600,000 JAIBG (will be spent by Dec '99)
  - $400,000 DCSI (will be spent by Jan '00)
- $800,000 in Governor's Budget would allow the project to continue until April '00
- Two month time period is in question
- Fiscal year 2000-01 funding possibilities
  - $800,000 Governor's Budget
  - $5,000,000 Federal Request by CJIN

J-NET Cost Figures

- Detail on cost estimates

J-NET Draft Budget Proposal

- Long Term Cost Estimates

JUVENILE NETWORK (J-NET) WORK PLAN SUMMARY

DRAFT

MONTH	April'99	May'99	June'99	July"99	Aug'99	Sept'99	Oct'99	Nov'99	Dec'99	Jan'00	Feb'00	Mar'00	Apr'00	May'00	June'00	July'00	Aug'00	Sept'00	Oct'00	Nov'00	Dec'00	Jan'01	Feb'01	Mar'01	Apr'01	May'01	June'01	July'01	Aug'01
Project Management	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD	1-PD
Scope	3-BA 3-AP	3-BA 3-AP	3-BA 3-AP																										
Business Requirements				3-BA 3-AP 1-TW	3-BA 3-AP 2-TW	6-BA 6-AP 3-LW 1-DBA 3-TW	6-BA 6-AP 3-LW 1-DBA 3-TW	6-BA 6-AP 3-LW 1-DBA 3-TW																					
Application Design									9-BA 9-AP 3-DBA 6-TW	9-BA 9-AP 3-DBA 6-TW	9-BA 9-AP 3-DBA 6-TW	9-BA 9-AP 3-DBA 6-TW	9-BA 9-AP 3-DBA 6-TW	9-BA 9-AP 3-DBA 6-TW	9-BA 9-AP 3-DBA 6-TW													
Network Design									8-LW	8-LW	8-LW																		
Network and Workstation Implementation												12-LW	12-LW	16-LW	16-LW	16-LW	16-LW	16-LW	16-LW	16-LW	16-LW	16-LW	16-LW	16-LW					
Programming / Unit test																21-AP 3-DBA	21-AP 3-DBA	11-AP 3-DBA	11-AP 3-DBA	11-AP 3-DBA	11-AP 3-DBA	11-AP 3-DBA								
Test Plans																13-BA	13-BA	13-BA	13-BA	13-BA	13-BA	13-BA							
Testing / Debug																8-BA	8-BA	8-BA 10-AP	8-BA 10-AP	8-BA 10-AP	8-BA 10-AP	8-BA 10-AP							
Full System Test																							21-BA 12-AP 3-DBA	21-BA 12-AP 3-DBA					
Pre-Implementation (user materials & training manuals)																6-TW	6-TW	6-TW	6-TW	6-TW	6-TW	6-TW	6-TW	6-TW					
Training, Conversion & Implementation																									21-BA 12-AP 16-LW 3-DBA	21-BA 12-AP 16-LW 3-DBA	21-BA 12-AP 16-LW 3-DBA	21-BA 12-AP 16-LW 3-DBA	21-BA 12-AP 16-LW 3-DBA

Current FTE's are 1 Project Director and 2 Business Analyst. Others will need to be phased in as necessary. Remaining positions will be fulfilled through contracts.

This workplan projects timelines under optimal funding.

PD: Project Director BA: Business Analyst AP: Analyst Programmer LW: Lan/Wan Operator DBA: Database Administrator TW: Technical Writer

MONTH	April'99	May'99	June'99	July'99	Aug'99	Sept'99	Oct'99	Nov'99	Dec'99	Jan'00	Feb'00	Mar'00	April'00	May'00	June'00
Project Management															
Project Planning/Oversight															
Cost Benefit/Risk and Change Mng't															
Project Reporting															
General Assembly/IRMC/CJIN															
Project Funding															
Grant Writing/Monitoring/Administration															
Establish/Monitor Contracts															
Hire Project Director															
Hire Business Analysts															
Scope															
Develop/Document Project Scope															
Obtain Sponser Sign Off															
Business Requirements															
Review Focus Group Findings															
Prepare Requirements Materials															
Interview Users															
Develop Draft															
Obtain Sponser Sign Off															
Application Design															
Determine Development Approach															
Investigate/Evaluate/Select Architecture															
(Platform/Development Lanquage/D'base/															
Enduser Software and Network)															
Data Process Models															
External Application Design															
(Windows/Screens/Reports)															
Internal Application Design															
(Database/Program Specifications)															

MONTH	April'99	May'99	June'99	July'99	Aug'99	Sept'99	Oct'99	Nov'99	Dec'99	Jan'00	Feb'00	Mar'00	April'00	May'00	June'00
Project Management	$41,303	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919	$9,919
Scope 2 FTE's	$74,976	$12,198	$12,198												
1 Contract	$43,328	$11,939	$11,939												
	$129,934	$35,817	$35,817												
Business Requirements				$12,198	$12,198	$12,198	$12,198	$12,198							
				$11,939	$11,939	$141,923	$47,756	$47,756							
				$35,817	$35,817	$165,801	$71,634	$71,634							
						$129,984	$35,817	$35,817							
						$31,389	$11,939	$11,939							
				$38,691	$45,993	$53,295	$21,906	$21,906							
Application Design									$12,198	$12,198	$12,198	$12,198	$12,198	$12,198	$12,198
									$177,740	$83,573	$83,573	$83,573	$83,573	$83,573	$83,573
									$201,618	$107,541	$107,541	$107,541	$107,541	$107,541	$107,541
									$98,595	$35,817	$35,817	$35,817	$35,817	$35,817	$35,817
									$137,979	$43,812	$43,812	$43,812	$43,812	$43,812	$43,812
TOTAL PER MONTH	$289,596	$69,873	$69,873	$108,564	$115,866	$544,509	$211,169	$211,169	$638,049	$292,860	$292,860	$292,860	$292,860	$292,860	$292,860
Total Recurring	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500	$17,500
Total Nonrecurring	$272,096	$52,373	$52,373	$91,064	$98,366	$527,009	$193,669	$193,669	$620,549	$275,360	$275,360	$275,360	$275,360	$275,360	$275,360
Cummulative NR Total	$272,096	$324,469	$376,842	$467,906	$566,272	$1,093,281	$1,286,950	$1,480,619	$2,101,168	$2,376,528	$2,651,888	$2,927,248	$3,202,608	$3,477,968	$3,753,320

Other Contractual Costs: IRM Quality Assurance Review $20,000

Current Funding Availability	**Recurring**	**Non-Rec**	**Available**	**Riverts**
Current GCC Grant		$146,000	Now	Sep-99
Current Appropriation	$120,000	$600,000	Now	Jun-99
GCC NCHIP Grant		$610,000	Jul-99	Jul-00
GCC JAIBG Grant		$600,000	Jul-99	Jan-01
GCC DCSI Grant		$400,000	Jul-99	Jul-01
Governor's Budget (?)		$800,000	Jul-99	Jun-00
Future Funding Available 2000-01 FY (Phase 2)				
CJIN Federal Appropriation		$5 million	Jul-00	Jun-01
Governor's Budget (?)		$800,000	Jul-00	Jun-01

J-NET Cost Figures

Costs for each contract/ position include:

First month contract/position costs:

Salary:

Project Director $100,554 per year / $8380 per month
FTE Business Analyst $54,724 / $4560 per month
(includes FICA, Social Security, and Hospitalization)

Business Analyst, Analyst Programmers, LAN/WAN Operators, and Database Administrators:
$65/hr 40hrs per wk 4 wks per month $10,400

Technical Writers
$45/hr 40hrs per wk 4 wks per month $7,200

Office Supplies per person: $50 per month

Travel per person:

12 days lodging at $53 per day: $636 per month
12 days meals at $28 per day: $336
Mileage at 1500mi at .31 per mile: $465

Telephone per person: $52 per month

Registration Fees per person: $250 a day/10 days = $2,500

Maintenance Agreements per person: $46

Equipment per person

Desk: $673
Chair: $377
Filing Cabinet: $329
Bookshelf: $285
Computer Workstation: $384
Computer: $6,389
Development Software: $20,000
Wiring and Installation: $406

Subsequent month contract/position costs:

Salary

Office Supplies

Travel

Telephone

J-NET DRAFT BUDGET PROPOSAL

	Fiscal Year 1999-2000	Fiscal Year 2000-2001	Fiscal Year 2001-2002	Fiscal Year 2002-2003	Fiscal Year 2003-2004
I. ESTABLISH JUVENILE NETWORK GOVERNANCE					
1 Executive Director	$95,952	$89,349	$89,349	$89,349	$89,349
1 Business Analyst	$0	$80,064	$80,064	$80,064	$80,064
1 Clerical Support Staff	$0	$39,509	$39,509	$39,509	$39,509
Board Operation (Travel/Contractors)	$78,550	$91,078	$91,078	$91,078	$91,078
Staff and Operation	**$174,502**	**$300,000**	**$300,000**	**$300,000**	**$300,000**
TOTAL	**$174,502**	**$300,000**	**$300,000**	**$300,000**	**$300,000**
II. AUTOMATE OFFICE OF JUVENILE JUSTICE FUNCTIONS (JSD AND DYS)					
2,080 hours a year @ $60 an hour and $28,693 operating costs					
Contractors (Analyst/Programmers)	$3,069,860	$4,115,584	$1,732,584	$1,732,584	$1,732,584
Software Development and Operation	**$3,069,860**	**$4,115,584**	**$1,732,584**	**$1,732,584**	**$1,732,584**
1 PC per Chief Court Counselor/ Court Counselor Supervisor/ Intake Counselor/Secretary					
1 PC per every 3 Court Counselors					
272 PC's at $3,400		$924,800			
1 PC per Cottage/Social Worker/ Psychologist/2 per Detention Center					
130 PC's at $3,400		$442,000			
System Data Line & Connectivity Charges and Frame Relay		$385,200	$375,130	$375,130	$375,130
Training		$100,000	$200,000	$50,000	$50,000
Equipment	**$100,000**	**$1,852,000**	**$575,130**	**$425,130**	**$425,130**
TOTAL	**$3,169,860**	**$5,967,584**	**$2,307,714**	**$2,157,714**	**$2,157,714**
III. AUTOMATE COURT CLERK FUNCTIONS					
2,080 hours a year @ $60 an hour and $28,693 operating costs					
Contractors (Analyst/Programmers)	$920,958	$1,173,278	$433,146	$433,146	$433,146
Software Development and Operation	**$920,958**	**$1,173,278**	**$433,146**	**$433,146**	**$433,146**
1 terminal per Juvenile Clerk					
100 PC's @ $1,191.20		$119,120			
Training		$50,000	$25,000	$25,000	$25,000
Equipment	**$25,000**	**$169,120**	**$25,000**	**$25,000**	**$25,000**
TOTAL	**$945,958**	**$1,342,398**	**$458,146**	**$458,146**	**$458,146**
TOTAL ALL THREE PARTS					
Staff and Operation	$174,502	$300,000	$300,000	$300,000	$300,000
Software Development and Operation	$3,990,818	$5,288,862	$2,165,730	$2,165,730	$2,165,730
Equipment	$125,000	$2,021,120	$600,130	$450,130	$450,130
TOTAL ALL COSTS	**$4,290,320**	**$7,609,982**	**$3,065,860**	**$2,915,860**	**$2,915,860**

NOTE: Cost-of-living increase is not included beyond Year 1./ Position costs are calculated at AOC midpoint salary./ Upgrades and maintenance of computers is not included.

Statement of Michael K. Stephens
State Director of Operations
Communities In Schools of North Carolina

North Carolina General Assembly
Joint Appropriations Committee on Justice and Public Safety

April 21, 1999

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM MIKE STEPHENS, THE STATE DIRECTOR OF OPERATIONS FOR COMMUNITIES IN SCHOOLS OF NORTH CAROLINA. FOR ALMOST TEN YEARS, CISNC HAS BEEN ASSISTING COMMUNITIES ACROSS THE STATE TO COORDINATE THE PROGRAMS, TOOLS, AND RESOURCES TO KEEP OUR YOUNG PEOPLE IN SCHOOL. OUR CLIENTELE INCLUDES CHILDREN OF POVERTY, MEMBERS OF SINGLE PARENT HOUSEHOLDS, THEY COME FROM DYSFUNCTIONAL FAMILIES, SOME ARE SUBSTANCE ABUSERS, AND SOME ARE SIMPLY ABUSED. COLLECTIVELY OUR STUDENTS EXEMPLIFY A MASSIVE PROBLEM—CONSERVATIVE ESTIMATES PLACE THE NUMBER OF AT-RISK CHILDREN AT 40% OF THE 1.2 MILLION TOTAL SCHOOL-AGED YOUTH IN NORTH CAROLINA—BUT IT IS A PROBLEM THAT COMMUNITIES IN SCHOOLS IS WORKING TO SOLVE ONE CHILD AT A TIME.

AS MEMBERS OF THIS COMMITTEE WELL KNOW, DROPPING OUT OF SCHOOL CAN TOO OFTEN INITIATE A LIFE-LONG SLIDE OF UNEMPLOYMENT, CRIME AND DEPENDENCY. ROUGHLY 50 PERCENT OF DROPOUTS ARE UNEMPLOYED WITHIN A YEAR. EIGHTY-FIVE PERCENT OF THOSE INCARCERATED IN OUR

PRISONS AND YOUTH DETENTION CENTERS ARE NON-HIGH SCHOOL GRADUATES. DROPOUTS ARE FOUR TIMES MORE LIKELY TO BE DEPENDENT ON WELFARE. IT IS ESTIMATED THAT EACH NORTH CAROLINA DROPOUT WILL COST THE STATE NEARLY $170,000 OVER HIS OR HER LIFETIME, AND THIS AMOUNT DOES NOT INCLUDE LOST WAGES AND TAX REVENUES. WITH AS MANY AS ONE-THIRD OF NORTH CAROLINA SCHOOL CHILDREN FAILING TO GRADUATE FROM HIGH SCHOOL, YOU CAN SEE THAT WE ARE DEALING WITH A HIGH STAKES PROBLEM.

ORGANIZATIONALLY, COMMUNITIES IN SCHOOLS OF NORTH CAROLINA IS A 501C3 NON-PROFIT ORGANIZATION GOVERNED BY A BOARD OF DIRECTORS. THIS STATEWIDE BOARD IS CHAIRED BY GRAEME M. KEITH OF CHARLOTTE AND INCLUDES REPRESENTATION FROM IBM, CP&L, NATIONSBANK, AND CISCO SYSTEMS, AMONG OTHER PROMINENT NORTH CAROLINA BUSINESSES; AS WELL AS DR. DAVID BRUTON, SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND PHIL KIRK FROM THE STATE BOARD OF EDUCATION, ALONG WITH OTHER STATE GOVERNMENT LEADERS.

PROGRAMMATICALLY, COMMUNITIES IN SCHOOLS CONSISTS OF A SMALL STATE OFFICE AND 23 FULLY OPERATIONAL LOCAL PROGRAMS ACROSS THE STATE. WE ARE LAUNCHING FIVE NEWLY OPERATIONAL PROGRAMS THIS YEAR (SEE ENCLOSURES). IN ALL, THESE PROGRAMS ARE WORKING WITH OVER 40,000 NORTH CAROLINA CHILDREN AND THEIR FAMILIES.

EACH LOCAL PROGRAM IS GOVERNED BY ITS OWN BOARD AND SHEPHERDED BY AN EXECUTIVE DIRECTOR WHO IS RESPONSIBLE FOR CREATING LOCAL COALITIONS THAT WORK TO PROVIDE ONE OR MORE OF THE FIVE BASICS THAT EVERY CHILD NEEDS TO BE SUCCESSFUL. THESE FIVE BASICS ARE: (1) A PERSONAL, ONE-ON-ONE RELATIONSHIP WITH AN ADULT WHO CARES; (2) A SAFE PLACE TO LEARN AND GROW; (3) A MARKETABLE SKILL EACH CHILD CAN USE WHEN HE OR SHE GRADUATES; (4) A CHANCE TO GIVE BACK TO THE COMMUNITY; AND (5) A HEALTHY START TO A HEALTHY LIFESTYLE. THROUGH THESE ALLIANCES THAT ENVELOP EACH SCHOOL, THE COMMUNITY PROVIDES MENTORS, TUTORS AND COACHES, AND ACCESS TO GOVERNMENT SERVICES; SAFE PLACES AND STRUCTURED AFTER SCHOOL ACTIVITIES; ACCESS TO WORK PLACES, SKILL DEVELOPMENT, AND INTERNSHIPS;

OPPORTUNITIES FOR COMMUNITY SERVICE; AND MEDICAL AND DENTAL CARE.

IN THE JUVENILE JUSTICE REFORMS ENACTED BY THIS ASSEMBLY LAST SESSION, THERE WAS A CONSCIOUS DECISION TO BALANCE THE REFORMS FOR TIMELY AND APPLICABLE PUNISHMENT WITH A MEASURE OF PREVENTION. GOVERNOR HUNT PROPOSED THAT COMMUNITIES IN SCHOOLS HELP PROVIDE A MAJOR FOCUS ON YOUR EFFORTS TO PREVENT JUVENILE CRIME. OF THE $700,000 APPROPRIATED FOR COMMUNITIES IN SCHOOLS LAST SESSION, $515,000 WAS OR WILL BE DISTRIBUTED TO THE LOCAL PROGRAMS TO HELP BRING FOCUS ON PREVENTION. $60,000 WAS BUDGETED FOR ASSISTANCE WITH THE STARTUP OF THE FIVE NEW PROGRAMS, AND $40,000 WAS BUDGETED FOR PRINTING TRAINING MATERIALS, AND FUNDING A STATEWIDE INITIATIVE TO PROVIDE MATH- AND SCIENCE-BASED TRAINING TO 5TH GRADERS.

THE GOVERNOR'S 1999 REQUEST FOR $700,000 WILL ENABLE COMMUNITIES IN SCHOOLS TO CONTINUE TO EXPAND ITS STATEWIDE STAY-IN-SCHOOL NETWORK TO EVEN MORE

COMMUNITIES ACROSS THE STATE. IN FACT WE ARE WORKING WITH FORSYTH COUNTY RIGHT NOW IN AN EFFORT TO BEGIN AN AFFILIATE CIS PROGRAM IN WINSTON-SALEM WITH A GOAL TO PROVIDE SERVICES TO CHILDREN IN THAT COMMUNITY THIS FALL. WE HAVE EVERY CONFIDENCE THAT THE COMMUNITIES IN SCHOOLS PROCESS WORKS. IN WILMINGTON AND CHARLOTTE, IN THOMASVILLE AND GREENSBORO, IN HERTFORD AND MAYODAN, AND IN ALL 28 COMMUNITIES WE HAVE TOO MANY SUCCESS STORIES TO BELIEVE OTHERWISE.

IN CLOSING, I WOULD LIKE TO LEAVE YOU WITH TWO TESTIMONIALS, ONE FROM A SUPERINTENDENT OF SCHOOLS, THE OTHER FROM THE MOTHER OF A CISNC STUDENT.

DR. ERIC SMITH OF CHARLOTTE-MECKLENBURG COUNTY HAS STATED, "COMMUNITIES IN SCHOOLS IS A SIGNIFICANT PARTNER FOR OUR DROPOUT EFFORTS. THEIR ABILITY TO LEVERAGE COMMUNITY RESOURCES IS A VALUABLE ASSET. WE APPRECIATE THEIR COMMITMENT AND TEAMWORK."

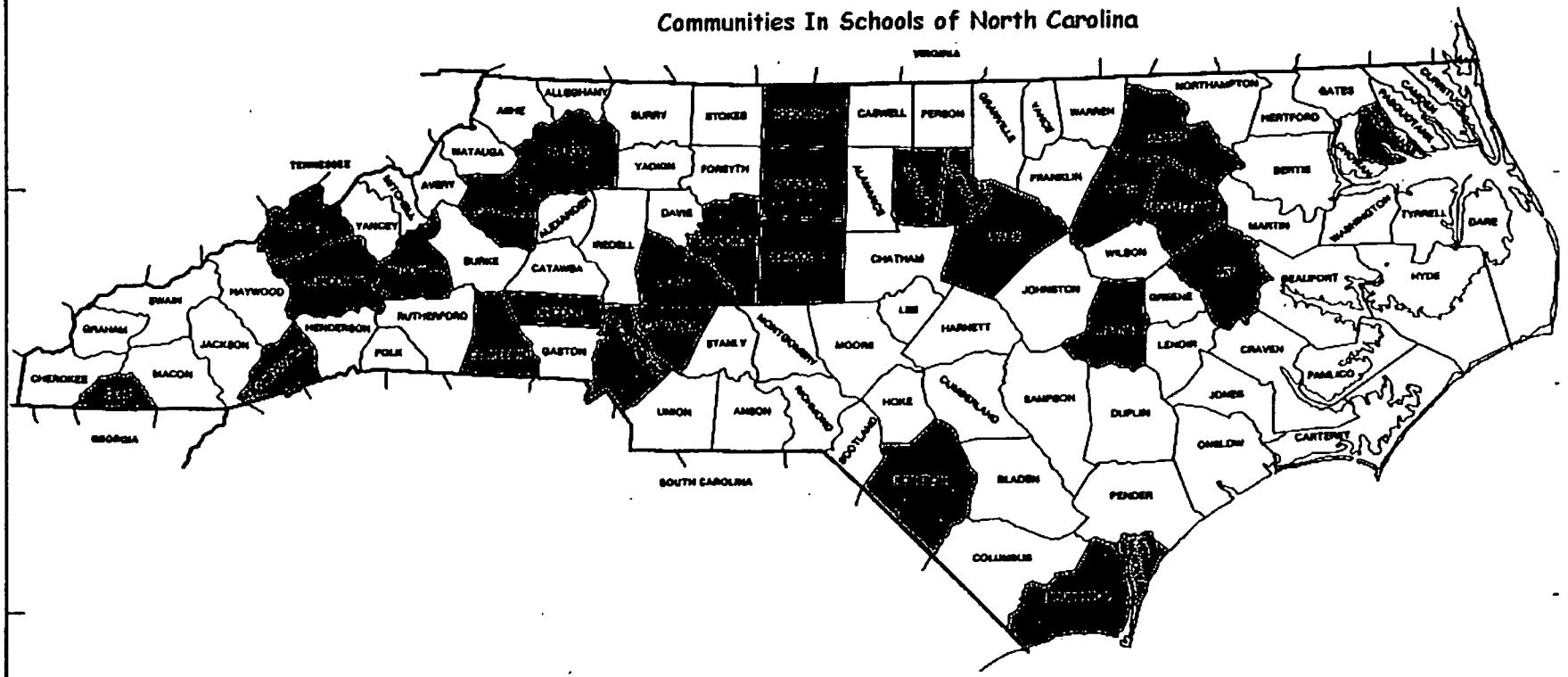
CHERYL HODGE, THE SINGLE MOTHER OF A CIS STUDENT IN ZEBULON MIDDLE SCHOOL STATES, "CIS HAS HELPED MY SON, MARCUS, AND ME TREMENDOUSLY. HE IS DOING BETTER IN ALL AREAS OF HIS LIFE. I HAVE SEEN A BIG IMPROVEMENT, ESPECIALLY IN HIS ATTITUDE, GRADES, HOMEWORK AND SCHOOL ATTENDANCE, DUE MAINLY TO THE ENCOURAGEMENT HE RECEIVES FROM HIS CIS TUTOR/MENTOR."

MR. CHAIRMAN, SUBJECT TO ANY QUESTIONS, THAT CONCLUDES MY STATEMENT.

Communities In Schools Program Growth

1	Charlotte-Mecklenburg County	1986
2	Greater Rocky Mount Region	1987
3	Greater Greensboro	1988
4	High Point	1988
	State Office Established	
5	Wake County	1990
6	Caldwell County	1990
7	Lincoln County	1991
8	Cabarrus County	1992
9	Cleveland County	1992
10	Durham	1992
11	Transylvania County	1992
12	McDowell County	1993
13	Orange County	1993
14	Pitt County	1993
15	Robeson County	1993
16	New Hanover County	1994
17	Thomasville	1994
18	Wayne County	1994
19	Asheville	1996
20	Brunswick County	1996
21	Lexington	1996
22	Madison County	1996
23	Clay County	1998
24	Perquimans County	1999
25	Wilkes County	1999
26	Randolph County	1999
27	Rockingham County	1999
28	Rowan-Salisbury	1999

Communities In Schools of North Carolina



Boundaries as of January 1, 1990

Communities In Schools of North Carolina
Helping Kids to Help Themselves

WHAT is Communities In Schools (CIS)?

CIS brings hands in need together with hands that can help. CIS is a process that connects community resources with students and their families at the school site to ensure that youth stay in school, learn needed skills, and are prepared to enter the world of work or post secondary education upon graduation.

WHY do we need CIS?

Too many young people are failing in our public schools today, and consequently, leave school without the skills needed to succeed in life. Last year in NC, over 17,000 students dropped out of public schools. 85% of juveniles in court today are school dropouts. 82% of prison inmates are school dropouts. Schools alone cannot solve the complex and diverse problems faced by today's youth.

HOW does CIS work?

CIS supports the development of collaborative community strategies for improving the way existing programs and services serve students and families. Students' school failure is the result of multiple stresses, most often from factors outside of school. The CIS process enlists, coordinates and facilitates the delivery of already existing community resources to the school site. Within a school, CIS works with repositioned services providers (from many agencies and organizations) and school personnel so that they function together as a team to deliver their services in a personable and accountable manner. In this way, they effectively and efficiently meet the needs of students and their families.

WHO initiates CIS in a community?

Communities invite a state CIS representative to present CIS strategies to community leaders. Interested communities then identify a "local liaison" person who continues to introduce CIS concepts while soliciting input and support from community stakeholders. During this process, the local liaison is guided by a steering committee and community leaders. The introductory process adapts the CIS strategy to meet local needs and leads to the formation of a permanent governance structure. The CIS state office trains and works with the local liaison and serves as a continuous resource to the steering committee.

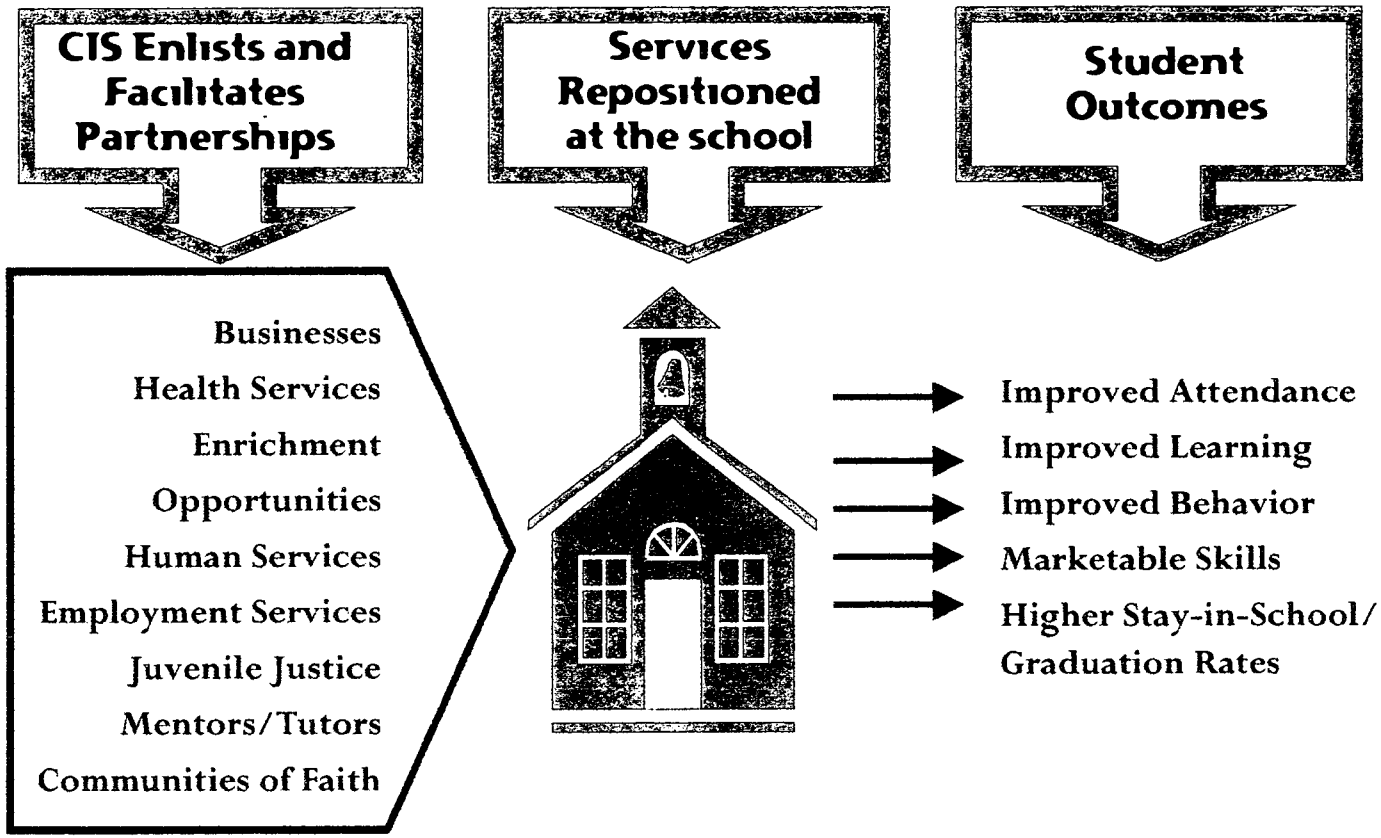
COMMUNITIES IN SCHOOLS
Helping kids to help themselves

CIS of North Carolina o 222 N. Person Street o Raleigh, NC 27601 o (800) 849-8881

CIS Local Program Stages of Development

Stage	Critical Elements
Pre-Implementation	▪ State office responds to inquiry about CIS ▪ State office conducts CIS orientation ▪ Identify local liaison ▪ Develop a task force ▪ Assess community leadership support ▪ Prepare a workplan ▪ Conduct/review community assessment
Implementation	▪ Form CIS Board of Directors ▪ Become incorporated ▪ File for tax exempt status ▪ Select an Executive Director ▪ Sign Letter of Agreement with State office ▪ Develop an operations/funding plan ▪ Select an education site; develop plan for site ▪ Train Board and staff ▪ Provide services to students
Operational	▪ Prepare plan to attain CIS charter ▪ Request Q&S Review
Chartered Status	▪ Complete Q&S Review ▪ Prepare plan to maintain CIS charter and status increase program quality

Communities In Schools - A Coordinated Solution



CIS enhances the delivery and coordination of services through creating effective community partnerships

CISNC FACT SHEET

MISSION

To champion the connection of needed community resources with schools to help young people successfully learn, stay in school and prepare for life.

CISNC achieves this mission by: replicating the CIS concept and community-organizing process in new communities; actively supporting and responding to the needs of existing local programs; building strong, effective relationships with other statewide organizations; and advocating statewide for North Carolina's youth and their families.

TAG LINE

Helping Kids to Help Themselves

THE CIS BASICS

Every Child needs and deserves...

- ☑ A personal, one-on-one relationship with a caring adult
- ☑ A safe place to learn and grow
- ☑ A marketable skill to use upon graduation
- ☑ A chance to give back to peers and community
- ☑ A healthy start with the potential for a healthy future

1998-99 STATS*

Number of students served: *28,000+*
Number of school sites: *190*
Number of event participants: *10,000+*
Number of local programs: *28*
Number of volunteers: *5,000+*
Number of family/community members: *18,000+*

**estimate data based on local program semester reports*

CIS LOCAL PROGRAMS IN NC

1. CIS of Asheville
2. CIS of Brunswick County
3. CIS of Cabarrus County
4. CIS of Caldwell County
5. CIS of Charlotte-Mecklenburg
6. CIS of Clay County
7. CIS of Cleveland County
8. CIS of Durham
9. CIS of Greater Greensboro
10. CIS of High Point
11. CIS of Lexington
12. CIS of Lincoln County
13. CIS of Madison County
14. CIS of McDowell County
15. CIS of New Hanover County
16. CIS of Northampton County
17. CIS of Orange County
18. CIS of Perquimans County
19. CIS of Pitt County
20. CIS of Robeson County
21. CIS of Rockingham County
22. CIS of the Rocky Mount Region
23. CIS of Rowan County
24. CIS of Thomasville
25. CIS of Transylvania County
26. CIS of Wake County
27. CIS of Wayne County
28. CIS of Wilkes County

COMMUNITIES IN SCHOOLS
Helping kids to help themselves

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Center for the Prevention of School Violence
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(919) 515-9397 • 1-800-299-6054 • Fax (919) 515-9561
http: www.ncsu.edu/cpsv/

Dr. Pamela L. Riley, Director

SCHOOL RESOURCE OFFICERS IN NORTH CAROLINA: SCHOOL YEAR 1998-1999

The assignment of law enforcement officers to schools is a continuing trend in North Carolina. The Center for the Prevention of School Violence has been involved with the trend of placing "School Resource Officers" (SROs) in schools since the Center's establishment in 1993 and has carefully documented the increasing use of SROs since 1996.

Using a definition developed through research, the Center has determined that there are 507 SROs currently working in schools across North Carolina. The definition is of critical importance since it distinguishes those law enforcement officers who may be only visiting schools occasionally from those who are permanently assigned to schools. Specifically, the Center's definition for an SRO is:

> **a certified law enforcement officer who is permanently assigned to provide coverage to a school or a set of schools. The SRO is specifically trained to perform three roles: law enforcement officer; law-related counselor; and law-related education teacher. The SRO is not necessarily a DARE officer (although many have received such training), security guard, or officer who has been placed temporarily in a school in response to a crisis situation but rather acts as a comprehensive resource for his/her school.**

The Center's definition excludes non law enforcement agency security guards, law enforcement officers who are rotated in and out of schools as part of their regular duties, and off-duty law enforcement officers who work in schools for extra pay. Instead, the definition emphasizes the permanent assignment and specialized training that characterizes a programmatic approach to placing law enforcement officers in schools.

The 507 SROs currently working in schools represent more than a doubling over the Center's baseline of 243 SROs in 1996. One-hundred-six of the 117 school districts have at least one identified SRO, and 92 counties have an SRO presence in at least one school. Three-hundred-thirty-one SROs work in high schools with 283 (85%) of these officers responsible for covering only one high school. Two-hundred-fourteen SROs work in middle-level schools with 151 (71%) providing exclusive coverage to their schools.

A critical factor in the growth of SROs in North Carolina was an initiative passed by the General Assembly in 1996 which suggested consideration of placing SROs into each high school in the state. The funding associated with this effort plays a role in 331 of the 507 SRO positions. One-hundred-thirty-seven positions rely exclusively on this funding.

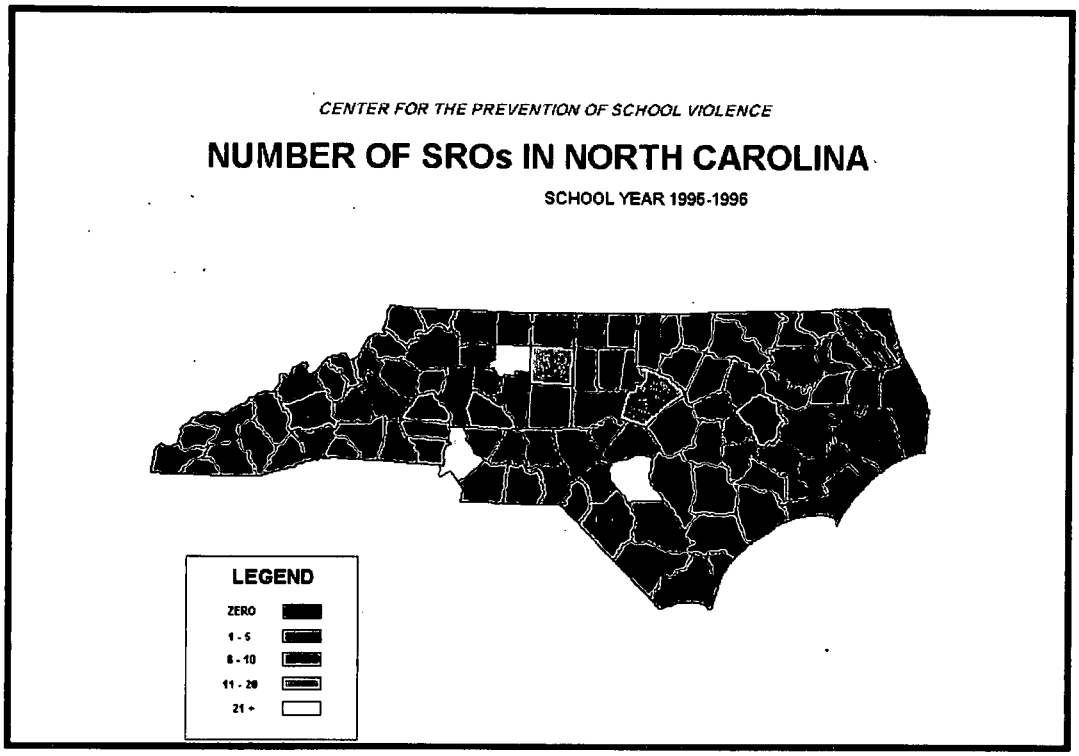
A Center survey of high school principals in 1997 resulted in the SRO approach being given the highest effectiveness rating possible by almost sixty-two percent of the respondents. This perceived effectiveness, mounting anecdotal evidence, surveys of school climate in schools where SROs work, and the funding initiative help explain the trend of assigning specially trained law enforcement officers to schools. The Center's involvement with SROs has also contributed to the increased use of the SRO approach as a means to prevent violence in schools across the state.

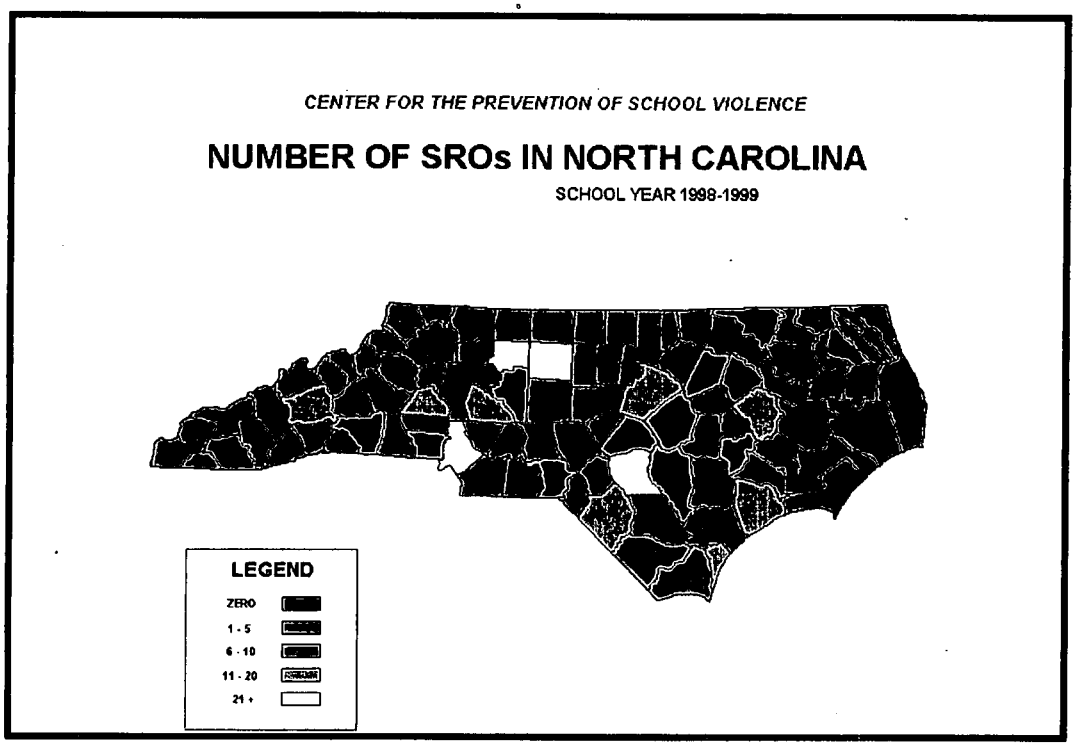
Center for the Prevention of School Violence

School Resource Officers (SROs) In North Carolina: School Year 1998-1999

DESCRIPTION	NUMBER			
Total LEAs Reporting	117		100%	
➜ LEAs with SROs	106		90.5%	
➜ LEAs without SROs	11		9.5%	
Total SROs statewide	507			
Counties in North Carolina	100		100%	
➜ With SRO presence in at least one school	92		92%	
Total High Schools (grades 9 or 10 through 12)	397		100%	
➜ High Schools with SROs	331 (283 exclusive)		83.4%	
➜ High Schools without SROs	66		16.6%	
Total Middle Schools (No grades < 6 or > 9)	351		100%	
➜ Middle Schools with SROs	214 (151 exclusive)		61%	
➜ Middle Schools without SROs	137		39%	
Funding Sources for SROs	programs	%	positions	%
General Assembly Allocation Only	41	38.7	137	27.0
General Assembly/local	28	26.4	174	34.3
General Assembly/GCC Grant	4	3.8	14	2.7
General Assembly/Federal	1	.9	2	0.3
General Assembly/local/GCC Grant	1	.9	4	0.7
GCC Grant only	0	0	0	0.0
GCC Grant/Local	6	5.6	26	5.13
GCC Grant/Federal	0	0	0	0.0
Local only	25	23.6	150	29.6
Local/Federal	0	0	0	0.0
Federal only	0	0	0	0.0
Totals	106		507	

High Schools (9 or 10 through 12)		
LEAs with SROs in all High Schools	86	73.5%
LEAs with SROs in some High Schools	20	17.1%
LEAs with no SROs in High Schools	11	9.4%
Middle Schools (No grades < 6 or > 9)		
LEAs with SROs in all Middle Schools	37	31.6%
LEAs with SROs in some Middle Schools	24	20.5%
LEAs with no SROs in Middle Schools	49	41.9%
LEAs with no Middle Schools	7	6%


CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE
NUMBER OF SROs IN NORTH CAROLINA
SCHOOL YEAR 1995-1996
LEGEND
ZERO
1 - 5
6 - 10
11 - 20
21 +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Dr. Pamela L. Riley, Executive Director

The Center for the Prevention of School Violence serves as a resource for anyone interested in addressing the problem of school violence. With an emphasis on strategies directed at preventing school violence, the Center provides information, program support, and research to a variety of stakeholders who are involved with all facets of the problem.

The Center's philosophy of service and support provides a framework for its efforts. Its vision that *"Every student will attend a school that is safe and secure, one that is free of fear and conducive to learning"* creates a focus and establishes a vision for all to strive for as they work in the arena of school violence prevention.

The material is this publication is intended to offer insight concerning the problem of school violence as well as provide background information about the Center. Please contact the Center if you have questions or need additional information.

Pamela L. Riley, Ed. D.
Executive Director

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

WHAT IS "THE CENTER" AND WHAT DOES IT DO?

"The Center" refers to the Center for the Prevention of School Violence. The Center is a primary point of contact for information, programs, and research about preventing school violence. The Center's vision is that "Every student will attend a school that is safe and secure, one that is free of fear and conducive to learning." This means that much of the Center's work is directed at making schools more orderly, safer, and more secure. Increasing concern about disruptions of school order as well as the occurrence of criminal and violent incidents on school property serve as the reasons for the Center's existence.

The Center is an interinstitutional service center of the Board of Governors of The University of North Carolina system. It was established in 1993 as an affiliate of the Governor's Crime Commission in the Department of Crime Control and Public Safety. Now based at the College of Education and Psychology at North Carolina State University, the Center has become an invaluable source of assistance for anyone interested in getting violence out of our schools. Few states have such a center.

The Center is organized into three areas: information; programs; and research. With reference to information, the Center serves as a clearinghouse for information about the problem of school violence as well as solutions to it. It houses a resource library of this information and responds to numerous information requests. It maintains a toll-free information line and a nationally recognized, information-rich web site.

The programs area enables the Center to help communities and schools develop strategies which address their particular needs. The strategies focused upon are those contained in the Center's Safe Schools Pyramid: School Resource Officers; law-related education, including Teens, Crime, and the Community; conflict management and peer mediation; Students Against Violence Everywhere (S.A.V.E.); teen court and student court; and physical design and technology. In addition to helping with the development of strategies, the programs area provides technical assistance to interested schools and communities.

Research at the Center focuses upon trying to understand the problem of school violence and determining what strategies are effective in solving it. Key to the Center's research approach is recognition that each school has its own problems which need to be identified so that information generated from research about what is effective in addressing school violence can be implemented successfully. The research area strives to generate research which is of use to practitioners.

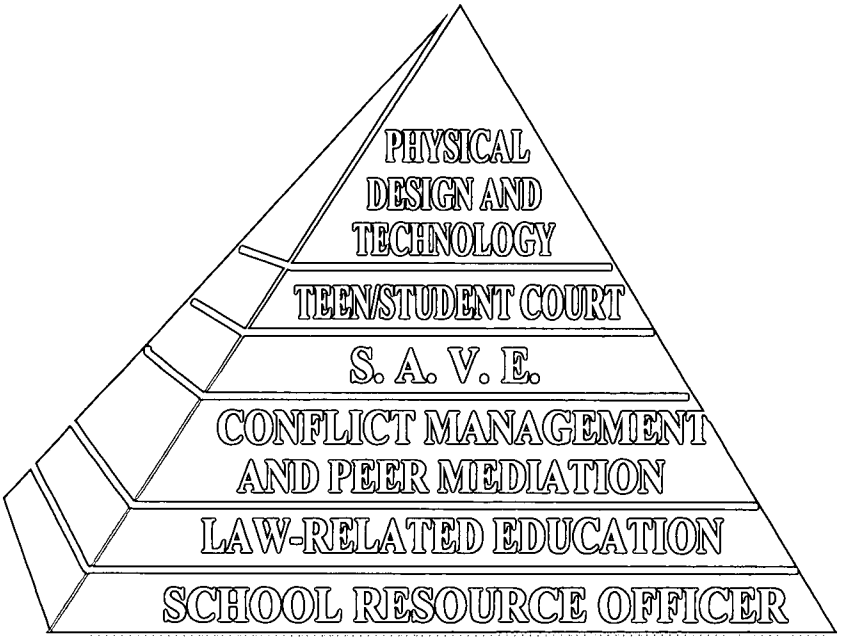
In addition to information, programs, and research, the Center is working on a number of special projects which are designed to make schools more orderly, safer, and more secure. These projects involve character education, safe school planning, at-risk youth/alternative education programs, and the training of teachers, principals, law enforcement officers, and court officials.

The Center works closely with those who are concerned about getting violence out of our schools. Center staff participate in presentations, workshops, seminars, and special events in efforts designed to get the message out that schools need to be safe and secure so that learning can take place. All of the Center's efforts are directed at making its vision that every student will attend a school that is free of fear and conducive to learning a reality.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE

SAFE SCHOOLS PYRAMID



THE COMMUNITY

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Trends in School Violence

Center for the Prevention of School Violence

Trends:

- The problem of school violence is gaining attention.
- There is growing awareness that educational missions are being disrupted.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Trends:

- Concern over the severity of the problem is on the rise.
- Negative consequences are gaining attention.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Trends in School Violence

Center for the Prevention of School Violence

Trends:

- There has been an expansion in the number of efforts to prevent school violence.

- There has been an expansion in the comprehensiveness of the efforts.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE

SAFE SCHOOLS PYRAMID

THE COMMUNITY

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

Task Force on School Violence - Recommendations:

- Toughen weapon laws
- Focus resources on schools
- Deal with violent students
- Strengthen the system

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

The "Center":

- Established in 1993 in the Governor's Crime Commission of the Department of Crime Control and Public Safety.
- Exists as part of the University system.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

The "Center":

- Acts as a primary point of contact for addressing the problem of school violence.
- Serves as a bridge for collaboration between stakeholders (law enforcement, education, judicial system).

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

The "Center":

- Maintains a philosophy of service and support.
- Motivated by a vision of safe schools.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

Center's vision:

Every student will attend a school that is safe and secure, one that is free of fear and conducive to learning.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center's mission:

- Information
- Program support
- Research

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

Information:

To establish a clearinghouse for information and material concerning school violence prevention so problems can be better identified and solutions can be developed.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Information:

- Information clearinghouse
- 1-800-299-6054
- www.ncsu.edu/cpsv/
- Public awareness campaign

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

Program support:

To provide program development and implementation expertise and technical support to schools, law enforcement agencies, and communities so programs are better able to be successful.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE

SAFE SCHOOLS PYRAMID

THE COMMUNITY

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

Safe Schools Pyramid- The "P's" of Safe Schools:

- Place
- People
- Purpose

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Safe Schools Pyramid- The "P's" of Safe Schools:

- Proactive
- Programmatic
- Preventive

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

Program service and support:

- Building school capacity
- Sustaining prevention and intervention efforts
- Focusing on entire school community
- Involving students

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Special Projects:

- Teens, Crime, and the Community
- Character Education
- Youth Out of the Education Mainstream

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Center for the Prevention of School Violence

Research:

To research and evaluate school violence prevention programs so schools and communities are better able to address their specific needs in ways that are effective.

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Research:

- Assessment
- Planning
- Implementation
- Evaluation

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Center for the Prevention of School Violence

Center for the Prevention of School Violence

Planning for safe schools:

- Site assessment
- Statistics
- Surveys
- Student involvement

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Center for the Prevention of School Violence

Improvement:

Safer students + safer staff + safer school climate =

Safer Schools

SCHOOL VIOLENCE. LET'S GET IT OUT OF OUR SYSTEM.

Selected Research Findings on School Violence

1. Nearly a million students carried a gun to school during the 1997-1998 school year. (1997-1998 PRIDE Survey, Parent Resource Institute for Drug Education (PRIDE), 1998)

2. Fifty-seven percent of public elementary and secondary school principals reported that one or more incidents of crime/violence occurred in their schools during the 1996-1997 school year and were reported to law enforcement officials. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998)

3. Ten percent of all public schools experienced one or more serious violent crimes (defined as murder, rape, or other type of sexual battery, suicide, physical attack or fight with a weapon, or robbery) during the 1996-1997 school year and were reported to law enforcement. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998)

4. Physical attacks or fights without a weapon led the list of reported crimes in public schools with about 190,000 such incidents reported for 1996-1997. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998)

5. Forty-five percent of elementary schools reported one or more violent incidents compared with seventy-four percent of middle and seventy-seven percent of high schools during 1996-1997. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998)

6. Some 6,093 students were expelled during the 1996-1997 academic school year for bringing firearms or explosives to school. (Report on State Implementation of the Gun-Free Schools Act - School Year: 1996-1997, Department of Education, 1998)

7. Fifty-six percent of the students expelled for bringing firearms or explosives to school in 1996-1997 were high school students, thirty-four percent were junior high, and nine percent were elementary. (Report on State Implementation of the Gun-Free Schools Act-School Year: 1996-1997, Department of Education, 1998)

8. The percent of students reporting street gang presence at school nearly doubled between 1989 and 1995, increasing from fifteen percent to twenty-eight percent. (Students' Reports on School Crime: 1989 and 1995, National Center for Education Statistics / Bureau of Justice Statistics, 1998)

9. Concern about fighting, violence, and gangs and lack of discipline were at the top of the list of "biggest problems" facing public schools in 1998. ("The 30th Annual Phi Delta Kappa/ Gallup Poll of the Public's Attitudes Toward the Public Schools," Phi Delta Kappan, 1998)

10. Seventy-eight percent of high school students and forty-seven percent of middle school students say drugs are kept, used, or sold on school grounds. ("CASA 1998 Back to School Teen Survey," Center on Addiction and Substance Abuse, 1998)

11. The most recent National Crime Victimization survey identifies teaching as an occupation with "a larger number of violent victimizations." An average of 149,000 victimizations per year were identified with an estimated 33,000 high school, 47,000 junior high/middle school, and 33,000 teachers identified as victims. ("National Crime Victimization Survey: Workplace Violence, 1992-1996," Bureau of Justice Statistics, 1998)

12. Over a four year period in the mid 1990s, junior high/middle school teachers were more likely to be victims of violent crime (most were simple assaults) than high school teachers. High school teachers were more likely to be victims of violent crime than elementary school teachers. (Indicators of School Crime and Safety - 1998, 1998)

13. Forty-three percent of sixth through eighth graders and thirty-nine percent of ninth through twelfth graders report being involved in behavior which involves threatening to harm someone. (1997-1998 PRIDE Survey, Parent Resource Institute for Drug Education (PRIDE), 1998)

14. Lower levels of disciplinary offenses have been found to be associated with higher levels of student achievement in the subject areas of mathematics, reading, social science, and science. (Order in the Classroom, Educational Testing Service, 1998)

15. The 1998 Harvard-MetLife Survey on Youth Violence revealed that 66 percent of middle and high school students reported participating in or witnessing fights; seventy-three percent of these fights occurred on school property. ("Youth Violence: The Harvard-MetLife Survey of Junior and Senior High School Students," Harvard School of Public Health, 1998)

16. Forty-six percent of secondary school teachers said that disruptions often interfere with teaching and learning. ("National Education Goals: Building a Nation of Learners," The National Education Goals Panel, 1997)

17. The most recent Youth Risk Behavior Survey found that ten percent of high school students had carried a weapon (e.g., gun, knife, or club) on school property in the month preceding the survey. (Juvenile Offenders and Victims: 1997 Update on Violence, Office of Juvenile Justice and Delinquency Prevention, 1997)

18. Fear of school-related violence kept five percent of high school students home at least once in the month prior to the most recent Youth Risk Behavior Survey. (Juvenile Offenders and Victims: 1997 Update on Violence, Office of Juvenile Justice and Delinquency Prevention, 1997)

19. Thirty-seven percent of eighth and ninth grade students are afraid of attacks at school. (Longitudinal Study of Selected School Districts, Research Triangle Institute, 1997)

20. Seventy percent of all high school students say "unruly students distract them and undermine classes." (Getting By, Public Agenda, 1997)

21. According to a survey of educators at the National Association of Secondary School Principals convention, sixty-one percent have had to confiscate at least one firearm in the past two years; fifty percent require police intervention daily, weekly, or monthly, for violent acts occurring in their schools. ("Safety Issues Serious in Nation's Schools: Principals Taking Action," National Association of Secondary School Principals, 1997)

22. Fifty-two percent of secondary school principals who participated in a survey taken by the National Association of Secondary School Principals said that they are facing serious gang problems. Intimidation is the most serious gang problem said thirty-two percent; actual violence incidents by gangs were reported occurring at twenty-five percent of the schools, and twenty-three percent have students who wear gang colors or clothing. ("Safety Issues Serious in Nation's Schools: Principals Taking Action," National Association of Secondary School Principals, 1997)

23. Forty percent of secondary school teachers think that "physical conflicts among students" are "a problem." ("Quality Counts," Education Week, 1997)

24. Seventy-eight percent of schools report having some type of formal violence prevention or violence reduction program. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998)

25. The proportion of schools that have "zero tolerance" policies, defined as school or district policy mandating predetermined consequences for various student offenses (violence, tobacco, alcohol, drugs, weapons other than firearms, and firearms) ranges from seventy-nine percent to ninety-four percent. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998)

26. Fifty percent of public schools with violence prevention programs indicate that all or almost all of their students participate in the programs. (Violence and Discipline Problems in U.S. Public Schools: 1996-1997, National Center for Education Statistics, 1998)

27. In response to the violent events which occurred during school year 1997-1998 on school campuses, many school districts are taking an "airline" approach to security and threats. (Leadership News, American Association of School Administrators, 1998)

28. Recent research suggests that some of the most promising prevention strategies involve education and skills training. (Safe Schools, Safe Students: A Guide to Violence Prevention Strategies, Drug Strategies, 1998)

29. Well functioning schools foster learning, safety, and socially appropriate behaviors. They have a strong academic focus and support students in achieving high standards, foster positive relationships between school staff and students, and promote meaningful parental and community involvement. (Early Warning, Timely Response: A Guide to Safe Schools, United States Department of Education, 1998)

30. Involvement in school activities and after-school programs can help prevent violent behaviors. (1997-1998 PRIDE Survey, Parent Resource Institute for Drug Education (PRIDE), 1998)

31. According to a study sponsored by the National Institute of Justice, the recommended direction for school-based prevention is towards multi-faceted, longer-term, and broader-reaching programs embedded in school capacity-building activities. (Preventing Crime: What Works, What Doesn't, What's New, National Institute of Justice, 1997)

VISITOR REGISTRATION SHEET

Appropriations/Justice & Public Safety — 21 April, 1999

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Joanne McDaniel	Center for the Prevention of School Violence
Bryan Beatty	DOJ
[illegible]	OSBM
Michael K. Stephens	Communities in Schools
[illegible]	Communities for Schools NC
[illegible]	Capitol Group
[illegible]	OJJ
George Lucas	OJJ
Rachel Spruce	OJJ - JNET
Harold Robertson	OJJ - JNET
Denise A. Sessoms	DOJ
[illegible]	[illegible]
Scott Brady	Mediation Network of NC
Pam Riley	CPSV
[illegible]	OSBM
HOLT WATTS	MOTOROLA
[illegible]	Motorola
[illegible]	[illegible]

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday April 22, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Bill Culpepper, Presiding
Representative Paul McCrary
Representative Ted Kinney

II. PRESENTATIONS

- **House Bills Referred to Subcommittee on Justice and Public Safety**

HB	106	District 13 Assistant District Attorney
HB	427	Additional Assistant DA/20th Prosecutorial District
HB	446	NC Legal Education Assistance Foundation Funds
HB	505	Cumberland Juvenile Assessment Center
HB	533	Cleveland Correction Center/Funds.
HB	603	Renew Bad Check Pilot Program.
HB	658	Women at Risk Funds
HB	822	Wake's Dangerous Offender Task Force Funds
HB	925	Community Mediation Funds.
HB	936	Victims Assistance Funds

- **Expansion Budget Request—Dispute Settlement Centers and Mediation Network**

  Scott Bradley, Mediation Network

III. COMMITTEE DISCUSSION/OTHER BUSINESS
IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

Justice and Public Safety 4-22-99

Name of Committee April 22, 1999 Date

VISITORS: -Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
1 Bill Scogin	NC Bar Assoc.
2 Pat Dunn	Conference of DAs
3 Larry Dox	DOT
4 Harold H. Webb	NC LEAF
5 Melissa Lovell	DOJ
6 Bryan Beatty	DOJ
7 Chuck Craven	Office of State Planning
8 Pam Deardorff	YAID / DOA
9 Kirby [illegible]	Student / Athens
10 Buddy Hunsucker	OSBM
11 [illegible]	NCAOCR
12 Fran Preston	NCRMA
13 Andy Ellen	NCRMA
14 Amanda Lamb	WRAL TV
15 Mary Copeland	WRAL TV
16 Dwight Spencer	TPC Service
17 Jim Page	NCRMA

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Thursday April 22, 1999 – 8:30

The meeting of the Joint Appropriations Subcommittee on Justice and Public Safety was held in Room 415 in the Legislative Office Building. Representative Bill Culpepper presided.

The members of the committee attending were Rep. McCrary, Co-Chairman , Rep. Ted Kinney, Co-Chairman, Rep. Scott Thomas, Rep. Phillip Haire, Rep. Jim Horn, Rep. Larry Justus, Rep. Joe Kiser, Rep. Wayne Sexton and members of the Senate.

Chairman Culpepper called the meeting to order and announced that the committee would be taking up and discussing Bills that have been referred to our subcommittee by the Full Appropriations Committee. Chairman Culpepper announced also that the committee would not be taking any votes today, the purpose is to educate the members of the committee regarding the Bills.

Chairman Culpepper recognized Rep. Bob Hensley to discuss his Bill with the Committee. **House Bill 822 Short Title: Wake's DOTF Funds.**
A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE DANGEROUS OFFENDER TASK FORCE IN WAKE COUNTY.
Mrs. Hill, Senior Prosecutor in Wake County gave the presentation for this bill regarding dangerous offenders (violent repeat offenders) total budget ($306,375) for the 1999-2000 fiscal year.

Chairman Culpepper recognized Rep. Dewey Hill to discuss his Bill with the Committee. **House Bill 106 Short Title: District 13 ADA.**
AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITION IN THE THIRTEENTH PROSECUTORIAL DISTRICT.

Chairman Culpper recognized Rep. Dewey Hill again to discuss **House Bill 603. Short Title: Renew Bad Check Pilot Program.**
AN ACT TO EXTEND THE SUNSET ON BAD CHECK PILOT PROGRAMS AND TO ADD BRUNSWICK AND BLADEN COUNTIES TO THE BAD CHECK PILOT PROGRAM.
There is appropriated from the General Fund to the Judicial Department the sum of ($267,794) for the 1999-2000 fiscal year.

Chairman Culpepper recognized Rep. Ted Kinney to discuss his bill with the Committee. **House Bill 466 Short Title: NC LEAF Funds.**
AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION FOR ITS LOAN REPAYMENT

ASSISTANCE PROGRAM FOR NORTH CAROLINA PUBLIC SERVICE ATTORNEYS.

There is appropriated from the General Fund to the North Carolina Legal Education Assistance Foundation the sum of ($175,000) for the 1999-2000 fiscal year and the sum of ($175,000) for the 2000-2001 fiscal year to help fund its Loan Repayment Assisance Program.

Chairman Culpepper recognized Rep. Wayne Goodwin to discuss his bill with the Committee. **House Bill 427 Short Title: Add. ADAs/20t^{h} Pros. Dist.**

AN ACT TO ADD TWO ASSISTANT DISTRICT ATTORNEYS TO THE 20TH PROSECUTORIAL DISTRICT.

There is appropriated from the General Fund to the Administrative Office of the Courts the sum of($140,584) for the 1999-2000 fiscal year and the sum of ($140,584) for the 2000-2001 fiscal year to establish the two assistant district attorney positions created in Section 1.

Chairman Culpepper recognized Rep. Morris to discuss her bill with the Committee. **House Bill 505 Short Title Cumberland Juv. Assessment Center**.

AN ACT TO CONTINUE THE OPERATION OF THE CUMBERLAND COUNTY JUVENILE ASSESSMENT CENTER PROJECT AND TO APPROPRIATE FUNDS FOR THE PURPOSE.

There is appropriated from the General Fund to the Office of Juvenile Justice the sum of ($3000,000) for the 1999-2000 fiscal year and the sum of ($350,000) for the 2000-20001 fiscal year to fund the Juvenile Assessment Center Project authorized by this act.

Chairman Culpepper recognized Jim Mills (fiscal staff) to explain **House Bill 533** to the Committee. **Short Title: Cleveland Corrections Ctr./Funds.**

AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF LOCATING A CLOSE CUSTODY PRISON FACILITY IN CLEVELAND COUNTY.

There is appropriated from the General Fund to the Department of Correction the sum of ($100,000) for the 1999-2000 fiscal year to contract with a consultant to review the feasibility of locating one of the three new close custody facilities proposed for the State prison system in Cleveland County or of adding a facility in Cleveland County as a fourth close custody site.

Chairman Culpepper recognized Representative Nesbitt to discuss his bill with the Committee. **House Bill 658 Short Title: Women at Risk Funds**.

AN ACT TO APPROPRIATE FUNDS TO SUPPORT AND EXPAND THE WOMEN AT RISK PROGRAM.

There is appropriated from the General Fund to the Department of Correction the sum of ($200,000) for the 1999-2000 fiscal year to be allocated to the Western Carolinians for Criminal Justice to support the Women at Risk Program, a community-based treatment program serving female offenders and their families.

Chairman Culpepper recognized again Rep. Nesbitt to discuss with the Committee **House Bill 925 Short Title: Community Mediation Funds**. Scott Bradley, from the

Mediation Network shared with the Committee the full range of Community leaders, expansion services and staffing.

AN ACT TO APPROPRIATE FUNDS TO COMMUNITY MEDIATION CENTERS ACROSS THE STATE

There is appropriated from the General Fund to the Administrative Office of the Courts the sum of ($697,903) for the 1999-2000 fiscal year and the sum of ($697,903) for the 2000-2001 fiscal year for additional funding for 25 community mediation centers , also known as dispute settlement centers , across the State and for new funding for the Mediation Network of North Carolina.

Chairman Culpepper recognized Charles from Fiscal to discuss this bill. **House Bill 936. Short Title: Victims Assistance Funds.**

AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA VICTIMS ASSISTANCE NETWORK TO EXPAND SERVICES PROVIDED BY THE NETWORK AND HIRE ADDITIONAL PERSONNEL.

There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of ($350,000) for the 1999-2000 fiscal year and the sum of ($350,000) for the 2000-2001 fiscal year for the North Carolina Victims Assistance Network..

Chairman Culpepper concluded the meeting by handing out to the committee members the JPS Subcommittee Target of the Governors Recommended Budget for FY 1999-2000(See Attached).

Chairman Culpepper asked the Committee if there was any other business the meeting then stood adjourned.

Respectively Submitted,

Rep. Bill Culpepper, Chairman

Barbara A. Berry, Committee Assistant

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

DATES 4-22															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair	✓														
Rep. Thomas, Vice Chair	✓														
Rep. Clary															
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan	✓														
Sen. Frank Ballance															
Sen. Tony Rand															
Sen. John Carrington	✓														
Sen. Don East	✓														
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR

BILL SPONSOR: **Representative Bob Hensley**

DATE: **April 21, 1999**

The House Committee on Approp/Justice & Public Safety(Joint) will meet as follows:

DAY & DATE: **Thursday April 22, 1999**

TIME: **8:30AM**

LOCATION: **Room 415 Legislative Office Building**

Your Bill (or Bills) will be discussed at this time:
HB 822 Wake's Dangerous Offender Task Force Funds

We would like to have you attend this meeting.

Representatives Paul McCrary, Ted Kinney,
Bill Cullpepper
Chair(s)

Barbara Berry (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR

BILL SPONSOR: **Representative Dewey Hill**

OFFICE: **Room1309**

DATE: **April 21, 1999**

The House Committee on Approp/Justice & Public Safety(Joint) will meet as follows:

DAY & DATE: **Thursday April 22, 1999**

TIME: **8:30AM**

LOCATION: **Room 415 Legislative Office Building**

Your Bill (or Bills) will be discussed at this time:
HB 106 District 13 Assistant District Attorney

We would like to have you attend this meeting.

Representatives Paul McCrary, Ted Kinney,
Bill Cullpepper
Chair(s)

Barbara Berry (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR

BILL SPONSOR: **Representative Max Melton**

OFFICE: **Room 633**

DATE: **April 21, 1999**

The House Committee on Approp/Justice & Public Safety(Joint) will meet as follows:

DAY & DATE: **Thursday April 22, 1999**

TIME: **8:30AM**

LOCATION: **Room 415 Legislative Office Building**

Your Bill (or Bills) will be discussed at this time:
HB 427 Additional Assistant DA/20th Prosecutorial District

We would like to have you attend this meeting.

Representatives Paul McCrary, Ted Kinney,
Bill Cullpepper
Chair(s)

Barbara Berry (Committee Assistant)

Barbara Berry (Rep. McCrary)

To: Joy Feagin (Rep. Morris)

Subject: Notification of Bill Sponsor

NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR

BILL SPONSOR: **Representative Martin Nesbitt**

DATE: **April 21, 1999**

The House Committee on Approp/Justice & Public Safety(Joint) will meet as follows:

DAY & DATE: **Thursday April 22, 1999**

TIME: **8:30AM**

LOCATION: **Room 415 Legislative Office Building**

Your Bill (or Bills) will be discussed at this time:
HB 658 Women at Risks Funds
HB 925 Community Mediation Funds

We would like to have you attend this meeting.

Representatives Paul McCrary, Ted Kinney,
Bill Cullpepper
Chair(s)

Barbara Berry (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR

BILL SPONSOR: **Representative Dewey Hill**

DATE: **April 21, 1999**

The House Committee on Approp/Justice & Public Safety(Joint) will meet as follows:

DAY & DATE: **Thursday April 22, 1999**

TIME: **8:30AM**

LOCATION: **Room 415 Legislative Office Building**

Your Bill (or Bills) will be discussed at this time:
HB 603 Renew Bad Check Pilot Program

We would like to have you attend this meeting.

Representatives Paul McCrary, Ted Kinney,
Bill Cullpepper
Chair(s)

Barbara Berry (Committee Assistant)

NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR

BILL SPONSOR: **Representative Ruth Easterling**

DATE: **April 21, 1999**

The House Committee on Approp/Justice & Public Safety(Joint) will meet as follows:

DAY & DATE: **Thursday April 22, 1999**

TIME: **8:30AM**

LOCATION: **Room 415 Legislative Office Building**

Your Bill (or Bills) will be discussed at this time:
HB 936 Victims Assistance Funds

We would like to have you attend this meeting.

Representatives Paul McCrary, Ted Kinney,
Bill Cullpepper
Chair(s)

Barbara Berry (Committee Assistant)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

HOUSE BILL 822

Short Title: Wake's DOTF Funds. (Public)

Sponsors: Representatives Hensley; Blue and Mosley.

Referred to: Appropriations.

April 1, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE DANGEROUS OFFENDER TASK FORCE IN WAKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Judicial Department the sum of three hundred six thousand three hundred seventy-five dollars ($306,375) for the 1999-2000 fiscal year for the Dangerous Offender Task Force (DOTF) in Wake County, a program that targets violent and repeat offenders, resulting in faster prosecutions and sentencing of those offenders.

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 106*

Short Title: District 13 ADA. (Public)

Sponsors: Representatives Hill, Redwine, and Wright.

Referred to: Appropriations.

February 18, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITION IN THE THIRTEENTH PROSECUTORIAL DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	13
6A	Halifax	4

6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	28
11	Harnett, Johnston, Lee	14
12	Cumberland	17
13	Bladen, Brunswick, Columbus	~~9~~ 10
14	Durham	13
15A	Alamance	7
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	14
26	Mecklenburg	32
27A	Gaston	12
27B	Cleveland, Lincoln	8
28	Buncombe	10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	8

Section 2. There is appropriated from the General Fund to the Judicial Department the sum of seventy-seven thousand seven hundred eighty-four dollars

($77,784) for the 1999-2000 fiscal year and the sum of seventy-one thousand six hundred fifty-two dollars ($71,652) for the 2000-2001 fiscal year to establish the assistant district attorney position provided for in this act.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 446*

Short Title: NC LEAF Funds. (Public)

Sponsors: Representative Kinney.

Referred to: Appropriations.

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION FOR ITS LOAN REPAYMENT ASSISTANCE PROGRAM FOR NORTH CAROLINA PUBLIC SERVICE ATTORNEYS.

Whereas, the North Carolina Legal Education Assistance Foundation is the nation's first nonprofit organization dedicated to providing loan repayment assistance to public service attorneys; and

Whereas, the North Carolina Legal Education Assistance Foundation's mission is to help ensure the quality of legal services given in North Carolina to the poor, the underrepresented, and the public by enabling dedicated and competent lawyers to enter, and remain in, public service; and

Whereas, the North Carolina Legal Education Assistance Foundation's Loan Repayment Assistance Program targets those public interest attorneys who are most in need of financial assistance to be able to remain in their jobs; and

Whereas, the North Carolina Legal Education Assistance Foundation serves the best interests of the citizens of North Carolina by promoting public service by North Carolina attorneys; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the North Carolina Legal Education Assistance Foundation the sum of one hundred seventy-five thousand dollars ($175,000) for the 1999-2000 fiscal year and the sum of one hundred seventy-five thousand dollars ($175,000) for the 2000-2001 fiscal year to help fund its Loan Repayment Assistance Program.

1 Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 427

Short Title: Add. ADAs/20th Pros. Dist. (Public)

Sponsors: Representatives Melton, Goodwin; and Gibson (Primary Sponsors).

Referred to: Appropriations.

March 15, 1999

A BILL TO BE ENTITLED

AN ACT TO ADD TWO ASSISTANT DISTRICT ATTORNEYS TO THE 20TH PROSECUTORIAL DISTRICT.

Whereas, the Victims First domestic violence program in the 20th Prosecutorial District has played both a significant role in reducing incidents of domestic violence through community education and in advocating for victims' rights in the Prosecution of domestic violence cases; and

Whereas, in the past the Victims First domestic violence program has been funded by federal grant money which provided the salaries for staff of the program, including the salaries of two assistant district attorneys; and

Whereas, this funding will no longer be available after 1999; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9

1	2	Beaufort, Hyde, Martin,	5
2		Tyrrell, Washington	
3	3A	Pitt	9
4	3B	Carteret, Craven, Pamlico	10
5	4	Duplin, Jones, Onslow,	14
6		Sampson	
7	5	New Hanover, Pender	13
8	6A	Halifax	4
9	6B	Bertie, Hertford,	4
10		Northampton	
11	7	Edgecombe, Nash, Wilson	15
12	8	Greene, Lenoir, Wayne	11
13	9	Franklin, Granville,	10
14		Vance, Warren	
15	9A	Person, Caswell	4
16	10	Wake	28
17	11	Harnett, Johnston, Lee	14
18	12	Cumberland	17
19	13	Bladen, Brunswick, Columbus	9
20	14	Durham	13
21	15A	Alamance	7
22	15B	Orange, Chatham	7
23	16A	Scotland, Hoke	5
24	16B	Robeson	9
25	17A	Rockingham	5
26	17B	Stokes, Surry	5
27	18	Guilford	26
28	19A	Cabarrus	5
29	19B	Montgomery, Moore, Randolph	11
30	19C	Rowan	5
31	20	Anson, Richmond,	~~14~~ 16
32		Stanly, Union	
33	21	Forsyth	17
34	22	Alexander, Davidson, Davie,	16
35		Iredell	
36	23	Alleghany, Ashe, Wilkes,	5
37		Yadkin	
38	24	Avery, Madison, Mitchell,	4
39		Watauga, Yancey	
40	25	Burke, Caldwell, Catawba	14
41	26	Mecklenburg	32
42	27A	Gaston	12
43	27B	Cleveland,	8
44		Lincoln	

28	Buncombe	10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	8

Section 2. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of one hundred forty thousand five hundred eighty-four dollars ($140,584) for the 1999-2000 fiscal year and the sum of one hundred forty thousand five hundred eighty-four dollars ($140,584) for the 2000-2001 fiscal year to establish the two assistant district attorney positions created in Section 1.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 603

Short Title: Renew Bad Check Pilot Program. (Public)

Sponsors: Representatives Hill; Nye, Redwine, and Wright.

Referred to: Appropriations.

March 25, 1999

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SUNSET ON BAD CHECK PILOT PROGRAMS AND TO ADD BRUNSWICK AND BLADEN COUNTIES TO THE BAD CHECK PILOT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. Subsection (e) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, reads as rewritten:

"(e) This section becomes effective October 1, 1997, and expires June 30, ~~1999.~~ 2000."

Section 2. Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212 and Section 21 of S.L. 1998-217, reads as rewritten:

"(d) This section apples only to Bladen, Brunswick, Columbus, Durham, Rockingham, and Wake Counties."

Section 3. There is appropriated from the General Fund to the Judicial Department the sum of two hundred sixty-seven thousand seven hundred ninety-four dollars ($267,794) for the 1999-2000 fiscal year to continue the bad check collection pilot programs in Columbus, Durham, Rockingham, and Wake Counties as established in Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, and to establish bad check collection pilot programs in Bladen and Brunswick Counties.

Section 4. The Administrative Office of the Courts shall report by May 1, 2000, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the programs authorized by this act, including their

effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases.

Section 5. Section 1 of this act becomes effective June 30, 1999. The remainder of this act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 505

Short Title: Cumberland Juv. Assessment Center. (Public)

Sponsors: Representatives Morris; Hurley, Kinney, McAllister, and Warner.

Referred to: Appropriations.

March 18, 1999

A BILL TO BE ENTITLED

AN ACT TO CONTINUE THE OPERATION OF THE CUMBERLAND COUNTY JUVENILE ASSESSMENT CENTER PROJECT AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1.(a) The Office of Juvenile Justice, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall continue operation of the Juvenile Assessment Center Project in District Court District 12 and established in Section 18.21 of S.L. 1997-443, as amended by Section 16.6 of S.L. 1998-212. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall also provide services to the families of these juveniles and shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Project shall maintain individual case files and keep statistical information used to document services delivered and evaluate the progress of the program.

Section 1.(b) The Project shall continue to:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or who are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop a collaborative interagency information network that will speed appropriate law enforcement, juvenile court, and relevant intervention responses for referred youth and their families;

(4) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the faith community, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

Section 1.(c) The Juvenile Assessment Advisory Board established in Section 18.21 of S.L. 1997-443 and amended by Section 16.6 of S.L. 1998-212 shall continue to evaluate the operations of the Project and shall make recommendations regarding the Project to the Office of Juvenile Justice. The Board shall consist of the 13 members initially appointed pursuant to Section 18.21 of S.L. 1997-443.

The Board shall meet at least quarterly at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland County shall continue to provide necessary clerical and professional assistance to the Board.

The terms of the members shall expire June 30, 2001.

Section 1.(d) The Office of Juvenile Justice shall evaluate the Project and report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives and the Fiscal Research Division of the General Assembly by October 1, 2000, on the operations of the Project. The October 2000 report shall include recommendations on whether the Project should be continued and, if so, the extent to which it should be continued, why it should be continued, and the costs associated with continuing the Project. If the Office of Juvenile Justice recommends the Project should not be continued, it shall provide the reasons for that recommendation.

Section 2. There is appropriated from the General Fund to the Office of Juvenile Justice the sum of three hundred thousand dollars ($300,000) for the 1999-2000 fiscal year and the sum of three hundred fifty thousand dollars ($350,000) for the 2000-2001 fiscal year to fund the Juvenile Assessment Center Project authorized by this act.

Section 3. This act becomes effective July 1, 1999, and expires June 30, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 533

Short Title: Cleveland Corr. Ctr./Funds. (Public)

Sponsors: Representatives Dedmon, Clary, Horn (Primary Sponsors); Allen, Arnold, Bowie, Brown, Buchanan, Cansler, Capps, Carpenter, Cole, Cox, Creech, Culp, Davis, Eddins, Fox, Gardner, Goodwin, Gray, Gulley, Haire, Hardaway, Hiatt, Hill, Hurley, Jarrell, Jeffus, Justus, Kiser, McAllister, McComas, Melton, Mitchell, Owens, Ramsey, Rayfield, Saunders, Sexton, Smith, Sutton, Thomas, Thompson, Tolson, Warner, Warren, Warwick, C. Wilson, and G. Wilson.

Referred to: Appropriations.

March 23, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF LOCATING A CLOSE CUSTODY PRISON FACILITY IN CLEVELAND COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Correction the sum of one hundred thousand dollars ($100,000) for the 1999-2000 fiscal year to contract with a consultant to review the feasibility of locating one of the three new close custody facilities proposed for the State prison system in Cleveland County or of adding a facility in Cleveland County as a fourth close custody site. The feasibility study shall compare any proposed Cleveland County sites with sites currently under consideration in terms of land acquisition costs, water and sewer requirements, major road access, potential hiring pool, and any other pertinent criteria.

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 658

Short Title: Women At Risk Funds. (Public)

Sponsors: Representatives Nesbitt, Sherrill (Primary Sponsors); Walend, Thompson, and Cansler.

Referred to: Appropriations.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO SUPPORT AND EXPAND THE WOMEN AT RISK PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Correction the sum of two hundred thousand dollars ($200,000) for the 1999-2000 fiscal year to be allocated to the Western Carolinians for Criminal Justice to support the Women At Risk Program, a community-based treatment program serving female offenders and their families. These funds shall be allocated as follows:

(1) $150,000 for the Women At Risk Program in Buncombe County.

(2) $50,000 for expansion of the Women At Risk Program.

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 925*

Short Title: Community Mediation Funds. (Public)

Sponsors: Representatives Nesbitt, Neely (Primary Sponsors); Alexander, Baddour, Bridgeman, Buchanan, Cansler, Cole, Cunningham, Easterling, Esposito, Hackney, Hensley, Hill, Hurley, Insko, Kiser, Luebke, McMahan, Miller, Morris, Oldham, Owens, Redwine, Setzer, Sherrill, Teague, Thompson, Tucker, Wainwright, Walend, C. Wilson, and Womble.

Referred to: Appropriations.

April 5, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO COMMUNITY MEDIATION CENTERS ACROSS THE STATE.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of six hundred ninety-seven thousand nine hundred three dollars ($697,903) for the 1999-2000 fiscal year and the sum of six hundred ninety-seven thousand nine hundred three dollars ($697,903) for the 2000-2001 fiscal year for additional funding for 25 community mediation centers, also known as dispute settlement centers, across the State and for new funding for the Mediation Network of North Carolina.

Section 2. Of the funds appropriated in Section 1 of this act, fifty thousand dollars ($50,000) for the 1999-2000 fiscal year and fifty thousand dollars ($50,000) for the 2000-2001 fiscal year shall be allocated for new funding for the Mediation Network of North Carolina. The remaining funds shall be allocated for the 1999-2000 fiscal year and for the 2000-2001 fiscal year as follows:

(1) $15,000 for the Alamance County Dispute Resolution Center;
(2) $18,023 for the Albemarle Dispute Settlement Center;
(3) $30,000 for the Blue Ridge Dispute Settlement Center;
(4) $18,000 for the Cabarrus County Mediation Center;

(5) $33,500 for the Chatham County Dispute Settlement Center;
(6) $30,000 for the Charlotte/Mecklenburg Dispute Settlement Program;
(7) $29,000 for the Conflict Resolution Center of Catawba, Burke, and Caldwell;
(8) $10,000 for the Cumberland County Dispute Resolution Center;
(9) $20,000 for the Dispute Settlement Center of Cape Fear;
(10) $40,000 for the Dispute Settlement Center of Durham;
(11) $25,000 for the Dispute Settlement Center of Moore County;
(12) $10,000 for the Duplin Dispute Settlement Center;
(13) $15,000 for the Henderson County Dispute Settlement Center;
(14) $40,000 for The Mediation Center, Asheville;
(15) $45,000 for the Mediation Center of Eastern Carolina;
(16) $25,000 for the Mediation Center of the Southern Piedmont;
(17) $20,000 for Mediation Services of Forsyth County;
(18) $20,000 for Mediation Services of Guilford County;
(19) $25,000 for Mediation Services of Rockingham County;
(20) $36,000 for Mediation Services of Wake County;
(21) $25,000 for Mountain Dispute Settlement Center;
(22) $30,000 for Orange County Dispute Settlement Center;
(23) $49,380 for Piedmont Mediation Center;
(24) $25,000 for the Sandhills Mediation Center; and
(25) $14,000 for the Transylvania Dispute Settlement Center.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 936*

Short Title: Victims Assistance Funds. (Public)

Sponsors: Representatives Easterling, Redwine; Alexander, Boyd-McIntyre, Cunningham, Goodwin, Hurley, Jarrell, Jeffus, Luebke, McAllister, Morris, Mosley, Sexton, Sherrill, Wainwright, and Wright.

Referred to: Appropriations.

April 6, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA VICTIMS ASSISTANCE NETWORK TO EXPAND SERVICES PROVIDED BY THE NETWORK AND HIRE ADDITIONAL PERSONNEL.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of three hundred fifty thousand dollars ($350,000) for the 1999-2000 fiscal year and the sum of three hundred fifty thousand dollars ($350,000) for the 2000-2001 fiscal year for the North Carolina Victims Assistance Network. The funds shall be used to (i) expand the services of the Network, including expansion of the information and referral database and public awareness efforts, and (ii) hire a victim services coordinator to provide information and services to victims; an outreach coordinator to develop educational materials to address the needs of the minority and underserved victim populations; a program development coordinator to coordinate training programs and develop a statewide public awareness campaign; and an executive assistant to provide administrative support to the staff of the Network.

Section 2. This act becomes effective July 1, 1999.

JPS Subcommittee Target

Governor's Recommended Budget for FY 1999-00

	Continuation Recomm.	Reductions	Expansion	Revised Budget
Correction	$922,020,076	$20,178,304	$0	$901,841,772
Crime Control	$35,723,850	$402,276	$0	$35,321,574
Juvenile Justice	$130,037,966	$0	$9,325,010	$139,362,976
Judicial	$337,613,191	$0	$0	$337,613,191
Justice	$72,273,100	$30,000	$0	$72,243,100
	$1,497,668,183	$20,610,580	$9,325,010	$1,486,382,613

Governor's Base Budget Recommendations	$1,497,668,183
Governor's Recommended Reductions	($20,610,580)
Governor's Recommended Expansion	$9,325,010
Governor's Revised Recommended Budget	$1,486,382,613

JPS Target Provided by Appropriations Chairs	**$1,470,000,000**

What does this target mean for the subcommittee?

Subcommittee must reduce Governor's Revised Budget by:	$16,382,613
	or
Subcommittee must reduce Governor's Recomm Budget by:	$27,668,183

GOVERNOR'S CRIME COMMISSION
VIOLENT ADULT AND TEEN SQUAD
GRANT #110-197-024-D-157
QUARTERLY REPORT BY SHELLEY L. PEARSON
APRIL 5, 1999

On October 1, 1997, the Dangerous Offenders Task Force (herein after "DOTF") officially became the Violent Adult and Teen Squad ("VATS"). The purpose of VATS remains similar to DOTF, but with one major difference. Like the DOTF, the VATS continues to identify quickly and expedite successfully the prosecution of those adults who are career and violent criminals, resulting in more timely and appropriate sentences. However, with the new name came a new concentration on the younger offender, as a result of the growing concern over the rise in juvenile crime. The VATS attempts to fulfill the above-mentioned project goal through the following objectives:

1. By identifying and targeting career and violent adults and juveniles in Wake County at the early stage of post arrest;
2. By expediting these targeted cases through the court system to disposition;
3. By reducing the caseload for the prosecutors and investigators handling the targeted career and violent offenders;
4. By thoroughly investigating and preparing evidence involved in career and violent offender cases;
5. By reducing pretrial detention stays for career and violent offenders
6. By reducing plea bargaining and increasing the number of jury trials of career and violent offenders; and
7. By appropriately increasing the swiftness and severity of sentences for career and violent criminal, both adults and juveniles.

1.
IDENTIFICATION AND TARGETING OF VIOLENT OFFENDERS AT EARLY STAGE OF POST ARREST

The VATS identifies and targets those defendants considered to be dangerous offenders at an early stage following their arrest. Jail lists processed by the Wake County Sheriff's Department are screened each morning by a task force member, and if the defendant qualifies for the program a representative of the task force appears at the first appearance hearing later that afternoon. At that hearing, the case is assessed and conditions of the release are evaluated. The VATS takes the step of screening cases one step further by having task force investigators ascertain everything about the case as soon as possible by interviewing arresting officers, victims, and witnesses prior to making the final determination. This added step greatly assists in making the ultimate decision of whether someone qualifies for the VATS program.

Since January 1, 1999, 103 cases involving 29 defendants have been identified as applicable to the program and assigned to the task force. Of these 29 defendants, 8 have been sentenced and 21 have charges pending.

The majority of offenders prosecuted by the VATS are young. They range in ages from 17 to 51, with an average age of 25. Only 6% percent of defendants are over the age of forty, while 41% of the defendants are twenty years of age or below, 58% percent of this age group are 18 of age or below. The remaining 53% of defendants are between 21 to 40 years of age.

2.
EXPEDITION OF TARGETED CASES THROUGH THE COURT SYSTEM

Following first appearance, the case is assigned to a VATS prosecutor and the case is sent to the next grand jury to be indicted. These cases are given priority and bypass grand jury deadlines imposed on other felonies. The flexibility to indict a defendant at the next session of the grand jury has reduced the amount of time it takes to process a case through the court system.

Following indictment, a violent offender is put on an arraignment calendar. If the defendant does not plead guilty at arraignment, he is set on the next trial calendar. Therefore, each week the defendant's name appears on one of three calendars: grand jury, arraignment, or trial until the case is disposed.

In order to move cases to trial quickly, an extra session of Superior Court is added each month and reserved for VATS cases. During this particular week the VATS has a courtroom and judge used solely for VATS cases. Since January 1, 1999, the VATS has had three sessions of Superior Court.

At this time, an average VATS case reaches disposition in approximately 50 days, 40 days less than the original ninety day goal.

3.
REDUCTION OF CASELOAD FOR PROSECUTORS AND INVESTIGATORS

A prosecutor and investigator are assigned to each defendant identified as a violent adult or juvenile immediately following the first appearance hearing. Each prosecutor in the VATS maintains a caseload of fifteen to twenty defendants as opposed to the forty to eighty defendants handled by each regular felony prosecutor. This enables the VATS prosecutors to concentrate efforts on preparing quality cases for trial.

4.
THOROUGH INVESTIGATION AND PREPARATION OF EVIDENCE

The investigators continue to assume the responsibility of thoroughly investigating the cases assigned to the VATS. Once a defendant is assigned to the VATS, the investigators begin locating, contacting, and interviewing victims and witnesses. Investigators work with arresting officers and assigned detectives preparing the case together in a timely manner. As soon as a case is slated for trial, the assigned investigator issues subpoenas to the necessary witnesses and works directly with the prosecutor to prepare a thorough case for trial.

5.
REDUCTION IN PRETRIAL DETENTION STAYS

The timely manner in which the VATS is able to prosecute substantially reduces pretrial detention stays and costs. Most VATS cases are disposed of in less than ninety days, with the average case taking 50 days.

6.
REDUCTION IN PLEA BARGAINING AND INCREASE IN NUMBER OF JURY TRIALS

Since January 1, 1999, 63 cases have reached disposition. Of those cases, 82% have resulted in guilty pleas as charged, 10% have gone to trial, 5% have resulted in a guilty plea to a lesser charge, and 3% were dismissed by the State.

7.
APPROPRIATE INCREASE IN SWIFTNESS AND SEVERITY OF SENTENCES

Prosecutors in the VATS handle a variety of cases; however the most common cases are robberies, assaults, rapes and sex offenses, kidnappings, and burglaries.

Robberies are the most common cases handled by the VATS, making up 61% of the cases prosecuted by our task force, followed by kidnappings at 26%, assaults (5%), rape and sex offenses (4%), larcenies (3%), and miscellaneous crimes at (3%). The miscellaneous cases are crimes such as drug offenses, firearm offenses, and property crimes.

GRANT PROGRESS REPORT

GOVERNOR'S CRIME COMMISSION
1201 FRONT STREET, SUITE 200
RALEIGH, NC 27609

APPLICANT/GRANTEE | **PROJECT TITLE**

IMPLEMENTING AGENCY | **PROJECT NUMBER**

I. PROGRAM OBJECTIVES:

PLANNED	ACCOMPLISHED
1. Identify and target career and violent adults in Wake County at the early stage of post arrest.	1. Since August 1, 1998, 39 cases involving 19 adults have been identified as applicable to the program and assigned to the force.
2. Identify and target violent juveniles in Wake County at the early stage of post arrest.	2. Since August 1, 1998, 25 cases involving 4 juveniles have been identified as applicable to the program and assigned to the force.
3. Expedite targeted adult cases through the court system to disposition within 90 days.	3. An average adult case has been disposed of in 60 days, 30 days less than the 90 day goal.
4. Expedite targeted juvenile cases through the court system to disposition within 90 days.	4. An average juvenile case has been disposed of in 40 days, 50 days less than the 90 day goal.
5. Reduce the caseload for the prosecutors handling the targeted career and violent offenders.	5. Each prosecutor in the force maintains a caseload of fifteen to twenty defendants as opposed to the forty to eighty defendants handled by each regular felony prosecutor.
6. Increase the severity of sentences for career and violent adult offenders.	6. Since August 1, 1998, the average sentence for one of these adult offenders is 41 months in active time.
7. Increase the severity of sentences for career and violent juvenile offenders.	7. Since August 1, 1998, the average sentence for one of these juvenile offenders is 35 months in active time.

PROGRESS REPORT (2)

I. PROJECT ACTIVITIES:

PLANNED	ACCOMPLISHED
1. A daily appearance from a task force member at the first appearance hearing for the defendants.	1. This member screens each defendant and his or her charges and assesses the conditions of release.
2. Assign a prosecutor and investigator to each case assumed by the task force.	2. The assigned investigator issues subpoenas to the necessary witnesses and works directly with the prosecutor to prepare a thorough case for trial.
3. Interview arresting officers and attain the police reports in a time efficient manner.	3. There is a special form designated for the task force so when the police departments receive the request, they return reports expeditiously.
4. Meet with the victim and/or witness on a personal level.	4. The investigator is able to locate, contact, and interview victims and witnesses at their home or place of employment
5. Thoroughly investigate and prepare evidence involved in career and violent offenders.	5. Investigators work with CCBI and the SBI in order to have all evidence prepared for trial.
6. Bypass deadlines set for the Grand Jury, Motion and Arraignment Calendar, and Trial Calendar.	6. The flexibility to indict or set cases on either of the calendars reduce the amount of time it takes to process the case through the court system.
7. Set calendared cases on the week that is specified for the task force.	7. An extra session of Superior Court is added each month and reserved for the task force.
8. Expedite successfully the prosecution of the career and violent adults and juveniles.	8. Since August 1, 1998, 61% of all defendants have pled guilty to the charges, of the remaining 39%, 98% tried by a jury have been found guilty .
9. Reduce plea bargaining and increase the number of jury trials of career and violent offenders.	9. Since August 1, 1998 93% of the defendants have plead guilty as charged while 21% of the remaining 7% have been jury trials.
	(the remaining 9% of the cases were taken by the Federal Government, called and failed, or dismissed)

PROGRESS REPORT (3)

III. GENERAL COMMENTS:

This task force identifies and targets those defendants considered to be dangerous in Wake County. Although there are a wide variety of crimes committed, the task force focuses its attention on several of the most violent crimes. The most common cases handled by these prosecutors are robberies, assaults, rapes and sex offenses, kidnappings, and burglaries.

Since August 1, 1998, robberies are the most common cases handled by the VATS, making up 56% of the cases prosecuted by our task force, followed by kidnappings at 11%, burglaries (6%), larcenies (1%), rape and sex offenses (6%), assaults (6%), and miscellaneous crimes at (5%). The miscellaneous cases are crimes such as drug offenses, firearm offenses, habitual felonies and property crimes.

REPORT COMPLETED BY:_____ TITLE:_____

PROJECT DIRECTOR'S
SIGNATURE:_____ DATE:_____

GRANT PROGRESS REPORT

GOVERNOR'S CRIME COMMISSION
DOBBS BUILDING, P.O. BOX 27687
RALEIGH, NC 27611

VIOLENT ADULT AND TEEN SQUAD

WAKE COUNTY DISTRICT ATTORNEY'S OFFICE
RALEIGH, NORTH CAROLINA
GRANT #110-197-024-D-157
BY SHELLEY L. PEARSON

I. INTRODUCTION

The Violent Adult and Teen Squad (hereinafter "VATS") officially began on October 1, 1997. Since this date, the project goals for the task force have been to identify quickly and expedite successfully the prosecution of career and violent criminals, resulting in more timely and appropriate sentences. The VATS is comprised of two assistant district attorneys, two investigators, and one legal assistant.

II. PROGRAM OBJECTIVES AND ACTIVITIES

The VATS attempts to effectively and expeditiously prosecute violent adult and juvenile offenders in Wake County through the following objectives and activities:

A. IDENTIFICATION AND TARGETING OF VIOLENT OFFENDERS AT EARLY STAGE OF POST ARREST

The VATS identifies and targets those defendants considered to be dangerous offenders at an early stage following their arrest. Jail lists processed by the Wake County Sheriff's Department are screened each morning by a task force member, and if the defendant qualifies for the program a representative of the task force appears at the first appearance hearing later that afternoon. At that hearing, the case is assessed and conditions of the release are evaluated. The VATS takes the step of screening cases one step further by having task force investigators ascertain everything about the case as soon as possible by interviewing arresting officers, victims, and witnesses prior to making the final determination. This added step greatly assists in making the ultimate decision of whether someone qualifies for the VATS program.

Since October 1, 1997, 261 cases involving 94 defendants have been identified as applicable to the program and assigned to the task force. Of these 261 cases, 257 have reached disposition and 4 are pending.

The majority of offenders prosecuted by the VATS are young. They range in age from 15 to 57, with an average age of 24. Only 9% percent of defendants are over the age of forty, while 28% of the defendants are under twenty years of age, 41% percent of this age group are under the age of 18. The remaining 63% of defendants are between 20 to 40 years of age.

B. EXPEDITION OF TARGETED CASES THROUGH THE COURT SYSTEM

Following first appearance, the case is assigned to a VATS prosecutor and the case is sent to the next grand jury to be indicted. These cases are given priority and bypass grand jury deadlines imposed on other felonies. The flexibility to indict a defendant at the next session of the grand jury has reduced the amount of time it takes to process a case through the court system.

Following indictment, a violent offender is put on an arraignment calendar. If the defendant does not plead guilty at arraignment, he is set on the next trial calendar. Therefore, each week the defendant's name appears on one of three calendars: grand jury, arraignment, or trial until the case is disposed.

In order to move cases to trial quickly, an extra session of Superior Court is added each month and reserved for VATS cases. During this particular week the VATS has a courtroom and judge used solely for VATS cases. Since October 1, 1997, the VATS has had twelve sessions of Superior Court in addition to Wake County's normal allotment of court time.

At this time, an average VATS case reaches disposition in approximately 69 days, 21 days less than the original ninety day goal. One can see the success of the task force when comparing VATS numbers with those of non-task force cases in Wake County, as shown in the chart below:

DATES	<90 DAYS	91-120 DAYS	121-180 DAYS	181-1 YEAR	OVER 1 YEAR	AVE. DAYS
NON-VATS 07/01/97-07/01/98	52%	13%	13%	14%	7%	137 days
VATS 10/01/97-10/01/98	70%	28%	0%	1%	0%	69 days

C. REDUCTION OF CASELOAD FOR PROSECUTORS AND INVESTIGATORS

A prosecutor and investigator are assigned to each defendant identified as a violent adult or juvenile immediately following the first appearance hearing. Each prosecutor in the VATS maintains a caseload of fifteen to twenty defendants as opposed to the forty to eighty defendants handled by each regular felony prosecutor. This enables the VATS prosecutors to concentrate efforts on preparing quality cases for trial.

Investigators on the task force are also responsible for fifteen to twenty defendants each. The heavy caseload maintained by detectives of the local law enforcement agencies limits their availability for case preparation after an arrest has been made. Having a VATS investigator assigned to each case has allowed more victim/witness preparation and insures that critical evidence continues to be gathered up to the time of the trial. Investigators have played a key role in strengthening and preparing cases so that it is not necessary to plea bargain.

D. THOROUGH INVESTIGATION AND PREPARATION OF EVIDENCE

The investigators continue to assume the responsibility of thoroughly investigating the cases assigned to the VATS. Once a defendant is assigned to the VATS, the investigators begin locating, contacting, and interviewing victims and witnesses. Investigators work with arresting officers and assigned detectives preparing the case together in a timely manner. As soon as a case is slated for trial, the assigned investigator issues subpoenas to the necessary witnesses and works directly with the prosecutor to prepare a thorough case for trial.

E. REDUCTION IN PRETRIAL DETENTION STAYS

The timely manner in which the VATS is able to prosecute substantially reduces pretrial detention stays and costs. Most VATS cases are disposed of in less than ninety days, with the average case taking 69 days.

F. REDUCTION IN PLEA BARGAINING AND INCREASE IN NUMBER OF JURY TRIALS

Since October 1, 1997, 257 cases have reached disposition. Below please find a graph demonstrating the disposition activity of our task force's cases:

DATE	GUILTY VERDICT	NOT GUILTY VERDICT	GUILTY PLEA AS CHARGED	GUILTY PLEA TO LESSER CHARGE	DISMISS/ OTHER
DOTF 10/01/97-09/30/98	10%	1%	64%	15%	9%

**percentages do not add up due to rounding*

G. APPROPRIATE INCREASE IN SWIFTNESS AND SEVERITY OF SENTENCES

Prosecutors in the VATS handle a variety of cases; however the most common cases are robberies, assaults, rapes and sex offenses, kidnappings, and burglaries.

Robberies are the most common cases handled by the VATS, making up 73% of the cases prosecuted by our task force, followed by kidnappings at 7%, assaults (7%), rape and sex offenses (4%), burglaries (3%), and miscellaneous crimes at (7%). The miscellaneous cases are crimes such as drug offenses, firearm offenses, and property crimes.

The VATS continues to successfully prosecute these violent adult and juvenile offenders in a swift manner shown by comparing days from arrest to disposition to the non-task force cases:

DATES	RAPE/ SEX OFF.	ROB-BERY	ASS-AULT	BURG-LARY	DRUGS	OTHER
NON VATS 07/01/97-07/01/98	153 days	91 days	124 days	112 days	172 days	142 days
VATS 10/01/97-10/01/98	100 days	33 days	64 days	94 days	N/A	54 days

**VATS maintains statistics on kidnapping cases separately, while the Administrative Office of the Courts includes kidnappings among their "other" felony category. During the past grant year, the average number of days form arrest to disposition in VATS kidnapping cases was 60 days.*

Sentences received by dangerous offenders range from two (2) to three (3) years for the lesser degrees of robbery and burglary to thirty (30) years for the most severe kidnappings, robberies, and sexual assault cases.

III. CONCLUSION

In conclusion, the VATS continues to advance forward in this project by meeting the planned objectives, performing the planned activities, and ultimately achieving the project goal.

GRANT PROGRESS REPORT

GOVERNOR'S CRIME COMMISSION
DOBBS BUILDING, P.O. BOX 27687
RALEIGH, NC 27611

VIOLENT ADULT AND TEEN SQUAD

WAKE COUNTY DISTRICT ATTORNEY'S OFFICE
RALEIGH, NORTH CAROLINA
GRANT #110-197-024-D-157
BY SHELLEY L. PEARSON

I. INTRODUCTION

The Violent Adult and Teen Squad (hereinafter "VATS") officially began on October 1, 1997. Since this date, the project goals for the task force have been to identify quickly and expedite successfully the prosecution of career and violent criminals, resulting in more timely and appropriate sentences. The VATS is comprised of two assistant district attorneys, two investigators, and one legal assistant.

II. PROGRAM OBJECTIVES AND ACTIVITIES

The VATS attempts to effectively and expeditiously prosecute violent adult and juvenile offenders in Wake County through the following objectives and activities:

A. IDENTIFICATION AND TARGETING OF VIOLENT OFFENDERS AT EARLY STAGE OF POST ARREST

The VATS identifies and targets those defendants considered to be dangerous offenders at an early stage following their arrest. Jail lists processed by the Wake County Sheriff's Department are screened each morning by a task force member, and if the defendant qualifies for the program a representative of the task force appears at the first appearance hearing later that afternoon. At that hearing, the case is assessed and conditions of the release are evaluated. The VATS takes the step of screening cases one step further by having task force investigators ascertain everything about the case as soon as possible by interviewing arresting officers, victims, and witnesses prior to making the final determination. This added step greatly assists in making the ultimate decision of whether someone qualifies for the VATS program.

Since October 1, 1997, 261 cases involving 94 defendants have been identified as applicable to the program and assigned to the task force. Of these 261 cases, 257 have reached disposition and 4 are pending.

The majority of offenders prosecuted by the VATS are young. They range in age from 15 to 57, with an average age of 24. Only 9% percent of defendants are over the age of forty, while 28% of the defendants are under twenty years of age, 41% percent of this age group are under the age of 18. The remaining 63% of defendants are between 20 to 40 years of age.

B. EXPEDITION OF TARGETED CASES THROUGH THE COURT SYSTEM

Following first appearance, the case is assigned to a VATS prosecutor and the case is sent to the next grand jury to be indicted. These cases are given priority and bypass grand jury deadlines imposed on other felonies. The flexibility to indict a defendant at the next session of the grand jury has reduced the amount of time it takes to process a case through the court system.

Following indictment, a violent offender is put on an arraignment calendar. If the defendant does not plead guilty at arraignment, he is set on the next trial calendar. Therefore, each week the defendant's name appears on one of three calendars: grand jury, arraignment, or trial until the case is disposed.

In order to move cases to trial quickly, an extra session of Superior Court is added each month and reserved for VATS cases. During this particular week the VATS has a courtroom and judge used solely for VATS cases. Since October 1, 1997, the VATS has had twelve sessions of Superior Court in addition to Wake County's normal allotment of court time.

At this time, an average VATS case reaches disposition in approximately 69 days, 21 days less than the original ninety day goal. One can see the success of the task force when comparing VATS numbers with those of non-task force cases in Wake County, as shown in the chart below:

DATES	<90 DAYS	91-120 DAYS	121-180 DAYS	181-1 YEAR	OVER 1 YEAR	AVE. DAYS
NON-VATS 07/01/97-07/01/98	52%	13%	13%	14%	7%	137 days
VATS 10/01/97-10/01/98	70%	28%	0%	1%	0%	69 days

C. REDUCTION OF CASELOAD FOR PROSECUTORS AND INVESTIGATORS

A prosecutor and investigator are assigned to each defendant identified as a violent adult or juvenile immediately following the first appearance hearing. Each prosecutor in the VATS maintains a caseload of fifteen to twenty defendants as opposed to the forty to eighty defendants handled by each regular felony prosecutor. This enables the VATS prosecutors to concentrate efforts on preparing quality cases for trial.

Investigators on the task force are also responsible for fifteen to twenty defendants each. The heavy caseload maintained by detectives of the local law enforcement agencies limits their availability for case preparation after an arrest has been made. Having a VATS investigator assigned to each case has allowed more victim/witness preparation and insures that critical evidence continues to be gathered up to the time of the trial. Investigators have played a key role in strengthening and preparing cases so that it is not necessary to plea bargain.

D. THOROUGH INVESTIGATION AND PREPARATION OF EVIDENCE

The investigators continue to assume the responsibility of thoroughly investigating the cases assigned to the VATS. Once a defendant is assigned to the VATS, the investigators begin locating, contacting, and interviewing victims and witnesses. Investigators work with arresting officers and assigned detectives preparing the case together in a timely manner. As soon as a case is slated for trial, the assigned investigator issues subpoenas to the necessary witnesses and works directly with the prosecutor to prepare a thorough case for trial.

E. REDUCTION IN PRETRIAL DETENTION STAYS

The timely manner in which the VATS is able to prosecute substantially reduces pretrial detention stays and costs. Most VATS cases are disposed of in less than ninety days, with the average case taking 69 days.

F. REDUCTION IN PLEA BARGAINING AND INCREASE IN NUMBER OF JURY TRIALS

Since October 1, 1997, 257 cases have reached disposition. Below please find a graph demonstrating the disposition activity of our task force's cases:

DATE	GUILTY VERDICT	NOT GUILTY VERDICT	GUILTY PLEA AS CHARGED	GUILTY PLEA TO LESSER CHARGE	DISMISS/ OTHER
DOTF 10/01/97-09/30/98	10%	1%	64%	15%	9%

**percentages do not add up due to rounding*

G. APPROPRIATE INCREASE IN SWIFTNESS AND SEVERITY OF SENTENCES

Prosecutors in the VATS handle a variety of cases; however the most common cases are robberies, assaults, rapes and sex offenses, kidnappings, and burglaries.

Robberies are the most common cases handled by the VATS, making up 73% of the cases prosecuted by our task force, followed by kidnappings at 7%, assaults (7%), rape and sex offenses (4%), burglaries (3%), and miscellaneous crimes at (7%). The miscellaneous cases are crimes such as drug offenses, firearm offenses, and property crimes.

The VATS continues to successfully prosecute these violent adult and juvenile offenders in a swift manner shown by comparing days from arrest to disposition to the non-task force cases:

DATES	RAPE/ SEX OFF.	ROB-BERY	ASS-AULT	BURG-LARY	DRUGS	OTHER
NON VATS 07/01/97-07/01/98	153 days	91 days	124 days	112 days	172 days	142 days
VATS 10/01/97-10/01/98	100 days	33 days	64 days	94 days	N/A	54 days

**VATS maintains statistics on kidnapping cases separately, while the Administrative Office of the Courts includes kidnappings among their "other" felony category. During the past grant year, the average number of days form arrest to disposition in VATS kidnapping cases was 60 days.*

Sentences received by dangerous offenders range from two (2) to three (3) years for the lesser degrees of robbery and burglary to thirty (30) years for the most severe kidnappings, robberies, and sexual assault cases.

III. CONCLUSION

In conclusion, the VATS continues to advance forward in this project by meeting the planned objectives, performing the planned activities, and ultimately achieving the project goal.

GOVERNOR'S CRIME COMMISSION
VIOLENT ADULT AND TEEN SQUAD
GRANT #110-197-024-D-157
QUARTERLY REPORT BY SHELLEY L. PEARSON
APRIL 5, 1999

On October 1, 1997, the Dangerous Offenders Task Force (herein after "DOTF") officially became the Violent Adult and Teen Squad ("VATS"). The purpose of VATS remains similar to DOTF, but with one major difference. Like the DOTF, the VATS continues to identify quickly and expedite successfully the prosecution of those adults who are career and violent criminals, resulting in more timely and appropriate sentences. However, with the new name came a new concentration on the younger offender, as a result of the growing concern over the rise in juvenile crime. The VATS attempts to fulfill the above-mentioned project goal through the following objectives:

1. By identifying and targeting career and violent adults and juveniles in Wake County at the early stage of post arrest;
2. By expediting these targeted cases through the court system to disposition;
3. By reducing the caseload for the prosecutors and investigators handling the targeted career and violent offenders;
4. By thoroughly investigating and preparing evidence involved in career and violent offender cases;
5. By reducing pretrial detention stays for career and violent offenders
6. By reducing plea bargaining and increasing the number of jury trials of career and violent offenders; and
7. By appropriately increasing the swiftness and severity of sentences for career and violent criminal, both adults and juveniles.

1.
IDENTIFICATION AND TARGETING OF VIOLENT OFFENDERS AT EARLY STAGE OF POST ARREST

The VATS identifies and targets those defendants considered to be dangerous offenders at an early stage following their arrest. Jail lists processed by the Wake County Sheriff's Department are screened each morning by a task force member, and if the defendant qualifies for the program a representative of the task force appears at the first appearance hearing later that afternoon. At that hearing, the case is assessed and conditions of the release are evaluated. The VATS takes the step of screening cases one step further by having task force investigators ascertain everything about the case as soon as possible by interviewing arresting officers, victims, and witnesses prior to making the final determination. This added step greatly assists in making the ultimate decision of whether someone qualifies for the VATS program.

Since January 1, 1999, 103 cases involving 29 defendants have been identified as applicable to the program and assigned to the task force. Of these 29 defendants, 8 have been sentenced and 21 have charges pending.

The majority of offenders prosecuted by the VATS are young. They range in ages from 17 to 51, with an average age of 25. Only 6% percent of defendants are over the age of forty, while 41% of the defendants are twenty years of age or below, 58% percent of this age group are 18 of age or below. The remaining 53% of defendants are between 21 to 40 years of age.

2.
EXPEDITION OF TARGETED CASES THROUGH THE COURT SYSTEM

Following first appearance, the case is assigned to a VATS prosecutor and the case is sent to the next grand jury to be indicted. These cases are given priority and bypass grand jury deadlines imposed on other felonies. The flexibility to indict a defendant at the next session of the grand jury has reduced the amount of time it takes to process a case through the court system.

Following indictment, a violent offender is put on an arraignment calendar. If the defendant does not plead guilty at arraignment, he is set on the next trial calendar. Therefore, each week the defendant's name appears on one of three calendars: grand jury, arraignment, or trial until the case is disposed.

In order to move cases to trial quickly, an extra session of Superior Court is added each month and reserved for VATS cases. During this particular week the VATS has a courtroom and judge used solely for VATS cases. Since January 1, 1999, the VATS has had three sessions of Superior Court.

At this time, an average VATS case reaches disposition in approximately 50 days, 40 days less than the original ninety day goal.

3.
REDUCTION OF CASELOAD FOR PROSECUTORS AND INVESTIGATORS

A prosecutor and investigator are assigned to each defendant identified as a violent adult or juvenile immediately following the first appearance hearing. Each prosecutor in the VATS maintains a caseload of fifteen to twenty defendants as opposed to the forty to eighty defendants handled by each regular felony prosecutor. This enables the VATS prosecutors to concentrate efforts on preparing quality cases for trial.

4.
THOROUGH INVESTIGATION AND PREPARATION OF EVIDENCE

The investigators continue to assume the responsibility of thoroughly investigating the cases assigned to the VATS. Once a defendant is assigned to the VATS, the investigators begin locating, contacting, and interviewing victims and witnesses. Investigators work with arresting officers and assigned detectives preparing the case together in a timely manner. As soon as a case is slated for trial, the assigned investigator issues subpoenas to the necessary witnesses and works directly with the prosecutor to prepare a thorough case for trial.

5.
REDUCTION IN PRETRIAL DETENTION STAYS

The timely manner in which the VATS is able to prosecute substantially reduces pretrial detention stays and costs. Most VATS cases are disposed of in less than ninety days, with the average case taking 50 days.

6.
REDUCTION IN PLEA BARGAINING AND INCREASE IN NUMBER OF JURY TRIALS

Since January 1, 1999, 63 cases have reached disposition. Of those cases, 82% have resulted in guilty pleas as charged, 10% have gone to trial, 5% have resulted in a guilty plea to a lesser charge, and 3% were dismissed by the State.

7.
APPROPRIATE INCREASE IN SWIFTNESS AND SEVERITY OF SENTENCES

Prosecutors in the VATS handle a variety of cases; however the most common cases are robberies, assaults, rapes and sex offenses, kidnappings, and burglaries.

Robberies are the most common cases handled by the VATS, making up 61% of the cases prosecuted by our task force, followed by kidnappings at 26%, assaults (5%), rape and sex offenses (4%), larcenies (3%), and miscellaneous crimes at (3%). The miscellaneous cases are crimes such as drug offenses, firearm offenses, and property crimes.

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday May 6, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

- **Introduction of New Secretary of Correction – Mr. Theodis Beck**

- **Governors Proposal to Authorize Private Construction of 3 1000 bed Close Custody Prisons for Operation by the State of North Carolina**

  Gregg Stahl, Assistant Secretary

  Lynn Phillips, Assistant Secretary
  Department of Correction

  Jim Mills
  Fiscal Research

- **Report on Impact of Domestic Violence Provisions in the Victims Rights Act**

  Peg Dorer, Executive Director
  Conference of District Attorneys

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON

8:30 **JUSTICE AND PUBLIC SAFETY** May 6, '99

(Name of Committee)

DATES															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair															
Rep. Thomas, Vice Chair	✓														
Rep. Clary	✓														
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan	✓														
Sen. Frank Ballance	✓														
Sen. Tony Rand															
Sen. John Carrington	✓														
Sen. Don East															
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

VISITOR REGISTRATION SHEET

Electronic Services House — 5-6-99

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doris Weaver	N.C. CWA Political Council
Spencer Pleggs	State Const. Office
Bill Scogin	NC BAR Assoc.
EDDIE CALDWELL	NC Sheriffs Assn / NC Law Enf Off Assn
Bridge Hunsucker	OSBM
Robert Powell	DSBH
[illegible]	NCOM
Larry Dick	OJJ
[illegible]	DOC
[illegible]	DOC
[illegible]	DOP
Ray Gore	DAs
Karen Gregory	Conference of D.A.'s
Peg Dorer	Conference of DAs
[illegible]	NCCADV
Sherron Kathgur	Connelly
[illegible] Wilson	NCAE
Melissa Lavelle	DOJ
Lao Rubsamen	OPPL
Dolly Taylor	NCCATV

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Thursday May 6, 199 8:30
Room 415 Legislative Office Building

The members of the Committee attending were Representative Paul McCrary, Co-Chairman, presiding; also attending were Representative Ted Kinney, Representative Scott Thomas, Representative Phillip Haire, Representative Jim Horn, Representative Larry Justus, Representative Joe Kiser and Representative Wayne Sexton.

Co-Chairman Paul McCrary called the meeting to order and introduced the new Secretary of Correction, Theodis Beck.

Co-Chairman McCrary recognized Lynn Phillips, Assistant Secretary, Department of Correction to share with the Committee the Governors Proposal to Authorize Private Construction of 3 1000 bed Close Custody Prisons for Operation by the State of North Carolina (See Attachment).

Assistant Secretary Phillips began with the Capacity and Security Issue's within the Prisons and shared with the Committee the Proposal, *Privatized Construction and Lease 1,000 Cell Security Prototype Site Adapted at Scotland, Alexander, Anson Department of Correction to Operate April 28, 1999* (See Attachment).

Jim Mills, Fiscal Research was then recognized to share with the Committee the first cut of a special provision related to this proposal (See Attachment).

Co-Chairman McCrary recognized Peg Dorer, Executive Director, Conference of District Attorneys the Report on Impact of Domestic Violence Provisions in the Victims Rights Act. Peg shared with the Committee "*until now the Criminal Justice System has not had a way to count Domestic Violence Crimes, that is why they had the Conference* of *District Attorneys count these cases*" (See Attachment).

Co-Chairman McCrary asked the Committee if there was any other business, the meeting then stood adjourned.

Respectively Submitted,

Paul R. McCrary — Barbara A. Berry

Rep. Paul McCrary Co-Chairman — Barbara A. Berry, Committee Assistant

North Carolina Department of Correction
Division of Prisons

Last Updated October 16, 1998

Putting Inmates to Work

The Governor's Community Work Program

24 Hours In Prison

Tour Central Prison

Correctional Officers

Young Offenders Forest Conservation Program

Dan Stieneke
Director, North Carolina Division of Prisons

Assigning Inmates to Prison

Prison classification is a method of assessing inmate risks that balance security requirements with program needs. Newly admitted inmates are transported from county jails to one of 11 prison receiving centers where the risk assessment process begins. There are two reception centers for females, two for male youth, and seven for adult males. Upon admission, processing and evaluation of offenders begins. They are put through a series of evaluations, including medical and mental health screenings. Prison classification specialists develop an individual profile of each inmate that includes the offender's crime, social background, education, job skills and work history, health, and criminal record, including prior prison sentences. Based on this information, the offender is assigned to the most appropriate custody classification and prison.

From this initial classification, inmate behavior and continuing risk assessments by prison staff will determine the inmate's progression through the various custody levels to minimum custody and eventual release. Prison managers assign inmates to work, rehabilitative self improvement programs, and treatment. As inmates serve their sentences, the inmates who comply with prison rules, do assigned work, and participate in corrective programs, may progress toward minimum custody. Inmates who violate prison rules are punished and may be classified for a more restrictive custody classification and a more secure prison. Inmates are then required to demonstrate responsible and improved behavior over time to progress from this status to less restrictive custody classifications and prisons.

Inmate Custody
Inmates may be classified and assigned to the following custodial levels; close, medium, minimum I, II, and III. The classification levels are in descending order of perceived public safety risks presented by the inmate. Inmates in close custody present the highest risk while inmates in minimum III generally present the least risk. Within this mix of custodial assignments, inmates also may be subject to various control statuses. The control statuses include maximum, death row, intensive, safekeeper, disciplinary, administrative, and protective. Each of these control statuses further restricts inmate freedoms and privileges. Assignment and removal of inmates from these statuses is generally at the discretion of

higher level classification authorities in the Division of Prisons. The imposition of these additional custody control measures are generally for the purpose of maintaining order in the prison, protecting staff safety, or providing for inmate safety.

Prison Security

Prisons are classified and designated by security level. The security levels used by the Division of Prisons are close, medium, and minimum. Specific cell areas within close security institutions may be designated by the Director of Prisons as maximum security. Security levels are determined by the design and unique features of the prison, the level of staffing, and the operating procedures. Maximum security is the most restrictive level of confinement and minimum security is the least restrictive. The prison security level is an indicator of the extent to which an offender who is assigned to that facility is separated from the civilian community.

Maximum security units are comprised of cells with sliding cell doors that are remotely operated from a secure control station. Maximum security units are designated by the Director of Prisons at selected close security prisons. These units are utilized to confine the most dangerous inmates who are a severe threat to public safety, correctional staff, and other inmates. Inmates confined in a maximum security unit typically are in their cell 23 hours a day. During the other hour they may be allowed to shower and exercise in the cellblock or an exterior cage. All inmate movement is strictly controlled with the use of physical restraints and correctional officer escort.

Close security prisons typically are comprised of single cells and divided into cellblocks , which may be in one building or multiple buildings.Cell doors generally are remotely controlled from a secure control station. Each cell is equipped with it's own combination plumbing fixture, which includes a sink and toilet. The perimeter barrier is designed with a double fence with armed watch towers or armed roving patrols. Inmate movement is restricted and supervised by correctional staff. Inmates are allowed out of their cells to work or attend corrective programs inside the facility.

Medium security prisons typically are comprised of secure dormitories that provide housing for up to fifty inmates each. Each dormitory contains a group toilet and shower area as well as sinks. Inmates sleep in a military style double bunk and have an adjacent metal locker for storage of uniforms, undergarments, shoes, etc. Each dormitory is locked at night with a correctional officer providing direct supervision of the inmates and sleeping area. The prison usually has a double fence perimeter with armed watch towers or armed roving patrols. There is less supervision and control over the internal movement of inmates than in a close security prison.Some medium security prisons may be designed with dry cells as the method of inmate housing. Dry cells contain no toilet fixture. Most inmate work and self improvement programs are within the prison, although selected medium custody inmates are worked outside of the prison under armed supervision of trained correctional officers. These inmate work assignments support prison farm operations or highway maintenance for the Department of Transportation. Each medium security prison typically has a single cell unit for the punishment of inmates who violate prison rules.

Minimum security prisons are comprised of non secure dormitories which are routinely patrolled by correctional officers. Like the medium security dorm, it has it's own group toilet and shower area adjacent to the sleeping quarters that contain double bunks and lockers. The prison generally has a single perimeter fence which is inspected on a regular basis, but has no armed watch towers or roving patrol. There is less supervision and control over inmates in the dormitories and less supervision of inmate movement within the prison than at a medium facility. Inmates assigned to minimum security prisons generally pose the least risk to public safety. Minimum custody inmates at minimum security prisons usually participate in community based work assignments such as the Governor's Community Work Program, road maintenance with Department of Transportation employee supervision, or work release with civilian employers. Also, inmates may participate in prerelease transition programs with Community Volunteers and family sponsors.

The proper security designation of facilities combined with appropriate offender classification and assignment provide the foundation for safe and secure prison management and operational efficiency.

PROPOSAL

Privatized Construction and Lease
1,000 Cell Close Security Prototype
Site Adapted at Scotland, Alexander, Anson
Department of Correction to Operate
April 28, 1999

I. OBJECTIVES

A. Reduce Construction Cost
B. Provide Needed Cell Capacity
C. Delay Capital Funds Requirement

II. PROTOTYPE - CONSTRUCTION ESTIMATE (SCO - OC-25)

A. Today's Cost - $70,000,000
B. Two Year Escalated Cost - $75,000,000

III. PRIVATIZED CONSTRUCTION ESTIMATE WITH ESCALATION AND ESTIMATED SAVINGS*

A. 10% Savings - $67,500,000
B. 15% Savings - $63,750,000
C. 20% Savings - $60,000,000

* Percentage savings estimate from corrections construction management company and general construction industry.

IV. ESTIMATED ANNUAL LEASE FOR PROTOTYPE (04/01/2003) BASED ON VARIOUS PERCENTAGE RELATIONSHIP BETWEEN CONSTRUCTION COST/LEASE*

A. $4,200,000 - $4,725,000 (Based on current lease for Mountain View and Pamlico)

B. $6,000,000 - $6,750,000 (Based upon 10% relationship between construction cost and lease)

* Estimates based on current leases and information from corrections construction management company and banking industry.

V. ESTIMATED DOC ANNUAL OPERATING COST

$17,000,000 each - total for three (3) - $51,000,000

VI. PROBABLE BIDDERS

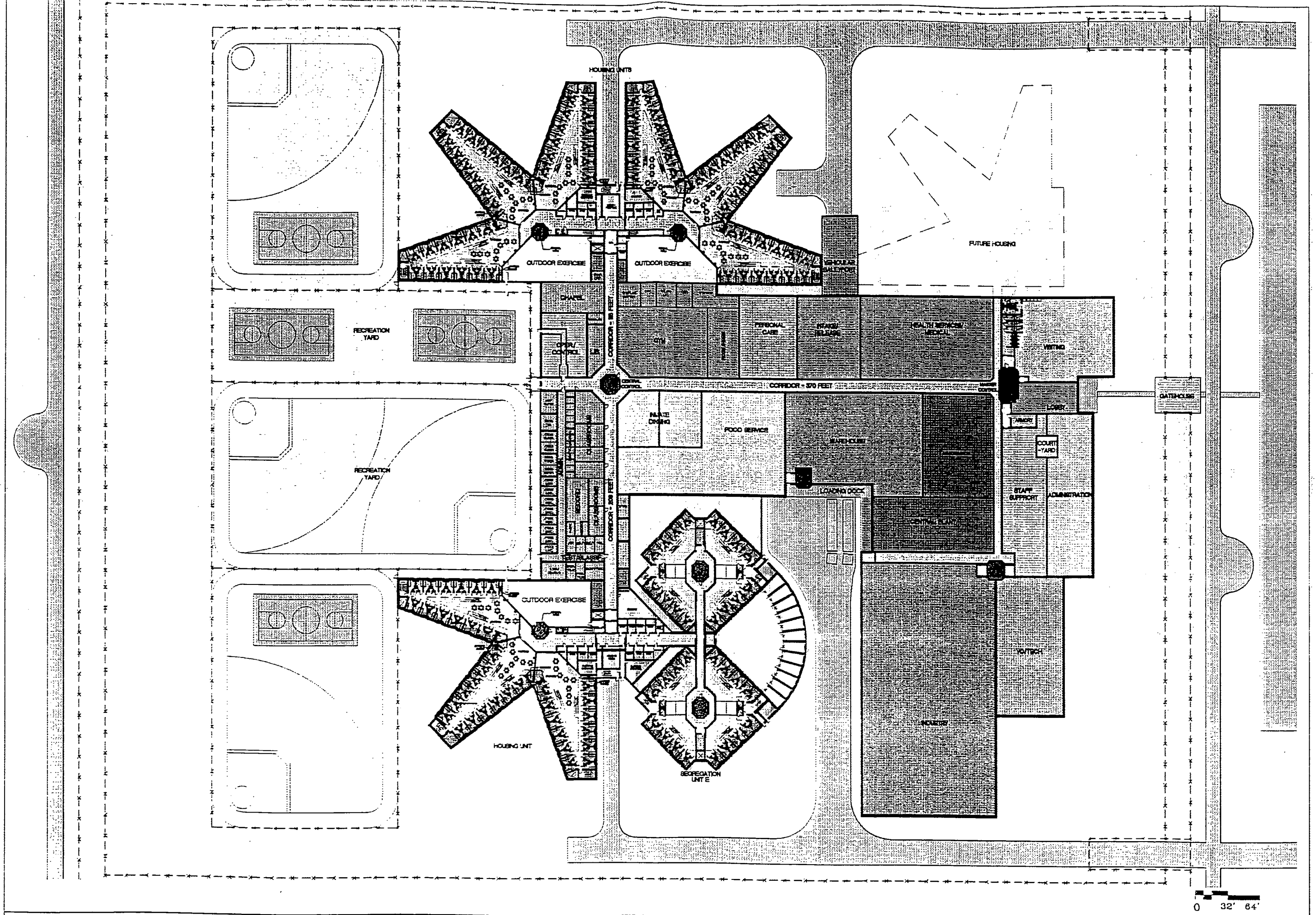
A. Correctional Construction/Management Companies

B. Real Estate Investment Trusts

C. Large General Construction Companies

VII. ACTION PLAN

A.	Authorizing DOC Special Provision	July 1999
B.	Complete Design Development Drawings of 1,000 Cell Prototype	January 2000
C.	Solicit Proposals for Qualifications	January 2000
D.	Complete Construction Drawings/Specs	April 2000
E.	Request for Proposals f/Qualified Bidders	June 2000
F.	Award Contract	August 2000
G.	Begin Construction	September 2000
H.	Complete Construction	March 2003
I.	Lease Payments Begin	April 2003
J.	Operations Begin	June 2003



NORTH CAROLINA 1000 CELL
CLOSE SECURITY PROTOTYPE

LEVEL 1 COMPOSITE PLAN

Little & Associates Architects, Inc.
OBrien/Atkins Associates, PA
Walter, Robbs, Callahan & Pierce Architects, PA

Heilmuth, Obata + Kassabaum, PC
Daniel Hauser
3223 Grace Street, NW
Washington, DC 20007-3814
Telephone 202-338-6700
Fax 202-298-9820

April 21, 1999

CODE NO. 99CORR-H026B

Requested by:

CLOSE SECURITY PRISONS

Section @. G.S. 148-37 is amended by adding a new subsection to read:

"(b1) The Secretary of Correction may enter contracts with private for-profit or nonprofit firms for the construction of close security correctional facilities totaling up to 3,000 cells to be operated by the Department pursuant to a lease that contains a schedule for purchase of the facilities over a period of up to 20 years. The Secretary may issue a request for proposals for the construction of such facilities in accordance with plans and specifications developed by the Department and reviewed by the Office of State Construction.

The Secretary of Correction shall make recommendations to the Department of Administration on the final award decision. The Department of Administration shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection shall provide that the Department of Correction shall furnish the plans and specifications for these correctional facilities to the Office of State Construction for its review and that the Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for use as a correctional facility and for future acquisition by the State.

The Department of Correction shall provide a status report to the Joint Legislative Commission on Governmental Operations by May 1, 2000 on the development of the request for proposals and the award-making process, including a summary of the major requirements anticipated in the request for proposals. After the contract has been awarded, the Department shall report to the Joint Legislative Commission on Governmental Operations by May 1 of each year on the progress of the project, including the estimated completion dates and the estimated cost of operating correctional facilities constructed pursuant to this subsection."

IMPACT ANALYSIS FOR FULL IMPLEMENTATION

OF THE VICTIMS RIGHTS ACT

FOR VICTIMS OF DOMESTIC VIOLENCE MISDEMEANORS

Presented to

THE 1999-2000 NORTH CAROLINA GENERAL ASSEMBLY

By

THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS

With Assistance from

THE ADMINISTRATIVE OFFICE OF THE COURTS

IMPACT ANALYSIS FOR FULL IMPLEMENTATION OF VICTIMS RIGHTS ACT FOR VICTIMS OF DOMESTIC VIOLENCE MISDEMEANORS

In 1998, the North Carolina General Assembly passed Senate Bill 1366, which included enabling legislation for the Victim's Rights Constitutional Amendment. Within that enabling legislation the Conference of District Attorneys was directed to present to the General Assembly, "a projection of the costs for full implementation of the provisions of this act with regard to victims of domestic violence." Although the legislation referenced the "costs of full implementation"; the Conference feels that it is appropriate in this report to focus on the most essential prosecutorial resource requirements. We assume that the Administrative Office of the Courts will analyze the report on the potential increased need for district court judges, clerks, indigent defense, and other court resources. The legislation also directed that preparation of this report should include data collected in Prosecutorial Districts 3A, 13, 20, 21, and 26. These districts were targeted by the legislation because they had already set up domestic violence prosecution programs through grant funds from the Governor's Crime Commission. Following are the parameters of that study, the methodology, results, analysis and conclusions.

Study Parameters

In order to compare districts, the Conference first defined what cases should be counted in this study. Using the definitions under the domestic violence section of Senate Bill 1366, the crimes to be included had to meet one each of the following relationship and offense criteria:

(1) When the offense is committed between persons who have a "personal relationship define as persons:
- (a) Who are current or former spouses;
- (b) Of opposite sexes who live together or who have lived together
- (c) Who are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren;
- (d) Who have a child in common;
- (e) Who are current or former household members; or
- (f) Who are persons of the opposite sex who are in or have been in a dating relationship.

(2) Has committed one of the following misdemeanor offenses upon the aggrieved party:
- (a) Simple assault or a simple assault and battery or participation in a simple affray *[G.S. 14-33(a)]*;
- (b) Assault inflicting serious injury or using a deadly weapon *[G.S. 14.33(c)(1)]*;
- (c) Assault on a female *[G.S. 14-33(c)(2)]*;
- (d) Assault by pointing a gun *[G.S. 14-34]*;
- (e) Domestic criminal trespass *[G.S. 14-134.3]* or
- (f) Stalking (1st offense or offender under court order prohibiting similar behavior) *[G.S. 14-277.3]*.

The five districts in this study had programs differing in policy and scope. It is important to note the individual profiles of each District, as they have an effect on the results. Most of these domestic violence programs exist under grant funds from the Governor's Crime Commission, which will expire June 30, 1999.

District 3A includes Pitt County. Their domestic violence unit included 2 ADAs, and 1 victim witness assistant and held a domestic violence court one day per week. They did not have participation in this program from three of their law enforcement agencies. They had a "no drop" policy for charges filed within the program and an "early intervention policy" that required contact with domestic violence victims within 72 hours after charges had been filed.

District 13 includes Bladen, Brunswick and Columbus Counties. The domestic violence unit included 2 ADAs, 1 investigator, 2 victim witness legal assistants and 3 police detectives. They held domestic violence court 6 days per month. The unit instituted a "pro-arrest/no drop" policy.

District 20 includes Anson, Richmond, Stanly and Union Counties. The domestic violence unit included 2 ADAs, 2 victim witness legal assistants and held domestic violence court 4 days per month (1 day per county). The unit instituted a "no drop" policy for and encouraged a pro-arrest policy with law enforcement.

District 21 includes Forsyth County. The domestic violence unit included 4 case managers and 1 investigator and held domestic violence court 2 days per week. The unit instituted a "must arrest; no drop" policy.

District 26 includes Mecklenburg County. The domestic violence unit included 5 ADAs and 4 victim witness legal assistants and ran a domestic violence court 5 days per week. They instituted a "no drop" policy. While the unit has included all offense types listed under the misdemeanor offenses, they have not been able to include all the possible domestic violence relationship categories.

Domestic violence misdemeanors differ from other cases included under the Victims Rights Act because of their venue in the court process and because of the unique qualities of domestic violence crimes.

First, district court cases move through the process at a much faster pace than felony crimes in superior court. In addition, charging patterns are different in district court than in superior court. In superior court felony cases, several charges for a single defendant that relate to one incident may be filed, and are often grouped together to be disposed of at one court setting. In domestic violence misdemeanors, there are usually fewer charges per defendant, but a defendant is more likely to come back through the district court repeatedly for separate incidents. Statistics provided by the Administrative Office of the Courts suggest that during the first nine months of fiscal 1998-99, for the misdemeanor offenses included in the definition of domestic violence, a single defendant averages

1.11 charges per incident, which may be disposed of together at one court setting. Therefore, this study applies a factor of .901 (1/1.11) to the charge data that were collected in order to estimate the number of distinct domestic violence incidents (i.e., cases or sets of related cases against the same defendant) that are reflected by the data.

Second, domestic violence misdemeanor crimes are unique in several important ways that have a great impact on the time spent with the victims in these cases by prosecutors and victim witness legal assistants. One factor making these cases unique is the close relationship that exists between the victim and the defendant. The victim often has mixed emotions about proceeding with prosecution. North Carolina prosecutors have been trained and have developed policies that foster proceeding in such cases with or without the victim's assistance. This requires that significant time be devoted to evaluation and encouragement of the victim's level of interest and assistance/participation with the case. In addition, these victims often do not fully realize the inappropriateness of the abusive aspects of the relationship, and therefore may not be cognizant that a crime has been committed. Also, victims are often hiding from the defendant immediately after an incident, and therefore may be difficult to locate and contact. For the districts that have implemented domestic violence prosecution programs, contacting these victims is a priority, and substantial resources are directed toward this effort.

Appropriate handling of domestic violence cases requires that prosecutors and victim witness legal assistants spend substantial amounts of time on them. In-depth interviews with the victims need to be conducted not only to determine the level of crime committed, but also to document the history of the relationship and the existence of prior abuses. These cases are also unique because often there is a repeating pattern of abusive behaviors and possible breakups, followed by period of non-abuse and reconciliation. Domestic violence is one of the only crimes where the defendant may return home to live with the victim. Another unique aspect of these cases is that victims of domestic violence are contacted more regularly by the defendant and the defense attorney than are victims in other types of crime. Uncertain as to how to respond or deal with these overtures, the victim turns to the prosecutor or victim witness legal assistant for counsel. All of these factors contribute to the prosecutor and the victim witness legal assistant being in a dynamic role that involves a greater degree of intervention and ongoing assistance, support, and advice than in any other type of case.

Methodology

The five districts included in this study kept count of all domestic violence misdemeanor charges in which the victims were provided services during 1998 through their grant-supported domestic violence prosecution programs.

Proceeding simultaneously with this study, the Conference of District Attorneys has implemented a grant-funded project aimed at determining the total impact of the victims' rights enabling legislation across all crime types. This study, which is still in progress, included 15 prosecutorial districts maintaining logbooks of all victims services provided over a two-week period of time (January 25, 1999 – February 5, 1999). A total of 160 victim witness legal assistants recorded their time and activities over the two-week

period. The victim services that were documented were aggregated by crime type. Therefore, we were able to develop reliable estimates of the time spent by victim witness legal assistants in the provision of services to victims of domestic violence misdemeanors. The time recorded by victim witness legal assistants was categorized in terms of the following function areas:

Identify / Locate Victim
Notification
Consultation
Disposition Notification
Forwarding Information to Other Agencies
Assistance in Victim Impact Statements or Victim Compensation.

Results & Analysis

Estimation of Number of Cases: The following table presents data used in this analysis. It shows, by district, the number of domestic violence misdemeanor charges counted during the one-year period by the domestic violence prosecution programs and our estimate of the number of separate "incidents" (i.e., cases or sets of related cases against a single defendant) represented by these charges (i.e., as explained above, number of charges x .901).

District	DV Misdemeanor Charges	Estimated DV "Incidents
3A	1,097	988
13	1,838	1,656
20	1,554	1,400
21	1,848	1,665
26	5,208	4,692
Total of 5 Districts	11,545	10,401

From these data for five districts, we used two approaches to extrapolate to the entire state. First we calculated an "incident rate" from the data for the five districts and used this to project statewide. This was done by dividing the total number of estimated "incidents" shown above for the five districts into the projected adult population for the five districts combined. The number of incidents shown on the above table is 10,401, and the projected adult population is 1,104,430 (July 1998 projections for persons 16 years old and older, prepared by the North Carolina Office of State Planning). Thus, the calculation is 10,401 / 1,104,430, yielding an incident rate of 9.42 misdemeanors per 1,000 adults. Then we projected this incident rate statewide to account for all 39 prosecutorial districts. The results indicated that for 5,903,317 adult persons in North Carolina, with an incident rate of 9.42 misdemeanors involving separate incidents of domestic violence per 1,000 persons, we could estimate that there would be 55,609 misdemeanor cases or sets of related cases statewide during a 12-month period of time.

The second approach to developing a statewide estimate projects from the five districts based on the proportion that they represented during the first nine months of fiscal 1998-99 of the offenses that are covered by the misdemeanor domestic violence definition (see list on page one). Specifically, an analysis of the covered offenses disposed of during the period of July 1, 1998, to March 26, 1999, showed that defendants charged in these five districts represented 18.57% of all defendants charged with these offenses (i.e., charged with at least one of these offenses, without regard to whether the offense was committed in a domestic situation). Thus, to extrapolate the domestic violence data from the five districts to estimate a statewide figure, we apply a factor of 5.38 (1 / .1857) as follows: 10,401 domestic violence misdemeanor cases or sets of related cases in five districts x 5.38 = an estimated 55,957 domestic violence misdemeanor cases or sets of related cases statewide during a one-year period.

The results from these two approaches – 55,957 and 55,609 – are nearly equivalent, so we will use the average of the two figures to represent our best estimate. Thus, we estimate that there are 55,783 domestic violence misdemeanor cases or sets of related cases filed throughout North Carolina during a one-year period.

Estimation of Resources Required to Provide Services to Victims of Domestic Violence Misdemeanors: Statistics supplied by the Administrative Office of the Courts indicated that the median case age for domestic violence misdemeanors disposed of in district court during the first nine months of fiscal 1998-99 was 57 days. We will, therefore, use this figure as our best estimate of how long it takes to process the "average" domestic violence misdemeanor through district court. Using this figure produces a conservative estimate because it does not include any time spent in superior court for those misdemeanors that are appealed.

The Conference victim impact study found that 693 misdemeanor-level domestic violence victims were served over a two-week period of time in the 15 included districts. This two-week period of time represents an average or typical snapshot of time in terms of representing a varied caseload with cases from all stages of the court process. The average amount of time that a victim witness legal assistant spent serving a victim of a domestic violence misdemeanor was 24 minutes spread across this two-week period. From these pieces of information – the median age of domestic violence misdemeanors at disposition (57 days), and the average time spent per domestic violence case (24 minutes) during the time frame in which victim witness legal assistants maintained logbooks (14 days) —we can calculate an estimate of the time that would be spent by a victim witness legal assistant throughout the entire life of an "average" domestic violence misdemeanor case. The following equation was applied:

$$\frac{\text{24 minutes average per case during sample of time}}{\text{14 days sample time}} = \frac{\text{x minutes throughout life of case}}{\text{57 days median age of case}}$$

This yields an estimate of 98 minutes, or 1.6 hours, per case spent by victim witness legal assistants providing services to victims of domestic violence misdemeanors. Applying the 1.6 hours of service time to the estimated 55,783 cases, we estimate that 89,253 staff

hours would be needed to serve victims of domestic violence misdemeanors. This would translate into about 50 additional victim witness legal assistant positions needed to provide services to victims of domestic violence misdemeanors. The estimated cost for these additional positions would be $2,131,650 for the first full fiscal year, assuming a start date of July 1, 1999, with second –year recurring costs estimated at $1,882,150. (These cost figures do not include any increase over the current year in the fee rates paid for indigent representation, nor any adjustments to salary, fringe benefits, or travel rates that may be authorized by the General Assembly.)

Conclusion

The Conference of District Attorneys concludes, that at a minimum, 50 positions, are needed if victims of domestic violence misdemeanors are to be adequately provided services under the Victims' Rights Act. The Conference also believes this is a conservative estimate. At least two factors suggest that the number of cases estimated here might be an underestimate. First, as explained previously, not all law enforcement agencies have been participating in domestic violence efforts in the study districts. Second, some of the domestic violence units in the study were unable during 1998 to address the full scope of the definitions of domestic violence victims under the Victims' Rights enabling legislation. One conservative assumption regarding the average time spent per case is that our time estimate does not include any time for victim services that may be provided in superior court for appealed cases.

The Conference of District Attorneys is continuing its study on the impact of the Victims' Rights amendment on District Attorneys' offices. We will be conducting another logbook study time in the fall of 1999 and hope to validate the time periods for function of services by all of the crime types. With that information, we plan to develop a model of victim services provided by both victim witness legal assistants and prosecutors, by crime type. This should provide more accurate information to justify future resource needs.

conditioned upon the claimant's economic loss being recouped by the collateral source. If it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitations set forth in subsections (f) and (g). The existence of a collateral source that would pay expenses directly related to a funeral, cremation, and burial, including transportation of a body, shall not constitute grounds for the denial or reduction of an award of compensation.

~~(e) Compensation may not be awarded if the economic loss is less than one hundred dollars ($100.00).~~

(f) Compensation for ~~work loss,~~ replacement services loss, dependent's economic loss, and dependent's replacement services loss may not exceed two hundred dollars ($200.00) per week. Compensation for work loss and household support loss may not exceed three hundred dollars ($300.00) per week.

(g) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to, or the death of, that victim may not exceed ~~twenty~~ thirty thousand dollars ~~($20,000)~~ ($30,000) in the aggregate in addition to allowable funeral, cremation, and burial expenses.

(h) The right to reconsider or reopen a claim does not affect the finality of its decision for the purpose of judicial review."

(n) G.S. 143B-480.2(a) reads as rewritten:

"(a) Only victims who have reported the following crimes are eligible for assistance under this Program: first-degree rape as defined in G.S. 14-27.2, second-degree rape as defined in G.S. 14-27.3, first-degree sexual offense as defined in G.S. 14-27.4, second-degree sexual offense as defined in G.S. 14-27.5, or attempted first-degree or second-degree rape or attempted first-degree or second-degree sexual offense as defined in G.S. 14-27.6. Assistance is limited to immediate and short-term medical expenses, ambulance services, and mental health services provided by a professional licensed or certified by the State to provide such services, not to exceed ~~five hundred dollars ($500.00)~~ one thousand dollars ($1,000) incurred by the victim for the medical examination, medical procedures to collect evidence, or counseling treatment which follow the attack, or ambulance services from the place of the attack to a place where medical treatment is provided. Assistance not to exceed fifty dollars ($50.00) shall be provided to victims to replace clothing that was held for evidence tests."

(o) The North Carolina Conference of District Attorneys, with assistance from the Administrative Office of the Court and the Governor's Crime Commission, shall present to the General Assembly on or before March 1, 1999, a projection of the costs for full implementation of the provisions of this act with regard to victims of domestic violence. In preparing the report, the Conference of District Attorneys shall use data collected in Prosecutorial Districts 3A, 13, 20, 21, and 26 by domestic violence prosecution programs receiving grant funds from the Governor's Crime Commission. Nothing herein shall prohibit the Conference of District Attorneys from using data from other such grant programs in this State. Failure or delay in presentation of the report shall not result in a delay in the implementation of the provisions of this act relating to victims of domestic violence.

(p) To the extent practicable and within available resources, agencies are encouraged to begin as soon as possible the implementation of applicable victim notification procedures of this act prior to the effective date of July 1, 1999.

(q) Article 85B of Chapter 15A is repealed.

(r) G.S. 15A-830, 15A-833 and 15A-834 as enacted by subsection (c) of this section become effective December 1, 1998, and apply to offenses committed on

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday May 11, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Paul McCrary
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Juvenile Justice Reports and Requests

George Sweat, Director

Office of Juvenile Justice (OJJ)

- **Report on Minority Recruitment and Hiring in OJJ**
- **Report on Study to Determine Whether Minorities are Over-Represented in the Juvenile Justice System (SB 1260 – Juvenile Justice Reform Act)**
- **Report on OJJ Organization Structure and Staffing (SB 1260)**
- **Report on Local JCPC Grants (SB 1366 – Budget Bill)**
- **Request for Transfer of Teen Courts, Project Challenge, and Juvenile Assessment Project from AOC to OJJ and Request for Position to Manage Programs**
- **Request for Reallocation of Continuation Budget Funding for 72 Training School Positions to a Program for Transportation of Juvenile Offenders**

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
May 11, 1999

The Joint Appropriations Subcommittee on Justice and Public Safety met on May 11, 1999 at 8:30AM in room 415 LOB. Three members of the Senate were present. The following House members attended:

Rep. Paul McCrary	Rep. William Culpepper
Rep. Theodore Kinney	Rep. Scott Thomas
Rep. Debbie Clary	Rep. Phillip Haire
Rep. Jim Horn	Rep. Joe Kiser
Rep. Wayne Sexton	

Senator Luther Jordan chaired the meeting. He introduced Mr. George Sweat, Director of the Office of Juvenile Justice. Mr. Sweat distributed a handout titled OJJ Staff Breakdown by Sex and Race. The 2nd page of that handout tells the area of work staff performs. After discussing the information in the handout, Senator Jordan asked Mr. Sweat about recruiting spanish speaking staff and how he planned to add more African Americans to management positions. Mr. Sweat responded that he did not believe spanish speaking staff was a need at this time but should it become so, they will definitely recruit people who speak spanish. He also said he will examine each vacant position and those that become vacant to make sure there are African Americans recruited. Mr. Sweat then distributed an organization chart for the Office of Juvenile Justice. The current vacancies are Legal Advisor, Public Information Officer and an Administrator for the Detention Bureau.

In reponse to a question from Rep. Kiser, Mr. Mills, staff, said there are two staff for each detanee in the detention centers.

Mr. Sweat then distributed a packet that begins with a letter to Senator Lucas and includes a Juvenile Crime Analysis done in 1977 by the Governor's Crime Commission. Mr. Sweat said he would welcome a study to determine whether minorities are over represented in the juvenile justice system. He also would be willing to participate in the study with NCCU pursuant to Senate Bill 813. He would also like that study to show if community services are meeting the needs of the minority juveniles. The new office of Juvenile Justice will not have an information system in place until July 1999. Mr. Sweat agreed that more minority court counselors are needed and he will make every effort to make that happen.

Senator Ballance commented that some juveniles do not seem to need pretrial detention and care needs to be taken in this area.

Two new 48 bed juvenile centers will be built which are being fast tracked to enable construction starts in 1999. Mr. Sweat said he is very concerned about the inadequate number of beds now available. He is also concerned about the swelling need for transportation of juveniles. 47% of transportation has been handled by local law enforcement. Mr. Sweat distributed a copy of a memo dated April 21, 1999 to the committee chairs regarding transportation, an analysis of transportation needs, as well as JSD Transportation site map. He is requesting funding for 44 positions to provide transportation. Those positions would translate into 88 part time staff for transportation.

Mr. Sweat next distributed the following: Letter to the chairs dated May 5, 1999; Draft Teen Court Program Standards; Report on New Teen Court Programs; Locations for Project Challenge; a copy of House Bill 505; a copy of related pages from Senate Bill 1366; a program summary. Mr. Sweat is requesting additional administrative staff to oversee the Teen Court Programs, the Cumberland County Juvenile Assessment Program and the Project Challenge Program.

Mr. Sweat handed out a copy of a letter to the Appropriations Chairs dated May 3, 1999 which has attached to it, a report addressing the study of local grant activity. It includes 1999 instructions, the money per county for 1998-2000 non recurring by formula, a listing of Discretionary applicants and copies of proposed juvenile councils that several counties had submitted. The funds designated for Juvenile Crime Prevention Councils totals $5.5 million. After discussion regarding the information in the handouts, Senator Jordan adjourned the meeting at 9:55AM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

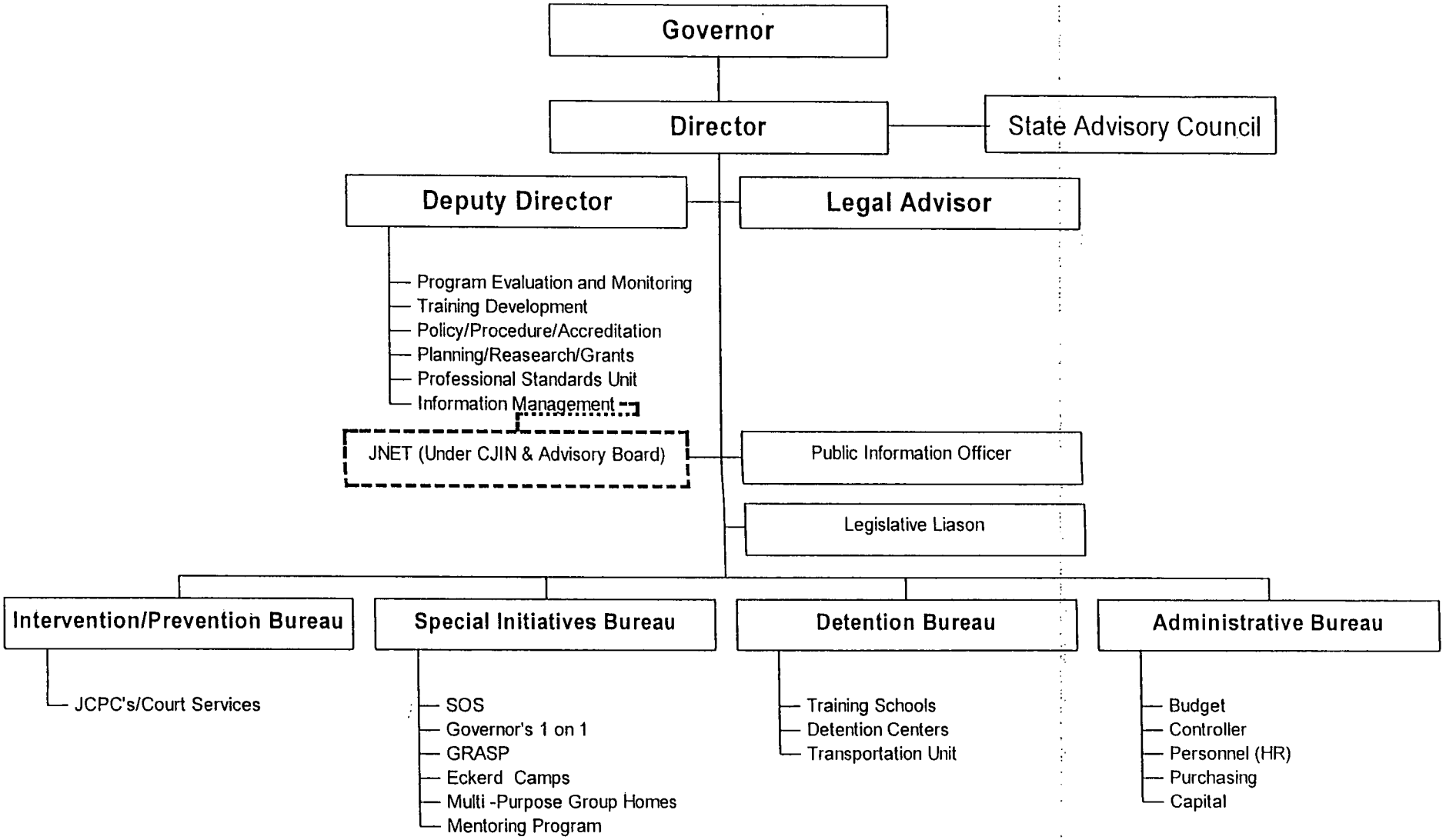
Office of Juvenile Justice
Staff Breakdown by Sex and Race
By Division
As of May 10, 1999

	WHITE			BLACK			OTHER MINORITIES			BY SEX		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	TOTAL
Administration	14.00	26.00	40.00	10.00	11.00	21.00	0.00	0.00	0.00	24.00	37.00	61.00
	23%	43%	66%	16%	18%	34%	0%	0%	0%	39%	61%	100%
Judicial	165.00	197.00	362.00	87.00	63.00	150.00	3.00	12.00	15.00	255.00	272.00	527.00
	31%	37%	69%	17%	12%	28%	1%	2%	3%	48%	52%	100%
Training Schools	216.00	146.00	362.00	379.00	220.00	599.00	4.00	4.00	8.00	599.00	370.00	969.00
	22%	15%	37%	39%	23%	62%	0%	0%	1%	62%	38%	100%
Detention Centers	46.00	37.00	83.00	55.00	40.00	95.00	5.00	0.00	5.00	106.00	77.00	183.00
	25%	20%	45%	30%	22%	52%	3%	0%	3%	58%	42%	100%
TOTALS	**441.00**	**406.00**	**847.00**	**531.00**	**334.00**	**865.00**	**12.00**	**16.00**	**28.00**	**984.00**	**756.00**	**1,740.00**
	25%	**23%**	**49%**	**31%**	**19%**	**50%**	**1%**	**1%**	**2%**	**57%**	**43%**	**100%**

Office of Juvenile Justice
Staff Breakdown by Sex and Race
As of May 10, 1999

	WHITE			BLACK			OTHER MINORITIES			BY SEX		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	TOTAL
Officials & Administrators	18.00	6.00	24.00	11.00	4.00	15.00	0.00	0.00	0.00	29.00	10.00	39.00
	46%	15%	62%	28%	10%	38%	0%	0%	0%	74%	26%	100%
Management Related Occupations	9.00	11.00	20.00	23.00	12.00	35.00	0.00	0.00	0.00	32.00	23.00	55.00
	16%	20%	36%	42%	22%	64%	0%	0%	0%	58%	42%	100%
Professional Specialty	242.00	214.00	456.00	194.00	134.00	328.00	5.00	10.00	15.00	441.00	358.00	799.00
	30%	27%	57%	24%	17%	41%	1%	1%	2%	55%	45%	100%
Technicians	95.00	49.00	144.00	216.00	110.00	326.00	7.00	1.00	8.00	318.00	160.00	478.00
	20%	10%	30%	45%	23%	68%	1%	0%	2%	67%	33%	100%
Administrative Support Including Clerical	3.00	97.00	100.00	0.00	31.00	31.00	0.00	4.00	4.00	3.00	132.00	135.00
	2%	72%	74%	0%	23%	23%	0%	3%	3%	2%	98%	100%
Service Workers and Others	41.00	28.00	69.00	79.00	43.00	122.00	0.00	1.00	1.00	120.00	72.00	192.00
	21%	15%	36%	41%	22%	64%	0%	1%	1%	62%	38%	100%
Skilled Crafts	33.00	1.00	34.00	8.00	0.00	8.00	0.00	0.00	0.00	41.00	1.00	42.00
	79%	2%	81%	19%	0%	19%	0%	0%	0%	98%	2%	100%
TOTALS	**441.00**	**406.00**	**847.00**	**531.00**	**334.00**	**865.00**	**12.00**	**16.00**	**28.00**	**984.00**	**756.00**	**1,740.00**
	25%	**23%**	**49%**	**31%**	**19%**	**50%**	**1%**	**1%**	**2%**	**57%**	**43%**	**100%**

Office of Juvenile Justice Administrative Chart



George Sweat, Director
April 16, 1999

STATE OF NORTH CAROLINA
OFFICE OF JUVENILE JUSTICE
410 S. SALISBURY STREET • P. O. BOX 29527
RALEIGH, NORTH CAROLINA 27626-0527
STATE COURIER NO. 56-20-08
TELEPHONE: (919) 733-3388 FAX: (919) 733-1045

James B. Hunt, Jr.
Governor

May 4, 1999

George L. Sweat
Director

The Honorable Jeanne H. Lucas
Senator, North Carolina General Assembly
State Legislative Office Building, Room 620
Raleigh, NC 27601

Dear Senator Lucas:

This letter follows up verbal discussions between you and Larry Dix of our office. As indicated, the Office of Juvenile Justice is required by Senate Bill 1260 to study the overrepresentation of minorities in the juvenile justice system. You have introduced Senate bill 813 that requires North Carolina Central University to study the overrepresentation of minority youth in state operated training schools. It is obvious that both the directive to this Office and your bill are closely related.

As Director of the Office of Juvenile Justice I am very concerned about the issue of overrepresentation of minority youth in the juvenile justice system, and welcome a study to assist our efforts toward developing policy and recommendations to target this concern.

Due to aforementioned, I feel that it would be in the best interest of all concerned that the study required by this Office work together with the study by North Carolina Central University pursuant to Senate Bill 813. The Governor's Crime Commission, which is also requested to study minority overrepresentation in the juvenile justice system, is also concerned about this issue and they have indicated a desire to cooperate in a joint study venture.

I believe a mutual effort of all concerned will strengthen all of our individual efforts and hope we can accomplish this worthy goal.

Respectfully,

George L. Sweat

George L. Sweat

c: Mrs. Linda Hayes, Chairman,
Governor's Crime Commission

GLS/EFT/ak

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May 4, 1999

James B. Hunt, Jr.
Governor

George L. Sweat
Director

Mr. David E. Jones
Deputy Director
Governor's Crime Commission
Raleigh, NC

Dear Mr. ~~Jones~~ David:

Congratulations on your appointment as Executive Director of the Governor's Crime Commission. I look forward to working with you on many efforts to improve juvenile justice in North Carolina.

We have previously discussed the Office of Juvenile Justice working together with the Governor's Crime Commission staff in a cooperative review of minority overrepresentation in the juvenile justice system. It was agreed that the intern working with you would assist in this effort.

The Office of Juvenile Justice would also like to request an expanded effort to more closely examine the minority overrepresentation matter as outlined in Section 33 of Senate Bill 1260 enacted in the 1998 session. I am setting out that provision below:

"Section 33. The Office of Juvenile Justice shall use funds within its budget to study the overrepresentation of racial minorities in the juvenile justice system. The Office shall compare the dispositions for minority juveniles adjudicated delinquent or undisciplined with the dispositions for nonminority juveniles. The Office shall also compare the services made available to minority and nonminority juveniles and their families. To the extent that inequities are found, the Office shall make recommendations, including any legislative proposals, as to how those disparities should be addressed. The Office may hire an outside consultant to assist it with its work.

"The Office shall report annually, no later than May 1, to the Governor, Chief Justice, and the General Assembly on any findings, recommendations, or legislative proposals. The Office shall make its final report to the Governor, Chief Justice, and the General Assembly no later than May 1, 2002."

We would like to enter a cooperative effort to study the issues listed in the legislation and would request that any available funding from the commission be made available to assist in this project. We are exploring the utilization of staff from North Carolina Central University on a contractual basis to assist in the efforts, if funds become available. Currently legislation is pending requiring that the University also study minority overrepresentation in state training schools and we are exploring how we can all work together in this effort.

We appreciate the assistance and cooperation already afforded to the Office of Juvenile Justice by the staff and funding of the Governor's Crime Commission and look forward to a continuing positive relationship as we look at and address the State's needs in the juvenile justice system.

Sincerely,

George

George L. Sweat

c: Mrs. Linda Hayes
Mrs. Donna Robinson

GLS/EFT/ak

Attachment

STATE OF NORTH CAROLINA
OFFICE OF JUVENILE JUSTICE
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James B. Hunt, Jr.
Governor

George L. Sweat
Director

May 4, 1999

The Honorable James B. Hunt, Jr.
Governor
State of North Carolina
Raleigh, NC

The Honorable Burley B. Mitchell, Jr.
Chief Justice
Supreme Court of North Carolina
Raleigh, NC

The Honorable Marc Basnight
President Pro Tempore, Senate
North Carolina General Assembly
Raleigh, NC

The Honorable James Black
Speaker of the House of Representatives
North Carolina General Assembly
Raleigh, NC

Dear Governor Hunt, Chief Justice Mitchell, Senator Basnight, and Representative Black:

Senate Bill 1260 enacted in the 1998 legislative session, which established the Office of Juvenile Justice, directed a study of overrepresentation of racial minorities in the juvenile justice system. The Office of Juvenile Justice has reviewed the existing information and previous reports on this subject and acknowledges that higher proportions of juveniles are involved in the juvenile justice system. Attached are copies of two studies conducted by the North Carolina Governor's Crime Commission; an executive summary from a 1993 report conducted by the Department of Human Resources, Division of Youth Services, in conjunction with the University of North Carolina at Charlotte, Department of Criminal Justice; and a report of juveniles committed to training school for the years 1991 through 1998.

While we are aware and concerned about minority overrepresentation, the new Office of Juvenile Justice is currently without an information system to allow quick access to some of the information needed. We are currently trying to get a preliminary data reporting system in place by July 1, 1999, and have available staff working on this endeavor.

Additionally, the Office of Juvenile Justice is currently involved, along with the Governor's Crime Commission, in pursuing a cooperative effort, which will include working with North Carolina Central University to help conduct a careful review. As you know, Senator Jeanne Lucas and others have introduced Senate Bill 813, which authorizes a study of minority juvenile confinement by North Carolina Central University. The review will include the comparison of juvenile dispositions by race and a review of services available by race to

determine the full extent of the issue. We are also requesting the Governor's Crime Commission to assist with the funding of this mutual effort.

This is a preliminary report and will be followed by subsequent progressive reports through the year 2002 as required by the Legislature. The Office of Juvenile Justice looks forward to receiving the findings and beginning further efforts to deal with the problems identified. We are excited with the cooperative efforts of the Governor's Crime Commission and North Carolina Central University in examining and working together on this effort.

Sincerely,

George L. Sweat

George L. Sweat

c: Representative William T. Culpepper III
Senator Luther H. Jordan, Jr.
Senator Jeanne Lucas
Representative Theodore J. Kinney
Representative Paul R. McCrary
Mr. Jim Mills
Mrs. Linda Hayes

Attachments

GLS/EFT/ak

1997

JUVENILE CRIME ANALYSIS

N.C. Governor's Crime Commission

An analysis of arrests by gender reveals some interesting findings. While young juvenile males still constitute the majority of delinquent offenders the percentage of females, who are being arrested, is growing at a much faster rate when contrasted with male arrests. Arrests of male offenders declined for all but one of the offenses listed in Table 3 with weapon related arrests only experiencing a minimal increase from 1996 to 1997. Conversely, arrests increased for female offenders for all but one of the listed offenses. Among females murder arrests grew 200 percent, robbery arrests grew 46.6 percent, weapon arrests grew 29.5 percent and drug arrests expanded 23.4 percent.

Arrests by Race

Table 4 Racial Composition of Juvenile Violent Crime, Drug and Weapon Arrests

Percent Change 1996 to 1997

	Murder	Rape	Robbery	Aggravated Assault	Drugs	Weapons
White	*+42.9%*	*-9.4%*	*+25.8%*	*-1.4%*	*+12.8%*	*+12.6%*
Black	*-16.3%*	*-5.1%*	*-4.6%*	*+3.1%*	*+3.7%*	*+4.0%*
Indian	*-100%*	*+100%*	*0%*	*+20%*	*+46%*	*-21.4%*
Asian	*+400%*	*-100%*	*+100%*	*+75%*	*+73.3%*	*+162.5%*

Minority overrepresentation, in the official arrest statistics, continues to plague North Carolina as it does for the nation as a whole. However, a comparison between the 1996 and 1997 arrest data indicates a decline, or only a minimal increase, in the number of Black youth who are arrested for violent crimes and drug and weapon offenses. Large increases were found for the Indian and Asian arrest rates, however this reflects a statistical anomaly since the actual **number** of arrests was extremely small. Arrests of White teens increased 42.9 percent for murder, 25.8 percent for robbery, and roughly 13 percent each for drug and weapon related offenses. Rape and aggravated assault arrests declined for this racial group.

Drug Arrest Rates by County

The map below depicts the 1997 drug arrest rates by county. The map essentially reflects little, if any, changes in the arrest patterns from the previous year. Drugs continue to be the most problematic in the state's larger counties, yet trends suggest that drug arrests are becoming more prevalent in the state's smaller counties as well. The drug arrest rates ranged from a low of 31.1, per 100,000, in Northampton County to a high of 1,740.8, per

As Table 1 depicts age specific arrests for the Part I violent offenses and for drug and weapon offenses increased for three of the six selected age cohorts. Unfortunately, the greatest increase occurred for the youngest group of juveniles who are 10 years old and younger. Arrests for juveniles in the age cohort of 13-14 increased slightly while arrests for young adults, who are 16, grew by 6.4 percent. Arrests for 11-12 year olds and 15 year olds dropped slightly from 1996 to 1997.

Table 2 Percent Change in Offense Specific Arrests by Age (1996-1997)

Offense	10 and Under	11-12	13-14	15	16
Murder	0 %	-100%	+33.3%	+40%	0%
Rape	0%	+75%	+23.5%	-38.8%	-9.1%
Robbery	-50%	-3.1%	-13.7%	+6.8%	-7.2%
Aggravated Assault	+1.9%	-13.7%	+14.6%	-19.5%	-1.1%
Drugs	+266.7%	-15%	-2.8%	+.2%	+10.9%
Weapons	+18.2%	+18.8%	+.4%	+8.4%	+14.8%

As Table 2 reveals arrests for weapon related offenses increased for each age group from 1996 to 1997. Drug related arrests grew tremendously for the 10 and under age cohort, while rape arrests experienced a sizeable growth for 11-12 year olds. Murder arrests grew 40 percent for 15 year olds yet dropped 100 percent for 11-12 year olds.

Arrests by Gender

Table 3 Percent Change in Offense Specific Arrests by Gender

1996 to 1997

Offense	Males	Females
Murder	-11.1%	+200%
Robbery	-6.8%	+46.6%
Aggravated Assault	-.5%	-7.4%
Weapons	+2.7%	+29.5%
Drugs	-4.8%	+23.4%

Juvenile Crime and Justice Trends in North Carolina

This paper will delineate a brief overview, or profile, of juvenile crime. Emphasis will be placed on examining the major case processing activities of the three major components of the state' s juvenile justice system. Arrest data will be presented and discussed by age, gender, race and geographic location. Court and correctional data will also be analyzed in a similar fashion in order to delineate short-term trends in the activities of these parts of the juvenile justice system.

Juvenile Arrests

North Carolina's law enforcement officials reported a total of 21,799 juvenile arrests in 1997. This represents a minimal increase of 3.1 percent over the number recorded in 1995 and an increase of 39.8 percent over the number reported in 1992 (15,574). Since 1992 violent crime arrests have grown by 22.6 percent and property crime arrests have grown by 13.8 percent. Total arrests for all Part I Index crimes have climbed 15 percent. The greatest increase occurred for the violent offense of robbery with arrests in 1997 (295) surpassing those of 1992 (149) by 98 percent. Rape arrests also increased extensively growing from 29 in 1992 to 41 in 1997 (41.3%). Aggravated assault arrests grew 8.9 percent, while murder dropped from 23 arrests in 1992 to 11 in 1997 (52.2%). Larceny arrests grew 18 percent over this period. Burglary arrests grew 3.2 percent and motor vehicle arrests grew a minimal 1.8 percent.

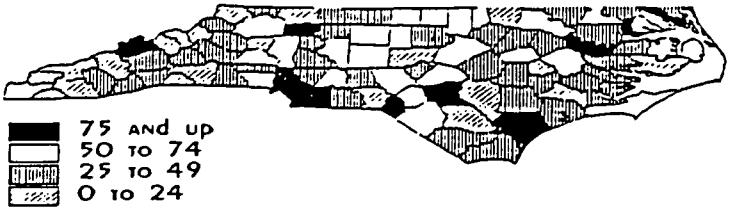
Arrests for the Part II, or non-index, offenses grew from 9,005 in 1992 to 14,222 in 1997 (57.9%). Arrests for simple assault grew 106 percent during this period while arrests for weapon related offenses experienced an increase of 71.4 percent. Drug arrests grew from 372 in 1992 to 1,010 in 1997 representing an increase of 171.5 percent. D.W.I. arrests dropped 64.7 percent while conversely arrests for liquor law violations swelled 43.8 percent during this same period.

Arrests by Age

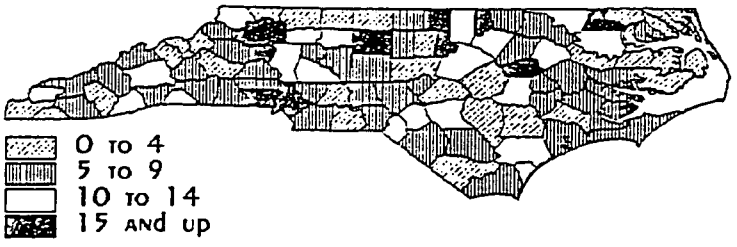
Table 1 Age Specific Arrests for Part I Violent, Drug and Weapon Offenses

Age Cohort	Number of 1996 Arrests	Number of 1997 Arrests	% Change
10 and Under	117	133	+ 13.6%
11-12	307	297	- 3.2%
13-14	1,220	1,249	+ 2.4%
15	1,125	1,092	- 2.9%
16	2,842	3,026	+ 6.4%
Total	5,611	5,797	+ 3.3%

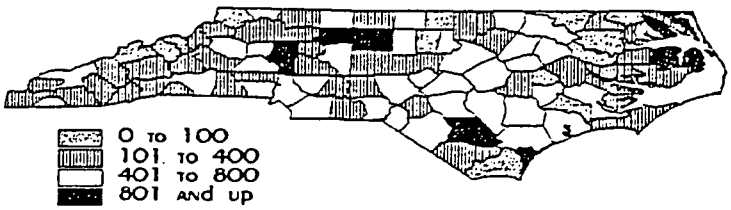
Juvenile Crime and Justice Trends in North Carolina



Juvenile Detention Admissions



100,000, in Guilford County. Sixty-four percent of the counties reported arrest rates which were equal to, or less than, 400 per 100,000 population. The state drug arrest rate for 1997 was 597.3 arrests per 100,000 population.



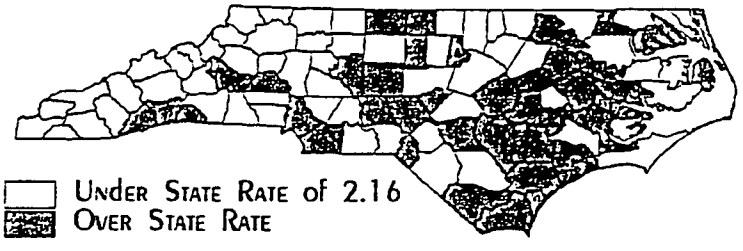
Juvenile Delinquency Petition Filing Rates

The map below illustrates the rate at which juvenile delinquency petitions were filed in the county's juvenile courts during 1996. Filing rates ranged from a low of 1, per 1,000 juveniles, in Swain County to a high of 101.3, per 1,000 juveniles, in Mecklenburg County. Sixty percent of the state's 100 counties reported less than 50 filings per 1,000 juveniles. Besides Mecklenburg County the counties of Camden, Chowan, Martin and Yadkin reported excessively high rates for filing delinquency petitions. However, these counties have extremely small juvenile populations thus their higher rates probably reflect more of a statistical anomaly rather than a serious problem with juvenile crime. The filing rate for the state was 53.1 filings per 1,000 juveniles.

As the map depicts there was a wide degree of variance in the rate at which the counties admitted juveniles to their respective detention facilities in 1997. Admission rates ranged from a low of 0 in Camden County to a high of 28.3 in Person County. However, admission rates remained low in the majority of the state's counties. Sixty-nine percent of the counties recorded admission rates lower than 10 per 1,000 juveniles. Despite this small rate of admissions 31 percent of the counties recorded admissions which were at or above the state rate of 11.45 per 1,000 juveniles.

Juvenile Training School Admissions

The 1997 training school admission rates ranged from a low of 0 in numerous smaller counties to a high of 7.36 in Chowan County. The overall state rate of admissions was 2.16 per 1,000 juveniles. Refer to the map below which demonstrates each county's training school admission rate in relation to this state rate. Sixty percent of the counties had admission rates which were below the state rate, while the remaining 40 percent had admission rates which exceeded the state rate of 2.16 per 1,000 juveniles.



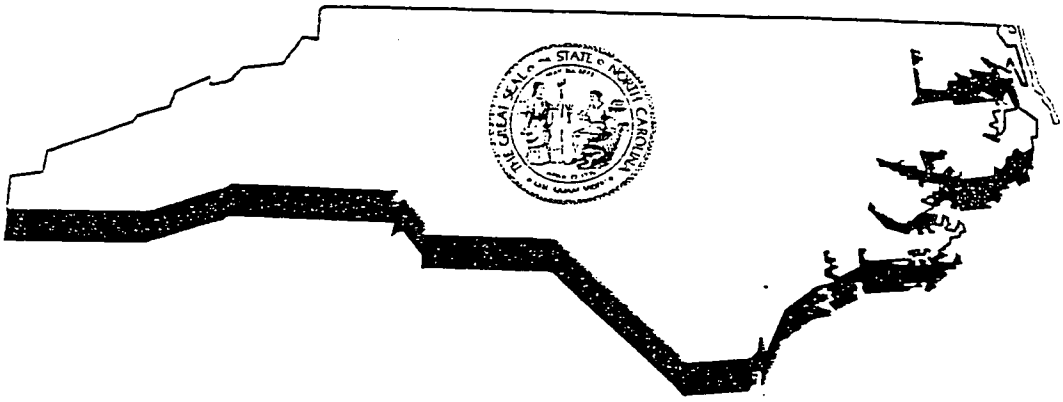
County	1997 Under 18 Arrests	1996-97 Delin Pet Rates	1997 Violent Crime Rate	1997 Index Crime Rate	Score	Final Rank
Mecklenburg	83	94	100	99	376	100
New Hanover	92	96	92	96	376	99
Guilford	98	82	95	94	369	98
Cumberland	85	90	88	91	354	97
Scotland	93	95	77	87	352	96
Wilson	72	88	98	93	351	95
Vance	84	75	90	98	347	94
Pitt	82	68	97	95	342	93
Gaston	90	66	93	86	335	92
Forsyth	89	51	96	97	333	91
Lenoir	88	61	91	88	328	90
Robeson	97	77	82	71	327	89
Halifax	96	62	69	84	311	88
Lee	94	55	68	92	309	87
Iredell	95	63	80	68	306	86
Columbus	70	67	83	83	303	85
Hertford	75	81	62	76	294	84
Pasquotank	86	79	64	64	293	83
Harnett	52	65	89	85	291	82
Durham	42	49	99	100	290	81
Hoke	45	80	81	77	283	80
Wayne	59	54	87	82	282	79
Anson	69	71	73	65	278	78
Chowan	80	98	43	57	278	77
Dare	99	64	24	90	277	76
Martin	68	72	72	63	275	75
Alamance	65	69	71	66	271	74
Wake	60	53	78	80	271	73
Craven	77	40	79	73	269	72
Granville	43	74	75	69	261	71
Cleveland	41	52	85	81	259	70
Bladen	81	7	94	75	257	69
Pender	71	85	44	54	254	68
Union	61	86	48	59	254	67
Caswell	62	93	70	27	252	66
Richmond	51	15	86	89	241	65
Carteret	91	58	29	60	238	64
Person	57	89	55	37	238	63
Davidson	74	87	34	41	236	62
Moore	37	78	63	52	230	61
Rockingham	50	34	74	72	230	60
Catawba	48	59	52	70	229	59
Buncombe	78	21	66	61	226	58
Cherokee	46	83	61	36	226	57
Duplin	44	42	84	56	226	56
Rowan	64	45	57	55	221	55
Currituck	79	29	59	51	218	54
Stanly	39	57	47	67	210	53
Johnston	47	16	67	78	208	52
Sampson	67	3	60	74	204	51

Sources:1997 Uniform Crime Report and 1996-97 AOC

County	1997 Under 18 Arrests	1996-97 Delin. Pet. Rates	1997 Violent Crime Rate	1997 Index Crime Rate	Score	Final Rank
Wilkes	58	84	40	21	203	50
Randolph	55	70	23	50	198	49
Orange	32	28	56	79	195	48
Beaufort	40	37	54	62	193	47
Montgomery	31	60	45	53	189	46
Cabarrus	87	14	33	48	182	45
Washington	15	43	76	45	179	44
Perquimans	14	92	39	31	176	43
Caldwell	63	27	42	39	171	42
Tyrrell	29	91	36	14	170	41
Henderson	73	23	28	42	166	40
Burke	25	50	51	38	164	39
Camden	36	99	10	17	162	38
Stokes	66	56	22	18	162	37
Bertie	35	39	58	28	160	36
Yadkin	22	97	18	23	160	35
Edgecombe	100	47	5	5	157	34
Surry	30	17	65	44	156	33
Transylvania	38	38	49	26	151	32
Lincoln	17	32	46	47	142	31
Alleghany	49	73	11	7	140	30
Northampton	23	41	50	24	138	29
Brunswick	28	30	30	49	137	28
Onslow	19	19	41	58	137	27
Watauga	53	22	13	46	134	26
Haywood	54	18	32	29	133	25
Rutherford	56	6	37	34	133	24
Alexander	76	11	15	15	117	23
McDowell	34	46	20	12	112	22
Jackson	16	36	26	33	111	21
Pamlico	33	35	19	22	109	20
Warren	10	5	53	40	108	19
Madison	1	100	3	3	107	18
Davie	13	33	27	32	105	17
Franklin	9	26	35	30	100	16
Chatham	26	4	25	43	98	15
Greene	18	20	21	35	94	14
Gates	20	48	14	8	90	13
Mitchell	2	76	2	2	82	12
Polk	5	10	38	20	73	11
Macon	21	25	6	16	68	10
Ashe	6	31	16	11	64	9
Hyde	12	9	17	25	63	8
Avery	27	12	7	13	59	7
Swain	7	1	31	19	58	6
Nash	4	44	1	1	50	5
Yancey	24	8	12	6	50	4
Graham	8	24	4	4	40	3
Clay	3	13	9	10	35	2
Jones	11	2	8	9	30	1

Sources:1997 Uniform Crime Report and 1996-97 AOC

Minority Overrepresentation in North Carolina's Juvenile Justice System: A Comparison of 1990 and 1994 Arrest and Admissions Data



Prepared by

The North Carolina Criminal Justice Analysis Center

of the

Governor's Crime Commission

Introduction

Eight years ago the Juvenile Justice and Delinquency Prevention Act was amended to include a reporting stipulation which requires all states, who solicit federal formula grant funds under this Act, to officially address the issue of minority overrepresentation within their respective juvenile justice systems. All state applications must now include relevant quantitative data, and a statistical analysis of this data, which specifically documents and examines the extent to which minority youth are disproportionately represented at key system processing points.

This paper was prepared in order to fulfill this required mandate and to provide an historical overview, or progress report, on the status of minority overrepresentation within North Carolina's Juvenile Justice System. Specifically this paper will compare the 1990 and 1994 arrest, detention, and training school admissions data for minority youth in the age range of 10 to 15.

The data were collected and analyzed from a county specific level of analysis in an effort to allow local juvenile justice practitioners to examine trends within their own immediate jurisdictions; as well as to facilitate special secondary comparisons such as urban and rural or regionally based differences. The data were then aggregated to provide for statewide analyses as well. Arrest data were obtained from the State Bureau of Investigation's Division of Criminal Information while the admissions data were provided by the Department of Human Services' Division of Youth Services. Census and population projection data were obtained from the Office of State Planning's State Data Center.

The data were analyzed using the Office of Juvenile Justice and Delinquency Prevention's standard equation for assessing the relationship between minority involvement in the juvenile justice system and minority membership in the youth population. This equation, presented below, mathematically presents the difference between the percentage of arrestees,or admittees, who are minority youth and the percentage of all youth who are members of a minority group. The product of the equation is an index ratio score which signifies the presence or absence of minority overrepresentation for the particular system processing point in question. The value of the index ratio score is a proportionality measure which reveals the ratio between the number of minority youth who were processed in the juvenile justice system and minority representation in the youth population.

Index ratio scores in the range of 0 to 1 indicate an absence of minority overrepresentation; i.e., the percentage of all processed youth who were minorities is less than the percentage of minority youth in the total youth population. A score of 1 is indicative of proportionality, while an index ratio score greater than 1 indicates disproportionality or the presence of minority overrepresentation. The involvement of minority youth in the juvenile justice system exceeds their representation in the youth population.

$$\text{Minority Overrepresentation Index} = \frac{\text{\% of Processed Youth who are Minorities}}{\text{Minority Youth as a \% of the Youth Population}}$$

Juvenile Arrests

Figures 1 and 2 graphically present the minority representation status for juvenile arrests in 1990 and 1994. Ninety-nine counties reported at least one juvenile arrest in 1990. An examination of the 1990 data reveals that minority overrepresentation was apparent in 66 (66.7 percent of those counties reporting at least one arrest) of the state's 100 counties. Juvenile arrests in these counties were disproportionately skewed in relation to the counties' minority youth populations. The index ratio scores for these counties varied considerably with 12 counties arresting minority youth at a rate of at least two or more times higher than their respective minority youth populations. Thirty counties (30.3%) did not encounter a minority overrepresentation problem in 1990 and three counties (3.0%) reported arresting minority youth in exact proportion to their minority youth populations. The statewide index ratio score for 1990 was 1.26.

Minority overrepresentation increased from 1990 to 1994 with the statewide index ratio score expanding 46.8 % to 1.85. All 100 counties reported at least one juvenile arrest in 1994 with minority overrepresentation occurring in 84 counties (84%). This increase in the number of counties experiencing disproportionality, in their juvenile arrest patterns, is apparent. The data show that the number of counties, in which minority arrests exceeded minority populations by a factor of at least 2 or more, expanded to 27 by the end of 1994. The number of counties reporting an absence of minority overrepresentation dropped to 15 (15%) and only one county (1%) reported proportionality between its minority arrests and its minority youth population.

Figure 1 1990 Juvenile Arrests By Minority Representation Status

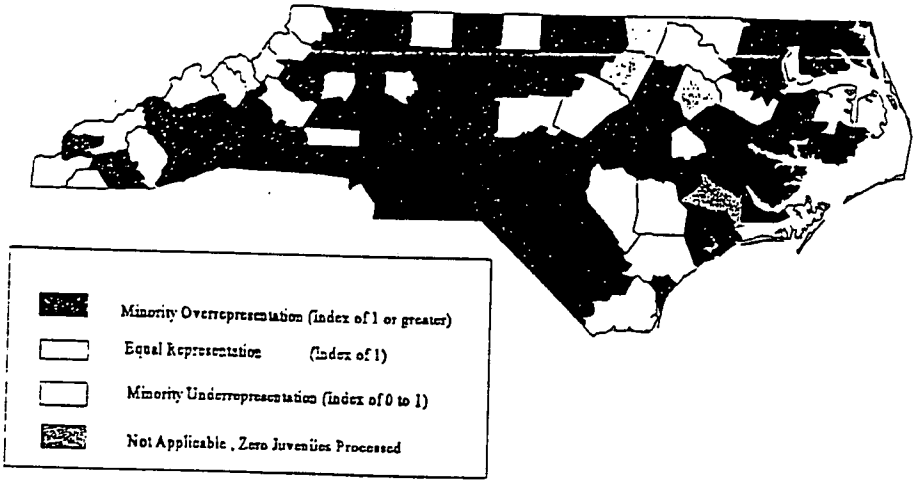
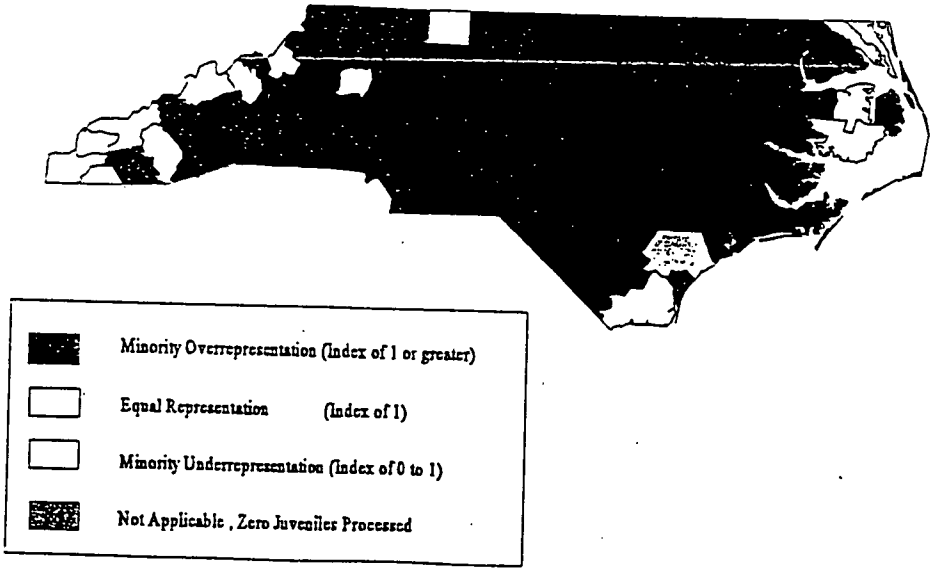


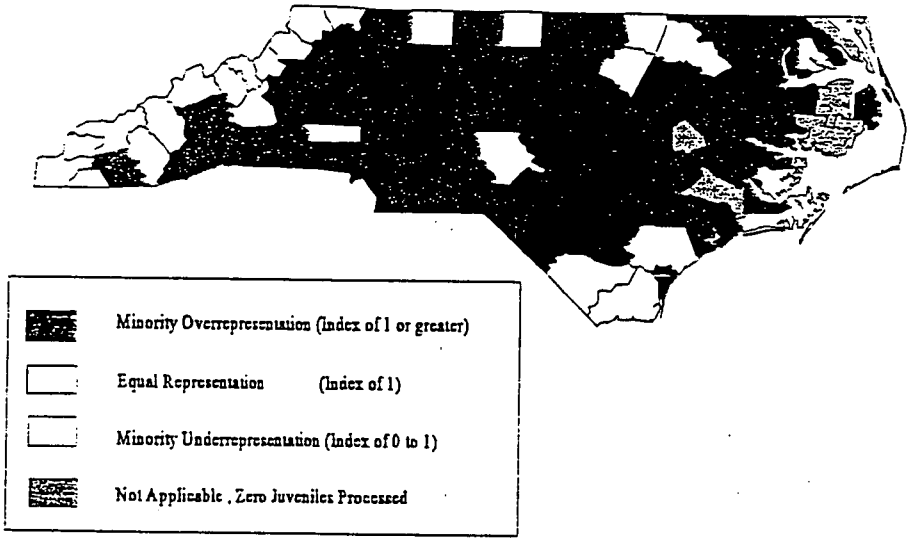
Figure 2 1994 Juvenile Arrests By Minority Representation Status



Detention School Admissions

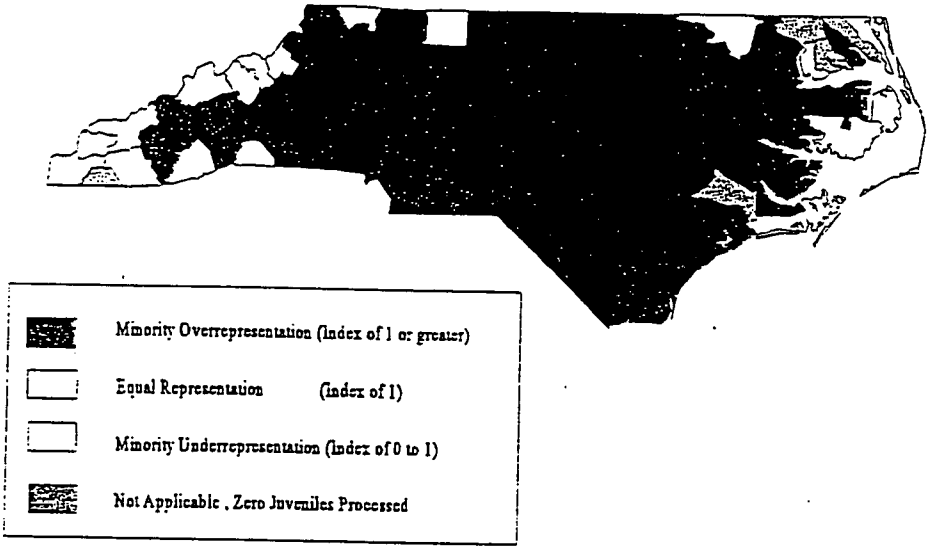
As Figure 3 reveals 95 counties admitted at least one juvenile to the state's detention centers during 1990. Sixty-seven of these counties (70.5%) experienced minority overrepresentation in their detention center admission practices, with 23 of these counties committing minority youth at a disproportionate rate of at least two or more times greater than their respective minority youth populations. The statewide index ratio score for the 1990 detention school admissions was also in this range with minority admissions occurring at a rate of 2.26 times greater than the percentage of minority representation in the youth population. Twenty-eight (29.5%) counties did not demonstrate disproportionate minority confinement in 1990.

Figure 3 1990 Juvenile Detention School Admissions By Minority Representation Status



Cumulative county admission totals indicate that minority overrepresentation declined slightly from 1990 to 1994 with the statewide minority youth detention index ratio score dropping 5.8 % (2.13). In spite of this overall decline the number of individual counties experiencing minority overrepresentation grew to 77 (81.1%) in 1994. The index ratio scores for 39, of these 77 counties, were either equal to or greater than 2.0. The number of counties with disproportionately low index ratio scores; i.e., the absence of minority overrepresentation, declined from 28 to 18 (18.9%) during the four year period (Refer to Figure 4).

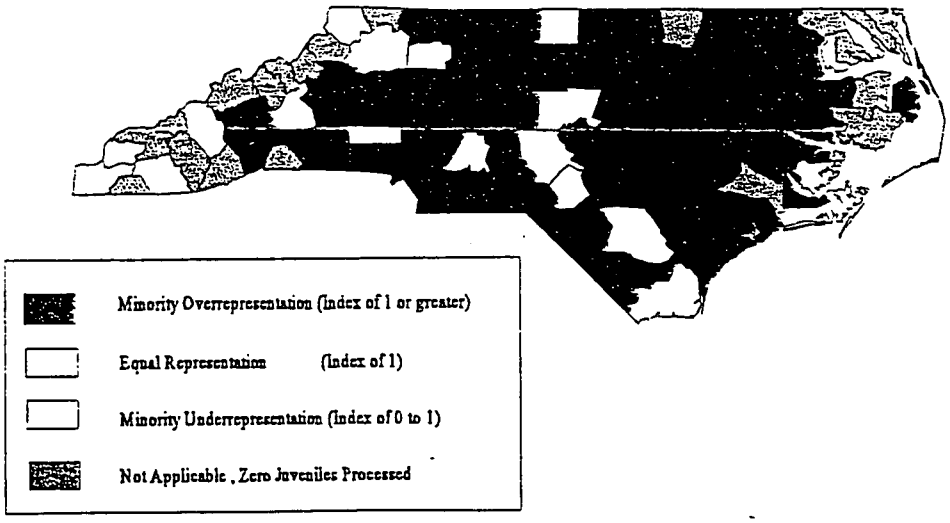
Figure 4 1994 Juvenile Detention School Admissions By Minority Representation Status



Training School Admissions

Figures 5 and 6 graphically provide information on the representation of minorities in relation to training school admissions. Eighty-one of the counties committed at least one youth to the state's training schools during the 1990 calendar year. Minority overrepresentation existed for 61 counties (75.3%) with 28 of these committing minority youth at rates of two or more times higher than the percentage of minority youth in the county population. Minority overrepresentation was nonexistent for 20 counties (24.7%) with the percentage of minority admissions being lower than the percentage of minority youth in the counties respective total youth populations. North Carolina's cumulative index ratio score was 1.38 indicating the presence of minority overrepresentation on a statewide basis.

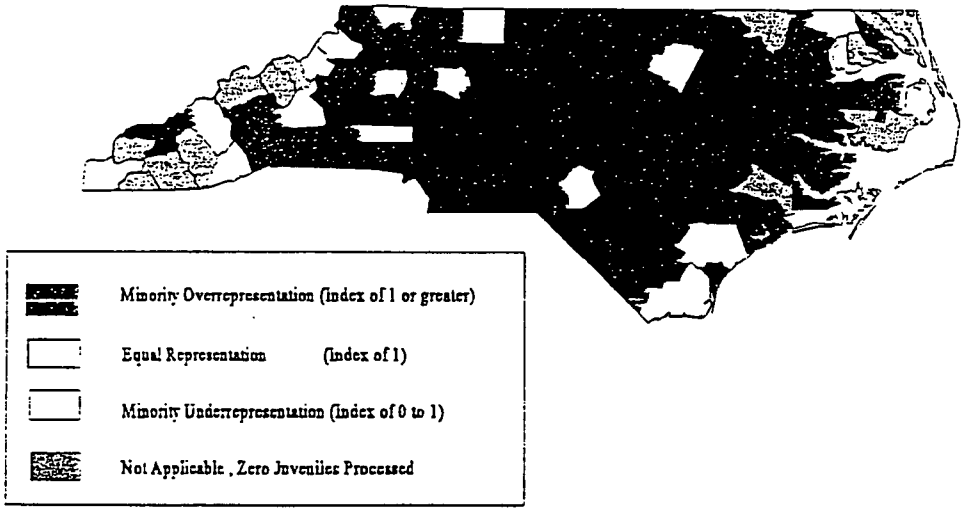
Figure 5 1990 Training School Admissions By Minority Representation Status



Cumulative data on the number of 1994 training school admissions demonstrate an increase of 69.6% in the state's index ratio score, a score that climbed from 1.38 to 2.34 over the course of the four year period. The number of counties, which admitted at least one of its youth to a training school facility, grew to 87 by 1994. Sixty-eight (78.2%) of these counties admitted minority youth at a rate disproportionately higher than the percentage of minority youth in their county.

The number of counties with extreme overrepresentation, i.e., index ratio scores of 2 or more, expanded considerably to 44 by the end of the 1994 calendar year. The number of counties not threatened by minority overrepresentation dropped slightly to 19 (21.8% of those counties which reported juvenile training school admissions in 1994).

Figure 6 1994 Juvenile Training School Admissions By Minority Representation Status



Discussion

The issue of minority overrepresentation in North Carolina's Juvenile Justice System appears to have become more problematic since the beginning of the current decade. The number of counties experiencing a disproportionate arrest ratio for minority youth increased from 1990 to 1994 as did the cumulative statewide index ratio score. One proposed explanation, as to why minority youth are overrepresented among all arrested juveniles, has been attributed to the war on drugs and its intensification of daily law enforcement and vice operations within the inner city. The appearance and eventual saturation of crack cocaine within large urban areas, as well as the fact that more public and open drug transactions typically occur here, may have caused law enforcement to assign a higher patrol priority to, and increase their visibility in, these areas (Blumstein, 1995). Consequently, drug arrests burgeoned in these areas; areas which often have a disproportionate distribution of economically disadvantaged minorities. Indeed minority overrepresentation increased dramatically within those counties with large urban populations and those reporting a tremendous increase in drug arrests, especially cocaine related arrests. This pattern corresponds to the national trend in which the number of minority juveniles arrested for drug violations, especially cocaine and heroin, has grown substantially while drug arrests for White juveniles have begun to decline (Snyder & Sickmund, 1995).

The number of counties experiencing minority overrepresentation in their detention school admissions also increased from 1990 to 1994. However, the state's aggregate index ratio score experienced a modest decline during this same period. This slight decline may be attributable, at least in part, to the establishment of alternatives to detention (ATD) programs. The state's 16 new ATD programs have only been operational for a short period of time so program efficacy, and the extent to which these programs impact upon the problem of minority overrepresentation, remains to be seen.

The most notable systems increase occurred for training school admissions with the state's overrepresentation index ratio score swelling 69.6% from 1990 to 1994. The fact that minority youth are being admitted to training schools at a higher than expected rate could again possibly be an effect of the drug war and its relationship to the exorbitant rise in juvenile violent crime that has occurred within the past several years. The relationship between being involved in the drug trade and its inherent risks of "business related" violence have been extensively documented. It is possible that more minority youth were recruited to become involved in this activity and were provided with a firearm as a standard piece of business

equipment. Snyder and Sickmund (1995), reporting on a recent study of high risk urban youth, note that of those teens who carried illegal guns 74% reported being involved in street crime, 41% used drugs, and 54% claimed some form of gang affiliation.

Eventually these firearms may have been diffused into the larger community with guns becoming both a means of self protection and a status symbol for many inner city kids. Consequently, a greater number of altercations were settled with firearms related violence as opposed to simple fistfighting which was the more common form of dispute resolution in years past (Blumstein, 1995). As Snyder and Sickmund (1995) comment the national juvenile homicide rate has increased in recent years with minority juveniles being more likely, than other juveniles, to be both homicide victims and perpetrators. Ultimately, this increase in the severity of the offense, as well as the involvement in crack distribution itself, may have been too excessive and extreme for the admissions criteria for many intervention, diversion, and intermediate sanction type programs. This may have produced situations in which an active commitment to training school was the only available, and viably, remaining sentencing option.

A systems analysis of the latest minority representation data reflects a scenario in which minority overrepresentation becomes more pronounced at each critical decision phase, or processing point, of the system. The further one progresses along the continuum of the juvenile justice system the greater the issue, of disproportionate minority representation, becomes. This successive increase from one key point to the next is indicative of a system in which processing decisions are compounded by other socioeconomic, educational, and familial factors; factors which may function much more detrimentally to the minority youth's disadvantage.

Unfortunately, many of these aggravating factors plague minority communities at an alarmingly higher rate exposing a substantial number of minority youth to these high risk factors which heighten the likelihood of their becoming involved in delinquent activities. Teens who are a product of poverty, single parent households, disorganized neighborhoods, and face numerous other obstacles to educational and vocational opportunities, may become the victims of differential handling in spite of, and not necessarily because of, their race. As these youth progress through each critical decision point of the system these factors exacerbate their ability to resolve their cases and consequently increase the probability that they will be retained in the system. These disadvantages accumulate collectively and produce a situation in which the highest level of minority overrepresentation occurs at the latter, or end stages, of the juvenile justice system.

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Snyder, H., & Sickmund, M. (1995). *Juvenile offenders and victims: A national report*. Washington, D.C: Office of Juvenile Justice and Delinquency Prevention.

EMBRACING DIVERSITY, EXPANDING COMMON GROUND

The Disproportionate Incarceration of North Carolina's Minority Children

Executive Summary

Department of Human Resources
Division of Youth Services

University of North Carolina at Charlotte
Department of Criminal Justice

June, 1993

Prepared under Grant Number 91-JS-CX-K006 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

Points of view or opinions in this document are those of the authors and do not necessarily represent the official position of policies of the U.S. Department of Justice.

Pilot States

North Carolina has been a participant of the Juvenile Justice & Delinquency Prevention (JJDP) Act since 1978, receiving approximately $1,000,000 annually for juvenile justice programming. Participation of states and territories is predicated on satisfying the JJDP Act's mandates: removing juveniles from adult jails, removing status offenders from secure incarceration, and keeping juvenile offenders separated by sight and sound from adult offenders in secure settings. North Carolina has been in compliance with these mandates for many years. A new mandate was added with the 1992 reauthorization of the Act: addressing the disproportionate incarceration of minority children. The Office of Juvenile Justice & Delinquency Prevention, responsible for administering the Act, awarded Special Emphasis grants in 1991 to five states, North Carolina, Arizona, Florida, Iowa, and Oregon, to conduct research and pilot initiatives to address the disproportionate incarceration of minority children. The pilot states are concluding the research phase of their grants and beginning the initiatives phase.

North Carolina's Study

In preparation for researching the extent of disproportionate incarceration of minority children in North Carolina, the Division of Youth Services, the Criminal Justice Department of the University of North Carolina at Charlotte, and the Governor's Crime Commission conducted a researchers' forum, with representatives from two and four year colleges and universities, and a practitioners' forum, with representatives from law enforcement, juvenile court, juvenile institutions, community programs, and schools. Forum participants reviewed county specific arrest, detention, and training school data and generated hypotheses about the contributors to minority youth being disproportionately incarcerated. Additional information was solicited at five public hearings in Asheville, Charlotte, Elizabeth City, Durham, and Pembroke.

Pilot Counties

Research sites were selected to accommodate North Carolina's geographic and ethnic diversity: mountain, piedmont rural, piedmont urban, coastal plain, and Native American. Using the county specific data, the highest disproportionate indexed county from each category was selected as well as the lowest disproportionately indexed county. With one exception the pairs of counties are geographically contiguous: Buncombe County (high) and Haywood County (low, no disproportionality), Caldwell County (high) and Wilkes County (low, no disproportionality), Forsyth County (high) and Guilford County (low, but fairly disproportionate), Johnston County (high) and Brunswick County (low, no disproportionality), and Cumberland County (high, Native American), and Robeson County (low, slightly disproportionate Native American).

Juvenile justice providers and advocates were interviewed to determine processing of juveniles charged with delinquent offenses and the types and extent of juvenile crime in the ten counties. Permissions were secured from each Chief District Court Judge for access to 1990 juvenile court records. Data based on the earlier legal history, social, family, and school hypotheses were collected in each of the sites.

The processing of delinquency complaints, the types of delinquent offenses, and the characteristics of the juveniles were as diverse as the geography of the study. Ten of the thirteen chapters of the full report detail these county specific demographics. The participating counties will be provided this information and receive technical assistance in developing plans addressing the needs of the juveniles in their systems.

Analyses

Highlights from the analyses of the entire study are provided below. Caution must be exercised in generalizing this information since the ten counties were selected for being either the least disproportionate or most disproportionate and do not as such represent a random sample of counties in North Carolina.

Court Referral and Non-Adjudicated Youth

- A majority of cases (62%) at intake were referred to the juvenile court.
- Of all cases referred to the juvenile court, 20% resulted in a commitment to the Division of Youth Services.
- African Americans comprised 55% of the intake population and 59% of the court referral population while, at the state level, they comprise 27% of the age 10-15 population.
- Native Americans comprised 6% of the non-adjudicated population and 8% of the court referral population while they constitute 5% of the age 10-15 population statewide.
- Average offense seriousness in the non-adjudicated population was not significantly different than that observed in the court referral population.
- Juveniles in the court referral population were more likely to have participated in a community based alternative than juveniles in the non-adjudicated population as a whole.
- Both the court referral population and the non-adjudicated population were overwhelmingly comprised of males.
- While the non-adjudicated population was slightly younger on average than the court referral population, the difference was not substantively significant.
- Juveniles in the court referral population were significantly more likely to have been charged with more than one offense than juveniles in the non-adjudicated population as a whole.
- In the court referral population, only 22% of juveniles had a parent(s) that owned the home in which they lived. Moreover, only 19% had parents that were married.
- Juveniles in the court referral population came from moderately unstable home environments.

- Approximately 39% of juveniles in the court referral population had a prior offense documented in their case file.

- Significant alcohol use was noted for 20% of the court referral population while drug use was recorded in 16% of the cases.

- There was a strong prevalence of Division of Social Services involvement and mental health treatment in the court referral population.

- Truancy problems were noted for 49% of youth in the court referral population.

- In low minority overrepresentation counties, the court referral rate was 81.3%. This stands in sharp contrast to the results of high minority overrepresentation counties where the court referral rate was 52.2%.

- The overall model reveals that all variables, except offense seriousness, were positively associated with the decision to refer a juvenile to court.

- Among juveniles from counties with low minority overrepresentation, offense seriousness is positively related to the decision to refer a juvenile to court. This finding is not evident for counties with high minority overrepresentation.

- In low counties, being Native American heightens the probability of a court referral while, in high counties, being African American heightens the probability of a court referral.

- While males are more likely to be referred to court in high counties, gender makes no difference in the court referral decision in low counties.

- The presence of multiple charges increases the likelihood of a court referral in high counties but has no impact in low counties.

- A strong interaction for county "ruralness" is also apparent. In low counties, ruralness decreases the probability of a court referral while, in high counties, the effect of county ruralness is positive.

- Indications of prior community based alternatives participation and age were both positively related to the court referral decision in both high and low counties.

Commitment

- Of the juveniles in the court referral population, those in low counties were less likely to be committed to the Division of Youth Services than those in high counties.

- Prior involvement with community based alternatives, seriousness of current and prior offenses, and home instability emerged as the strongest, most consistent predictors of the decision to commit.

- The influence of race was observed only weakly overall (for Native Americans and not at all for African Americans). Within low minority overrepresentation counties, African Americans were significantly more likely to be committed than non-African Americans but in high minority overrepresentation counties only the effect of being Native American was significant.

- The effect of gender on the commitment decision is weak and inconsistent across the models.

- Similarly, the effect of age is approximately zero across models.

- Ruralness has no significant effect in the high-low models but has a slightly negative effect overall. This suggests that propensity to commit may be slightly higher in urban counties than in rural counties. The effect, however, is quite weak.

- Truancy appears to have a weak positive effect on the decision to commit but its influence appears to be felt more in the high counties than in the low counties.

- Home ownership is associated with a lower probability of commitment. This finding is more evident for high counties as well.

- Prior Division of Social Services involvement appears to be associated with a higher probability of commitment in high areas while prior involvement with mental health increases the likelihood of commitment in low minority over-representation counties.

- The presence of multiple charges, marital status, and alcohol and drug use are not strongly predictive of the decision to commit either overall or in the high/low models.

Conclusions

- The best predictor of decision making across all models is prior involvement with community based alternatives. On average, juveniles with this characteristic were significantly more likely to proceed from intake to court and then to commitment.

- With respect to the decision to proceed to court from intake, older juveniles were uniformly more likely to go to court. The effect of ruralness was significant but different depending on whether the county was classified as a high or low minority overrepresentation county. In high counties the rural score increased the likelihood of a juvenile going to court while in low counties, urban juveniles were more likely to go to court.

- Having multiple charges had a positive effect on the probability of going to court in high counties but had no effect in low counties. Similarly, males were more likely to go to court in high counties, but gender had no effect in low counties.

- The effect of race on the probability of going to court was different across the high/low models. The results indicated that, overall, African Americans and Native

Americans were more likely to go to court than others. In high counties, however, African Americans were more likely court referrals while Native Americans were more likely to go to court in low counties.

- With respect to the decision to commit, home instability and seriousness of current and prior offense, were most predictive of the commitment decision. The effects of age, gender, having multiple charges, parents' marital status, Division of Social Services involvement, drug and alcohol use were largely insignificant. The effect of the rural score was also quite weak in these models. When a juvenile's parents did not own their home, the juvenile was more likely to be committed in high minority overrepresentation counties although this was not the case in low minority overrepresentation counties. A slight positive effect of truancy on the commitment decision was evident in high counties but not in low counties.

- Overall, race had only a slight impact on the decision to commit. A significant positive effect was observed only for Native Americans, however. In low minority over-representation counties, the effect of being African-American is positive but not in high minority overrepresentation counties. Conversely, Native Americans were significantly more likely to be committed in high counties than in low counties.

- In sum, with respect to race, it appears that race plays a significant role in the decision to proceed from intake to court although this effect is much diminished in the decision to commit.

Phase Two

After the ten pilot sites have opportunities to review their demographics, representatives from all sites will be convened to discuss issues that transcend geographic borders. Their programmatic and/or legislative recommendations will be presented for reaction to a forum of researchers, practitioners, and policy makers with the refined recommendations then being presented to the Governor's Crime Commission for their consideration.

Additionally, two manuals will be prepared to assist all North Carolina counties in self-assessment and planning to reduce the disproportionate incarceration of minority children. Representatives of juvenile justice system components will be asked to assist in the development of a management information system as well.

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New Admission in 1991

745 Admissions

	Race				Age								Gender	
County	Black	White	Indian	Other	10	11	12	13	14	15	16	17	F	M
Alamance	9	6						3	4	7	1		3	12
Alexander		4						2		1	1		1	3
Anson	2									2				2
Ashe		1								1				1
Beaufort	2							1	1					2
Bertie	2							2						2
Bladen	3								1	2				3
Brunswick	2	5								3	4		1	6
Buncombe	3	3								5	1			6
Burke		4							1	3			2	2
Cabarrus	4	1						1	3	1			2	3
Caldwell	1	5						2	2	2			1	5
Carteret		6						2		4				6
Caswell	1	1						1			1			2
Catawba	4	4						3		4	1		2	6
Chowan	1	1						1		1			1	1
Cleveland	10	4						4	4	6			4	10
Columbus	3	1							1	1	2			4
Craven	11	2			1			2	2	8				13
Cumberland	30	12	1					4	11	21	7		3	40
Currituck		2							1	1				2
Dare		2								1	1			2
Davidson	2	7						1	2	4	2		2	7
Davie	4	1							1	3	1			5
Duplin	5	1							1	2	3			6
Durham	19	4		1		1		2	6	10	5		4	20
Edgecombe	11	2							5	7	1		3	10
Forsyth	47	13				1	3	6	17	29	4		5	55
Franklin	1	1									2			2
Gaston	3	8						1	3	6	1		1	10
Granville	4	2							1	4	1		1	5
Guilford	33	9					3	6	18	11	4		8	34
Halifax	13	4						3	5	7	2		5	12
Harnett	6	3	1				1		4	5			4	6
Henderson	3	2					1		1	3			2	3
Hertford	4							2	1	1				4
Iredell	7	3					1		3	6			3	7
Jackson		1									1			1
Johnston	7	6						3	1	7	2		3	10
Lee	10	1						5	3	2	1			11
Lenoir	14							2	3	6	3		3	11
Lincoln		3							2	1				3
Macon		1								1				1
Madison		1								1				1
Martin	2	1							2	1				3
McDowell	1	4							2	2	1			5
Mecklenburg	34	1					3	1	12	13	6		3	32
Montgomery	1	1								1	1		1	1
Nash	8	4					1	2	1	7	1		1	11

1991

County	Race				Age								Gender	
	Black	White	Indian	Other	10	11	12	13	14	15	16	17	F	M
New Hanover	12	5	2			1		1	7	9	1		5	14
Northampton	2									2				2
Onslow	9	6				2	2		2	7	2			15
Orange	2	4							4	1	1		2	4
Pamlico		1							1					1
Pasquotank	4	1						1	1	3			2	3
Pender	1									1			1	
Perquimans		1								1				1
Person	4								3		1			4
Pitt	27	3				1	3	2	7	12	5		2	28
Polk	2									2				2
Randolph	1	7							2	5	1		2	6
Richmond	7						1	2	2	2			2	5
Robeson	7	6	7				3	1	9	7			4	16
Rockingham	3	3						1		3	2		2	4
Rowan	4	6					1	1		5	3		3	7
Rutherford	3	3							1	3	2		2	4
Sampson	2	1							1	2			1	2
Scotland	5	1						2	1		2	1	2	4
Stanley	1	1							1	1			2	
Stokes		2							1	1				2
Surry		2								1	1			2
Transylvania		1							1					1
Union	3	5						1	1	6				8
Vance	5	5						3	4	1	2		2	8
Wake	30	7		1		1	2	7	12	14	2		3	35
Warren	1									1				1
Washington	3							1		1	1			3
Wayne	12	2						3	5	6			3	11
Wilkes	1	8		1				1	4	2	3		5	5
Wilson	20	2						5	11	6			3	19
Yadkin	1	1							1		1			2
Totals:	**499**	**232**	**11**	**3**	**1**	**7**	**25**	**94**	**207**	**319**	**91**	**1**	**117**	**628**

Recommitments in 1991

17 Recommitments

County	Race			Age			Gender	
	Black	White	Indian	14	15	16	F	M
Alamance	2	1			2	1	1	2
Cabarrus		1		1			1	
Catawba	2	1		1	1	1	1	2
Davidson	1				1			1
Guilford		1			1		1	
Henderson	1			1				1
Lee		1			1			1
Lenoir	1				1			1
Pitt	2				1	1		2
Robeson			1		1		1	
Vance	1					1		1
Wayne	1				1			1
Totals:	**11**	**1**	**5**	**3**	**10**	**4**	**5**	**12**

New Admission in 1992

841 Admissions

	Race				At Age							Gender	
County	Black	White	Indian	Other	11	12	13	14	15	16	17	F	M
Alamance	13	9					1	7	8	6		5	17
Alexander		2							2				2
Anson	5							1	3	1			5
Ashe	1					1						1	
Avery		1				1						1	
Beaufort	7	5				1	1	3	6	1		1	11
Bertie	1									1			1
Bladen	5	1	1					1	3	2	1		7
Brunswick	2	3			1			1	2		1	1	4
Buncombe	1	1						1	1				2
Burke	8	8			1		1	3	9	2		3	13
Cabarrus	4	1							5			2	3
Caldwell	2	6					2	2	3	1		1	7
Carteret	2	6				1		2	2	3		1	7
Caswell	1								1				1
Catawba	16	9						7	12	6		3	22
Chowan	3	1				1			2	1		1	3
Cleveland	2	4						1	5			2	4
Columbus	1					1							1
Craven	5	2						2	4	1			7
Cumberland	37	10	3			1	5	11	24	8	1	12	38
Currituck	1	3						1	1	2			4
Dare		3					1		1	1			3
Davidson	3	5					1	2	5				8
Davie	2	1				1			1	1		2	1
Duplin	4	1					2	1	2				5
Durham	25						1	10	8	5	1	2	23
Edgecombe	28	2				2	1	11	16			6	24
Forsyth	22	9					4	6	14	6	1	1	30
Franklin	5							3	1		1	1	4
Gaston	5	14	1			1	2	7	9	1		4	16
Granville	4				3		1						4
Greene	3	1							3	1			4
Guilford	37	10	1			1	4	12	26	4	1	8	40
Halifax	14	2	1			1	3	3	7	2	1		17
Harnett	2	1							3				3
Haywood		1						1					1
Henderson		1							1				1
Hertford	1	1							1	1			2
Hoke	1								1			1	
Iredell	11	6				1	1	5	8	2		2	15
Johnston	4	7					2	3	6			3	8
Lee	10	6					1	5	7	3		4	12
Lenoir	10						1	4	5			2	8
Lincoln	2	2			1			1	2				4
Madison		1							1				1
McDowell		2						1		1			2
Mecklenburg	32	4					2	5	18	11		1	35

1992

County	Race				Age							Gender	
	Black	White	Indian	Other	11	12	13	14	15	16	17	F	M
Mitchell		1					1						1
Montgomery	2								2			1	1
Moore	1	2							2	1			3
Nash	13	3			1			5	8	2		3	13
New Hanover	20	7					5	8	12	2		7	20
Northampton	2								1	1		1	1
Onslow	9	9		1		1	1	4	10	3		5	14
Orange	3	4					1	1	2	2	1		7
Pasquotank	2	1						1	1	1			3
Pender	2	1						1	2				3
Perquimans	1							1				1	
Person	6	2		1		2	2	3	1	1			9
Pitt	22	9				1	6	4	10	10		2	29
Polk	1	1							2				2
Randolph	2	6						3	3	2			8
Richmond	2	3					2	1	2			1	4
Robeson	6		8				1	1	11	1		4	10
Rockingham	5	4					1	2	4	2			9
Rowan	9	8					1	6	9	1			17
Rutherford	2	2						2	1	1		1	3
Sampson	4	2				1	2	1	2				6
Scotland	6	3	1					2	6	2		3	7
Stokes		4						1	1	2			4
Surry		4						1	2	1			4
Transylvania		3							3				3
Union	7	3						3	4	3		3	7
Vance	6								3	3			6
Wake	41	8		3			7	13	22	10		7	45
Warren	1								1				1
Washington	2	1					1		1	1			3
Wayne	19	5					3	6	9	5	1	6	18
Wilkes	2	10					1	3	5	3		3	9
Wilson	18	1		1		1		12	5	2		5	15
Yadkin		2							1	1			2
Totals:	**558**	**261**	**16**	**6**	**7**	**20**	**72**	**208**	**387**	**137**	**10**	**124**	**717**

Recommitments in 1992

17 Recommitments

County	Black	White	13	14	15	16	F	M
Alamance		1			1			1
Buncombe	1					1		1
Cleveland	1				1		1	
Cumberland		1			1		1	
Davidson		1			1			1
Forsyth		1			1			1
Guilford	2		1	1				2
Halifax	1				1			1
Iredell	1				1			1
Macon		1				1		1
Onslow		1			1		1	
Pitt	1		1					1
Robeson		1		1			1	
Scotland	1			1			1	
Wilson	2			1	1			2
Totals:	**10**	**7**	**2**	**4**	**9**	**2**	**5**	**12**

New Admission in 1993
784 Admissions

County	Race				Age								Gender	
	Black	White	Indian	Other	10	11	12	13	14	15	16	17	F	M
Alamance	6	4						3	3	4			2	8
Alleghany		2								2				2
Anson	2					1	1							2
Ashe		1								1				1
Beaufort	5	1				1		2	2	1				6
Bertie	3									2	1			3
Bladen	1	1							1	1			1	1
Brunswick		2							1	1			1	1
Buncombe	11	4		1			1	1	3	7	3	1	1	15
Burke	1	4					1	1		3				5
Cabarrus	6	2							3	3	2		3	5
Caldwell	1	4								3	1	1	1	4
Carteret	1	5						1		3	1	1	1	5
Caswell	2							1			1			2
Catawba	10	9	1				1	2	5	9	3		4	16
Chatham		1								1				1
Cherokee	1	1								1	1			2
Chowan	1	1							1	1			1	1
Cleveland	6							1	2	2	1		2	4
Columbus	4	1						1	2	1	1		1	4
Craven	7	3						1	1	4	4		1	9
Cumberland	31	13	1				1	3	13	21	6	1	3	42
Currituck	1	4							1	4			1	4
Dare		2							1		1			2
Davidson	3	7							4	5	1		3	7
Davie	2	3						2		2	1		1	4
Duplin	1								1					1
Durham	29	2		1			1	6	7	10	4	4	2	30
Edgecombe	19	2					1	2	2	14	2		7	14
Forsyth	12	3				1		2	4	7	1		1	14
Franklin	10							1	1	5	2	1	3	7
Gaston	6	5						2	4	4	1		3	8
Granville	4	1						1	3	1				5
Greene	2									1	1			2
Guilford	23	13						9	9	13	5		3	33
Halifax	9	2			1	1		2	2	3	2		3	8
Harnett	6	6					1	3	3	4	1		2	10
Henderson	2	4		1					2	4	1			7
Hertford	4								2		2		1	3
Hoke	1	2	1						2	1	1			4
Iredell	7	6							3	9	1		1	12
Johnston	13								2	8	2	1	2	11
Lee	8	9					1	1	4	7	4		2	15
Lenoir	13	1						3	1	5	5		1	13
Lincoln	2	3							1	4			1	4
Madison		1									1		1	
Martin	4							2		2				4
McDowell	1	4							2	1	2			5
Mecklenburg	31	4						1	9	17	8		3	32

1993

County	Race				Age								Gender	
	Black	White	Indian	Other	10	11	12	13	14	15	16	17	F	M
Montgomery		2							1		1			2
Moore	3	1						1	2			1		4
Nash	13	4				1		2	2	9	3		2	15
New Hanover	22	16	1				2	6	10	18	3		12	27
Northampton	1	1							1	1				2
Onslow	12	6		4			1	2	7	9	3		3	19
Orange	5	1								4	2		1	5
Pamlico		1									1			1
Pasquotank	5	3							2	6			2	6
Pender	4	2		1		1		1		3	2			7
Perquimans	2										2			2
Person	6	1							3	3	1		1	6
Pitt	14	4		1				2	4	6	6	1	3	16
Polk	1	1						1			1			2
Randolph	4	5						2	1	5	1		1	8
Richmond	3	4							3	3	1		1	6
Robeson	6	1	7				1	1	5	7			1	13
Rockingham	5	7				1		1	4	6			1	11
Rowan	6	11							5	6	6		4	13
Rutherford	1	4							2	2	1		2	3
Sampson	7	1						1	3	4				8
Scotland	1									1				1
Stanley	2	1					1	1	1					3
Stokes	1	2						1		2			1	2
Surry		1		1					1	1			1	1
Transylvania		2						1	1					2
Union	9	3						4	1	5	2		2	10
Vance	8	3						2	5	2	2		2	9
Wake	24	6					1	5	9	13	2		4	26
Warren	6							2	1	3			2	4
Washington	4							1	3				2	2
Wayne	9	4					1	1	1	7	3		2	11
Wilkes		10						1	4	3	2		1	9
Wilson	10	2					2	2	3	5			1	11
Yadkin		3							2	1				3
Yancey		1								1				1
Totals:	**506**	**257**	**11**	**10**	**1**	**7**	**18**	**95**	**194**	**338**	**119**	**12**	**115**	**669**

Recommitments in 1993

15 Recommitments

County	Race		Age				Gender	
	Black	White	13	14	15	16	F	M
Catawba	1				1			1
Cumberland	2	1		1	2		1	2
Davie		1			1			1
Guilford	1	1			1	1		2
Harnett	1					1		1
Iredell	1					1		1
Johnston	1				1		1	
Pitt	1	1		1	1			2
Richmond	1		1					1
Scotland		1	1					1
Wake	1				1			1
Totals:	**10**	**5**	**2**	**2**	**8**	**3**	**2**	**13**

New Admission in 1994
995 Admissions

	Race				Age							Gender	
County	Black	White	Indian	Other	11	12	13	14	15	16	17	F	M
Alamance	13	6				1	5	7	5	1		3	16
Alexander		1			1								1
Alleghany		1							1				1
Anson	2							1	1				2
Ashe	1								1			1	
Avery		1						1				1	
Beaufort	10	3				1	3	4	4		1	4	9
Bertie	5	1							1	3	2	1	5
Bladen	5		2				1		4	2			7
Brunswick	1	7							6	2			8
Buncombe	6	6					1	3	5	3			12
Burke	2	7					1	2	6			2	7
Cabarrus	7	8						5	8	2		4	11
Caldwell	6	3						3	1	5		1	8
Carteret		6						2	1	3		1	5
Caswell	1	1						1		1		1	1
Catawba	4	8					2	2	5	3		1	11
Chatham	1								1				1
Cherokee		1							1				1
Chowan	1	2					1	2					3
Cleveland	6	3					1	1	5	2		1	8
Columbus	6	2		1			1	3	3	2		2	7
Craven	13	3					2	4	6	3	1	2	14
Cumberland	39	12	3	2			4	9	25	18		10	46
Dare		5						2		3		3	2
Davidson	1	10		1			1		8	3		1	11
Davie		1								1			1
Duplin	8	1					1	5	3				9
Durham	33					1		9	14	6	3	1	32
Edgecombe	19	1					4	5	8	3		5	15
Forsyth	31	4		1		1	4	11	16	4		2	34
Franklin	1	2					1	1		1			3
Gaston	3	8					1	1	4	5			11
Gates		1							1				1
Granville	1							1					1
Greene	2							1		1			2
Guilford	52	9	1	1			6	16	33	8		6	57
Halifax	16	6				3	1	5	8	3	2		22
Harnett	7	5					1	6	3	2			12
Haywood		2						2					2
Henderson	1	5					1	2	3			1	5
Hertford	4								2	1	1		4
Hoke	1	1	1					1	1	1			3
Iredell	8	11					2	6	7	4		4	15
Johnston	7	2				1	2	1	4	1			9
Lee	12	2		1		2	3	4	5	1			15
Lenoir	16						2	5	5	4		2	14
Lincoln	1	7				1	1	1	5			4	4

1974

	Race				Age							Gender	
County	Black	White	Indian	Other	11	12	13	14	15	16	17	F	M
Martin	8	1						4	4	1		1	8
McDowell		4						2	1	1		1	3
Mecklenburg	44	7					5	6	17	22	1	5	46
Montgomery	2	1						1	1	1		1	2
Moore	3	3							3	2	1		6
Nash	15	6				1	3	7	8	2		4	17
New Hanover	25	14				3	7	10	15	3	1	5	34
Onslow	6	8		2			2	1	8	3	2	4	12
Orange	4	1					1	2		2			5
Pamlico	1								1				1
Pasquotank	9				1		2	3	3				9
Pender	1	5						4	2				6
Person	5	3					2	3	3			2	6
Pitt	17	5				2	4	6	8	2			22
Polk	1	1								2			2
Randolph	6	9						5	5	4	1	3	12
Richmond	6	3				1		3	2	3			9
Robeson	9	2	8				1	7	9	2			19
Rockingham	6	7				1	3	5	3	1		2	11
Rowan	12	1				1		1	9	1	1	4	9
Rutherford	7	9						4	7	5		2	14
Sampson	4						1	1	1	1			4
Scotland	2		3				2	2	1			1	4
Stanley	4	1					1	1	3			1	4
Stokes		4					1		1	1	1		4
Surry	2	4		1				1	4	2		1	6
Swain			2						1	1		1	1
Transylvania		2					1	1				1	1
Tyrrell	1								1				1
Union	12	6				1	4	3	10			2	16
Vance	3							1	2				3
Wake	38	14		1			4	14	26	9		7	46
Warren	3	2					1	1	3				5
Washington	3	2				1		1	3				5
Watauga		1							1				1
Wayne	27	5					4	12	12	4		5	27
Wilkes	3	1						2	2			3	1
Wilson	17	2				6	2	6	5			4	15
Yadkin	1	5					1	2	2	1		3	3
Totals:	**660**	**304**	**20**	**11**	**2**	**28**	**105**	**257**	**407**	**178**	**18**	**127**	**868**

Recommitments in 1994

28 Recommitments

	Race			Age					Gender	
County	Black	White	Other	11	13	14	15	16	F	M
Cabarrus	1					1				1
Carteret		1				1				1
Cumberland	1	1					2		2	
Edgecombe	1					1			1	
Forsyth	1							1		1
Gaston	1						1			1
Granville	1				1					1
Guilford	3					1	2			3
Halifax	2			1		1			1	1
Harnett	1						1			1
Nash	1						1			1
Onslow	1		1			2				2
Person	1				1					1
Pitt	1						1			1
Union	1					1				1
Vance	1				1					1
Wake	2				1	1				2
Warren	1							1		1
Washington	2						2		2	
Wayne	1						1			1
Wilson	1						1			1
Totals:	**25**	**2**	**1**	**1**	**4**	**9**	**12**	**2**	**6**	**22**

New Admission in 1995
935 Admissions

	Race				Age							Gender	
County	Black	White	Indian	Other	11	12	13	14	15	16	17	F	M
Alamance	15	10				5	2	7	11			4	21
Alexander	1			1			1		1				2
Anson	2						1	1				1	1
Ashe		1							1				1
Beaufort	2	1					1	1	1				3
Bertie	3								1	2			3
Bladen	6						2	1		3			6
Brunswick	2	4		1			1	3	2	1		1	6
Buncombe	2	4				2	2		1	1			6
Burke	3	9				1	2	3	5	1		2	10
Cabarrus	1	5						1	5			1	5
Caldwell	2	8						1	8	1			10
Camden		3						3				1	2
Carteret	1	2						2		1			3
Caswell	2	2					2		2			1	3
Catawba	5	9					3	2	7	2		1	13
Chatham	2	3						1	3		1		5
Chowan	3					1			2				3
Cleveland	10	1		1		1		4	6	1		2	10
Columbus	9	3					2	2	5	2	1	1	11
Craven	7	1					1	3	4			3	5
Cumberland	34	20	3	1			9	14	24	10	1	14	44
Currituck	1	3					1	1	2			1	3
Dare		4		1		1	1	3				1	4
Davidson	3	11					2	5	3	4		2	12
Davie	1	4						1	4			2	3
Duplin	1	2						1	2				3
Durham	15	4						1	10	7	1		19
Edgecombe	20	2					6	4	8	4		7	15
Forsyth	20	12			1	1	3	5	19	3		1	31
Franklin	1	2					1		2				3
Gaston	8	1				1		2	6			1	8
Gates	1								1				1
Granville	4	1					1	1	3				5
Guilford	36	2		2			4	9	22	5		5	35
Halifax	15	3					2	4	7	4	1	1	17
Harnett	4	5					1	3	3	2		1	8
Henderson		7					2	2	3				7
Hertford	6								1	3	2		6
Hoke	4	1						2	3			1	4
Iredell	10	8				1	1	1	11	3	1	2	16
Johnston	6	4		1			1	1	7	1	1	1	10
Lee	14	5				1	5	8	5			3	16
Lenoir	7	4						3	3	5			11
Lincoln	2	3			1			1	2	1			5
Madison		3					1	1			1	1	2
Martin	2								1	1			2
McDowell	1	4					1		3	1		1	4

1995

	Race				Age							Gender	
County	Black	White	Indian	Other	11	12	13	14	15	16	17	F	M
Mecklenburg	68	10		3			9	13	33	25	1	2	79
Mitchell		1							1				1
Montgomery	3								3				3
Moore	6	3					1	4	3		1		9
Nash	8	6						2	9	3		3	11
New Hanover	28	17	1			2	7	13	19	3	2	12	34
Northampton	4							1	2		1		4
Onslow	5	3		1				5	4				9
Orange	5							1	3	1			5
Pamlico		1						1					1
Pasquotank	7	4						3	8			3	8
Pender	4	6						6	3	1		2	8
Person	2	2						2	2				4
Pitt	18	3		1			3	8	5	6		1	21
Polk		2							2			1	1
Randolph	4	17				1	1	3	13	3		4	17
Richmond	2	1							1	2			3
Robeson	1		5			1			5				6
Rockingham	4	9					1	5	3	4			13
Rowan	8	5				1	3	2	4	2	1	1	12
Rutherford	5	4						4	3	2			9
Sampson	4	1					1	3	1				5
Scotland	7	3			1			2	5	2		1	9
Stanley	4	2				1	1	1	2	1		2	4
Stokes	1							1					1
Surry	1	4						2	2	1			5
Transylvania		4							2	2		1	3
Tyrrell	1								1				1
Union	12	4					3	4	8	1		3	13
Vance	7						1		5	1			7
Wake	40	13				2	2	18	27	4		7	46
Warren	3							1	2				3
Washington		1					1						1
Watauga		2						1	1				2
Wayne	16	3					2	6	5	6		2	17
Wilkes		1						1				1	
Wilson	24	1			1		3	15	6			3	22
Yadkin		3						1	2				3
Totals:	**596**	**317**	**9**	**13**	**4**	**23**	**101**	**237**	**415**	**139**	**16**	**112**	**823**

Recommitments in 1995

30 Recommitments

	Race		Age				Gender	
County	Black	White	14	15	16	17	F	M
Catawba		1		1				1
Chatham	1			1				1
Columbus	1			1				1
Cumberland	1	1		2				2
Edgecombe	1	1		1	1			2
Guilford	2			2			1	1
Harnett	1	1		2				2
Henderson		1	1					1
Johnston	1	1		1		1		2
Lincoln	1				1			1
Mecklenburg	1		1					1
Nash	2		1	1			1	1
New Hanover	2		1	1			1	1
Pasquotank	1			1				1
Pitt	1				1			1
Rockingham	1	2		1	2			3
Stanley	1			1				1
Transylvania		1		1				1
Wayne	1				1			1
Wilson	2			2				2
Totals:	**21**	**9**	**4**	**19**	**6**	**1**	**3**	**27**

New Admission in 1996
936 Admissions

County	Race					Age							Gender	
	Black	White	Indian	MR	Other	11	12	13	14	15	16	17	F	M
Alamance	7	10					1	5	2	6	3		2	15
Alexander		2						1			1			2
Alleghany		2							1	1				2
Anson	2									2				2
Ashe		2								2			1	1
Beaufort	3	1						1	1	2			1	3
Bertie	6								1	2	2	1		6
Bladen	5	1					1	2		2	1		1	5
Brunswick	2	8							2	4	4		2	8
Buncombe	3	6							1	6	1	1	2	7
Burke	2	8			1		1	2	4	4			4	7
Cabarrus	5	5					2		4	4			2	8
Caldwell	2	2							3	1				4
Camden		2						1		1				2
Carteret	1	5			1				2	5			1	6
Caswell	2							1		1				2
Catawba	6	9		1				1	3	7	5		3	13
Chatham		1							1				1	
Chowan	6	1					1	2	2		2		1	6
Cleveland	8	1						1	1	7			2	7
Columbus	7	2						2	2	3	2		4	5
Craven	8	4						1		6	5			12
Cumberland	35	19	2				4	3	13	21	13	2	14	42
Currituck		1								1			1	
Dare	1	4						2	1	2			2	3
Davidson	6	6					1	1	3	7			2	10
Davie		3						2			1		1	2
Duplin	2	3			1				3	2	1		1	5
Durham	30	3						3	7	13	8	2	5	28
Edgecombe	15						1	1	6	3	4		3	12
Forsyth	23	7						3	6	16	5		1	29
Franklin	1	3						1	1	1	1		1	3
Gaston	3	5							3	4	1		2	6
Granville	2	1							1	2				3
Greene	2								1	1				2
Guilford	35	5			1		1	9	6	17	8		3	38
Halifax	9	4						3	5	3	2		1	12
Harnett	6	4			1	1			3	7			2	9
Haywood		2	1						1	1	1		1	2
Henderson	2	11			1		1	1	6	3	3		2	12
Hertford	8	2				1			2	3	4		3	7
Hoke	3	1	1					1	1	3				5
Hyde		1								1				1
Iredell	17	9					1	2	9	10	4		2	24
Johnston	3	6					1	2	2	3	1		2	7
Lee	3	3						1	3	2				6
Lenoir	8	3						1	1	6	3			11
Lincoln	2	3						2	2	1				5

1996

County	Race					Age							Gender	
	Black	White	Indian	MR	Other	11	12	13	14	15	16	17	F	M
Macon		1									1			1
Martin	2	3							2	3				5
McDowell	1	4								1	4		1	4
Mecklenburg	67	15	1		2			4	12	35	31	3	4	81
Mitchell		1								1			1	
Montgomery	4							1		2		1		4
Moore	7	8	1						6	4	5	1	3	13
Nash	11				1			1	2	4	5		3	9
New Hanover	12	13						4	6	11	4		3	22
Northampton	3							1	1		1			3
Onslow	17						1	2	3	9	2		1	16
Orange	4	1							3	1	1			5
Pamlico		1							1					1
Pasquotank	5	2				1		1	2	2	1		2	5
Pender	4	3						1	2	3	1			7
Perquimans		2						1		1				2
Person	8							1	2	5			2	6
Pitt	16	5					2		3	10	6		4	17
Randolph	4	8						1	1	7	3		2	10
Richmond	3	3						2	3		1			6
Robeson	5		4					1	3	5				9
Rockingham	5	4					1	1	3	2	2			9
Rowan	5	5						1	2	5	2		3	7
Rutherford	3	4							2	2	3			7
Sampson	1									1				1
Scotland	3	2							2	1	2			5
Stanley	7							2	3	2			1	6
Stokes		2								2			1	1
Surry	1	5							2	2	2		2	4
Transylvania	1	5							3	2	1		2	4
Union	12	5						1	6	8	1	1	4	13
Vance	9							2	4	2	1		2	7
Wake	33	9			3		1	2	13	19	10		9	36
Warren	2								1		1			2
Washington	1	2						1	1		1		2	1
Watauga		1									1			1
Wayne	26	4					2	6	8	8	6		3	27
Wilkes	1	6						1	2	4				7
Wilson	23	5				2	1	3	9	11	2		2	26
Yadkin		5							1	2	1	1	1	4
Yancey		1								1			1	
Totals:	**597**	**316**	**10**	**1**	**12**	**5**	**24**	**99**	**230**	**377**	**188**	**13**	**135**	**801**

Recommitments in 1996

83 Recommitments

	Race				Age						Gender	
County	Black	White	Asian	Other	12	13	14	15	16	17	F	M
Alamance	5	3				2	2	4			1	7
Alexander			1					1				1
Anson	2						1	1				2
Brunswick				1					1			1
Buncombe		1					1					1
Caswell	1						1					1
Catawba		1						1			1	
Chowan	1					1						1
Columbus	3	1						2	2			4
Craven	1	1						2				2
Cumberland	3							3			1	2
Currituck	1							1				1
Dare		1					1					1
Davie		1						1				1
Duplin		1					1					1
Durham	1							1				1
Edgecombe	3						2		1			3
Gaston	1								1			1
Greene	1						1					1
Guilford	4					1		2	1		2	2
Harnett		1					1				1	
Iredell	1	1						2				2
Lee	2							2				2
Mecklenburg	4	1					1	4			1	4
Moore	1	1					1	1				2
Nash	1						1					1
New Hanover	1	2					1	1	1		2	1
Onslow	1							1				1
Orange	1							1				1
Pasquotank	2				2							2
Person	2						1		1		1	1
Pitt	3	1						1	3			4
Randolph	1	1						1	1		1	1
Richmond	1									1		1
Rockingham	1							1				1
Surry	1								1			1
Union	1						1				1	
Wake	3	2					1	4				5
Warren	1							1				1
Wilson	6							5	1		1	5
Totals:	**61**	**20**	**1**	**1**	**2**	**4**	**18**	**44**	**14**	**1**	**13**	**70**

New Admission in 1997
1,012 Admissions

	Race							Age							Gender	
County	B	W	I	A	MR	H	O	11	12	13	14	15	16	17	F	M
Alamance	11	11		1			1		2	1	8	9	4		4	20
Alexander		2		1						1	1	1			1	2
Beaufort	7	4								3	4	4			2	9
Bertie	1										1					1
Bladen	5	1									1	1	4			6
Brunswick	3	5							1	1	2	4			2	6
Buncombe	2	10									2	7	3		2	10
Burke		8		1			1				1	9			1	9
Cabarrus	2	9								3	2	6			1	10
Caldwell	4	2								1		5			2	4
Carteret		4									1	2	1		2	2
Caswell	3									1	1	1				3
Catawba	7	12		1			1				6	5	9	1	1	20
Chatham	1	1									1	1				2
Cherokee		1											1		1	
Chowan	4	1									4		1		1	4
Cleveland	4	5									3	5	1		2	7
Columbus	5	2			1				1		2	4	1		2	6
Craven	14	5							2	1	3	8	5		3	16
Cumberland	49	19	1		1		6		2	5	16	34	19		14	62
Currituck		4								1	1	2				4
Dare		9								3	3	2	1		1	8
Davidson	8	15					2		1	4	7	10	3		7	18
Davie	2	2									1	3				4
Duplin	7	5							1	3		6	2		1	11
Durham	29	3	1				1			3	7	15	8	1	5	29
Edgecombe	11	1									4	4	3	1		12
Forsyth	12	4								2	2	9	3		1	15
Franklin	1								1							1
Gaston	2	6							1		1	5	1			8
Gates		2										2				2
Granville	1	1									1		1			2
Greene	6										1	2	2	1		6
Guilford	33	8					1		1	3	10	16	12		5	37
Halifax	22	8								4	8	10	8		3	27
Harnett	4	2					1				2	5				7
Haywood		1									1					1
Henderson	2	14									5	9	2		2	14
Hertford	6								1	1	2	1	1		1	5
Iredell	9	8								3	6	6	2		1	16
Johnston	9	10	1						2	3	3	10	2		7	13
Lee	6	2					1		1	4	3	1				9
Lenoir	8	6								5	2		7		1	13
Lincoln	1	2					1				1	3			1	3
Macon		3										3				3
Madison		1											1			1
Martin	11	1							2	2	1	7			2	10
McDowell	1	1										1	1			2

1997

County	Race							Age							Gender	
	B	W	I	A	MR	H	O	11	12	13	14	15	16	17	F	M
Mecklenburg	45	13		1			1			3	14	19	24		7	53
Montgomery	7										1	4	1	1		7
Moore	7	3								1	2	3	3	1	1	9
Nash	13	1								1	7	3	3			14
New Hanover	21	13								3	5	17	7	2	7	27
Northampton	2												2			2
Onslow	10	5			2		1		2		6	6	4		5	13
Orange	4	2					1				2	4	1		1	6
Pasquotank	9	1							1		4	3	2		7	3
Pender	8	2								3	2	2	2	1		10
Person	2	1									1	1	1			3
Pitt	20	6			1				1	1	8	9	8		5	22
Polk	1	1										1	1			2
Randolph	4	13					3		1	2	6	6	5		3	17
Richmond	3	2									2	2	1			5
Robeson	2		5							1	2	4				7
Rockingham	6	9								1	3	9	1	1		15
Rowan	3										1	2			1	2
Rutherford	2	8								1	3	5	1		2	8
Sampson	2	1							1		1	1				3
Scotland	7	2	3								2	7	3		2	10
Stokes	1	2									2	1				3
Surry		1										1				1
Swain		1								1						1
Transylvania		4									2	2				4
Tyrrell	1										1					1
Union	10	5								3	5	3	4		4	11
Vance	10									1	3	5	1			10
Wake	40	19				1	1			5	17	31	8		10	51
Washington	2										1		1			2
Watauga		2										2				2
Wayne	20	9					2		1	2	6	14	8		5	26
Wilkes	1	5							1		1	1	3			6
Wilson	32	4						1	1	6	6	20	1	1	11	25
Yadkin		1											1			1
Totals:	**608**	**357**	**11**	**5**	**5**	**1**	**25**	**1**	**28**	**93**	**247**	**426**	**206**	**11**	**150**	**862**

Recommitments in 1997

105 Recommitments

County	Race			Age					Gender	
	Black	White	Other	12	13	14	15	16	F	M
Alamance	3	1				2	2		1	3
Anson	1						1			1
Beaufort	2						2		1	1
Burke		1				1				1
Cabarrus	1				1					1
Carteret		1	1				1	1		2
Catawba		2					1	1		2
Chowan	3			1		1	1		1	2
Columbus	1							1		1
Cumberland	2	1			1		1	1		3
Duplin	1	1					2			2
Durham	4						3	1		4
Edgecombe	2				1	1				2
Forsyth	1							1		1
Guilford	1					1				1
Halifax	1	1					2			2
Harnett	1	2					3			3
Henderson	1						1			1
Iredell	2					1	1			2
Johnston		2		1			1			2
Lee	4					1	3			4
Mecklenburg	1	2					2	1		3
Nash	3					1	1	1		3
New Hanover	5	4			1	1	6	1		9
Onslow	1						1			1
Pender	1	1					2		1	1
Person	3						3			3
Pitt	4	1			1	1	1	2	1	4
Robeson	1						1			1
Rowan	1	1					2			2
Rutherford	1						1			1
Scotland	1							1		1
Surry	1						1			1
Transylvania		1					1			1
Union	2						2		1	1
Vance	1						1			1
Wake	9	1				1	8	1	1	9
Wayne	5	2				3	3	1	1	6
Wilson	8				2	3	3		3	5
Totals:	**79**	**25**	**1**	**2**	**7**	**18**	**64**	**14**	**11**	**94**

New Admission in 1998
1,118 Admissions

	Race							Age								Gender	
County	B	W	I	A	MR	H	O	10	11	12	13	14	15	16	17	F	M
Alamance	14	5			1	1	1				3	5	10	4		3	19
Alexander		6								1		3	2			1	5
Anson	6	1								1		1	4	1			7
Ashe		2												2			2
Beaufort	7	3									1	1	7	1		1	9
Bertie	5											2	2	1			5
Bladen	5	2									1	2	2	2		2	5
Brunswick	7	4					1				3	4	4	1		3	9
Buncombe	4	17									1	9	5	6		5	16
Burke	1	5				1			1			2	4				7
Cabarrus	5	5		1					1			4	6			3	8
Caldwell		6									1	1	3	1		2	4
Carteret		7									1	1	4	1		1	6
Caswell	2	2									1	1	2				4
Catawba	5	11		2							1	2	11	4		3	15
Chatham	3	1									1	2		1		1	3
Cherokee		1											1				1
Chowan	5	1									1	2	2	1			6
Cleveland	2	4										1	5			1	5
Columbus	9	7									3	1	8	4		1	15
Craven	16	4			1					1	5	2	9	3	1	1	20
Cumberland	50	31	2		3	1	2				10	24	34	20	1	23	66
Currituck		2												2		1	1
Dare		2											2				2
Davidson	2	15									2	5	8	2		5	12
Davie	1						1			1			1			2	
Duplin	3	1									1		3				4
Durham	23	1									2	4	9	7	2	5	19
Edgecombe	24	2					1			1	1	3	11	9	2	7	20
Forsyth	9	2										2	7	2			11
Franklin	2	1										2	1				3
Gaston	6	6								1	1	3	4	3		4	8
Gates		1										1					1
Granville	4											2	1	1			4
Greene	4	1									2		3			1	4
Guilford	41	6		3	1		1			1	7	8	29	7		9	43
Halifax	17	6							1	1		5	9	6	1	6	17
Harnett	8	2								1	1	4	4			2	8
Haywood		1										1					1
Henderson	4	5					1		1			5	3	1		2	8
Hertford	4												1	2	1	1	3
Iredell	5	4					1			1		3	4	2			10
Johnston	3	6									2	1	6				9
Lee	14	4	1				1			1	6	6	7			3	17
Lenoir	18	2								1	1	6	11		1	2	18
Lincoln		3					1					1	3			1	3
Macon		1											1				1
Madison		1											1			1	

1998

County	Race							Age								Gender	
	B	W	I	A	MR	H	O	10	11	12	13	14	15	16	17	F	M
Martin	3	3	1				1			1		3	3	1		2	6
McDowell	1	3									1	1	2			1	3
Mecklenburg	93	17		4			1			1	3	25	47	33	6	14	101
Montgomery	3	1	1									1	1	3		1	4
Moore	11	7										3	10	5		3	15
Nash	17	1									1	5	7	5		4	14
New Hanover	26	12								1	3	10	14	10		7	31
Northampton	7	1										1	2	4	1	1	7
Onslow	14	14								1	2	4	12	9		5	23
Orange	6	4									2	2	3	3		2	8
Pamlico		1												1			1
Pasquotank	4	1								1			4			1	4
Pender	4	4								1		1	4	2			8
Perquimans	2	1										1	2			2	1
Person	2	2									1	2	1				4
Pitt	18	3							1		2	5	9	4		4	17
Polk	1	3								1		2		1			4
Randolph	5	8			1						1	1	9	3		4	10
Richmond	3	3										1	3	2		1	5
Robeson	3		11								2	3	6	3		1	13
Rockingham	2	4										1	5			2	4
Rowan	10	9							1			3	9	6		2	17
Rutherford	3	6										4	2	3		1	8
Sampson	12	1									2	2	8	1			13
Scotland	6	2									1	1	6			2	6
Stanley	3	3										2	3	1		1	5
Stokes		1													1		1
Surry	1	1											2			1	1
Transylvania		4								1		1	1	1			4
Union	6	5			1					1	1	2	6	2			12
Vance	5	2									1	1	3	2		1	6
Wake	46	10			1	1				4	9	14	22	9		7	51
Warren	3		1									2	1	1			4
Washington	1	1										1	1				2
Watauga		2							1				1			1	1
Wayne	26	6				1				3	4	10	9	7		3	30
Wilkes	1	5									1	1	3	1		2	4
Wilson	20	3							1	2	4	6	8	2		7	16
Yadkin	1	2						1				1	1				3
Yancey		1									1						1
Totals	707	357	17	10	9	5	13	1	8	30	101	255	484	222	17	186	932

Recommitments in 1998 (126 Recommitments)

	Race			Age						Gender	
County	Black	White	Other	12	13	14	15	16	17	F	M
Alamance	3	1				3	1			1	3
Alexander		1						1			1
Beaufort	2					2					2
Brunswick		2				1	1				2
Cabarrus	1	1				1	1			1	1
Caswell	2					1	1				2
Catawba	1	2				1	1	1			3
Chowan	2					1	1				2
Craven	1						1			1	
Cumberland	4						3	1		2	2
Dare		2					2				2
Davidson	1					1					1
Duplin	1	1					2				2
Durham	4					1	1	2			4
Edgecombe	5					1	2	2			5
Forsyth	3	1					3	1			4
Gaston		1						1			1
Guilford	1	2					2	1		1	2
Halifax	1						1				1
Harnett	2						1	1			2
Henderson		1						1			1
Hertford	2					1	1				2
Iredell	2	1				1	1	1			3
Johnston	1				1						1
Lee	1	1	1			2	1				3
Lenoir	2					1	1				2
Lincoln		2				1	1				2
Martin	2					1	1			1	1
Mecklenburg	3	3				2	1	2	1		6
Nash	1							1			1
New Hanover	2	1				3					3
Onslow	1	2					2		1		3
Orange			1				1				1
Pamlico		1						1			1
Pasquotank	1	1					2				2
Pender	1					1					1
Perquimans	1							1		1	
Pitt	1								1		1
Randolph	1	1				1	1				2
Robeson		1					1				1
Rockingham	1					1					1
Rowan	2						2				2
Transylvania		1						1			1
Union	2	1				1	2				3
Vance	1						1				1
Wake	8					3	3	2			8
Wayne	3	4				2	3	2		1	6
Wilkes	1	1			1		1				2
Wilson	14			1	2	5	6			3	11
Totals:	**88**	**36**	**2**	**1**	**4**	**39**	**56**	**23**	**3**	**12**	**114**

North Carolina Office of Juvenile Justice
Juvenile Detention Admissions by Age/Race/Sex
FY 1997-98

	B/M	W/M	I/M	O/M	Subtotal	F/B	F/W	F/I	F/O	Subtotal	Total
Age											
8	2	0	0	0	2	0	0	0	0	0	2
9	3	1	0	0	4	0	0	0	0	0	4
10	15	9	0	1	25	0	3	0	0	3	28
11	44	23	1	1	69	14	3	0	0	17	86
12	138	65	2	6	211	34	40	1	2	77	288
13	373	189	11	13	586	137	92	3	6	238	824
14	771	349	24	40	1184	207	195	12	18	432	1616
15	1183	685	46	67	1981	258	243	14	22	537	2518
16	294	191	8	14	507	66	84	1	2	153	660
17	30	15	0	0	45	6	11	0	0	17	62
18	0	1	0	0	1	0	1	0	0	1	2
19	2	0	0	0	2	0	0	0	0	0	2
	2855 46.9%	1528 25.1%	92 1.5%	142 2.3%	4617	722 11.9%	672 11.0%	31 0.5%	50 0.8%	1475	6092 100%

Institutional Services: Training Schools

Overview

The overall mission of the training schools is to promote a successful transition into society as productive citizens by providing juveniles with a safe, secure environment that fosters healthy decision-making and personal responsibility. Outlined by the General Statutes of North Carolina, programs and services to be provided to juveniles include appropriate educational, clinical, medical, vocational and recreational programs as well as any others identified by the Secretary of the Department of Health and Human Services.

Capacity/Population

Facility	Rated Bed Capacity	Average Population
C.A. Dillon School	121	119
Dobbs School	162	162
Juvenile Evaluation Center	224	241
Samarkand Manor	170	174
Stonewall Jackson School	134	143

Admissions by Race/Gender

Of the new admissions and recommitments, 85% were male and 15% were female. The table below indicates an analysis of the admissions by race and gender.

Male-Black	612	Female-Black	105	Total-Black	717
Male-White	307	Female-White	61	Total-White	368
Male-Indian	14	Female-Indian	1	Total-Indian	15
Male-Other	41	Female-Other	8	Total-Other	49
Male-Total	**974**	**Female-Total**	**175**		

Admissions by Age

Of the new admissions and recommitments, nearly half of juveniles were fifteen years old. The table below indicates an analysis of the admissions by age.

Age	Admissions
10	1
11	5
12	28
13	97

Age	Admissions
14	272
15	505
16	224
17	17

STATE OF NORTH CAROLINA
OFFICE OF JUVENILE JUSTICE
410 S. SALISBURY STREET • P. O. BOX 29527
RALEIGH, NORTH CAROLINA 27626-0527
STATE COURIER NO. 56-20-08
TELEPHONE: (919) 733-3388 FAX: (919) 733-1045

James B. Hunt, Jr.
Governor

George L. Sweat
Director

MEMORANDUM

Date: April 21, 1999

To: Senator Luther H. Jordan, Jr.
Representatives William T. Culpepper III, Theodore J. Kinney, Paul R. McCrary
Co-Chairmen, Appropriations Subcommittee on Justice and Public Safety

From: George L. Sweat

RE: Transportation Program

In our continuation budget for the 1999-01 biennium, we requested to make permanent 72 temporary positions that are currently assigned to our training schools. These temporaries were utilized due to the student population constantly exceeding our rated capacity. Since the North Carolina Sentencing Commission has projected this population will decrease, we believe that the requested appropriation for the 72 positions can be better utilized to meet a transportation crisis statewide. The movement of youth to and from detention centers and training schools is causing local sheriffs and police chiefs to pull two sworn officers out of their jurisdiction and transport youth in many cases from one end of this state to the other.

While a transportation program has in the past been funded year to year from available lapsed salary funds in the Judicial Department, this effort did not meet the transportation needs of the total state. If we are allowed to redirect the appropriation for the 72 positions, we will be able to securely fund a statewide transportation program.

Attached is an explanation of the current Office of Juvenile Justice transportation program. You will also find attached a schedule outlining the proposed expenditures to help meet the juvenile justice transportation needs in North Carolina.

This request has been discussed fully with the Office of State Budget and Management and they concur in our request.

GLS/EFT/ak

pc: Marvin K. Dorman, Jr.
pc: Jim Mills

Attachment

TRANSPORTATION PROGRAM

Currently the Office of Juvenile Justice has 22 FTE positions providing transportation assistance to all 100 counties. The positions are currently configured as half-time temporary positions and are located at various court counselor headquarters in the state. Court counselors, sheriff departments and police departments also provide transportation to and from detention and training schools. Law enforcement coverage in smaller counties at night and weekends make provision of out-of-county transportation of juvenile offenders a serious hardship on law enforcement resources in those counties. In 1997 law enforcement provided 47% of all juvenile secure custody transportation in North Carolina.

The new juvenile code, which goes into effect July 1, 1999, provides for additional detention utilization. These increases come in the form of raising the undisciplined age from up to 16 to up to 18, contempt sanctions, post-dispositional sanctions, and removal of training school commitments as misdemeanor dispositions. The large percentage of juveniles who have been committed to training school for continued misdemeanor acts in the communities will now be subject to short detention commitments. In the absence of additional staff to provide the increased transportation needs after July 1, 1999, the added burden will fall on sheriff offices, police departments, and court counselors.

It is our belief that the present transportation resources, which cannot provide all of the transportation under the current situation, must be doubled to handle the increased needs after July 1, 1999, and help avoid undue burden on our already overtaxed local law enforcement.

Office of Juvenile Justice
Analysis of Transportation Needs
April 21, 1999

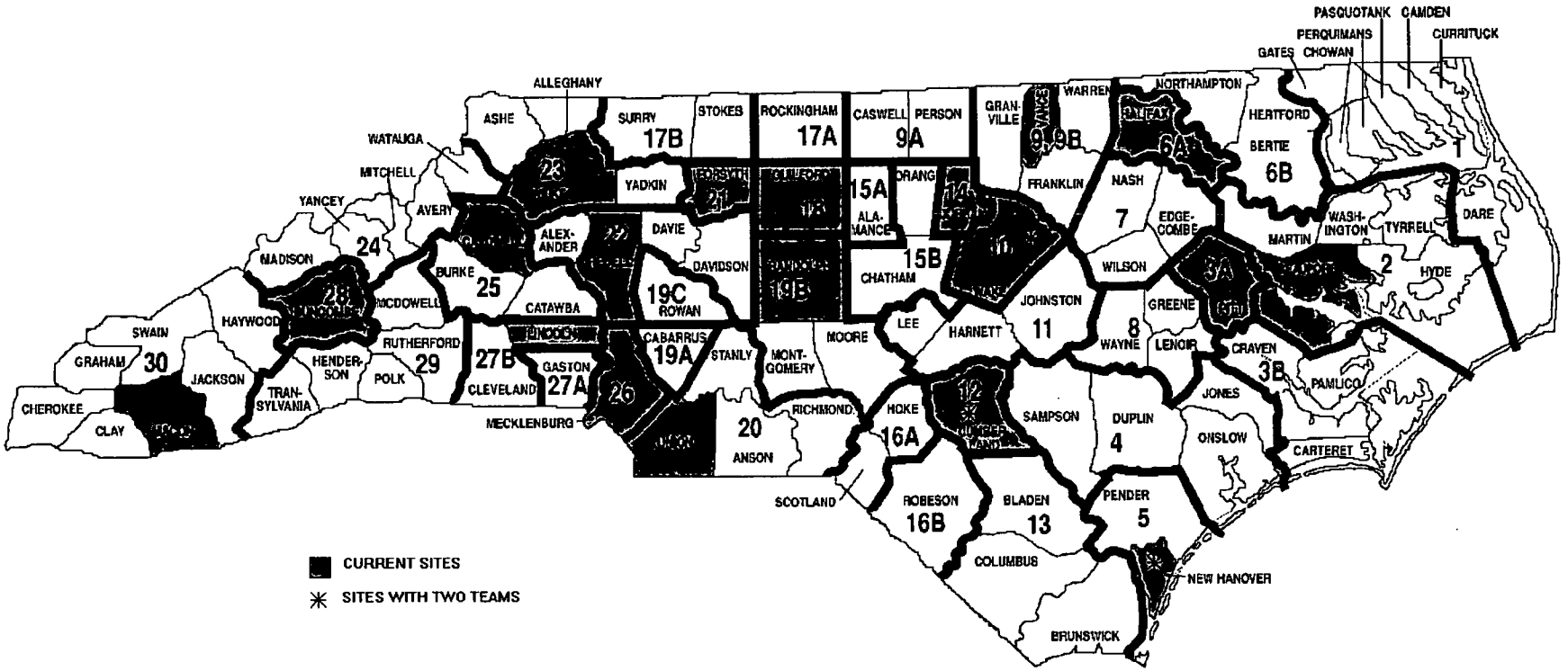
	Administrative Positions	Full-Time Position (Unit Costs)	Half Time (Unit Costs)
Salary	53,626	29,842	11,960
FICA	4,102	2,283	915
Retirement	5,416	3,014	-
Insurance	3,472	10,416	-
Subtotal	66,617	45,555	12,875
Pager	120	60	60
Transportation	-	9,114	4,557
Lodging	-	265	265
Meals	-	190	190
Phone	600	300	300
Other	-	60	60
Per Person Costs	67,337	55,544	18,307

Office of Juvenile Justice
Analysis of Transportation Needs
May 11, 1999

	Administrative (Total Costs for 2 Positions)	Full-Time Position (Unit Costs)	Half Time (Unit Costs)	
Salary	53,626	29,842	11,960	
FICA	4,102	2,283	915	
Retirement	5,416	3,014	-	
Insurance	3,472	1,736	-	
Subtotal	66,617	36,875	12,875	
Pager	120	60	60	
Transportation	-	9,114	4,557	
Lodging	-	265	265	
Meals	-	190	190	
Phone	600	300	300	
Other	-	60	60	
Per Person Costs	67,337	46,864	18,307	
Positions	2	6	76	
Total Costs	67,337	281,184	1,391,327	1,739,848
Total Available				1,998,584
Difference				258,736

JSD TRANSPORTATION SITES

AS OF 08/17/98



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STATE OF NORTH CAROLINA
OFFICE OF JUVENILE JUSTICE
410 S. SALISBURY STREET • P. O. BOX 29527
RALEIGH, NORTH CAROLINA 27626-0527
STATE COURIER NO. 56-20-08

James B. Hunt, Jr.
Governor

George L. Sweat
Director

May 5, 1999

Senator Luther Jordan,

Representative Paul McCrary
Representative Bill Culpepper
Representative Ted Kinney

Dear Justice and Public Safety Chairs:

Per your request, attached is a job description for a new position which will be needed in order for this Office to take on the added responsibilities of overseeing all of the States Teen Court programs, the Cumberland County Juvenile Assessment Program, and the multi-county Project Challenge Program. With all of the changes we are experiencing as a result of last years major reforms in juvenile justice we simply are not able to undertake new initiatives, regardless of their merit, without additional staff to oversee their implementation.

Judge Gerald Arnold and I have met with representatives of the statewide Teen Court Association and we strongly endorse this program. At the integral meeting of the statewide Teen Court Association in Raleigh on May 2nd and 3rd, over 200 in attendance endorsed the recommendation to consolidate all Teen Court funding within the Office of Juvenile Justice.

Telephone: (919) 733-3388

FAX: (919) 733-6809

The program Coordinator position along with one support staff are leveled at the same pay grades (PG 72 and PG 59) as the Governors One on One program, the Multipurpose Juvenile Home program and the Eckerd Wilderness Camping program which also are housed in this office. Projected cost using minimum rates and including fringe benefits comes to just over $65,000.

If you need any additional information please let me know.

Sincerely Yours,

George Sweat

George Sweat, Director
Office of Juvenile Justice

Subject: **Re: unit cost**
Date: Thu, 06 May 1999 16:42:39 -0400
From: Ken Foster <Ken.Foster@ncmail.net>
Organization: Office of Juvenile Justice
To: Larry Dix <larry.dix@ncmail.net>

I assume that by unit cost you mean salary and fringe for each.

Statewide Coordinator	PG 72 Minimum salary =	32,983
Clerical Support Position	PG 59 Minimum salary =	19,329
		52,312
FICA @ .0765		4,002
Retirement @ .1083		5,665
Insurance @ 1,736x2		3,472

Total = $65,451

Larry Dix wrote:

> Jim Mills needs a unit cost of the postions we(Ken) was asking for to help with Teen Court, etc, not just (65,000), and a starting date.
>
> Other requests; Senator Jordan wants a racial breakdown of all positions in the OJJ (Not just court counselors) and an idea of what our minority recruiting efforts are?

OFFICE OF STATE PERSONNEL POSITION DESCRIPTION FORM (PD-102R-92)	APPROVED CLASSIFICATION: EFFECTIVE DATE: ANALYST:

	(THIS SPACE FOR PERSONNEL DEPARTMENT USE)
1. PRESENT CLASSIFICATION TITLE OF POSITION:	
2. USUAL WORKING TITLE OF POSITION:	7. PRES. 15 DIGIT POS. NO. PROP. 15 DIGIT POS. NO.
3. REQUESTED CLASSIFICATION OF POSITION:	8. DEPARTMENT, UNIVERSITY, COMMISSION, OR AGENCY:
4. NAME OF IMMEDIATE SUPERVISOR:	9. INSTITUTION & DIVISION: 10. SECTION AND UNIT:
5. SUPERVISOR'S POSITION TITLE & POSITION NUMBER:	11. STREET ADDRESS, CITY AND COUNTY:
6. NAME OF EMPLOYEE:	12. LOCATION OF WORKPLACE, BLDG. AND ROOM. NO.

A. Primary Purpose of Organizational Unit: The primary purpose of the Special Initiative Bureau is to promote the development of needed programs and sanction alternatives for delinquent and at-risk youth throughout North Carolina.

B. Primary Purpose of Position: This position will be jointly responsible for establishing a statewide coordinating function to give stability to the ongoing Teen Court programs that have evolved over the past few years, to promote the expansion of the program model throughout the State, and to provide accountability, and program oversight to the Juvenile Assessment Center and to the Project Challenge Program.

C. Work Schedule: Monday thru Friday: Regular office hours

D. Change in Responsibilities or Organizational Relationship: This position will report to the Director of the Special Initiatives Bureau within the Office of Juvenile Justice and serve on the Special Initiatives Management Team along with the heads of the Governors One on One Program, the SOS program, the Multipurpose Juvenile Home Program and the Eckerd Wilderness Camping program.

II. A. Description of Responsibilities and Duties: Method Used (Check One)

Order of Importance ☐
Sequential Order ☐

Place an asterisk (*) next to each essential function. (see instructions for complete explanation.)
Please note percentage of time for each function.

The primary functions and estimated percentage of time spent devoted to each are:

1. Overall program planning/coordination	30%
2. New program development and planning	30%
3. Management and direction for ongoing programs	20%
4. Cross agency coordination and collaboration	20%

A primary purpose of this position in support of the Teen Court Program is to develop policies and procedures for the equitable distribution of State funds approriated for the support and expansion of Teen Courts on a statewide basis. The responsibilities shall focus on providing stable funding for existing local programs, furthering the development of new programs and ensuring the accountability of all teen court programs through the development of program standards and evaluation designs. In consultation with the Executive Management Team of the Office of Juvenile Justice this position shall:

a) appoint and staff a State Teen Court Advisory Council;
b) develop a statewide plan for the expansion of teen court programs;
c) sponsor an annual statewide conference, in conjunction with the North Carolina Teen Court Association, for representatives of existing teen courtd, as well as those wishing to start teen courts, to provide background information and assistance regarding all aspects of the program;
d) maintain in the central office of the Office of Juvenile Justice a teen court resource center and disseminate information regarding the program to interested agencies and organizations;
e) develop and disseminate a request for applications to establish local teen court programs;
f) adopt any rules or standards necessary to implement the program;
g) provide training as needed for teen court directors and staff;
h) provide initial technical assistance to applicants and ongoing, technical assistance as programs are implemented;
i) administer funds appropriated by the General Assembly;
j) develop and implement an evaluation system for the program;
k) monitor the programs funded to ensure program quality;
l) recommend the revokation of funding when necessary and appropriate.

Other primary duties and responsibilities of this position are to oversee the States involvement in two innovative programs that have statewide implications for replication if successful. The first of these is the Juvenile Assessment Center in Fayettville serving juvenile court youth in Cumberland County. The other is Project Challenge which was first developed in the 24th Judicial District as a stradegy for serving juvenile court referred youth in a wilderness based program that serves as a Community Service project as authorized by the juvenile sanction chart within the new juvenile code.

The Juvenile Assessment Center was begun through a federal grant to facilitate efficient prevention and intervention service delivery to juveniles who are 1) alleged to be delinquent or undisciplined and have been

taken into custody or 2) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody.

This position will develop and implement a program evaluation design to determine the effectiveness of the Assessment Center model and work on funding plans and program development strategies to expand this service into other communities should the evaluation results so indicate.

Another function of the position will be to assist the Office of Juvenile Justice in assessing the needs of other judicial districts for this service.

The other primary responsibility of this position will be to track the funding for the Project Challenge program to assure fiscal accountability and to work with Chief Court Counselors in the districts served by this program to ensure that the services provided are meeting the needs of the courts.

This position will also take a lead role on a statewide basis in coordinating the efforts, writing standards, and developing program evaluation instruments to use in assessing the effectiveness of Community Service programs throughout the State.

Related Duties:

a) serve as OJJ liaison to the statewide Restitution Association;
b) develop recommendations for the General Assembly regarding the advisability of program expansion of the Assessment Center model;
c) conduct information sharing forums on the Assessment Center program model;
d) review and update OJJ minimum standards for Restitution/Community Service programs;
e) serve as liaison between the Special Initiatives Bureau and the Area Administrators for the coordination of efforts between Juvenile Court Support Services and the Chief Court Counselors and with the program development efforts of the Juvenile Crime Prevention Councils;
f) administer and account for all State funds appropriated to support these program models;
g) develop and administer program evaluation designs.

MDSI002
0701-03
20 THE JUDICIAL DEPARTMENT
2000 AOC-GENERAL
1110 GENERAL ADMINISTRATION

STATE OF NORTH CAROLINA GENERAL LEDGER SYSTEM
AUTHORIZED MONTHLY BUDGET REPORT
FOR THE PERIOD ENDING MARCH 31, 1999

PAGE: 2
C-GL-B0701-AUTH-REPORT
RUN DATE: 04/15/1999
ATBD701

DETAIL REPORT BY FUND

		** AUTHORIZED **	********** A C T U A L **********						
CCOUNT	DESCRIPTION	BUDGET	CURRENT	QUARTERLY	TO DATE	BALANCE	ENCUMBRANCES	UNENCUMBERED	RATE
XPENDITURES-BUDGET AND ACTUAL									
32799	TRAVEL ADVANCES	.00	1,700.00-	50.00	5,800.00	5,800.00-	.00	5,800.00-	***
32811	TELEPHONE SERVICE	68,154.00	10,031.97	24,197.61	65,478.94	2,675.06	.00	2,675.06	1.28
32812	TELECOMMUN DATA CHRG	803.00	61.50	187.68	612.05	190.95	.00	190.95	1.02
32814	CELLULAR PHONE SERVICES	4,351.00	821.13	1,349.52	3,020.66	1,330.34	.00	1,330.34	.93
32821	COMPUTER/DATA PROCESS SV	100,582.00	6,574.02	48,448.02	86,449.14	14,132.86	.00	14,132.86	1.15
32840003	POST,FRADEL-POSTAL METER	40,000.00	3,915.06	11,708.88	39,592.61	407.39	.00	407.39	1.32
32850	PRINT,BIND,DUPLICATE	45,032.00	.00	.00	16,208.41	28,823.59	15,836.10	12,987.49	.95
32860	ADVERTISING	10,000.00	577.47	4,506.76	9,343.30	656.70	.00	656.70	1.25
32911	PROPERTY-INSURANCE	464.00	.00	.00	464.00	.00	.00	.00	1.33
32913	LIABILITY INSURANCE	368.00	.00	.00	367.11	.89	.00	.89	1.33
32930	REGISTRATION FEES	21,000.00	1,431.53	3,436.53	7,829.03	13,170.97	.00	13,170.97	.50
32941	EMP EDUCATION ASSIST PRO	1,000.00	.00	517.00	517.00	483.00	.00	483.00	.49
32942	OTHER EMP EDUCATIONAL EX	5,800.00	.00	470.00	1,977.90	3,822.10	.00	3,822.10	.45
32XXX	PURCHASED SERVICES	1,207,038.00	122,940.02	295,945.02	823,052.78	383,985.22	122,320.42	261,664.80	1.04
34521	OFFICE EQUIPMENT	75.00	.00	.00	74.20	.80	.00	.80	1.32
34522	EQUIP-COMPUTERS	55.00	.00	.00	54.69	.31	.00	.31	1.33
34430	LBRRY&LRNING RESRCE COLL	12,389.00	1,921.07	3,498.56	9,185.54	3,203.46	273.17	2,930.29	1.02
34710	COMPUTER SOFTWARE	466.00	.00	.00	465.69	.31	.00	.31	1.33
34XXX	PROPERTY, PLANT & EQUIP	12,985.00	1,921.07	3,498.56	9,780.12	3,204.88	273.17	2,931.71	1.03
35241	UNEMP COMP PAYMENTS	83,540.00	.00	.00	83,539.71	.29	.00	.29	1.33
35830	MEMBERSHIP DUES&SUBSCRIP	4,155.00	.00	407.00	992.00	3,163.00	.00	3,163.00	.32
35900	OTHER EXPENSES	50,500.00	4,163.47	11,386.17	43,786.78	6,713.22	10,482.70	3,769.48-	1.43
35XXX	OTHER EXPENSES & ADJUST	138,195.00	4,163.47	11,793.17	128,318.49	9,876.51	10,482.70	606.19-	1.34
536677	JUVENILE ASSESSMENT	150,000.00	.00	37,500.00	75,000.00	75,000.00	.00	75,000.00	.67
536678	PROJECT CHALLENGE	100,000.00	.00	.00	100,000.00	.00	.00	.00	1.33
36XXX	AID & PUBLIC ASSISTANCE	250,000.00	.00	37,500.00	175,000.00	75,000.00	.00	75,000.00	.93
38021	WORK COMP OP TRANS-1 QTR	15,696.00	.00	.00	15,696.00	.00	.00	.00	1.33
38022	WORK COMP OP TRANS-2 QTR	2,680.00	.00	755.00	2,680.00	.00	.00	.00	1.33
38024	WORK COMP OP TRANS-4 QTR	5,675.00	2,835.00	2,835.00	5,675.00	.00	.00	.00	1.33
38XXX	INTRAGOVERNMENTAL TRANS	24,051.00	2,835.00	3,590.00	24,051.00	.00	.00	.00	1.33
	EXPENDITURES	9,193,317.00	722,563.40	2,169,997.10	6,700,253.01	2,493,063.99	133,076.29	2,359,987.70	.99
EVENUES-ESTIMATED AND ACTUAL									
34310	SALE OF PUBLICATIONS	.00	969.52	1,993.50	5,025.28	5,025.28-	.00		***
34320	SALE OF SURPLUS PROPERTY	.00	2,185.33	5,882.03	11,496.52	11,496.52-	.00		***

RMOSID02
BD701-03
020 THE JUDICIAL DEPARTMENT
12000 AOC-GENERAL
1780 TEEN COURT

STATE OF NORTH CAROLINA GENERAL LEDGER SYSTEM
AUTHORIZED MONTHLY BUDGET REPORT
FOR THE PERIOD ENDING MARCH 31, 1999

DETAIL REPORT BY FUND

PAGE: 1
C-GL-BD701-AUTH-REPORT
RUN DATE: 04/15/1999
ATBD701

ACCOUNT	DESCRIPTION	** AUTHORIZED ** BUDGET	ACTUAL CURRENT	ACTUAL QUARTERLY	ACTUAL TO DATE	BALANCE	ENCUMBRANCES	UNENCUMBERED	RATE
EXPENDITURES-BUDGET AND ACTUAL									
536681	TEEN COURT - CUMBERLAND	30,000.00	.00	6,628.00	6,628.00	23,372.00	.00	23,372.00	.29
536682	TEEN COURT - BUNCOMBE	35,392.00	.00	16,250.00	28,750.00	6,642.00	.00	6,642.00	1.08
536683	TEEN COURT - DURHAM	40,000.00	.00	.00	5,000.00	35,000.00	.00	35,000.00	.17
536684	TEEN COURT ROCKINGHAM	25,947.00	.00	6,250.00	18,750.00	7,197.00	.00	7,197.00	.96
536685	TEEN COURT-BRUNSWICK	36,513.00	.00	3,513.00	36,513.00	.00	.00	.00	1.33
536686	TEEN COURT-COLUMBUS	23,000.00	.00	6,487.00	6,487.00	16,513.00	.00	16,513.00	.38
536687	TEEN COURT-CABARRUS	14,330.00	.00	3,582.00	10,748.00	3,582.00	.00	3,582.00	1.00
536688	TEEN COURT-FORSYTH	14,330.00	.00	3,582.00	10,748.00	3,582.00	.00	3,582.00	1.00
536689	TEEN COURT-ORANGE	21,000.00	.00	3,750.00	17,250.00	3,750.00	.00	3,750.00	1.10
536690	TEEN COURT-WAKE	15,000.00	.00	.00	15,000.00	.00	.00	.00	1.33
536691	TEEN COURT - GUILFORD	20,000.00	.00	20,000.00	20,000.00	.00	.00	.00	1.33
536692	TEEN COURT - DUPLIN	20,000.00	.00	20,000.00	20,000.00	.00	.00	.00	1.33
536693	TEEN COURT - ONSLOW	20,000.00	.00	.00	.00	20,000.00	.00	20,000.00	.00
536XXX	AID & PUBLIC ASSISTANCE	315,512.00	.00	90,042.00	195,874.00	119,638.00	.00	119,638.00	.83
	EXPENDITURES	315,512.00	.00	90,042.00	195,874.00	119,638.00	.00	119,638.00	.83
REVENUES-ESTIMATED AND ACTUAL									
438901	PRIOR FISCAL YR TRANS	26,852.00	.00	.00	26,852.00	.00	.00		1.33
	REVENUES	26,852.00	.00	.00	26,852.00	.00	.00		1.33
	APPROPRIATION	288,660.00	.00	90,042.00	169,022.00	119,638.00	.00		.78

FY 1998-99 Teen Court Funding

County	Account	Carry Fwd. FY 97-98	FY 98-99 Recurring	FY 98-99 NR	Total
Cumberland	536681	(3,487)	30,000		26,513
Buncombe	536682	392	25,000	10,000	35,392
Durham	536683		20,000	20,000	40,000
Rockingham	536684	947	25,000		25,947
Brunswick	536685	20,000	20,000		40,000
Columbus	536686	3,000	20,000		23,000
Cabarrus	536687		14,330		14,330
Forsyth	536688		14,330		14,330
Orange	536689	6,000	15,000		21,000
Wake	536690			15,000	15,000
Guilford	536691			20,000	20,000
Duplin	536692			20,000	20,000
Onslow	536693			20,000	20,000
TOTAL		26,852	183,660	105,000	315,512

Draft Teen Court Program Standards

A. Goals and Objectives

Teen Court programs serve many functions. In addition to providing a mechanism for holding youthful offenders accountable and educating youth on the legal system, teen courts also provide youth in the community with an avenue for developing, enhancing, and practicing life skills. More specifically, some goals include:

1. Accountability – helping youth realize that they will be held accountable for their problem behavior;
2. Educating youth – reinforcing the impact that their actions have on themselves and others (i.e., victims and the community);
3. Building competencies – providing instruction on how the legal system functions and how to communicate and resolve problems with peers more effectively;
4. Provide a meaningful forum for youth to practice and enhance newly developed competencies;
5. Empowerment of students – allowing them to take responsibility;
6. Reduction of intake/court caseload;
7. Reduction of time and expense for the court system;
8. Community collaboration – promoting efforts among various agencies and sectors of the community (e.g., law enforcement, probation, courts, schools, parents, youth);
9. Reduction of recidivism;
10. Strengthening the family unit through community resource referral;
11. Recognition of victim's rights; and
12. Benefits to the community through community service.

B. Target Group

The target population refers to the group of youth a program is designed to serve. In order for a program to remain focused and to deliver effective services, it must clearly define its target population and establish a referral mechanism that will ensure that it receives the appropriate cases. The purpose, goals, and objectives of the program should be the driving force behind the selection of a target population. In general, the following is a list of target groups in North Carolina:

1. First-time offenders
    a. Unless an exception is made following standardized procedures;
2. Age ranges from 10 years old through high school age
    a. Youth older than 17 years of age must be working on education
    b. Local rules may vary;
3. Status offenses
    a. School offenses (e.g., truancy and disorderly conduct)
    b. Referrals from parent(s) and/or other agencies;
4. Types of criminal offenses
    a. Offenses without serious injury;

b. Offenses no more serious than misdemeanors, usually – exceptions may be made on a case-by-case basis following standardized procedures;
c. No sexual offenses by youth, past or present;
d. No firearm offenses;
e. No driving while intoxicated (DWI) or driving under the influence (DUI) offenses;
f. Simple possession only – alcohol or Schedule VI;

5. Offenders have admitted responsibility verbally, for purposes of teen court sentencing; and
6. Consent to voluntarily participate has been given by both the youthful offender and the parent(s)/guardians.

An intake counselor, upon a finding of legal sufficiency, may refer to a teen court program, any case in which a juvenile has allegedly committed an offense that would be an infraction or misdemeanor if committed by an adult. However, the intake counselor shall not refer a case to a teen court program (i) if the juvenile has been referred to a teen court program previously, or (ii) if the juvenile is alleged to have committed any of the following offenses:

1. Driving while impaired under G.S. 20-138.1, 20-138.2, 20-138.3, 20-138.5, or any other motor vehicle violation;
2. A Class A1 misdemeanor;
3. An assault in which a weapon is used; or
4. A controlled substance offense under Article 5 of Chapter 90 of the General Statutes, other than simple possession of a Schedule VI drug or alcohol.

C. Referral Process

Once the target population has been defined, it is crucial that a referral mechanism be designed to ensure that appropriate referrals are received by the teen court program. Much of a program's success hinges on its ability to secure adequate referrals. Some possible referral sources include:

1. Juvenile Intake;
2. Police/Sheriff;
3. Schools/School Resource Officers;
4. District Attorney;
5. Juvenile Court or District Court Judges; and
6. Parents and Legal Guardians.

D. Task Force or Advisory Committee

Mobilizing and actively involving the community in teen court programs must begin as early as possible. Many developers of teen court have found it helpful to form a task force or an advisory committee to assist during the development and implementation process. There are numerous advantages to this approach. Involving representatives from various areas of expertise helps bring fresh and diverse perspectives to the process, thus yielding more reliable and credible information on which to build a foundation. The representation on the advisory committee should be drawn from the following categories:

1. Police Department;
2. Sheriff's Department;
3. Court Counselors;
4. Judges;
5. School Resource Officers;
6. School Representatives;
7. District Attorney Representatives;
8. Defense Attorneys;
9. Students/Teens;
10. Parents;
11. Youth Program Providers; and
12. Community Representatives.

E. Volunteers and Volunteering

Volunteers are the backbone of all teen court programs. Involving community members in teen court programs can help increase community support while also reducing the workload of overburdened staff. The following are the roles and requirements of volunteers:

Students:

- Roles may include: attorney, bailiff, court clerk, juror, trainer, publicity, recruitment, advisory board member, and courtroom coordinator.
- Requirements include:
    a. enrollment in middle or high school;
    b. age – ten years old through high school age;
    c. completion of an application/agreement with signature of parent and volunteer;
    d. completion of a minimum of six (6) hours of training to serve as an attorney; and,
    e. for a particular case, prosecuting attorneys and jurors cannot be from the same school as the defendant's.

Adults:

- Roles may include: judge, adult bailiff, jury facilitator/monitor, attorney-coach mentor, exit interviewer, courtroom monitor, intake, trainer, transportation, fundraising, publicity, community service placement, advisory board member, provider of educational seminars, guest speaker, and court sign-in monitor.

Minimum Number and Types of Volunteers recommended per courtroom:

1 adult judge
1 youth court clerk
1 youth bailiff
5-12 jurors per case
1-2 prosecuting attorneys per case
1-2 defense attorneys per case
1 adult jury monitor

F. Key Stakeholders

Teen court programs are administered and operated by various agencies and organizations in the community and rely heavily on local resources. Community involvement and support is essential throughout the conception, development, and life of a teen court program to ensure the delivery of effective services and the financial security of the program. The following list identifies possible stakeholders in teen court programs:

1. Judges;
2. Law enforcement;
3. Lawyers (prosecuting attorneys, public defenders);
4. Schools;
5. City and state officials;
6. Victims;
7. Youth;
8. Parents;
9. Mental health professionals;
10. Churches and synagogues; and
11. Governmental and non-profit agencies benefiting from community service.

G. Models

Trial models of teen court programs typically use youth volunteers in the roles of defense and prosecuting attorneys. The word "trial" in this context does not refer to programs that determine guilt. Rather, it refers to teen court programs that use youth volunteers in the roles of attorneys to argue the mitigating and aggravating circumstances or the facts of the case. Listed below are the three types of models used in teen court programs.

1. *Adult Judge Model*
   The youth volunteers serve as the attorneys, jurors, bailiffs, and court clerks. An adult volunteer serves in the role of judge. The judge is typically the only adult involved in the proceedings, and the judge's role is to rule on courtroom procedure and clarify legal terminology.

2. *Youth Judge Model*
   The youth volunteers serve the same roles as Model A with the exception that they also serve in the role of judge.

3. *Peer Jury Model*
   The primary difference in this model from the other teen court models is that there are no attorneys. The case is presented to a panel of youth jurors (termed a "peer jury") who ask questions and determine the appropriate sentence for the teen court defendant. An adult judge presides over the case.

H. Sentencing Options

Various sentencing options have been developed to hold youth accountable by offering opportunities to make amends for the damage caused, and to teach youth about the effects of

their actions on themselves, victims, and the community. Most programs establish guidelines for jurors to follow when determining a constructive sentence, depending on the seriousness of the juvenile's offense, particularly in terms of the number of jury duties, community service hours, and educational seminars. Some common teen court sentencing options are listed below:

1. Community service hours (4-40 hours);
2. Jury duty;
3. Educational seminars;
   Anger management; shoplifting; self-esteem/ goal setting; parenting skills; job skills; substance abuse; think SMART; conflict resolution; problem solving
4. Restitution;
5. Written essays;
6. Apology letters--victim(s), parents;
7. Curfews;
8. Limited home restrictions;
9. Chores at home;
10. Jail tours;
11. Counseling;
12. Tutoring;
13. Drug screening;
14. Psychological assessment;
15. Peer mediation/family mediation;
16. Attendance at an adult criminal proceeding (e.g., arraignment, trial);
17. Presentation to a small group; and
18. Mentoring (e.g., Governor's One-on-One, Big Brothers/Big Sisters).

I. Monitoring

Programs have a duty to monitor teen court defendants for their compliance with the conditions of the constructive sentence. The following are minimum standards for monitoring:

1. Attendance records will be maintained to show compliance with the jury duty requirement.
2. Community service will be monitored by time sheets and evaluation reports from community service placements.
3. Program staff will monitor compliance with other portions of the constructive jury sentence.
4. Time requirements for completion of the teen court sentence will be monitored. Time requirements may vary from 30 to 90 days, with extensions if appropriate.

J. Non-Compliance of Sentence

The ultimate consequence for the failure to perform a teen court sentence is referral to the original referral source. However, programs should first try to prevent referral by meeting with the youth and offering encouragement when he/she lags in sentence performance. If this intervention does not succeed, the original referral source, upon being informed of the youth's failure, will determine whether to refer the matter back to the court.

K. Legal Issues

It is important to ensure compliance with special teen court legislation that now or in the future may impose explicit statutory obligations on the program. For example, the 1998 Juvenile Justice Reform Act sets out some guidelines for referrals from intake counselors (see section B above). In the absence of legislation, it is important to ensure that issues of consent, confidentiality, and the responsible handling of records are covered in local teen court procedures.

AUTHORIZATION

Diversion statutes allow a law enforcement agency, juvenile intake, or a juvenile court to suspend or dismiss formal delinquency proceedings pending successful completion of a diversion program. Teen courts are accepted as referral programs under these basic juvenile diversion laws.

"Due process" rights are not mandatory in teen court proceedings, primarily because teen courts do not sentence youthful offenders to incarceration. Youth defendants and their parents consent in advance to having the matter heard and settled in teen court. In this respect, teen courts function as mediators of problems and disputes, authorized to intercede by the consent of the parties.

CONSENT FORMS

1. From a legal perspective, the coverage and contents of the forms should be sufficient to serve two major purposes: (1) establish valid consent to participate in the teen court program; and (2) protect the teen court and associated volunteers, agencies, or programs from misconduct and liability.
2. The general rule is that a minor's consent alone is insufficient; at least one parent or guardian must also sign the consent form.
3. The consent obtained from the minor and parents must be *informed consent*. It is good practice to have youth and parents sign consent forms together during an interview in which the form and their meaning are fully explained and questions can be answered directly.

CONFIDENTIALITY

1. Each teen court participant should sign an oath or pledge of confidentiality. This statement promises to maintain the confidentiality of all personal information heard or exchanged in teen court proceedings.
2. In open court, all participants and observers should stand and take an oath of confidentiality.
3. Teen court records cannot be used against any juvenile in any subsequent court proceeding.

HANDLING OF RECORDS

Records of juvenile court proceedings.

1. A paper or electronic trail must be established for the acceptance of referrals from probation, court, or school authorities; for the outcomes of hearings and sentences imposed; and for follow-up purposes, to monitor sentence completion and to re-refer the case for formal prosecution if the sentence is not completed.
2. Access to juvenile records should be limited to individuals who must have them in order to conduct teen court business. (i.e., program staff, defendants, and the student attorneys and attorney supervisors)
3. Records should be maintained for a period of three years.

REPORT ON NEW TEEN COURT PROGRAMS FUNDED BY THE 1997 GENERAL ASSEMBLY

Administrative Office of the Courts

Submitted to the North Carolina General Assembly
April 15, 1998

INTRODUCTION

The General Assembly, in its 1997 Session, appropriated funds to the Administrative Office of the Courts (AOC) to establish teen court programs in six additional counties: Brunswick, Cabarrus, Columbus, Forsyth, Orange, and Wake. Pursuant to Chapter 443, Section 18.24 (see attached), the AOC has awarded Wake County $15,000 (non-recurring), Forsyth County $14,330, and Cabarrus County $14,330. Of these three, Forsyth County already had an existing program. Wake County held its first teen court session in February 1998. Cabarrus County is still in the organizational phase and does not yet have a program operating. The other three counties -- Brunswick, Columbus, and Orange -- have not yet formally applied for funding. Interested parties in each of these counties are engaged in a planning process. This report gives the status of each project as of April 1, 1998.

According to the 1994 legislation setting out the objectives of teen courts (see Chapter 24, Section 40 of the 1994 Extra Session Laws, attached), teen courts can be established to meet one of two objectives. The first envisions teen court as a community resource to be used for juveniles who allegedly commit offenses that are within the jurisdiction of the juvenile court. These offenses, if committed by an adult, would constitute a crime or infraction. Each program funded must identify the types of offenses that are appropriate for referral to the teen court program. A juvenile may be referred to the teen court by a law enforcement officer, a juvenile court intake counselor, or the court. (The district attorney also makes referrals to teen court in some existing teen court programs.) The second possible objective is a teen court program made available to all junior and senior high school students in the judicial district to handle problems that develop at school but that have not been turned over to the juvenile authorities.

Many different goals have been set forth for teen courts in the teen court literature and by the programs themselves. Among these are the following:

1. Holding juvenile offenders accountable for their behaviors through swift constructive consequences, such as community service, jury duties, educational seminars, and restitution, which allow them to take responsibility for their actions in a beneficial and positive manner,
2. Providing an alternative to juvenile court for delinquent and undisciplined youth,
3. Providing law enforcement, schools, juvenile intake counselors, judges, and the district attorney more meaningful diversions from juvenile court,
4. Saving juvenile court time for more serious youthful offenders, and reducing the juvenile court caseload,
5. Restoring the victim and the community by requiring community service, restitution (in some cases), and apology letters (as appropriate) as part of the constructive sentence,

6. Protecting the community and lowering the potential for future recidivism by holding youthful first offenders accountable for their behaviors,
7. Creating an opportunity for the youth of the county to learn more about the court system and to become involved in making a difference in their community,
8. Empowering the teen volunteers to address the behavior of youthful offenders and to model acceptable behavior,
9. Involving the community in accepting responsibility for its youth, and
10. Building and enhancing life skills in the community's youth and developing positive and supportive family relationships by offering education, training, and other needed services to youth and their families.

In the most typical teen court model, juvenile offenders are "sentenced" by a jury of their peers. Usually the juvenile offenders referred are first offenders charged with misdemeanor offenses to which they have already admitted guilt. Although most juveniles referred to teen court are under the age of 16 when they commit their offense, some older teens are also referred to teen court by district court judges. At the teen court session, most of the roles -- defense attorney, prosecuting attorney, bailiff, clerk, and jurors -- are played by youths. Only the judge is an adult, usually a sitting or retired judge or an attorney who has been trained as a teen court judge. Once the jury has listened to the defendant's story and heard arguments by both the prosecuting and defense attorneys, jury members retire to consider the appropriate constructive sentence. After deliberation, the jury returns to court and the sentence is read aloud. "Sentences" imposed by the teen court may include community service work, jury duties, educational seminars, counseling, restitution, curfews, letters of apology, or other rehabilitative measures. Teen court staff monitor the defendants' compliance with the terms of the sentence, which must be completed within a few months of sentence. If a defendant fails to comply, that failure is reported to the original referring authority for any appropriate action, which, in some cases, involves referring the defendant to juvenile court.

Each of the teen courts implemented in North Carolina follow the above basic model, although there are individual variations. The following sections summarize the two programs that are operational (Wake and Forsyth) and report on the status of the other four programs.

STATUS OF NEW PROGRAMS

Wake County -- Capital Area Teen Court

History. In early 1997, ReEntry, Inc., a private, non-profit organization that serves the Wake County court system, became interested in developing a teen court program for Wake County. Interested persons met throughout the spring and summer of 1997 to outline the structure of Wake County's teen court and to garner community support for the program. Following the General Assembly's authorization of $15,000 in non-

recurring funding for a teen court in Wake County, a stakeholder's meeting was held in October 1997. With a broad base of community support and the Board of Directors' approval, ReEntry moved forward toward implementation. Throughout the fall, small group implementation committees met to fine-tune Wake County's teen court. A request for funds was submitted to the AOC in early December. Approval was granted in January and funds were received in early February.

The Capital Area Teen Court held its first night of training on January 20, 1998. After three nights of training, the first full night of court was held on February 17,1998. Court has been held almost every Thursday since that night. Twenty-eight youths have been sentenced to date by the Teen Court.

Operational Procedures. Once a youth is referred, the case is examined by the teen court coordinator and the district attorney's liaison for appropriateness of referral. Once the referral is approved, the family is sent a letter requesting that they attend an intake appointment, where the program is explained in detail and the youth and family are asked to commit to the Teen Court process and the completion of the jury's sanctions. The youth and family must sign a statement acknowledging that the youth's case is being sent to Teen Court and that failure to complete the sentence may result in the case being returned to the referring agent for review and further action. If they agree, a Teen Court hearing is scheduled within two weeks. The intake appointment helps to discern the details of the offense and the strengths of the youth and family. It is during this appointment that the intake counselor will make additional recommendations for services if necessary.

The "defendant" is assigned a teenage defense team who contacts the youth prior to the court date and then helps the youth and family navigate the court process. Prosecution and defense attorney teams are created for every case and, where possible, each team is assigned their own adult attorney mentor. Most of the judges are sitting or former judges, although some attorneys also serve in this role. All defendants must take the witness stand and tell their story and answer the questions of both the prosecuting attorney and the defense attorney. A victim impact statement can be submitted to the court and read by the prosecution. Parents/guardians are given the opportunity to take the stand on behalf of their child or to make a statement to the court. The teen attorneys make their closing statements and the judge instructs the jury. The jury members select their sentence from a sheet that guides them through the possible graduated sanctions.

While one case is being deliberated, another case is heard. Once that case is finished, the jury from the prior case returns to the courtroom to read the sentence. All defendants and their families then go through an exit interview where the jury sentence is explained in detail and any questions are answered.

The defendants are monitored while they complete their constructive sentences. Community service work sites are contacted at least twice a month to make sure that the

defendants are complying with their community service requirements. Teen court staff checks in with the defendant's families to ensure that they are experiencing no problems in fulfilling the terms of the sentence. In addition, the staff talks with the youthful offenders when they come in to the office for their skills group portion of their sentence. These case management activities are ongoing until the case is closed.

Participants. Capital Area Teen Court currently has over 250 middle and high school student volunteers, 40 attorney and judge volunteers, and 50 parent/teacher volunteers.

Teen Court Sessions. Capital Area Teen Court currently meets weekly on Thursday nights from 5:45 p.m. to 8:30 p.m. at the Public Safety Center, while they await approval to meet in the Wake County Courthouse. When they are given permission to meet in the courthouse, they will meet on the first and third Tuesdays of every month from 5:45 p.m. to 8:30 p.m.

Juries. Juries are composed of six to ten middle or high school students. Middle school juries, which hear and sentence middle school cases, tend to be smaller as there are fewer offenders and fewer volunteers from middle school at this time. High school juries tend to be larger because there are more volunteers and offenders. The aim of the program is to have juries composed of 50% former offenders and 50% volunteers.

Constructive Sentences. All constructive sentences include a number of community service hours (six to forty hours), a number of jury duties (one to six teen court sessions), and attendance at one to two skills or education groups. Letters of apology are mandatory whenever there is an identified victim, and monetary restitution is decided by the teen court coordinator prior to the teen court hearing. Other optional sentences include tutoring, assessments for counseling or drug use, essays, mediation, or a jail tour. There are three tiers of sentencing ranges, depending on the type and severity of offense.

Teen Court Case Load. Referrals to Teen Court are currently received from juvenile court intake counselors, juvenile court and district court judges, Raleigh and Cary police departments, the Wake County sheriff's department, and four schools that were selected on the basis of their interest and ability to begin referring students directly to Capital Area Teen Court. Capital Area Teen Court accepts most misdemeanor offenses, such as trespassing, property damage (less than $300), affray, no operator's license, disorderly conduct, and misdemeanor possession of alcohol or marijuana. Other traffic offenses, "hate crimes," sexual assault, assault against a school or law enforcement official, assault when significant injury has occurred, and weapon on campus charges are not accepted. Youths with a history of a prior offense may be accepted on a case by case basis. Youth with truancy charges are accepted if the school can demonstrate a history of attempts to work with the youth and family to solve the problem. "Undisciplined youth" charges may be brought if both the parent/guardian and another agency such as the school or law enforcement wish to bring the charge together.

Funding. The $15,000 that the Capital Area Teen Court received through the AOC from the General Assembly is non-recurring. For the scope of the program envisioned and the numbers of youths that could be served, the program appears to be underfunded. As a consequence, representatives of ReEntry, Inc. will be seeking additional, recurring funding from the General Assembly for subsequent years.

Future Plans. Capital Area Teen Court is currently struggling with space issues. They must now meet in the Public Safety Center Courtroom, which is small and has no jury box or jury deliberation rooms. Meeting in this space forces them to place all volunteers, offenders, and families in one large room. If they are granted permission to meet in the Wake County Courthouse, they will expand their operation to include referrals from all middle and high schools that express an interest in direct referral, and offer the program to all law enforcement agencies in the jurisdiction and loss prevention personnel at several major malls/stores. They will also expand their search for student and adult volunteers to every middle and high school in Wake County.

While the staff plan to hold training for newcomers approximately three times per year, they would also like to begin offering continuing education seminars to their student and adult volunteers. These seminars would be taught by attorneys, social workers, and others on subjects pertinent to teen court, on subjects such as "Case Preparation," "Working With Your Partner," "What Happens When You Don't Win," and "Preparing for Law School." They also plan to begin holding field trips and taking their volunteers on ropes courses and other enjoyable team-building exercises. They also hope to eventually offer scholarships to their teen volunteers.

Forsyth County Teen Court

History. Forsyth County Teen Court initiated services in August of 1995 as a result of the efforts of a local district court judge. The teen court in Forsyth County is modeled upon Cumberland County Teen Court and replicates that program in many ways. Forsyth County Teen Court operates under the auspices of Forsyth Court Volunteers, a non-profit organization. Original funding was provided by Community Based Alternatives (CBA), local foundation grants, and internal fund raising. In 1997, the United Way of Forsyth County began partially funding the program. The program received the first portion of its appropriation from the AOC in March 1998.

Operation. Forsyth County Teen Court receives referrals from juvenile court, law enforcement, schools, and parents. Once a youth is referred, the case is examined by the teen court program director for appropriateness of referral. Upon the program director's approval of the referral, the process is much the same as that outlined above for the Capital Area Teen Court. The family is sent a letter requesting that they attend an intake interview, where the program is explained in detail and the youth and family are asked to commit to the teen court process and the completion of the jury's sanctions. If they agree,

a teen court hearing is scheduled within two weeks. Court is held twice monthly in the courthouse.

The "defendant" is assigned a teenage defense team who meets with the youth early on the night of the court date. Prosecution and defense attorney teams are created for every case and, where possible, each team is assigned its own law student mentor. All defendants must take the witness stand and tell their story and answer the questions of both the prosecuting attorney and the defense attorney. The judge or the attorneys may ask parents or guardians to take the stand on behalf of their child or to make a statement to the court. Attorneys make their closing statements and the judge instructs the jury. The jury selects their sentence from a sheet that guides them through the possible graduated sanctions, which consist of seminars, jury duties, and community service.

Two courtrooms are used, so that two cases can be heard simultaneously. In each courtroom, the jury members hear the case, retire, then return with their constructive sentence. Following sentencing, all defendants and their families then go through an exit interview where the jury sentence is explained in detail and any questions are answered.

Case management is provided on an ongoing basis until the case is closed. This "restitution" phase must be completed within 90 days from the court date. Sign-in sheets document the defendants' attendance and compliance with the various components of the sentence.

Participants. All of the court personnel in Teen Court except the judge are teens, who serve as jurors, attorneys, bailiffs, and clerks. Adults assist the teens in these capacities. Other volunteers serve as advisors to teen attorneys and help with the general operation as sign-in assistants, security, and servers of refreshments. The volunteer base is composed of teens, law students, attorneys, judges, and citizen representatives. Including all volunteer roles, there is an average of 75 volunteers per session. Law students play a pivotal role in the operation of Teen Court. They serve as general advisors to the staff, to the teen attorneys, and to the volunteers who operate Teen Court. Law enforcement personnel assist teen bailiffs and provide additional security. Local attorneys and judges serve as the judge. Beyond the court phase, volunteers lead the educational seminars. Volunteers in the Teen Court represent a broad cross-section of the community including, in addition to those already mentioned, the business community, the clergy, senior citizens, and special populations. Additionally, volunteers comprise the Teen Court Advisory Committee.

Teen Court Sessions. Teen Court sessions are held the second and fourth Tuesday evening of each month beginning at 5:30 p.m. and concluding by 8:00 p.m. Sessions are held in two courtrooms in the Forsyth County Hall of Justice. Four to eight cases are heard at each session. Teen Court staff, student volunteers, and offenders arrive early to prepare. Hearings generally take thirty minutes each.

Juries. Juries are composed of a combination of volunteer jurors and jurors who are performing jury duty as a part of their constructive sentence. Jurors are randomly assigned, with these exceptions -- they are not allowed to serve with other friends as jurors, and they are disqualified if they know the offender. Jury size is determined by the number of jurors present and the number of cases on the docket.

Constructive Sentences. Teen Court's constructive sentencing and peer review format holds defendants accountable for their actions and gives them an opportunity to repay their victims and the community for their offenses. Depending on the type and severity of the offense, constructive sentences may consist of one to five jury duties, five to twenty hours of community service, and one to two educational seminars. Following the hearing, the offender contacts the volunteer agency within seven days to set up a work schedule, and notifies the program manager. The youth then completes the educational seminar(s), begins his or her volunteer work, and also begins completing the jury duties assigned. The program manager monitors the progress of the constructive sentence contract. If during the course of the 90 days following the hearing the offender fails to fulfill his or her responsibilities, the program manager has the option of terminating the youth from the program and sending him or her back to the referral source for further action, if appropriate.

Teen Court Caseload. In August of 1995 through June 30, 1997, 150 cases were referred to Forsyth Teen Court. (In 1995-96, Teen Court received 34 referrals. In 1996-97, this number increased to 126.) Of these, 134 were heard. Only two have committed a subsequent delinquent act, according to teen court records. An additional two have failed to complete the constructive sentence. From July 1997 through February 1998, Teen Court received an additional 71 referrals. Since the beginning of Teen Court, the referral base has grown from primarily juvenile court intake counselors to also include law enforcement, schools, the district attorney's office, and parents. The following represented the main types of offenses referred: larceny, trespassing, illegal possession of alcoholic beverages or small amounts of controlled substances, assault, affray, driving offenses, communicating threats, truancy, possession of weapon, and property damage.

Funding. Teen Court's current funding level is $68,000, which comes from the United Way, CBA, and the AOC. Assuming continued funding at that level, the Teen Court Director believes the Teen Court to be fully funded.

Future Plans. Due to the perceived stability of both its funding sources and its referral base, Forsyth County Teen Court will concentrate upon improving the quality of the program. Program staff hope to reduce the amount of time from intake to the court hearing. They also want to increase the number of seminars and other resources readily available to help the youths complete their constructive sentences more quickly. In addition, the staff want to improve the transportation problems that hinder or prevent some teens from attending court.

Cabarrus County Teen Court

Cabarrus County Mediation Center, Inc. (CCMC) received funding for its teen court program from the AOC in early April 1998, after completing its application following an extensive discussion and approval process by its board of directors. Program staff hope to implement the first teen court session in September 1998. The following summarizes the steps taken by CCMC thus far and outlines their proposed teen court program.

History. CCMC is a nonprofit organization governed by a board of directors. Since it opened in July 1996, it has had a mission with a dual focus. The mission encompasses the provision of mediation services for the community, in the form of mediation sessions, and the provision of training and education for the public in ways to resolve conflicts in a mutually satisfactory manner without the use of the court system. In keeping with its mission, in the spring of 1997 the CCMC board of directors discussed implementing a teen court program and requested their local legislators to seek funding for such a program in Cabarrus County. During the 1997 Session, the General Assembly designated $14,330 for a teen court in Cabarrus. In the months after the legislation's passage, the CCMC board experienced significant turnover, which necessitated a renewed education process about teen court. In addition, some board members were concerned that $14,330 would be insufficient to cover the costs of this added service. However, after several months of debate over whether to develop and implement this service and after seeking input as to the extent of community support for the service, the board of directors decided in February of 1998 to proceed with teen court and an application for the legislative funding was submitted shortly thereafter.

Funding was approved in March and received in early April. CCMC has received expressions of support from the chief district court judge, the district attorney's office, the local juvenile services office, the Kannapolis city school system, the Cabarrus County school system, and other agencies and organizations that have provided representatives for the Teen Court Advisory Board. The Board held its first meeting on March 30, 1998, and designated a chairperson, formed key committees, and set future meeting dates.

A job description has been written for the Teen Court and Youth Services Coordinator position, which they hope to fill in June 1998. That person will coordinate the daily activities of teen court, will have direct contact with the youth offenders and participants in teen court, and will meet with the Teen Court Advisory Board, key community stakeholders in the program, the CCMC Board of Directors, and the CCMC staff to assist in the development and implementation of a program that meets the needs of the community.

Current plans. In keeping with its mission, the CCMC Board has voted to implement both a Teen Court program and a Resolve Program (see below). The philosophical basis for extending these services to the community's youth is that of early intervention into the

lives of youth who are exhibiting negative behaviors and attitudes. The program will capitalize upon the positive effects of peer pressure. Teen Court will provide a one-time opportunity for the diversion from the traditional court system of certain first-time misdemeanant or status offenders who are ages 11-16. (At a later date, and based upon any enacted changes in the law pertaining to juveniles, the CCMC may consider extending the age requirements.) This program will also provide the youth volunteers with an education in how the judicial system operates, allow them to ascertain their interest level in the various fields of law, and encourage community involvement by youth.

Some Teen Court participants will be referred to the Resolve Program, also to be administered by the CCMC. Resolve is an eighth-week program focusing on helping youth and their families to acquire and practice skills designed to foster the development of supportive and positive relationships. Topics will include the following: family systems and their dynamics, conflict styles, needs, behaviors and consequences, listening skills, anger management, talking with respect, and negotiation. Parents/custodians will meet separately and together with the youth during the sessions and must participate in the program with the youth.

Youth offenders who have admitted responsibility for such offenses or behaviors as truancy, larceny, concealment of merchandise, trespassing, property damage, communicating threats, driving violations, simple affray, and simple assault may be referred to Teen Court. The youth offender and a parent or custodian will have an assessment interview with the coordinator prior to acceptance into the program to determine suitability for the program, to have the program and the youth's rights and responsibilities for participation explained, and to obtain signatures needed for acceptance into the program and for any needed releases of information. If the youths meet the program criteria, they will have their cases heard before a jury of their peers, who will hear the case for dispositional purposes only.

Teen court volunteers will serve as prosecution and defense attorneys, bailiffs, clerks, and jurors. After hearing aggravating and mitigating arguments from the Teen Court attorneys as to the type of sentence that should be rendered, the jury will retire from the courtroom to deliberate the sentence, which will be specified in a sentencing grid according to the type of offense. The sentence imposed can include such options as up to 20 hours of community service, restitution to the victim(s), letters of apology, essays, service on one to three teen court juries, attendance and compliance with various service referrals, and a curfew. An adult, either a practicing or retired judge or attorney, will function as the judge. The coordinator will be in the courtroom to coordinate the hearing process and to answer any questions that the youth offenders have after the sentence is rendered.

After the teen court hearing, the coordinator will attempt to have weekly contact of some type with the youth offenders and their families in order to ascertain the level of compliance with their sentence. The referral source, which could be juvenile services, the

district attorney's office, or school or law enforcement personnel, will be notified of both compliance and non-compliance. In cases of non-compliance, the referring party can then consider other courses of action. However, if formal charges are then pursued and filed, any admissions of responsibility obtained during the teen court process are for that purpose only and will not be used for any subsequent court actions that may or may not follow non-compliance.

During teen court involvement, the coordinator may offer to make referrals to other community resources that may seem to fit the needs of the juvenile. Upon termination from the program, the coordinator will perform a program exit interview with the youth and his/her parent/custodian, and notify the referral source that the case is being closed. The coordinator will follow up with the youth, parent(s)/custodian(s), schools, and juvenile services to ascertain whether the services provided by the program have proven effective in deterring further conflicts in the home and in school and that no subsequent contact with the judicial system has occurred within one year of sentence completion.

The Teen Court Program will operate partially in the CCMC offices and partially in space within the courthouse. Teen court youth volunteer trainings will most likely be held in the CCMC offices. During fiscal year 1998-99, the Teen Court Program plans to train 96 of the community's youth in the operations of the judicial system and the various roles of individuals working in the judicial system. Some of these trainings may also be conducted in the schools. The teen court hearings will be conducted either in the courthouse or in a location with space resembling a courtroom. The weekly Resolve classes will be held in the CCMC offices.

The CCMC plans to implement the Teen Court referral process by mid-August 1998 and begin scheduling Teen Court sessions for September of 1998, concurrently with the beginning of the next school year. Implementation of the Resolve referral process will begin by mid-September 1998, and the first Resolve eight-week session will start by mid-October 1998. With Teen Court being held once per month, CCMC hopes to conduct hearings for 42 youth offenders in fiscal year 1998-99.

Funding. With a current budget of $14,330, the Teen Court appears to be underfunded. In an attempt to obtain funding in addition to that from the General Assembly, applications have also been submitted to the Cabarrus County Community Foundation and to the Community-Based Alternatives Task Force. The CCMC may also consider applying to the Z. Smith Reynolds Foundation, which has awarded funding in the past for general operating expenses of the CCMC.

Orange County Teen Court

During the 1997 Session, the General Assembly authorized the AOC to give $15,000 to Orange County for a teen court program. According to Orange County

representatives, the formal application for these funds should arrive shortly, early in the latter half of April.

History. In the spring of 1997, the Orange County Sheriff's Department set out to develop community support for a teen court in the community. This desire was prompted by the numerous referrals made by school resource officers to juvenile court counselors and to district court. This interest led to the attendance by several law enforcement officers, juvenile court counselors, school officials, and a former district court judge of an informational meeting in Winston-Salem in May 1997. Further interested by the information obtained at that meeting, the sheriff contacted Orange County's state representatives to ask for their assistance in securing funds for a teen court program. As a consequence, $15,000 was authorized during the 1997 Session. Following the passage of this legislation, the local community penalties program (Orange Chatham Sentencing Alternatives) and the district's juvenile services' office became involved and undertook to develop an initiative that would inform the county of this opportunity and recruit persons or agencies to develop an approved plan for implementation. A meeting co-sponsored by Sentencing Alternatives and Juvenile Services was held on December 8th, 1997. The attendance at this meeting of district court judges, district attorneys, sheriff's department personnel, county commissioners, legislators, human and social service workers, school officials, juvenile services staff, and others indicated the high level of interest in an Orange County teen court.

It was proposed at this meeting that an advisory board sanctioned or appointed by the County Commissioners be named to accomplish the following objectives:

1. "To inform the community regarding the Teen Court initiative and develop support for its implementation.
2. To develop interagency protocols that would facilitate the development of an Orange County Teen Court.
3. To actively recruit and recommend to the County Commissioners an agency or individual to serve as administrator of Orange County Teen Court.
4. To assist the Teen Court administrator in developing an Annual Comprehensive Teen Court Plan for Orange County."

A delegation from this group met with the Orange County Commissioners on December 16, 1997, to make such a request. The commissioners accepted the report and sanctioned the development of the Orange County Teen Court Advisory Board. This advisory board was instructed to report back to the County Commissioners when their work was completed, and at that time the Commission would make a decision as to the administration of the program. Among the persons who agreed to serve on this advisory board were a county commissioner, two district court judges, the district attorney, and representatives from the sheriff's office, the county manager's office, the community penalties office, the juvenile services division, the dispute settlement center, and the middle schools and high schools in the area.

On February 8, 1998, the Orange County Teen Court Advisory Board sent a memorandum to all Orange County Youth Advisory Commission members, middle schools, high schools, and agencies or non-profits that provide services to "at risk" juveniles. This memorandum announced the opportunity to operate a Teen Court and offered a session on February 16, 1998, for a public information meeting. This meeting occurred as scheduled, and other individual meetings were held with persons who were unable to attend this meeting. While several individuals expressed an interest in the development and implementation of a teen court and indicated a desire to volunteer their services, the Joint Orange-Chatham Community Action (JOCCA) organization followed through by providing written documentation regarding a desire to be administrators of the program. JOCCA has for many years been identified as an anti-poverty program. They have provided summer work programs for youth through the Job Training Partnership Act for a number of years. In recent years, they have provided restitution and community services in Orange and Chatham counties.

On March 24, a small delegation of the Advisory Board met with JOCCA staff to develop goals and objectives for the program. A meeting of the entire advisory board was scheduled for April 2 to hear JOCCA's proposal. After the advisory board's acceptance of JOCCA's proposal, it was presented to the Orange County Commissioners on April 7. At that time, the Orange County Commissioners endorsed JOCCA as the entity to receive the teen court funding and implement the Orange County Teen Court. JOCCA plans to submit the teen court application to the AOC shortly.

Current plans. The Orange County Teen Court will be modeled on the older teen court programs, such as the Durham County Teen Court. Teen court staff plan to begin soliciting adult volunteers and developing the training for the youth volunteers within the next month. They hope to begin "holding court" by the summer, with court being scheduled once a month. The main sources of referrals will be school resource officers and court counselors, although district court judges and the district attorney's office may also make some referrals. The program is planning to accept first-time misdemeanor offenders (with the exception of those charged with indecent liberties among children), ages 12-18. In their first full year of operation, they hope to hear about 60 cases.

Brunswick and Columbus County Teen Courts

The implementation of teen courts in Brunswick and Columbus Counties present a special situation not found in the other counties. The counties are closely associated, being in the same judicial district and thus under the purview of the same district attorney. Communities in Schools of Brunswick County was actively interested in implementing a teen court in Brunswick County, and thus advocated for funding for Brunswick, but there was no comparable group or prior interest in Columbus County. As a consequence, the decision concerning the handling of teen court funding has evolved slowly, following a

series of discussions with the district attorney, the chief court counselor, the county manager in Brunswick, the superintendent of schools in Brunswick, local state representatives, Columbus County officials, and the Communities In Schools (CIS) Board of Directors. As a result of these meetings, the following has been determined:

1. CIS of Brunswick County will be the fiscal agent for both teen courts.
2. Funds from Columbus and Brunswick Counties will be blended in order to hire a teen court coordinator and begin the planning process.
3. The Brunswick County Teen Court Task Force, which has already been organized by the CIS executive director, will expand to include representatives from Columbus County.
4. A Columbus County Teen Court Task Force will also be organized, with meetings held jointly as well as in the respective counties.
5. Future plans foresee each of the two teen court task forces blending additional local funds with funds appropriated by the General Assembly in order to hire a teen court coordinator for each county.

The CIS executive director expects to hire a teen court coordinator in April. The coordinator will then take over the information-gathering and organizational planning that will enable the two task forces to design and plan teen court programs for their counties. Following these decisions, CIS will formally apply for the $20,000 designated for Brunswick and the $20,000 designated for Columbus.

RECOMMENDATIONS FOR FUTURE FUNDING

The popularity of the teen court concept is growing in North Carolina, as evidenced by the number of teen courts that are initiated without funding from the General Assembly. Interested organizations actively seek other funding from sources such as the Governor's Crime Commission, Community-Based Alternatives (CBA) from the Division of Youth Services (DYS), and local foundations or philanthropic organizations. As a result of these various sources of funding, teen courts across North Carolina operate under a variety of rules and with uncertain sustained funding.

From the AOC's experience with the implementation of teen courts in counties without an organized group actively advocating for funding, it appears that the best funding model would involve an application process in which interested parties apply for funds to implement a teen court. Where there is no active group wanting the funds, the implementation process is inevitably much slower.

At least one full-time person is needed to carry out the myriad of tasks necessary to implement and run a teen court well. Unless the program is very small, additional staff assistance is needed to monitor compliance with the constructive sentences that are handed down by the teen court juries. With the small amounts of funding that some

counties are allocated, these staffing levels are not possible, which leads to a continual search for additional funding. That search usually falls upon the sole teen court staff person, who needs to be focusing on the actual operation of the teen court. The success of that search determines the level of funding that the teen court has for that year, which determines the level of services that can be given in that year. Given the uncertainty or short-term nature of some of the funding sources, services that can be offered in one successful year might have to be discontinued when those funding sources are no longer available. The quality of local teen courts thus varies according to their fortunes in the search for outside money each year.

In consideration of the above, the following recommendations are respectfully suggested:

1. A continuing teen court grant fund should be established, to allow those communities with a real interest in teen court to apply for such funding.
2. This fund should contain a large enough appropriation to adequately fund the teen courts that are awarded funds, so that except for perhaps a small local match, the programs do not need to continually seek additional funding.
3. The authority for awarding these funds and for establishing general policies for state teen courts should be placed in a single organization, such as the AOC, DYS, or the new juvenile agency, if created by the General Assembly. Within that organization, positions for a teen court director and support staff should be established.

These recommendations, if implemented, would bring some certainty and uniformity to the teen courts of North Carolina. As indicated by their growing popularity and reports from programs across the country, teen courts hold great potential to achieve positive effects for youthful offenders and their families, youth volunteers within teen court, the juvenile court system, and the community at large. Establishing a permanently-funded structure within which North Carolina's teen courts could operate would help our teen courts achieve this potential.

1997 Session Laws, Chapter 443
(Senate Bill 352)

Section - 18.24

ESTABLISH TEEN COURTS IN ORANGE, COLUMBUS, BRUNSWICK, FORSYTH, AND CABARRUS COUNTIES AND TO PROVIDE ADDITIONAL FUNDING FOR THE TEEN COURTS IN WAKE AND DURHAM COUNTIES

Section 18.24. (a) Of the funds appropriated in this act to the Judicial Department, the Administrative Office of the Courts shall use:

(1) The sum of fifteen thousand dollars ($15,000) for the 1997-98 fiscal year and the sum of fifteen thousand dollars ($15,000) for the 1998-99 fiscal year to establish a "teen court" program in Orange County.

(2) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Columbus County.

(3) The sum of twenty thousand dollars ($20,000) for the 1997-98 fiscal year and the sum of twenty thousand dollars ($20,000) for the 1998-99 fiscal year to establish a "teen court" program in Brunswick County.

(4) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Forsyth County.

(5) The sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1997-98 fiscal year and the sum of fourteen thousand three hundred thirty dollars ($14,330) for the 1998-99 fiscal year to establish a "teen court" program in Cabarrus County.

The Administrative Office of the Courts shall establish the programs pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(b) Of the funds appropriated in this act to the Judicial Department for the 1997-98 fiscal year, the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Durham County and the sum of fifteen thousand dollars ($15,000) shall be used to provide additional funding for the "teen court" program currently operating in Wake County.

(c) Each of the programs funded pursuant to this section shall report to the Administrative Office of the Courts on the expenditures and operations of the program by March 1, 1998, and thereafter on a quarterly basis. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and recommendations to the Joint Legislative Commission on Governmental Operations and to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by April 15, 1998.

Requested by: Representatives Nesbitt, Diamont, Gist, Holt, Redwine, Bowie, Michaux, Senators Daniel, Plyler, Cooper, Soles

TEEN COURT PROGRAM FUNDS

Sec. 40. (a) Of the funds appropriated in this act to the Judicial Department, the sum of seventy-five thousand dollars ($75,000) for the 1994-95 fiscal year shall be used to develop and implement "teen court" programs in judicial districts to be selected by the Administrative Office of the Courts. These programs are to be made available to junior and senior high schools within the selected judicial districts. Any grant application shall be reviewed and approved by the chief district court judge for the district in which the program is to be conducted. Grants from the Administrative Office of the Courts to any local agency or authority shall be used to develop and implement programs that meet either or both of the following objectives:

(1) Development and implementation of a "teen court" program as a community resource for the selected judicial districts. Cases in which a juvenile allegedly commits an offense within the jurisdiction of the juvenile court, as specified in the teen court plan, which offense, if committed by an adult, would constitute a crime or infraction, may be diverted by law enforcement or the court, or referred by Intake Services, to "teen court" to be "sentenced" by a jury of the juvenile's peers. The plan shall specify the kinds of offenses that are appropriate for referral to teen court. "Sentences" may include counseling, restitution, curfews, or community service, as well as other rehabilitative measures; or

(2) "Teen court" model programs made available to all junior and senior high school students in the selected judicial districts to handle problems that develop at school but that have not been turned over to the juvenile authorities.

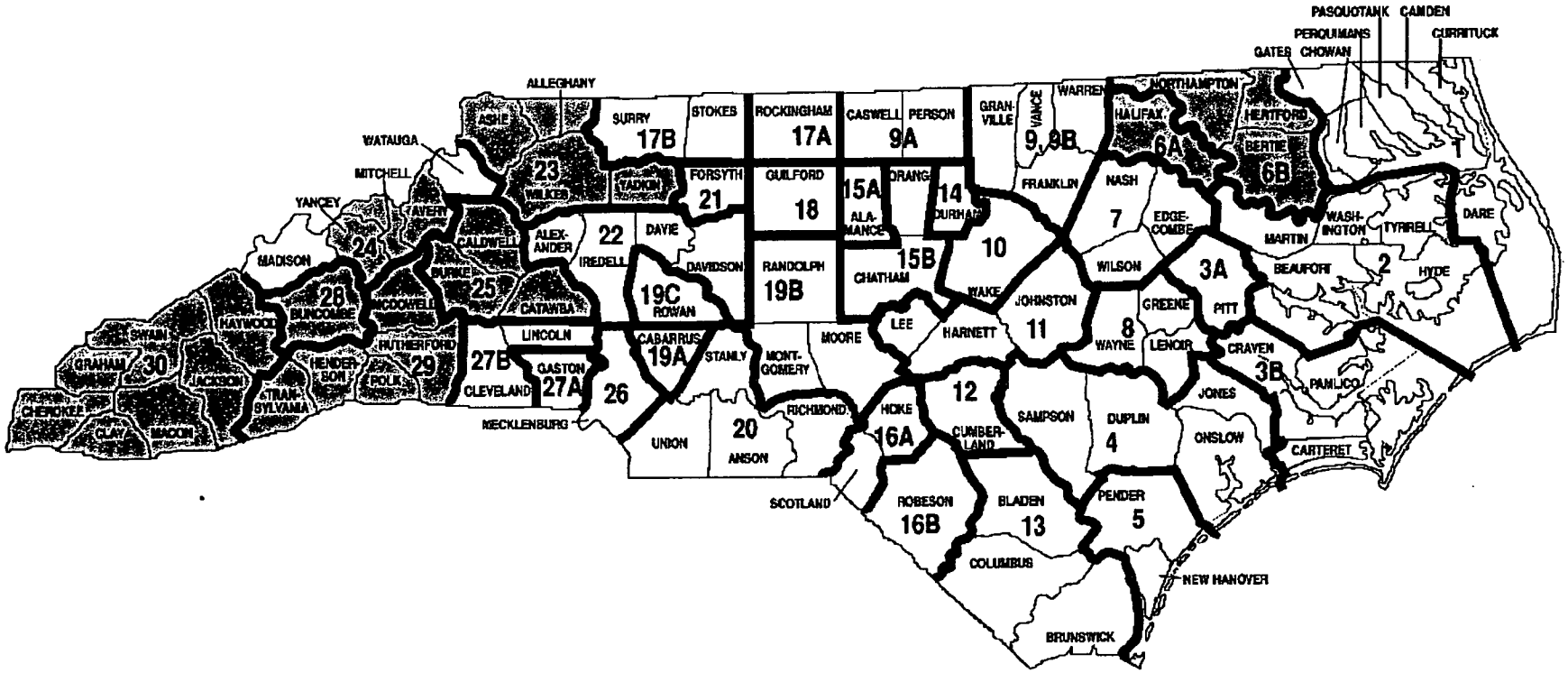
(b) The Administrative Office of the Courts shall distribute the funds to grantees in quarterly payments beginning July 1994 and ending April 1995. Grantees shall provide the Administrative Office of the Courts with quarterly reports as to the expenditure of funds and relevant statistical data.

(c) Grantees of the funds shall report at least annually to the Administrative Office of the Courts and to officials of the selected judicial districts. The Administrative Office of the Courts shall evaluate the effectiveness of the programs and report its findings and any recommendations by March 15, 1995, to the Joint Legislative Commission on Governmental Operations and to the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

(d) In addition to the reports required in subsection (d) of Section 80 of Chapter 561 of the 1993 Session Laws, the Administrative Office of the Courts shall make an interim report by May 15, 1994, on the effectiveness of the Cumberland County "Teen Court" program established pursuant to Section 80 of Chapter 561 of the 1993 Session Laws.

LOCATIONS
for
PROJECT CHALLENGE

As of May 10, 1999



\PROJECT CHALLENGE
05/10/99

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 505

Short Title: Cumberland Juv. Assessment Center. (Public)

Sponsors: Representatives Morris; Hurley, Kinney, McAllister, and Warner.

Referred to: Appropriations.

March 18, 1999

A BILL TO BE ENTITLED

AN ACT TO CONTINUE THE OPERATION OF THE CUMBERLAND COUNTY JUVENILE ASSESSMENT CENTER PROJECT AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1.(a) The Office of Juvenile Justice, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall continue operation of the Juvenile Assessment Center Project in District Court District 12 and established in Section 18.21 of S.L. 1997-443, as amended by Section 16.6 of S.L. 1998-212. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall also provide services to the families of these juveniles and shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Project shall maintain individual case files and keep statistical information used to document services delivered and evaluate the progress of the program.

Section 1.(b) The Project shall continue to:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or who are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop a collaborative interagency information network that will speed appropriate law enforcement, juvenile court, and relevant intervention responses for referred youth and their families;

(4) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the faith community, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

Section 1.(c) The Juvenile Assessment Advisory Board established in Section 18.21 of S.L. 1997-443 and amended by Section 16.6 of S.L. 1998-212 shall continue to evaluate the operations of the Project and shall make recommendations regarding the Project to the Office of Juvenile Justice. The Board shall consist of the 13 members initially appointed pursuant to Section 18.21 of S.L. 1997-443.

The Board shall meet at least quarterly at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland County shall continue to provide necessary clerical and professional assistance to the Board.

The terms of the members shall expire June 30, 2001.

Section 1.(d) The Office of Juvenile Justice shall evaluate the Project and report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives and the Fiscal Research Division of the General Assembly by October 1, 2000, on the operations of the Project. The October 2000 report shall include recommendations on whether the Project should be continued and, if so, the extent to which it should be continued, why it should be continued, and the costs associated with continuing the Project. If the Office of Juvenile Justice recommends the Project should not be continued, it shall provide the reasons for that recommendation.

Section 2. There is appropriated from the General Fund to the Office of Juvenile Justice the sum of three hundred thousand dollars ($300,000) for the 1999-2000 fiscal year and the sum of three hundred fifty thousand dollars ($350,000) for the 2000-2001 fiscal year to fund the Juvenile Assessment Center Project authorized by this act.

Section 3. This act becomes effective July 1, 1999, and expires June 30, 2001.

CUMBERLAND JUVENILE ASSESSMENT CENTER EVALUATION REPORT SUBMITTED 3/29/99

INTRODUCTION

The following evaluation report is submitted using a formative approach fulfilling the purposes of accountability with the Administrative Office of the Courts and the Department of Human Resources, in addition to providing descriptive information for program growth and development. Formative evaluation is often used to help refine programs or elements within, and is typically conducted in the early stages of program implementation. Because the Juvenile Assessment Center has moved from planning to implementation during the actual fiscal year, outcome data from services is not feasible at this time. Therefore, the formative approach is being used to provide an analysis regarding implementation issues relative to the original funding legislation. In addition, the report includes some early client-specific data, which helps determine if progress toward program objectives is on track. This report includes quantitative, as well as qualitative data from external sources (e.g., Board of Advisors, referral agents) and internal sources (e.g., client tracking data).

1. Background

The Juvenile Assessment Center (hereafter, "JAC") in Cumberland County began as a blended funding initiative in 1997-98. A combination of local, private and state funds were procured to set the project into motion. In 1997, Senate Bill 352 Section 18.21, entitled "Cumberland Juvenile Assessment Center" stated:

> "...The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units set in motion a process for developing and implementing a Juvenile Assessment Center Project in District Court District 12".

Section 16.6 of the Budget Act later rewrote section 18.21 of SL 1997-443 to (1) extend the Cumberland County Juvenile Assessment Center Project for one year, to June 30, 1999, and (2) provide that funds appropriated to the Administrative Office of the Courts for the project for fiscal year 1997-98 do not revert, but remain available during the 1998-99 fiscal year to implement the project ($150,000 original allocation).

Other language included in the original funding bill stated that "The project shall be modeled after the Juvenile Assessment Center in Hillsborough County Florida and shall:

1. Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined.

2. Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions.
3. Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles.
4. Provide services to juveniles identified and their families, through collaboration with public and private resources, including local law enforcement, parents organizations, the Fayetteville Chamber of Commerce, and the county and community programs, and organizations that provide substance abuse treatment and child and family counseling."

Furthermore, the legislation established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project.

The legislative bill required that the Administrative Office of the Courts, in consultation with the Department of Human Resources, evaluate the Project and report to the Chairs of the House and Senate Appropriations committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and Human Resources, and the Fiscal Research Division of the General Assembly by May 1, 1998, on the progress of the development and implementation of the Project. The Administrative Office of the Courts, in consultation with the Department of Human Resources, was enjoined to evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and recommend whether the Project should be continued. If the AOC-DHR report recommended that the Project continue, it was to provide a cost analysis outlining the long-term staffing and operating needs of the Project.

2. Purpose

The purpose of the Project (JAC) is to facilitate efficient prevention and intervention services to juveniles who are (I) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The project assists these juveniles by providing a centralized point of intake and assessment for the juveniles, addresses the educational, emotional, and physical needs of the juveniles, and provides juveniles with an atmosphere for learning personal responsibility, self-respect and respect for others. The Administrative Office of the Courts was further directed to consider recommendations from the Juvenile Assessment Center Advisory Board in developing and implementing the Project.

3. Procedures

Procedures and client management processes, as noted below, were expected at the JAC from the outset:

1. "The following youth will be served: juveniles referred alleged to be delinquent or undisciplined; juveniles referred who are at risk of becoming delinquent or undisciplined because they have behavioral problems and may have committed delinquent acts even though they have not been taken into custody or petitioned as delinquent or undisciplined; status offenders who have committed a status offence, which is a non-criminal misbehavior that is illegal only for minors; and children of school age determined to be truant."
2. "Upon arrival to the JAC, the task is to evaluate the educational, emotional, and physical needs of the juvenile and determine whether the juvenile has problems related to substance abuse, depression, or other emotional problems."
3. "The Intake Counselor will explain to the child and parents the services offered at JAC. The Intake Counselor will check the youth's juvenile history. If there are outstanding detention orders or other conditions that make the youth detainable, a law enforcement officer will be summoned to transport the youth to the detention center. If needed, access to immediate intervention counseling will be provided to the child and family. The assessment tools will be administered to the child and parents. The Intake Counselor reviews the intake information and screening tools to determine the appropriate intervention."
4. "If a youth appears suicidal or shows other signs of mental health crisis at any point while he is at the JAC, the Cumberland County Mental Health Center's Crisis Team or the Cumberland Hospital's Crisis Team will be consulted. If necessary, a crisis team will respond to the JAC and interview the youth. The Cumberland Hospital's Crisis Team and services will be available to the JAC for after-hours emergencies."
5. "Based on the assessment, the Case Manager or Intensive Case Manager, and the parent will contact the appropriate youth service agency to request services. Appointments will be shared and a follow up plan will be developed. The Case Manager will work with the family and contact agencies regularly to follow up on treatment and outcomes. The "Family Service Plan" will be updated as needed."

3. JAC Goals (from original legislation)

a) Provide a **single point of entry** to services for troubled youth, 6 up to 16, who are juvenile justice, community youth services involved or who are otherwise at risk.

The program is meeting this goal during daylight hours only. Once we develop into a 24-hour facility, this goal can be totally met. At the present time, the Center operates from 7:00 a.m. until 5:00 p.m., with appointments being made up until 8:00 p.m. on Tuesdays, Wednesdays and Thursdays. Also Saturday appointments are made for those whose schedules do not allow a visit any other time. The attached "Juvenile Assessment Center Interagency Agreement" speaks to the services offered by the "Partner Agencies".

- Provide **timely and comprehensive assessments** and/or referrals in a community based setting.

This goal is being met. All assessments are scheduled in a timely fashion, with immediate appointments available for those in a crisis situation.

The assessments are comprehensive in nature. When a child enters our program, at intake, various screening tools are administered to assess for various "risk factors". These tools are individualized based on the client's age, estimated reading skill, ability to self-report, and other developmental considerations. The process begins with an interview with the child and parent or parents, and a social history is completed if one from another source did not accompany the child. (In the event that a social history was forwarded, it is used as source material for more extensive interviewing and comparison).

One of the main empirical indices used is the "POSIT".(Problem Oriented Screening Instrument for Teenagers). This device is in use throughout the country in other Community/Juvenile Assessment Centers, and has been found to have acceptable reliability and validity characteristics (see NIMH and NIDA for public domain data, and Dembo et al., 1998, 1993, 1991, 1990 for multiple journal citations regarding the instrument's stability and validity). The POSIT consists of 139 questions, which help the Center to identify risk factors in the following areas: Substance Use/Abuse; Physical Health; Mental Health; Family Relationships; Peer Relationships; Education Status; Vocational Status; Social Skills; Leisure/Recreation and Aggressive Behavior/Delinquency. These risk factors have been repeatedly linked to conditions contributing to delinquency onset.

Also administered is the "POSIP", which is the "Problem Oriented Screening Instrument for Parents" Use of the analogous parent measure allows triangulation of parent and child reports, creating a multidimensional "picture" of family perceptions of possible problem areas. This "picture" then becomes data for interpretive conferences whereby the intake worker compares and contrasts parent and youth information, pointing to relevant agreements and disagreements, which help build the foundational building blocks for subsequent intervention recommendations.

As a parallel measure, and one that allows for comparable validity assessment of the above-noted risk factors, the "MAYSI" is also administered (the Massachusetts Youth Screening Instrument, Grisso and Barnum, 1998). Juvenile justice programs throughout the United States employ the MAYSI to identify signs of mental/emotional disturbance or distress through the use of this screening tool. The MAYSI has an emerging norm basis within juvenile justice programs including detention centers, juvenile courts, and residential treatment programs, allowing for rapid but precise screening of most of the risk factors contributing to early delinquency. Early literature suggests that the MAYSI has a successful identification rate of +75% (i.e., identifying early conduct disturbance, alcohol/drug use, and need for further clinical intervention). The MAYSI helps the Center to identify risk factors

in the following areas: Alcohol/Drug Use; Angry-Irritable; Anxiety; Depressed Mood; Fighting; Somatic Complaints; Suicide Ideation; Thought Disturbance and Traumatic Experience.

For developmentally younger children, and for those whom the POSIT and MAYSI are deemed still insufficient to point decision-makers in confident directions, the "Semistructured Child and Adolescent Interview" is also used. This instrument gives the Center information about the child's perspective of School, Work, Interpersonal Relations with Family, Dependence-Independence with Family Matters, Interpersonal Relations with Other Adults, Interpersonal Relations with Peers, Sexual Concepts and Behavior, Adolescents, Self-concept, Conscience, Feeling State-General, Anxiety, Depression, Anger, Reality Testing and Fantasy. The Semistructured Interview is a very thorough, didactic tool which really helps both the child and their family elaborate upon any area of interest or concern.

As the Center evolves, we are evaluating the need for more developmentally inclusive tools. We have collaborated with the local Developmental Evaluation Center, and Cumberland County Mental Health, on ways to sharpen our assessment approach while still maintaining the focus on early screening and risk identification. The challenge is to comprehensively yet succinctly assess children and their families across ecological levels of influence so that paraprofessionals can complete the assessment process in comprehensive ways. This model is consistent with the Hillsborough County and Jacksonville (Fla.) centers who also employ Bachelors-prepared paraprofessionals to conduct the assessments and prepare intervention reports.

The above mentioned assessment tools allow the Center, the child and family to determine what happens next. Any crisis information obtained via assessment, or other data supporting an emergent clinical need, may mean an immediate referral to Cumberland County Mental Health or Behavioral HealthCare Services at Melrose Road (of Cape Fear Valley Health System), (a.k.a.,"Cumberland Hospital") for further assessment, review and treatment, if needed. Cases that need further service coordination are referred to the JAC's Case Management or Intensive Case Management components for review and assistance based on assessment findings, family support for this decision, and a consideration of the client's "level" of need.

Once Case Management or Intensive Case Management receives a referral from intake, a "Biopsychosocial Assessment Worksheet" is completed which supplements data gleaned at intake. This instrument is a 12-page document that is very thorough and comprehensive. It ferrets out in-depth details on issues such as current delinquency charges or reason(s) precipitating the referral; family relationships and community influence; biological information on the parents; home environment; community involvement and cultural influences; self concept; social and peer relationships; sexual history; educational and vocational history; physical, psychological, psychiatric, substance abuse, mental health, client/family history of

abuse or other life area impairments, treatment acceptance or resistance, cooperation, physical appearance, speech, insight, cognitive and orientation. JAC Case Managers have received, and continue to receive ongoing in-service training from a Ph.D. level psychologist in ecological (e.g., individual, family, school/peer, and community) dimensions of functioning. The Biopsychosocial Assessment Worksheet encompasses this ecological theoretical approach, emphasizing the interactions between and across levels of risk and protection experienced by clients and their families.

Once the "Biopsychosocial Assessment Worksheet" is completed, a "Family Service Plan" is developed with the Case Manager, or Intensive Case Manager, parents and child. Specific roles, responsibilities, obligations, and timelines for accomplishment of goals are outlined in this plan. Participants sign off on the plan, acknowledging their participation and acceptance of goals for their child while involved with the JAC.

If a referral to an existing agency is needed, the Case Manager and the parent make the referral. The Case Manager monitors and documents the progress and attendance of the child and family. The Case Manager facilitates any and all referrals to needed community resources, working in collaboration with family members. Case managers also document successes and/or barriers involved during the intervention period. Services are completed based on mutual agreement that intervention goals have been achieved and/or reasonable timelines have been utilized to garner reasonable results.

b) Develop a **management information system** ("MIS")that can be used to monitor a youth's progress and documents previous intervention attempts.

This goal is ongoing. From the outset, parents are requested to sign relevant consents to release and/or exchange information with referral sources and potential collaborators if an intervention plan is developed. Furthermore, the JAC has established working Memoranda of Agreement with various agencies (e.g., Cumberland County Schools, Cumberland County Mental Health, 12th District Court District, Department of Social Services, etc.) which provides the foundation for a computerized MIS affording real time case information input and case tracking.

Once a referral is logged in, a management information system is used to track each child served. It includes both admission and termination data. The admission data includes the county name, admission date, program ID, client ID, referral date, referral source, legal status, age, race, sex, social security number, previous referrals to the program, living arrangements at time of placement, problems, year prior to placement in court referrals, runaway, school suspensions or expulsions, and secure custody, and reasons for referral to the JAC.

The termination data includes the termination date, termination reason, termination placement, the clients progress with juvenile court, the clients progress with school and the clients progress with the home situation. Referrals to 12 agencies are tracked,

along with school status, problems during the program in court referrals, runaway, school suspensions or expulsions and secure custody and the total days of service.

The MIS is also conceptualized to code and store all rating tools for comparison and research purposes. Furthermore, the system will be fashioned to employ a computerized case management system allowing for: real time case analysis (intranet), case reporting, limited (protected by firewalls and encryption technology) outside access via Internet for real time case follow-up by referral agencies, and data warehousing for future research and reporting.

An additional process goal of the Center includes the development of a program which tracks youth and neighborhoods, referrals vs. crime statistics and other social indicators, to be able to develop GIS maps that pinpoint client status characteristics and other potential risk data. Subsequently, other CommuniCare, Inc. services (our administrative "home") may be used to augment JAC programs (e.g., Communities That Care programs, Youth Leadership services, etc.). The Center has purchased the hardware and software to make this happen. We have contracted with an outstanding consultant who is also administering a partner agency's internet-based data project. By leveraging his knowledge and work with that other agency, combined with our interagency MOA/MOU allowing for data sharing and tracking, we expect to more rapidly deploy our MIS solutions to these issues (rather than have to design and implement a solution from the ground up). Thus, through collaboration with partner agencies, JAC plans to use various databases to track clients, survey outcomes, analyze other risk and related data so that the Center can have a better documentation of the problem areas in Cumberland County. This planning tool will allow the Center and CommuniCare to share extensive planning data with the Cumberland County Juvenile Crime Prevention Council in a longitudinal and reliable manner.

c) Develop and implement an **integrated case management system** or referral system for all clients (referred to Case Management components) that outlines intervention needs and plans, refers and monitors the service delivery, along with reassessment, if needed.

This goal has been meet. As mentioned above, the Case Management and Intensive Case Management components use various assessment tools to create the "Family Service Plan" which outlines intervention needs. Referrals are made to existing agencies, when appropriate, and the Case Manager or Intensive Case Manager monitors the progress being made by the child and family. If reassessment is needed, the Case Manager ensures that this process is completed. Cases which continue to be served by Intake (because their needs are estimated to be resolvable very quickly) also document a briefer form of this plan.

d) Serves as a source of information to the juvenile justice **policy makers.**

This goal is being met and will continue as an ongoing objective. As mentioned above, the MIS information will be shared with the Juvenile Crime Prevention Council, the Chief Court Counselor, the 12th District Court Judge's office, law

enforcement agencies, schools, and other social services and mental health providers/agencies. The Director of the Juvenile Assessment Center serves on the Juvenile Crime Prevention Council. He also participates in the Communities That Care planning team, and advises the Cumberland County Schools At-Risk Interagency Committee. The Director of the Juvenile Assessment Center has appeared before the Cumberland County Board of Commissioners and the Fayetteville City Council to update them on the progress of the Juvenile Assessment Center. The JAC will serve an integral role involving immediate and intermediate sanctions as a part of Cumberland County's comprehensive juvenile justice plan. The JAC is positioned as a primary diversion agency for the Juvenile Court as the reform act goes into affect 7/1/99 (specifically, the Code's sentencing grid). The JAC can be an effective tool for diversion contracts as specified in the new Juvenile Code, and will also be called upon to aid in post-adjudication but pre-dispositional planning for youth in the Court setting.

e) **Intended Target population:** Youth aged 6 through 16, who are

- alleged to be delinquent or undisciplined and have been taken into custody,
- at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even thought they have not been taken into custody.

Based on the data supplied in the attached program evaluation information, all children served have been between the above-noted target ages. Furthermore, each child has a documented referral reason consistent with the guidelines indicated above. In short, 100% of all children served have been both within the target age ranges, and have manifested the necessary risk/delinquent behavior qualifying them for JAC services.

4. Program Evolution and Data to Date (see attachments for specific component data)

The Advisory Board has convened at least monthly since the legislation's passage. A coordinator was hired in April 1998 and the Board moved from planning to implementation.

A site was located soon thereafter and the program moved to its present location, 121 Lamon Street, in August of 1998. The facility is owned by the City of Fayetteville and is almost 5,000 square feet in size. The facility contains a reception area, private staff offices, private testing rooms and a large conference room for Board meetings and training sessions. The building is staff secure. Youth are not physically restrained while on the premises, nor will they be prevented from leaving if they insist. The facility meets all codes for public access including handicapped accessibility.

An Administrative Assistant was hired in August of 1998. In September of 1998, an Intake Counselor and two Case Managers came on board. The first child was admitted on September 14, 1998. The original staff proposal was to employ two intake counselors and two case managers. The program discovered early on that if we utilized the services

of an Intensive Case Manager, it would be possible to work intensively with youth and their families for a shorter period of time and resolve, or minimize, the issues facing them. An Intensive Case Manager was employed in January 1999. From September 14, 1998 to March 24, 1999, 130 youth have been admitted into Intake. 73 youth have been admitted to Case Management and 25 have been admitted to Intensive Case Management.

JAC came under the umbrella of Cumberland County CommuniCare, Inc. on 10/01/1998. This was done to allow an administrative arm to both support the short and long-term goals of the program, as well as afford an independent identity for JAC. CommuniCare is a 501 (c) 3. This arrangement offers access to additional funding sources, while maintaining ties to both City of Fayetteville and County of Cumberland partnerships. CommuniCare actively supports JAC by overseeing its payroll and other benefits, facilitating administrative policies and procedures, provides professional development and training on site, and assists with program evaluation through data analysis and reporting.

In terms of cases are actually processed, the Intake worker schedules appointments as referrals are received. All referrals are seen within 2 weeks of being received, except any child or family in a crisis situation will be seen the same day of referral or the next day, if possible with the family. Once an Intake Counselor has seen a child, most are referred to Case Management or Intensive Case Management.

The attached reports reflect programmatic information on the youth being served. Report number **626501** is for Intake. It reflects a total of 130 youth admitted to Intake to date. The report reflects the racial status, gender, age, referral source, legal status, living arrangement and referral reasons for youth involved.

Report number **626502** is for Case Management. It reflects a total of 73 youth admitted to Case Management to date. It also shows the racial status, gender, age, referral source, legal status, living arrangement and referral reasons for cases transferred to Case Management.

Report number **626504** is for Intensive Case Management. It reflects a total of 25 youth admitted to Intensive Case Management thus far.

5. Systems issues and Conclusions

The JAC has helped reconfigure juvenile services in Cumberland County. As an example, when families call the Sheriff's Department or City of Fayetteville Police and complain about a disobedient child, these law enforcement agencies refer such calls directly to JAC – effectively diverting them from the Juvenile Court. As the new Code is implemented, JAC will be called upon even more often to work with early offenders, undisciplined and ungovernable youth. JAC is conceptualized to serve as a key centralized digital resource via an internet-based information management system. This system will tie into CommuniCare's data warehouse, and will ultimately be a component

integrated into the "state of the child" system of data collection (which is a multi-agency collaboration in Cumberland County).

Because of Juvenile Code differences between Florida and North Carolina, JAC has been, and continues to be unable to fully emulate the Hillsborough County Juvenile Assessment Center model. That model incorporates secure detention along with triage, status offender, and other short-term clinical (drug treatment) services. The Cumberland JAC has tried to glean the most effective elements of the Hillsborough County model without the detention aspect, and innovate other aspects of assessment and case management more congruent with North Carolina's practices and Juvenile Code. Given the Juvenile Code differences between states, it is recommended that the Cumberland JAC (and other legislative documents) remove future references to the Hillsborough County model and promote policies consistent both with national best practices (see OJJDP for a review of model Community Assessment Centers) and North Carolina's efforts to improve juvenile services.

A final systems issue concerns collaboration. JAC evolved from the result of collaboration at both state and local levels. The Administrative Office of the Courts has worked extremely well with DHR and the local Advisory Board to implement JAC. AOC has provided budgeting, evaluation and technical assistance whenever requested. Juvenile Services Division staff have attended Board meetings and provided telephonic assistance. These staff members have also kept JAC abreast of other state initiatives that may compliment JAC's goals and objectives. The Division of Youth Services has provided computer programming support as well as other forms of telephonic technical assistance. At the local level, JAC is the result of Chamber of Commerce, City of Fayetteville, County of Cumberland, United Way, Cumberland Community Foundation, and other grassroots juvenile justice collaboration. JAC still enjoys broad-based support from its founding agencies and partners. It is seen as a vital, and necessary component of the full continuum of juvenile crime prevention services in Cumberland County. JAC collaborates with other mental health and social services agencies on a daily basis. Cumberland County Mental Health, for example, outsources a Substance Abuse Counselor one day per week for psychosocial and biological (urinalysis) drug screening for JAC youth. Other agencies are willing, per the MOA noted earlier, to send case workers or clinical staff when needed.

In closing, the Juvenile Assessment Center is meeting its required goals and objectives as stated in the original funding legislation. Even though our Juvenile Code and state organizational setup does not lend itself to replicate the program in Florida, the program design truly targets the needs of youth in North Carolina. Services are being offered at a reasonable cost. Resources are being shared in the manner of good stewardship of public funds. Given the above noted findings and observations, the Center's continuation request will impact hundreds of children on the front end of the juvenile justice system, with a hope of reducing or eliminating more expensive services on the back end of the juvenile justice system. For comparison purposes, the anticipated funding request for FY 1999-2000 is less than what it would cost the State of North Carolina to send 6 youth to a state training school for 1 year. Another issue the

Legislature has focused on is the problem of overrepresentation of minorities in the juvenile justice system. Upon review of the Center's statistics to date, the Center is sensitive to that issue and is offering front-end services to minority youth in Cumberland County, again, hoping to impact the back end of the system.

The mission of the JAC is to serve as a centralized receiving agency for at-risk and early delinquent youth. Program statistics to date demonstrate an early focus on diverted, undisciplined/ungovernable youth and children of color who may have previously been directly petitioned by the Juvenile Court. The JAC is considering specialized programming in such areas as gender-specific and culturally sensitive casework. Furthermore, CommuniCare will soon implement many complimentary programs for children involved with JAC as well as other community agencies. These include youth leadership, computer-resource labs and internet-based learning alternatives, as well as Youth-As-Resources and parent skill development programs.

Juvenile Assessment Center
Client Tracking
Admitting Population

For : 626501

For youths admitted between 9/14/1998 and 3/24/1999

Race	#	Percent
White	48	36.92%
Black	76	58.46%
Other	6	4.62%
Total:	**130**	

Referral Source	#	Percent
Juvenile Court	43	33.08%
DSS	13	10.00%
School	26	20.00%
Law Enforcement	19	14.62%
Parent/Guardian	24	18.46%
Self	2	1.54%
Other	3	2.31%
Total:	**130**	

Gender	#	Percent
Female	45	34.62%
Male	85	65.38%
Total:	**130**	

Legal Status	#	Percent
Youth-at-Risk	73	56.15%
Intake/Diverted	36	27.69%
Petition Filed	14	10.77%
Adjudicated	1	0.77%
Probation	6	4.62%
Total:	**130**	

Age	#	Percent
06	1	0.77%
07	1	0.77%
08	3	2.31%
09	4	3.08%
10	7	5.38%
11	12	9.23%
12	16	12.31%
13	26	20.00%
14	22	16.92%
15	25	19.23%
16	12	9.23%
17	1	0.77%

Living Arrangements	#	Percent
Both parents	17	13.08%
Mother & stepfather	27	20.77%
Father & stepmother	5	3.85%
Mother only	59	45.38%
Father Only	3	2.31%
Other Relative(s)	3	2.31%
Foster Care	3	2.31%
Institution (training school)	1	0.77%
Other	1	0.77%
Grandparents	11	8.46%
Total:	**130**	

For : 626501

For youths admitted between 9/14/1998 and 3/24/1999

Total:	**130**	

1st Referral Reason	#	Percent
Delinquency (property crime)	20	15.38%
Delinquency (person crime)	13	10.00%
Delinquency (victimless crime)	8	6.15%
Runaway	12	9.23%
Truancy	6	4.62%
Ungovernable	70	53.85%
Neglected	1	0.77%
Total:	**130**	

2nd Referral Reason	#	Percent
No second choice	62	47.69%
Delinquency (property crime)	2	1.54%
Delinquency (person crime)	6	4.62%
Delinquency (victimless crime)	3	2.31%
Runaway	8	6.15%
Truancy	11	8.46%
Ungovernable	29	22.31%
Neglected	6	4.62%
Dependent	1	0.77%
Other	2	1.54%
Total:	**130**	

Juvenile Assessment Center
Client Tracking
Admitting Population

For : 626502

For youths admitted between 9/14/1998 and 3/24/1999

Race	#	Percent
White	27	36.99%
Black	43	58.90%
Other	3	4.11%
Total:	**73**	

Referral Source	#	Percent
Juvenile Court	23	31.51%
DSS	8	10.96%
School	15	20.55%
Law Enforcement	10	13.70%
Parent/Guardian	16	21.92%
Other	1	1.37%
Total:	**73**	

Gender	#	Percent
Female	34	46.58%
Male	39	53.42%
Total:	**73**	

Legal Status	#	Percent
Youth-at-Risk	43	58.90%
Intake/Diverted	19	26.03%
Petition Filed	6	8.22%
Probation	5	6.85%
Total:	**73**	

Age	#	Percent
06	1	1.37%
09	2	2.74%
10	5	6.85%
11	8	10.96%
12	5	6.85%
13	15	20.55%
14	13	17.81%
15	16	21.92%
16	8	10.96%
Total:	**73**	

Living Arrangements	#	Percent
Both parents	11	15.07%
Mother & stepfather	15	20.55%
Father & stepmother	3	4.11%
Mother only	31	42.47%
Father Only	2	2.74%
Other Relative(s)	5	6.85%
Grandparents	6	8.22%
Total:	**73**	

1st Referral Reason	#	Percent
Delinquency (property crime)	13	17.81%
Delinquency (person crime)	8	10.96%

For : 626502

For youths admitted between 9/14/1998 and 3/24/1999

Delinquency (victimless crime)	3	4.11%
Runaway	7	9.59%
Truancy	5	6.85%
Ungovernable	37	50.68%
Total:	**73**	

2nd Referral Reason	**#**	**Percent**
No second choice	31	42.47%
Delinquency (person crime)	3	4.11%
Delinquency (victimless crime)	1	1.37%
Runaway	6	8.22%
Truancy	11	15.07%
Ungovernable	18	24.66%
Neglected	2	2.74%
Other	1	1.37%
Total:	**73**	

Juvenile Assessment Center
Client Tracking
Admitting Population

For : 626504

For youths admitted between 9/14/1998 and 3/24/1999

Race	#	Percent
White	10	40.00%
Black	14	56.00%
Other	1	4.00%
Total:	**25**	

Referral Source	#	Percent
Juvenile Court	10	40.00%
DSS	1	4.00%
School	3	12.00%
Law Enforcement	4	16.00%
Parent/Guardian	6	24.00%
Self	1	4.00%
Total:	**25**	

Gender	#	Percent
Male	25	100.00%
Total:	**25**	

Legal Status	#	Percent
Youth-at-Risk	12	48.00%
Intake/Diverted	9	36.00%
Petition Filed	4	16.00%
Total:	**25**	

Age	#	Percent
11	4	16.00%
12	2	8.00%
13	7	28.00%
14	5	20.00%
15	5	20.00%
16	2	8.00%
Total:	**25**	

Living Arrangements	#	Percent
Both parents	2	8.00%
Mother & stepfather	4	16.00%
Father & stepmother	1	4.00%
Mother only	15	60.00%
Father Only	1	4.00%
Other	1	4.00%
Grandparents	1	4.00%
Total:	**25**	

1st Referral Reason	#	Percent
Delinquency (property crime)	4	16.00%
Delinquency (person crime)	2	8.00%
Delinquency (victimless crime)	1	4.00%
Runaway	1	4.00%
Truancy	1	4.00%

 For : 626504

For youths admitted between 9/14/1998 and 3/24/1999

Ungovernable	16	64.00%
Total:	**25**	

2nd Referral Reason	**#**	**Percent**
No second choice	13	52.00%
Delinquency (property crime)	2	8.00%
Delinquency (victimless crime)	1	4.00%
Runaway	1	4.00%
Truancy	2	8.00%
Ungovernable	6	24.00%
Total:	**25**	

(7) One member appointed by the North Carolina Academy of Trial Lawyers.

The Commission shall elect a chair upon being convened at the call of the Chief Justice's appointee.

(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;

(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;

(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;

(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;

(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;

(6) Review methods used by other states to provide legal representation to indigent defendants;

(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; and

(8) Outline additional suggestions that would improve the provision of legal representation to indigent defendants.

The Administrative Office of the Courts shall assign professional and clerical staff to assist in the work of the Commission. The Commission shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety no later than May 1, 1999. The report shall include a cost analysis demonstrating the additional personnel and equipment necessary to implement the Commission's recommendations. The report shall also include any legislation necessary to implement the Commission's recommendations.

(c) The Administrative Office of the Courts may use up to the sum of fifty thousand dollars ($50,000) from the Indigent Persons' Attorney Fee Fund to contract for consultant services to assist in meeting the Commission's responsibilities.

Requested by: Senator Rand, Representatives Justus, Kiser, Thompson

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 16.6. (a) Section 18.21 of S.L. 1997-443 reads as rewritten:

"Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar ($1.00) of local funds for every three dollars ($3.00) of State funds.

These funds shall not revert at the end of the 1997-98 fiscal year, but shall remain in the Department during the 1998-99 fiscal year to implement this section.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to ~~June 30, 1998.~~ June 30, 1999. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

(1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;

(2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;

(3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and

(4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

(1) The director of the Department of Social Services of Cumberland County, or the director's designee.

(2) A representative from the local mental health area authority of Cumberland County.

(3) A member of the Cumberland County Board of Education.

(4) The sheriff of Cumberland County, or the sheriff's designee.

(5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.

(6) A judge of District Court District 12.

(7) A juvenile court counselor from District Court District 12.

(8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.

(9) The director of the Health Department of Cumberland County, or the director's designee.
(10) Two public members appointed by the Fayetteville City Council.
(11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire ~~June 30, 1998.~~ June 30, 1999.

(e) The Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and ~~Human Resources,~~ Health and Human Services, and the Fiscal Research Division of the General Assembly by ~~May 1, 1998,~~ May 1, 1999, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of ~~Human Resources,~~ Health and Human Services, shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project."

(b) Section 10 of S.L. 1998-23 is repealed.
(c) This section becomes effective June 30, 1998.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

COMMUNITY PENALTIES PROGRAMS

Section 16.8. Subsection (a) of Section 18.4 of S.L. 1997-443 reads as rewritten:

"(a) Of the funds appropriated from the General Fund to the Judicial Department for the 1997-99 biennium to conduct the Community Penalties Program, the sum of four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382) for the 1997-98 fiscal year and the sum of ~~four million three hundred fifty-five thousand three hundred eighty-two dollars ($4,355,382)~~ four million four hundred sixty-four thousand five hundred twenty-one dollars ($4,464,521) for the 1998-99 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 community penalties programs."

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

DISTRICT COURT CIVIL CASE MANAGEMENT

Section 16.9. Section 18.23 of S.L. 1997-443 reads as rewritten:

"Section 18.23. The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the civil case management pilot programs established in District Court Districts 13, 18, and 30. The report shall assess the success of these

"(c) Of the funds appropriated to the Judicial Department for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars ($150,000) shall be used to establish bad check collection pilot programs in Columbus, Durham, and Rockingham Counties.

Of the funds appropriated to the Judicial Department for the 1998-99 fiscal year, the sum of two hundred seventeen thousand seven hundred ninety-four dollars ($217,794) shall be used to continue the bad check collection pilot programs in Columbus, Durham, and Rockingham Counties and to establish a bad check collection pilot program in Wake County.

The Administrative Office of the Courts shall report by ~~May 1, 1998,~~ April 1, 1999, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the programs, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

(c) Subsection (d) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(d) This act apples only to Columbus, Durham, ~~and Rockingham~~ Rockingham, and Wake Counties."

(d) Section 11 of S.L. 1998-23 is repealed.

(e) Subsection (a) of this section becomes effective June 30, 1998.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Redwine, Sexton, Smith

TEEN COURT FUNDS DO NOT REVERT/ESTABLISH TEEN COURT PROGRAMS IN DUPLIN, GUILFORD, AND ONSLOW COUNTIES

Section 16.4. (a) The funds appropriated in S.L. 1997-443 to the Judicial Department for teen court programs throughout the State shall not revert at the end of the 1997-98 fiscal year and shall remain available to the Department for the 1998-99 fiscal year to be used for teen court programs.

(b) With funds appropriated in this act to the Administrative Office of the Courts for the 1998-99 fiscal year, the Administrative Office of the Courts shall establish teen court programs in Duplin, Guilford, and Onslow Counties pursuant to the guidelines and objectives set forth in Section 40 of Chapter 24 of the Session Laws of the 1994 Extra Session.

(c) Subsection (a) of this section becomes effective June 30, 1998.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

INDIGENT FUND STUDY COMMISSION

Section 16.5. (a) The Administrative Office of the Courts shall establish a Study Commission on the Indigent Persons' Attorney Fee Fund. The Commission shall consist of seven voting members as follows:

(1) One member appointed by the Speaker of the House of Representatives;
(2) One member appointed by the President Pro Tempore of the Senate;
(3) One member appointed by the Chief Justice of the Supreme Court;
(4) One member appointed by the North Carolina Association of Public Defenders;
(5) One member appointed by the North Carolina State Bar;
(6) One member appointed by the North Carolina Bar Association; and

investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton, Daughtry, Hardy, Neely

ADD SPECIAL SUPERIOR COURT JUDGE/CLARIFY TERMS OF EXISTING SPECIAL SUPERIOR COURT JUDGES

Section 16.22. (a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a3) Effective December 15, 1998, the Governor may appoint a special superior court judge to serve a term expiring five years from the date that judge takes office. Successors to the special superior court judge appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

(b) G.S. 7A-45.1(a2) reads as rewritten:

"(a2) Effective December 15, 1996, the Governor may appoint four special superior court judges to serve terms expiring ~~December 14, 2001.~~ five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

REPORTS ON VACANT POSITIONS

Section 16.23. The Judicial Department, the Department of Correction, the Department of Justice, and the Department of Crime Control and Public Safety shall each report by February 1 of each year 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 on all positions within that department that have remained vacant for 12 months or more. The report shall include the original position vacancy dates, the dates of any postings or repostings of the positions, and an explanation for the length of the vacancies.

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton

PROJECT CHALLENGE REPORT

Section 16.24. Subsection (a) of Section 18.20 of S.L. 1997-443 reads as rewritten:

"(a) Of the funds appropriated in this act to the Administrative Office of the Courts for the ~~1997-98 fiscal year,~~ 1997-99 biennium, the sum of one hundred thousand dollars ($100,000) for the 1997-98 fiscal year and the sum of one hundred thousand dollars ($100,000) for the 1998-99 fiscal year shall be used to support the operation of Project Challenge North Carolina, Inc., a nonprofit corporation that provides alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined in District Court ~~District~~ Districts 24, 25, 29, and 30 and

for expansion of the ~~program.~~ program into additional districts. The funds shall be used to:

(1) Provide community resources and dispositional alternatives for juveniles in the form of community services, including services to the elderly and economically disadvantaged;

(2) Promote the involvement of juveniles in community programs that instill in juveniles pride in their communities and develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(3) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(4) Collaborate with community agencies and organizations to provide guidance to and positive role models for juveniles."

Requested by: Senators Gulley, Ballance, Rand, Wellons, Representatives Justus, Kiser, Thompson, Sexton, McCrary

RECONFORM THE MILEAGE REIMBURSEMENT FOR OUT-OF-STATE WITNESSES TO THAT RECEIVED BY IN-STATE WITNESSES AND STATE EMPLOYEES

Section 16.25. (a) G.S. 7A-314(c) reads as rewritten:

"(c) A witness who resides in a state other than North Carolina and who appears for the purpose of testifying in a criminal action and proves his attendance may be compensated at the rate ~~of ten cents (10¢) a mile~~ allowed to State officers and employees by subdivisions (1) and (2) of G.S. 138-6(a) for one round-trip from his place of residence to the place of appearance, and five dollars ($5.00) for each day that he is required to travel and attend as a witness, upon order of the court based upon a finding that the person was a necessary witness. If such a witness is required to appear more than one day, he is also entitled to reimbursement for actual expenses incurred for lodging and meals, not to exceed the maximum currently authorized for State employees."

(b) G.S. 15A-813 reads as rewritten:

"**§ 15A-813. Witness from another state summoned to testify in this State.**

If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence in this State, is a material witness in a prosecution pending in a court of record in this State, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court, stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If the witness is summoned to attend and testify in this State he shall be ~~tendered the sum of ten cents (10¢) a mile~~ compensated at the rate allowed to State officers and employees by subdivisions (1) and (2) of G.S. 138-6(a) for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars ($5.00) for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court. If such a witness is required to appear more than one day, he is also entitled to reimbursement for

PROGRAM SUMMARY

Statement of the Problem: *In concise terminology, describe the juvenile justice problem the program intends to address.*

Juveniles can only discern the impact of the damages or injury caused by their offences, if they have had the opportunity to provide restoration to the victim through their own effort. Project Challenge provides such an opportunity.
New legislation has caused both an increase in juvenile petitions and a need to address those petitions differently according to the level of the offence. Project Challenge meets the the growing need for deferral agreements as well as the need for level I and level II dispositions.

Program Goal: *State the effect that the program is designed to have on solving the problem described above.*

The goal of Project Challenge is to provide the juvenile court system and the Office of Juvenile Justice, with a dispositional structure for restituiton and rehabilitation in delinquent and undisciplined cases as well as a suitable plan for deferral agreements.
Project Challenge while a service to the court, will also be providing to the participants and the local communities a program that increases self-esteem and civic awareness, and instills an understanding that the children can make a positive difference in their homes, neighborhoods and communities.

Target Population: *Describe the target population and the steps that the program has taken to insure that the target population is served.*

Project Challenge has identified juveniles between the ages of 10 and 16 years of age that have been referred by the juvenile court system and or the Juvenile Court Counselors as its target population.

Measurable Objective(s): *State in measurable terms the intended effect of the program on specific undisciplined and/or delinquent behaviors. At a minimum, state anticipated reductions in court referrals, runaway behavior, and school suspensions and expulsions.*

1. 65% of the youth served will have no new referrals to juvenile court.
2. 65% of the youth served will have a reduction in suspensions and expulsions at school.

Information Maintained for Effectiveness Measurement: *List the data elements and records the program will maintain to document its effectiveness.*

Project Challenge maintains community service and restitution records as well as school and court related information to assure compliance with stated objectives. Project Challenge also maintains recidivism records to track the progress of participants after completion of the program.

PROGRAM NARRATIVE

Briefly describe what the program expects to achieve and why. At a minimum, the narrative should include the following information: (1) Identify the staff and their responsibilities to the program, (2) describe the physical facilities in which the services will be delivered, (3) discuss any areas of concern that could affect the success of the program (4) discuss why these resources used in the manner described should be expected to alter inappropriate behavior, (5) describe the referral, screening and admission procedures, (6) describe the means of working with youth and families, (7) describe the daily program activities and, (8) describe the termination procedures.

There are two phases of the Project Challenge approach to addressing the needs of this population of youth. The first is an experiential education community service and restitution program. This element is designed to involve the participants in activities that make a contribution of a helping nature in their community. Most youth involved in delinquent behavior show strong symptoms of low self worth, lack of respect for authority, and little sense of responsibility They are normally uncooperative and antisocial in their behavior. Through community service the youth are introduced to the spirit of helping those in their community that are in need. During community service the youth participate in activities such as working on homes with Habitat for Humanity, delivering food or firewood to the poor and elderly, or tilling a garden for someone who isn't able due to physical limitations. As these youth become involved in these community activities they interact with people who as givers themselves are good role models for these the future leaders of the world. No matter what environment or income level these kids have come from, through the offering of their time and talents, in helping others in their community, they will begin to see that they are welcome valuable members of their community. The youth will then begin to experience positive personal growth and change.

The restitution portion of this component gives the participants an opportunity to repay and or compensate the victims for any monetary damages that may have been caused by the youth's delinquent behavior. This allows the youth to accept responsibility for their actions, and instills a sense of accomplishment through which the participant gains vital self-respect.

The second phase of the program is a three day two night outdoor wilderness experience. The Wilderness Adventure is designed to instill self-reliance and a positive self-image. A group of ten participants are taken through a physically demanding stress challenge adventure under the supervision of two trained instructor-guides. This group then becomes a micro community to which the participants must not only belong, but also contribute to. During these trips every effort is made to create an illusion of remoteness and natural threats to survival, the participants must carry all supplies, food, and equipment in backpacks. The youth are taken to the most remote areas of North Carolina in which there are no signs and few sounds of civilization. The group members have the ability to make their own decisions and experience the consequences of those decisions. The youth discover they have inner resources, which they never realized. With these resources they can become a contributing part of their community. They come a way with a new outlook on the world and the people around them. This structured approach has proven effective time after time in both prevention and rehabilitation of juvenile delinquents.

Project Challenge facilitates inviting speakers from industry and institution to schools. The program also supports cultural enrichment and recreational opportunities by including visits to museums and historical and cultural sites in the Project Challenge experience. Throughout the program participants will learn that helping those in their community does not always take money, and that each of us is capable of responding to the needs of others. Project Challenge provides youth the opportunity to better themselves and their communities and to lessen the probability of their reinvolvement in the justice system.

STATE OF NORTH CAROLINA
OFFICE OF JUVENILE JUSTICE
410 S. SALISBURY STREET • P. O. BOX 29527
RALEIGH, NORTH CAROLINA 27626-0527
STATE COURIER NO. 56-20-08
TELEPHONE: (919) 733-3388 FAX: (919) 733-1045

James B. Hunt, Jr.
Governor

George L. Sweat
Director

May 3, 1999

Senator Fountain Odom
Senator Beverly Perdue
Senator Aaron Plyler

Representative Ruth Easterling
Representative David Redwine
Representative Thomas Hardaway

Dear Appropriation Committee Chairpersons:

In accordance with the provision of Section 8.1 of the Appropriations Bill enacted by the 1998 Session of the 1997 General Assembly, which established the Juvenile Justice Reserve Fund to support the reform initiatives authorized in SB 1260, I am pleased to submit for your review the attached report addressing the study of local grant activity that has been generated by the above referenced legislation.

Please know that we in the Office of Juvenile Justice stand ready to respond to any questions or concerns you may have as a result of this report.

Sincerely,

George L. Sweat

George L. Sweat
Director

GLS/KJF/kjf

pc: Fiscal Research Division
Attention: Jim Mills

Juvenile Justice Reserve Fund
Grant Recipients

The 1998 amendment to the 1997 Appropriations Act created in Section 8.1 a Juvenile Justice Reserve to fund many of the programmatic recommendations that were included in the Juvenile Justice Reform (SB 1260). Paragraph (d) of that bill established the following reporting requirement:

> "On or before May 1, 1999, the Office of Juvenile Justice shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded from the Juvenile Justice Reserve Fund. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a description of the local services, programs, or projects that will receive funds. A written copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly."

Following the adjournment of the 1998 Session of the General Assembly Governor Hunt retained the services of retiring Corrections Secretary Mack Jarvis to head up an interim "Transition Team" that would begin planning for the implementation of the new Office of Juvenile Justice which was to begin on January 1st of 1999. Part of the Transition Teams efforts were aimed at addressing the issue of the distribution of new local grant funds that were to become available on January 1.

The total amount of new funds that were designated for local programs through the new Juvenile Crime Prevention Councils totaled $5.5M. Those funds were broken down between recurring funds $1.8M and non-recurring funds of $3.6M.

In the debate over how to allocate these new funds the suggestion was put forward that the amount of $3.6M be divided into county allocations using a formula to give each county a "fair" share of these dollars and that the $1.8M be set aside into a special discretionary fund that would be available on a competitive basis to selected counties under separate guidelines that would be published by the Office of Juvenile Justice.

The formula that was agreed upon for the $3.6M was to give every county $5,000 plus a pro rata share of the balance based upon the most recent two year average of the number of delinquent youth reported by juvenile court. In January the attached funding notification was mailed to the counties with guidelines that stipulated the funding priorities as established by SB 1260. (See attached letter from Franklin Freeman.) Those stipulations as detailed in the appropriations act provide, that county Juvenile Crime Prevention Councils must give "*priority consideration to the need for either local substance abuse related services, local home-based family services programs or juvenile day reporting centers, as established in enacted SB 1260*".

Guidelines for applying for the discretionary funds were developed and advertised to the counties shortly after Chief George Sweat assumed the duties as director of the Office in February. (See attached letter) The guidelines specify that the fundable

strategies for discretionary funds are, Home Visitation, Day Reporting Centers, Substance Abuse Services, Innovative Programs or multi-county programs that will provide expanded Intermediate or Community level sanctions for use by juvenile court.

Given the competitive nature of the discretionary grant funds the guidelines established a submission date of April 30 for having those proposals into the Offices' regional offices. The Executive Management Team plans to establish an inter-office review process to rank and select the most promising program proposals. Announcements will be made within the next several weeks with funding to begin as soon as the first of June. Given that the submission date and this reporting deadline fall during the same weekend it is impossible to provide the required documentation for this report since the final awards have not yet been made. For information purposes however a partial listing of the grant applications that we are aware of is attached. These are the grant proposals that our Regional Consultants and Chief Court Counselors have been working on with the Juvenile Crime Prevention Councils across the State and should be informative as to the kinds of needed services that have already been identified.

Applications for the new formula grant funding have been slower in coming in. This is explained by the fact that no deadline was set for applying for these funds. Counties were, in fact, encouraged not to rush to spend these funds but to incorporate their expenditure into the county spending plan for next fiscal year along with the rest of the available funds for program expansion and conversion. Those plans are reaching the final stages and most will be presented to the Boards of County Commissioners on Monday, May 3rd, which is the target date we have set for getting local decisions as regards local matching funds for next years programs.

Those recommendations that are approved by the Commissioners in May are due into this office beginning on June 1st for awards to begin funding in July. By the end of the summer it is expected, given the level of activity being engaged in this Spring in JCPC's all over the State, that this office will process more than 700 local grant proposals and will expand the availability of Intermediate and Community Sanctions by approximately 20%.

It is the recommendation of this Office that, this report be considered as an interim report on this issue and that an October deadline be set for a final report on the funding activity generated by the Juvenile Justice Act. In any case the Office is please to submit the available information addressing the reporting requirement stipulated above. We are, as always, happy to follow up in any way that the Committees feel would be helpful.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

February 3, 1999

Dear County Manager:

On January 14, 1999, Governor Hunt appointed me the Director of the new Office of Juvenile Justice. I have served as the Chief of Police in Winston Salem for the last twelve years. I am a strong advocate for early intervention and prevention and believe that there is great potential to help adjudicated juveniles in the community. I am very excited to have this opportunity to address the juvenile justice issues with a new juvenile code that gives public safety high priority.

I look forward to working with you and the Juvenile Crime Prevention Councils. I appreciate the critical role you have in making this effort successful. With this correspondence, I am pleased to notify you of additional funds which are now available to the counties for programming.

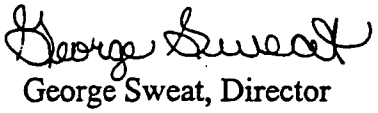
On January 6, 1999, Franklin Freeman sent a letter to you about additional new formula money for all 100 counties. This memorandum will provide information on another $1.8 million in discretionary funds which is now available on a competitive basis to counties across the state.

To qualify for discretionary funds, a county must have a certified Juvenile Crime Prevention Council (the Juvenile Crime Prevention Council list must be on file, along with the certification request). Applicants must complete a discretionary application, detailing how each requirement included in the guidelines will be met. A series of instruction sheets is attached, outlining the application process, the priorities, and some definitions.

As newly appointed council members assess the need for sanctions for adjudicated youth and the need for delinquency treatment and prevention services, this discretionary money will provide additional resources to help meet the local needs. Discretionary grants must be submitted by April 30, 1999. For counties whose applications are selected grants will be awarded by June 30, 1999.

Again, I look forward to working with all of you as we strive together to make the NC juvenile justice system the best in the nation. If you have further questions, please contact the Office of Juvenile Justice at (919) 733-3011. Thank you for all of the hard work that you are doing now to plan for and coordinate juvenile programs.

Sincerely,



George Sweat, Director
Office of Juvenile Justice

c Governor Jim Hunt
Franklin Freeman, Chief of Staff
Mack Jarvis, Transition Team
Tom Vitaglione, Women's and Children's Health, DHHS
Chair, County Commissioners
Chief District Court Judge
County Fiscal Officer
Juvenile Services Area Administrator
Chief Court Counselor
Regional OJJ Consultants

Attachments

1999 Discretionary Grant Instructions
Office of Juvenile Justice

Introduction

The Juvenile Justice Reform Act of 1998 provides funding for programs aimed at adjudicated juveniles who remain in the community under an intermediate or community sanction. Because the Act states that court involved juveniles must be given priority consideration for funds, all new formula funds have been allocated for adjudicated juveniles.

The Office of Juvenile Justice is now making $1.8 million in discretionary funds available to all counties on a competitive basis. The discretionary fund is established to provide additional programs for adjudicated juveniles and to meet the legislative requirement to begin establishing a funding stream for delinquency prevention services. Two-thirds of the discretionary fund is set aside for court involved youth, and one-third of the fund is set aside for specific primary prevention efforts outlined in this notice. The Office of Juvenile Justice is working closely with the Division of Women's and Children's Health of the Department of Health and Human Services to coordinate targeted prevention efforts. Counties receiving discretionary funding will work in conjunction with all Office of Juvenile Justice field staff to prioritize funding, and to provide appropriate community and intermediate sanctions.

Application Requirements

In order to qualify for funds, a county must first establish a Juvenile Crime Prevention Council which meets the requirements of NCGS 147-33.61 (codified version) and submit the board membership along with the certification request to the Office of Juvenile Justice. Applicants must complete a discretionary application, detailing how requirements included in the guidelines will be met. Grants will be awarded to selected counties by the Office of Juvenile Justice within 60 days of the submission deadline. Matching funds for discretionary grants are not required for the current funding year; however, local support is encouraged and can be documented by the provision of both in kind and cash revenue and letters of support to coordinate services. Discretionary grants must be submitted by April 30, 1999. Funds must be spent by June 30, 2000. Unspent funds will revert to the Office of Juvenile Justice.

Priority Programs

The Juvenile Justice Reform Act of 1998 established priority programs that must be addressed. Discretionary funding will be made available to fund a limited number of Day Reporting Centers (also known as Structured Day Programs), Multi county Efforts, and Innovative Programs. The portion of the fund set aside for specific primary prevention programs (maternal home visiting) will be categorized as Innovative programs. The target population for maternal home visiting programs is first-time pregnant women at or below 100 percent of the federal poverty level, with particular attention being given to juveniles referred from the juvenile court. Once discretionary grants are awarded and councils begin planning for new programs, the county manager and local council chair may opt to allocate a portion of discretionary money for start up costs such as planning, board facilitation, board retreats, and staff retreats.

Contact for Assistance

If you have questions or need assistance, please contact the Office of Juvenile Justice at (919) 733-3011. If you have specific questions about maternal home visitation programs, you may also call Katrina Gay in the Division of Women's and Children's Health of the Department of Health and Human Services at (919) 733-4174.

Office of Juvenile Justice
1999 Discretionary Grant Program
Categories for Discretionary Funding

Day Reporting Centers:
The Office of Juvenile Justice will fund a limited number of Juvenile Day Reporting Centers (also known as Supervised Day Programs or Structured Day Programs) in high crime, judicial districts, with sufficient numbers of youth who have been adjudicated delinquent and have been given an intermediate sanction. Grants may be for up to $250,000. Counties are encouraged to find other revenue sources to assist in funding proposed Day Reporting Centers. Other sources may include but are not limited to crime commission grants; local government; including local school budgets, formula grant funds provided by the Office of Juvenile Justice, in kind resources provided locally and documented within the budget narrative; and other local funds from private sources including the United Way or local fund raising projects. High crime judicial districts which identify funding sources to assist in the creation of Day Reporting Centers will be given priority for discretionary funding in this category.

Innovative programs:
Grant requests for innovative programs may be for up to $100,000. The Office of Juvenile Justice will consider innovative program applications which offer new and innovative approaches to attacking the problems associated with at-risk youth and juveniles who are adjudicated delinquent and remain in the community under an intermediate or community sanction. Under the category of innovative programs, requests may also be made to establish maternal home visiting programs.

Maternal Home Visiting Programs
Up to $600,000 in prevention grants for maternal home visitation will be funded from the discretionary fund. Governor Hunt is excited about this innovative program and encourages counties to take advantage of these available funds. Extensive research reveals that intensive maternal home visitation has lasting effects on families, including prevention of juvenile crime among high-risk adolescents. These grants are for one year and counties may reapply for funds for one additional year. The target population for maternal home visiting programs is first-time pregnant women at or below 100% of the federal poverty level, with particular attention being given to juveniles referred from the juvenile court. These families are followed until the child is two years old. Like other discretionary options, planning for these programs will occur through the local Juvenile Crime Prevention Councils and funds will be disbursed to the county.

In reviewing maternal home visiting applications, specific priority will be given to applications which describe the range of services for pregnant women and children up to two years of age and their families; describe how the model will be integrated into the existing continuum of services; show evidence of need and readiness to implement. The Division of Women's and Children's Health of the Department of Health and Human Services will be providing a pre-application workshop soon to provide more information on the specific requirements for funding maternal home visitation discretionary programs. Counties interested in applying for funds to implement a maternal home visiting program are required to send a representative to this workshop (see appendix 2).

Programs for Adjudicated Juvenile Offenders

In awarding grants from the discretionary fund, the **priorities for the adjudicated offender "innovative programs" category** will be as follows:

- inpatient (residential) and outpatient (non-residential) substance abuse offender treatment programs;
- home-based family counseling with family support groups that can provide required intervention services;
- group homes with psychological treatment and programs for juveniles who do not pose a threat to the public but who need long-term intervention services;
- after-school activity programs for middle school juveniles targeted as potential at-risk juveniles during the time when most juvenile crimes occur;
- intensive services for high-risk juveniles which supports but does not replicate juvenile probation;
- and inpatient (residential) and outpatient (non-residential) sex offender treatment programs.

All programs for adjudicated offenders must be in support of and in conjunction with the work of juvenile court counselors. In reviewing "innovative program" discretionary applications for adjudicated offenders, the office will seek out program proposals which offer new approaches with research documentation or other information which will speak to the viability of the program.

Multi county Initiatives: The Office of Juvenile Justice is also interested in funding a limited number of Multi county approaches to attack the problems associated with juveniles who are adjudicated delinquent and remain in the community under an intermediate or community sanction. Grants awarded for Multi county initiatives may be for up to $250,000. As Multi county requests are reviewed, the office will carefully screen all proposals to make sure that there is a plan for adequate, affordable transportation.

In awarding grants from the discretionary fund, the **program priorities for Multi county initiatives** are as follows:

- inpatient (residential) and outpatient (non-resdential) substance abuse offender treatment programs;
- home-based family counseling with family support groups that can provide required intervention services;
- group homes with psychological treatment and programs for juveniles who do not pose a threat to the public but who need long-term intervention services;
- after-school activity programs for middle school juveniles targeted as potential at-risk juveniles during the time when most juvenile crimes occur;
- intensive services for high-risk juveniles which supports but does not replicate juvenile probation;
- and inpatient (residential) and outpatient (non-residential) sex offender treatment programs.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

JAMES B. HUNT JR.
GOVERNOR

January 6, 1999

Dear County Manger:

On November 19, 1998, Governor Hunt sent a letter to you about the requirements of the 1998 Juvenile Justice Reform Act as it applies to the new county-based Juvenile Crime Prevention Councils. This memorandum will provide further information on forming local Juvenile Crime Prevention Councils and on the funding formula for additional state-awarded grants available to all counties.

As you know, the Juvenile Justice Reform Act mandates that on January 1, 1999, all duties and responsibilities from the Juvenile Services Division of the Administrative Office of the Courts and the Division of Youth Services of the Department of Health and Human Services will be transferred to a new, single office that will be directly administered by the Governor. This new "Office of Juvenile Justice" will be more responsive and comprehensive in policy and planning than the existing bifurcated system.

Additionally, the Juvenile Justice Reform Act requires that the county commissioners from each county appoint a new Juvenile Crime Prevention Council to enhance and replace all existing Youth Services Advisory Councils (CBA Boards). Governor Hunt is anxious to continue the process of building a strong local network to take on this challenging task of planning for the needs of adjudicated and at-risk youth.

Therefore, as soon as practically possible, we request that your county commissioners appoint members to your local Juvenile Crime Prevention Council. Enclosed you will find a list of statutorily recommended appointments for the new local councils. Once county commissioners finalize appointments, we ask that your office complete the enclosed membership list and mail names and occupations of the new council members to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, 27603-2266.

The legislative intent of the Juvenile Justice Reform Act is that the newly appointed council members will assume the responsibilities of assessing the need for sanctions for adjudicated youth and the need for delinquency treatment and prevention services.

Last year more than 17 million dollars were provided to local counties for community-based alternative (CBA) programs that were endorsed by county commissioners. As a result of the 1998 legislation, additional funds have been allocated to be distributed to local counties for programs that meet county needs for delinquent youth. At this time, an additional $3,688,548 in formula money is being made available to all counties.

This money is non-reverting and counties may expend funds from these grants through June 30, 2000. The announcement and certification form for FY 1998 formula grants is attached. In addition, a discretionary fund is being established and information on this fund will be forthcoming in the near future.

Applications for new formula funds will be similar to applications that were previously submitted for community-based alternatives and will be available in the Office of Juvenile Justice regional CBA offices. Within 30 days of the receipt of your "Certification for Juvenile Crime Prevention Council" request and the list of your new Juvenile Crime Prevention Council's membership, the Office of Juvenile Justice will disperse these additional formula monies to the county for local programs.

If you have further questions, please contact the Office of Juvenile Justice at (919) 733-3011. Thank you for the efforts that you have already made to get your new Crime Prevention Council appointed on such short notice.

With kind regards,

Sincerely,

Franklin Freeman

Franklin Freeman, Chief of Staff
Office of the Governor

c Governor Jim Hunt
Chair, County Commissioners
County Fiscal Officer

Attachments

1998 Formula Allocation
for
County Grants
under the
Juvenile Justice Reform Act of 1998

Introduction

The General Assembly enacted the Juvenile Justice Reform Act of 1998, providing funding for programs aimed at youth adjudicated delinquent who remain in the community under an intermediate or community sanction. The Act states that court involved youth must be given priority consideration for funds and that all counties be provided with resources. The Office of Juvenile Justice will make these new funds available to all counties on a formula basis, with each county receiving a base of $5,000 and the remainder of the funds distributed based on the juvenile delinquent population. Funds are available immediately through the process outlined in this notice. Program allocations and guidelines have been established in order to make funds available to counties as soon as possible during this funding year and may be modified for future years.

Application Requirements

In order to qualify for funds, a county must establish a Juvenile Crime Prevention Council which meets the requirements of NCGS 147-33.61 (codified version) and submit the board membership along with the attached certification request to the Office of Juvenile Justice, c/o Division of Youth Services. Grants will be awarded by the Office of Juvenile Justice within 30 days of submission of these documents. Matching funds for formula grants are waived for this current funding year. County formula allocations for FY 98-99 are attached to this announcement.

Priority Programs

The Juvenile Justice Reform Act of 1998 established priority programs that must be addressed with this funding. In designing grants from these funds, priority shall be given to local substance abuse-related services, local home-based family service programs, and Day Reporting Centers. The target population is juveniles who are adjudicated delinquent and remain in the community under an intermediate or community sanction. If documentation is submitted that priority services are already adequately provided, other community-based alternatives (such as sex offender treatment and group homes) listed in Section 22 of Senate Bill 1260, may be funded. As councils plan for new programs, a small portion of the formula money may also be used for planning and board facilitation needs, as deemed appropriate by the county manager.

The need for Day Reporting Centers will be primarily addressed through the discretionary fund for this first round of funding. However, with prior review by the Office of Juvenile Justice, formula money may also be used for Day Reporting Centers in judicial districts with high crime rates. A definition for Day Reporting Centers will be distributed in the near future.

Contact for Assistance

If you have questions or need assistance in completing and filing the certification request or the council membership, please contact the Office of Juvenile Justice, c/o the Division of Youth Services at (919) 733-3011.

Office of Juvenile Justice				
Formula Grant Funds				
1998-2000 Non-Recurring				
County	Delq Juv**	Base	$$'s/Delq	Total Formula
Alamance	539	$5,000	$ 68,852.08	$73,852
Alexander	96	$5,000	$ 12,210.54	$17,211
Allegheny	18	$5,000	$ 2,301.46	$7,301
Anson	78	$5,000	$ 9,909.07	$14,909
Ashe	38	$5,000	$ 4,794.71	$9,795
Avery	32	$5,000	$ 4,091.49	$9,091
Beaufort	152	$5,000	$ 19,370.64	$24,371
Bertie	35	$5,000	$ 4,475.07	$9,475
Bladen	81	$5,000	$ 10,356.58	$15,357
Brunswick	95	$5,000	$ 12,082.68	$17,083
Buncombe	722	$5,000	$ 92,250.28	$97,250
Burke	175	$5,000	$ 22,375.33	$27,375
Cabarrus	318	$5,000	$ 40,659.17	$45,659
Caldwell	122	$5,000	$ 15,598.80	$20,599
Camden	20	$5,000	$ 2,557.18	$7,557
Carteret	199	$5,000	$ 25,380.01	$30,380
Caswell	105	$5,000	$ 13,425.20	$18,425
Catawba	243	$5,000	$ 31,005.81	$36,006
Chatham	66	$5,000	$ 8,438.69	$13,439
Cherokee	52	$5,000	$ 6,584.74	$11,585
Chowan	82	$5,000	$ 10,484.44	$15,484
Clay	14	$5,000	$ 1,726.10	$6,726
Cleveland	335	$5,000	$ 42,832.77	$47,833
Columbus	167	$5,000	$ 21,352.45	$26,352
Craven	261	$5,000	$ 33,307.27	$38,307
Cumberland	1544	$5,000	$ 197,414.31	$202,414
Currituck	107	$5,000	$ 13,680.91	$18,681
Dare	108	$5,000	$ 13,808.77	$18,809
Davidson	417	$5,000	$ 53,253.28	$58,253
Davie	96	$5,000	$ 12,210.54	$17,211
Duplin	123	$5,000	$ 15,726.66	$20,727
Durham	496	$5,000	$ 63,418.07	$68,418
Edgecombe	295	$5,000	$ 37,718.41	$42,718
Forsyth	751	$5,000	$ 96,022.12	$101,022
Franklin	141	$5,000	$ 18,028.12	$23,028
Gaston	785	$5,000	$ 100,305.39	$105,305
Gates	32	$5,000	$ 4,091.49	$9,091
Graham	28	$5,000	$ 3,516.12	$8,516
Granville	135	$5,000	$ 17,260.97	$22,261
Greene	39	$5,000	$ 4,986.50	$9,987
Guilford	1640	$5,000	$ 209,624.85	$214,625
Halifax	259	$5,000	$ 33,115.48	$38,115
Harnett	222	$5,000	$ 28,320.77	$33,321
Haywood	114	$5,000	$ 14,512.00	$19,512
Henderson	229	$5,000	$ 29,279.71	$34,280

County	Delq Juv**	Base	Delq Base/$3.1M	Total Formula
Hertford	83	$5,000	$ 10,548.37	$15,548
Hoke	158	$5,000	$ 20,137.79	$25,138
Hyde	11	$5,000	$ 1,406.45	$6,406
Iredell	326	$5,000	$ 41,682.04	$46,682
Jackson	54	$5,000	$ 6,840.46	$11,840
Johnston	196	$5,000	$ 25,060.37	$30,060
Jones	20	$5,000	$ 2,557.18	$7,557
Lee	236	$5,000	$ 30,110.80	$35,111
Lenoir	243	$5,000	$ 31,005.81	$36,006
Lincoln	123	$5,000	$ 15,662.73	$20,663
Macon	51	$5,000	$ 6,456.88	$11,457
Madison	36	$5,000	$ 4,602.92	$9,603
Martin	140	$5,000	$ 17,836.33	$22,836
McDowell	95	$5,000	$ 12,146.61	$17,147
Mecklenburg	2120	$5,000	$ 270,997.17	$275,997
Mitchell	36	$5,000	$ 4,602.92	$9,603
Montgomery	85	$5,000	$ 10,868.02	$15,868
Moore	189	$5,000	$ 24,165.35	$29,165
Nash	182	$5,000	$ 23,270.34	$28,270
New Hanover	875	$5,000	$ 111,876.63	$116,877
Northampton	46	$5,000	$ 5,881.51	$10,882
Onslow	455	$5,000	$ 58,175.85	$63,176
Orange	259	$5,000	$ 33,115.48	$38,115
Pamlico	41	$5,000	$ 5,242.22	$10,242
Pasquotank	168	$5,000	$ 21,480.31	$26,480
Pender	112	$5,000	$ 14,320.21	$19,320
Perquimans	49	$5,000	$ 6,265.09	$11,265
Person	169	$5,000	$ 21,608.17	$26,608
Pitt	417	$5,000	$ 53,317.21	$58,317
Polk	25	$5,000	$ 3,196.48	$8,196
Randolph	397	$5,000	$ 50,760.03	$55,760
Richmond	129	$5,000	$ 16,493.81	$21,494
Robeson	879	$5,000	$ 112,324.14	$117,324
Rockingham	174	$5,000	$ 22,247.47	$27,247
Rowan	380	$5,000	$ 48,586.42	$53,586
Rutherford	127	$5,000	$ 16,238.09	$21,238
Sampson	88	$5,000	$ 11,251.59	$16,252
Scotland	240	$5,000	$ 30,622.23	$35,622
Stanly	181	$5,000	$ 23,078.55	$28,079
Stokes	135	$5,000	$ 17,260.97	$22,261
Surry	189	$5,000	$ 24,101.42	$29,101
Swain	24	$5,000	$ 3,004.69	$8,005
Transylvania	94	$5,000	$ 12,018.75	$17,019
Tyrell	13	$5,000	$ 1,662.17	$6,662
Union	312	$5,000	$ 39,892.01	$44,892
Vance	262	$5,000	$ 33,499.06	$38,499
Wake	1486	$5,000	$ 189,998.49	$194,998
Warren	44	$5,000	$ 5,625.80	$10,626

County	Delq Juv**	Base	Delq Base/$3.1M	Total Formula
Washington	30	$5,000	$ 3,835.77	$8,836
Watauga	50	$5,000	$ 6,392.95	$11,393
Wayne	468	$5,000	$ 59,838.02	$64,838
Wilkes	181	$5,000	$ 23,078.55	$28,079
Wilson	330	$5,000	$ 42,129.54	$47,130
Yadkin	105	$5,000	$ 13,361.27	$18,361
Yancey	32	$5,000	$ 4,091.49	$9,091
TOTALS	24938	$500,000	$ 3,188,548.00	$3,688,548

* Population figures based on July 1, 1998 estimate by N. C. Dept. of Administration

** this column is the average of delinquent youth before the court for the two year period FY1996-98

*** A minus in the far right hand colmn identifies those counties who would benefit if the formula were based on delinquent youth rather than population

Listing of Discretionary Applicants
Office of Juvenile Justice
Appril 30, 1999

County[s]	Category	Amount of Request
Alamance	Juvenile Day Reporting	$249,493
Alleghany	Innovative/Juvenile Treatment	$88, 097
Ashe	Home Visitation	$100,000
Beauford, Hyde, Martin, Tyrell, Washington	Multi-County Treatment Group Home	$249,982
Cabarrus	Home Visitation	unk
Cabarrus	Innovative/Prevention	unk
Cabarrus	Substance Abuse Services	unk
Chowan	Home Visitation	$100,000
Currituck	Innovative/STAR (Substance Abuse)	$100,000
Dare	Innovative/Friends of SOS	$100,000
Durham	Innovative/In Home Counseling	99,505
Edgecombe	Innovative/Project PROUD	$67,786
Edgecombe	Home Visitation	$100,000
Edgecombe/Nash	Multi-County/Case Coordination	$150,333
Edgecombe	Juvenile Day Reporting	$250,000
Forsyth	Juvenile Day Reporting	$239,006
Forsyth	Home Visitation	$100,000
Guilford	Juvenile Day Reporting	$182, 233
Guilford	Home Visitation	$100,000

Halifax, Hertford Bertie, Northampton	Innovative/Project Challenge/ Multi-County	$130,000
Henderson	Innovative/Substance Abuse	$22,000
Mecklenburg	Home Visitation	$100,000
Onslow, Duplin Sampson	Multi-County/Innovative Behaviorial Treatment	$205,389
Rockingham	Innovative/Ed. Coordination	$60,000
Stokes	Innovative/STA	$22,000
Surry	Home Visitation	$100,000
Surry/Yadkin/Iredell	Multi-County/STAR(Substance abuse)	$250,000
Transylvania	Home Visitation	$100,000
Vance	Juvenile Day Reporting	$250,000

Juvenile Crime Prevention Council membership lists for each applying county are attached as per the reporting requirement.

Proposed Juvenile Crime Prevention Council

County: ALLEGHANY Date: 3/31/99

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Duane Davis, Superintendent	Y
2) Chief of Police	Frank Sanders, Chief	Y
3) Local Sheriff or their designee	Mike Caudill, Sheriff	Y
4) District Attorney *or their designee*	Stacy Adams, Assist. DA	Y
5) Chief Court Counselor *or their designee*	Scott Stoker, Court Counselor	Y
6) Director, AMH/ DD/SA *or their designee*	Mike Tompkins, Sub. Abuse Counselor	N
7) Director DSS *or their designee*	Jane Wyatt, Socialworker	Y
8) County Manager *or their designee*	Don Adams, County Manager	Y
9) Substance Abuse Professional	See #6 above	
10) Member of Faith Community	Rev. Brian Galyean	N
11) County Commissioner	Charity Gambill, Commissioner	N
12) Person under age 21	Daniel Biggins, student	Y
13) Juvenile Defense Attorney	Donna Shumate, Attorney	N
14) Chief District Judge *or their designee*	Susie Gambill, Clerk of Court	N
15) Member of Business Community	Jack Ashley, medical community	Y
16) Local Health Director *or their designee*	Paula Payson, school nurse	Y
17) Rep.United Way/other non-profit	Millie Swenk, Allegheny Connections	Y
18) Representative/Parks and Rec.	Kay Luffman, A.C. Recreation Comm	Y
19) County Commissioner appointee	Eddy Espineta, retired DEA agent	Y
20) County Commissioner appointee	Jackie Helton, 4H Coordinator	Y
21) County Commissioner appointee	Jim Hudson, retired Deputy	Y
22) County Commissioner appointee	Pete Simmons, SRO Officer	Y
23) County Commissioner appointee	Varan Walker, parent	Y
24) County Commissioner appointee	Gave Wyatt, conerned citizen	Y
25) County Commissioner appointee	vacant	

Proposed Juvenile Crime Prevention Council

County: Beaufort Date: January 26, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	David Curtis -School Resource Professional	No
2) Chief of Police	Joe Stringer -Police Chief	No
3) Local Sheriff or their designee	Alan Jordan -Sheriff	No
4) District Attorney *or their designee*	Mitchell Norton -D.A. Todd Amundson -Asst. D.A.	No
5) Chief Court Counselor *or their designee*	Joe Paul -Chief Court Counselor	No
6) Director, AMH/ DD/SA *or their designee*	Tim Hill -Tideland Enhanced TASC/MAJOR	No
7) Director DSS *or their designee*	Nancy Norwood -Child Welfare Supervisor	Yes
8) County Manager *or their designee*	Andreas Skolko -Employment Specialist	Yes
9) Substance Abuse Professional	Don Clark - Substance Abuse Counselor	No
10) Member of Faith Community	William Guilfort -Minister	No
11) County Commissioner	Carolyn Harding -County Commissioner	Yes
12) Person under age 21	Shenita Spencer - Student -Washington High Sch.	No
13) Juvenile Defense Attorney	Darrell Cayton -Attorney	No
14) Chief District Judge *or their designee*	Michael Paul -Judge	No
15) Member of Business Community	Deborah Waters -Business/New South Bank	No
16) Local Health Director *or their designee*	Paige Hedgepath - HIV/STD Educator	No
17) Rep.United Way/other non-profit	Theresa Moore -Director of Non-Profit	Yes
18) Representative/Parks and Rec.	Gil Davis -Programs/Center Supervisor	Yes
19) County Commissioner appointee	Bubba Waters -Director of Intensive Supervision	Yes
20) County Commissioner appointee	Stephen Braddy -Juvenile Justice Counselor	Yes
21) County Commissioner appointee	Harold Pierce -Restitution Director	Yes
22) County Commissioner appointee	Stewart Byes -BMB Shelter Director	Yes
23) County Commissioner appointee	Joe Testino -Juvenile Justice Counselor	Yes
24) County Commissioner appointee	Louise Hinsley -Cooperative Ext.	Yes
25) County Commissioner appointee	Bill Batchelor -Juvenile Justice Counselor	Yes

Proposed Juvenile Crime Prevention Council

County: HYDE Date: February 1, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Katrina Rickard, School Prin.	yes
2) Chief of Police	n/a	
3) Local Sheriff or their designee	Gary Midyette, Resource Officer	yes
4) District Attorney *or their designee*	Mitchell Norten/Tiffany Sopher Designee	no
5) Chief Court Counselor *or their designee*	Bill Batchelor	no
6) Director, AMH/ DD/SA *or their designee*	Vanessa Cherry	yes
7) Director DSS *or their designee*	Marta Blount	yes
8) County Manager *or their designee*	Jeff Credle/ Alice Keeney Designee	no
9) Substance Abuse Professional	Vanessa Cherry	yes
10) Member of Faith Community	Rev. Lon Miller	no
11) County Commissioner	Willie E. Gibbs	no
12) Person under age 21	Cheryl Williams Lewis	no
13) Juvenile Defense Attorney	n/a	
14) Chief District Judge *or their designee*	n/a	
15) Member of Business Community	Michael Gibbs	no
16) Local Health Director *or their designee*	Linda Mayo	yes
17) Rep.United Way/other non-profit	John Schaffer	no
18) Representative/Parks and Rec.	Don Temple	no
19) County Commissioner appointee	Mary Lou Harris	yes
20) County Commissioner appointee	Stephanie O'Neal	no
21) County Commissioner appointee	Tracy M. Carawan	yes
22) County Commissioner appointee	Rosalyn Barnard	yes
23) County Commissioner appointee		
24) County Commissioner appointee		
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Martin County Date: 2-10-99

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Willie Peel, Superintendent and/or Ruby Coltrain, Testing/Student Services	NO
2) Chief of Police	Darrell Knox, Rob'ville Chief of Police	Yes
3) Local Sheriff or their designee	Keith Roach, Sheriff and/or Greg Roberts, Detective	Yes
4) District Attorney *or their designee*	Mitchell Norton, District Attorney	no
5) Chief Court Counselor *or their designee*	James Ward, J.C. Counselor	Yes
6) Director, AMH/ DD/SA *or their designee*	Blain Cargile, MH Counselor	Yes
7) Director DSS *or their designee*	Susan Davenport, Asst. Dir. DSS	Yes
8) County Manager *or their designee*	Donnie H. Pittman, Co. Manager and/or Linda G. Hardison, Adm. Assistant	no
9) Substance Abuse Professional	Tim Hill, TASC-MAJORS	no
10) Member of Faith Community	Rev. James Purvis, minister	Yes
11) County Commissioner	William H. Manson, Jr., Chairman	no
12) Person under age 21		
13) Juvenile Defense Attorney	Richard James, Attorney	no
14) Chief District Judge *or their designee*	~~Judge Hardison cannot serve and has no one to designate~~	———
15) Member of Business Community	William H. Manson, Jr.	no
16) Local Health Director *or their designee*	Bill Burgess, District Health Dir.	no
17) Rep.United Way/other non-profit	Sheila Godard, United Way	yes
18) Representative/Parks and Rec.	Mutt Smith, Robville Parks & Rec	no
19) County Commissioner appointee	Mark Leggett, J. C. Counselor	Yes
20) County Commissioner appointee	Natalie Wiggins, Housing Authority	Yes
21) County Commissioner appointee	Christine Manning, Cooperative Ext.	Yes
22) County Commissioner appointee	Vicky Manning, DSS	Yes
23) County Commissioner appointee	Ella Thigpen, Friends of Family	yes
24) County Commissioner appointee	Larry Norman, SOS	Yes
25) County Commissioner appointee	Murray Elliot, Guidance Counselor	Yes
Ex Officio	Sam Speller - Martin Partners	Yes
	Stewart Byrd - BMB Shelter Home	Yes
	Sharon Woolard - Read to Me	Yes

Proposed Juvenile Crime Prevention Council

County: TYRRELL Date: 2-22-99

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	NELSON SMITH · Asst. Sup.	yes
2) Chief of Police	N/A	
3) Local Sheriff or their designee	FRED HEMILRIGHT	yes
4) District Attorney *or their designee*	Pending	
5) Chief Court Counselor *or their designee*	Pending	
6) Director, AMH/ DD/SA *or their designee*	LINDA WATKINS	NO
7) Director DSS *or their designee*	HARRY FOARD	yes
8) County Manager *or their designee*	N/A	
9) Substance Abuse Professional	TINA JAMES	no
10) Member of Faith Community	J.H. DANIELS	yes
11) County Commissioner	~~Declined~~ pending	
12) Person under age 21	unable to find someone willing to serve.	
13) Juvenile Defense Attorney	N/A	
14) Chief District Judge *or their designee*	DECLINED	
15) Member of Business Community	DAVID DUNBAR	Yes
16) Local Health Director *or their designee*	PAULA Brickhouse	yes
17) Rep.United Way/other non-profit	N/A	
18) Representative/Parks and Rec.	Pending - No one hired for this position yet	
19) County Commissioner appointee	Shelley HASKELL - Extension	yes
20) County Commissioner appointee	LARRY HILL - school Board	yes
21) County Commissioner appointee	ARNETTE PARKER	yes
22) County Commissioner appointee	BARBARA Spencer - Finance Off	yes
23) County Commissioner appointee	Tuell Waters - Office of Juv. Justice (Court Counselor)	yes
24) County Commissioner appointee		
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Washington

Date: January 22, 1999

Instructions: N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Julius Walker, Jr-Assist. Superint.	Yes
2) Chief of Police	Ronnie McKimmey-Police Chief	No
3) Local Sheriff *or their designee*	Stanley James - Sheriff	Yes
4) District Attorney *or their designee*	Erin Gaddy - Assist. DA	No
5) Chief Court Counselor *or their designee*	Joe Paul, Chief Court Counselor	No
6) Director, AMH/ DD/SA *or their designee*	Tim Hill-TASC-MAJORS Project Dir.	No
7) Director DSS *or their designee*	Yvette Davenport-Children Serv.Supervisor	Yes
8) County Manager *or their designee*	Gayle Critcher, WC Finance Officer	Yes
9) Substance Abuse Professional		
10) Member of Faith Community	Bob Moulden - Minister	Yes
11) County Commissioner	H.W. "Dick" Lamb-Co. Commissioner	No
12) Person under age 21		
13) Juvenile Defense Attorney	Maynard Harrell - Attorney	No
14) Chief District Judge *or their designee*		
15) Member of Business Community		
16) Local Health Director *or their designee*	Barbara Owens - PHN Director	Yes
17) Rep.United Way/other non-profit	Stewart Byrd-BMB Shelter Home Director	Yes
18) Representative/Parks and Rec.	Randy Fulford - Recreation Director	Yes
19) County Commissioner appointee	Peggy Hardison-Guidance Counselor	Yes
20) County Commissioner appointee	Tuell Waters, Juvenile Court Counselor	Yes
21) County Commissioner appointee	Jeff Swain-School Resource Officer	Yes
22) County Commissioner appointee	Edna Hines-In Home Fam.Serv. Counselor	Yes
23) County Commissioner appointee	Laura Ours - 4-H Agent	Yes
24) County Commissioner appointee	Constance Waddell Wash. Co. Pride/SOS Prog. Director	Yes
25) County Commissioner appointee	Ruth McDowell -JCPC Chairperson	Yes

Proposed Juvenile Crime Prevention Council

County: Cabarrus Date: 2/19/99

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Dr. Harold Winkler, Superintendent Cabarrus County Schools	No
2) Chief of Police	Steven Belk, Detective Kannapolis Police Department	Yes
3) Local Sheriff or their designee	Lt. Teresa Small	Yes
4) District Attorney *or their designee*	Mark Speas, District Attorney	No
5) Chief Court Counselor *or their designee*	Wesley Seamon, Chief Court Counselor	Yes
6) Director, AMH/ DD/SA *or their designee*	Dr. Charles Hill, Director Piedmont Behavioral Healthcare	No
7) Director DSS *or their designee*	Jim Cook, Director, DSS	No
8) County Manager *or their designee*	Cathie Straub, Budget Officer	Yes
9) Substance Abuse Professional	Dr. Charles Hill, Director Piedmont Behavioral Healthcare	No
10) Member of Faith Community	Jerry Rhyne, Chaplain	Yes
11) County Commissioner	Carolyn Carpenter, Commissioner	No
12) Person under age 21	Melanie Grooms, Student, RCCC	No
13) Juvenile Defense Attorney	Martin McGee, Attorney	No
14) Chief District Judge *or their designee*	William G. Hamby, Jr. Chief District Court Judge	No
15) Member of Business Community	Susan Smith, Businessperson	No
16) Local Health Director *or their designee*	William F. Pilkington, Health Director	No
17) Rep.United Way/other non-profit	Ed Barron, Director YMCA	Yes
18) Representative/Parks and Rec.	TBA	
19) County Commissioner appointee	Meretle Wilson, Chaplain Stonewall Jackson School	Yes
20) County Commissioner appointee	Mary Blakeney, Retired Educator	Yes
21) County Commissioner appointee	Ron Blackmon, Social Worker	Yes
22) County Commissioner appointee	Janice Carty, High School Principal Kannapolis City Schools	Yes
23) County Commissioner appointee	Sgt. Michael Green, Concord Police	Yes
24) County Commissioner appointee	Charles Newton, Director Stonewall Jackson School	No
25) County Commissioner appointee	Chris Loukas NC State Highway Patrol	No

Juvenile Crime Prevention Council

County: CHOWAN Date: 020199

Instructions: NCGA 147.33 (codified version) specifies suggested community members be appointed by county commissioners to serve on local juvenile crime prevention councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory council (YSAC) Return this form ASAP to the office of Juvenile Justice of the Division of Youth Services, Dobbins Building 705 Palmer Drive Raleigh, NC 27603-3366.

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent or Designee	Dr. Allen Smith, Superintendent	Yes
2) Chief of Police	Gregory Bonner, Chief Edenton Police Dept	Yes
3) Local Sheriff or designee	Fred Spruill, Sheriff Chowan County	Yes
4) District Attorney or designee	Ms. Melondy Jordan (designee)	No
5) Chief Court Counselor or designee	Ms. Linda Terry (designee) Juvenile Officer	Yes
6) Director, AMH/DD/SA or designee	Mr. Charlie Franklin, Director	No
7) Director, DSS or designee	Ben Rose, Director DSS	No
8) County Manager or designee	Ms.Gail Wiggins (designee)	No
9) Substance Abuse Professional	Ann Laughlin	No
10) Member of Faith Community	Mr. Julian Miller, Catholic Social Ministries	No
11) County Commissioner	Mr. Louis Belfield, Commissioner	No
12) Person under the age of 21	Kevin Alexander (16)	No
13) Juvenile Defense Attorney	Samuel Dixion, Attorney	No
14) Chief District Court Judge or designee	C. Christopher Bean Judge (designee)	No
15) Member of Business Community	Mr. Richard Bunch	No
16) Local Health Director or designee	Ms. Betty Tynch	No
17) Rep. United Way/other nonprofit	Mr. Earl Bassett Chowan Hosp Foundation	No
18) Representative/Parks and Rec.	Mr. Lamar Adams, Director	Yes
19) County Commissioner appointee	Ms. Karen Ames	Yes
20) County Commissioner appointee	Ms. Mildred Vanderpool	No
21) County Commissioner appointee	Mr. John Guard	Yes
22) County Commissioner appointee	Ms. Sherry Farless	No
21) County Commissioner appointee	Mr. Michael Williams	No
22) County Commissioner appointee	Ms. Lynn H. Winslow	No
23) County Commissioner appointee	Ms. Amy Barcliff	No
24) County Commissioner appointee	Mr. Merredin Hammond	No
25) County Commissioner appointee	Ms. Holly Johnson	No

Attachment #1

Proposed Juvenile Crime Prevention Council

County: Currituck Date: February 26, 1999

Instructions: N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.

Specified Members (C.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Julie Douglass, Asst. Superintendent	Yes
2) Chief of Police	N/A	
3) Local Sheriff *or their designee*	Glenn Brinkley, Sheriff	No
4) District Attorney *or their designee*	Frank Parrish, District Att.	No
5) Chief Court Counselor *or their designee*	Donald Alexander, Chief Court	No
6) Director, AMH/ DD/SA *or their designee*	Invited - No response	No
7) Director DSS *or their designee*	Vickie Moore, Social Worker	Yes
8) County Manager *or their designee*	Sandra Hill, Finance Assistant	No
9) Substance Abuse Professional	Invited - No response	No
Member of Faith Community	Lee Porter, Pastor	Yes
11) County Commissioner	Gene Gregory, Commissioner	No
12) Person under age 21	Invited - unable to serve	No
13) Juvenile Defense Attorney	Invited - No response	No
14) Chief District Judge *or their designee*	Edgar Barnes, Judge	No
15) Member of Business Community	*David Sawyer, Businessman* Leo Sheetz, Chamber of Comm.	*No* No
16) Local Health Director *or their designee*	Invited - No response	No
17) Rep.United Way/other non-profit	Ellen Owens, 4-H Respresentive	Yes
18) Representative/Parks and Rec.	Gerald Gray - Parks and Rec	No
19) County Commissioner appointee	Sue Williamson, Sch. Soc. Wkr.	Yes
20) County Commissioner appointee	Virgie Wilder, Teacher Asst.	Yes
21) County Commissioner appointee	Emma Ray Jones, Concerned Cit.	No
22) County Commissioner appointee	Elizabeth Dodd, Concerned Cit.	No
23) County Commissioner appointee	Jane Marshall, Librarian	Yes
24) County Commissioner appointee	Donald Cooper, Intake Officer	Yes
25) County Commissioner appointee	Bonnie Dixon, Concerned Cit.	Yes

Proposed Juvenile Crime Prevention Council

County: DARE Date: JAN. 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Leon Holleman, Superintendent	NO
2) Chief of Police	F T B'Ambra, Manteo Police Chief	YES
3) Local Sheriff or their designee	William Morris, Sheriff Deputy	YES
4) District Attorney *or their designee*	Amber Davis Assistant District Attorney	NO
5) Chief Court Counselor *or their designee*	Linda Watts / Don Alexander Court Counselor / Chief	YES
6) Director, AMH/ DD/SA *or their designee*	Jim Southern, AMH	YES
7) Director DSS *or their designee*	Jay Burrus, Director DSS	YES
8) County Manager *or their designee*	Bonnie Bennett Friends of Youth	YES
9) Substance Abuse Professional	Melinda Mogowski, Substance Abuse Counselor	YES
10) Member of Faith Community	Tom Murphy Pastor Roanoke Island Pres. Church	YES
11) County Commissioner	Anna D. Sadler	
12) Person under age 21		
13) Juvenile Defense Attorney	Jeanine Evans Shuler Michael Outten & Graham	NO
14) Chief District Judge *or their designee*	Edgar Barnes, District Court Judge	NO
15) Member of Business Community	Bill Teague Nation's Bank	NO
16) Local Health Director *or their designee*	Ann Thomas Director Health Dept.	NO
17) Rep. United Way/other non-profit	Lynn Bryant Hotline	YES
18) Representative Parks and Rec.	Jerry Allen, Director Parks & Rec.	NO
19) County Commissioner appointee	Ray Davis, Kill Devil Hills Police Chief	YES
20) County Commissioner appointee	Nancy Griffin Student Services	YES
21) County Commissioner appointee	Kathy Kidde Hatteras Teen Association	YES
22) County Commissioner appointee	Liz Shaub School Nurse	YES
23) County Commissioner appointee	Sue Mosedale, PTA Council	YES
24) County Commissioner appointee	Virginia Tillett, COA	NO
25) County Commissioner appointee	Karen [illegible]	NO

Proposed Juvenile Crime Prevention Council

County: DURHAM Date: MARCH 8, 1999

Instructions: *N.C.G.A. 147-33.61(codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	DONNA SMITH, Asst. Supt. for Student Services	NO
2) Chief of Police	TERESA CHAMBERS, Chief of Police	NO
3) Local Sheriff or their designee		
4) District Attorney *or their designee*	RALPH STRICKLAND, Assistant District Attorney	NO
5) Chief Court Counselor *or their designee*	ARCHIE N. SNIPES, Chief Court Counselor	YES
6) Director, AMH/ DD/SA *or their designee*	STEVE ASHBY, Area Dir. for The Durham Center	NO
7) Director DSS *or their designee*	ARNOLD DENNIS, Asst. Dir., Family Self Sufficiency	YES
8) County Manager *or their designee*	DAVID THOMPSON, County Manager	NO
9) Substance Abuse Professional	PAUL SAVERY, Coordinator, Prevention Programs	YES
10) Member of Faith Community	PEGGY A. KERNODLE, Faith Community Educator	YES
11) County Commissioner	BECKY HERON, Commissioner	NO
12) Person under age 21		
13) Juvenile Defense Attorney		
14) Chief District Judge *or their designee*	ELAINE O'NEAL, District Court Judge	YES
15) Member of Business Community		
16) Local Health Director *or their designee*	GAYLE HARRIS, Director of Nursing	NO
17) Rep.United Way/other non-profit	KAREN THOMPSON, Non Profit Consultant	YES
18) Representative/Parks and Rec.		
19) County Commissioner appointee	TERRANCE R. TAYLOR, Community Volunteer	YES
20) County Commissioner appointee	KAREN EPP MORTIMER, Administrator	YES
21) County Commissioner appointee	WILLIE GIBSON, Social Worker	YES
22) County Commissioner appointee	CORRINNE A. MABRY, Retired School Administrator	YES
23) County Commissioner appointee	PAULETTA B. BRACY, Professor, NCCU	YES
24) County Commissioner appointee	MARY E. ROBINSON, Director of Nursing - Hospice	YES
25) County Commissioner appointee	GREGORY L. THOMAS, Aeronautical Engineer	YES

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Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Rosemary Mitchell Asst. Student Counselor	Yes
2) Chief of Police	Stony Battle, Detective	Yes
3) Local Sheriff or their designee	Shane Guyant, Detective	No
4) District Attorney *or their designee*	Larry Gulley, Asst. DA	No
5) ~~Chief~~ Court Counselor *or their designee*	Maxine Evans-Armwood	Yes
6) Director, AMH/ DD/SA *or their designee*	Shurett Rawling, Counselor	No
7) Director DSS *or their designee*	Sarah Taylor, Program Adm.	Yes
8) County Manager ~~*or their designee*~~	Joe Durham	Yes
9) Substance Abuse Professional	Dawn Gaylor	No
10) Member of Faith Community	William E. Smyth, Minister	No
11) County Commissioner	Charlie Harrell	No
12) Person under age 21	Jamie Stallings, Student	Yes
13) Juvenile Defense Attorney	Alison Boyette	No
14) Chief District Judge *or their designee*	John Harper, Jr.	Yes
15) Member of Business Community	Bruce Daughtry, Attorney	Yes
16) Local Health Director *or their designee*	Arlene Bunch, Nursing Director	Yes
17) Rep.United Way/other non-profit	Cynthia Perry, Director	Yes
18) Representative/Parks and Rec.	John Battle, Special Programs Coor.	Yes
19) County Commissioner appointee	Reginald Moss, Retired Principal	No
20) County Commissioner appointee	Faye Spruell, CMTA I	No
21) County Commissioner appointee	Doris Stith, C.E.O. Director	Yes
22) County Commissioner appointee	Lesa Walton, 4-H Agent	Yes
23) County Commissioner appointee	Karen Moore, Asst. Dir. Except. Child	Yes
24) County Commissioner appointee	Bobbie Noble, Co. Tri-County Home Coordinator	Yes
25) County Commissioner appointee	Lorenzo Carmon, Planning Director	No

Approved by County Commissioners 1-4-99

Edgecombe

NASH COUNTY

NASHVILLE, NORTH CAROLINA 27856

J. CLAUDE MAYO, JR., CHRM.
BOARD OF COMMISSIONERS

J. WAYNE DEAL
COUNTY MANAGER

VINCE DURHAM
ATTORNEY

WAYNE MOORE
CLERK TO BOARD

April 12, 1999

Mr. Jim Barbee
Office of Juvenile Justice
705 Palmer Dr.
Raleigh, North Carolina 27603

Dear Mr. Barbee:

The Nash County Board of Commissioners, meeting in regular session on January 4, 1999, appointed the following people to the Nash County Juvenile Crime Prevention Council.

1.	School Superintendent or designee	Stephanie Brown, Nash-Rocky Mount Schools
2.	Chief of Police	Stoney Battle, Rocky Mount Police Dept. ✗
3.	Local Sheriff	Sara Wiggins, Nash County Sheriff's Office ✗
4.	District Attorney or designee	
5.	Chief Court Counselor or designee	Pam Leggett, Juvenile Services - 7th Judicial District ✗
6.	Director of Mental Health or designee	Shurett Rawlings, Edgecombe-Nash Mental Health ✗
7.	Director of Social Services	Kay Radford, Nash County Dept. of Social Services ✗
8.	County Manager or designee	Wayne Deal, Nash County Manager
9.	Substance Abuse Professional	Joyce Hensleigh, Coastal Plain Hospital
10.	Member of faith community	
11.	County Commissioner	Fred Belfield, Nash County Commissioner ✗
12.	Person under 21	
13.	Juvenile Defense Attorney	Lamont Wiggins, Attorney at law - Rocky Mount ✗
14.	Chief District Judge or designee	Sarah Patterson, District Court Judge ✗
15.	Member of Business	
16.	Health Director	Bill Hill, Nash County Health Director
17.	United Way or non-profit	Shelly Jones, Big Brothers and Big Sister ✗
18.	Parks and Recreation	John Battle, City of Rocky Mount
19.	Member at large	Jerry W. Joplin, Assoc. Prof. - N.C. Wesleyan College ✗
20.	Member at large	Sandra Jones, Communities In Schools ✗
21.	Member at large	Larry Mitchell, BLET Director, Nash Community College ✗
22.	Member at large	Mike Shaw, OIC Contract Section ✗
23.	Member at large	Shelley Willingham, Down East Partnership for Children ✗
24.	Member at large	Lou M. Richardson, Nash County Commissioner
25.	Member at large	Loretta Braswell-Wiggins, City of Rocky Mount ✗

If additional information is needed, please advise.

Sincerely,

Wayne Moore
Clerk
Nash County Board of Commissioners

APR 1999
RECEIVED
Community Alternatives

WM:dp

Proposed Juvenile Crime Prevention Council

County: Forsyth Date: April 26, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Don Martin	NO
2) Chief of Police	Chief Linda Davis	YES
3) Local Sheriff or their designee	Ron Barker	NO
4) District Attorney *or their designee*	Pansy Glanton	NO
5) Chief Court Counselor *or their designee*	Walter Byrd	NO
6) Director, AMH/ DD/SA *or their designee*	Ron Morton	NO
7) Director DSS *or their designee*	Ann Hamilton	NO
8) County Manager *or their designee*	Graham Pervier	NO
9) Substance Abuse Professional	Angela Middleton	NO
10) Member of Faith Community	Seth O. Larty	NO
11) County Commissioner	Earline Parmon	NO
12) Person under age 21	Yolanda Bynum	NO
13) Juvenile Defense Attorney	Gary Tash	NO
14) Chief District Judge *or their designee*	Judge Chester Davis	NO
15) Member of Business Community	Gayle Anderson	NO
16) Local Health Director *or their designee*	Sherman Kahn	NO
17) Rep.United Way/other non-profit	Ron Drago	NO
18) Representative/Parks and Rec.	Denise Scott-Johnson	NO
19) County Commissioner appointee	Loretta Biggs	NO
20) County Commissioner appointee	Dean Clifford	NO
21) County Commissioner appointee	Estella De Micheal	NO
22) County Commissioner appointee	Jean Irvin	NO
23) County Commissioner appointee	Benny Murrill	YES
24) County Commissioner appointee	Willie Pearson	NO
25) County Commissioner appointee	Donna Rader	NO

Proposed Juvenile Crime Prevention Council

County: Guilford Date: 1/28/99

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	PAULINE BROWN, SOCIAL WORK SUPERVISOR	YES
2) Chief of Police	ROBERT C. WHITE	NO
3) Local Sheriff or their designee	SGT. RICHARD LAWRENCE	YES
4) District Attorney *or their designee*	JIM KIMEL	NO
5) Chief Court Counselor *or their designee*	DIANE CAMPBELL	NO
6) Director, AMH/ DD/SA *or their designee*	EMILY LATTA, CLINICAL SPECIALIST	NO
7) Director DSS *or their designee*	SUSAN OSBORNE, DIRECTOR, CHILDRENS SERV.	NO
8) County Manager *or their designee*	CAROL HOWARD, ADMINISTRATOR, COORD.SERV.	NO
9) Substance Abuse Professional	JACKIE BUTLER, COUNSELOR	NO
10) Member of Faith Community	REV. CARL MANUEL	YES
11) County Commissioner	JEFF THIGPEN	NO
12) Person under age 21	CANDACE BRESEE	NO
13) Juvenile Defense Attorney	EDWARD PHELPS	YES
14) Chief District Judge *or their designee*	JUDGE SHERRY ALLOWAY	YES
15) Member of Business Community	THOMAS WILSON	YES
16) Local Health Director *or their designee*	LYNNE BECK, SUPERVISOR, HEALTH EDUC.	YES
17) Rep.United Way/other non-profit	FRED NEWMAN, VP, UNITED WAY	NO
18) Representative/Parks and Rec.	JOHN HUGHES, DIRECTOR	YES
19) County Commissioner appointee	JOANNE SCHLAGINHAUFEN, RETIRED	YES
20) County Commissioner appointee	DEE SASSER, HIGH POINT UNIVERSITY COACH	YES
21) County Commissioner appointee	LAVONNE NAPPER, FOSTER PARENT	YES
22) County Commissioner appointee	JEFF MCINNIS, DIRECTOR, JUVENILE DET.CENTER	NO
23) County Commissioner appointee		
24) County Commissioner appointee		
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Halifax Date: March 1, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?	
1) School Superintendent *or their designee*	(Designee) Viola Vaughan, Halifax County Schools		
2) Chief of Police	O. Karl Clark, Chief Weldon Police		
3) Local Sheriff or their designee	Jeff Frazier, Halifax County Sheriff		
4) District Attorney *or their designee*	Bob Caudle, D.A.		
5) Chief Court Counselor *or their designee*	William Butch Parker, Chief Court Counselor		
6) Director, AMH/ DD/SA *or their designee*	Ellen Burnett, (Designee) Dir., Comm. Pgs.	X	X
7) Director DSS *or their designee*	Senthia Newsome (Designee) Social Worker	X	X
8) County Manager *or their designee*	Mary Ann Hinshaw, Deputy County Manager		
9) Substance Abuse Professional	Angie Richardson, Drug Elimation Coord.		
10) Member of Faith Community	John T. Smith, Pastor		
11) County Commissioner	Kenneth Brantley, Co. Commissioner		
12) Person under age 21	Lukus DeBrow, Student		
13) Juvenile Defense Attorney	M. Glynn Rollins, Jr., Attorney		
14) Chief District Judge *or their designee*	Honorable H. Paul McCoy, Chief Judge	X	X
15) Member of Business Community	David Crawley, General Mgr., Sharon Bill.		
16) Local Health Director *or their designee*	Patricia Harris, (Designee) Health Educator	X	X
17) Rep.United Way/other non-profit	Kevin Yearwood, Director Boys & Girls Club	X	X
18) Representative/Parks and Rec.	Joe Long, Director 4 H Camp, Extension Service	X	X
19) County Commissioner appointee	Pat Barnes (Designee) Appointee	X	X
20) County Commissioner appointee	Clarence High, Court Counselor	X	X
21) County Commissioner appointee	Sylvia Hughes, Bd of Ed. P.R. Appointee	X	X
22) County Commissioner appointee	Kathy Richardson, Appointee	X	X
23) County Commissioner appointee	Chris Wicker, Appointee	X	X
24) County Commissioner appointee	Doris Mack, Appointee	X	X
25) County Commissioner appointee	Sharon Harris Appointee		

Proposed Juvenile Crime Prevention Council

County: Bertie Date: 12-15-98

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	James Heckstall Thomas Ruffin	Yes No
2) Chief of Police	Tony Northcott, Chief Aulander Police	No
3) Local Sheriff or their designee	Greg Atkins, Sheriff	No
4) District Attorney *or their designee*	David Beard, DA 6B OR Jamal Summey, Asst. DA	No/No
5) Chief Court Counselor *or their designee*	Ann Mobley	Yes
6) Director, AMH/ DD/SA *or their designee*	Sherry Davis-Ransome, R-C Human Svc.	Center Yes
7) Director DSS *or their designee*	Morris Rascoe, Social Services Dir.	Yes
8) County Manager *or their designee*	Jack Williford, County Manager	Yes
9) Substance Abuse Professional	Sherry Davis-Ransome, R-C Human Svc.	Center Yes
10) Member of Faith Community	Mildren Wilson, Pastor Chris Lee, Pastor Capeharts Baptist	Yes No
11) County Commissioner	Elbert R. Bryant, Vice Chairman/Comm.	No
12) Person under age 21		
13) Juvenile Defense Attorney	Lewis Hoggard, Criminal Defense Attny.	No
14) Chief District Judge *or their designee*	Alfred W. Kwasikpui Chief Dist. Court Judge 6B Thomas R.J. Newbern District Court Judge	No No
15) Member of Business Community	Heidi Bonislawski	No
16) Local Health Director *or their designee*	Judy Hoggard	Yes
17) Rep.United Way/other non-profit	Bettina P. Odom	Yes
18) Representative/Parks and Rec.	O. Wint Hale, Commissioner Town Windsor	No
19) County Commissioner appointee		
20) County Commissioner appointee		
21) County Commissioner appointee		
22) County Commissioner appointee		
23) County Commissioner appointee		
24) County Commissioner appointee		
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Hertford Date: January, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Dr. Steve Stone, Superintendent	
2) Chief of Police	Steve Hoggard, Chief of Police (Ahoskie)	
3) Local Sheriff or their designee	Juan Vaughan, Sr., Sheriff	
4) District Attorney *or their designee*	David Beard, District Atty.	
5) Chief Court Counselor *or their designee*	Craig Freidman, Court Counselor	Yes
6) Director, AMH/ DD/SA *or their designee*	Joe Jenkins, Director	
7) Director DSS *or their designee*	Janna Rountree - Designee, Child Protective	
8) County Manager *or their designee*	Donald C. Craft, County manager	
9) Substance Abuse Professional	Cham Trowell - Mental Health	
10) Member of Faith Community	Rev. John Barnes, Reverend.	
11) County Commissioner	Curtis Freeman, County Commissioner.	
12) Person under age 21		
13) Juvenile Defense Attorney	Vernice B. Howard, Atty.	
14) Chief District Judge *or their designee*	Judge Rob Lewis, District Judge	
15) Member of Business Community	Nancy Freeman, mobile Home Business	Yes
16) Local Health Director *or their designee*	Johnnie Manley - Designee, Coordinator	Yes
17) Rep.United Way/other non-profit	Lillie Owens-White, Telamon Corp.	Yes
18) Representative/Parks and Rec.		
19) County Commissioner appointee	Attached list of Current YSAC Board	
20) County Commissioner appointee	Members appointed by Commissioners	
21) County Commissioner appointee	Connie Hicks, Appointee	yes
22) County Commissioner appointee	Susan Early, Appointee	yes
23) County Commissioner appointee	Katie Lee, Appointee	yes
24) County Commissioner appointee	Leigh Piland, Appointee	yes
25) County Commissioner appointee	Carolyn Liserman, Appointee	yes
	Annie Tucker, Appointee	yes
	Helen Curle, Appointee	yes.
	Ann Caulkins, Appointee	yes.

Proposed Juvenile Crime Prevention Council

County: Northampton Date: January 19, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Susie B. Strickland	No
2) Chief of Police	Chief Donald Ryan	Yes
3) Local Sheriff or their designee	Lt. Sheldon Skinner	No
4) District Attorney *or their designee*	Tonya Lacewell Turner	No
5) Chief Court Counselor *or their designee*	William "Butch" Parker	No
6) Director, AMH/ DD/SA *or their designee*	Darlene Britton	No
7) Director DSS *or their designee*	Alice D. Pope	Yes
8) County Manager *or their designee*	William Earl Daniels	No
9) Substance Abuse Professional	(Declined)	--
10) Member of Faith Community	Rev. Heath Lloyd	No
11) County Commissioner	Vernon Carter	No
12) Person under age 21	Gregory Houston	No
13) Juvenile Defense Attorney	Monique Skinner	No
14) Chief District Judge *or their designee*	Judge Alfred Kwasikpui	No
15) Member of Business Community	Yvonne Gatling	No
16) Local Health Director *or their designee*	Hallie Peace	Yes
17) Rep.United Way/other non-profit	Doris Faison	No
18) Representative/Parks and Rec.	(Declined)	No
19) County Commissioner appointee	Joyce Scott	No
20) County Commissioner appointee	Gilbert Harding	Yes
21) County Commissioner appointee	Jackie Parker	Yes
22) County Commissioner appointee	Gloria Lee	Yes
23) County Commissioner appointee	Constance Buffaloe	Yes
24) County Commissioner appointee	Fannie Greene	Yes
25) County Commissioner appointee	Beverly Phillips	Yes

Proposed Juvenile Crime Prevention Council

County: HENDERSON Date: February 18, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Kohlan J. Flynn/Asst. Supt of Schools	No
2) Chief of Police	John Moss/Chief of Police-Town of Fletcher	No
3) Local Sheriff or their designee	Ben McKay-Erik Summey/Sheriff's Dept.	No
4) District Attorney *or their designee*	Jeff Hunt/District Attorney	No
5) Chief Court Counselor *or their designee*	Richard LaGrange/Chief Court Counselor	Yes
6) Director, AMH/ DD/SA *or their designee*	Polly Penland/Trend Mental Health Child & Family Serivces	Yes
7) Director DSS *or their designee*	Karen Couch/Dept. of Social Services	No
8) County Manager *or their designee*	David E. Nicholson/County Manager	No
9) Substance Abuse Professional	Ben Bentley/Trend Mental Health Substance Abuse Counselor	No
10) Member of Faith Community		
11) County Commissioner	Renee Kumor/County Commissioner	No
12) Person under age 21		
13) Juvenile Defense Attorney	Scott Shelton/Juvenile Defense Attorney	Yes
14) Chief District Judge *or their designee*	Robert Cilley/Chief Dist. Court Judge	No
15) Member of Business Community		
16) Local Health Director *or their designee*	Sheila Devine/Health Dept.-School Nurse	No
17) Rep.United Way/other non-profit	Jim Rasmussen/United Way Board Member	No
18) Representative/Parks and Rec.	Tim Hopkin/Senior Athletic Supervisor	Yes
19) County Commissioner appointee	Ellen Moss/Soil Conservation Service	Yes
20) County Commissioner appointee	Leon Hill, ~~[illegible]~~ Dir. Boys & Girls	yes
21) County Commissioner appointee		
22) County Commissioner appointee		
23) County Commissioner appointee		
24) County Commissioner appointee		
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Mecklenburg Date: March 2, 1999

Instructions: N.C.G.A 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent or their designee	Judy Emken, Court Liaison	Yes
2) Chief of Police (designee)	H. Craig Honeycutt, Captain – Family Services Bureau	No
3) Local Sheriff or their designee	James Pendergraph, Sheriff	No
4) District Attorney or their designee	Ann Gleason, Supervisor – Juvenile Court Division	No
5) Chief Court Counselor or their designee	Laura McFern, Chief Court Counselor	Yes
6) Director, AMH/DD/SA or their designee	Peter Safir, Director – Area Mental Health	No
7) Director DSS or their designee	Richard W. Jacobsen, Jr., Director – Department of Social Services	No
8) County Manager or their designee	Harry L. Jones, Sr., Assistant County Manager	No
9) Substance Abuse Professional	Charles Odell, Adolescent Substance Abuse Counselor	No
10) Member of Faith Community	Chaplin David Irish, Pastor – Hillcrest Baptist Church	No
11) County Commissioner	Margaret Markey, County Commissioner	Yes
12) Person under age 21	D'Najah Pendergrass - Student – Harding High School	No
13) Juvenile Defense Attorney	Phillip H. Redmond, Jr., Executive Director of the Children's Law Center	No
14) Chief District Judge or their designee	Resa Harris, District Court Judge	No
15) Member of the Business Community	Kerry Flye, Secretary – Professional Control Resources, Inc.	Yes
16) Local Health Director or their designee	Peter Safir, Public Health Director	No
17) Rep. United Way/other non-profit	Katharin Brink, Vice President for Community Planning	No
18) Representative/Parks and Recreation	Marilyn Gibson, Therapeutic Recreation Coord. for Mecklenburg Co. P&R	No
19) County Commissioner appointee	Angela Jeter, Citizen	Yes
20) County Commissioner appointee	Evelyn Brawley, Citizen	Yes
21) County Commissioner appointee	Pat King, Citizen	Yes
22) County Commissioner appointee	Richard D. Kingsberry, Citizen	Yes
23) County Commissioner appointee	Stephen Raburn, Citizen	Yes
24) County Commissioner appointee	Tom Barry, Citizen	Yes
25) County Commissioner appointee	Sue Johnson, Citizen	Yes
26) County Commissioner appointee	Larry King, Director – Council for Children	No

Proposed Juvenile Crime Prevention Council

County: Onslow Date: January 25, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. I the far right column, indicate "yes" or "no" whether the person named served o the Youth Services Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Diversion of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members(G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Joseph Jones - School Social Worker	YES
2) Chief of Police	H.C. Pugliese - Swansboro Chief	NO
3) Local Sheriff *or their designee*	Det. Brent Maready - Juvenile Div.	YES
4) District Attorney *or their designee*	Carol Jones - Assistant D.A.	NO
5) Chief Court Counselor *or their designee*	Rusty Brown - Juvenile Court Counselor	YES
6) Director, AMH/DD/SA *or their designee*	Dee Thomas - Children's Services, Social Worker III	NO
7) Director DSS, *or their designee*	Loretta Ellis, Program Manager	NO
8) County Manager, *or their designee*	Shauna Brown - Deputy Clerk to the Board	NO
9) Substance Abuse Professional		
10) Member of Faith Community	Rev. William McCoy - Director Second Chance Mission of Hope	NO
11) County Commissioner	Paul Starzynski - County Commissioner	NO
12) Person under the age 21		
13) Juvenile Defense Attorney	Margaret Cloutier - Attorney	NO
14) Chief District Judge *or their designee*	William Cameron III, Dist. Court Judge	NO
15) Member of the Business Community	Shelby Jones - Magistrate & Owner of Jacksonville Net	YES
16) Local Health Director *or their designee*		
17) Rep. United Way/other non-profit	Finney Greggs - Director American Red Cross	NO
18) Representative/Parks and Rec.	Mac Sligh - Dir. Onslow County Parks & Recreation	NO
19) County Commissioner appointee	Det. Daisy Haywood - Juvenile Det. JPD	NO
20) County Commissioner appointee	Beverly Goodson - JTPA Coordinator	YES
21) County Commissioner appointee	Bob Zambron - Juvenile Investigator Camp lejeune, NC	YES
22) County Commissioner appointee	Cindy Ferrell - Marketing Director, Brynn Marr Hospital	YES
23) County Commissioner appointee	Kathy Brown - Owner, Kaleidoscope Salon & Guardian Ad-litem	NO
24) County Commissioner appointee	Valerie Collins - Dir. Governor's One On One Program	YES
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Duplin Date: 1-12-1999

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Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Dr. Austin Carter, Assistant Sup.	yes
2) Chief of Police	Mike O'Connel, Chief	no
3) Local Sheriff or their designee	Eva Guidani, Crime Prevention	yes
4) District Attorney *or their designee*	Carol Jones, Assistant DA	no
5) Chief Court Counselor *or their designee*	George Ashley, Chief Court Councelor	yes
6) Director, AMH/ DD/SA *or their designee*	Thomasine Kennedy, Assistant Direct.	no
7) Director DSS *or their designee*	Nanette Smith, Supervisor	yes
8) County Manager *or their designee*	Sheila Futrell, Acct./Purchasing	yes
9) Substance Abuse Professional	Thaddeus Wiener, Director	no
10) Member of Faith Community	Rev. Chris Singleton	yes
11) County Commissioner	H. C. Powers, Chairman	no
12) Person under age 21	Pending	
13) Juvenile Defense Attorney	Melissa Blizzard, Attorney	no
14) Chief District Judge *or their designee*	Stephen Williamson, Chief Judge	no
15) Member of Business Community	William McCuiston	no
16) Local Health Director *or their designee*	Elizabeth Spender, Health Educator	yes
17) Rep.United Way/other non-profit	Laney Best, Director Arts Council	yes
18) Representative/Parks and Rec.	Pending	
19) County Commissioner appointee	Adrian Gaskins, Extension Agent	yes
20) County Commissioner appointee	Lucille Blizzard, Director Youth Ct	yes
21) County Commissioner appointee	Sarah Johnson, Retired Social Worker	yes
22) County Commissioner appointee	Ruby Brinson, Retired Teacher	yes
23) County Commissioner appointee	Pending	
24) County Commissioner appointee	Pending	
25) County Commissioner appointee	Pending	

Proposed Juvenile Crime Prevention Council

County: SAMPSON COUNTY Date: 2/18/99

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Tommy Daughtry, Sampson County Schools Terrace Miller, Clinton City Schools	N
2) Chief of Police	Marshall Evans, Clinton City Police Chief	N
3) Local Sheriff or their designee	C. L. (Buck) McCullen, Sheriff	Y
4) District Attorney *or their designee*	Henry Stevens, Assistant District Attorney	N
5) Chief Court Counselor *or their designee*	Bob Riddle, Chief Court Counselor	Y
6) Director, AMH/ DD/SA *or their designee*	Thomasine Kennedy, Assistant Director	N
7) Director DSS *or their designee*	Mary Margaret Hobbs, Social Work Supervisor II	Y
8) County Manager *or their designee*	Sylvia S. Blinson, Finance Officer	Y
9) Substance Abuse Professional	Linda Bradley, Substance Abuse Counselor	N
10) Member of Faith Community	Charles Ray Jernigan, Reverend	N
11) County Commissioner	Larry M. Bell, Commissioner	N
12) Person under age 21	Marcus Smith	N
13) Juvenile Defense Attorney	Bob Griffith	N
14) Chief District Judge *or their designee*	Leonard Thagard, 4th District Court Judge	N
15) Member of Business Community	Nate Bell	N
16) Local Health Director *or their designee*	Wanda Robinson, Acting Health Director	N
17) Rep.United Way/other non-profit	Laura Aponte, Tri County Health Center	Y
18) Representative/Parks and Rec.	Eddie Parker, Clinton-Sampson Parks & Recreation	Y
19) County Commissioner appointee	Darold Cox, Sampson County Sheriff's Dept.	Y
20) County Commissioner appointee	Vickie Cogdell, Sampson County Head Start	Y
21) County Commissioner appointee	Iris Lucas	Y
22) County Commissioner appointee	Jan Johnson, Sampson County Child Support	Y
23) County Commissioner appointee	Vickie Edwards	N
24) County Commissioner appointee	Billy F. Jackson	N
25) County Commissioner appointee	Kennie Buchanon	N

Proposed Juvenile Crime Prevention Council

County: Rockingham Date: April 1, 1999

Instructions: *N.C.G.A. 147-33.61(codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Dr. Jean Steverson, Assoc Supt	Yes
2) Chief of Police	Capt. Perry Webster, Captain	Yes
3) Local Sheriff or their designee	Sam Page, Sheriff	No
4) District Attorney *or their designee*	Belinda Foster, D.A.	No
5) Chief Court Counselor *or their designee*	Ranae Barker, Chief Ct. Counselor	Yes
6) Director, AMH/ DD/SA *or their designee*	Bill Witherspoon, Director	No
7) Director DSS *or their designee*	Martha Woodlieff, Social Worker	Yes
8) County Manager *or their designee*	Eugene Russell, Co. Attorney	Yes
9) Substance Abuse Professional	TBA	
10) Member of Faith Community	Rev. Clarence Johnson	No
11) County Commissioner	H. Winfred Hoover	No
12) Person under age 21	TBA	
13) Juvenile Defense Attorney	TBA	
14) Chief District Judge *or their designee*	Honorable Richard Stone Chief Judge	No
15) Member of Business Community	Clay Barham	Yes
16) Local Health Director *or their designee*	Jolynne Welch, Nurse	Yes
17) Rep.United Way/other non-profit	Celeste DePriest, Dir. Best Friends	Yes
18) Representative/Parks and Rec.	TBA	
19) County Commissioner appointee	Gwen Lanza, Counselor Schools	Yes
20) County Commissioner appointee	Terry Kent, Counselor Community	Yes
21) County Commissioner appointee	Peggy Lewis, 4H Agent	Yes
22) County Commissioner appointee	Teresa Price, Dir. Youth Services	Yes
23) County Commissioner appointee	Elizabeth Munson, Coord. Teen Court	Yes
24) County Commissioner appointee	Debbie Akers, Counselor Schools	Yes
25) County Commissioner appointee	Honorable Frederick Wilkins, Judge	No

Proposed Juvenile Crime Prevention Council

County: STOKES Date: 02/15/99

Instructions: *N.C.G.A. 147-33.61(codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	JANE WILLIAMS, STOKES COUNTY SCHOOLS	YES
2) Chief of Police	WAYNE WELCH, KING POLICE DEPARTMENT	YES
3) Local Sheriff or their designee	JAMES L. KARNES, JR., DETECTIVE	YES
4) District Attorney *or their designee*	JOHN MCGRATH, ASSISTANT DISTRICT ATTORNEY	YES
5) Chief Court Counselor *or their designee*	LAURA BUSHONG, COURT COUNSELOR	YES
6) Director, AMH/ DD/SA *or their designee*	KERRY MACLEOD, CENTERPOINT	YES
7) Director DSS *or their designee*	SHARON SCOTT, SUPERVISOR	YES
8) County Manager *or their designee*	DARLENE BULLINS, STOKES CO. ADMINISTRATION	YES
9) Substance Abuse Professional	BECKY HOWELL, COUNSELOR STEP ONE	YES
10) Member of Faith Community	GERALD JONES, ASSISTANT PRINCIPAL	NO
11) County Commissioner	STEVEN BRENNEIS, COUNTY COMMISSIONER	NO
12) Person under age 21	KYLE CARDWELL, STOKES COUNTY STUDENT	NO
13) Juvenile Defense Attorney	BRAD DUNLAP, ATTORNEY	NO
14) Chief District Judge *or their designee*	KATHY KISER, DEPUTY CLERK OF COURT	YES
15) Member of Business Community	LARRY SNYDER, BUSINESSMAN	NO
16) Local Health Director *or their designee*	COLLEEN BRIDGERS, STOKES FAMILY HEALTH	YES
17) Rep.United Way/other non-profit	CLYDE STEWART, STOKES FRIENDS OF YOUTH	YES
18) Representative/Parks and Rec.	KEN LYDA, DIRECTOR STOKES YMCA	NO
19) County Commissioner appointee		
20) County Commissioner appointee		
21) County Commissioner appointee		
22) County Commissioner appointee		
23) County Commissioner appointee		
24) County Commissioner appointee		
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Surry

Date: 02-15-99

Instructions: N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbs Building, 205 Palmer Drive, Raleigh, NC 27603-2286.

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent or their designee	Lydia Lovell ALT. SCHOOL DIR.	Yes
2) Chief of Police	Kay Collins SCHOOL RESOURCE OFF.	Yes
3) Local Sheriff or their designee	Graham Atkinson DARE OFFICER	Yes
4) District Attorney or their designee	John McGrath ASST DIST. ATT.	No
5) Chief Court Counselor or their designee	Jack Moore CHIEF COURT COUNSELOR	Yes
6) Director, AMH/ DD/SA or their designee	Kaye McCormick THERAPIST	Yes
7) Director DSS or their designee	Gary White SOCIAL WORKER	Yes
8) County Manager or their designee	Betty Smith CONCERNED CITIZEN	Yes
9) Substance Abuse Professional	Paul Kelly DIR. SUBSTANCE ABUSE	Yes
10) Member of Faith Community	Nancy Buck MEMBER OF AREA CHURCH	Yes
11) County Commissioner	GARY YORK COUNTY COMM.	No
12) Person under age 21	Aaron Thompson STUDENT	Yes
13) Juvenile Defense Attorney	Steve Dearmin ATTORNEY	No
14) Chief District Judge or their designee	Mike Hoyng ADULT PROBATION SUPER.	Yes
15) Member of Business Community	Jim Forrest PRES. OF AREA BUSI.	Yes
16) Local Health Director or their designee	Catrina Smith SOCIAL WORKER	Yes
17) Rep. United Way/other non-profit	Clyde Stewart DIR. SURRY FRIENDS	Yes
18) Representative/Parks and Rec.	Fonda Younger SURRY CO. REC. DIR.	Yes
19) County Commissioner appointee	Beth Hinshaw SCHOOL SOCIAL WORKER	Yes
20) County Commissioner appointee	Rithie Nance GUIDANCE COUNSELOR	Yes
21) County Commissioner appointee	Rusty Slate INTAKE COUNSELOR	Yes
22) County Commissioner appointee	Carolyn Johnson CO-OP EXTENTION	Yes
23) County Commissioner appointee	Carston Bolthouser STUDENT	Yes
24) County Commissioner appointee	J. T. Henson COLLEGE INSTRUCTOR	Yes
25) County Commissioner appointee	Ralena Molnar STUDENT	Yes

Proposed Juvenile Crime Prevention Council

County: Yadkin Date: 1-25-99

Instructions: *N.C.G.A. 147-33.61(codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Anne Willard / Social Worker	Yes
2) Chief of Police	Tim Parks / Chief of Police	No
3) Local Sheriff or their designee	Mike Cain / Sheriff	No
4) District Attorney *or their designee*	Tom Horner / District Attorney	No
5) Chief Court Counselor *or their designee*	Thomas Kilby / Chief Court Counselor	Yes
6) Director, AMH/ DD/SA *or their designee*	Deborah Nunn / Director	No
7) Director DSS *or their designee*	Monta Davis-Oliver, Supv. Soc. Worker	No
8) County Manager *or their designee*	Cecil Wood / County Manager	No
9) Substance Abuse Professional	Stephanie Johnson / Counselor	Yes
10) Member of Faith Community	James Tatum / Minister	Yes
11) County Commissioner	Tommy Brandon / County Commissioner	No
12) Person under age 21	Jon Norman, Student	Yes
13) Juvenile Defense Attorney	Lora Greene / Attorney	
14) Chief District Judge *or their designee*	Jeanie Houston/District Court Judge	No
15) Member of Business Community	Bobby Todd / Director of Commerce	No
16) Local Health Director *or their designee*	Gayle Brown / Director	Yes
17) Rep.United Way/other non-profit	Amy Watson / Director	No
18) Representative/Parks and Rec.	Phil Martin / Director	No
19) County Commissioner appointee	Jack Henderson, Retired Sheriff	No
20) County Commissioner appointee	Phyllis Barnes, Retired Teacher, concerned citizen	Yes
21) County Commissioner appointee	Mary Owens / Domestic Violence	Yes
22) County Commissioner appointee	Woodie Gough / Teaching Parent	No
23) County Commissioner appointee	Eddie Norman, Personnel, Dir. UNiFi, Inc	No
24) County Commissioner appointee		
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

COUNTY: Iredell

Date: January 20, 1999

	Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
	1.*School Supt. or designee	Elizabeth Schank Mooresville Graded School District Curriculum Director 6-12	no
	1. *School Supt. or designee	Brenda Wilson Iredell Statesville School System Director of Health Education	no
2.	3. Chief of Police	John Crone, Chief of Police Town of Mooresville	no
3.	4. Local Sheriff	Phil Redmond, Sheriff	no
4.	5. District Attorney or designee	Lynn Gullett, Assistant DA	no
5.	6. Chief Court Counselor or designee	Carl Duncan, Chief Court Counselor	Yes
6.	7. Director,AMH/DD/SA or designee	David Crosby, Site Director Crossroads Behavioral Healthcare	Yes
7.	8. Director of DSS or designee	Pat Snider, Social Work Supv. III	Yes
8	9. County Manager or designee	Joel Mashburn, County Manager	
9.	10. Substance Abuse Professional	Tom Carter, Certified Substance Abuse Counselor/Crossroads Behavioral Healthcare	no
10.	11. Member of Faith Community	Rev. Lonnie Barnes, Shearer Presbyterian Church	no
11.	12. County Commissioner	Steve Johnson, Vice Chairman Iredell County Commissioners	no
12.	13. Person under age of 21	WILL FORWARD NAME - WHEN FILLED	
13.	14. Juvenile Defense Attorney	Joe Crosswhite, Attorney at Law	no
14.	15. Chief District Judge or designee	Sam Cathey, Chief District Judge	no
15.	16. Member of Business Community	Mason McCullough, President/Publisher The *County News* publication	Yes
16.	17. Local Health Director or designee	Ray Rabe, Health Director	no
17.	18. United Way/or nonprofit	Robert Castle, Adolescent Therapist The Counseling Center	Yes
18.	19. Representative/Parks and Recreation	Kim Gallyon, Director Iredell County Recreation	no
19.	20. County Commissioner Appointee	Sherri Lott, Director Guardian ad Litem Program	Yes
20.	21. County Commissioner Appointee	Tip Nicholson, YMCA of Iredell County Executive Director	no

*Note: Iredell County has two separate school systems

Proposed Juvenile Crime Prevention Council

County: Transylvania Date: 2/19/99

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC?
1) School Superintendent *or their designee*	Dr. Terry Holliday School Superintendent	no
2) Chief of Police	Dennis Wilde, Chief of Police	no
3) Local Sheriff or their designee	Bobby Orr Sheriff	no
4) District Attorney *or their designee*	Beth Dierauf, D.A. designee	no
5) Chief Court Counselor *or their designee*	Susan Oates, Chief Court Counselor	yes
6) Director, AMH/ DD/SA *or their designee*	Judith West, Director of Trend	yes
7) Director DSS *or their designee*	Carson Griffin, Director of DSS	yes
8) County Manager *or their designee*	Arthur C. Wilson, Jr., county manager	no
9) Substance Abuse Professional	Vickie Collett, Substance Abuse Prof.	no
10) Member of Faith Community	Shelly Webb, member of faith comm.	no
11) County Commissioner	Marla Cilley, county commissioner	no
12) Person under age 21	Aaron Aiken, under 21	no
13) Juvenile Defense Attorney	Stephen Novak, juvenile defense att.	no
14) Chief District Judge *or their designee*	Dorene Mahoney, Clerk of Court	no
15) Member of Business Community	MIKE Tinsley, manager of business	no
16) Local Health Director *or their designee*	Terry Pierce, local health director	no
17) Rep.United Way/other non-profit	Cyndy Mann, director of United Way	no
18) Representative/Parks and Rec.	Rick Pangle, director, Parks/Rec.	no
19) County Commissioner appointee	John Fenner, Director, Dispute Settlement Center	yes
20) County Commissioner appointee	Martha Owen, Rehab. Services	yes
21) County Commissioner appointee	Ernest Gilstrap, retired magistrate	no
22) County Commissioner appointee	Jerry Stone, camp director	yes
23) County Commissioner appointee	Cal Cooper, county finance director	yes
24) County Commissioner appointee	Eddie Lance, school resource officer	no
25) County Commissioner appointee		

Proposed Juvenile Crime Prevention Council

County: Vance

Date: April 12, 1999

Instructions: *N.C.G.A. 147-33.61 (codified version) specifies suggested community members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. In the middle column below, please indicate the person appointed to serve in each category and their title. In the far right column, indicate with "yes" or "no" whether the person named served on the Youth Service Advisory Council (YSAC). Return this form ASAP to the Office of Juvenile Justice, c/o the Division of Youth Services, Dobbin Building, 705 Palmer Drive, Raleigh, NC 27603-2266.*

	Specified Members (G.S. 147-33.61)	Name/Title of Person	Member YSAC
	1) School Superintendent *or their designee*	Wayne Adcock, Superintendent	No
	2) Chief of Police	Glenn Allen, Chief of Police	No
	3) Local Sheriff or their designee	Sheriff R. Thomas Breedlove	Yes
*	4) District Attorney *or their designee*	Quon Bridges, Assistant D.A.	No
	5) Chief Court Counselor *or their designee*	Sherman Wilson, Chief Court Counselor	Yes
	6) Director, AMH/ DD/SA *or their designee*	Alex Fonville, MH Supervisor	Yes
*	7) Director DSS *or their designee*	Vernon Brown, DSS Social Worker	Yes
*	8) County Manager *or their designee*	Weldon Bullock, Child Abuse Detective	Yes
	9) Substance Abuse Professional	Joe Mattiocci, Sub. Abuse Counselor	No
	10) Member of Faith Community	Rev. Frank Sossamon	Yes
*	11) County Commissioner	Clarence V. Knight	Yes
*	12) Person under age 21	Shondrell Green	No
*	13) Juvenile Defense Attorney	Carolyn Yancey	No
	14) Chief District Judge *or their designee*	Judge Weldon Lloyd	No
	15) Member of Business Community	Meredith Cheatham, CPA	No
	16) Local Health Director *or their designee*	Frances Sutton, PH Liaison	No
	17) Rep.United Way/other non-profit	Susan Gill, Adolescents Coalition	No
	18) Representative/Parks and Rec.	Alan Gill, Recreation Director	No
*	19) County Commissioner appointee	Lonnie Davis, City Councilman	Yes
*	20) County Commissioner appointee	Gladys Washington	Yes
	21) County Commissioner appointee	Bryan Hoover	No
	22) County Commissioner appointee	Karenmarie Bryant	Yes
	23) County Commissioner appointee	Ann Hoyle	Yes
	24) County Commissioner appointee	Jane Meekins	Yes
	25) County Commissioner appointee	Lee Faulkner	Yes

* Minority

VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/11/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Beverly Hester	Women's and Children's Health
[illegible]	NCAA
Peg Dorer	Conference of D.A.s
W A Hoggard	DOJ
Melissa Lavell	DOJ
Sharon Fleming	OJJ
Duwayne Patterson	OJJ
[illegible]	OJJ
Bill Wilson	NCAE
Tammy Lester	FRD
Patrick Rankin	NCACC
C Porter	Bone & Associates
AL DEITCH	DOA/NAID
Joe McClean	Legislative Law E & Comm

VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/11/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paula A. Wolf	Covenant w/NC's Children
Ed Taylor	OJJ
Ken Howell	Gov's office

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday May 13, 1999 8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Discussion of House Bills:

- HB 526 District 15A Assistant District Attorney Funds (Rep. Allred)
- HB 767 Divide District 7 (Rep. Fitch)
- HB 1117 New Hanover / Pender Judicial Districts (Rep. Wright)
- HB 1439 Fund for Boys and Girls Clubs (Rep. Hardaway)
- HB 1455 Eckerd Youth Camp Funds (Rep. Nesbitt)

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

VISITOR REGISTRATION SHEET

V & A.S. House — 5-13, 1999

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Benson	The Capitol Group
Patsy Kinsey	JN Pease Charlotte
Gardner [illegible]	Gov. Office
Melissa Lowell	DOJ
Reg Dover	
[illegible]	NCDOA
BILL SLOGGIN	NC BAR ASSOC
[illegible]	NCAG
[illegible]	OSTM

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

(Name of Committee)

May 13, 1999															
DATES															
Rep. Kinney, Chair	✓														
Rep. McCrary, Chair	✓														
Rep. Culpepper, Chair	✓														
Rep. Thomas, Vice Chair	✓														
Rep. Clary															
Rep. Haire	✓														
Rep. Horn	✓														
Rep. Justus	✓														
Rep. Kiser	✓														
Rep. Sexton	✓														
Senate Members															
Sen. Luther Jordan															
Sen. Frank Ballance															
Sen. Tony Rand															
Sen. John Carrington															
Sen. Don East															
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

MINUTES OF JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
Thursday May 13, 1999 – 8:30

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the Committee attending are Representative Paul McCrary, Co-Chairman, Representative Bill Culpepper, Co-Chairman, presiding; also attending Rep. Ted Kinney, Rep. Scott Thomas, Rep. Phillip Haire, Rep. Jim Horn, Rep. Larry Justus, Rep. Joe Kiser and Rep. Wayne Sexton.

Co-Chairman Culpepper called the meeting to order and announced that the Committee will be looking at five Bills this morning. The Co-Chairman then recognized the pages in attendance.

Co-Chairman Culpepper recognized Representative Hardaway to discuss his Bill with the Committee **House Bill 1439 Fund for Boys and Girls Clubs.**

Representative Hardaway stated that this Bill he is sponsoring **would establish a Pilot Program for Boys and Girls Clubs in North Carolina to prevent Juvenile Delinquency**.(See Attached) Rep. Hardaway also shared with the Committee that there is a Federal component, that the Federal Government has passed legislation a couple of years ago which established a goal of 25 hundred Boys and Girls Clubs throughout the country by the year 2000. These funds are being distributed pursuent to applications and grants made to the Department of Justice in Washington. Representative Hardaway stated that this Bill would go hand in glove with this and give us a State component.

Representative Hardaway finished by saying he would appreciate a favorable report by the Committee.

Co-Chairman Culpepper then recognized Representative Thomas Wright who is sponsoring **House bill 1117**, New Hanover Pender Judicial Districts. Representative Wright shared with the Committee that this is a Bill to **Divide Superior Court District 5**

Into a Set of Districts. Fiscal Research stated that there would not be any real fiscal impact the only potential impact would maybe be on the Board of Elections, if the elections were set up differently.(See Attached)

Co-Chairman Culpepper recognized Representative Cary Allred. Representative Allred is Sponsoring **House Bill 526, 15A Assist. District Attorney/Funds** which have been requested by the District Attorneys asking for two District Attorneys in Hanover County.
The Appropriations (See Attached)

Co-Chairman Culpepper then announced that the Bill sponsors for the other two Bills were not present so Jim Mills from Fiscal Research shared with the Committee House **Bill 1455, Eckerd Youth Camp Funds**, Rep. Nesbitt is sponsoring this Bill. The Bill is to Appropriate Funds the sum of three hundred one thousand three hundred fourteen dollars ($301,314) for the 1999-2000 and 2000-2001.(See Attached)

Co-Chairman Culpepper continued with the last Bill, **House Bill 767 Divide District 7.** Sponsored by Representative Toby Fitch. Charles from Fiscal Research explained to the Committee that this Bill would divide the existing District 7 into 7A and 7B(See Attached) which is currently Nash, Edgecombe and Wilson, that it would put Nash on its own and have Edgecombe and Wilson be in another District. Each district court district would have the numbers of judges as set forth in the Attachment. There is an appropriation for this Bill the sum of $210,000 for the 1999-2000 fiscal year and $280,000 for the 2000-2001 fiscal year to implement the provisions of this act.(See Attached)

Co-Chairman Culpepper asked the Committee if there was any other business the meeting then stood Adjourned.

Respectively Submitted,

Bill Culpepper

Rep. Bill Culpepper, Co-Chairman

Barbara A. Berry

Barbara A. Berry, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1439

Short Title: Funds for Boys and Girls Clubs. (Public)

Sponsors: Representatives Hardaway; Cunningham, Boyd-McIntyre, Wright (Primary Sponsors), Bonner Braswell, Earle, Wainwright, and Yongue.

Referred to: Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM FOR BOYS AND GIRLS CLUBS TO PREVENT JUVENILE DELINQUENCY AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

Section 1. The Office of Juvenile Justice shall develop a pilot program that grants funds to the local organizations of the Boys and Girls Club in the 10 counties with the highest rate of juvenile delinquency. The local organization shall provide funds to match the State funds granted pursuant to this section. In developing the program, the Office shall establish criteria for receiving a grant pursuant to this section and shall develop a funding strategy to encourage local organizations to provide resources and services to meet the physical, emotional, and educational needs of juveniles who are at risk of becoming delinquent or undisciplined, and to their families. The Office shall consider requiring local organizations that receive grant funds pursuant to this section to:

(1) Encourage juveniles to become involved in community programs that instill in juveniles pride in their communities and develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(2) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(3) Provide guidance to and positive role models for juveniles.

Section 2. There is appropriated from the General Fund to the Office of Juvenile Justice the sum of one million five hundred thousand dollars ($1,500,000) for the 1999-2000 fiscal year to implement this act. Funds appropriated to the Office of Juvenile Justice for the 1999-2000 fiscal year may be used to match federal funds.

Section 3. The Office of Juvenile Justice shall report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served.

Section 4. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1117

Short Title: N.H./Pender Judicial Districts. (Public)

Sponsors: Representative Wright.

Referred to: Rules, Calendar and Operations of the House.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO DIVIDE SUPERIOR COURT DISTRICT 5 INTO A SET OF DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2

	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	~~5~~ 5A	(part of New Hanover, part of Pender see subsection (b))	~~3~~ 1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover see subsection (b))	1
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11A	Harnett, Lee	1
	11B	Johnston	1
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick,	2

		Columbus	
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Moore, Randolph	2
	19C	Rowan	1
	20A	Anson, Richmond	1
	20B	Stanly, Union	2
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	2
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1

25A	Burke, Caldwell	2
25B	Catawba	2
26A	(part of Mecklenburg, see subsection (b))	2
26B	(part of Mecklenburg, see subsection (b))	2
26C	(part of Mecklenburg, see subsection (b))	2
27A	Gaston	2
27B	Cleveland, Lincoln	2
28	Buncombe	2
29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
30A	Cherokee, Clay, Graham, Macon, Swain	1
30B	Haywood, Jackson	1"

Section 2. G.S. 7A-41(b) is amended by adding three new subdivisions to read:

"(23) Superior Court District 5A consists of the New Hanover County precincts of Cape Fear #1, Cape Fear #2, Harnett #1, Harnett #4, Harnett #6, Wilmington #1, Wilmington #2, Wilmington #3, Wilmington #4, Wilmington #6, Wilmington #7, Wilmington #8, Wilmington #9, Wilmington #10, Wilmington #15, Wilmington #19, and the part of Harnett #7 that consists of the part of Block Group 6 of 1990 Census Tract 0116.02 containing Blocks 601B, 602B, 603, 611, 612, 613, 614, 615, 616, 617, 618, 619; and the Pender County precincts of Canetuck, Caswell, Columbia, Grady, Upper Holly, and Upper Union. It has one judge.

(24) Superior Court District 5B consists of the New Hanover County precincts of Cape Fear #3, Harnett #2, Harnett #5, the part of Harnett #7 that is not in Superior Court District 5A, Harnett #8, Wrightsville Beach, Wilmington #11, Wilmington #12, Wilmington #13, Wilmington #22, Wilmington #24, and the part of Harnett #3 that consists of the part of Block Group 1 of 1990 Census Tract 0119.01 containing Blocks 102, 105, 106A, 106B, 107A, 107B, 107C, 107D, and 108, the part of Block Group 1 of 1990 Census Tract 0119.02 containing Blocks 103, 104, and 114, and the part of Block Group 1 of 1990 Census Tract 0120.01 containing Blocks 101A, 101B, 101C, 101D, 102A, 102B, 103, 104, 105A, 105B, 115A, and 115B; and the following precincts of

Pender County: North Burgaw, South Burgaw, Middle Holly, Long Creek, Penderlea, Lower Union, Rocky Point, Lower Topsail, Upper Topsail, Scotts Hill, and Surf City. It has one judge.

(25) Superior Court District 5C consists of the part of New Hanover County that is not in Superior Court Districts 5A or 5B. It has one judge."

Section 3. G.S. 7A-41(c) is amended by adding a new subdivision to read:

"(7) The names and boundaries of precincts in New Hanover and Pender Counties are those in existence on May 1, 1999."

Section 4. This act becomes effective January 1, 2003, and applies to the 2002 election.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 526

Short Title: 15A Assist. Dist. Attorneys/Funds. (Public)

Sponsors: Representatives Allred; and Teague (Primary Sponsors).

Referred to: Rules, Calendar and Operations of the House.

March 22, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR TWO ASSISTANT DISTRICT ATTORNEYS IN PROSECUTORIAL DISTRICT 15A.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	13
6A	Halifax	4
6B	Bertie, Hertford,	4

	Northampton	
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	28
11	Harnett, Johnston, Lee	14
12	Cumberland	17
13	Bladen, Brunswick, Columbus	9
14	Durham	13
15A	Alamance	~~7~~ 9
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	14
26	Mecklenburg	32
27A	Gaston	12
27B	Cleveland, Lincoln	8
28	Buncombe	10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	8

Section 2. There is appropriated from the General Fund to the Judicial Department the sum of one hundred fifty-five thousand five hundred sixty-eight dollars ($155,568) for the 1999-2000 fiscal year and the sum of one hundred forty-

three thousand three hundred twenty-four dollars ($143,324) for the 2000-2001 fiscal year to establish the two assistant district attorney positions provided for in this act.

Section 3. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1455

Short Title: Eckerd Youth Camp Funds. (Public)

Sponsors: Representatives Nesbitt; and Smith.

Referred to: Appropriations.

April 29, 1999

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE ECKERD WILDERNESS CAMP PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Office of Juvenile Justice, Office of the Governor, the sum of three hundred one thousand three hundred fourteen dollars ($301,314) for the 1999-2000 fiscal year and the sum of three hundred one thousand three hundred fourteen dollars ($301,314) for the 2000-2001 fiscal year to be allocated to Eckerd Family Youth Alternatives, Inc., to meet the rising operation costs of the Eckerd Wilderness Camp Program.

Section 2. This act becomes effective July 1, 1999.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 2

HOUSE BILL 767
Committee Substitute Reported Without Prejudice 4/29/99

Short Title: Divide District 7. (Local)

Sponsors:

Referred to:

March 31, 1999

A BILL TO BE ENTITLED

AN ACT TO DIVIDE DISTRICT COURT DISTRICT 7 AND PROSECUTORIAL DISTRICT 7 INTO DISTRICTS 7A AND 7B.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	3	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington

1	3A	5	Pitt
2	3B	5	Craven
3			Pamlico
4			Carteret
5	4	7	Sampson
6			Duplin
7			Jones
8			Onslow
9	5	6	New Hanover
10			Pender
11	6A	2	Halifax
12	6B	3	Northampton
13			Bertie
14			Hertford
15	~~7~~ 7A	~~7~~ 3	Nash
16	7B	4	Edgecombe
17			Wilson
18	8	6	Wayne
19			Greene
20			Lenoir
21	9	4	Granville
22			(part of Vance
23			see subsection (b))
24			Franklin
25	9A	2	Person
26			Caswell
27	9B	1	Warren
28			(part of Vance
29			see subsection (b))
30	10	13	Wake
31	11	7	Harnett
32			Johnston
33			Lee
34	12	9	Cumberland
35	13	5	Bladen
36			Brunswick
37			Columbus
38	14	6	Durham
39	15A	3	Alamance
40	15B	4	Orange
41			Chatham
42	16A	3	Scotland
43			Hoke
44	16B	5	Robeson

1	17A	2	Rockingham
2	17B	3	Stokes
3			Surry
4	18	11	Guilford
5	19A	3	Cabarrus
6	19B	6	Montgomery
7			Moore
8			Randolph
9	19C	4	Rowan
10	20	7	Stanly
11			Union
12			Anson
13			Richmond
14	21	8	Forsyth
15	22	8	Alexander
16			Davidson
17			Davie
18			Iredell
19	23	4	Alleghany
20			Ashe
21			Wilkes
22			Yadkin
23	24	4	Avery
24			Madison
25			Mitchell
26			Watauga
27			Yancey
28	25	8	Burke
29			Caldwell
30			Catawba
31	26	15	Mecklenburg
32	27A	5	Gaston
33	27B	4	Cleveland
34			Lincoln
35	28	5	Buncombe
36	29	6	Henderson
37			McDowell
38			Polk
39			Rutherford
40			Transylvania
41	30	4	Cherokee
42			Clay
43			Graham
44			Haywood

Jackson
Macon
Swain."

Section 2. The district court judgeships established for District 7A by Section 1 of this act shall be filled by the district court judges from current District 7 who reside in Nash County. The terms of two of the judges residing in Nash County expire the first Monday in December of 2000. Those judges' successors shall be elected in the 2000 election. The terms of one of the judges residing in Nash County expires the first Monday in December of 2002. That judge's successor shall be elected in the 2002 election.

Section 3. The district court judgeships established for District 7B by Section 1 of this act shall be filled by the district court judges from current District 7 who reside in Edgecombe and Wilson Counties. The terms of two of the judges residing in Edgecombe and one of the judges residing in Wilson County expire the first Monday in December of 2000. Those judges' successors shall be elected in the 2000 election. The term of one of the judges residing in Edgecombe County expires the first Monday in December of 2002. That judge's successor shall be elected in the 2002 election.

Section 4. G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	13
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
~~7~~ 7A	~~Edgecombe, Nash, Wilson~~ Nash	~~15~~ 6
7B	Edgecombe, Wilson	9
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10

9A	Person, Caswell	4
10	Wake	28
11	Harnett, Johnston, Lee	14
12	Cumberland	17
13	Bladen, Brunswick, Columbus	9
14	Durham	13
15A	Alamance	7
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	5
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	14
26	Mecklenburg	32
27A	Gaston	12
27B	Cleveland, Lincoln	8
28	Buncombe	10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	8

Section 5. The district attorney position established for District 7B by Section 4 of this act shall be filled by the district attorney from current District 7 who resides in Edgecombe County. The district attorney position established for District 7A by Section 4 of this act shall be filled by appointment by the Governor. That district attorney's term expires on December 1, 2000. A successor shall be elected in the 2000 election.

Section 6. The six assistant district attorney positions established for District 7A by Section 4 of this act shall be filled by six assistant district attorneys

currently serving Nash County in District 7. The nine assistant district attorney positions established for District 7B by Section 4 of this act shall be filled by nine assistant district attorneys currently serving Edgecombe and Wilson Counties in District 7.

Section 7. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in prosecutorial districts 1, 3B, ~~4~~, 6B, ~~7,~~ 7B, 8, 10, 11, 12, 13, 14, 15A, 15B, 18, 19B, 20, 21, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

Section 8. There is appropriated from the General Fund to the Judicial Department the sum of two hundred ten thousand dollars ($210,000) for the 1999-2000 fiscal year and the sum of two hundred eighty thousand dollars ($280,000) for the 2000-2001 fiscal year to implement the provisions of this act.

Section 9. Sections 1 through 3 of this act become effective January 1, 2000, or the date upon which those sections are approved under Section 5 of the Voting Rights Act of 1965, whichever is later. Sections 4 through 8 of this act become effective January 1, 2000. The remainder of this act is effective when it becomes law.

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
OF THE HOUSE
May 26, 1999 2:00 PM

The meeting of the Joint Appropriations Committee on Justice and Public Safety was held in Room 415 in the Legislative Office Building.

The members of the committee attending were Representative Bill Culpepper, presiding; also attending Co-Chairman Rep. Paul McCrary, Co-Chairman Ted Kinney, Rep. Scott Thomas, Rep. Phillip Haire, Rep. Jim Horn, Rep. Joe Kiser, Rep. Larry Justice and Rep. Wayne Sexton, also attending Rep. Dedmon- ex-officio.

Co-Chairman Bill Culpepper began the meeting with an explanation of the documents, which were handed out to the committee members. Rep. Culpepper shared with the committee that the committee chairs were given certain mandates from the Appropriations Chairs of the House with respect to this budget and that the bottom line of the mandates were given to cut the Governors Budget by 13 million Dollars. The documents are ***Changes to the Continuation Budget Recommended Budget Justice and Public Safety*** **(See Attachment)** Reverse Page ***Comparing Subcommittee Draft Budget to Governor's Recommended Budget.*** Co-Chairman Culpepper had the Pages hand out the proposed Report that gives the *Recommended Budget*, then turned the meeting over to Charles Perusse, fiscal research staff, starting with the **Judicial Branch** recommendations (See Attachment).

The fiscal research staff shared with the committee the entire *Recommended Budget,* Legislative Changes, included in that report was **Justice, Office of Juvenile Justice, Corrections and Crime Control and Public Safety (See Attachment).**

Following Co-Chairman Culpeppers remarks, Representative Haire moved that the report be approved and referred to Full Appropriations Committee. The motion passed.

There being no further business, the meeting adjourned, to meet at 8:30 in the morning May 27, 1999.

Respectively Submitted,

Bill Culpepper

Barbara A. Berry

Representative Bill Culpepper, Co-Chairman

Barbara A. Berry, Committee Assistant

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY May 27, 1999

May 26th (Name of Committee) 27th

DATES							✓							
Rep. Kinney, Chair	✓						✓							
Rep. McCrary, Chair	✓						✓							
Rep. Culpepper, Chair	✓						✓							
Rep. Thomas, Vice Chair	✓						✓							
Rep. Clary	✓													
Rep. Haire	✓						✓							
Rep. Horn	✓						✓							
Rep. Justus	✓						✓							
Rep. Kiser	✓						✓							
Rep. Sexton	✓						✓							
Senate Members														
Sen. Luther Jordan														
Sen. Frank Ballance														
Sen. Tony Rand														
Sen. John Carrington														
Sen. Don East														
Rep. Baddour-ex-officio														
Rep. Cunningham-ex-officio														
Rep. Dedmon-ex-officio	✓						✓							
Rep. Earle-ex-officio														
Rep. Hackney-ex-officio														

VISITOR REGISTRATION SHEET

V & P.S. — Name of Committee

5-26-99 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Cox	OJJ
George Sweat	OJJ
Buddy Humphrey	OSBM
James Bowden	OJJ
Paula A. Wolf	Covenant w/ NC's Children
Harriet C. Owens	NCAE
[illegible]	NCASCD
[illegible]	NCAE
Gordon Rayner	Governor's Office
Laura Hartsell	NC Bar Assoc.
John Madden	Sentencing Commission
Bruce Boothe	DOJ
Barry Smith	Freedom Newspapers
Jeanine Bonds	AOC
Gregg Stahl	DOC
Joe Hamilton	DOC
Chris Manley	AOC
Deborah [illegible]	AOC
[illegible]	CCPS
Mike Barham	CCPS

Changes to the Continuation Budget
Recommended Budget---Justice and Public Safety

	1999-2000 Budget Before Adjustments	Expansion Items	Reduction Items	Net Change By Subcomm	Revised 1999-2000 Budget	Revised 2000-01 Budget
Judicial	$337,613,191	$9,881,490	($7,356,020)	$2,525,470	$340,138,661	$347,252,196
Justice	$72,273,100	$1,247,583	($423,675)	$823,908	$73,097,008	$72,515,298
Juvenile Justice	$130,037,966	$5,303,500	($1,100,000)	$4,203,500	$134,241,466	$140,018,378
Correction	$922,020,076	$1,303,682	($33,539,711)	($32,236,029)	$889,784,047	$887,874,678
Crime Control	$35,723,850	$920,220	($552,276)	$367,944	$36,091,794	$36,267,844
TOTAL JPS	$1,497,668,183	$18,656,475	$42,971,682	($24,315,207)	$1,473,352,976	$1,483,928,394

The Subcommittee Recommended Budget includes $18.7 Million in Expansion items and $42.97 Million in cuts for a net reduction in the JPS Budget of $24.3 Million.

COMPARING SUBCOMMITTEE DRAFT BUDGET TO GOVERNOR'S RECOMMENDED BUDGET

Agency	Starting 1999-2000 Budget	Net Change By Subcomm Rec.	Net Change By Gov.'s Rec.	Additional Spending (Cuts) by Subcomm
Judicial	$337,613,191	$2,525,470	$0	$2,525,470
Justice	$72,273,100	$823,908	($30,000)	$853,908
Juvenile Justice	$130,037,966	$4,203,500	$9,325,010	($5,121,510)
Correction	$922,020,076	($32,236,029)	($20,178,304)	($12,057,725)
Crime Control	$35,723,850	$367,944	($402,276)	$770,220
TOTAL JPS	$1,497,668,183	($24,315,207)	($11,285,570)	($13,029,637)

The Governor's Recommended budget reduced the 1999-2000 budget by $11.28 Million.
The Subcommittee Recommended budget reduced the 1999-2000 budget by an additional $13.03 Million.

#16

ALLOCATION OF DEPUTY CLERKS OF COURT

Ashe	.25
Camden	.50
Chowan	.5
Duplin	1.00
Forsyth	1.00
Gaston	1.00
Graham	.50
Granville	.50
Guilford	1.00
Henderson	1.00
Mecklenburg	1.00
Pamlico	.25
Polk	.75
Surry	.25
Wake	1.00
Undesignated	.50
TOTAL	**11.00**

DRAFT
FOR REVIEW ONLY

House Subcommittee on Justice and Public Safety

Judicial

5-26-99 2 P.M.

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$337,613,191		$340,135,574	
Legislative Changes				
1 **Reduce Salary Reserve Funds** Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($750,000)	R	($750,000)	R
2 **Reduce Worker's Compensation Funds** Reduce funds for worker's compensation payments department-wide based on a decrease in the numbers of claims and expenses to date in FY 1998-99.	($200,000)	R	($200,000)	R
3 **Reduce Out of State Travel Expenses** Reduce expenses for out of state travel department-wide.	($45,552)	R	($45,552)	R
4 **Eliminate Reserve for Operations** Eliminate funds which have been used to cover unforseen needs in the areas of postage, travel, etc. The Department believes existing appropriations are sufficient to cover these areas.	($405,612)	R	($405,612)	R
5 **Reduce Reserve for General Office Supplies** Reduce funds used to purchase general office supplies for the department. This reduction will still allow the department to keep sufficient inventory in their warehouse.	($106,983) ($200,000)	R NR	($106,983)	R
6 **Eliminate Vacant Positions** Eliminate funds for the Community Penalties Administrator and Special Projects Coordinator positions. The AOC believes they can carry out these responsiblities with other departmental personnel.	($176,647) -2.00	R	($176,647) -2.00	R

	FY 99-2000		FY 2000-01	
7 **Reduce Software Maintenance Agreements** Reduce estimated increases for software license agreements in the Information Services Division based on revised contracts.	($420,148)	R	($420,148)	R
8 **Reduce Indigent Fund Requirements** Reduce estimated increases in indigent fund requirements based on revised projections of expenditures for capital and non capital cases. Even with these reductions, the fund is being increased $4.8m in FY 1999-00 and $9.8m in FY 2000-01.	($3,200,000)	R	($3,200,000)	R
9 **Reduce Replacement Equipment Funds** Reduce funds for replacement office equipment ($250,000) and computer related equipment ($1,000,000) in FY 1999-00 by delaying replacement of certain items. This still provides $3.75m in funds for FY 1999-00.	($1,250,000)	NR		
10 **Reduce Operating Funds Related to Non IV-D Cases** Reduce operating funds (paper, postage, envelopes, etc) related to transferring all non IV-D, non-wage withholding child support transactions to DHHS.	($601,078)	R	($601,078)	R
11 **Superior Court Judges** Provide funds for four Special Judges and one Resident Judge to be located in District 22, effective October 1, 1999.	$566,440 $38,236 5.00	R NR	$707,095 5.00	R
12 **District Court Judges** Provide funds for 9 additional District Court Judges to be located in Districts 2, 4, 5, 13, 15A, 18, 26, 27A, and 30. All positions are effective January 1, 2000.	$566,440 $99,522 9.00	R NR	$1,058,301 9.00	R
13 **Judges Support Staff** Provide funds for two judicial assistant II's and 4 judicial assistant I's effective January 1, 2000.	$102,846 $32,696 6.00	R NR	$205,408 6.00	R
14 **New Court Reporters / Increase Transcript Fee** Provide funds to establish 6 additional court reporter positions effective January 1, 2000. Also provides $45,621 to increase reimbursement for transcripts from $2.25 to $2.35 per page.	$191,451 $37,386 6.00	R NR	$336,933 6.00	R

	FY 99-2000		FY 2000-01	
15 Magistrate Positions Provide funds for 3 additional magistrate positions to be located in Cumberland, Camden, and Union Counties. All positions are effective January 1, 2000.	$50,625 $15,783 3.00	R NR	$101,223 3.00	R
16 Deputy Clerks of Court Provide funding for 11 additional deputy clerk positions effective January 1, 2000.	$158,816 $44,836 11.00	R NR	$313,775 11.00	R
17 Assistant District Attorneys Provide funding for eight assistant district attorney positions to be located in Districts 5, 10 (2 positions), 12, 13, 15A, 19A, and 26. The positions for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$288,792 $52,344 8.00	R NR	$573,216 8.00	R
18 District Attorney Investigators Provide funds for three district attorney investigator positions to be located in Districts 5, 10, and 22. The position for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$74,175 $16,539 3.00	R NR	$148,476 3.00	R
19 District Attorney Support Staff Provide funds for 25 additional victim witness / legal assistant positions in anticipation of providing services to domestic violence misdemeanor victims as a result of the Victims Rights' legislation. All positions are effective January 1, 2000.	$465,325 $135,250 25.00	R NR	$926,275 25.00	R
20 Family Court Funds Provide funds to annualize the three existing programs operating in Districts 26 (Mecklenburg), 14 (Durham), and 20 (Anson, Stanly, Union, Richmond). These funds are used to provide case managers and support staff who assist judges in assigning cases that affect families (divorce, alimony, delinquency, abuse).	$566,000 14.00	R	$666,000 14.00	R

	FY 99-2000		FY 2000-01	
21 Manage Indigent Fund	$29,601	R	$59,253	R
Provide funds for one court management specialist position who will assist in reviewing expenditures from the Indigent Defense Fund. Specific responsibilities include: 1) establishing guidelines and procedures for determining indigency, 2) reviewing the feasibility of establishing a uniform fee schedule for certain cases, and, 3) recommending alternatives for putting a management structure in place. The position is effective Janaury 1, 2000.	$7,096 1.00	NR	1.00	
22 Other Judicial Positions	$59,431	R	$118,843	R
Provide funds for one information and communication specialist (website) and appellate court reporter effective January 1, 2000.	$12,670 2.00	NR	2.00	
23 Guardian Ad Litem Funds	$482,804	R	$565,976	R
Provide funds to establish four district secretary positions effective January 1, 2000. Also provides $400,000 to increase the rate paid to attorneys to assist in retaining experienced counsel.	$20,992 4.00	NR	4.00	
24 Court Management Pilot Program				
Provide funds to establish two court management administator positions to assist in implementing House Bill 1225. These positions will work with the coordinating judge in each pilot program.	$100,000 2.00	NR		
25 Transfer Indigent Funds for Capital Case Program	$0	R	$0	R
Allows the Department to transfer up to $358,103 in FY 1999-00 and $396,845 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 3 assistant public defenders and 1 investigator who work specifically on capital cases.	$0 4.00	NR	$0 4.00	NR
26 Assistant Public Defenders from Indigent Fund	$0	R	$0	R
Allows the Department to transfer up to $161,448 in FY 1999-00 and $284,840 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 4 additional assistant public defender positions. All positions are effective January 1, 2000.	$0 4.00	NR	$0 4.00	NR
27 Emergency Judge Pay	$278,245	R	$278,245	R
Provide funds to continue pay for emergency judges at $300 per day as specified by the 1998 short session.				

	FY 99-2000		FY 2000-01	
28 Expand Family Court Programs / Education Funds Provide funds to expand family court programs into three additional districts. These programs have specially trained judges who work with matters (divorce, alimony, abuse, custody, etc.) affecting the family. The funds would be used to hire 8 case managers effective January 1, 2000. Also provides $75,000 to establish an educational program for parents who are parties to a custody or visitation action.	$251,608 $40,000 8.00	R NR	$428,216 8.00	R
29 State Bar Funds Provide additional funds to the State Bar to improve the administration of justice. This includes $660,000 for legal services and $340,000 for the Center for Death Penalty Litigation.	$1,000,000	R	$1,000,000	R
30 Drug Treatment Court Provide funds to continue existing programs in Wake, Mecklenburg, Person/Caswell, Warren and Forsyth Counties; to complete implementation over the biennium of new programs started in 1998-99 in Durham, Vance, Wake District Court and Mecklenburg Superior Court; to provide state funds to the New Hanover program; and to continue to work with districts involved in planning new DTC programs. Unspent funds from 1998-99 will be carried over to 1999-2000. Continuation budget includes statewide Program Administrator's position. This new position is to conitue the program coordinator in District #26, funded with nonrecurring funds in 1998-99.	$1,000,000 1.00	R	$1,430,000 1.00	R
31 Bad Check Programs Provide funds to continue existing programs in Columbus, Durham, Rockingham, and Wake Counties. Also provides funds to expand the Columbus program to Bladen and Brunswick Counties and establishes a new program in New Hanover and Pender Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.	$337,621 $12,778 10.00	R NR	$381,474 10.00	R
32 Community Mediation Center Funds Provide additional funds for community mediation centers statewide as recommended by the Mediation Network of North Carolina, Incorporated.	$350,000	R	$350,000	R

House Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
33 District Court Mediated Settlement Program Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.	$45,142 1.00	R	$45,142 1.00	R
34 Funds for Indigency Screeners Provide funds to establish an indigency screening program in Wake County. These funds will be allocated to Carolina Correctional Services Incorporated to establish positions who will be used to determine indigency of criminal defendants.	$100,000	NR		
35 Transfer All Non IV-D Transactions to DHHS Provide funds to DHHS in order to cover the cost of processing all non IV-D, non-wage withholding child support transactions. These funds will be used to cover postage, telephone, personnel, and vendor charges associated with transferring this function from clerks' offices.	$2,000,000	R	$3,328,791	R
36 Disaster Recovery Program Provide funds to complete a disaster recovery program for court information systems. The funds will be used to do environmental impact analysis on existing systems and to determine an appropriate means of backing-up systems during disaster situations.	$350,000	NR		
Total Legislative Changes	**$2,959,342**	R	**$7,116,622**	R
	($333,872)	NR	**$0**	NR
Total Position Changes	125.00		123.00	
Revised Budget	**$340,238,661**		**$347,252,196**	

Justice

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$72,273,100		$71,521,703	
Legislative Changes				
37 **Eliminate Vacant Position** Eliminate 1 vacant Computer Operator Position in Division of Criminal Information. The position has been vacant since September 1997.	($33,190) -1.00	R	($33,190) -1.00	R
38 **Reduce Funding to Replace SBI Vehicles** The Governor's Continuation Budget recommends $1,879,600 in 1999-2000 and $917,000 in 2000-01 to replace SBI cars and trucks. Funding is reduced by $103,900 in 1999-2000 and increased by $123,918 in 2000-01. This will result in the SBI deferring replacement of approximately 7 vehicles from 1999 to 2000. Increased maintenance costs, increased purchase costs and decreased resale costs are reflected in these figures.	($103,900)	NR	$123,918	NR
39 **Eliminate Funding for Legal Services Bonuses** Continuation Budget includes funds for annual bonuses for Legal Services attorneys, based on outstanding job performance. This funding is eliminated.	($93,453)	R	($93,453)	R
40 **Eliminate Safe Neighborhoods Program** The Safe Neighborhoods Program was reduced from 4.5 positions to 1 position in 1998. The remaining program is eliminated.	($93,132) -1.00	R	($93,132) -1.00	R
41 **Increase Realized Receipts for DCI Fees** The amounts received in fees for criminal record checks and for access to the DCI system have increased with the volume of activity. The increase in receipts allows a reduction in the General Fund appropriation to the Department.	($100,000)	R	($100,000)	R

	FY 99-2000		FY 2000-01	
42 Reduction in Lease Expenses for DCI The Division of Criminal Information will complete lease/purchase payments for their mainframe system in June 2000, allowing a $1.2 Million reduction in the appropriation to the Department.			($1,200,000)	R
43 Expansion Funding Division of Criminal Information Funds are provided to the Division of Criminal Information as follows. $131,088 in recurring funding for a disaster recovery plan; $300,000 in 1999-2000 and $91,600 recurring for upgrade of the system for new applications, with priority given to data related to collecting and maintaining systems on traffic enforcement statistics. If alternative funds are secured for this project, the $300,000 may be used for other forms of upgrade. This leaves $1.58 Million recurring from 2000-2001 on to be used to continue upgrading the system and implementing transition from the current mainframe system.	$431,088	R	$1,631,088	R
44 NC LEAF Recurring funds are provided to the NC Legal Education Assistance Foundation to continue assisting public service attorneys with educational loan repayment.	$125,000	R	$125,000	R
45 Minority Sensitivity Training These funds allow the Criminal Justice Training and Standards Division to develop a program for minority sensitivity training for law enforcement, as mandated in the Juvenile Justice Act. Funds will allow the addition of 1 Criminal Justice Training Coordinator, contractual employees and media production for a train the trainers program. The position is effective October 1, 1999.	$144,760 $5,240 1.00	R NR	$161,094 1.00	R
46 Paralegals for Tort Claims Section Provide funds for two Paralegal II positions to work in the Tort Claims Section. This will allow the Section's attorneys to spend less time on routine tasks and more time on litigating their heavy case load. This increases the number of paralegals in the Section from 1 to 3. Positions effective October 1, 1999.	$57,214 $9,600 2.00	R NR	$76,285 2.00	R
47 Sheriff's Standards Commission Funding is provided to add a Criminal Justice Field Representative and to purchase software to automate the state examination process. The position is effective October 1, 1999.	$29,039 $2,250 1.00	R NR	$37,052 1.00	R

	FY 99-2000		FY 2000-01	
48 Operational Funds for New Dormitory WJA	$162,446	R	$192,169	R
A new dormitory will be completed in August 1999 at the Western Justice Academy. Funding is provided for a Criminal Justice Student Housing Coordinator, a Processing Assistant and a half-time Student Services Assistant. Funds are also provided for utility costs. Nonrecurring funds are provided to furnish and equip the building. All positions are effective October 1, 1999.	$142,000	NR		
	2.50		2.50	
49 New SBI Personnel to handle DNA testing	$138,946	R	$166,764	R
Funds are provided to add 2 DNA database technicians and $100,000 for supplies needed for DNA analysis and maintenance of a DNA database. Positions are effective December 1, 1999.	2.00		2.00	
50 Justice Academy Bookstore Positions	$0	R	$0	R
Create two positions, a Stock Clerk and a Warehouse Manager, for the Bookstore at the Justice Academy at Salemburg. Recurring cost of the positions is $40,693 but they will be funded entirely through receipts from the Bookstore.	2.00		2.00	
Total Legislative Changes	**$768,718**	R	**$869,677**	R
	$55,190	NR	**$123,918**	NR
Total Position Changes	8.50		8.50	
Revised Budget	**$73,097,008**		**$72,515,298**	

Office of Juvenile Justice

	GENERAL FUND0			
	FY 99-2000		FY 2000-01	
Recommended Budget	$130,037,966		$130,954,378	
Legislative Changes				
51 **Reduce Electronic House Arrest Funds** Reduce continuation budget from $200,000 to $100,000. $100,000 will provide enough units to cover projected admissions and to provide surplus units while others are in repair.	($100,000)	R	($100,000)	R
52 **Training School Positions** Due to increases in the training school population in 1998 and 1999, the Governor and OJJ recommended that 72 positions that had been funded as temporary positions be made permanent. Updated projections by the Sentencing Commission indicate that the training school population will decline to levels at or below current capacity (843 beds) for 1999-2001 due to the impact of the Juvenile Justice Act, which will shift misdemeanants (currently 46% of training school population) to the community under intermediate sanctions. The continuation budget included $1,998,584 for the 72 positions for each year of the biennium. The Subcommittee recommends that $923,584 be retained to establish 50 part time positions (25 FTE's) for transportation of juveniles (44 now funded from lapsed salaries) and $75,000 to fund an evaluation of training school and detention center staffing.	($1,000,000) -47.00	R	($1,000,000) -47.00	R
53 **Local Juvenile Justice Programs** Provide funds to expand intermediate level and community level sanctions and programs for court involved juveniles. The Governor recommended funding of $3,088,010. This amount is reduced because of the availability of $5.5 million in funding in 98-99 that has not been expended, authorization of $5.5 million each year in the continuation budget, and an influx of federal grant funds for juvenile programs. Of the $1 million dollars, $500,000 should be allocated for Boys and Girls clubs in counties with high rates of training school committments.	$1,000,000	R	$1,000,000	R

	FY 99-2000		FY 2000-01	
54 Guard Response Funds (GRASP) Program Allows non recurring funding for expansion from four to six programs (effective October 1, 1999). This program provides an after school program of regimented training and life skills for court involved and at risk youth. The Governor requested $746,000 for expansion from three to 20 programs and establishment of regional administrators, but it is recommended that the programs be funded at a slower rate and evaluated prior to the year 2000 Short Session.	$62,500 $11,000	R NR	$84,000	R
55 Juvenile Justice Information System Development Provide funds to continue the implementation of a juvenile justice information system. These funds, along with federal funds provided through the Governor's Crime Commission, will be used to continue the needs assessment / user requirements phase of this project, complete a portion of the system design,and provide operating support for existing positions working on the project.	$15,000 $385,000	R NR	$15,000 $385,000	R NR
56 Funds for Eckerd Wilderness Camp Provide operating funds for a new Eckerd Wilderness Camp that is expected to provide services beginning January 1, 2000.	$850,000	R	$2,000,000	R
57 Funding for Multipurpose Group Homes Provide operating funds for four 8-bed multipurpose group homes and one part time permanent clerical support position ($14,184 October 1, 1999). The Governor requested $1 million in expansion funds the first year. Based on available carryover funds from 1998-99 and staggered opening dates for the 4 homes, it is anticipated that $800,000 will be adequate funding for 1999-2000.	$800,000 0.75	R	$2,000,000 0.75	R
58 Support Our Students Provide funds to expand the SOS program to additional counties in FY 1999-00. The program currently operates in 76 counties. The Governor requested $975,000 each year; the recommended amount allows expansion for either part year funding of 6 more counties or full year funding for 3. Funding includes $50,000 for one new technical assistance position and related support to bring total postions from 3 to 4 to manage and support a $7.25 million dollar program.	$250,000 1.00	R	$250,000 1.00	R

	FY 99-2000		FY 2000-01	
59 **Communities in Schools** Communities in Schools is a non-profit organization that develops community "stay in school efforts" for at risk children and court involved juveniles. The CIS program currently operates in 28 counties. The Governor recommended an expansion budget of $700,000. The recommended budget allows for continuation of programs funded in 1998-99 and modest expansion.	$450,000	R	$450,000	R
60 **Center for Prevention of School Violence** This program, which operates within the UNC university system, provides research and technical assistance to schools and communities in preventing violence in the schools. The recommended funding is the same amount recommended by the Governor. Funds will be passed through from OJJ to the UNC system.	$500,000 6.00	R	$500,000 6.00	R
61 **Juvenile Justice Institute** Provide funds to establish a Juvenile Justice Insitute at North Carolina Central University. The Institute will serve as resource for research and information on national and state juvenile justice practices; provide technical assistance to small non-profit community groups; and survey public and private groups on juvenile justice program effectiveness. Of these funds, $75,000 shall go the Clinical Program at the North Carolina Central University School of Law to assist expansion of their work into Family Court, Domestic Violence cases, and alternative dispute resolution.	$575,000 1.00	R	$575,000 1.00	R
62 **Teen Court Funds** Provide funds to continue programs in Wake ($25k), Guilford ($20k), Duplin ($20k), Durham ($20k) and Onslow ($20k) Counties. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.	$105,000	R	$105,000	R
63 **Juvenile Assessment Center** Provide funds for the juvenile assessment center in District 12 which provides prevention and intervention services for at-risk juveniles.	$150,000	R	$150,000	R

	FY 99-2000		FY 2000-01	
64 **Project Challenge Funds** Provide funds for Project Challenge Inc., a nonprofit organization which provides alternative dispositions and services to juveniles in districts 24, 25, 29, and 30 who have been adjudicated delinquent or undisciplined. These funds will also allow for expansion to districts 5, 6A, 6B, and 23.	$150,000	R	$150,000	R
65 **Pilot Juvenile Program** This funding allows OJJ to contract with a private-for-profit or non-profit firm to provide up to 100 secure and non-secure beds as part of a multi-functional juvenile facility. The beds, in the discretion of OJJ, can be a mix of detention and residential treatment such as substance abuse and sex offender treatment. The amount of funding assumes a January 1, 2001 date to start operation of 100 beds.			$2,500,000	R
Total Legislative Changes	**$3,807,500**	R	**$8,679,000**	R
	$396,000	NR	**$385,000**	NR
Total Position Changes	-38.25		-38.25	
Revised Budget	**$134,241,466**		**$140,018,378**	

Correction

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$922,020,076		$921,431,794	
Legislative Changes				
66 Close GPAC Prison Facilities	($8,537,975)	R	($10,888,590)	R
The Governor recommended closing nine GPAC units; the Subcommittee recommends that Alamance,Cleveland, and Gates remain open. Alamance is now operating a work release pilot program that will need more time for assessment. Cleveland is a medium custody unit; its cost per day is comparable to the state average for medium custody beds. The cost per day for Gates is lower than the average cost per day for minimum custody. Gates also provides a work crew for the community and operates a water and sewer system for the DOC, DOT, and two local schools.	-347.00		347.00	
Six of the nine GPAC prison units originally recommended by the Governor are recommended for closing. These facilties either operate at costs well above the statewide average and/or are minimum custody institutions. Fewer minimum custody beds are needed to due to the impact of Structured Sentencing. The closing dates and custody levels are:				
Goldsboro 8/1/99 (minimum) Blanch 9/1/99 (medium/close) Stokes 10/1/99 (minimum) Stanly 7/1/99 (minimum) Yadkin (9/1/99) (minimum) Iredell(10/1/99) (medium)				
67 Close Guilford GPAC Unit	($1,219,423)	R	($1,625,894)	R
It is recommended that this GPAC unit also be closed. It was not recommended by the Governor for closing but it is one of the original GPAC units and the cost per day in 1997-98 was $60.05 compared to a statewide average of $51.27 for minimum custody units. Closing date is 10/1/99.	-53.00		-53.00	

	FY 99-2000		FY 2000-01	
68 Close Nash Prison Unit It is recommended to close Nash 9/1/99 since minimum custody beds are not needed in this area of the state. This is the old Nash field unit which now operates, with 15 employees, as a satellite to the new Nash Unit.	($344,275) -15.00	R	($413,130) -15.00	R
69 Convert Currituck Unit to Minimum Custody Conversion of this prison from medium to minimum custody will reduce cost and allow for creation of minimum custody community work crews to serve the area.	($619,695) -27.00	R	($743,634) -27.00	R
70 Eliminate Double Celling In 1995, the General Assembly authorized double celling of inmates at Marion, Pasquotank and Central Prisons and funded the staffing necessary for additonal security and programs. With increased availability of prison beds, it is possible to return to single cell close custody in these units and reduce the staffing accordingly.	($3,045,348) -125.00	R	($3,999,260) 125.00	R
71 Eliminate Expanded Operating Capacity Positions With the opening of new prison beds, the need for minimum security prison beds has diminshed. This budget reduction would reduce beds and population at 16 minimum security units, allowing for reduction of staff.	($2,039,745) -108.00	R	($3,059,618) 108.00	R
72 Reduce Perimeter Security Positions Perimeter Patrol was reduced at medium custody prisons in 1998 from two patrols on the night shift to one. This recommendation would reduce staffing from two to one on the evening shift. There would continue to be two perimeter patrols on the day shift. Each of the prisons affected has an electronic intrusion fencing system.	($247,880) -12.00	R	($330,506) -12.00	R
73 Eliminate Adult Schools at Eastern and Harnett These two teacher positions are the last remaining adult basic education teachers in the male prisons. DOC's focus is now on youthful offenders; Community Colleges will provide these services for adult males at Harnett and Eastern.	($95,139) -2.00	R	($103,788) -2.00	R

	FY 99-2000		FY 2000-01	
74 Abolish Education Positions Eliminates four physical education teachers, three vocational teachers and three Assistant Education Directors. The physical education positions are the last remaining P.E.teachers in DOC;their duties will be carried out by recreation workers and classroom teachers. The vocational programs at Piedmont will be handled by Community Colleges; these are last three remaining DOC vocational positions. The DOC believes the Assistant Education Director positions can be handled by the Directors.	($252,469) -10.00	R	($275,420) -10.00	R
75 Education Director Position at Eastern Eliminate Education Director position,which will be vacant July 1, 1999. The DOC adult education program at Eastern has been reduced over time and replaced by community college programs. The DOC adult program at Eastern no longer requires an on-site Education Director.	($67,322) -1.00	R	($67,322) -1.00	R
76 Abolish Parole / Post Release Hearing Officers Eliminate five parole revocation hearing officer positions due to the continued decrease in workload resulting from Structured Sentencing. The Department intends to use contractual employees to hold hearings around the state. Travel expenses are reduced to reflect this change.	($291,540) -5.00	R	($291,540) -5.00	R
77 Reduce Leased Space Funds Reduce funds for leased space by consolidating offices and implementing a pilot Home as Duty Station program within the Division of Community Corrections.	($343,220)	R	($343,220)	R
78 Consolidate Female IMPACT with Male IMPACT Program The female IMPACT Program has had difficulty maintaining a high utilization rate since its inception. The annual capacity of the program will be reduced from 260 to 80 and its operation will be consolidated with the program for males at Morganton, allowing a reduction in positions and funding.	($940,783) -25.00	R	($940,783) -25.00	R
79 Reduce Parole Commissioners from 5 to 3 Due to the declining number of paroles since the passage of Structured Sentencing, the number of Post Release Supervision and Parole Commissioners is reduced from 5 to 3, effective July 1, 1999.	($176,472) -2.00	R	($176,472) -2.00	R

	FY 99-2000		FY 2000-01	
80 Abolish Two Positions in Parole Commission Two positions from the Post Release Supervision and Parole Commission, a Victims Services Coordinator and a Public Information Officer, have been transferred to the Office of Citizen Services but were continued in the Parole Commission budget in 1998-99. This item eliminates funding for these positions because alternative funding will be provided by the Office of Citizen Services.	($92,033) -2.00	R	($92,033) -2.00	R
81 Eliminate Vacant Positions The Governor recommended elimination of 9 positions that had been vacant for one year or longer. One position was in Division of Community Corrections and the rest were in Division of Prisons.	($323,563) -9.00	R	($323,563) -9.00	R
82 Reduce Inmate Costs at Closed Facilities These funds are the inmate budget component (food, medical services, clothing) for prisons recommended for closing. Since these prison are closing, the Subcommittee believes the inmate support budget needs can be absorbed by prisons that will be accepting transferred inmates. This reduction does not include Alamance, Cleveland or Gates but does include other prisons recommended for closing. Also includes reduction due to moving up the closing dates for Yadkin and Stanly.	($1,329,447)	R	($1,600,931)	R
83 Close Stanly and Yadkin Units Early It is recommended that the DOC close Stanly July 1, 1999 instead of the original proposed date of October 1, 1999 so that employees at Stanly can be used to staff the new Albemarle prison. The budget reduction is the additional amount generated between July 1, 1999 and October 1, 1999. It is also recommended that the Yadkin Unit close early -- September 1, 1999 rather than the original proposed date of November 1, 1999. This will avoid expenditures for major repairs or replacement of the water and sewer system.	($541,305)	NR		
84 Reduce Automobile Replacement Funds The Subcommittee reduced the budget for automobile replacement by identifying vehicles that would not meet the replacement mileage cap (100,000 miles) until FY 2000-01	($360,197)	NR		

	FY 99-2000		FY 2000-01	
85 Reduce Medical Contractual Personnel Funds The DOC continuation budget for medical contractual personnel for 1999-2000 and 2000-01 is $8,500,000, roughly the same amount expended in 1997-98 and estimated in 98-99. However, the General Assembly funded new medical positions at NCCIW that were originally funded from the contractual budget. It is recommended that the contractual services funds be reduced by the amount that was replaced by a portion of the new positions.	($475,000)	R	($475,000)	R
86 Additional Reduction in IMPACT Funding The Governor's Budget recommends the consolidation of Female Boot Camp with the program for men at IMPACT West. This reduction, combined with the reduction in the Governor's Budget, reflects the full savings from this move.	($519,168) -13.00	R	($519,168) -13.00	R
87 Eliminate Funding for New Trainers The Governor's Continuation Budget recommends 10 new Correctional Training Instructors for the Division of Community Correction. This item eliminates funding for these positions.	($415,575) ($84,410) -10.00	R NR	($498,650) -10.00	R
88 Eliminate Funds for New Administrative Assistants The Governor's Continuation Budget recommends 13 new Administrative Assistants for the Managers in the largest Judicial Districts. This item eliminates these positions.	($472,588) ($105,820) -13.00	R NR	($567,060) -13.00	R
89 Reduce Funds for New Probation / Parole Officers The Governor's Continuation Budget recommends $5.6 Million for 110 new Intermediate Officers (PPO II). Instead of establishing new positions, $775,727 will be provided in 1999-2000 and $935,112 in 1999-2000 to the Department of Correction to speed-up reallocation of 161 positions from PPOI (Community) to PPOII (Intermediate). These funds will allow a total of 10% raises for all 514 of the PPO II positions that have been created by reallocation. With these reallocations, caseload averages by 2000-01 will be: 28:2 for Intensive, 65:1 for Intermediate and 106:1 for Community. Reallocations will be phased in between September 1999 and January 2000.	($3,905,306) ($921,690) -110.00	R NR	($4,447,586) 110.00	R

	FY 99-2000		FY 2000-01	
90 Eliminate Funding for new Supervisors and Clerks	($796,913)	R	($956,219)	R
The Governor's Recommended Continuation Budget includes 11 new Chief PPO's and 11 Office Assistants, based on the addition of 110 Intermediate Officers. Because Intermediate Officers will be created through reclassifications of existing Officers, these positions are not needed.	($288,706) -22.00	NR	-22.00	
91 Additional Reductions in Parole Commission	($101,000)	R	($101,000)	R
The Post-Release Supervision and Parole Commission budget is reduced by 5% to reflect decreasing workload. The positions eliminated are an Office Assistant V and an Office Assistant IV. This item also reduces operating expenses by $60,944.	-2.00		-2.00	
92 Remove Inflationary Increase for CJPP	($240,000)	R	($240,000)	R
The Governor's Recommended Continuation Budget includes a 2.5% increase in Implementation Grants for the counties participating in the Criminal Justice Partnership Program. This item removes funding for this inlfationary increase.				
93 Reduce Funds for Non Participating Counties-CJPP				
The Governor's Continuation Budget includes an increase of $4.5 Million to fully fund Implementation Grants for 100 counties for the Criminal Justice Partnership Program. Funding is eliminated for the 10 counties not expected to participate during 1999-2000.	($705,704)	NR		
94 One-Time Reduction in Prison Enterprises				
This one-time reduction will not affect committed Enterprise projects or planned equipment spending.	($400,000)	NR		
95 Reduce DART Cherry Aftercare Funds				
The Continuation Budget includes $319,715 in contractual service funds which are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry Funds who are not eligible for existing community programs. Funds for this project are reduced to $269,715 for 1999-2000.	($50,000)	NR		

	FY 99-2000		FY 2000-01	
96 Inmate Road Squad Receipts Increase receipts from Highway Fund for operating inmate road squads from $6.5 million to $7 million to reflect actual cost and to implement directive in 1998-99 Budget Bill to adjust continuation budget to reflect actual cost of operating road squads. This transfer allows a reduction of $500,000 in the General Fund.	($500,000)	R	($500,000)	R
97 Alien Assistance Receipts North Carolina receives federal funds to partially fund the cost of housing illegal aliens who are inmates in the prison system. Receipts are anticpated to increase, allowing for a reduction in the General Fund.	($1,100,000)	NR		
98 Inmate Co-Pay Receipts -- Reduce General Fund The General Assembly authorized inmate co-pay for visits to prison infirmaries in 1997. Inmates pay $3.00 for routine visits to infirmary and $5.00 for emergencies if they have funds available in their accounts. This reduction budgets the receipts and reduces the General Fund	($300,000)	R	($300,000)	R
99 Inmate Canteen Fund This reduction is a one-time reduction in the estimated cash balance of the Inmate Welfare Fund. This reduction does not affect planned inmate projects or expenses to operate the Fund and inmate services.	($750,000)	NR		
00 Eliminate Vacant Medical Positions The General Assembly authorized 50 new medical positions and 50 reallocations for a total of 100 new medical positions at Central and Women's Prison. This recommendation is to reduce 12 vacant positions at Central. These positions -- 8 lead nurses, 3 Nurse Supervisors and 1 staff nurse -- were established in June of 1998 and have not been filled despite continuous reposting. 38 of 50 positions at Central will remain, including 25 nurses.	($540,000) 12.00	R	($540,000) 12.00	R
01 Modular Prison Unit In 1998-99 the General Assembly appropriated $350,000 to purchase a modular prison unit for the Henderson Correctional Center. Bids for the unit exceeded $350,000. It is recommended that an additional $60,000 be appropriated to complete this project.	$60,000	NR		

	FY 99-2000		FY 2000-01	
02 Continue Boot Camp Aftercare Program Provide funds to continue the IMPACT aftercare program in Forsyth, Mecklenburg, New Hanover, Nash/Edgecombe and Buncombe Counties.	$440,000	R	$440,000	R
03 Women at Risk Program Funding is increased from $125,000 to $200,000 to reflect growth in the program in Buncombe County and expansion to Burke, Caldwell and Catawba Counties.	$75,000	R	$75,000	R
04 Harriet's House Funds to provide additional support in 1999-2000 to the programs at Harriet's House, a transitional home for female ex-offenders and their children. Harriet's House receives $200,000 in the Continuation Budget.	$75,000	NR		
05 Continue Victims Assistance Pilot and DOC Program Continues pilot program to provide assistance to victims through the Division of Community Correction. The program, in Craven and Wake Counties, includes 1 Victims Assistant in each location and a clerical position in Craven. Also provides one-time funds to reprogram OPUS system for tracking victims information statewide for the DOC.	$119,915 $75,000 3.00	R NR	$119,915 3.00	R
06 Equipment/Furniture Funds for Parole Commission One-time funding to replace outdated equipment and furniture for the Post Release Supervision and Parole Commission.	$50,000	NR		
07 Inmate Road Squads at Avery/Mitchell The continuation budget includes funds for 6 new road squads at Avery/Mitchell to serve those two counties and surrounding counties where prison units have closed. This item funds expansion of two more road squads effective October 1, 1999 for total of 8.	$133,767 6.00	R	$178,356 6.00	R
08 Funds for Inmate Education Programs Funding to allow the DOC to contract with small community colleges to provide education and training for inmates. The DOC will consult with the Community College System to identify small colleges that otherwise could not afford to provide services.	$50,000	R	$50,000	R

	FY 99-2000		FY 2000-01	
09 **Additional Discretionary Funding for CJPP** Counties participating in the Criminal Justice Partnership Program can apply for discretionary grants, decided by the Secretary of DOC based on recommendations of the CJPP Board. These grants are funded from unspent CJPP funds from prior years and were very limited in 1998-99. This item increases the amount available for discretionary grants in 1999-2000.	$225,000	NR		
Total Legislative Changes	**($27,413,197)**	R	**($33,557,116)**	R
	($4,822,832)	NR		
Total Position Changes	-892.00		-892.00	
Revised Budget	**$889,784,047**		**$887,874,678**	

Crime Control and Public Safety

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$35,723,850		$35,899,900	
Legislative Changes				
10 **Abolish One Position in Victim & Justice Services** This reduction eliminates a vacant clerical position effective, July 1, 1999.	($25,642) -1.00	R	($25,642) -1.00	R
11 **Transfer Crime Prevention Division** Eliminate funding for three positions in the Division of Crime Prevention including the Director and two Community Development Specialist II's. The remaining four positions are transferred to the Governor's Crime Commission.	($167,059) -3.00	R	($167,059) -3.00	R
12 **Transfer Funding of 3 Positions to Highway Fund** Transfer funding of three positions in the Department who specifically support the operations of the State Highway Patrol. These positions include an Assistant Secretary, Accountant III, and Accouting Clerk IV.	($209,575) -3.00	R	($209,575) -3.00	R
13 **Reduce Operating Funds in Department** Reduce funds for workers' compensations payments department wide ($75,000) and aid to governmental units in the Division of Emergency Management ($75,000).	($150,000)	R	($150,000)	R
14 **Tarheel Challenge Program** Provide state matching funds for the Tarheel Challenge Program which operates on a 70% federal to 30% state basis. This 22-week residential program in Sampson County works with high dropouts and expellees from throughout North Carolina.	$710,000	R	$710,000	R

House Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
15 **Boxing Commission Funds** Provide funds for personnel and operating expenses required to continue the operation of the Boxing Commission. These funds will be used to cover salaries and benefits, contractual services, travel, and other operating expenses. These funds will allow the program to operate at its 1997-98 level.	$110,220 3.00	R	$110,220 3.00	R
16 **National Guard Tuition Assistance Program** Provide funds to increase the amount and number of educational benefits for members of the National Guard.	$100,000	R	$100,000	R
Total Legislative Changes	**$367,944**	R	**$367,944**	R
Total Position Changes	-4.00		-4.00	
Revised Budget	**$36,091,794**		**$36,267,844**	

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday May 27th, 8:30 am
Room 612 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Representative Paul McCrary
Representative Bill Culpepper, Presiding
Representative Ted Kinney

II. PRESENTATIONS

Consideration of Draft Justice and Public Safety Special Provisions

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
May 27, 1999 – 8:30 AM

The meeting of the House appropriations Committee on Justice and Public was held in Room 612 in the Legislative Office Building.

The members of the committee attending from the House were Representative Bill Culpepper, presiding; also attending co-chairman Rep. McCrary, co-chairman Rep. Kinne, Rep. Scott Thomas, Rep. Haire, Rep. Horn, Rep. Kiser, Rep. Larry Justice and Rep. Wayne Sexton.

Chairman Culpepper recognized Charles Perusse from fiscal research to share with the committee the Special Provisions draft as of May 26, 1999.

Charles informed the committee that he would be giving the report, beginning with **Judicial Special Provisions.**

Transfer of Equipment and Supply Funds
NC Bar Funds
Indigent Persons' Attorney Fee Fund
Report on Community Mediation Centers
Authorization of Additional Magistrates
Authorization of District Court Judges
Bad Check Program
Additional Assistant District Attorneys
Additional Investigatorial Assistants
District Court Vacancies in Districts 9 and 9B
Extend Indigent Fund Study Commission/Study Public Defender Programs
Add Special Superior Court Judges/Add Superior Court Judge in District 22
Capital Case Program
Drug Treatment Court Funds Shall not revert
Court Information Technology Fund
Educational Program for Parents who are Parties to a Custody or Visitation Action. (See Attachments on Special Provisions)

Crime Control & Public Safety (Special Provisions)

Legislative Review of Drug Law Enforcement and other Grants
Victims Assistance Network Funds

Report on Crime Victims Compensation Fund
Technical Changes to Boxing Commission Law
Annual Evaluation of the Tarheel Challenge Program

The Co-Chairman recognized Elisa Wolper, fiscal research staff to continue with the Special Provisions.

Justice (Special Provisions)

Repeal Settlement Reserve Fund
Limits on Computer system Upgrade
Criminal Justice Information Network Report
Use of Seized and Forfeited Property Transferred to State Law Enforcement Agencies by the Federal Government.
Private Protective Services and Alarm Systems Licensing Boards Pay for use of State Facilities and Services
Certain Litigation expenses to be paid by Clients
Reimbursement for UNC Board of Governors Legal Representation
Exempt Justice Academy from the Umstead Act
Study Fee Adjustment for Criminal Records Checks

Correction (Special Provisions)

Modification of Funding Formula for the North Carolina State-County Criminal Justice Act/Status Report on Criminal Justice Partnership Program

Post-Release Supervision and Parole Commission/Report on Staffing Reorganization and Reduction

Reduce Membership on Post-Release Supervision and Parole Commission

Home as Duty Station Pilot Program

Report on Harriet's House

Report on Summit House

Report on Women at Risk

Federal Grant Reporting

Exemption from Licensure and Certificate of Need

Limit use of Operational Funds

Reimburse Counties for Housing and Extraordinary Medical Costs for Inmates, Paroleees, and Post-Release Supervisees awaiting Transfer to State Prison System

Use of Facilities Closed Under GPAC

Inmate Costs

Title VII Funds/Report

Criminal Justice Education and Training Standards Commission/Special Committee to rewrite standards, Code and Policy Procedures for Employment of Certified Positions in the Department of Correction

Federal Grant Matching Funds

Private Prison Contracts

Pilots to Determine Cost-Effectiveness of Placing all Inmates on Work-Release

Report on Probation and Parole Caseloads

Proposed Standards for Private Prisons for Out of State Inmates

Close Security Prisons

JBS Budget (Special Provisions)

Exemption from Licensure and Certificate of Need

Limit use of Operational Funds

Reimburse Counties for Housing and extraordinary Medical costs for Inmates, Parolees and Post-Release Supervisees awaiting Transfer to State Prison System

Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit

Use of Facilities Closed Under GPAC

Inmate Costs

Title VII Funds/Report

Criminal Justice Education and Training Standards

Commission/Special Committee to Rewrite Standards, Code and Policy Procedures for Employment of Certified Positions in the Department of Correction

Federal Grant Matching Funds

Private Prison Contracts

(Relates to GPAC) Pilots to Determine Cost-Effectiveness of Placing all Inmates on Work-Release

Report on Probation and Parole Caseloads

Proposed Standards for Private Prisons for Out-of State Inmates

Close Security Prisons

This concludes Corrections.

Juvenile Justice (Special Provisions)

Annual Evaluation of Juvenile Justice Community Programs and Multipurpose Group Homes

Secure Group Home for Female Offenders

Juvenile Crime Prevention Council Participation

S.O.S. Administrative Cost Limits

Study Staffing at Training Schools and Detention Centers

Local Grant Reporting

Funds for Family Courts, Substance Abuse Prevention and Multipurpose Group Homes Shall Not Revert

Transfer of Positions from the Department of Corrections and the Administrative Office of the Courts to the Office of Juvenile Justice

Juvenile Justice Information System Report

Programs and Funds Transferred to the Office of Juvenile Justice

Funds for Local Organization of the Boys and Girls Club

State Funds may be used as Federal Matching Funds

Report on Site Selection of Training School and Detention Beds

Establish a Pilot Program for a Multi-Functional Juvenile Facility

Career Status for Former Judicial Employees Transferred to the Office of Juvenile Justice

Jim Mills, fiscal staff concluded the Special Provisions for the Office of Juvenile Justice. Co-Chairman Culpepper asked for any additional questions from committee members regarding Special Provisions under all the departments. Co-Chairman Culpepper made a motion that all the Special Provisions that have been reviewed today subject to three possible technical amendments that the committee has authorized fiscal staff to place in the report, be approved and referred to full Appropriations. Representative Kinney made the motion. The motion carried.

There being no further business, the meeting adjourned.

Respectively Submitted,

Representative Bill Culpper, Co-Chairman Barbara A. Berry, Committee Assistant

VISITOR REGISTRATION SHEET

HOUSE JUSTICE & PUB SAFETY 5-27-99

Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
LARRY DIX	DJJ
Bill Wilson	NCAE
Steve Nelson	AOC
Eddie CALDWELL	NC Sheriffs Assn / NC Law Enf Off Assn
Bryan Beatty	DOJ
Melissa Lovell	DOJ
S. Katzenelson	NC Sentencing Com.
Karen Carstens	SCO
Denise A. Sessoms	DOC
Harriet Dail	NCAE
C Porter	B&A
Joi Ann Harris	LRHA
LE Hartsell	NC Bar Association
[illegible]	NC AOCR
Dennis Patterson	AP
[illegible]	CCPS
Anne Bonds	AOC
Greg Stohl	DOC
Deborah [illegible]	[illegible]
Chris Martin	AOC
Gordon Rayne	Governor's Office

HOUSE APPROPRIATIONS

SUBCOMMITTEE ON

JUSTICE AND PUBLIC SAFETY

SPECIAL PROVISIONS

DRAFT AS OF 5/26/99 P.M.

JUDICIAL

CODE NO. 99AOC-H001

Requested by: Representatives Culpepper, Kinney, McCrary

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Section @. Funds appropriated to the Judicial Department in the 1999-2001 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 shall 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.

Repeat

CODE NO. 99AOC-H002A

Requested by: Representatives Culpepper, Kinney, McCrary

N.C. STATE BAR FUNDS

Section @.(a) Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 1999-2001 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 1999-2000 fiscal year and up to the sum of two hundred fifty thousand dollars ($250,000) for the 2000-2001 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Section @.(b) Of the recurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1999-2001 biennium, the North Carolina State Bar may in its discretion use up to the sum of three hundred forty thousand dollars ($340,000) for the 1999-2000 fiscal year and up to the sum of three hundred forty thousand dollars ($340,000) for the 2000-2001 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Repeat

CODE NO. 99AOC-H003 Repeal

Requested by: Representatives Culpepper, Kinney, McCrary

INDIGENT PERSONS' ATTORNEY FEE FUND

Section @.(a) Effective July 1, 1999, the Administrative Office of the Courts shall each year of the 1999-2001 biennium reserve funds for adult, juvenile, and guardian ad litem cases from the Indigent Persons' Attorney Fee Fund. These funds shall be allotted to each judicial district in which the superior and district courts 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 1998-99 and 1999-2000, respectively. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be budgeted for capital cases and for transcripts, professional examinations, expert witness fees, and other supporting services.

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.

Section @.(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

1 funds to a district or county in a manner calculated to result in
2 the reasonably fair distribution of remaining funds.
3 Section @.(c) If funds allocated in subsections (a) and
4 (b) of this section are depleted in a district or county prior to
5 the end of the fiscal year, the Administrative Office of the
6 Courts shall allot available funds from the Public Defender
7 program.
8 Section @.(d) If the funds allotted pursuant to
9 subsections (a), (b), and (c) of this section are depleted in a
10 district or county prior to the end of the fiscal year, the
11 Administrative Office of the Courts is authorized to transfer
12 funds between districts or counties only if the Administrative
13 Office of the Courts determines that the funds transferred will
14 not be needed to meet the obligations incurred by the Indigent
15 Persons' Attorney Fee Fund for the county or district from which
16 the funds are transferred for the fiscal year.

CODE NO. 99AOC-H004 Repeal

Requested by: Representatives Culpepper, Kinney, McCrary

REPORT ON COMMUNITY MEDIATION CENTERS

Section @.(a) All community mediation 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 appropriated to the center;
(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.

Section @.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section @.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

Section @.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

1 Section @.(e) Each community mediation center receiving
2 State funds for six or more years shall document that at least
3 fifty percent (50%) of total funding comes from non-State
4 sources.
5 Section @.(f) Each community mediation center currently
6 receiving State funds that has achieved a funding level from non-
7 State sources greater than that provided for that center by
8 subsection (c), (d), or (e) of this section shall make a good
9 faith effort to maintain that level of funding.
10 Section @.(g) The percentage that State funds comprise
11 of the total funding of each community mediation center shall be
12 determined at the conclusion of each fiscal year with the
13 information provided pursuant to G.S. 7A-346.1 and is intended as
14 a funding ratio and not a matching funds requirement. Community
15 mediation centers may include the market value of donated office
16 space, utilities, and professional legal and accounting services
17 in determining total funding.
18 Section @.(h) A community mediation center having
19 difficulty meeting the funding ratio provided for that center by
20 subsection (c), (d), or (e) of this section may request a waiver
21 or special consideration through the Administrative Office of the
22 Courts for consideration by the Senate and House Appropriations
23 Subcommittees on Justice and Public Safety.
24 Section @.(i) The provisions of G.S. 143-31.4 do not
25 apply to community mediation centers receiving State funds.

6.

CODE NO. 99AOC-H005A Follows the 8

Requested by: Representatives Culpepper, Kinney, McCrary

AUTHORIZE ADDITIONAL MAGISTRATES

Section @. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
Camden	1	~~2~~ 3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	4	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	

1	Warren	3	4	
2	Franklin	3	7	
3	Person	3	4	
4	Caswell	2	5	
5	Wake	12	20	Apex,
6				Wendell,
7				Fuquay-
8				Varina,
9				Wake Forest
10	Harnett	7	11	Dunn
11	Johnston	10	12	Benson,
12				Clayton,
13				Selma
14	Lee	4	6	
15	Cumberland	10	~~18~~ 19	
16	Bladen	4	6	
17	Brunswick	4	8	
18	Columbus	6	9	Tabor City
19	Durham	8	13	
20	Alamance	7	10	Burlington
21	Orange	4	11	Chapel Hill
22	Chatham	3	8	Siler City
23	Scotland	3	5	
24	Hoke	4	5	
25	Robeson	8	16	Fairmont,
26				Maxton,
27				Pembroke,
28				Red Springs,
29				Rowland,
30				St. Pauls
31	Rockingham	4	9	Reidsville,
32				Eden,
33				Madison
34	Stokes	2	5	
35	Surry	5	9	Mt. Airy
36	Guilford	20	26	High Point
37	Cabarrus	5	9	Kannapolis
38	Montgomery	2	4	
39	Randolph	5	10	Liberty
40	Rowan	5	10	
41	Stanly	5	6	
42	Union	4	~~6~~ 7	
43	Anson	4	5	
44	Richmond	5	6	Hamlet
45	Moore	5	8	Southern
46				Pines
47	Forsyth	3	15	Kernersville
48	Alexander	2	3	
49	Davidson	7	10	Thomasville
50	Davie	2	3	
51	Iredell	4	9	Mooresville
52	Alleghany	1	2	
53	Ashe	3	4	

8.

1	Wilkes	4	6	
2	Yadkin	3	5	
3	Avery	3	5	
4	Madison	4	5	
5	Mitchell	3	4	
6	Watauga	4	6	
7	Yancey	2	4	
8	Burke	4	7	
9	Caldwell	4	7	
10	Catawba	6	10	Hickory
11	Mecklenburg	15	27	
12	Gaston	11	22	
13	Cleveland	5	8	
14	Lincoln	4	7	
15	Buncombe	6	15	
16	Henderson	4	7	
17	McDowell	3	5	
18	Polk	3	4	
19	Rutherford	6	8	
20	Transylvania	2	4	
21	Cherokee	3	4	
22	Clay	1	2	
23	Graham	2	3	
24	Haywood	5	7	Canton
25	Jackson	3	4	
26	Macon	3	4	
27	Swain	2	3."	

9.

CODE NO. 99AOC-H006

Requested by: Representatives Culpepper, Kinney, McCrary

ASSISTANT PUBLIC DEFENDERS

Section @. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1999-2001 biennium, the Administrative Office of the Courts may use up to one hundred sixty-one thousand four hundred forty-eight dollars ($161,448) for the 1999-2000 fiscal year and up to two hundred eighty-four thousand eight hundred forty dollars ($284,840) for salaries, benefits, equipment, and related expenses to establish up to four new assistant public defender positions.

Follows the H

CODE NO. 99AOC-H007 Follows the 8

Requested by: Representatives Culpepper, Kinney, McCrary

ADDITIONAL DISTRICT COURT JUDGES

Section @.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	~~3~~ 4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~7~~ 8	Sampson
		Duplin
		Jones
		Onslow
5	~~6~~ 7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	1	Warren

1			(part of Vance
2			see subsection (b))
3	10	13	Wake
4	11	7	Harnett
5			Johnston
6			Lee
7	12	9	Cumberland
8	13	~~5~~ 6	Bladen
9			Brunswick
10			Columbus
11	14	6	Durham
12	15A	~~3~~ 4	Alamance
13	15B	4	Orange
14			Chatham
15	16A	3	Scotland
16			Hoke
17	16B	5	Robeson
18	17A	2	Rockingham
19	17B	3	Stokes
20			Surry
21	18	~~11~~ 12	Guilford
22	19A	3	Cabarrus
23	19B	6	Montgomery
24			Moore
25			Randolph
26	19C	4	Rowan
27	20	7	Stanly
28			Union
29			Anson
30			Richmond
31	21	8	Forsyth
32	22	8	Alexander
33			Davidson
34			Davie
35			Iredell
36	23	4	Alleghany
37			Ashe
38			Wilkes
39			Yadkin
40	24	4	Avery
41			Madison
42			Mitchell
43			Watauga
44			Yancey
45	25	8	Burke
46			Caldwell
47			Catawba
48	26	~~15~~ 16	Mecklenburg
49	27A	~~5~~ 6	Gaston
50	27B	4	Cleveland
51			Lincoln
52	28	5	Buncombe
53	29	6	Henderson

		McDowell
		Polk
		Rutherford
		Transylvania
30	4 5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

Section @.(b) The Governor shall appoint additional district court judges for District Court Districts 2, 4, 5, 13, 15A, 18, 26, 27A, and 30 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2002 election for four-year terms commencing on the first Monday in December 2002.

Section @.(c) Subsection (a) of this section becomes effective January 1, 2000, as to any district in which no county is subject to Section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to Section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective January 1, 2000 or 15 days after the date upon which that subsection is approved under Section 5 of the Voting Rights Act, whichever is later.

13.

CODE NO. 99AOC-H009A Follows the $

Requested by: Representatives Culpepper, Kinney, McCrary

BAD CHECK PROGRAM

Section @.(a) Subsection (e) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, reads as rewritten:

"(e) This section becomes effective October 1, ~~1997, and expires June 30, 1999.~~ 1997."

Section @.(b) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, reads as rewritten:

"(d) This act apples only to Brunswick, Bladen, Columbus, Durham, New Hanover, Pender, Rockingham, and Wake Counties."

Section @.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the bad check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, New Hanover, and Pender Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases.

Section @.(d) Subsection (a) of this section becomes effective June 30, 1999.

CODE NO. 99AOC-H012 Follows the 8

Requested by: Representatives Culpepper, Kinney, McCrary

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Section @.(a) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	~~13~~ 14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	~~28~~ 30
11	Harnett, Johnston, Lee	14
12	Cumberland	~~17~~ 18
13	Bladen, Brunswick, Columbus	~~9~~ 10
14	Durham	13
15A	Alamance	~~7~~ 8
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26

19A	Cabarrus	~~5~~ 6
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	14
26	Mecklenburg	~~32~~ 33
27A	Gaston	12
27B	Cleveland, Lincoln	8
28	Buncombe	10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	8

Section @.(b) This section becomes effective January 1, 2000.

16.

CODE NO. 99AOC-H013

Requested by: Representatives Culpepper, Kinney, McCrary

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section @. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in prosecutorial districts 1, 3B, 4, 5, 6B, 7, 8, ~~10,~~ 11, 12, 13, 14, 15A, 15B, 18, 19B, 20, 21, 22, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant and the district attorney in prosecutorial district 10 is entitled to two investigatorial assistants, to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

Follows the $

CODE NO. 99AOC-H014

Requested by: New

DISTRICT COURT VACANCIES IN DISTRICTS 9 AND 9B

Section @. G.S. 7A-142 reads as rewritten:

"**§ 7A-142. Vacancies in office.**

A vacancy in the office of district judge shall be filled for the unexpired term by appointment of the Governor from nominations submitted by the bar of the judicial district as defined in ~~G.S. 84-19.~~ G.S. 84-19, except that in judicial district 9, when vacancies occur in District Court District 9 or 9B, only those members who reside in the district court district shall participate in the selection of the nominees. If the district court district is comprised of counties in more than one judicial district, the nominees shall be submitted jointly by the bars of those judicial districts, but only those members who reside in the district court district shall participate in the selection of the nominees. If the district court judge was elected as the nominee of a political party, then the district bar shall submit to the Governor the names of three persons who are residents of the district court district who are duly authorized to practice law in the district and who are members of the same political party as the vacating judge; provided that if there are not three persons who are available, the bar shall submit the names of two persons who meet the qualifications of this sentence. Within 60 days after the district bar submits nominations for a vacancy, the Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar nominee within 60 days, then the district bar nominee who received the highest number of votes from the district bar shall fill the vacancy. If the district bar fails to submit nominations within 30 days from the date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for nominations."

CODE NO. 99AOC-H015 Repeat / Extend Date

Requested by: Representatives Culpepper, Kinney, McCrary

EXTEND INDIGENT FUND STUDY COMMISSION/STUDY PUBLIC DEFENDER PROGRAMS

Section @. Subsection (b) of Section 16.5 of S.L. 1998-212 reads as rewritten:

"(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;

(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;

(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;

(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;

(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;

(6) Review methods used by other states to provide legal representation to indigent defendants;

(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; ~~and~~

(8) Outline additional suggestions that would improve the provision of legal representation to indigent ~~defendants.~~ defendants; and

(9) Evaluate the report on the efficiency and cost-effectiveness of the public defender program

1 provided to the Commission pursuant to Section 16.1
2 of S.L. 1998-212, and recommend any improvements to
3 public defender programs or the expansion of public
4 defender programs to additional districts, based
5 upon the content of that report.
6 The Administrative Office of the Courts shall assign
7 professional and clerical staff to assist in the work of the
8 Commission. The Commission shall report its findings and
9 recommendations to the Chairs of the Senate and House
10 Appropriations Committees and the Chairs of the Senate and House
11 Appropriations Subcommittees on Justice and Public Safety no
12 later than ~~May 1, 1999.~~ May 1, 2000. The report shall include a
13 cost analysis demonstrating the additional personnel and
14 equipment necessary to implement the Commission's
15 recommendations. The report shall also include any legislation
16 necessary to implement the Commission's recommendations."

CODE NO. 99AOC-H016D Follows the 4

Requested by: Representatives Culpepper, Kinney, McCrary

ADD SPECIAL SUPERIOR COURT JUDGES/ADD SUPERIOR COURT JUDGE IN DISTRICT 22

Section @.(a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a4) Effective October 1, 1999, the Governor may appoint four special superior court judges to serve terms expiring five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five year-terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

Section @.(b) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1

	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11A	Harnett, Lee	1
	11B	Johnston	1
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Moore, Randolph	2

	19C	Rowan	1
	20A	Anson, Richmond	1
	20B	Stanly, Union	2
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	~~2~~ 3
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	2
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	2
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
	30A	Cherokee, Clay, Graham, Macon, Swain	1
	30B	Haywood, Jackson	1"

Section @.(c) The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 22 as authorized by subsection (b) of this section. The successor to that judge shall be elected in the 2000 general election to serve the remainder of the unexpired term expiring December 31, 2002, in order to provide for unstaggered terms for multiple judgeships in the same district.

Section @.(d) This section becomes effective October 1, 1999.

23.

CODE NO. 99AOC-H017 Follows the 8

Requested by: Representatives Culpepper, Kinney, McCrary

CAPITAL CASE PROGRAM

Section @.(a) The Administrative Office of the Courts shall establish a capital case program to be incorporated into the Office of the Appellate Defender to provide assistance to districts experiencing difficulty in locating qualified private counsel to handle capital cases.

Section @.(b) The Administrative Office of the Courts may use up to the sum of three hundred fifty-eight thousand one hundred three dollars ($358,103) from the Indigent Persons' Attorney Fee Fund for the 1999-2000 fiscal year and the sum of three hundred ninety-six thousand eight hundred forty-five dollars ($396,845) for the 2000-2001 fiscal year for salaries, benefits, and related expenses to establish three assistant public defender positions and one investigator to work specifically on capital cases.

Section @.(c) The Administrative Office of the Courts shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the effectiveness of the program, including information on which districts have received assistance, the average cost per defendant served, and an estimate of the savings to be realized in using this program rather than privately assigned counsel.

CODE NO. 99AOC-H018 Repeat

Requested by: Representatives Culpepper, Kinney, McCrary

DRUG TREATMENT COURT FUNDS SHALL NOT REVERT

Section @.(a) Funds appropriated to the Judicial Department for the 1998-99 fiscal year for drug treatment courts shall not revert at the end of the fiscal year but shall remain available to the Department during the 1999-2000 fiscal year to be used for that purpose.

Section @.(b) This section becomes effective June 30, 1999.

CODE NO. 99AOC-H022A New

Requested by: Representatives Culpepper, Kinney, McCrary

COURT INFORMATION TECHNOLOGY FUND

Section @.(a) G.S. 7A-343 reads as rewritten:

"§7A-343. Duties of Director.

The Director is the Administrative Officer of the Courts, and his duties include the following:

(1) Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts;

(2) Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice;

(3) Prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of superior court;

(4) Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the Judicial Department, and authorize expenditures from funds appropriated for these purposes;

(5) Investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the General Court of Justice;

(6) Procure, distribute, exchange, transfer, and assign such equipment, books, forms and supplies as are to be acquired with State funds for the General Court of Justice;

(7) Make recommendations for the improvement of the operations of the Judicial Department;

(8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy to each member of the General Assembly;

(9) Assist the Chief Justice in performing his duties relating to the transfer of district court judges for temporary or specialized duty; ~~and~~

(9a) Establish and operate systems and services that provide electronic transaction processing and

access to court information systems pursuant to G.S. 7A-343.2; and

(10) Perform such additional duties and exercise such additional powers as may be prescribed by statute or assigned by the Chief Justice."

Section @.(b) Article 29 of Chapter Statutes is amended by adding a new section to read:

"**§ 7A-343.2 Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Monies in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology needs. The Director shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the expenditure of those funds during the preceding calendar year."

Section @.(c) G.S. 7A-109(d) reads as rewritten:

"(d) In order to facilitate public access to court records, except where public access is prohibited by law, the Director may enter into one or more nonexclusive contracts under reasonable cost recovery terms with third parties to provide remote electronic access to the records by the public. Costs recovered pursuant to this subsection shall be remitted to the State Treasurer to be held in the Court Information Technology Fund established in G.S. 7A-343.2."

CODE NO. 99AOC-H024 Follows the $

Requested by: Representatives Culpepper, Kinney, McCrary

EDUCATIONAL PROGRAM FOR PARENTS WHO ARE PARTIES TO A CUSTODY OR VISITATION ACTION

Section @.(a) The Administrative Office of the Courts shall establish a program to educate and sensitize separated or divorcing couples with children about the needs of their children during and after the separation and divorce process. The program shall be administered as part of the family court pilot program established by Section 25 of S.L. 1998-202. Program development shall include the following:

(1) An educational course that parties to a custody or visitation action may attend voluntarily or if ordered by the court. The course should be designed to inform attendees of the impact of their separation, custody, or visitation action on:

a. The children,

b. The parents' relationship with one another,

c. The family's relationship, and

d. The couple's financial responsibilities for the children;

The course should provide information to attendees on resources available in the community to help them address these issues;

(2) An administrative plan for the implementation of the program in all judicial districts with a family court pilot program; the administrative plan shall include:

a. Provisions to ensure the program will be financially self-sustaining in each district,

b. Estimates of reasonable fees that attendees would be charged, and a method for waiving such fees in cases of severe financial hardship,

c. Methods for evaluating the courses to ensure effectiveness, and for certifying attendance,

d. How the program will be implemented at the local level, and

e. Other administrative matters identified by the Administrative Office of the Courts as necessary for effective and efficient program implementation;

1 (3) Identification of course providers with whom the
2 Administrative Office of the Courts would contract
3 to make courses available at reasonable times and
4 for reasonable fees, and to ensure that courses
5 will be available with sufficient regularity to
6 meet the needs of the judicial district in which
7 the program is offered; and
8 (4) Other matters considered by the Administrative
9 Office of the Courts to be important program
10 components.
11 The Administrative Office of the Courts shall ensure
12 that the program is operational in all judicial districts with a
13 family court pilot program established pursuant to Section 25 of
14 S.L. 1998-202 no later than January 1, 2000.
15 Section @.(b) The Administrative Office of the Courts
16 shall ensure involvement and input into the development of the
17 program by persons who have experience in assisting families
18 through and after the divorcing process.
19 Section @.(c) The court shall order participation in
20 this educational course if it finds that significant parental
21 conflict has adversely affected the children and that the
22 children's best interests would be served by the party or
23 parties' participation in the course.
24 Section @.(d) The Administrative Office of the Courts
25 shall report to the General Assembly not later than March 1,
26 2001, on the program developed pursuant to this section. The
27 Administrative Office of the Courts shall make an interim report
28 on the program developed pursuant to this section to the General
29 Assembly as part of its report on the family court pilot program
30 established by Section 25 of S.L. 1998-202. These reports shall
31 include the following:
32 (1) Progress made on the implementation of the targeted
33 pilot districts and recommendations for the
34 expansion of the program to other districts;
35 (2) The amount of State funds that will be necessary
36 for the Administrative Office of the Courts to
37 supervise and oversee program operation;
38 (3) Legislation that may be needed to facilitate
39 program implementation and operation; and
40 (4) Other recommendations the Administrative Office of
41 the Courts considers appropriate.

JUSTICE

CODE NO. 99ATTY-H001B-P

Requested by: Representatives Culpepper, Kinney, McCrary

REPEAL SETTLEMENT RESERVE FUND

Section @.(a) G.S. 143-16.5 is repealed.

Section @.(b) G.S. 114-2.5 reads as rewritten:

"**§ 114-2.5. Attorney General to report payment of public monies pursuant to settlement agreements and final court orders.**

(a) ~~The~~ Prior to the disbursement of funds received by the State or a State agency pursuant to a settlement agreement or final order or judgment of the court where the amount of funds received exceeds seventy-five thousand dollars ($75,000), the Attorney General shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives on the payments received by the State or a State agency. ~~pursuant to a settlement agreement or final order or judgment of the court and deposited to the Public Settlement Reserve Fund in accordance with G.S. 143-16.5.~~ The Attorney General shall also report on the terms or conditions of payment and of any disbursements set forth in the agreement or order. The Attorney General shall submit a written report to the Fiscal Research Division of the General Assembly.

(b) This section only applies to executed settlement agreements and final orders or judgments of the court and shall in no way affect the authority of the Attorney General to negotiate the settlement of cases in which the State or a State department, agency, institution, or officer is a party."

NEW

CODE NO. 99ATTY-H002A-P

Requested by: Representatives Culpepper, Kinney, McCrary

LIMITS ON COMPUTER SYSTEM UPGRADE

Section @. Any major new computer system or major computer system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, or the Office of Juvenile Justice to be funded all or in part from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and to any standing committee on information technology appointed by the Senate or House of Representatives before the department enters into any contractual agreement. A major computer system upgrade includes any proposed enhancement, modification, or capacity increase to the computing and telecommunications infrastructure or to program applications where the total cost is anticipated to exceed five hundred thousand dollars ($500,000). This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department.

Repeat

Adds OJJ

CODE NO. 99ATTY-H003-P

Requested by: Representatives Culpepper, Kinney, McCrary

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section @. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards.

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board.

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

Repeat

Repeat

CODE NO. 99ATTY-H004-P

Requested by: Representatives Culpepper, Kinney, McCrary

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section @.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the 1999-2000 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for SBI training; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section @.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section @.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

CODE NO. 99ATTY-H008-P

Requested by: Representatives Culpepper, Kinney, McCrary

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

1 Section @. The Private Protective Services and Alarm
2 Systems Licensing Boards shall pay the appropriate State agency
3 for the use of physical facilities and services provided to those
4 boards by the State.

Repeat

CODE NO. 99ATTY-H009-P

Requested by: Representatives Culpepper, Kinney, McCrary

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

1 Section @. Client departments, agencies, and boards
2 shall reimburse the Department of Justice for reasonable court
3 fees, attorney travel and subsistence costs, and other costs
4 directly related to litigation in which the Department of Justice
5 is representing the department, agency, or board.

Repeat

CODE NO. 99ATTY-H010-P

Requested by: Representatives Culpepper, Kinney, McCrary

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Section @. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

Repeat

CODE NO. 99ATTY-H011-P

Requested by: Representatives Culpepper, Kinney, McCrary

EXEMPT JUSTICE ACADEMY FROM THE UMSTEAD ACT

1 Section @. G.S. 66-58(b) is amended by adding a new
2 subdivision to read:
3 "(19) The North Carolina Justice Academy."

New

37.

CODE NO. 99ATTY-H012-P

Requested by: Representatives Culpepper, Kinney, McCrary

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section @. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks and how those costs have changed since the 1995-96 fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before March 1, 2000.

Repeat

JUVENILE JUSTICE

CODE NO. 99OJJ-H002

Requested by: Representatives Culpepper, Kinney, McCrary

ANNUAL EVALUATION OF JUVENILE JUSTICE COMMUNITY PROGRAMS AND MULTIPURPOSE GROUP HOMES

Section @.(a) Section 11.51 of S.L. 1997-443 is repealed.

Section @.(b) The Office of Juvenile Justice shall conduct an evaluation of wilderness camp programs, the Governor's One-on-One Programs, the On Track Program established in S.L. 1998-202, the Guard Response Alternate Sentencing Program established in S.L. 1998-202, and multipurpose group homes. In conducting the evaluation, the Office shall consider whether participation in the each program results in a reduction of court involvement among juveniles. The Office shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Office shall report the results of the evaluation to the Chairs of the House and Senate Appropriations Committees and the Chairs of the Subcommittees of Justice and Public Safety of the House and Senate Appropriations Committees by March 1 of each year.

REPEAT

CODE NO. 99OJJ-[redacted]002A

Requested by: Representatives Culpepper, Kinney, McCrary

SECURE GROUP HOME FOR FEMALE OFFENDERS

Section @. Funds in the amount of one million one hundred twenty-seven thousand eight hundred fifty dollars ($1,127,850) appropriated in S.L. 1998-212 to the Department of Health and Human Services and reallocated to the Office of Juvenile Justice for construction of beds for female offenders at Gatling Detention Center shall be reallocated for construction of an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards.

NEW

CODE NO. 99OJJ-H003-P

Requested by: Representatives Culpepper, Kinney, McCrary

JUVENILE CRIME PREVENTION COUNCIL PARTICIPATION

Section @. Each county in which local programs receive Juvenile Crime Prevention Council grant funds from the Office of Juvenile Justice shall certify annually through their local councils to the Office of Juvenile Justice that funds received are not used to duplicate or supplant other programs within the county.

REPEAT

CODE NO. 99OJJ-H004A

Requested by: Representatives Culpepper, Kinney, McCrary

S.O.S ADMINISTRATIVE COST LIMITS

Section @. Of the funds appropriated to the Office of Juvenile Justice in this act, not more than four hundred fifty thousand dollars ($450,000) for the 1999-2000 fiscal year and not more than four hundred fifty thousand dollars ($450,000) for the 2000-2001 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Office may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

REPEAT WITH INCREASE FROM $350,000 TO $450,000

NEW

CODE NO. 99OJJ-H005A

Requested by: Representatives Culpepper, Kinney, McCrary

STUDY STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS

Section @. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Fiscal Research Division of the General Assembly and the Office of Juvenile Justice in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study to the Chairs of the House and Senate Appropriations Committees and the Chairs of the Subcommittees on Justice and Public Safety of the House and Senate Appropriations Committees on or before April 1, 2000.

CODE NO. 99OJJ-H006-P

Requested by: Representatives Culpepper, Kinney, McCrary

LOCAL GRANT REPORTING

Section @. On or before October 1, 1999, and by May 1 each year thereafter, the Office of Juvenile Justice shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Office for local grants. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a short description of the local services, programs, or projects that will receive funds. The list shall also identify any programs that received grant funds at one time but for which funding has been eliminated by the Office of Juvenile Justice. A written copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

REPEAT

CODE NO. 99OJJ-H007B

Requested by: Representatives Culpepper, Kinney, McCrary

FUNDS FOR FAMILY COURTS, SUBSTANCE ABUSE PREVENTION, AND MULTIPURPOSE GROUP HOMES SHALL NOT REVERT

Section @.(a) Funds appropriated to the Department of Health and Human Services for the 1998-1999 fiscal year and transferred to the Office of Juvenile Justice for the Substance Abuse Prevention Plan and the operation of multipurpose group homes shall not revert, but shall remain available to the Office of Juvenile Justice for the 1999-2000 fiscal year.

Section @.(b) Funds appropriated in S.L. 1998-212 for the family court pilot programs established in S.L. 1998-202 shall not revert, but shall remain available to the Administrative Office of the Courts for the 1999-2000 fiscal year.

Section @.(c) This section becomes effective June 30, 1999.

NEW

CODE NO. 99OJJ-H008-P

Requested by: Representatives Culpepper, Kinney, McCrary

TRANSFER OF POSITIONS FROM THE DEPARTMENT OF CORRECTION AND THE ADMINISTRATIVE OFFICE OF THE COURTS TO THE OFFICE OF JUVENILE JUSTICE

Section @. (a) The Department of Correction is authorized to transfer the following administrative positions and their funding to the Office of Juvenile Justice to provide administrative support for the Office of Juvenile Justice:

(1) Executive Director-Criminal Justice Partnership Act: Position number 4550-0000-000-061

(2) Accountant III: Position number 4520-0005-0002-050

(3) Administrative Secretary III: Position number 4550-0000-0000-081.

Section @. (b) The Administrative Office of the Courts is authorized to transfer the research and planning administrator position, position number 2203-1110-1150-543, to the Office of Juvenile Justice.

Section @. (c) The transfers authorized pursuant to this section become effective July 1, 1999.

N Ew

CODE NO. 99OJJ-H009A-P

Requested by: Representatives Culpepper, Kinney, McCrary

JUVENILE JUSTICE INFORMATION SYSTEM REPORT

Section @. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall annually evaluate the status of the juvenile justice information system created pursuant to the juvenile justice information plan established by S.L. 1998-202. The Criminal Justice Information Network Governing Board shall consult with the Department of Justice and the Office of Juvenile Justice in evaluating the system and in developing the report. The evaluation shall include a review of the progress or status of the development of:

(1) Each phase of the plan that is mandated to create the system pursuant to S.L. 1998-202;

(2) Identification of management information that will be collected and tracked; and

(3) Identification of the State agency programs that will be part of the system.

The evaluation shall also (i) identify all expenditures to date, including the source of funding and the purpose of the expenditures, and (ii) provide an updated estimate of the short- and long-range cost of the system.

The Criminal Justice Information Network shall report by April 1 each year to the Chairs of the House and Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly on the status of the juvenile justice information system and on any findings, recommendations, and legislative proposals related to the plan.

REVISED

CODE NO. 99OJJ-H013A

Requested by: Representatives Culpepper, Kinney, McCrary

PROGRAMS AND FUNDS TRANSFERRED TO THE OFFICE OF JUVENILE JUSTICE

Section @. (a) Program responsibility and funding for Project Challenge North Carolina, Inc., the teen court programs funded through the budget of the Administrative Office of the Courts, and the Juvenile Assessment Center Project of District Court District 12 are hereby transferred from the Judicial Department to the Office of Juvenile Justice.

Section @. (b) Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by November 1 and May 1 of each year on the operation and effectiveness of its program to provide alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on the source of referrals for juveniles, the types of offenses committed by juveniles participating in the program, the amount of time those juveniles spend in the program, the number of juveniles who successfully complete the program, and the number of juveniles who commit additional offenses after completing the program.

NEW

CODE NO. 99OJJ-H014A-P NEW

Requested by: Representatives Hardaway, Culpepper, Kinney, McCrary

FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section @.(a) Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the sum of five hundred thousand dollars ($500,000) shall be used to establish a pilot program to grant funds to local organizations of the Boys and Girls Club pursuant to subsection (b) of this section.

Section @.(b) The Office of Juvenile Justice shall develop a pilot program that grants funds to the local organizations of the Boys and Girls Club in the 10 counties with the highest rate of juvenile delinquency. The local organization shall provide funds to match the State funds granted pursuant to this section. In developing the program, the Office shall establish criteria for receiving a grant pursuant to this section and shall develop a funding strategy to encourage local organizations to provide resources and services to meet the physical, emotional, and educational needs of juveniles who are at risk of becoming delinquent or undisciplined, and to their families. The Office shall consider requiring local organizations that receive grant funds pursuant to this section to:

(1) Encourage juveniles to become involved in community programs that instill in juveniles pride in their communities and develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(2) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(3) Provide guidance to and positive role models for juveniles.

Section @.(c) The Office of Juvenile Justice shall report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the

1 effectiveness of the program, including information on the number
2 of juveniles served.

50.

CODE NO. 99OJJ-H015-P

Requested by: Representatives Culpepper, Kinney, McCrary

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section @. Funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and Management and the Governor's Crime Commission shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 1999-2000 fiscal year, the amount of funds anticipated for the 2000-2001 fiscal year, and the allocation of funds by program and purpose.

REPEAT

CODE NO. 99OJJ-H016A

Requested by: Representatives Culpepper, Kinney, McCrary

REPORT ON SITE SELECTION OF TRAINING SCHOOL AND DETENTION BEDS

Section @. The Office of Juvenile Justice shall report to the Joint Legislative Commission on Governmental Operations prior to finalizing site selection for training school beds and detention beds for which funds are appropriated in this act and any training school or detention beds to be built with federal funds. Consideration shall be given to the renovation of existing GPAC units for new training school and detention beds. In selecting sites, the Office shall consider the need for additional beds in the particular area of the State.

REPEAT

CODE NO. 99OJJ-H001A

NEW

Requested by: Representatives Redwine and Wright

ESTABLISH A PILOT PROGRAM FOR A MULTI-FUNCTIONAL JUVENILE FACILITY

Section @.(a) Establishment of pilot program and authorization to contract.-- If the Office of Juvenile Justice determines that it would most economically and effectively promote the purposes served by the Office, it shall establish a pilot program in eastern North Carolina to provide juveniles involved in the juvenile justice system with custodial and program services, intermediate dispositional alternatives, and community program services in one multi-functional juvenile facility. In establishing the pilot, the Office shall contract, as provided by law, with a private for-profit or nonprofit firm for the construction and operation of a multi-functional juvenile facility totaling up to 100 beds, which provides custodial, rehabilitation, and treatment services, including substance abuse and sex offender services, to juveniles involved in the juvenile justice system. The facility shall be constructed in accordance with plans and specifications developed by the Office of Juvenile Justice, the Department of Administration, and the Department of Health and Human Services. The facility shall be able to be retrofitted within three to four months to provide the State with either training school beds or detention beds.

If local interest and commitment by surrounding communities exist, the facility shall have the capacity to provide community-based programs, including day reporting centers, transitional group homes, emergency shelter care, alternative education programs, and outpatient family counseling and substance abuse treatment.

Section @.(b) Term of contract.-- Any contract entered under the authority of this section shall be for a period not to exceed 10 years and shall be renewable from time to time for a period not to exceed 10 years.

Section @.(c) Awarding of contract.-- The Director of the Office of Juvenile Justice, in consultation with the Chairs of the Appropriations Committees of the Senate and House of Representatives, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of

State after consultation with the Joint Legislative Commission on Governmental Operations.

Section @.(d) Option to Purchase.-- The contract made under the authority of this section may provide the State with an option to purchase the facility according to a purchase schedule determined by the Office of Juvenile Justice in consultation with the State Property Office of the Department of Administration.

Section @.(e) State overview of construction.-- The contract made under the authority of this section shall state that plans and specifications for private facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review the project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State.

The private facility authorized under this section shall be designed, built, and operated in accordance with applicable State laws, court orders, fire safety codes, and local regulations, policies and procedures of the Office of Juvenile Justice, and all State laws applicable to juvenile facilities. The Director of the Office of Juvenile Justice and the Secretary of the Department of Health and Human Services shall review and approve the design and construction of the facility before housing juvenile offenders in the facility.

Section @.(f) Liability insurance.-- The contract authorized pursuant to this section shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private facility.

Section @.(g) Training of employees.-- Custodial officials employed by a private facility are agents of the Director of the Office of Juvenile Justice and shall comply with existing statutes, rules, policies, and procedures that govern the custody and care of juveniles under the supervision of the Office. The private entity with which the Office contracts under this section shall have written disciplinary and grievance policies approved by the Office of Juvenile Justice. The persons employed by the private entity operating the facility shall receive training substantially the same as the training provided to employees of the Office of Juvenile Justice performing the same duties. Notwithstanding subsection (e) of this section, G.S. 115C-325 does not apply to employees of the private facility providing educational services.

1 Section @.(h) State authority over offenders.-- The
2 Office of Juvenile Justice may, in the discretion of the
3 Director, provide services to and house juveniles who are
4 involved in the North Carolina juvenile justice system in a
5 facility constructed and operated by a private entity. Juvenile
6 offenders housed in private facilities shall be governed by the
7 State laws applicable to juvenile offenders housed in State
8 facilities, including educational requirements mandated by State
9 and federal law.
10 Section @.(i) Report.-- The Office of Juvenile Justice
11 shall make a written report no later than March 1, 2000 on the
12 status of the pilot program and shall evaluate the program
13 annually and report on the findings of the evaluations by March
14 1, 2001 and January 1, 2002. The reports shall be submitted to
15 the Chairs of the Appropriations Committees of the Senate and
16 House of Representatives and the Joint Legislative Commission on
17 Governmental Operations.
18 Section @.(j) Appropriation.-- Of the funds
19 appropriated in this act to the Office of Juvenile Justice, the
20 sum of two million five hundred thousand dollars ($2,500,000) for
21 the 2000-2001 fiscal year shall be used to purchase custodial,
22 rehabilitation, treatment, and program services, as provided in
23 G.S. 147-33.41, to implement this section.

New

CODE NO. 99OJJ-H017

Requested by: Representatives Culpepper, Kinney, McCrary

CAREER STATUS FOR FORMER JUDICIAL EMPLOYEES TRANSFERRED TO THE OFFICE OF JUVENILE JUSTICE

Section @. For the purposes of Chapter 126 of the General Statutes, employees in positions transferred from the Judicial Department to the Office of Juvenile Justice during the 1998-99 fiscal year, and who have been continuously employed by the State prior to the date of transfer, shall receive credit for those months of service. Upon 24 months of continuous employment in a permanent position with the State, an employee under this section shall become a career State employee.

New except for (a)

CODE NO. 99CORR-H001A

Requested by: Representatives Culpepper, Kinney, McCrary

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT/STATUS REPORT ON CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Section @.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section @.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section @.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section @.(d) The Department of Correction shall report by February 1, 2000 to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the 1998-99 fiscal year to the 1999-2000 fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for 1999-2000;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data received during 1999-2000; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system.

58.

CODE NO. 99CORR-H003

Requested by: Representatives Culpepper, Kinney, McCrary

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section @. The Post-Release Supervision and Parole Commission shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year.

Repeat

NEW

CODE NO. 99CORR-H004B

Requested by: Representatives Culpepper, Kinney, McCrary

REDUCE MEMBERSHIP ON POST-RELEASE SUPERVISION AND PAROLE COMMISSION

Section @.(a) G.S. 143B-267 reads as rewritten:

"**§ 143B-267. Post-Release Supervision and Parole Commission -- members; selection; removal; chairman; compensation; quorum; services.**

The Post-Release Supervision and Parole Commission shall consist of ~~five~~ three full-time members. The ~~five~~ three full-time members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of the five members presently serving on the Commission shall expire on ~~June 30, 1993.~~ June 30, 1999. ~~The terms of three members appointed effective July 1, 1993, shall be for three years. The terms of two members appointed effective July 1, 1993, shall be for four years.~~ The term of one of the members appointed effective July 1, 1999 shall be for one year. The term of one of the members appointed effective July 1, 1999 shall be for two years. The term of one of the members appointed effective July 1, 1999 shall be for three years. Thereafter, the terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a full-time member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a full-time member of the Commission to serve as chairman of the Commission at the pleasure of the Governor.

~~With regard to the transaction of the business of the Commission the following procedure shall be followed: The chairman shall designate panels of two voting Commission members and shall designate a third commissioner to serve as an alternate member of a panel. Insofar as practicable, the chairman shall assign the members to panels in such fashion that each commissioner sits a substantially equal number of times with each other commissioner. Whenever any matter of business, such as the~~

~~granting, denying, revoking or rescinding of parole, or the authorization of work-release privileges to a prisoner, shall come before the Commission for consideration and action, the chairman shall refer such matter to a panel. Action may be taken by concurring vote of the two sitting panel members. If there is not a concurring vote of the two panel members, the matter will be referred to the alternate member who shall cast the deciding vote. However, no person serving a sentence of life imprisonment shall be granted parole or work-release privileges except by majority vote of the full Commission.~~ The granting, denying, revoking or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The full-time members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

Section @.(b) This section becomes effective June 30, 1999.

61.

CODE NO. 99CORR-H005

Requested by: Representatives Culpepper, Kinney, McCrary

HOME AS DUTY STATION PILOT PROGRAM

Section @. The Department of Correction shall report by April 1, 2000 to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the Home As Duty Station pilot program in Cleveland and New Hanover Counties. The report shall provide (i) information on the impact of the pilot on expenditures for office and vehicle leases including an analysis of charges for vehicle miles not driven; (ii) data on the frequency of officers in the pilots being required to report directly from home to locations in the community outside of normally-assigned working hours; and (iii) the projected impact of extending the pilot program to additional districts, including office, vehicle, and equipment costs.

New / follows ##

CODE NO. 99CORR-H006

Requested by: Representatives Culpepper, Kinney, McCrary

REPORT ON HARRIET'S HOUSE

Section @. Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

Repeat

CODE NO. 99CORR-H007

Requested by: Representatives Culpepper, Kinney, McCrary

REPORT ON SUMMIT HOUSE

Section @. Summit House shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

Repeat

CODE NO. 99CORR-H008

Requested by: Representatives Culpepper, Kinney, McCrary

REPORT ON WOMEN AT RISK

Section @. Women at Risk shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

Repeat

CODE NO. 99CORR-H009

Requested by: Representatives Culpepper, Kinney, McCrary

FEDERAL GRANT REPORTING

Section @. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and Office of Juvenile Justice shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

Repeat
Adds OJJ

CODE NO. 99CORR-H010

Requested by: Representatives Culpepper, Kinney, McCrary

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

1 Section @.(a) Inpatient chemical dependency or
2 substance abuse facilities that provide services exclusively to
3 inmates of the Department of Correction shall be exempt from
4 licensure by the Department of Human Resources under Chapter 122C
5 of the General Statutes. If an inpatient chemical dependency or
6 substance abuse facility provides services both to inmates of the
7 Department of Correction and to members of the general public,
8 the portion of the facility that serves inmates shall be exempt
9 from licensure.
10 Section @.(b) Any person who contracts to provide
11 inpatient chemical dependency or substance abuse services to
12 inmates of the Department of Correction may construct and operate
13 a new chemical dependency or substance abuse facility for that
14 purpose without first obtaining a certificate of need from the
15 Department of Human Resources pursuant to Article 9 of Chapter
16 131E of the General Statutes. However, a new facility or
17 addition developed for that purpose without a certificate of need
18 shall not be licensed pursuant to Chapter 122C of the General
19 Statutes and shall not admit anyone other than inmates unless the
20 owner or operator first obtains a certificate of need.
21 Section @.(c) This section applies to existing
22 facilities, as well as future facilities contracting with the
23 Department of Correction.

Repeat

CODE NO. 99CORR-H011

Requested by: Representatives Culpepper, Kinney, McCrary

LIMIT USE OF OPERATIONAL FUNDS

1 Section @. Funds appropriated in this act to the
2 Department of Correction for operational costs for additional
3 facilities shall be used for personnel and operating expenses set
4 forth in the budget approved by the General Assembly in this act.
5 These funds shall not be expended for any other purpose, except
6 as provided for in this act, and shall not be expended for
7 additional prison personnel positions until the new facilities
8 are within 90 days of projected completion, except for certain
9 management, security, and support positions necessary to prepare
10 the facility for opening, as authorized in the budget approved by
11 the General Assembly.

Repeat

CODE NO. 99CORR-H013B

Requested by: Representatives Culpepper, Kinney, McCrary

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section @.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Section @.(b) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) 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~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction ~~within five days~~ after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the ~~sixth day after the hearing~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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 parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(c) 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."

Section @.(c) Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-109.2. Delivery of commitment order.**

(a) Whenever the district court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 48 hours of the issuance of the sentence.

70.

1 (b) Whenever the superior court sentences a person to
2 imprisonment and commitment to the custody of the Department of
3 Correction pursuant to G.S. 15A-1352, the clerk of superior court
4 shall furnish the sheriff with the signed order of commitment
5 within 72 hours of the issuance of the sentence."
6 Section @.(d) This section becomes effective October 1,
7 1999.

Revised

71.

CODE NO. 99CORR-H014

Requested by: Representatives Culpepper, Kinney, McCrary

USE OF FACILITIES CLOSED UNDER GPAC

Section @. In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Human Resources pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

Repeat

CODE NO. 99CORR-H016

Requested by: Representatives Culpepper, Kinney, McCrary

INMATE COSTS

Section @.(a) The Department of Correction shall provide a progress report by April 1, 2000 to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on its implementation of the recommendations made by the Office of State Budget and Management on the provision of food and health care to inmates pursuant to the study directed by Section 17.8 of S.L. 1998-212. The report shall identify specific areas in which cost savings can be achieved through the more efficient delivery of services.

Section @.(b) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

Revised

CODE NO. 99CORR-H017

Requested by: Representatives Culpepper, Kinney, McCrary

TITLE VII FUNDS/REPORT

Section @. The Department of Correction may use funds available to the Department during the 1999-2001 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Repeat

CODE NO. 99CORR-H018A

Requested by: Representatives Culpepper, Kinney, McCrary

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION/SPECIAL COMMITTEE TO REWRITE STANDARDS, CODE, AND POLICY PROCEDURES FOR EMPLOYMENT OF CERTIFIED POSITIONS IN THE DEPARTMENT OF CORRECTION

Section @. The Criminal Justice Education and Training Standards Commission shall appoint a special committee to study and rewrite the necessary standards, administrative code provisions, and policies and procedures relating to the employment of certified positions in the Department of Correction and develop a new certification system for those officers that reflects the impact and statutory requirements of Chapters 126 and 17C of the General Statutes.

The Chair of the Criminal Justice Education and Training Standards Commission and the Chair of the special committee appointed pursuant to this section shall report to the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 2000 on the progress of the special committee.

The proposed new certification system shall be presented to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by the convening of the 2000 Regular Session of the 1999 General Assembly.

Upon approval of the Criminal Justice Education and Training Standards Commission, the new certification system shall be implemented no later than July 1, 2000.

New

CODE NO. 99CORR-H019

Requested by: Representatives Culpepper, Kinney, McCrary

FEDERAL GRANT MATCHING FUNDS

Section @. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of six hundred fifty thousand dollars ($650,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Repeat

CODE NO. 99CORR-H020

Requested by: Representatives Culpepper, Kinney, McCrary

PRIVATE PRISON CONTRACTS

Section @. If the Department of Correction determines, in consultation with the Attorney General's Office, the Office of State Budget and Management, and the Corrections Corporation of America, that it is appropriate to make a significant modification of the financial terms of the contracts for the leasing and operation of one or both of the two private confinement facilities in Pamlico and Avery/Mitchell, the Department may use funds available to the Department for the 1999-2001 biennium to modify the lease contract and the operating agreement as necessary. Prior to taking actions or obligating funds as authorized by this section, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Repeat

CODE NO. 99CORR-H022

Requested by: Representatives Culpepper, Kinney, McCrary

PILOTS TO DETERMINE COST-EFFECTIVENESS OF PLACING ALL INMATES ON WORK-RELEASE

Section @. Section 17.25 of S.L. 1998-212 reads as rewritten:

"Section 17.25. (a) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Alamance Correctional Center on work release to the extent possible. The Department shall provide a progress report on this pilot program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by June 30, 2000. The Department shall provide a final report 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 March 1, ~~1999,~~ 2001, on the cost-effectiveness of the program.

(b) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Union Correctional Center, except those needed for Department of Transportation road squads, on work release to the extent possible. The Department shall provide a progress report on this pilot program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by June 30, 2000. The Department shall provide a final report 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 March 1, ~~1999,~~ 2001, on the cost-effectiveness of the program."

Repeat

CODE NO. 99CORR-H023

Requested by: Representatives Culpepper, Kinney, McCrary

REPORT ON PROBATION AND PAROLE CASELOADS

Section @. The Department of Correction shall report by March 1, 2000 to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections and Crime Control Oversight Committee on caseload averages for probation and parole officers. The report shall include:

(1) Data on current caseload averages for Probation Parole Officer I, Probation Parole Officer II, and Probation Parole Officer III;

(2) An analysis of the optimal caseloads for these new officer classifications;

(3) An assessment of the role of surveillance officers; and

(4) Projected impact of the new officer classifications and procedures on the operating and equipment expenditures of the Division of Community Correction.

New

Revised

CODE NO. 99CORR-H025

Requested by: Representatives Culpepper, Kinney, McCrary

PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section @. Subsection (b) of Section 19.17 of S.L. 1997-443, as amended by Subsection (b) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall <u>provide a final</u> report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections <u>and Crime Control</u> Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by March 15, ~~1999.~~ <u>2000, and shall provide a progress report on the development of these standards to the Joint Legislative Corrections and Crime Control Oversight Committee by November 1, 1999.</u> The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority.

The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

Section @.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by Subsection (c) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to ~~subsection (b) of this section~~ Section 19.17 of S.L. 1997-443, as amended, and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction."

81.

NEW

CODE NO. 99CORR-H026E

Requested by:

CLOSE SECURITY PRISONS

Section @.(a) G.S. 148-37 is amended by adding a new subsection to read:

"(b1) The Secretary of Correction may enter contracts with private for-profit or nonprofit firms for the construction of close security correctional facilities totaling up to 3,000 cells to be operated by the Department pursuant to a lease that contains a schedule for purchase of the facilities over a period of up to 20 years. The Secretary may issue a request for proposals for the construction of such facilities in accordance with plans and specifications developed by the Department and reviewed by the Office of State Construction.

The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the Department of Administration on the final award decision. The Department of Administration shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection shall provide that the Department of Correction shall furnish the plans and specifications for these correctional facilities to the Office of State Construction for its review and that the Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for use as a correctional facility and for future acquisition by the State."

Section @.(b) The Department of Correction shall provide a status report to the Joint Legislative Commission on Governmental Operations by May 1, 2000 on the development of the request for proposals and the award-making process, including a summary of the major requirements anticipated in the request for proposals. After the contract has been awarded, the Department shall report to the Joint Legislative Commission on Governmental Operations by May 1 of each year on the progress of the project, including the estimated completion dates and the estimated cost of operating correctional facilities constructed pursuant to this section.

CRIME CONTROL & PUBLIC SAFETY

CODE NO. 99CCPS-H004-P

Requested by: Representatives Culpepper, Kinney, McCrary

REPORT ON CRIME VICTIMS COMPENSATION FUND

Section @. G.S. 15B-21 reads as rewritten:

"**§ 15B-21. Annual report.**

The Commission ~~shall~~ shall, by March 15 each year, prepare and transmit ~~annually~~ to the Governor and the General Assembly a report of its ~~activities.~~ activities in the prior fiscal year and the current fiscal year to date. The report shall ~~include~~ include:

(1) ~~the~~ The number of claims ~~filed,~~ filed;

(2) ~~the~~ The number of awards ~~made,~~ made;

(3) ~~the~~ The amount of each ~~award,~~ award;

(4) ~~a~~ A statistical summary of claims denied and awards ~~made,~~ made;

(5) ~~and the~~ The administrative costs of the Commission, including the compensation of ~~commissioners.~~ commissioners;

(6) The current unencumbered balance of the North Carolina Crime Victims Compensation Fund;

(7) The amount of funds carried over from the prior fiscal year;

(8) The amount of funds received in the prior fiscal year from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and

(9) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.

The Attorney General and State Auditor shall assist the Commission in the preparation of the report required by this section."

Repeat

CODE NO. 99CCPS-H005C-P

Requested by: Representatives Culpepper, Kinney, McCrary

TECHNICAL CHANGES TO BOXING COMMISSION LAW

Section @.(a) G.S. 143-652(f) reads as rewritten:

"(f) Staff Assistance. -- The Secretary of Crime Control and Public Safety shall hire a person to serve as Executive Director of the Commission and shall provide staff assistance to the Executive Director. The Executive Director shall enforce this ~~Article through the Division of Alcohol Law Enforcement.~~ Article through the Department of Crime Control and Public Safety. If necessary, the Executive Director may train and contract with independent contractors for the purpose of regulating and monitoring events, issuing licenses, collecting fees, and enforcing rules of the Commission. The Executive Director may initiate and review criminal background checks on persons requesting to work as independent contractors for the Commission or persons applying to be licensed by the Commission."

Section @.(b) G.S. 143-654(c) reads as rewritten:

"(c) Surety Bond. -- An applicant for a promoter's license must submit, in addition to any other forms, documents, or exhibits requested by the Commission, a surety bond payable to the Commission for the benefit of any person injured or damaged by (i) the promoter's failure to comply with any provision of this Article or any rules adopted by the Commission or (ii) the promoter's failure to fulfill the obligations of any contract ~~between or among licensees~~ related to the holding of a boxing event. The surety bond shall be issued in an amount to be no less than five thousand dollars ($5,000). The amount of the surety bond shall be negotiable upon the sole discretion of the Commission. All surety bonds shall be upon forms approved by the Secretary of Crime Control and Public Safety and supplied by the Commission."

New

CODE NO. 99CCPS-H006A

Requested by: Representatives Culpepper, Kinney, McCrary

ANNUAL EVALUATION OF THE TARHEEL CHALLENGE PROGRAM

Section @. The Department of Crime Control and Public Safety shall report to the Chairs of the House and Senate Appropriations Committees and the Chairs of the Subcommittees of Justice and Public Safety of the House and Senate Appropriations Committees by April 1 of each year on the operations and effectiveness of the National Guard Tarheel Challenge Program. The report should evaluate the program's effectiveness as an intervention method for preventing juveniles from becoming undisciplined or delinquent. The report shall also evaluate the Program's role in improving individual skills and employment potential for participants and shall include:

(1) The source of referrals for individuals participating in the Program;

(2) The summary of types of actions or offenses committed by the participants of the Program;

(3) An analysis outlining the cost of providing services for each participant, including a breakdown of all expenditures related to the administration and operation of the Program and the education and treatment of the Program participants;

(4) The number of individuals who successfully complete the Program; and

(5) The number of participants who commit offenses after completing the Program.

Repeat

APPROPRIATIONS FOR JUSTICE AND PUBLIC SAFETY

SENATE ONLY MEETINGS

June 9, 1999
June 10, 1999
June 15, 1999

1999

JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

MINUTES

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Wednesday June 9, 1999 9:00 am
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

II. PRESENTATIONS

- **Review of House Budget as Adopted (HB 168)**

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

SENATE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
June 9, 1999

The Senate Appropriations Subcommittee on Justice and Public Safety met in room 415 LOB on June 9, 1999 at 9AM. Three members were present. **Senator Luther Jordan** presided. After acknowledging the pages, Senator Jordan called on Mr. Charles Perusse to review the handout, House Appropriations Committee.

Instead of reviewing the entire handout, Senator Ballance asked Mr. Perusse to highlight the changes, which he did. Item 29, $350,000 moved for metal detectors for public schools. Item 48, Senator Jordan requested staff to look at possible use of $162,446 and $142,000 from WJA for legal services. Item 34, reestablishes program in Wake County. The committee decided to flag this item.

Senator Ballance moved, Senator East seconded that the committee accept items 37 through 41.

Mr. Jim Mills was then asked to go over the items in the Office of Juvenile Justice. Items 51 and 52 are the only ones that show changes in the continuation budget. In the DOC recommended budget, items 66, 67, 68 were flagged for further discussion. Regarding items 74 and 75, Senator Ballance mentioned that there is an active lawsuit, which has been going on for 5 years. The lawsuit is being mediated but it would be difficult to eliminate the positions during the lawsuit. Items were flagged. Mr. Mills mentioned that funding for the roads program is not included. Ms. Wolper, staff, stated that it was not included because the thinking is that funding for this program could be covered under the Human Services Grant Program.

Mr. Perusse said the only change in the budget for crime control are items 116 and 117 which are new. Senator Jordan wanted to know how many metal detectors $350,000 would purchase and where the detectors would go. Mr. Perusse said that the Department of Crime Control had been asked for those statistics and they would be presented to the committee. Senator Ballance stated that there obviously is a need for the metal detectors but the funds should be taken from somewhere else. He, at Senator Jordan's request, made a motion to restore $350,000 to item 29, take money from item 48 and $35,000 from the national guard. The motion carried unanimously.

Mr. Perusse referred the committee back to item 6. The department would prefer to keep one position, Community penalties Administrator, at a cost of $83,000 salary and benefits. This could be accomplished by increasing the reduction in item 3 by $50,000 and increasing the reduction in item 1 for the remaining #5,000. Senator Ballance made a motion for the committee to accept the solution. The motion carried.

Senator Ballance said there is a salary discrepancy at AOC which would cost about $16,000. The chief justice would like to level the salary. Senator Jordan said look at the National Guard for the $16,000. Senator Ballance asked how much would be saved by eliminating a position, DA investigator in district 6B. It would save about $50,000 in the first year. The assistant DA salary is about $42,000. Staff will look into this and the committee will continue discussion of this item on June 10.

Senator Jordan moved on to Special Provisions. He asked Mr. Perusse to highlight the new and the changed provisions. On page four the legal service funds will go to Pisgah instead of Appalachia legal services. Mr. Mills mentioned that page 44 is a new special provision. Senator Ballance made a motion to accept that provision. The motion carried. Mr. Mills stated the next change is on page 55, lines 28-31. This was flagged to give the Department of Corrections an opportunity for input. They are requested to be at the meeting scheduled for June 10.

Ms. Wolper said the next change is on page 57. Mr. Beatty, Assistant Attorney General agrees with the changes. Senator East moved to accept. The motion caried.

Regarding the special provision for metal detectors, see page 72, line 19-30 seem to be fine. Staff will look into rewording the portion of the provision that states where the money comes from and whether the Senate amendment changing the source of the money will suffice.

Changes on pages 80 and 86 were flagged for future discussion. Senator Jordan moved to accept the provision on page 88. The motion carried.

Senator Jordan then adjourned the meeting at 9:50 AM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

HOUSE APPROPRIATIONS COMMITTEE

UNOFFICIAL REPORT ON THE CONTINUATION, EXPANSION AND CAPITAL BUDGET

(ENTRIES REFLECT TECHNICAL CORRECTIONS AND JUNE 2, 1999 AMENDMENTS)

JUNE 8, 1999

Judicial

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$337,613,191		$340,135,574	
Legislative Changes				
1 Reduce Salary Reserve Funds Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($750,000)	R	($750,000)	R
2 Reduce Worker's Compensation Funds Reduce funds for worker's compensation payments department-wide based on a decrease in the numbers of claims and expenses to date in FY 1998-99.	($200,000)	R	($200,000)	R
3 Reduce Out of State Travel Expenses Reduce expenses for out of state travel department-wide.	($45,552)	R	($45,552)	R
4 Eliminate Reserve for Operations Eliminate funds which have been used to cover unforseen needs in the areas of postage, travel, etc. The Department believes existing appropriations are sufficient to cover these areas.	($405,612)	R	($405,612)	R
5 Reduce Reserve for General Office Supplies Reduce funds used to purchase general office supplies for the department. This reduction will still allow the department to keep sufficient inventory in their warehouse.	($106,983) ($200,000)	R NR	($106,983)	R
6 Eliminate Vacant Positions Eliminate funds for the Community Penalties Administrator and Special Projects Coordinator positions. The AOC believes they can carry out these responsiblities with other departmental personnel.	($176,647) -2.00	R	($176,647) -2.00	R

	FY 99-2000		FY 2000-01	
7 Reduce Software Maintenance Agreements Reduce estimated increases for software license agreements in the Information Services Division based on revised contracts.	($420,148)	R	($420,148)	R
8 Reduce Indigent Fund Requirements Reduce estimated increases in indigent fund requirements based on revised projections of expenditures for capital and non capital cases. Even with these reductions, the fund is being increased $4.8m in FY 1999-00 and $9.8m in FY 2000-01.	($3,200,000)	R	($3,200,000)	R
9 Reduce Replacement Equipment Funds Reduce funds for replacement office equipment ($250,000) and computer related equipment ($1,000,000) in FY 1999-00 by delaying replacement of certain items. This still provides $3.75m in funds for FY 1999-00.	($1,250,000)	NR		
10 Reduce Operating Funds Related to Non IV-D Cases Reduce operating funds (paper, postage, envelopes, etc) related to transferring all non IV-D, non-wage withholding child support transactions to DHHS.	($601,078)	R	($601,078)	R
11 Superior Court Judges Provide funds for four Special Judges and one Resident Judge to be located in District 22, effective October 1, 1999.	$566,440 $38,236 5.00	R NR	$707,095 5.00	R
12 District Court Judges Provide funds for 9 additional District Court Judges to be located in Districts 2, 4, 5, 13, 15A, 18, 26, 27A, and 30. All positions are effective January 1, 2000.	$566,440 $99,522 9.00	R NR	$1,058,301 9.00	R
13 Judges Support Staff Provide funds for two judicial assistant II's and 4 judicial assistant I's effective January 1, 2000.	$102,846 $32,696 6.00	R NR	$205,408 6.00	R
14 New Court Reporters / Increase Transcript Fee Provide funds to establish 6 additional court reporter positions effective January 1, 2000. Also provides $45,621 to increase reimbursement for transcripts from $2.25 to $2.35 per page.	$191,451 $37,386 6.00	R NR	$336,933 6.00	R

	FY 99-2000		FY 2000-01	
15 Magistrate Positions Provide funds for 3 additional magistrate positions to be located in Cumberland, Camden, and Union Counties. All positions are effective January 1, 2000.	$50,625 $15,783 3.00	R NR	$101,223 3.00	R
16 Deputy Clerks of Court Provide funding for 11 additional deputy clerk positions effective January 1, 2000.	$158,816 $44,836 11.00	R NR	$313,775 11.00	R
17 Assistant District Attorneys Provide funding for eight assistant district attorney positions to be located in Districts 5, 10 (2 positions), 12, 13, 15A, 19A, and 26. The positions for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$288,792 $52,344 8.00	R NR	$573,216 8.00	R
18 District Attorney Investigators Provide funds for three district attorney investigator positions to be located in Districts 5, 10, and 22. The position for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$74,175 $16,539 3.00	R NR	$148,476 3.00	R
19 District Attorney Support Staff Provide funds for 25 additional victim witness / legal assistant positions in anticipation of providing services to domestic violence misdemeanor victims as a result of the Victims Rights' legislation. All positions are effective January 1, 2000.	$465,325 $135,250 25.00	R NR	$926,275 25.00	R
20 Family Court Funds Provide funds to annualize the three existing programs operating in Districts 26 (Mecklenburg), 14 (Durham), and 20 (Anson, Stanly, Union, Richmond). These funds are used to provide case managers and support staff who assist judges in assigning cases that affect families (divorce, alimony, delinquency, abuse).	$566,000 14.00	R	$666,000 14.00	R

	FY 99-2000		FY 2000-01	
21 Manage Indigent Fund Provide funds for one court management specialist position who will assist in reviewing expenditures from the Indigent Defense Fund. Specific responsibilities include: 1) establishing guidelines and procedures for determining indigency, 2) reviewing the feasibility of establishing a uniform fee schedule for certain cases, and, 3) recommending alternatives for putting a management structure in place. The position is effective Janaury 1, 2000.	$29,601 $7,096 1.00	R NR	$59,253 1.00	R
22 Other Judicial Positions Provide funds for one information and communication specialist (website) and appellate court reporter effective January 1, 2000.	$59,431 $12,670 2.00	R NR	$118,843 2.00	R
23 Guardian Ad Litem Funds Provide funds to establish four district secretary positions effective January 1, 2000. Also provides $400,000 to increase the rate paid to attorneys to assist in retaining experienced counsel.	$482,804 $20,992 4.00	R NR	$565,976 4.00	R
24 Court Management Pilot Program Provide funds to establish two court management administator positions to assist in implementing House Bill 1225. These positions will work with the coordinating judge in each pilot program.	$100,000 2.00	NR		
25 Transfer Indigent Funds for Capital Case Program Allows the Department to transfer up to $358,103 in FY 1999-00 and $396,845 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 3 assistant public defenders and 1 investigator to work specifically on capital cases.	$0 $0 4.00	R NR	$0 $0 4.00	R NR
26 Assistant Public Defenders from Indigent Fund Allows the Department to transfer up to $161,448 in FY 1999-00 and $284,840 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 4 additional assistant public defender positions. All positions are effective January 1, 2000.	$0 $0 4.00	R NR	$0 $0 4.00	R NR

	FY 99-2000		FY 2000-01	
27 Emergency Judge Pay Provide funds to continue pay for emergency judges at $300 per day as specified by the 1998 short session.	$278,245	R	$278,245	R
28 Expand Family Court Programs / Education Funds Provide funds to expand family court programs into three additional districts. These programs have specially trained judges who work with matters (divorce, alimony, abuse, custody, etc.) affecting the family. The funds would be used to hire 8 case managers effective January 1, 2000. Also provides $75,000 to establish an educational program for parents who are parties to a custody or visitation action.	$251,608 $40,000 8.00	R NR	$428,216 8.00	R
29 State Bar Funds Provide additional funds to the State Bar to improve the administration of justice. This includes $485,000 in FY 1999-00 and $660,000 in FY 2000-01 for Legal Services and $165,000 in FY 1999-00 and $340,000 in FY 2000-01 for the Center for Death Penalty Litigation.	$650,000	R	$1,000,000	R
30 Drug Treatment Court Provide funds to continue existing programs in Wake, Mecklenburg, Person/Caswell, Warren and Forsyth Counties; to complete implementation over the biennium of new programs started in 1998-99 in Durham, Vance, Wake District Court and Mecklenburg Superior Court; to provide state funds to the New Hanover program; and to continue to work with districts involved in planning new DTC programs. Unexpended funds from 1998-99 will be not revert and will be used to assist programs in 1999-2000. The new position is to continue the program coordinator in District #26 which was funded with nonrecurring funds in 1998-99.	$1,000,000 1.00	R	$1,430,000 1.00	R
31 Bad Check Programs Provide funds to continue existing programs in Columbus, Durham, Rockingham, and Wake Counties. Also provides funds to expand the Columbus program to Bladen and Brunswick Counties and establishes a new program in New Hanover and Pender Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.	$337,621 $12,778 10.00	R NR	$381,474 10.00	R

	FY 99-2000		FY 2000-01	
32 Community Mediation Center Funds Provide additional funds for community mediation centers statewide as recommended by the Mediation Network of North Carolina, Incorporated.	$350,000	R	$350,000	R
33 District Court Mediated Settlement Program Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.	$45,142 1.00	R	$45,142 1.00	R
34 Funds for Indigency Screeners Provide funds to establish an indigency screening program in Wake County. These funds will be allocated to Carolina Correctional Services Incorporated to establish positions who will be used to determine indigency of criminal defendants.	$100,000	NR		
35 Transfer All Non IV-D Transactions to DHHS Provide funds to DHHS in order to cover the cost of processing all non IV-D, non-wage withholding child support transactions. These funds will be used to cover postage, telephone, personnel, and vendor charges associated with transferring this function from clerks' offices.	$2,000,000	R	$3,328,791	R
36 Disaster Recovery Program Provide funds to complete a disaster recovery program for court information systems. The funds will be used to do environmental impact analysis on existing systems and to determine an appropriate means of backing-up systems during disaster situations.	$350,000	NR		
Total Legislative Changes	**$2,609,342**	R	**$7,116,622**	R
	($333,872)	NR	**$0**	NR
Total Position Changes	125.00		123.00	
Revised Budget	**$339,888,661**		**$347,252,196**	

Justice

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$72,273,100		$71,521,703	
Legislative Changes				
37 Eliminate Vacant Position Eliminate 1 vacant Computer Operator Position in the Division of Criminal Information. The position has been vacant since September 1997.	($33,190) -1.00	R	($33,190) -1.00	R
38 Reduce Funding to Replace SBI Vehicles The Governor's Continuation Budget recommends $1,879,600 in 1999-2000 and $917,000 in 2000-01 to replace SBI cars and trucks. Funding is reduced by $103,900 in 1999-2000 and increased by $123,918 in 2000-01. This will result in the SBI deferring replacement of approximately 7 vehicles from 1999 to 2000. Increased maintenance costs, increased purchase costs and decreased resale costs are reflected in these figures.	($103,900)	NR	$123,918	NR
39 Eliminate Funding for Legal Services Bonuses The Continuation Budget includes funds for annual bonuses for Legal Services attorneys based on outstanding job performance. The funding for this item is eliminated.	($93,453)	R	($93,453)	R
40 Eliminate Safe Neighborhoods Program The Safe Neighborhoods Program was reduced from 4.5 positions to 1 position in 1998. The remaining program is eliminated.	($93,132) -1.00	R	($93,132) -1.00	R
41 Increase Realized Receipts for DCI Fees The amounts received in fees for criminal record checks and for access to the DCI system have increased with the volume of activity. The increase in receipts allows a reduction in the General Fund appropriation to the Department.	($100,000)	R	($100,000)	R

	FY 99-2000		FY 2000-01	
42 Reduction in Lease Expenses for DCI The Division of Criminal Information will complete lease/purchase payments for their mainframe system in June 2000, allowing a $1.2 Million reduction in the appropriation to the Department.			($1,200,000)	R
43 Expansion Funding Division of Criminal Information Funds are provided to the Division of Criminal Information as follows. $131,088 in recurring funding for a disaster recovery plan; $300,000 in 1999-2000 and $91,600 recurring for upgrade of the system for new applications, with priority given to collecting and maintaining traffic enforcement statistics. If alternative funds are secured for this project, the $300,000 may be used for other forms of upgrade. This leaves $1.408 Million recurring from 2000-2001 on to be used to continue upgrading the system and implementing transition from the current mainframe system.	$431,088	R	$1,631,088	R
44 NC LEAF Provides recurring funds to the NC Legal Education Assistance Foundation to continue assisting public service attorneys with educational loan repayment.	$125,000	R	$125,000	R
45 Minority Sensitivity Training These funds allow the Criminal Justice Training and Standards Division to develop a program for minority sensitivity training for law enforcement, as mandated in the Juvenile Justice Act. Funds will allow the addition of 1 Criminal Justice Training Coordinator, contractual employees and media production for a train-the- trainers program. The position is effective October 1, 1999.	$144,760 $5,240 1.00	R NR	$161,094 1.00	R
46 Paralegals for Tort Claims Section Provide funds for two Paralegal II positions to work in the Tort Claims Section. This will allow the Section's attorneys to spend less time on routine tasks and more time on litigating their heavy case load. This increases the number of paralegals in the Section from 1 to 3. Both positions are effective October 1, 1999.	$57,214 $9,600 2.00	R NR	$76,285 2.00	R

	FY 99-2000		FY 2000-01	
47 Sheriff's Standards Commission Funding is provided to add a Criminal Justice Field Representative and to purchase software to automate the state examination process. The position is effective October 1, 1999.	$29,039 $2,250 1.00	R NR	$37,052 1.00	R
48 Operational Funds for New Dormitory WJA A new dormitory will be completed in August 1999 at the Western Justice Academy. This item provides recurring funds for a Criminal Justice Student Housing Coordinator, a Processing Assistant, a half-time Student Services Assistant, and utility costs. Nonrecurring funds are provided to furnish and equip the building. All positions are effective October 1, 1999.	$162,446 $142,000 2.50	R NR	$192,169 2.50	R
49 New SBI Personnel to handle DNA testing Funds are provided to add 2 DNA database technicians and $100,000 for supplies needed for DNA analysis and maintenance of a DNA database. Positions are effective December 1, 1999.	$138,946 2.00	R	$166,764 2.00	R
50 Justice Academy Bookstore Positions Create two positions, a Stock Clerk and a Warehouse Manager, for the Bookstore at the Justice Academy at Salemburg. Recurring cost of the positions is $40,693 but they will be funded entirely through receipts from the Bookstore.	$0 2.00	R	$0 2.00	R
Total Legislative Changes	**$768,718** **$55,190**	R NR	**$869,677** **$123,918**	R NR
Total Position Changes	8.50		8.50	
Revised Budget	**$73,097,008**		**$72,515,298**	

Office of Juvenile Justice

GENERAL FUND0

	FY 99-2000		FY 2000-01	
Recommended Budget	$130,037,966		$130,954,378	
Legislative Changes				
51 **Reduce Electronic House Arrest Funds**	($100,000)	R	($100,000)	R
Reduce continuation budget from $200,000 to $100,000. $100,000 will provide enough units to cover projected admissions and to provide surplus units while others are in repair.				
52 **Training School Positions**	($1,000,000)	R	($1,000,000)	R
Due to increases in the training school population in 1998 and 1999, the Governor and OJJ recommended that 72 positions that had been funded as temporary positions be made permanent. Updated projections by the Sentencing Commission indicate that the training school population will decline to levels at or below current capacity (843 beds) for 1999-2001 due to the impact of the Juvenile Justice Act, which will shift misdemeanants (currently 46% of training school population) to the community under intermediate sanctions. The continuation budget included $1,998,584 for the 72 positions for each year of the biennium. The Subcommittee recommends that $923,584 be retained to establish 50 part time positions (25 FTE's) for transportation of juveniles (44 now funded from lapsed salaries) and that $75,000 be used to fund an evaluation of training school and detention center staffing.	-47.00		-47.00	
53 **Local Juvenile Justice Programs**	$1,000,000	R	$1,000,000	R
Provide funds to expand intermediate level and community level sanctions and programs for court involved juveniles. The Governor recommended funding of $3,088,010. This amount is reduced because of the availability of $5.5 million in funding in 98-99 that has not been expended, authorization of $5.5 million each year in the continuation budget, and an influx of federal grant funds for juvenile programs. Of the $1 million dollars, $500,000 should be allocated for Boys and Girls Clubs in counties with high rates of training school committments.				

	FY 99-2000		FY 2000-01	
54 Guard Response Funds (GRASP) Program Provides funds to expand from four to six programs effective October 1, 1999. This program provides an after school program of regimented training and life skills for court involved and at risk youth. The Governor requested $746,000 for expansion from three to 20 programs and establishment of regional administrators, but it is recommended that the programs be funded at a slower rate and evaluated prior to the year 2000 Short Session.	$62,500 $11,000	R NR	$84,000	R
55 Juvenile Justice Information System Development Provide funds to continue the implementation of a juvenile justice information system. These funds, along with federal funds provided through the Governor's Crime Commission, will be used to continue the needs assessment / user requirements phase of this project, complete a portion of the system design,and provide operating support for existing positions working on the project.	$15,000 $385,000	R NR	$15,000 $385,000	R NR
56 Funds for Eckerd Wilderness Camp Provide operating funds for a new Eckerd Wilderness Camp beginning January 1, 2000 on a partial basis, with full operation by February 1.	$850,000	R	$2,000,000	R
57 Funding for Multipurpose Group Homes Provide operating funds for four 8-bed multipurpose group homes and one part time permanent clerical support position ($14,184 October 1, 1999). The Governor requested $1 million in expansion funds the first year. Based on available carryover funds from 1998-99 and staggered opening dates for the 4 homes, it is anticipated that $800,000 will be adequate funding for 1999-2000.	$800,000 0.75	R	$2,000,000 0.75	R
58 Support Our Students Provide funds to expand the SOS program to additional counties in FY 1999-00. The program currently operates in 76 counties. The Governor requested $975,000 each year; the recommended amount allows expansion for either part year funding of 6 more counties or full year funding for 3. Funding includes $50,000 for one new technical assistance position and related support to bring total positions from 3 to 4 to manage and support a $7.25 million dollar program.	$250,000 1.00	R	$250,000 1.00	R

	FY 99-2000		FY 2000-01	
59 Communities in Schools Communities in Schools is a non-profit organization that develops community "stay in school efforts" for at-risk children and court involved juveniles. The CIS program currently operates in 28 counties. The Governor recommended an expansion budget of $700,000. The recommended budget allows for continuation of programs funded in 1998-99 and modest expansion.	$450,000	R	$450,000	R
60 Center for Prevention of School Violence This program, which operates within the UNC university system, provides research and technical assistance to schools and communities in preventing violence in the schools. The recommended funding is the same amount recommended by the Governor. Funds will be passed through from OJJ to the UNC system.	$500,000 6.00	R	$500,000 6.00	R
61 Juvenile Justice Institute Provide funds to establish a Juvenile Justice Institute at North Carolina Central University. The Institute will serve as resource for research and information on national and state juvenile justice practices; provide technical assistance to small non-profit community groups; and survey public and private groups on juvenile justice program effectiveness. Of these funds, $75,000 shall go the Clinical Program at the North Carolina Central University School of Law to assist expansion of their work into family court, domestic violence cases, and alternative dispute resolution.	$575,000 1.00	R	$575,000 1.00	R
62 Teen Court Funds Provide funds to continue programs in Wake ($25k), Guilford ($20k), Duplin ($20k), Durham ($20k) and Onslow ($20k) Counties. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.	$105,000	R	$105,000	R
63 Juvenile Assessment Center Provide funds for the juvenile assessment center in District 12 which provides prevention and intervention services for at-risk juveniles.	$150,000	R	$150,000	R

	FY 99-2000		FY 2000-01	
64 **Project Challenge Funds** Provide funds for Project Challenge Inc., a nonprofit organization which provides alternative dispositions and services to juveniles in districts 24, 25, 29, and 30 who have been adjudicated delinquent or undisciplined. These funds will also allow for expansion to districts 5, 6A, 6B, and 23.	$150,000	R	$150,000	R
65 **Pilot Juvenile Program** This funding allows OJJ to contract with a private-for-profit or non-profit firm to provide up to 100 secure and non-secure beds as part of a multi-functional juvenile facility. The beds, in the discretion of OJJ, can be a mix of detention and residential treatment such as substance abuse and sex offender treatment. The funding for FY 2000-01 assumes a January 1, 2001 operation date for the 100 beds.			$2,500,000	R
Total Legislative Changes	**$3,807,500**	R	**$8,679,000**	R
	$396,000	NR	**$385,000**	NR
Total Position Changes	-38.25		-38.25	
Revised Budget	**$134,241,466**		**$140,018,378**	

Correction

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$922,020,076		$921,431,794	

Legislative Changes

66 **Close GPAC Prison Facilities**	($8,537,975)	R	($10,888,590)	R
The Governor recommended closing nine GPAC units; the Subcommittee recommends that Alamance,Cleveland, and Gates remain open. Alamance is now operating a work release pilot program that will need more time for assessment. Cleveland is a medium custody unit; its cost per day is comparable to the state average for medium custody beds. The cost per day for Gates is lower than the average cost per day for minimum custody. Gates also provides a work crew for the community and operates a water and sewer system for the DOC, DOT, and two local schools.	-347.00		-347.00	
Six of the nine GPAC prison units originally recommended by the Governor are recommended for closing. These facilties either operate at costs well above the statewide average and/or are minimum custody institutions. Fewer minimum custody beds are needed to due to the impact of Structured Sentencing. The closing dates and custody levels are:				
Goldsboro 8/1/99 (minimum) Blanch 9/1/99 (medium/close) Stokes 10/1/99 (minimum) Stanly 7/1/99 (minimum) Yadkin (9/1/99) (minimum) Iredell(10/1/99) (medium)				
67 **Close Guilford GPAC Unit**	($1,219,423)	R	($1,625,894)	R
It is recommended that this GPAC unit also be closed. It was not recommended by the Governor for closing but it is one of the original GPAC units and the cost per day in 1997-98 was $60.05 compared to a statewide average of $51.27 for minimum custody units. Closing date is 10/1/99.	-53.00		-53.00	
68 **Close Nash Prison Unit**	($344,275)	R	($413,130)	R
It is recommended to close Nash 9/1/99 since minimum custody beds are not needed in this area of the state. This is the old Nash field unit which now operates, with 15 employees, as a satellite to the new Nash Unit.	-15.00		-15.00	

	FY 99-2000		FY 2000-01	
69 Convert Currituck Unit to Minimum Custody Conversion of this prison from medium to minimum custody will reduce cost and allow for creation of minimum custody community work crews to serve the area.	($619,695) -27.00	R	($743,634) -27.00	R
70 Eliminate Double Celling In 1995, the General Assembly authorized double celling of inmates at Marion, Pasquotank and Central Prisons and funded the staffing necessary for additional security and programs. With increased availability of prison beds, it is possible to return to single cell close custody in these units and reduce the staffing accordingly.	($3,045,348) -125.00	R	($3,999,260) -125.00	R
71 Eliminate Expanded Operating Capacity Positions With the opening of new prison beds, the need for minimum security prison beds has diminished. This budget reduction would reduce beds and population at 16 minimum security units, allowing for reduction of staff.	($2,039,745) -108.00	R	($3,059,618) -108.00	R
72 Reduce Perimeter Security Positions Perimeter Patrol was reduced at medium custody prisons in 1998 from two patrols on the night shift to one. This recommendation would reduce staffing from two to one on the evening shift. There would continue to be two perimeter patrols on the day shift. Each of the prisons affected has an electronic intrusion fencing system.	($247,880) -12.00	R	($330,506) -12.00	R
73 Eliminate Adult Schools at Eastern and Harnett These two teacher positions are the last remaining adult basic education teachers in the male prisons. DOC's focus is now on youthful offenders; Community Colleges will provide these services for adult males at Harnett and Eastern.	($95,139) -2.00	R	($103,788) -2.00	R
74 Abolish Education Positions Eliminates four physical education teachers, three vocational teachers and three Assistant Education Directors. The physical education positions are the last remaining P.E.teachers in DOC; their duties will be carried out by recreation workers and classroom teachers. The vocational programs at Piedmont will be handled by Community Colleges; these are the last three remaining DOC vocational positions. DOC believes the Assistant Education Director responsibilities can be handled by the Directors.	($252,469) -10.00	R	($275,420) -10.00	R

	FY 99-2000		FY 2000-01	
75 Education Director Position at Eastern This item eliminates funding for the Education Director position which will be vacant July 1, 1999. The DOC adult education program at Eastern has been reduced over time and replaced by community college programs. The DOC adult program at Eastern no longer requires an on-site Education Director.	($67,322) -1.00	R	($67,322) -1.00	R
76 Abolish Parole / Post Release Hearing Officers Eliminate five parole revocation hearing officer positions due to the continued decrease in workload resulting from Structured Sentencing. The Department intends to use contractual employees to hold hearings around the state. Travel expenses are reduced to reflect this change.	($291,540) -5.00	R	($291,540) -5.00	R
77 Reduce Leased Space Funds Reduce funds for leased space by consolidating offices and implementing a pilot Home as Duty Station program within the Division of Community Corrections.	($343,220)	R	($343,220)	R
78 Consolidate Female IMPACT with Male IMPACT Program The female IMPACT Program has had difficulty maintaining a high utilization rate since its inception. The annual capacity of the program will be reduced from 260 to 80 and its operation will be consolidated with the program for males at Morganton, allowing a reduction in positions and funding.	($940,783) -25.00	R	($940,783) -25.00	R
79 Additional Reduction in IMPACT Funding The Governor's Budget recommends the consolidation of Female Boot Camp with the program for men at IMPACT West. This reduction, combined with the reduction in the Governor's Budget, reflects the full savings from this move.	($519,168) -13.00	R	($519,168) -13.00	R
80 Reduce Parole Commissioners from 5 to 3 Due to the declining number of paroles since the passage of Structured Sentencing, the number of Post Release Supervision and Parole Commissioners is reduced from 5 to 3, effective July 1, 1999.	($176,472) -2.00	R	($176,472) -2.00	R

	FY 99-2000		FY 2000-01	
81 Abolish Two Positions in Parole Commission Two positions from the Post Release Supervision and Parole Commission, a Victims Services Coordinator and a Public Information Officer, have been transferred to the Office of Citizen Services but were continued in the Parole Commission budget in 1998-99. This item eliminates funding for these positions because alternative funding will be provided by the Office of Citizen Services.	($92,033) -2.00	R	($92,033) -2.00	R
82 Additional Reductions in Parole Commission The Post-Release Supervision and Parole Commission budget is reduced by 5% to reflect decreasing workload. The positions eliminated are an Office Assistant V and an Office Assistant IV. This item also reduces operating expenses by $60,944.	($101,000) -2.00	R	($101,000) -2.00	R
83 Eliminate Vacant Positions The Governor recommended elimination of 9 positions that had been vacant for one year or longer. One position was in the Division of Community Corrections and the rest were in the Division of Prisons.	($323,563) -9.00	R	($323,563) -9.00	R
84 Reduce Inmate Costs at Closed Facilities These funds are the inmate budget component (food, medical services, clothing) for prisons recommended for closing. Since these prisons are closing, the Subcommittee believes the inmate support budget needs can be absorbed by prisons that will be accepting transferred inmates. This reduction does not include Alamance, Cleveland or Gates but does include other prisons recommended for closing. Also includes reduction due to moving up the closing dates for Yadkin and Stanly.	($1,329,447)	R	($1,600,931)	R
85 Close Stanly and Yadkin Units Early It is recommended that the DOC close Stanly July 1, 1999 instead of the original proposed date of October 1, 1999 so that employees at Stanly can be used to staff the new Albemarle prison. The budget reduction is the additional amount generated between July 1, 1999 and October 1, 1999. It is also recommended that the Yadkin Unit close early -- September 1, 1999 rather than the original proposed date of November 1, 1999. This will avoid expenditures for major repairs or replacement of the water and sewer system.	($541,305)	NR		

	FY 99-2000		FY 2000-01	
86 Reduce Automobile Replacement Funds The Subcommittee reduced the budget for automobile replacement by identifying vehicles that would not meet the replacement mileage cap (100,000 miles) until FY 2000-01.	($360,197)	NR		
87 Reduce Medical Contractual Personnel Funds The DOC continuation budget for medical contractual personnel for 1999-2000 and 2000-01 is $8,500,000, roughly the same amount expended in 1997-98 and estimated in 98-99. However, the General Assembly funded new medical positions at NCCIW that were originally funded from the contractual budget. It is recommended that the contractual services funds be reduced by the amount that was replaced by a portion of the new positions.	($475,000)	R	($475,000)	R
88 Eliminate Funding for New Trainers The Governor's Continuation Budget recommends 10 new Correctional Training Instructors for the Division of Community Correction. This item eliminates funding for these positions.	($415,575) ($84,410) -10.00	R NR	($498,650) -10.00	R
89 Eliminate Funds for New Administrative Assistants The Governor's Continuation Budget recommends 13 new Administrative Assistants in the Division of Community Corrections for the Managers in the largest Judicial Districts. This item eliminates these positions.	($472,588) ($105,820) -13.00	R NR	($567,060) -13.00	
90 Reduce Funds for New Probation / Parole Officers The Governor's Continuation Budget recommends $5.6 Million for 110 new Intermediate Officers (PPO II). Instead of establishing new positions, $775,727 will be provided in 1999-2000 and $935,112 in 1999-2000 to the Department of Correction to speed-up reallocation of 161 positions from PPO I (Community) to PPO II (Intermediate). These funds will allow a total of 10% raises for all 514 of the PPO II positions that have been created by reallocation. With these reallocations, caseload averages by 2000-01 will be: 28:2 for Intensive, 65:1 for Intermediate and 106:1 for Community. Reallocations will be phased in between September 1999 and January 2000.	($3,905,306) ($921,690) -110.00	R NR	($4,447,586) -110.00	R

	FY 99-2000		FY 2000-01	
91 Eliminate Funding for New Supervisors and Clerks The Governor's Recommended Continuation Budget includes 11 new Chief PPO's and 11 Office Assistants, based on the addition of 110 Intermediate Officers. Because Intermediate Officers will be created through reclassifications of existing Officers, these positions are not needed.	($796,913) ($288,706) -22.00	R NR	($956,219) -22.00	R
92 Remove Inflationary Increase for CJPP The Governor's Recommended Continuation Budget includes a 2.5% increase in Implementation Grants for the counties participating in the Criminal Justice Partnership Program. This item removes funding for this inflationary increase.	($240,000)	R	($240,000)	R
93 Reduce Funds for Non Participating Counties-CJPP The Governor's Continuation Budget includes an increase of $4.5 Million to fully fund Implementation Grants for 100 counties for the Criminal Justice Partnership Program. Funding is eliminated for the 10 counties not expected to participate during 1999-2000.	($705,704)	NR		
94 One-Time Reduction in Prison Enterprises This one-time reduction will not affect committed Enterprise projects or planned equipment spending.	($400,000)	NR		
95 Reduce DART Cherry Aftercare Funds The Continuation Budget includes $319,715 in contractual service funds which are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry Funds who are not eligible for existing community programs. Funds for this project are reduced to $269,715 for 1999-2000.	($50,000)	NR		
96 Inmate Road Squad Receipts Increase receipts from Highway Fund for operating inmate road squads from $6.5 million to $7 million to reflect actual cost and to implement directive in 1998-99 Budget Bill to adjust the continuation budget to reflect actual cost of operating road squads. This transfer allows a reduction of $500,000 in the General Fund.	($500,000)	R	($500,000)	R

	FY 99-2000		FY 2000-01	
97 Alien Assistance Receipts North Carolina receives federal funds to partially fund the cost of housing illegal aliens who are inmates in the prison system. Receipts are anticipated to increase, allowing for a reduction in the General Fund.	($1,100,000)	NR		
98 Inmate Co-Pay Receipts -- Reduce General Fund The General Assembly authorized inmate co-pay for visits to prison infirmaries in 1997. Inmates pay $3.00 for routine visits to infirmary and $5.00 for emergencies if they have funds available in their accounts. This reduction budgets the receipts and reduces the General Fund	($300,000)	R	($300,000)	R
99 Inmate Canteen Fund This reduction is a one-time reduction in the estimated cash balance of the Inmate Welfare Fund. This reduction does not affect planned inmate projects or expenses to operate the Fund and inmate services.	($750,000)	NR		
100 Eliminate Vacant Medical Positions The General Assembly authorized 50 new medical positions and 50 reallocations for a total of 100 new medical positions at Central and Women's Prison. This recommendation is to reduce 12 vacant positions at Central. These positions -- 8 lead nurses, 3 Nurse Supervisors and 1 staff nurse -- were established in June 1998 and have not been filled despite continuous reposting. 38 of 50 positions at Central will remain, including 25 nurses.	($540,000) -12.00	R	($540,000) -12.00	R
101 Modular Prison Unit In 1998-99 the General Assembly appropriated $350,000 to purchase a modular prison unit for the Henderson Correctional Center. Bids for the unit exceeded $350,000. It is recommended that an additional $60,000 be appropriated to complete this project.	$60,000	NR		
102 Continue Boot Camp Aftercare Program Provide funds to continue the IMPACT aftercare program in Forsyth, Mecklenburg, New Hanover, Nash/Edgecombe and Buncombe Counties.	$440,000	R	$440,000	R

	FY 99-2000		FY 2000-01	
103 Women at Risk Program Funding is increased from $125,000 to $200,000 to reflect growth in the program in Buncombe County and expansion to Burke, Caldwell and Catawba Counties.	$75,000	R	$75,000	R
104 Harriet's House Funds to provide additional support in 1999-2000 to the programs at Harriet's House, a transitional home for female ex-offenders and their children. Harriet's House receives $200,000 in the Continuation Budget.	$75,000	NR		
105 Continue Victims Assistance Pilot and DOC Program Continues pilot program to provide assistance to victims through the Division of Community Correction. The program, in Craven and Wake Counties, includes 1 Victims Assistant in each location and a clerical position in Craven. Also provides one-time funds to reprogram OPUS system for tracking victims information statewide for the DOC.	$119,915 $75,000 3.00	R NR	$119,915 3.00	R
106 Equipment/Furniture Funds for Parole Commission One-time funding to replace outdated equipment and furniture for the Post Release Supervision and Parole Commission.	$50,000	NR		
107 Inmate Road Squads at Avery/Mitchell The continuation budget includes funds for 6 new road squads at Avery/Mitchell to serve those two counties and surrounding counties where prison units have closed. This item funds expansion of two more road squads effective October 1, 1999 for a total of 8.	$133,767 6.00	R	$178,356 6.00	R
108 Funds for Inmate Education Programs Funding to allow the DOC to contract with small community colleges to provide education and training for inmates. The DOC will consult with the Community College System to identify small colleges that otherwise could not afford to provide services.	$50,000	R	$50,000	R

	FY 99-2000		FY 2000-01	
109 Additional Discretionary Funding for CJPP Counties participating in the Criminal Justice Partnership Program can apply for discretionary grants, decided by the Secretary of DOC based on recommendations of the CJPP Board. These grants are funded from unspent CJPP funds from prior years and were very limited in 1998-99. This item increases the amount available for discretionary grants in 1999-2000.	$225,000	NR		
Total Legislative Changes	**($27,413,197)**	R	**($33,557,116)**	R
	($4,822,832)	NR		
Total Position Changes	-916.00		-916.00	
Revised Budget	**$889,784,047**		**$887,874,678**	

Crime Control and Public Safety

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$35,723,850		$35,899,900	
Legislative Changes				
110 **Abolish One Position in Victim & Justice Services** This reduction eliminates a vacant clerical position, effective July 1, 1999.	($25,642) -1.00	R	($25,642) -1.00	R
111 **Transfer Crime Prevention Division** Eliminate funding for three positions in the Division of Crime Prevention including the Director and two Community Development Specialist II's. The remaining four positions are transferred to the Governor's Crime Commission.	($167,059) -3.00	R	($167,059) -3.00	R
112 **Transfer Funding of 3 Positions to Highway Fund** Transfer funding of three positions in the Department who specifically support the operations of the State Highway Patrol. These positions include an Assistant Secretary, Accountant III, and Accouting Clerk IV.	($209,575) -3.00	R	($209,575) -3.00	R
113 **Reduce Operating Funds in Department** Reduce funds for workers' compensations payments department wide ($75,000) and aid to governmental units in the Division of Emergency Management ($75,000).	($150,000)	R	($150,000)	R
114 **Tarheel Challenge Program** Provide state matching funds for the Tarheel Challenge Program which operates on a 70% federal to 30% state basis. This 22-week residential program in Sampson County works with high school dropouts and expellees from throughout North Carolina.	$710,000	R	$710,000	R

	FY 99-2000		FY 2000-01	
115 **Boxing Commission Funds** Provide funds for personnel and operating expenses required to continue the operation of the Boxing Commission. These funds will be used to cover salaries and benefits, contractual services, travel, and other operating expenses. These funds will allow the program to operate at its 1997-98 level.	$110,220 3.00	R	$110,220 3.00	R
116 **National Guard Tuition Assistance Program** Provide funds to increase the amount and number of educational benefits for members of the National Guard.	$100,000	R	$100,000	R
117 **Funds for School Metal Detectors** Provide funds to purchase metal detectors for public schools throughout North Carolina.	$350,000	NR		
Total Legislative Changes	**$367,944** **$350,000**	R NR	**$367,944**	R
Total Position Changes	-4.00		-4.00	
Revised Budget	**$36,441,794**		**$36,267,844**	

JUSTICE AND PUBLIC SAFETY

99AOC-H17

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Section 17. Funds appropriated to the Judicial Department in the 1999-2001 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 shall 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.

NOTE: Funding amounts in subsection (b) have changed.

99AOC-H17.1

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

N.C. STATE BAR FUNDS

Section 17.1.(a) Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 1999-2001 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 1999-2000 fiscal year and up to the sum of two hundred fifty thousand dollars ($250,000) for the 2000-2001 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Section 17.1.(b) Of the recurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1999-2001 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of three hundred forty thousand dollars ($340,000) for the 1999-2000 fiscal year and up to the sum of three hundred forty thousand dollars ($340,000) for the 2000-2001 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

NEW

99AOC-H17.1A

Requested by: Representatives Nesbitt, Easterling, Hardaway, Redwine

PISGAH LEGAL SERVICES FUNDS

Section 17.1A. Notwithstanding the provisions of G.S. 7A-474.4, the North Carolina State Bar shall allocate to Pisgah Legal Services that share of State funds that would otherwise have been provided through Legal Services of North Carolina, Inc., to Appalachian Legal Services to serve eligible clients in Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties.

99AOC-H17.2

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

INDIGENT PERSONS' ATTORNEY FEE FUND

Section 17.2.(a) Effective July 1, 1999, the Administrative Office of the Courts shall each year of the 1999-2001 biennium reserve funds for adult, juvenile, and guardian ad litem cases from the Indigent Persons' Attorney Fee Fund. These funds shall be allotted to each judicial district in which the superior and district courts 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 1998-99 and 1999-2000, respectively. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be budgeted for capital cases and for transcripts, professional examinations, expert witness fees, and other supporting services.

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.

Section 17.2.(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.

Section 17.2.(c) If funds allocated in subsections (a) and (b) 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 available funds from the Public Defender program.

Section 17.2.(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.

99AOC-H17.3

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REPORT ON COMMUNITY MEDIATION CENTERS

Section 17.3.(a) All community mediation 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 appropriated to the center;
(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.

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of

1 the Courts for consideration by the Senate and House Appropriations Subcommittees
2 on Justice and Public Safety.
3 Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to
4 community mediation centers receiving State funds.
5

NOTE: Changed due to funding changes.

99AOC-H17.4

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

AUTHORIZE ADDITIONAL MAGISTRATES

Section 17.4. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	~~2~~ 3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	4	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	

1	Warren	3	4	
2	Franklin	3	7	
3	Person	3	4	
4	Caswell	2	5	
5	Wake	12	20	Apex,
6				Wendell,
7				Fuquay-
8				Varina,
9				Wake Forest
10	Harnett	7	11	Dunn
11	Johnston	10	12	Benson,
12				Clayton,
13				Selma
14	Lee	4	6	
15	Cumberland	10	~~18~~ 19	
16	Bladen	4	6	
17	Brunswick	4	8	
18	Columbus	6	9	Tabor City
19	Durham	8	13	
20	Alamance	7	10	Burlington
21	Orange	4	11	Chapel Hill
22	Chatham	3	8	Siler City
23	Scotland	3	5	
24	Hoke	4	5	
25	Robeson	8	16	Fairmont,
26				Maxton,
27				Pembroke,
28				Red Springs,
29				Rowland,
30				St. Pauls
31	Rockingham	4	9	Reidsville,
32				Eden,
33				Madison
34	Stokes	2	5	
35	Surry	5	9	Mt. Airy
36	Guilford	20	26	High Point
37	Cabarrus	5	9	Kannapolis
38	Montgomery	2	4	
39	Randolph	5	10	Liberty
40	Rowan	5	10	
41	Stanly	5	6	
42	Union	4	~~6~~ 7	
43	Anson	4	5	
44	Richmond	5	6	Hamlet
45	Moore	5	8	Southern
46				Pines
47	Forsyth	3	15	Kernersville
48	Alexander	2	3	
49	Davidson	7	10	Thomasville
50	Davie	2	3	
51	Iredell	4	9	Mooresville
52	Alleghany	1	2	
53	Ashe	3	4	

1	Wilkes	4	6	
2	Yadkin	3	5	
3	Avery	3	5	
4	Madison	4	5	
5	Mitchell	3	4	
6	Watauga	4	6	
7	Yancey	2	4	
8	Burke	4	7	
9	Caldwell	4	7	
10	Catawba	6	10	Hickory
11	Mecklenburg	15	27	
12	Gaston	11	22	
13	Cleveland	5	8	
14	Lincoln	4	7	
15	Buncombe	6	15	
16	Henderson	4	7	
17	McDowell	3	5	
18	Polk	3	4	
19	Rutherford	6	8	
20	Transylvania	2	4	
21	Cherokee	3	4	
22	Clay	1	2	
23	Graham	2	3	
24	Haywood	5	7	Canton
25	Jackson	3	4	
26	Macon	3	4	
27	Swain	2	3."	
28				

99AOC-H17.5

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

ASSISTANT PUBLIC DEFENDERS

Section 17.5. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1999-2001 biennium, the Administrative Office of the Courts may use up to one hundred sixty-one thousand four hundred forty-eight dollars ($161,448) for the 1999-2000 fiscal year and up to two hundred eighty-four thousand eight hundred forty dollars ($284,840) for salaries, benefits, equipment, and related expenses to establish up to four new assistant public defender positions.

NOTE: Changed due to funding changes.

99AOC-H17.6

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

ADDITIONAL DISTRICT COURT JUDGES

Section 17.6.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	~~3~~ 4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~7~~ 8	Sampson
		Duplin
		Jones
		Onslow
5	~~6~~ 7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell

1	9B	1	Warren
2			(part of Vance
3			see subsection (b))
4	10	13	Wake
5	11	7	Harnett
6			Johnston
7			Lee
8	12	9	Cumberland
9	13	~~5~~ 6	Bladen
10			Brunswick
11			Columbus
12	14	6	Durham
13	15A	~~3~~ 4	Alamance
14	15B	4	Orange
15			Chatham
16	16A	3	Scotland
17			Hoke
18	16B	5	Robeson
19	17A	2	Rockingham
20	17B	3	Stokes
21			Surry
22	18	~~11~~ 12	Guilford
23	19A	3	Cabarrus
24	19B	6	Montgomery
25			Moore
26			Randolph
27	19C	4	Rowan
28	20	7	Stanly
29			Union
30			Anson
31			Richmond
32	21	8	Forsyth
33	22	8	Alexander
34			Davidson
35			Davie
36			Iredell
37	23	4	Alleghany
38			Ashe
39			Wilkes
40			Yadkin
41	24	4	Avery
42			Madison
43			Mitchell
44			Watauga
45			Yancey
46	25	8	Burke
47			Caldwell
48			Catawba
49	26	~~15~~ 16	Mecklenburg
50	27A	~~5~~ 6	Gaston
51	27B	4	Cleveland
52			Lincoln
53	28	5	Buncombe

29	6	Henderson
		McDowell
		Polk
		Rutherford
		Transylvania
30	~~4~~ 5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

Section 17.6.(b) The Governor shall appoint additional district court judges for District Court Districts 2, 4, 5, 13, 15A, 18, 26, 27A, and 30 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2002 election for four-year terms commencing on the first Monday in December 2002.

Section 17.6.(c) Subsection (a) of this section becomes effective January 1, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective January 1, 2000, or 15 days after the date upon which that subsection is approved under section 5 of the Voting Rights Act, whichever is later.

99AOC-H17.7

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

BAD CHECK PROGRAM

Section 17.7.(a) Subsection (e) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, reads as rewritten:

"(e) This section becomes effective October 1, ~~1997, and expires June 30, 1999.~~ 1997."

Section 17.7.(b) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, reads as rewritten:

"(d) This act applies only to Brunswick, Bladen, Columbus, Durham, New Hanover, Pender, Rockingham, and Wake Counties."

Section 17.7.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the bad check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, New Hanover, and Pender Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases.

Section 17.7.(d) Subsection (a) of this section becomes effective June 30, 1999.

NOTE: Changed due to funding changes.

99AOC-H17.8

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Section 17.8.(a) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	~~13~~ 14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	~~28~~ 30
11	Harnett, Johnston, Lee	14
12	Cumberland	~~17~~ 18
13	Bladen, Brunswick, Columbus	~~9~~ 10
14	Durham	13
15A	Alamance	~~7~~ 8
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	~~5~~ 6
19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	14
21	Forsyth	17
22	Alexander, Davidson, Davie,	16

	Iredell	
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	14
26	Mecklenburg	~~32~~ 33
27A	Gaston	12
27B	Cleveland, Lincoln	8
28	Buncombe	10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	8

Section 17.8.(b) This section becomes effective January 1, 2000.

99AOC-H17.9

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

ADDITIONAL INVESTIGATORIAL ASSISTANTS

Section 17.9. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in prosecutorial districts 1, 3B, 4, 5, 6B, 7, 8, ~~10,~~ 11, 12, 13, 14, 15A, 15B, 18, 19B, 20, 21, 22, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial assistant and the district attorney in prosecutorial district 10 is entitled to two investigatorial assistants, to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

99AOC-H17.10

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

DISTRICT COURT VACANCIES IN DISTRICTS 9 AND 9B

Section 17.10. G.S. 7A-142 reads as rewritten:

"§ 7A-142. Vacancies in office.

A vacancy in the office of district judge shall be filled for the unexpired term by appointment of the Governor from nominations submitted by the bar of the judicial district as defined in ~~G.S. 84-19.~~ G.S. 84-19, except that in judicial District 9, when vacancies occur in District Court District 9 or 9B, only those members who reside in the district court district shall participate in the selection of the nominees. If the district court district is comprised of counties in more than one judicial district, the nominees shall be submitted jointly by the bars of those judicial districts, but only those members who reside in the district court district shall participate in the selection of the nominees. If the district court judge was elected as the nominee of a political party, then the district bar shall submit to the Governor the names of three persons who are residents of the district court district who are duly authorized to practice law in the district and who are members of the same political party as the vacating judge; provided that if there are not three persons who are available, the bar shall submit the names of two persons who meet the qualifications of this sentence. Within 60 days after the district bar submits nominations for a vacancy, the Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar nominee within 60 days, then the district bar nominee who received the highest number of votes from the district bar shall fill the vacancy. If the district bar fails to submit nominations within 30 days from the date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for nominations."

99AOC-H17.11

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

EXTEND INDIGENT FUND STUDY COMMISSION/STUDY PUBLIC DEFENDER PROGRAMS

Section 17.11. Subsection (b) of Section 16.5 of S.L. 1998-212 reads as rewritten:

"(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;

(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;

(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;

(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;

(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;

(6) Review methods used by other states to provide legal representation to indigent defendants;

(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; ~~and~~

(8) Outline additional suggestions that would improve the provision of legal representation to indigent ~~defendants.~~ defendants; and

(9) Evaluate the report on the efficiency and cost-effectiveness of the public defender program provided to the Commission pursuant to Section 16.1 of S.L. 1998-212, and recommend any improvements to public defender programs or the expansion of public defender programs to additional districts, based upon the content of that report.

The Administrative Office of the Courts shall assign professional and clerical staff to assist in the work of the Commission. The Commission shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety no later than ~~May 1, 1999.~~ May 1, 2000. The report shall include a cost analysis demonstrating the additional personnel and equipment necessary to implement the Commission's recommendations. The report shall also include any legislation necessary to implement the Commission's recommendations."

NOTE: Changed due to funding changes.

99AOC-H17.12

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

ADD SPECIAL SUPERIOR COURT JUDGES/ADD SUPERIOR COURT JUDGE IN DISTRICT 22

Section 17.12.(a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a4) Effective October 1, 1999, the Governor may appoint four special superior court judges to serve terms expiring five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

Section 17.12.(b) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1

	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11A	Harnett, Lee	1
	11B	Johnston	1
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Moore, Randolph	2
	19C	Rowan	1
	20A	Anson, Richmond	1
	20B	Stanly, Union	2
	21A	(part of Forsyth, see subsection (b))	1

	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	~~2~~ 3
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	2
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	2
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
	30A	Cherokee, Clay, Graham, Macon, Swain	1
	30B	Haywood, Jackson	1".

Section 17.12.(c) The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 22 as authorized by subsection (b) of this section. The successor to that judge shall be elected in the 2000 general election to serve the remainder of the unexpired term expiring December 31, 2002, in order to provide for unstaggered terms for multiple judgeships in the same district.

Section 17.12.(d) This section becomes effective October 1, 1999.

99AOC-H17.13

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

CAPITAL CASE PROGRAM

Section 17.13.(a) The Administrative Office of the Courts shall establish a capital case program to be incorporated into the Office of the Appellate Defender to provide assistance to districts experiencing difficulty in locating qualified private counsel to handle capital cases.

Section 17.13.(b) The Administrative Office of the Courts may use up to the sum of three hundred fifty-eight thousand one hundred three dollars ($358,103) from the Indigent Persons' Attorney Fee Fund for the 1999-2000 fiscal year and the sum of three hundred ninety-six thousand eight hundred forty-five dollars ($396,845) for the 2000-2001 fiscal year for salaries, benefits, and related expenses to establish three assistant public defender positions and one investigator to work specifically on capital cases.

Section 17.13.(c) The Administrative Office of the Courts shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the effectiveness of the program, including information on which districts have received assistance, the average cost per defendant served, and an estimate of the savings to be realized in using this program rather than privately assigned counsel.

99AOC-H17.14

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

DRUG TREATMENT COURT FUNDS SHALL NOT REVERT

Section 17.14.(a) Funds appropriated to the Judicial Department for the 1998-99 fiscal year for drug treatment courts shall not revert at the end of the fiscal year but shall remain available to the Department during the 1999-2000 fiscal year to be used for that purpose.

Section 17.14.(b) This section becomes effective June 30, 1999.

99AOC-H17.15

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

COURT INFORMATION TECHNOLOGY FUND

Section 17.15.(a) G.S. 7A-343 reads as rewritten:

"**§ 7A-343. Duties of Director.**

The Director is the Administrative Officer of the Courts, and his duties include the following:

(1) Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts;

(2) Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice;

(3) Prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of superior court;

(4) Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the Judicial Department, and authorize expenditures from funds appropriated for these purposes;

(5) Investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the General Court of Justice;

(6) Procure, distribute, exchange, transfer, and assign such equipment, books, forms and supplies as are to be acquired with State funds for the General Court of Justice;

(7) Make recommendations for the improvement of the operations of the Judicial Department;

(8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy to each member of the General Assembly;

(9) Assist the Chief Justice in performing his duties relating to the transfer of district court judges for temporary or specialized duty; ~~and~~

(9a) Establish and operate systems and services that provide electronic transaction processing and access to court information systems pursuant to G.S. 7A-343.2; and

(10) Perform such additional duties and exercise such additional powers as may be prescribed by statute or assigned by the Chief Justice."

Section 17.15.(b) Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology

needs. The Director shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding calendar year."

Section 17.15.(c) G.S. 7A-109(d) reads as rewritten:

"(d) In order to facilitate public access to court records, except where public access is prohibited by law, the Director may enter into one or more nonexclusive contracts under reasonable cost recovery terms with third parties to provide remote electronic access to the records by the public. Costs recovered pursuant to this subsection shall be remitted to the State Treasurer to be held in the Court Information Technology Fund established in G.S. 7A-343.2."

99AOC-H17.16

Requested by: Representatives Culpepper, Kinney, McCrary, Alexander, Easterling, Hardaway, Redwine, Baddour

EDUCATIONAL PROGRAM FOR PARENTS WHO ARE PARTIES TO A CUSTODY OR VISITATION ACTION

Section 17.16.(a) The Administrative Office of the Courts shall establish a program to educate and sensitize separated or divorcing couples with children about the needs of their children during and after the separation and divorce process. The program shall be administered as part of the family court pilot program established by Section 25 of S.L. 1998-202. Program development shall include the following:

(1) An educational course that parties to a custody or visitation action may attend voluntarily or if ordered by the court. The course should be designed to inform attendees of the impact of their separation, custody, or visitation action on:
   a. The children,
   b. The parents' relationship with one another,
   c. The family's relationship, and
   d. The couple's financial responsibilities for the children;

   The course should provide information to attendees on resources available in the community to help them address these issues;

(2) An administrative plan for the implementation of the program in all judicial districts with a family court pilot program; the administrative plan shall include:
   a. Provisions to ensure the program will be financially self-sustaining in each district,
   b. Estimates of reasonable fees that attendees would be charged, and a method for waiving such fees in cases of severe financial hardship,
   c. Methods for evaluating the courses to ensure effectiveness, and for certifying attendance,
   d. How the program will be implemented at the local level, and
   e. Other administrative matters identified by the Administrative Office of the Courts as necessary for effective and efficient program implementation;

(3) Identification of course providers with whom the Administrative Office of the Courts would contract to make courses available at reasonable times and for reasonable fees, and to ensure that courses will be available with sufficient regularity to meet the needs of the judicial district in which the program is offered; and

(4) Other matters considered by the Administrative Office of the Courts to be important program components.

The Administrative Office of the Courts shall ensure that the program is operational in all judicial districts with a family court pilot program established pursuant to Section 25 of S.L. 1998-202 no later than January 1, 2000.

Section 17.16.(b) The Administrative Office of the Courts shall ensure involvement and input into the development of the program by persons who have experience in assisting families through and after the divorcing process.

Section 17.16.(c) The court shall order participation in this educational course if it finds that significant parental conflict has adversely affected the children

and that the children's best interests would be served by the party or parties' participation in the course.

Section 17.16.(d) The Administrative Office of the Courts shall report to the General Assembly not later than March 1, 2001, on the program developed pursuant to this section. The Administrative Office of the Courts shall make an interim report on the program developed pursuant to this section to the General Assembly as part of its report on the family court pilot program established by Section 25 of S.L. 1998-202. These reports shall include the following:

(1) Progress made on the implementation of the targeted pilot districts and recommendations for the expansion of the program to other districts;

(2) The amount of State funds that will be necessary for the Administrative Office of the Courts to supervise and oversee program operation;

(3) Legislation that may be needed to facilitate program implementation and operation; and

(4) Other recommendations the Administrative Office of the Courts considers appropriate.

1
2 PART XVIII. DEPARTMENT OF CORRECTION
3

99CORR-H18

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT/STATUS REPORT ON CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by February 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the 1998-99 fiscal year to the 1999-2000 fiscal year;
(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for 1999-2000;
(3) Any counties the Department anticipates will submit requests for new implementation grants;
(4) The number of counties submitting offender participation data via the electronic reporting system;
(5) An analysis of offender participation data received during 1999-2000; and
(6) An update on efforts to ensure that all counties make use of the electronic reporting system.

99CORR-H18.1

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 18.1. The Post-Release Supervision and Parole Commission shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year.

99CORR-H18.2

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REDUCE MEMBERSHIP ON POST-RELEASE SUPERVISION AND PAROLE COMMISSION

Section 18.2.(a) G.S. 143B-267 reads as rewritten:

"**§ 143B-267. Post-Release Supervision and Parole Commission -- members; selection; removal; chairman; compensation; quorum; services.**

The Post-Release Supervision and Parole Commission shall consist of ~~five~~ three full-time members. The ~~five~~ three full-time members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of the five members presently serving on the Commission shall expire on ~~June 30, 1993.~~ June 30, 1999. ~~The terms of three members appointed effective July 1, 1993, shall be for three years. The terms of two members appointed effective July 1, 1993, shall be for four years.~~ The term of one of the members appointed effective July 1, 1999, shall be for one year. The term of one of the members appointed effective July 1, 1999, shall be for two years. The term of one of the members appointed effective July 1, 1999, shall be for three years. Thereafter, the terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a full-time member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a full-time member of the Commission to serve as chairman of the Commission at the pleasure of the Governor.

~~With regard to the transaction of the business of the Commission the following procedure shall be followed: The chairman shall designate panels of two voting Commission members and shall designate a third commissioner to serve as an alternate member of a panel. Insofar as practicable, the chairman shall assign the members to panels in such fashion that each commissioner sits a substantially equal number of times with each other commissioner. Whenever any matter of business, such as the granting, denying, revoking or rescinding of parole, or the authorization of work-release privileges to a prisoner, shall come before the Commission for consideration and action, the chairman shall refer such matter to a panel. Action may be taken by concurring vote of the two sitting panel members. If there is not a concurring vote of the two panel members, the matter will be referred to the alternate member who shall cast the deciding vote. However, no person serving a sentence of life imprisonment shall be granted parole or work-release privileges except by majority vote of the full Commission.~~ The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The full-time members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

Section 18.2.(b) This section becomes effective June 30, 1999.

99CORR-H18.3

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

HOME AS DUTY STATION PILOT PROGRAM

Section 18.3. The Department of Correction shall report by April 1, 2000, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the Home As Duty Station pilot program in Cleveland and New Hanover Counties. The report shall provide (i) information on the impact of the pilot on expenditures for office and vehicle leases including an analysis of charges for vehicle miles not driven; (ii) data on the frequency of officers in the pilots being required to report directly from home to locations in the community outside of normally assigned working hours; and (iii) the projected impact of extending the pilot program to additional districts, including office, vehicle, and equipment costs.

99CORR-H18.4

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REPORT ON HARRIET'S HOUSE

Section 18.4. Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

99CORR-H18.5

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REPORT ON SUMMIT HOUSE

Section 18.5. Summit House shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

99CORR-H18.6

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REPORT ON WOMEN AT RISK

Section 18.6. Women at Risk shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

99CORR-H18.7

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

FEDERAL GRANT REPORTING

Section 18.7. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and the Office of Juvenile Justice shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

99CORR-H18.8

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 18.8.(a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Health and Human Services under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

Section 18.8.(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Health and Human Services pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

Section 18.8.(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

99CORR-H18.9

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

LIMIT USE OF OPERATIONAL FUNDS

Section 18.9. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

99CORR-H18.10

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Section 18.10.(b) G.S. 148-29 reads as rewritten:

"§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.

(a) 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~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction ~~within five days~~ after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the ~~sixth day after the hearing~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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 parolee

or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(c) 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."

Section 18.10.(c) Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-109.3. Delivery of commitment order.**

(a) Whenever the district court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 48 hours of the issuance of the sentence.

(b) Whenever the superior court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 72 hours of the issuance of the sentence."

Section 18.10.(d) This section becomes effective October 1, 1999.

99CORR-H18.11

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

USE OF FACILITIES CLOSED UNDER GPAC

Section 18.11. In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections and Crime Control Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections and Crime Control Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

NEW

99CORR-H18.11A

Requested by: Representatives Mitchell, Easterling, Hardaway, Redwine

SITE FOR NEW CLOSE CUSTODY PRISON

Section 18.11A. In determining site locations for proposed new close custody prison facilities, the Department of Correction shall consider Alexander and Iredell Counties for the site of the proposed new close custody prison in Western North Carolina.

99CORR-H18.12

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

INMATE COSTS

Section 18.12.(a) The Department of Correction shall provide a progress report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on its implementation of the recommendations made by the Office of State Budget and Management on the provision of food and health care to inmates pursuant to the study directed by Section 17.8 of S.L. 1998-212. The report shall identify specific areas in which cost savings can be achieved through the more efficient delivery of services.

Section 18.12.(b) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

99CORR-H18.13

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

TITLE VII FUNDS/REPORT

Section 18.13. The Department of Correction may use funds available to the Department during the 1999-2001 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

99CORR-H18.14

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION/SPECIAL COMMITTEE TO REWRITE STANDARDS, CODE, AND POLICY PROCEDURES FOR EMPLOYMENT OF CERTIFIED POSITIONS IN THE DEPARTMENT OF CORRECTION

Section 18.14. The Criminal Justice Education and Training Standards Commission shall appoint a special committee to study and rewrite the necessary standards, administrative code provisions, and policies and procedures relating to the employment of certified positions in the Department of Correction and develop a new certification system for those officers that reflects the impact and statutory requirements of Chapters 126 and 17C of the General Statutes.

The Chair of the Criminal Justice Education and Training Standards Commission and the Chair of the special committee appointed pursuant to this section shall report to the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 2000, on the progress of the special committee.

The proposed new certification system shall be presented to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by the convening of the 2000 Regular Session of the 1999 General Assembly.

Upon approval of the Criminal Justice Education and Training Standards Commission, the new certification system shall be implemented no later than July 1, 2000.

99CORR-H18.15

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

FEDERAL GRANT MATCHING FUNDS

Section 18.15. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of six hundred fifty thousand dollars ($650,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

99CORR-H18.16

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

PRIVATE PRISON CONTRACTS

Section 18.16. If the Department of Correction determines, in consultation with the Attorney General's office, the Office of State Budget and Management, and the Corrections Corporation of America, that it is appropriate to make a significant modification of the financial terms of the contracts for the leasing and operation of one or both of the two private confinement facilities in Pamlico and Avery/Mitchell Counties, the Department may use funds available to the Department for the 1999-2001 biennium to modify the lease contract and the operating agreement as necessary. Prior to taking actions or obligating funds as authorized by this section, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

99CORR-H18.17

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine, Allred

PILOTS TO DETERMINE COST-EFFECTIVENESS OF PLACING ALL INMATES ON WORK-RELEASE

Section 18.17. Section 17.25 of S.L. 1998-212 reads as rewritten:

"Section 17.25. (a) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Alamance Correctional Center on work release to the extent possible. The Department shall provide a progress report on this pilot program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by June 30, 2000. The Department shall provide a final report 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 March 1, ~~1999,~~ 2001, on the cost-effectiveness of the program.

(b) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Union Correctional Center, except those needed for Department of Transportation road squads, on work release to the extent possible. The Department shall provide a progress report on this pilot program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by June 30, 2000. The Department shall provide a final report 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 March 1, ~~1999,~~ 2001, on the cost-effectiveness of the program."

99CORR-H18.18

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REPORT ON PROBATION AND PAROLE CASELOADS

Section 18.18. The Department of Correction shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections and Crime Control Oversight Committee on caseload averages for probation and parole officers. The report shall include:

(1) Data on current caseload averages for Probation Parole Officer I, Probation Parole Officer II, and Probation Parole Officer III positions;

(2) An analysis of the optimal caseloads for these new officer classifications;

(3) An assessment of the role of surveillance officers; and

(4) Projected impact of the new officer classifications and procedures on the operating and equipment expenditures of the Division of Community Correction.

99CORR-H18.19

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 18.19.(a) Subsection (b) of Section 19.17 of S.L. 1997-443, as amended by subsection (b) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall provide a final report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by March 15, ~~1999.~~ 2000, and shall provide a progress report on the development of these standards to the Joint Legislative Corrections and Crime Control Oversight Committee by November 1, 1999. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority.

The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

Section 18.19.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by subsection (c) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to ~~subsection (b) of this section~~ Section 19.17 of S.L. 1997-443, as amended, and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may

1 contain inmates from any jurisdiction other than North Carolina or a political
2 subdivision of North Carolina without the written consent of the Secretary of
3 Correction."
4

99CORR-H18.20

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

CLOSE SECURITY PRISONS

Section 18.20.(a) G.S. 148-37 is amended by adding a new subsection to read:

"(b1) The Secretary of Correction may enter contracts with private for-profit or nonprofit firms for the construction of close security correctional facilities totaling up to 3,000 cells to be operated by the Department pursuant to a lease that contains a schedule for purchase of the facilities over a period of up to 20 years. The Secretary may issue a request for proposals for the construction of such facilities in accordance with plans and specifications developed by the Department and reviewed by the Office of State Construction.

The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the Department of Administration on the final award decision. The Department of Administration shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection shall provide that the Department of Correction shall furnish the plans and specifications for these correctional facilities to the Office of State Construction for its review and that the Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for use as a correctional facility and for future acquisition by the State."

Section 18.20.(b) The Department of Correction shall provide a status report to the Joint Legislative Commission on Governmental Operations by May 1, 2000, on the development of the request for proposals and the award-making process, including a summary of the major requirements anticipated in the request for proposals. After the contract has been awarded, the Department shall report to the Joint Legislative Commission on Governmental Operations by May 1 of each year on the progress of the project, including the estimated completion dates and the estimated cost of operating correctional facilities constructed pursuant to this section.

NEW

99CORR-H18.21

Requested by: Representative Justus

COMMUNITY WORK PROGRAM

Section 18.21. G.S. 148-26(a) reads as rewritten:

"(a) It is declared to be the public policy of the State of North Carolina that all able-bodied prison inmates shall be required to perform diligently all work assignments provided for them. The failure of any inmate to perform such a work assignment may result in disciplinary action. Work assignments and employment shall be for the public benefit to reduce the cost of maintaining the inmate population while enabling inmates to acquire or retain skills and work habits needed to secure honest employment after their release.

In exercising his power to enter into contracts to supply inmate labor as provided by this section, the Secretary of Correction shall not assign any inmate to work under any such contract who is eligible for work release as provided in this Article, study release as provided by G.S. 148-4(4), or who is eligible for a program of vocational rehabilitation services through the State Vocational Rehabilitation Agency, unless suitable work release employment or educational opportunity cannot be found for the inmate, and the inmate is not eligible for a program of vocational rehabilitation services through the State Vocational Rehabilitation Agency, and shall not agree to supply inmate labor for any project or service unless it meets all of the following criteria:

(1) The project or service involves a type of work by which inmates can develop a skill to better equip themselves to return to society;

(2) The project or service is of benefit to the citizens of North Carolina or units of State or local government ~~thereof;~~ thereof, regardless of whether the project or service is performed on public or private property;

(3) Repealed by Session Laws 1977, c. 824, s. 2.

(4) Wages shall be paid in an amount not exceeding one dollar ($1.00) per day per inmate by the local or State contracting agency."

1
2 **PART XIX. DEPARTMENT OF JUSTICE**
3

99ATTY-H19.2

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

99ATTY-H19.3

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section 19.3.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the 1999-2000 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for training for the State Bureau of Investigation; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section 19.3.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section 19.3.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

99ATTY-H19.4

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Section 19.4. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

99ATTY-H19.5

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

Section 19.5. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

99ATTY-H19.6

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Section 19.6. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

99ATTY-H19.7

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

EXEMPT JUSTICE ACADEMY FROM THE UMSTEAD ACT

Section 19.7. G.S. 66-58(b) is amended by adding a new subdivision to read:

"(19) The North Carolina Justice Academy."

99ATTY-H19.8

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 19.8. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks and how those costs have changed since the 1995-96 fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before March 1, 2000.

1
2 **PART XX. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**
3

99CCPS-H20

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Section 20.(a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that the State application for Drug Law Enforcement Grants is subject to review by the State legislature or its designated body. Therefore, the Governor's Crime Commission of the Department of Crime Control and Public Safety shall report on the State application for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, to the Senate and House Appropriations Subcommittees on Justice and Public Safety when the General Assembly is in session. When the General Assembly is not in session, the Governor's Crime Commission shall report on the State application to the Joint Legislative Commission on Governmental Operations.

Section 20.(b) Unless a State statute provides a different forum for review, when a federal law or regulation provides that an individual State application for a grant shall be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations.

99CCPS-H20.1

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

VICTIMS ASSISTANCE NETWORK FUNDS

Section 20.1.(a) Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of one hundred fifty thousand dollars ($150,000) for the 1999-2000 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 2000-2001 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims' services;
(3) Provide an automated crime victims' bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims' advocacy groups;
(5) Identify training needs of crime victims' services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

Section 20.1.(b) The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated pursuant to this section for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by December 1 of each year of the biennium.

99CCPS-H20.2

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

REPORT ON CRIME VICTIMS COMPENSATION FUND

Section 20.2. G.S. 15B-21 reads as rewritten:

"**§ 15B-21. Annual report.**

The Commission ~~shall~~ shall, by March 15 each year, prepare and transmit ~~annually~~ to the Governor and the General Assembly a report of its ~~activities.~~ activities in the prior fiscal year and the current fiscal year to date. The report shall ~~include~~ include:

(1) ~~the~~ The number of claims ~~filed,~~ filed;

(2) ~~the~~ The number of awards ~~made,~~ made;

(3) ~~the~~ The amount of each ~~award,~~ award;

(4) ~~a~~ A statistical summary of claims denied and awards ~~made,~~ made;

(5) ~~and the~~ The administrative costs of the Commission, including the compensation of ~~commissioners.~~ commissioners;

(6) The current unencumbered balance of the North Carolina Crime Victims Compensation Fund;

(7) The amount of funds carried over from the prior fiscal year;

(8) The amount of funds received in the prior fiscal year from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and

(9) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.

The Attorney General and State Auditor shall assist the Commission in the preparation of the report required by this section."

99CCPS-H20.3

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

TECHNICAL CHANGES TO BOXING COMMISSION LAW

Section 20.3.(a) G.S. 143-652(f) reads as rewritten:

"(f) Staff Assistance. -- The Secretary of Crime Control and Public Safety shall hire a person to serve as Executive Director of the Commission and shall provide staff assistance to the Executive Director. The Executive Director shall enforce this ~~Article through the Division of Alcohol Law Enforcement.~~ Article through the Department of Crime Control and Public Safety. If necessary, the Executive Director may train and contract with independent contractors for the purpose of regulating and monitoring events, issuing licenses, collecting fees, and enforcing rules of the Commission. The Executive Director may initiate and review criminal background checks on persons requesting to work as independent contractors for the Commission or persons applying to be licensed by the Commission."

Section 20.3.(b) G.S. 143-654(c) reads as rewritten:

"(c) Surety Bond. -- An applicant for a promoter's license must submit, in addition to any other forms, documents, or exhibits requested by the Commission, a surety bond payable to the Commission for the benefit of any person injured or damaged by (i) the promoter's failure to comply with any provision of this Article or any rules adopted by the Commission or (ii) the promoter's failure to fulfill the obligations of any contract ~~between or among licensees~~ related to the holding of a boxing event. The surety bond shall be issued in an amount to be no less than five thousand dollars ($5,000). The amount of the surety bond shall be negotiable upon the sole discretion of the Commission. All surety bonds shall be upon forms approved by the Secretary of Crime Control and Public Safety and supplied by the Commission."

99CCPS-H20.4

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

ANNUAL EVALUATION OF THE TARHEEL CHALLENGE PROGRAM

Section 20.4. The Department of Crime Control and Public Safety shall report 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 April 1 of each year on the operations and effectiveness of the National Guard Tarheel Challenge Program. The report should evaluate the program's effectiveness as an intervention method for preventing juveniles from becoming undisciplined or delinquent. The report shall also evaluate the Program's role in improving individual skills and employment potential for participants and shall include:

(1) The source of referrals for individuals participating in the Program;
(2) The summary of types of actions or offenses committed by the participants of the Program;
(3) An analysis outlining the cost of providing services for each participant, including a breakdown of all expenditures related to the administration and operation of the Program and the education and treatment of the Program participants;
(4) The number of individuals who successfully complete the Program; and
(5) The number of participants who commit offenses after completing the Program.

NEW

99CCPS-H20.5

Requested by: Representative Justus

CRIME CONTROL PURCHASE METAL DETECTORS TO REDUCE CRIME IN SCHOOLS

Section 20.5.(a) The Department of Crime Control and Public Safety shall expend the sum of three hundred fifty thousand dollars ($350,000) for the 1999-2000 fiscal year to provide metal detectors for the public schools. Funds for this expenditure shall be transferred by the Director of the Budget from funds appropriated for the North Carolina State Bar as follows: one hundred seventy-five thousand dollars ($175,000) from Legal Services and one hundred seventy-five thousand dollars ($175,000) from the Center for Death Penalty Litigation.

Each local board of education may apply for either a portable walk-through model for the local school administrative unit or a hand-held model for each school in the local school administrative unit.

Section 20.5.(b) In allocating these funds, the Secretary of Crime Control and Public Safety shall give highest priority to providing:

(1) A portable walk-through model to each local school administrative unit requesting one that does not have one, and

(2) A hand-held model for each school for which one is requested and that does not have one.

Section 20.5(c) The Secretary of Crime Control and Public Safety shall allocate any remaining funds on a pro rata basis to provide:

(1) A portable walk-through model to each local school administrative unit requesting one that already has one, and

(2) A hand-held model for each school for which one is requested and that already has one.

PART XXI. OFFICE OF JUVENILE JUSTICE

99OJJ-H21

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

ANNUAL EVALUATION OF JUVENILE JUSTICE COMMUNITY PROGRAMS AND MULTIPURPOSE GROUP HOMES

Section 21.(a) Section 11.51 of S.L. 1997-443 is repealed.

Section 21.(b) The Office of Juvenile Justice shall conduct an evaluation of wilderness camp programs, the Governor's One-on-One Programs, the On Track Program established in S.L. 1998-202, the Guard Response Alternate Sentencing Program established in S.L. 1998-202, and multipurpose group homes. In conducting the evaluation, the Office shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Office shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Office shall report the results of the evaluation to the Chairs of the House and Senate Appropriations Committees and the Chairs of the Subcommittees of Justice and Public Safety of the House and Senate Appropriations Committees by March 1 of each year.

99OJJ-H21.1

Requested by: Representatives Easterling, Culpepper, Kinney, McCrary, Hardaway, Redwine

SECURE GROUP HOME FOR FEMALE OFFENDERS

Section 21.1. Funds in the amount of one million one hundred twenty-seven thousand eight hundred fifty dollars ($1,127,850) appropriated in S.L. 1998-212 to the Department of Health and Human Services and reallocated to the Office of Juvenile Justice for construction of beds for female offenders at Gatling Detention Center shall be reallocated to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards.

99OJJ-H21.2

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

JUVENILE CRIME PREVENTION COUNCIL PARTICIPATION

Section 21.2. Each county in which local programs receive Juvenile Crime Prevention Council grant funds from the Office of Juvenile Justice shall certify annually through its local council to the Office of Juvenile Justice that funds received are not used to duplicate or supplant other programs within the county.

99OJJ-H21.3

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

S.O.S. ADMINISTRATIVE COST LIMITS

Section 21.3. Of the funds appropriated to the Office of Juvenile Justice in this act, not more than four hundred fifty thousand dollars ($450,000) for the 1999-2000 fiscal year and not more than four hundred fifty thousand dollars ($450,000) for the 2000-2001 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Office may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

99OJJ-H21.4

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

STUDY STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS

Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Fiscal Research Division of the General Assembly and the Office of Juvenile Justice in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study 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 on or before April 1, 2000.

99OJJ-H21.5

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

LOCAL GRANT REPORTING

Section 21.5. On or before October 1, 1999, and by May 1 each year thereafter, the Office of Juvenile Justice shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Office for local grants. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a short description of the local services, programs, or projects that will receive funds. The list shall also identify any programs that received grant funds at one time but for which funding has been eliminated by the Office of Juvenile Justice. A written copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

99OJJ-H21.6

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

FUNDS FOR FAMILY COURTS, SUBSTANCE ABUSE PREVENTION, AND MULTIPURPOSE GROUP HOMES SHALL NOT REVERT

Section 21.6.(a) Funds appropriated to the Department of Health and Human Services for the 1998-1999 fiscal year and transferred to the Office of Juvenile Justice for the Substance Abuse Prevention Plan and the operation of multipurpose group homes shall not revert but shall remain available to the Office of Juvenile Justice for the 1999-2000 fiscal year.

Section 21.6.(b) Funds appropriated in S.L. 1998-212 for the family court pilot programs established in S.L. 1998-202 shall not revert but shall remain available to the Administrative Office of the Courts for the 1999-2000 fiscal year.

Section 21.6.(c) This section becomes effective June 30, 1999.

NOTE: Amended to add subsection (b)

99OJJ-H21.7

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

TRANSFER OF POSITIONS FROM THE DEPARTMENT OF CORRECTION AND THE ADMINISTRATIVE OFFICE OF THE COURTS TO THE OFFICE OF JUVENILE JUSTICE

Section 21.7.(a) The Department of Correction is authorized to transfer the following administrative positions and their funding to the Office of Juvenile Justice to provide administrative support for the Office of Juvenile Justice:

(1) Executive Director-Criminal Justice Partnership Act: Position number 4550-0000-000-061.

(2) Accountant III: Position number 4520-0005-0002-050.

(3) Administrative Secretary III: Position number 4550-0000-0000-081.

Section 21.7.(b) The Administrative Office of the Courts is authorized to transfer the research and planning administrator position, position number 2203-1110-1150-543, to the Office of Juvenile Justice.

Section 21.7.(c) The transfers authorized pursuant to this section become effective July 1, 1999.

99OJJ-H21.8

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

JUVENILE JUSTICE INFORMATION SYSTEM REPORT

Section 21.8. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall annually evaluate the status of the juvenile justice information system created pursuant to the juvenile justice information plan established by S.L. 1998-202. The Criminal Justice Information Network Governing Board shall consult with the Department of Justice and the Office of Juvenile Justice in evaluating the system and in developing the report. The evaluation shall include a review of the progress or status of the development of:

(1) Each phase of the plan that is mandated to create the system pursuant to S.L. 1998-202;

(2) Identification of management information that will be collected and tracked; and

(3) Identification of the State agency programs that will be part of the system.

The evaluation shall also (i) identify all expenditures to date, including the source of funding and the purpose of the expenditures, and (ii) provide an updated estimate of the short- and long-range cost of the system.

The Criminal Justice Information Network shall report by April 1 each year to the Chairs of the House and Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly on the status of the juvenile justice information system and on any findings, recommendations, and legislative proposals related to the plan.

99OJJ-H21.9

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

PROGRAMS AND FUNDS TRANSFERRED TO THE OFFICE OF JUVENILE JUSTICE

Section 21.9.(a) Program responsibility and funding for Project Challenge North Carolina, Inc., the teen court programs funded through the budget of the Administrative Office of the Courts, and the Juvenile Assessment Center Project of District Court District 12 are hereby transferred from the Judicial Department to the Office of Juvenile Justice.

Section 21.9.(b) Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by November 1 and May 1 of each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on the source of referrals for juveniles, the types of offenses committed by juveniles participating in the program, the amount of time those juveniles spend in the program, the number of juveniles who successfully complete the program, and the number of juveniles who commit additional offenses after completing the program.

99OJJ-H21.10

Requested by: Representatives Hardaway, Culpepper, Kinney, McCrary, Easterling, Redwine

FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 21.10.(a) Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the sum of five hundred thousand dollars ($500,000) shall be used to establish a pilot program to grant funds to local organizations of the Boys and Girls Club pursuant to subsection (b) of this section.

Section 21.10.(b) The Office of Juvenile Justice shall develop a pilot program that grants funds to the local organizations of the Boys and Girls Club in the 10 counties with the highest rate of training school commitments in the 1997-98 fiscal year. The local organization shall provide funds to match the State funds granted pursuant to this section. In developing the program, the Office shall establish criteria for receiving a grant pursuant to this section and shall develop a funding strategy to encourage local organizations to provide resources and services to meet the physical, emotional, and educational needs of juveniles who are at risk of becoming delinquent or undisciplined, and to provide resources and services to their families. The Office shall consider requiring local organizations that receive grant funds pursuant to this section to:

(1) Encourage juveniles to become involved in community programs that instill in juveniles pride in their communities and that help juveniles develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(2) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(3) Provide guidance to and positive role models for juveniles.

Section 21.10.(c) The Office of Juvenile Justice shall report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served.

99OJJ-H21.11

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and Management and the Governor's Crime Commission shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 1999-2000 fiscal year, the amount of funds anticipated for the 2000-2001 fiscal year, and the allocation of funds by program and purpose.

review and approve the design and construction of the facility before housing juvenile offenders in the facility.

Section 21.13.(f) Liability Insurance. -- The contract authorized pursuant to this section shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private facility.

Section 21.13.(g) Training of Employees. -- Custodial officials employed by a private facility are agents of the Director of the Office of Juvenile Justice and shall comply with existing statutes, rules, policies, and procedures that govern the custody and care of juveniles under the supervision of the Office. The private entity with which the Office contracts under this section shall have written disciplinary and grievance policies approved by the Office of Juvenile Justice. The persons employed by the private entity operating the facility shall receive training substantially the same as the training provided to employees of the Office of Juvenile Justice performing the same duties. Notwithstanding subsection (e) of this section, G.S. 115C-325 does not apply to employees of the private facility providing educational services.

Section 21.13.(h) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law.

Section 21.13.(i) Report. -- The Office of Juvenile Justice shall make a written report no later than March 1, 2000, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by March 1, 2001, and January 1, 2002. The reports shall be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations.

Section 21.13.(j) Appropriation. -- Of the funds appropriated in this act to the Office of Juvenile Justice, the sum of two million five hundred thousand dollars ($2,500,000) for the 2000-2001 fiscal year shall be used to purchase custodial, rehabilitation, treatment, and program services, as provided in G.S. 147-33.41, to implement this section.

NEW

99OJJ-H21.14

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine

CAREER STATUS FOR FORMER JUDICIAL EMPLOYEES TRANSFERRED TO THE OFFICE OF JUVENILE JUSTICE

Section 21.14. For the purposes of Chapter 126 of the General Statutes, employees in positions transferred from the Judicial Department to the Office of Juvenile Justice during the 1998-99 fiscal year or as provided for in this act, and who have been continuously employed by the State prior to the date of transfer, shall receive credit for those months of service. Upon 24 months of continuous employment in a permanent position with the State, an employee under this section shall become a career State employee.

VISITOR REGISTRATION SHEET

Justice and Public Safety — 6/9/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Shabot	Poyner + Spruill
Susan Raba	DOJ
Melissa Lovell	DOJ
Thad Dan	NCAE
Bryan Beatty	DOJ
Jeanne Bonds	AOC
Chris Mahr	AOC
Leo Rubert	CJPC
John McMillan	MFDS
Gaither Kayne	Governor's Office
Laura Hartwell	NC Bar Association
Robert Rexell	OSBM
Denise A. Sessoms	DOJ

VISITOR REGISTRATION SHEET

Justice and Public Safety — 6/9/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Eddie Caldwell	NC Sheriffs Assn / NC Law Enf Off Assn
Doug Lassiter	McCleer Consulting
Larry Dick	DJJ
Louise Davis	Re Entry Inc.

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Thursday June 10, 1999 8:30 am
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

II. PRESENTATIONS

Review of House Budget as Adopted (HB 168)

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

SENATE APPROPRIATIIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
June 10, 1999

The Senate Appropriations Subcommittee on Justice and Public Safety met on June 10, 1999 in room 415 LOB at 9:00AM. Three Senate members attended. Senator Jordan presided.

Ms. Louise Davis distributed a handout titled Community Penalties Program, (attached), which she discussed briefly.

Mr. Robbie Moore from the North Carolina Correctional Center for Women was introduced. Mr. Moore distributed sample questionnaires that students had completed. Senator Ballance asked if education was being cut. Mr. Moore said some positions can be taken over by the community colleges. Mr. Theodis Beck, Secretary said they are not doing away with education for inmates. Twelve positions are affected by proposed reductions and they are looking at other resources for those employees.

In response to Senator Jordan, Mr. Beck said the department is requesting to expand to 48 hours to plan an execution and to expand the window of 15 days to prepare to carry out an execution. They want more time. They also want the secretary rather than the warden to set the date of execution. Senator Ballance thought the committee could consider looking at 60 days which would give them a thirty day window. Mr. Beck agreed. Senator Rand wanted to know if the change would affect those currently in the system. The attorney general will be asked that question. Senator Ballance moved, subject to legal opinion, to expand the time to 30 to 60 days, which would give a 30 day window, and transferring authority to set the execution date to the Secretary instead of the warren. The motion carried unanimously.

Senator Jordan asked Mr. Beck to speak to the issue of prisoners working on private property. Mr. Beck said there does not seem to be an issue when prisoners work on private property in instances of disasters. Senator Ballance and Senator Rand expressed concern and believe inmates should work on private property only when it is for the public good. Mr. Hamilton from DOC said they are working with chief counsel on language that would clarify when inmates should work on private property. This language should be available next week.

Mr. Beck took this opportunity to introduce Mr. Dan Steineke as the new Secretary for the Division of Prisons, and Mr. James French as the new Director of Prisons.

Senator Jordan moved the meeting. See handout, House Appropriations Committee. Senator Rand moved to keep items 66, 67, and 68. The motion carried unanimously.

Mr. .Mills reported the positions listed in item 75 are one education director and two assistant directors. The cuts would reduce budget by $175,038. Senator Ballance asked if any provision had been made to exchange the positions. Mr. Beck responded they had not identified alternative resources. In response to Senator Rand, Mr. Mills said there are two bases for lawsuit, one is that the education director and the asst. director are not paid as the principals and asst principals are, and the number of people supervised should be taken into account. Senator Ballance said the employees had been instructed to get a certain level of education and certification and they complied. After further discussion, the item was flagged for further discussion.

Senator Rand made a motion to add 2 positions (see item 107) to road squads at a cost of $133,767 in the first year. The motion carried.Re item 79, Mr. Steineke said this cut negatively affects some of the kitchen positions. He has come up with strategy to move $100,000 from office equipment continuation money, eliminate 13 positions and add 4 positions. This will be discussed at a future meeting.

Senator Rand moved to eliminate funding for WJA and eliminate item 101 and replace money to the national guard. The motion carried.

The committee voted to take money from items 1 and 2 and restore money to item 6. Restore money to item 29, amd moved to eliminate money in item 34 and put that money to roads.

Senator Rand said we need more assistant district attorneys than judges. (see item 17) Senator Ballance made a motion to remove the judge from district 30 and add that position to district 19A. The motion carried.

Senator Rand moved to eliminate the investigator position in district 6B and provide it for District 30. The motion carried. Back to item 17, Sen. Rand moved to add one ADA for District 20. The motion carried.

On page 9, Senator Ballance moved to eliminate item 48 and add the funding to legal services. The motion carried.

Senator Rand moved to give the community penalties 3% plus bonus for one year. (See handout) The motion carried.

Mr. Dan Steineke said there is a need for 3000 single cell beds in the state, privately constructed and leased to the state with an option to buy. Senator Ballance would like to hear from the office of state construction prior to discussion. They will be invited for a future meeting.

At 10:15AM, Senator Jordan adjourned the meeting.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

16. Give an example of a proper noun. We Give one reason to capitalize the first letter of a word. beginning of a sentence

17. Name our country's first President. George Washington Name one president who was assassinated. Abraham Lincoln

18. Name a national holiday. Martin Luther Kings We celebrate the birthday of our country each year on ? July 4th How many states are in our country? [redacted] 51

19. Name the city in which the "White House" is located. Washington, D.C. Who lives there? Bill Clinton or the president

20. Name the singer famous for his song about "Blue Suede Shoes." Elvis Presley

21. What sport does Michael Jordan play? basketball

22. About how much would you expect to pay for: a loaf of bread $1.19, a gallon of milk $2.39, a pound of hamburger $2.89, a roll of paper towels .89?

23. What country is famous for Swiss Chocolate? Finland

24. What does the heart pump? blood

25. Who said "Bah Humbug?" Scrooge Who had a horse named Silver? Zorro

26. Superman is "faster than a speeding bullet."

27. The sun rises in the A.M and sets in the P.M. Which is morning "am" or "pm"? AM

28. "An apple a day keeps the doctor away."

29. In what state is Hollywood located? California

30. Who was the first man to step on the moon? Neil Armstrong

31. If you are facing south which direction is behind you? North

32. How many sides does a triangle have 3, a square 4?

33. Name a Disney cartoon movie. Fantaisia

NCCIW ACADEMIC SCHOOL

NAME: Patricia Watson OPUS: 05654435 AGE: 18 DATE: 12/01/97

1. Name the planet on which you live. Earth
2. Right now you are in the country of U.S, the state of NC, the county Wake, the city of Raliegh.
3. Name the states which border our state. Virginia -- Tennessee -- South Carolina -- Kentucky.
4. Name the current President of our country. Bill Clinton Name the current governor of our state. James B. Hunt.
5. Name four (4) large cities located in our state. Winston Salem---- Greensboro --- Raleigh ---- Charlotte
6. Name two (2) rivers which flow through our state. Neuse --- _____.
7. Name two (2) lakes found in our state. _____ ---- _____.
8. Name the ocean which borders our state. Atlantic.
9. What is the deadline for filing your income tax? July 24
10. How many days are in a year? 365 How many months are in a year? 12 How many days are in a week? 7 How many years are in a century? 10
11. Name two (2) continents. Africa ---- Asia
12. What is H2O? water
13. Name two major colleges or universities found in our state. ECU -- Duke
14. Which is a larger unit of measure ... a tea spoon or table spoon? table
15. How many $20.00 bills can you get for a $100.00 bill? 5

16. Give an example of a proper noun. _____ Give one reason to capitalize the first letter of a word. _____

17. Name our country's first President. George Washington Name one president who was assassinated. JFK

18. Name a national holiday. Veteran We celebrate the birthday of our country each year on ? July 4 How many states are in our country? 50

19. Name the city in which the "White House" is located. Washington DC Who lives there? president

20. Name the singer famous for his song about "Blue Suede Shoes." Elvis Presley

21. What sport does Michael Jordan play? basketball

22. About how much would you expect to pay for: a loaf of bread 1.69, a gallon of milk 2.59, a pound of hamburger 2.00, a roll of paper towels 1.09?

23. What country is famous for Swiss Chocolate? Switzerland

24. What does the heart pump? blood

25. Who said "Bah Humbug?" Scrooge Who had a horse named Silver? Lone Ranger

26. Superman is "faster than a speeding bullet."

27. The sun rises in the am and sets in the pm. Which is morning "am" or "pm"? am

28. "An apple a day keeps the doctur away."

29. In what state is Hollywood located? California

30. Who was the first man to step on the moon? _____

31. If you are facing south which direction is behind you? west

32. How many sides does a triangle have 3, a square 4?

33. Name a Disney cartoon movie. Aladdin

NCCIW ACADEMIC SCHOOL

NAME: Barbara Taylor OPUS: 0399612 AGE: 37 DATE: 6/29/98

1. Name the planet on which you live. Earth
2. Right now you are in the country of United States, the state of North Carolina the county Wake, the city of Raleigh.
3. Name the states which border our state. _____ -- _____ -- _____ -- _____.
4. Name the current President of our country. Bill Clinton Name the current governor of our state. Jim Hunt.
5. Name four (4) large cities located in our state. Raleigh ---- Charlotte --- Greensboro ---- Winston Salem
6. Name two (2) rivers which flow through our state. _____ --- _____.
7. Name two (2) lakes found in our state. _____ ---- _____.
8. Name the ocean which borders our state. Pacific Ocean
9. What is the deadline for filing your income tax? April 15
10. How many days are in a year? 365 How many months are in a year? 12 How many days are in a week? 7 How many years are in a century? 25
11. Name two (2) continents. _____ ---- _____
12. What is H2O? water
13. Name two major colleges or universities found in our state. N.C. State UNCG
14. Which is a larger unit of measure ... a tea spoon or table spoon? table spoon
15. How many $20.00 bills can you get for a $100.00 bill? 5

DATE: 6/10/99

SENATE PAGES:

NAME PAUL SWARTZEL

HOME Raleigh

SPONSOR Senator Reeves

NAME Doughton Horton

HOME Sanford

SPONSOR Senator Oscar Harris

HOUSE PAGES:

NAME

HOME

SPONSOR

NAME

HOME

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Community Penalties Program
FY 1999-2001 Expansion

Summary

	FY 99-00	FY 00-01
3% LI for employees of contract programs	$ 86,935	$ 86,935
$125/employee bonus [HB 168, S. 28.13.(a) & (b)]	12,422	-
Critical staff needs (positions)*	120,803	120,803
Offender risk evaluations	10,000	15,000
Total Expansion Requested	$ 230,160	$ 222,738

* 2 1/2 Sentencing Specialist positions and 2 Administrative Assistant positions

HOUSE APPROPRIATIONS COMMITTEE

UNOFFICIAL REPORT ON THE CONTINUATION, EXPANSION AND CAPITAL BUDGET

(ENTRIES REFLECT TECHNICAL CORRECTIONS AND JUNE 2, 1999 AMENDMENTS)

JUNE 8, 1999

Judicial

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$337,613,191		$340,135,574	
Legislative Changes				
1 Reduce Salary Reserve Funds Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($750,000)	R	($750,000)	R
2 Reduce Worker's Compensation Funds Reduce funds for worker's compensation payments department-wide based on a decrease in the numbers of claims and expenses to date in FY 1998-99.	($200,000)	R	($200,000)	R
3 Reduce Out of State Travel Expenses Reduce expenses for out of state travel department-wide.	($45,552)	R	($45,552)	R
4 Eliminate Reserve for Operations Eliminate funds which have been used to cover unforseen needs in the areas of postage, travel, etc. The Department believes existing appropriations are sufficient to cover these areas.	($405,612)	R	($405,612)	R
5 Reduce Reserve for General Office Supplies Reduce funds used to purchase general office supplies for the department. This reduction will still allow the department to keep sufficient inventory in their warehouse.	($106,983) ($200,000)	R NR	($106,983)	R
6 Eliminate Vacant Positions Eliminate funds for the Community Penalties Administrator and Special Projects Coordinator positions. The AOC believes they can carry out these responsiblities with other departmental personnel.	($176,647) -2.00	R	($176,647) -2.00	R

	FY 99-2000		FY 2000-01	
7 Reduce Software Maintenance Agreements Reduce estimated increases for software license agreements in the Information Services Division based on revised contracts.	($420,148)	R	($420,148)	R
8 Reduce Indigent Fund Requirements Reduce estimated increases in indigent fund requirements based on revised projections of expenditures for capital and non capital cases. Even with these reductions, the fund is being increased $4.8m in FY 1999-00 and $9.8m in FY 2000-01.	($3,200,000)	R	($3,200,000)	R
9 Reduce Replacement Equipment Funds Reduce funds for replacement office equipment ($250,000) and computer related equipment ($1,000,000) in FY 1999-00 by delaying replacement of certain items. This still provides $3.75m in funds for FY 1999-00.	($1,250,000)	NR		
10 Reduce Operating Funds Related to Non IV-D Cases Reduce operating funds (paper, postage, envelopes, etc) related to transferring all non IV-D, non-wage withholding child support transactions to DHHS.	($601,078)	R	($601,078)	R
11 Superior Court Judges Provide funds for four Special Judges and one Resident Judge to be located in District 22, effective October 1, 1999.	$566,440 $38,236 5.00	R NR	$707,095 5.00	R
12 District Court Judges Provide funds for 9 additional District Court Judges to be located in Districts 2, 4, 5, 13, 15A, 18, 26, 27A, and 30. All positions are effective January 1, 2000.	$566,440 $99,522 9.00	R NR	$1,058,301 9.00	R
13 Judges Support Staff Provide funds for two judicial assistant II's and 4 judicial assistant I's effective January 1, 2000.	$102,846 $32,696 6.00	R NR	$205,408 6.00	R
14 New Court Reporters / Increase Transcript Fee Provide funds to establish 6 additional court reporter positions effective January 1, 2000. Also provides $45,621 to increase reimbursement for transcripts from $2.25 to $2.35 per page.	$191,451 $37,386 6.00	R NR	$336,933 6.00	R

	FY 99-2000		FY 2000-01	
15 Magistrate Positions Provide funds for 3 additional magistrate positions to be located in Cumberland, Camden, and Union Counties. All positions are effective January 1, 2000.	$50,625 $15,783 3.00	R NR	$101,223 3.00	R
16 Deputy Clerks of Court Provide funding for 11 additional deputy clerk positions effective January 1, 2000.	$158,816 $44,836 11.00	R NR	$313,775 11.00	R
17 Assistant District Attorneys Provide funding for eight assistant district attorney positions to be located in Districts 5, 10 (2 positions), 12, 13, 15A, 19A, and 26. The positions for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$288,792 $52,344 8.00	R NR	$573,216 8.00	R
18 District Attorney Investigators Provide funds for three district attorney investigator positions to be located in Districts 5, 10, and 22. The position for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$74,175 $16,539 3.00	R NR	$148,476 3.00	R
19 District Attorney Support Staff Provide funds for 25 additional victim witness / legal assistant positions in anticipation of providing services to domestic violence misdemeanor victims as a result of the Victims Rights' legislation. All positions are effective January 1, 2000.	$465,325 $135,250 25.00	R NR	$926,275 25.00	R
20 Family Court Funds Provide funds to annualize the three existing programs operating in Districts 26 (Mecklenburg), 14 (Durham), and 20 (Anson, Stanly, Union, Richmond). These funds are used to provide case managers and support staff who assist judges in assigning cases that affect families (divorce, alimony, delinquency, abuse).	$566,000 14.00	R	$666,000 14.00	R

	FY 99-2000		FY 2000-01	
21 Manage Indigent Fund Provide funds for one court management specialist position who will assist in reviewing expenditures from the Indigent Defense Fund. Specific responsibilities include: 1) establishing guidelines and procedures for determining indigency, 2) reviewing the feasibility of establishing a uniform fee schedule for certain cases, and, 3) recommending alternatives for putting a management structure in place. The position is effective Janaury 1, 2000.	$29,601 $7,096 1.00	R NR	$59,253 1.00	R
22 Other Judicial Positions Provide funds for one information and communication specialist (website) and appellate court reporter effective January 1, 2000.	$59,431 $12,670 2.00	R NR	$118,843 2.00	R
23 Guardian Ad Litem Funds Provide funds to establish four district secretary positions effective January 1, 2000. Also provides $400,000 to increase the rate paid to attorneys to assist in retaining experienced counsel.	$482,804 $20,992 4.00	R NR	$565,976 4.00	R
24 Court Management Pilot Program Provide funds to establish two court management administator positions to assist in implementing House Bill 1225. These positions will work with the coordinating judge in each pilot program.	$100,000 2.00	NR		
25 Transfer Indigent Funds for Capital Case Program Allows the Department to transfer up to $358,103 in FY 1999-00 and $396,845 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 3 assistant public defenders and 1 investigator to work specifically on capital cases.	$0 $0 4.00	R NR	$0 $0 4.00	R NR
26 Assistant Public Defenders from Indigent Fund Allows the Department to transfer up to $161,448 in FY 1999-00 and $284,840 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 4 additional assistant public defender positions. All positions are effective January 1, 2000.	$0 $0 4.00	R NR	$0 $0 4.00	R NR

	FY 99-2000		FY 2000-01	
27 Emergency Judge Pay Provide funds to continue pay for emergency judges at $300 per day as specified by the 1998 short session.	$278,245	R	$278,245	R
28 Expand Family Court Programs / Education Funds Provide funds to expand family court programs into three additional districts. These programs have specially trained judges who work with matters (divorce, alimony, abuse, custody, etc.) affecting the family. The funds would be used to hire 8 case managers effective January 1, 2000. Also provides $75,000 to establish an educational program for parents who are parties to a custody or visitation action.	$251,608 $40,000 8.00	R NR	$428,216 8.00	R
29 State Bar Funds Provide additional funds to the State Bar to improve the administration of justice. This includes $485,000 in FY 1999-00 and $660,000 in FY 2000-01 for Legal Services and $165,000 in FY 1999-00 and $340,000 in FY 2000-01 for the Center for Death Penalty Litigation.	$650,000	R	$1,000,000	R
30 Drug Treatment Court Provide funds to continue existing programs in Wake, Mecklenburg, Person/Caswell, Warren and Forsyth Counties; to complete implementation over the biennium of new programs started in 1998-99 in Durham, Vance, Wake District Court and Mecklenburg Superior Court; to provide state funds to the New Hanover program; and to continue to work with districts involved in planning new DTC programs. Unexpended funds from 1998-99 will be not revert and will be used to assist programs in 1999-2000. The new position is to continue the program coordinator in District #26 which was funded with nonrecurring funds in 1998-99.	$1,000,000 1.00	R	$1,430,000 1.00	R
31 Bad Check Programs Provide funds to continue existing programs in Columbus, Durham, Rockingham, and Wake Counties. Also provides funds to expand the Columbus program to Bladen and Brunswick Counties and establishes a new program in New Hanover and Pender Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.	$337,621 $12,778 10.00	R NR	$381,474 10.00	R

	FY 99-2000		FY 2000-01	
32 **Community Mediation Center Funds** Provide additional funds for community mediation centers statewide as recommended by the Mediation Network of North Carolina, Incorporated.	$350,000	R	$350,000	R
33 **District Court Mediated Settlement Program** Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.	$45,142 1.00	R	$45,142 1.00	R
34 **Funds for Indigency Screeners** Provide funds to establish an indigency screening program in Wake County. These funds will be allocated to Carolina Correctional Services Incorporated to establish positions who will be used to determine indigency of criminal defendants.	$100,000	NR		
35 **Transfer All Non IV-D Transactions to DHHS** Provide funds to DHHS in order to cover the cost of processing all non IV-D, non-wage withholding child support transactions. These funds will be used to cover postage, telephone, personnel, and vendor charges associated with transferring this function from clerks' offices.	$2,000,000	R	$3,328,791	R
36 **Disaster Recovery Program** Provide funds to complete a disaster recovery program for court information systems. The funds will be used to do environmental impact analysis on existing systems and to determine an appropriate means of backing-up systems during disaster situations.	$350,000	NR		
Total Legislative Changes	**$2,609,342**	R	**$7,116,622**	R
	($333,872)	NR	**$0**	NR
Total Position Changes	125.00		123.00	
Revised Budget	**$339,888,661**		**$347,252,196**	

Justice

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$72,273,100		$71,521,703	
Legislative Changes				
37 Eliminate Vacant Position Eliminate 1 vacant Computer Operator Position in the Division of Criminal Information. The position has been vacant since September 1997.	($33,190) -1.00	R	($33,190) -1.00	R
38 Reduce Funding to Replace SBI Vehicles The Governor's Continuation Budget recommends $1,879,600 in 1999-2000 and $917,000 in 2000-01 to replace SBI cars and trucks. Funding is reduced by $103,900 in 1999-2000 and increased by $123,918 in 2000-01. This will result in the SBI deferring replacement of approximately 7 vehicles from 1999 to 2000. Increased maintenance costs, increased purchase costs and decreased resale costs are reflected in these figures.	($103,900)	NR	$123,918	NR
39 Eliminate Funding for Legal Services Bonuses The Continuation Budget includes funds for annual bonuses for Legal Services attorneys based on outstanding job performance. The funding for this item is eliminated.	($93,453)	R	($93,453)	R
40 Eliminate Safe Neighborhoods Program The Safe Neighborhoods Program was reduced from 4.5 positions to 1 position in 1998. The remaining program is eliminated.	($93,132) -1.00	R	($93,132) -1.00	R
41 Increase Realized Receipts for DCI Fees The amounts received in fees for criminal record checks and for access to the DCI system have increased with the volume of activity. The increase in receipts allows a reduction in the General Fund appropriation to the Department.	($100,000)	R	($100,000)	R

	FY 99-2000		FY 2000-01	
42 Reduction in Lease Expenses for DCI The Division of Criminal Information will complete lease/purchase payments for their mainframe system in June 2000, allowing a $1.2 Million reduction in the appropriation to the Department.			($1,200,000)	R
43 Expansion Funding Division of Criminal Information Funds are provided to the Division of Criminal Information as follows. $131,088 in recurring funding for a disaster recovery plan; $300,000 in 1999-2000 and $91,600 recurring for upgrade of the system for new applications, with priority given to collecting and maintaining traffic enforcement statistics. If alternative funds are secured for this project, the $300,000 may be used for other forms of upgrade. This leaves $1.408 Million recurring from 2000-2001 on to be used to continue upgrading the system and implementing transition from the current mainframe system.	$431,088	R	$1,631,088	R
44 NC LEAF Provides recurring funds to the NC Legal Education Assistance Foundation to continue assisting public service attorneys with educational loan repayment.	$125,000	R	$125,000	R
45 Minority Sensitivity Training These funds allow the Criminal Justice Training and Standards Division to develop a program for minority sensitivity training for law enforcement, as mandated in the Juvenile Justice Act. Funds will allow the addition of 1 Criminal Justice Training Coordinator, contractual employees and media production for a train-the- trainers program. The position is effective October 1, 1999.	$144,760 $5,240 1.00	R NR	$161,094 1.00	R
46 Paralegals for Tort Claims Section Provide funds for two Paralegal II positions to work in the Tort Claims Section. This will allow the Section's attorneys to spend less time on routine tasks and more time on litigating their heavy case load. This increases the number of paralegals in the Section from 1 to 3. Both positions are effective October 1, 1999.	$57,214 $9,600 2.00	R NR	$76,285 2.00	R

	FY 99-2000		FY 2000-01	
47 **Sheriff's Standards Commission**	$29,039	R	$37,052	R
Funding is provided to add a Criminal Justice Field Representative and to purchase software to automate the state examination process. The position is effective October 1, 1999.	$2,250	NR		
	1.00		1.00	
48 **Operational Funds for New Dormitory WJA**	$162,446	R	$192,169	R
A new dormitory will be completed in August 1999 at the Western Justice Academy. This item provides recurring funds for a Criminal Justice Student Housing Coordinator, a Processing Assistant, a half-time Student Services Assistant, and utility costs. Nonrecurring funds are provided to furnish and equip the building. All positions are effective October 1, 1999.	$142,000	NR		
	2.50		2.50	
49 **New SBI Personnel to handle DNA testing**	$138,946	R	$166,764	R
Funds are provided to add 2 DNA database technicians and $100,000 for supplies needed for DNA analysis and maintenance of a DNA database. Positions are effective December 1, 1999.	2.00		2.00	
50 **Justice Academy Bookstore Positions**	$0	R	$0	R
Create two positions, a Stock Clerk and a Warehouse Manager, for the Bookstore at the Justice Academy at Salemburg. Recurring cost of the positions is $40,693 but they will be funded entirely through receipts from the Bookstore.	2.00		2.00	
Total Legislative Changes	**$768,718**	R	**$869,677**	R
	$55,190	NR	**$123,918**	NR
Total Position Changes	8.50		8.50	
Revised Budget	**$73,097,008**		**$72,515,298**	

Office of Juvenile Justice

	GENERAL FUND0			
	FY 99-2000		FY 2000-01	
Recommended Budget	$130,037,966		$130,954,378	
Legislative Changes				
51 Reduce Electronic House Arrest Funds Reduce continuation budget from $200,000 to $100,000. $100,000 will provide enough units to cover projected admissions and to provide surplus units while others are in repair.	($100,000)	R	($100,000)	R
52 Training School Positions Due to increases in the training school population in 1998 and 1999, the Governor and OJJ recommended that 72 positions that had been funded as temporary positions be made permanent. Updated projections by the Sentencing Commission indicate that the training school population will decline to levels at or below current capacity (843 beds) for 1999-2001 due to the impact of the Juvenile Justice Act, which will shift misdemeanants (currently 46% of training school population) to the community under intermediate sanctions. The continuation budget included $1,998,584 for the 72 positions for each year of the biennium. The Subcommittee recommends that $923,584 be retained to establish 50 part time positions (25 FTE's) for transportation of juveniles (44 now funded from lapsed salaries) and that $75,000 be used to fund an evaluation of training school and detention center staffing.	($1,000,000) -47.00	R	($1,000,000) -47.00	R
53 Local Juvenile Justice Programs Provide funds to expand intermediate level and community level sanctions and programs for court involved juveniles. The Governor recommended funding of $3,088,010. This amount is reduced because of the availability of $5.5 million in funding in 98-99 that has not been expended, authorization of $5.5 million each year in the continuation budget, and an influx of federal grant funds for juvenile programs. Of the $1 million dollars, $500,000 should be allocated for Boys and Girls Clubs in counties with high rates of training school committments.	$1,000,000	R	$1,000,000	R

	FY 99-2000		FY 2000-01	
54 Guard Response Funds (GRASP) Program Provides funds to expand from four to six programs effective October 1, 1999. This program provides an after school program of regimented training and life skills for court involved and at risk youth. The Governor requested $746,000 for expansion from three to 20 programs and establishment of regional administrators, but it is recommended that the programs be funded at a slower rate and evaluated prior to the year 2000 Short Session.	$62,500 $11,000	R NR	$84,000	R
55 Juvenile Justice Information System Development Provide funds to continue the implementation of a juvenile justice information system. These funds, along with federal funds provided through the Governor's Crime Commission, will be used to continue the needs assessment / user requirements phase of this project, complete a portion of the system design,and provide operating support for existing positions working on the project.	$15,000 $385,000	R NR	$15,000 $385,000	R NR
56 Funds for Eckerd Wilderness Camp Provide operating funds for a new Eckerd Wilderness Camp beginning January 1, 2000 on a partial basis, with full operation by February 1.	$850,000	R	$2,000,000	R
57 Funding for Multipurpose Group Homes Provide operating funds for four 8-bed multipurpose group homes and one part time permanent clerical support position ($14,184 October 1, 1999). The Governor requested $1 million in expansion funds the first year. Based on available carryover funds from 1998-99 and staggered opening dates for the 4 homes, it is anticipated that $800,000 will be adequate funding for 1999-2000.	$800,000 0.75	R	$2,000,000 0.75	R
58 Support Our Students Provide funds to expand the SOS program to additional counties in FY 1999-00. The program currently operates in 76 counties. The Governor requested $975,000 each year; the recommended amount allows expansion for either part year funding of 6 more counties or full year funding for 3. Funding includes $50,000 for one new technical assistance position and related support to bring total positions from 3 to 4 to manage and support a $7.25 million dollar program.	$250,000 1.00	R	$250,000 1.00	R

	FY 99-2000		FY 2000-01	
59 Communities in Schools Communities in Schools is a non-profit organization that develops community "stay in school efforts" for at-risk children and court involved juveniles. The CIS program currently operates in 28 counties. The Governor recommended an expansion budget of $700,000. The recommended budget allows for continuation of programs funded in 1998-99 and modest expansion.	$450,000	R	$450,000	R
60 Center for Prevention of School Violence This program, which operates within the UNC university system, provides research and technical assistance to schools and communities in preventing violence in the schools. The recommended funding is the same amount recommended by the Governor. Funds will be passed through from OJJ to the UNC system.	$500,000 6.00	R	$500,000 6.00	R
61 Juvenile Justice Institute Provide funds to establish a Juvenile Justice Institute at North Carolina Central University. The Institute will serve as resource for research and information on national and state juvenile justice practices; provide technical assistance to small non-profit community groups; and survey public and private groups on juvenile justice program effectiveness. Of these funds, $75,000 shall go the Clinical Program at the North Carolina Central University School of Law to assist expansion of their work into family court, domestic violence cases, and alternative dispute resolution.	$575,000 1.00	R	$575,000 1.00	R
62 Teen Court Funds Provide funds to continue programs in Wake ($25k), Guilford ($20k), Duplin ($20k), Durham ($20k) and Onslow ($20k) Counties. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.	$105,000	R	$105,000	R
63 Juvenile Assessment Center Provide funds for the juvenile assessment center in District 12 which provides prevention and intervention services for at-risk juveniles.	$150,000	R	$150,000	R

	FY 99-2000		FY 2000-01	
64 **Project Challenge Funds** Provide funds for Project Challenge Inc., a nonprofit organization which provides alternative dispositions and services to juveniles in districts 24, 25, 29, and 30 who have been adjudicated delinquent or undisciplined. These funds will also allow for expansion to districts 5, 6A, 6B, and 23.	$150,000	R	$150,000	R
65 **Pilot Juvenile Program** This funding allows OJJ to contract with a private-for-profit or non-profit firm to provide up to 100 secure and non-secure beds as part of a multi-functional juvenile facility. The beds, in the discretion of OJJ, can be a mix of detention and residential treatment such as substance abuse and sex offender treatment. The funding for FY 2000-01 assumes a January 1, 2001 operation date for the 100 beds.			$2,500,000	R
Total Legislative Changes	**$3,807,500**	R	**$8,679,000**	R
	$396,000	NR	**$385,000**	NR
Total Position Changes	-38.25		-38.25	
Revised Budget	**$134,241,466**		**$140,018,378**	

Correction

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$922,020,076		$921,431,794	

Legislative Changes

66 **Close GPAC Prison Facilities**	($8,537,975)	R	($10,888,590)	R
The Governor recommended closing nine GPAC units; the Subcommittee recommends that Alamance,Cleveland, and Gates remain open. Alamance is now operating a work release pilot program that will need more time for assessment. Cleveland is a medium custody unit; its cost per day is comparable to the state average for medium custody beds. The cost per day for Gates is lower than the average cost per day for minimum custody. Gates also provides a work crew for the community and operates a water and sewer system for the DOC, DOT, and two local schools.	-347.00		-347.00	
Six of the nine GPAC prison units originally recommended by the Governor are recommended for closing. These facilties either operate at costs well above the statewide average and/or are minimum custody institutions. Fewer minimum custody beds are needed to due to the impact of Structured Sentencing. The closing dates and custody levels are:				
Goldsboro 8/1/99 (minimum) Blanch 9/1/99 (medium/close) Stokes 10/1/99 (minimum) Stanly 7/1/99 (minimum) Yadkin (9/1/99) (minimum) Iredell(10/1/99) (medium)				
67 **Close Guilford GPAC Unit**	($1,219,423)	R	($1,625,894)	R
It is recommended that this GPAC unit also be closed. It was not recommended by the Governor for closing but it is one of the original GPAC units and the cost per day in 1997-98 was $60.05 compared to a statewide average of $51.27 for minimum custody units. Closing date is 10/1/99.	-53.00		-53.00	
68 **Close Nash Prison Unit**	($344,275)	R	($413,130)	R
It is recommended to close Nash 9/1/99 since minimum custody beds are not needed in this area of the state. This is the old Nash field unit which now operates, with 15 employees, as a satellite to the new Nash Unit.	-15.00		-15.00	

	FY 99-2000		FY 2000-01	
69 Convert Currituck Unit to Minimum Custody Conversion of this prison from medium to minimum custody will reduce cost and allow for creation of minimum custody community work crews to serve the area.	($619,695) -27.00	R	($743,634) -27.00	R
70 Eliminate Double Celling In 1995, the General Assembly authorized double celling of inmates at Marion, Pasquotank and Central Prisons and funded the staffing necessary for additional security and programs. With increased availability of prison beds, it is possible to return to single cell close custody in these units and reduce the staffing accordingly.	($3,045,348) -125.00	R	($3,999,260) -125.00	R
71 Eliminate Expanded Operating Capacity Positions With the opening of new prison beds, the need for minimum security prison beds has diminished. This budget reduction would reduce beds and population at 16 minimum security units, allowing for reduction of staff.	($2,039,745) -108.00	R	($3,059,618) -108.00	R
72 Reduce Perimeter Security Positions Perimeter Patrol was reduced at medium custody prisons in 1998 from two patrols on the night shift to one. This recommendation would reduce staffing from two to one on the evening shift. There would continue to be two perimeter patrols on the day shift. Each of the prisons affected has an electronic intrusion fencing system.	($247,880) -12.00	R	($330,506) -12.00	R
73 Eliminate Adult Schools at Eastern and Harnett These two teacher positions are the last remaining adult basic education teachers in the male prisons. DOC's focus is now on youthful offenders; Community Colleges will provide these services for adult males at Harnett and Eastern.	($95,139) -2.00	R	($103,788) -2.00	R
74 Abolish Education Positions Eliminates four physical education teachers, three vocational teachers and three Assistant Education Directors. The physical education positions are the last remaining P.E.teachers in DOC; their duties will be carried out by recreation workers and classroom teachers. The vocational programs at Piedmont will be handled by Community Colleges; these are the last three remaining DOC vocational positions. DOC believes the Assistant Education Director responsibilities can be handled by the Directors.	($252,469) -10.00	R	($275,420) -10.00	R

	FY 99-2000		FY 2000-01	
75 Education Director Position at Eastern This item eliminates funding for the Education Director position which will be vacant July 1, 1999. The DOC adult education program at Eastern has been reduced over time and replaced by community college programs. The DOC adult program at Eastern no longer requires an on-site Education Director.	($67,322) -1.00	R	($67,322) -1.00	R
76 Abolish Parole / Post Release Hearing Officers Eliminate five parole revocation hearing officer positions due to the continued decrease in workload resulting from Structured Sentencing. The Department intends to use contractual employees to hold hearings around the state. Travel expenses are reduced to reflect this change.	($291,540) -5.00	R	($291,540) -5.00	R
77 Reduce Leased Space Funds Reduce funds for leased space by consolidating offices and implementing a pilot Home as Duty Station program within the Division of Community Corrections.	($343,220)	R	($343,220)	R
78 Consolidate Female IMPACT with Male IMPACT Program The female IMPACT Program has had difficulty maintaining a high utilization rate since its inception. The annual capacity of the program will be reduced from 260 to 80 and its operation will be consolidated with the program for males at Morganton, allowing a reduction in positions and funding.	($940,783) -25.00	R	($940,783) -25.00	R
79 Additional Reduction in IMPACT Funding The Governor's Budget recommends the consolidation of Female Boot Camp with the program for men at IMPACT West. This reduction, combined with the reduction in the Governor's Budget, reflects the full savings from this move.	($519,168) -13.00	R	($519,168) -13.00	R
80 Reduce Parole Commissioners from 5 to 3 Due to the declining number of paroles since the passage of Structured Sentencing, the number of Post Release Supervision and Parole Commissioners is reduced from 5 to 3, effective July 1, 1999.	($176,472) -2.00	R	($176,472) -2.00	R

	FY 99-2000		FY 2000-01	
81 Abolish Two Positions in Parole Commission Two positions from the Post Release Supervision and Parole Commission, a Victims Services Coordinator and a Public Information Officer, have been transferred to the Office of Citizen Services but were continued in the Parole Commission budget in 1998-99. This item eliminates funding for these positions because alternative funding will be provided by the Office of Citizen Services.	($92,033) -2.00	R	($92,033) -2.00	R
82 Additional Reductions in Parole Commission The Post-Release Supervision and Parole Commission budget is reduced by 5% to reflect decreasing workload. The positions eliminated are an Office Assistant V and an Office Assistant IV. This item also reduces operating expenses by $60,944.	($101,000) -2.00	R	($101,000) -2.00	R
83 Eliminate Vacant Positions The Governor recommended elimination of 9 positions that had been vacant for one year or longer. One position was in the Division of Community Corrections and the rest were in the Division of Prisons.	($323,563) -9.00	R	($323,563) -9.00	R
84 Reduce Inmate Costs at Closed Facilities These funds are the inmate budget component (food, medical services, clothing) for prisons recommended for closing. Since these prisons are closing, the Subcommittee believes the inmate support budget needs can be absorbed by prisons that will be accepting transferred inmates. This reduction does not include Alamance, Cleveland or Gates but does include other prisons recommended for closing. Also includes reduction due to moving up the closing dates for Yadkin and Stanly.	($1,329,447)	R	($1,600,931)	R
85 Close Stanly and Yadkin Units Early It is recommended that the DOC close Stanly July 1, 1999 instead of the original proposed date of October 1, 1999 so that employees at Stanly can be used to staff the new Albemarle prison. The budget reduction is the additional amount generated between July 1, 1999 and October 1, 1999. It is also recommended that the Yadkin Unit close early -- September 1, 1999 rather than the original proposed date of November 1, 1999. This will avoid expenditures for major repairs or replacement of the water and sewer system.	($541,305)	NR		

	FY 99-2000		FY 2000-01	
86 Reduce Automobile Replacement Funds The Subcommittee reduced the budget for automobile replacement by identifying vehicles that would not meet the replacement mileage cap (100,000 miles) until FY 2000-01.	($360,197)	NR		
87 Reduce Medical Contractual Personnel Funds The DOC continuation budget for medical contractual personnel for 1999-2000 and 2000-01 is $8,500,000, roughly the same amount expended in 1997-98 and estimated in 98-99. However, the General Assembly funded new medical positions at NCCIW that were originally funded from the contractual budget. It is recommended that the contractual services funds be reduced by the amount that was replaced by a portion of the new positions.	($475,000)	R	($475,000)	R
88 Eliminate Funding for New Trainers The Governor's Continuation Budget recommends 10 new Correctional Training Instructors for the Division of Community Correction. This item eliminates funding for these positions.	($415,575) ($84,410) -10.00	R NR	($498,650) -10.00	R
89 Eliminate Funds for New Administrative Assistants The Governor's Continuation Budget recommends 13 new Administrative Assistants in the Division of Community Corrections for the Managers in the largest Judicial Districts. This item eliminates these positions.	($472,588) ($105,820) -13.00	R NR	($567,060) -13.00	
90 Reduce Funds for New Probation / Parole Officers The Governor's Continuation Budget recommends $5.6 Million for 110 new Intermediate Officers (PPO II). Instead of establishing new positions, $775,727 will be provided in 1999-2000 and $935,112 in 1999-2000 to the Department of Correction to speed-up reallocation of 161 positions from PPO I (Community) to PPO II (Intermediate). These funds will allow a total of 10% raises for all 514 of the PPO II positions that have been created by reallocation. With these reallocations, caseload averages by 2000-01 will be: 28:2 for Intensive, 65:1 for Intermediate and 106:1 for Community. Reallocations will be phased in between September 1999 and January 2000.	($3,905,306) ($921,690) -110.00	R NR	($4,447,586) -110.00	R

	FY 99-2000		FY 2000-01	
91 Eliminate Funding for New Supervisors and Clerks The Governor's Recommended Continuation Budget includes 11 new Chief PPO's and 11 Office Assistants, based on the addition of 110 Intermediate Officers. Because Intermediate Officers will be created through reclassifications of existing Officers, these positions are not needed.	($796,913) ($288,706) -22.00	R NR	($956,219) -22.00	R
92 Remove Inflationary Increase for CJPP The Governor's Recommended Continuation Budget includes a 2.5% increase in Implementation Grants for the counties participating in the Criminal Justice Partnership Program. This item removes funding for this inflationary increase.	($240,000)	R	($240,000)	R
93 Reduce Funds for Non Participating Counties-CJPP The Governor's Continuation Budget includes an increase of $4.5 Million to fully fund Implementation Grants for 100 counties for the Criminal Justice Partnership Program. Funding is eliminated for the 10 counties not expected to participate during 1999-2000.	($705,704)	NR		
94 One-Time Reduction in Prison Enterprises This one-time reduction will not affect committed Enterprise projects or planned equipment spending.	($400,000)	NR		
95 Reduce DART Cherry Aftercare Funds The Continuation Budget includes $319,715 in contractual service funds which are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry Funds who are not eligible for existing community programs. Funds for this project are reduced to $269,715 for 1999-2000.	($50,000)	NR		
96 Inmate Road Squad Receipts Increase receipts from Highway Fund for operating inmate road squads from $6.5 million to $7 million to reflect actual cost and to implement directive in 1998-99 Budget Bill to adjust the continuation budget to reflect actual cost of operating road squads. This transfer allows a reduction of $500,000 in the General Fund.	($500,000)	R	($500,000)	R

	FY 99-2000		FY 2000-01	
97 Alien Assistance Receipts North Carolina receives federal funds to partially fund the cost of housing illegal aliens who are inmates in the prison system. Receipts are anticipated to increase, allowing for a reduction in the General Fund.	($1,100,000)	NR		
98 Inmate Co-Pay Receipts -- Reduce General Fund The General Assembly authorized inmate co-pay for visits to prison infirmaries in 1997. Inmates pay $3.00 for routine visits to infirmary and $5.00 for emergencies if they have funds available in their accounts. This reduction budgets the receipts and reduces the General Fund	($300,000)	R	($300,000)	R
99 Inmate Canteen Fund This reduction is a one-time reduction in the estimated cash balance of the Inmate Welfare Fund. This reduction does not affect planned inmate projects or expenses to operate the Fund and inmate services.	($750,000)	NR		
100 Eliminate Vacant Medical Positions The General Assembly authorized 50 new medical positions and 50 reallocations for a total of 100 new medical positions at Central and Women's Prison. This recommendation is to reduce 12 vacant positions at Central. These positions -- 8 lead nurses, 3 Nurse Supervisors and 1 staff nurse -- were established in June 1998 and have not been filled despite continuous reposting. 38 of 50 positions at Central will remain, including 25 nurses.	($540,000) -12.00	R	($540,000) -12.00	R
101 Modular Prison Unit In 1998-99 the General Assembly appropriated $350,000 to purchase a modular prison unit for the Henderson Correctional Center. Bids for the unit exceeded $350,000. It is recommended that an additional $60,000 be appropriated to complete this project.	$60,000	NR		
102 Continue Boot Camp Aftercare Program Provide funds to continue the IMPACT aftercare program in Forsyth, Mecklenburg, New Hanover, Nash/Edgecombe and Buncombe Counties.	$440,000	R	$440,000	R

	FY 99-2000		FY 2000-01	
103 Women at Risk Program Funding is increased from $125,000 to $200,000 to reflect growth in the program in Buncombe County and expansion to Burke, Caldwell and Catawba Counties.	$75,000	R	$75,000	R
104 Harriet's House Funds to provide additional support in 1999-2000 to the programs at Harriet's House, a transitional home for female ex-offenders and their children. Harriet's House receives $200,000 in the Continuation Budget.	$75,000	NR		
105 Continue Victims Assistance Pilot and DOC Program Continues pilot program to provide assistance to victims through the Division of Community Correction. The program, in Craven and Wake Counties, includes 1 Victims Assistant in each location and a clerical position in Craven. Also provides one-time funds to reprogram OPUS system for tracking victims information statewide for the DOC.	$119,915 $75,000 3.00	R NR	$119,915 3.00	R
106 Equipment/Furniture Funds for Parole Commission One-time funding to replace outdated equipment and furniture for the Post Release Supervision and Parole Commission.	$50,000	NR		
107 Inmate Road Squads at Avery/Mitchell The continuation budget includes funds for 6 new road squads at Avery/Mitchell to serve those two counties and surrounding counties where prison units have closed. This item funds expansion of two more road squads effective October 1, 1999 for a total of 8.	$133,767 6.00	R	$178,356 6.00	R
108 Funds for Inmate Education Programs Funding to allow the DOC to contract with small community colleges to provide education and training for inmates. The DOC will consult with the Community College System to identify small colleges that otherwise could not afford to provide services.	$50,000	R	$50,000	R

	FY 99-2000		FY 2000-01	
109 **Additional Discretionary Funding for CJPP** Counties participating in the Criminal Justice Partnership Program can apply for discretionary grants, decided by the Secretary of DOC based on recommendations of the CJPP Board. These grants are funded from unspent CJPP funds from prior years and were very limited in 1998-99. This item increases the amount available for discretionary grants in 1999-2000.	$225,000	NR		
Total Legislative Changes	**($27,413,197)**	R	**($33,557,116)**	R
	($4,822,832)	NR		
Total Position Changes	-916.00		-916.00	
Revised Budget	**$889,784,047**		**$887,874,678**	

Crime Control and Public Safety

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$35,723,850		$35,899,900	
Legislative Changes				
110 **Abolish One Position in Victim & Justice Services** This reduction eliminates a vacant clerical position, effective July 1, 1999.	($25,642) -1.00	R	($25,642) -1.00	R
111 **Transfer Crime Prevention Division** Eliminate funding for three positions in the Division of Crime Prevention including the Director and two Community Development Specialist II's. The remaining four positions are transferred to the Governor's Crime Commission.	($167,059) -3.00	R	($167,059) -3.00	R
112 **Transfer Funding of 3 Positions to Highway Fund** Transfer funding of three positions in the Department who specifically support the operations of the State Highway Patrol. These positions include an Assistant Secretary, Accountant III, and Accouting Clerk IV.	($209,575) -3.00	R	($209,575) -3.00	R
113 **Reduce Operating Funds in Department** Reduce funds for workers' compensations payments department wide ($75,000) and aid to governmental units in the Division of Emergency Management ($75,000).	($150,000)	R	($150,000)	R
114 **Tarheel Challenge Program** Provide state matching funds for the Tarheel Challenge Program which operates on a 70% federal to 30% state basis. This 22-week residential program in Sampson County works with high school dropouts and expellees from throughout North Carolina.	$710,000	R	$710,000	R

	FY 99-2000		FY 2000-01	
115 **Boxing Commission Funds** Provide funds for personnel and operating expenses required to continue the operation of the Boxing Commission. These funds will be used to cover salaries and benefits, contractual services, travel, and other operating expenses. These funds will allow the program to operate at its 1997-98 level.	$110,220 3.00	R	$110,220 3.00	R
116 **National Guard Tuition Assistance Program** Provide funds to increase the amount and number of educational benefits for members of the National Guard.	$100,000	R	$100,000	R
117 **Funds for School Metal Detectors** Provide funds to purchase metal detectors for public schools throughout North Carolina.	$350,000	NR		
Total Legislative Changes	**$367,944** **$350,000**	R NR	**$367,944**	R
Total Position Changes	-4.00		-4.00	
Revised Budget	**$36,441,794**		**$36,267,844**	

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Tuesday June 15, 1999 8:30 am
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

II. PRESENTATIONS

Review of Proposed Senate Budget

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

SENATE APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
June 15, 1999

The Senate Appropriations Subcommittee on Justice and Public Safety met on June 15, 1999 at 12 noon in room 415LOB. Four senators attended. **Senator Luther Jordan** presided over the meeting.

The committee reviewed the handout titled, Judicial – Draft for Review Only. Some of the changes were highlighted as follows; #13 adds two positions, 314 increases from 6 to 8 court reporter positions, #20 adds one person, #22 changes from 2 to 1. In response to Senator East, Ms. Wolper stated for clarification that item 34 allows nonprofits to give the same increases as state employees receive. Item 40 eliminates an information systems manager, item 41 reduces funding for the Safe Neighborhoods Program, item 47 establishes a new position. WJA is not included in the Senate provisions.

Mr. Mills spoke regarding item 54, which provides $1,000,000 to juvenile crime programs. Also not in the senate budget is the provision for a private vendor to construct 100 beds. The senate budget does not close Guilford, the House does. Item 73 retains 2 positions and cuts 1 assistant education director. Item 78, the Senate budget leaves four positions, item 100 cuts $118,336, item 107 has been reduced by $25,000, item 116 provides funds for victims' assistance.

The next handout titled Special Provisions was distributed. Page 355, the money allocated for District 4 goes to District 19A in Cabarrus County, page 375 allows local governments to contract for services, page 377 to page 380 have no fiscal impact. Mr. Lynn Phillips of DOC spoke regarding page 410, to allow 3000 beds to be built by a private contractor. Senator Ballance stressed that the objective should be to get the best deal the state can. Page 411, Guilford unit will remain open, page 413, lines 23 and 24 are new, page 424 shows only technical changes.

Mr. Joseph Stewart from Crime Control and Public Safety responded to Senator Ballance regarding the $350,000 for metal detectors. (See page 428) Mr. Stewart said the money comes mostly from the US Dept. of Education. The hand held detectors cost $200 and more. Senator Rand suggested that a more equitable way of distributing money for detectors needs to be developed. In response to Senator Jordan, Mr. Stewart said they do not yet know how far the money will go. Senator Jordan asked staff to develop criteria for distribution.

Page 434, lines 26 and 27 adds Office of State Personnel. Page 439, sections c & d added. Page 443, the Stonewall Jackson fund is a senate provision

Mr. Mills stated that the House provision allocating $500,000 for Boys and Girls Clubs is not in the senate Budget.

In response to Senator Rand, regarding the Eckerd funding, Mr. Mills said there is $9.8 million in the continuation budget. The $421,000 in the continuation budget provides for a 5% cost of living increase but it is not new funding.

Senator Rand stated that item 35 should read to rent space for Guilford County.

Senator Ballance moved to accept Special Provisions with the suggested modifications. The motion carried unanimously.

Senator Jordan adjourned the meeting at 1PM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Senate Committee Clerk

Senate Subcommittee on Justice and Public Safety

DRAFT
FOR REVIEW ONLY

6/15/99

Judicial

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$337,613,191		$340,135,574	
Legislative Changes				
1 **Reduce Salary Reserve Funds** Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($958,363)	R	($1,007,767)	R
2 **Reduce Worker's Compensation Funds** Reduce funds for worker's compensation payments department-wide based on a decrease in the numbers of claims and expenses to date in FY 1998-99.	($200,000)	R	($200,000)	R
3 **Reduce Out of State Travel Expenses** Reduce expenses for out of state travel department-wide.	($95,552)	R	($95,552)	R
4 **Eliminate Reserve for Operations** Eliminate funds which have been used to cover unforseen needs in the areas of postage, travel, etc. The Department believes existing appropriations are sufficient to cover these areas.	($405,612)	R	($405,612)	R
5 **Reduce Reserve for General Office Supplies** Reduce funds used to purchase general office supplies for the department. This reduction will still allow the department to keep sufficient inventory in their warehouse.	($106,983) ($200,000)	R NR	($106,983)	R
6 **Eliminate Vacant Positions** Eliminates funds for the Special Projects Coordinator position and District Attorney investigator position located in District 6B.	($142,367) -2.00	R	($142,367) -2.00	R
7 **Reduce Software Maintenance Agreements** Reduce estimated increases for software license agreements in the Information Services Division based on revised contracts.	($420,148)	R	($420,148)	R

	FY 99-2000		FY 2000-01	
8 **Reduce Indigent Fund Requirements** Reduce estimated increases in indigent fund requirements based on revised projections of expenditures for capital and non-capital cases. Even with these reductions, the fund is being increased $4.8m in FY 1999-00 and $9.8m in FY 2000-01.	($3,200,000)	R	($3,200,000)	R
9 **Reduce Replacement Equipment Funds** Reduce funds for replacement office equipment ($250,000) and computer related equipment ($1,000,000) in FY 1999-00 by delaying replacement of certain items. This still provides $3.75m in funds for FY 1999-00.	($1,250,000)	NR		
10 **Reduce Operating Funds Related to Non IV-D Cases** Reduce operating funds (paper, postage, envelopes, etc) related to transferring all non IV-D, non-wage withholding child support transactions to DHHS.	($601,078)	R	($601,078)	R
11 **Superior Court Judges** Provide funds for four Special Judges and one Resident Judge to be located in District 22, effective October 1, 1999.	$566,440 $38,236 5.00	R NR	$707,095 5.00	R
12 **District Court Judges** Provide funds for 9 additional District Court Judges to be located in Districts 2, 5, 13, 15A, 18, 19A, 26, 27A, and 30. All positions are effective January 1, 2000.	$566,440 $99,522 9.00	R NR	$1,058,301 9.00	R
13 **Judges Support Staff** Provide funds for two judicial assistant II's and 3 judicial assistant I's effective January 1, 2000. Also provides funds for a project coordinator in Superior Court District 3A and District Court District 15B effective October 1, 1999.	$192,809 $37,777 7.00	R NR	$314,683 7.00	R
14 **New Court Reporters / Increase Transcript Fee** Provide funds to establish 8 additional court reporter positions effective January 1, 2000. Also provides $45,621 to increase reimbursement for transcripts from $2.25 to $2.35 per page.	$240,061 $49,848 8.00	R NR	$434,037 8.00	R
15 **Magistrate Positions** Provide funds for 3 additional magistrate positions to be located in Cumberland, Camden, and Union Counties. All positions are effective January 1, 2000.	$50,625 $15,783 3.00	R NR	$101,223 3.00	R
16 **Deputy Clerks of Court** Provide funding for 11 additional deputy clerk positions effective January 1, 2000.	$158,816 $44,836 11.00	R NR	$313,775 11.00	R

	FY 99-2000		FY 2000-01	
17 **Assistant District Attorneys** Provide funding for nine assistant district attorney positions to be located in Districts 5, 10 (2 positions), 12, 13, 15A, 19A, 20, and 26. All positions are effective January 1, 2000.	$324,891 $58,887 9.00	R NR	$644,868 9.00	R
18 **District Attorney Investigators** Provide funds for three district attorney investigator positions to be located in Districts 5, 10, and 22. The position for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$74,175 $16,539 3.00	R NR	$148,476 3.00	R
19 **District Attorney Support Staff** Provide funds for 25 additional victim witness / legal assistant positions in anticipation of providing services to domestic violence misdemeanor victims as a result of the Victims Rights' legislation. All positions are effective January 1, 2000.	$465,325 $135,250 25.00	R NR	$926,275 25.00	R
20 **Family Court Funds** Provide funds to annualize the three existing programs operating in Districts 26 (Mecklenburg), 14 (Durham), and 20 (Anson, Stanly, Union, Richmond). These funds are used to provide case managers and support staff who assist judges in assigning cases that affect families (divorce, alimony, delinquency, abuse). Also provides funding for an administrator position for District 20 effective October 1, 1999.	$611,399 15.00	R	$724,915 15.00	R
21 **Manage Indigent Fund** Provide funds for one court management specialist position who will assist in reviewing expenditures from the Indigent Defense Fund. Specific responsibilities include: 1) establishing guidelines and procedures for determining indigency, 2) reviewing the feasibility of establishing a uniform fee schedule for certain cases, and, 3) recommending alternatives for putting a management structure in place. The position is effective Janaury 1, 2000.	$29,601 $7,096 1.00	R NR	$59,253 1.00	R
22 **Other Judicial Position** Provide funds for one appellate court reporter position effective January 1, 2000.	$38,825 $6,352 1.00	R NR	$77,544 1.00	R
23 **Court Management Pilot Program** Provide funds to establish four court management administrator positions to assist in implementing HB 1225 or SB 1025 if enacted. The positions will work with the coordinating judge in each pilot program.	$200,000 4.00	NR		

	FY 99-2000		FY 2000-01	
24 **Guardian Ad Litem Funds** Provide funds to establish four district secretary positions effective January 1, 2000. Also provides $400,000 to increase the rate paid to attorneys to assist in retaining experienced counsel.	$482,804 $20,992 4.00	R NR	$565,976 4.00	R
25 **Transfer Indigent Funds for Capital Case Program** Allows the Department to transfer up to $358,103 in FY 1999-00 and $396,845 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 3 assistant public defenders and 1 investigator to work specifically on capital cases.	$0 $0 4.00	R NR	$0 $0 4.00	R NR
26 **Assistant Public Defenders from Indigent Fund** Allows the Department to transfer up to $161,448 in FY 1999-00 and $284,840 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 4 additional assistant public defender positions. All positions are effective January 1, 2000.	$0 $0 4.00	R NR	$0 $0 4.00	R NR
27 **Emergency Judge Pay** Provide funds to continue pay for emergency judges at $300 per day as specified by the 1998 short session.	$278,245	R	$278,245	R
28 **Expand Family Court Programs / Education Funds** Provide funds to expand family court programs into three additional districts. These programs have specially trained judges who work with matters (divorce, alimony, abuse, custody, etc.) affecting the family. The funds would be used to hire 8 case managers effective January 1, 2000. Also provides $75,000 to establish an educational program for parents who are parties to a custody or visitation action.	$251,608 $40,000 8.00	R NR	$428,216 8.00	R
29 **State Bar Funds** Provide additional funds to the State Bar to improve the administration of justice. This includes $660,000 for Legal Services and $340,000 for the Center for Death Penalty Litigation for each year of the 1999-2000 biennium.	$1,000,000	R	$1,000,000	R
30 **Drug Treatment Court** Provide funds to continue existing programs in Wake, Mecklenburg, Person/Caswell, Warren and Forsyth Counties; to complete implementation over the biennium of new programs started in 1998-99 in Durham, Vance, Wake District Court and Mecklenburg Superior Court; to provide state funds to the New Hanover program; and to continue to work with districts involved in planning new DTC programs. Unexpended funds from 1998-99 will be not revert and will be used to assist programs in 1999-2000. The new position is to continue the program coordinator in District #26 which was funded with nonrecurring funds in 1998-99.	$1,000,000 1.00	R	$1,430,000 1.00	R

	FY 99-2000		FY 2000-01	
31 **Bad Check Programs** Provide funds to continue existing programs in Columbus, Durham, Rockingham, and Wake Counties. Also provides funds to expand the Columbus program to Bladen and Brunswick Counties and establishes a new program in New Hanover and Pender Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.	$337,621 $12,778 10.00	R NR	$381,474 10.00	R
32 **Community Mediation Center Funds** Provide additional funds for community mediation centers statewide as recommended by the Mediation Network of North Carolina, Incorporated.	$350,000	R	$350,000	R
33 **District Court Mediated Settlement Program** Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.	$45,142 1.00	R	$45,142 1.00	R
34 **Increase Community Penalties Funding** This item provides additional funding to contract programs around the state to allow them to increase salaries comparable to the state employee pay increase.	$86,935 $12,422	R NR	$86,935	R
35 **Business Court Funds** Provide funds to rent space for the North Carolina Business Court.	$52,000	NR		
36 **Transfer All Non IV-D Transactions to DHHS** Provide funds to DHHS in order to cover the cost of processing all non IV-D, non-wage withholding child support transactions. These funds will be used to cover postage, telephone, personnel, and vendor charges associated with transferring this function from clerks' offices.	$2,000,000	R	$3,328,791	R
37 **Disaster Recovery Program** Provide funds to complete a disaster recovery program for court information systems. The funds will be used to do environmental impact analysis on existing systems and to determine an appropriate means of backing-up systems during disaster situations.	$350,000	NR		

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
Total Legislative Changes	**$3,021,659**	R	**$7,225,717**	R
	($251,682)	NR	**$0**	NR
Total Position Changes	131.00		127.00	
Revised Budget	**$340,383,168**		**$347,361,291**	

Justice

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$72,273,100		$71,521,703	
Legislative Changes				
38 **Reduce Funding to Replace SBI Vehicles** The Governor's Continuation Budget recommends $1,879,600 in 1999-2000 and $917,000 in 2000-01 to replace SBI cars and trucks. Funding is reduced by $103,900 in 1999-2000 and increased by $123,918 in 2000-01. This will result in the SBI deferring replacement of approximately 7 vehicles from 1999 to 2000. Increased maintenance costs, increased purchase costs and decreased resale costs are reflected in these figures.	($103,900)	NR	$123,918	NR
39 **Eliminate Funding for Legal Services Bonuses** The Continuation Budget includes funds for annual bonuses for Legal Services attorneys based on outstanding job performance. The funding for this item is eliminated.	($93,453)	R	($93,453)	R
40 **Eliminate Information Systems Manager Position** Eliminate position for Information Systems Manager in the Legal Services Division. Information technology is being reorganized Department-wide and this position is no longer needed. Position is eliminated effective August 1, 1999.	($66,916) -1.00	R	($71,812) -1.00	R
41 **Reduce Safe Neighborhoods Program** Funding is reduced for the Safe Neighborhoods Program. Funds remain to continue the Information and Communication Specialist position currently staffing the program.	($59,406)	R	($59,406)	R
42 **Increase Realized Receipts for DCI Fees** The amounts received in fees for criminal record checks and for access to the DCI system have increased with the volume of activity. The increase in receipts allows a reduction in the General Fund appropriation to the Department.	($100,000)	R	($100,000)	R
43 **Reduction in Lease Expenses for DCI** The Division of Criminal Information will complete lease/purchase payments for their mainframe system in June 2000, allowing a $1.2 Million reduction in the appropriation to the Department.			($1,200,000)	R

	FY 99-2000		FY 2000-01	
44 Expansion Funding Division of Criminal Information Funds are provided to the Division of Criminal Information as follows. $131,088 in recurring funding for a disaster recovery plan; $300,000 in 1999-2000 and $91,600 recurring for upgrade of the system for new applications, with priority given to collecting and maintaining traffic enforcement statistics. If alternative funds are secured for this project, the $300,000 may be used for other forms of upgrade. This leaves $1.408 Million recurring from 2000-2001 on to be used to continue upgrading the system and implementing transition from the current mainframe system.	$431,088	R	$1,631,088	R
45 NC LEAF Provides recurring funds to the NC Legal Education Assistance Foundation to continue assisting public service attorneys with educational loan repayment.	$125,000	R	$125,000	R
46 Minority Sensitivity Training These funds allow the Criminal Justice Training and Standards Division to develop a program for minority sensitivity training for law enforcement, as mandated in the Juvenile Justice Act. Funds will allow the addition of 1 Criminal Justice Training Coordinator, contractual employees and media production for a train-the-trainers program. The position is effective October 1, 1999.	$144,760 $5,240 1.00	R NR	$161,094 1.00	R
47 New Attorney Funds allow the addition of one Attorney III to the Service to State Agencies section to represent Judicial Department personnel, effective October 1, 1999.	$49,114 $5,000 1.00	R NR	$65,548 1.00	R
48 Paralegals for Tort Claims Section Provide funds for two Paralegal II positions to work in the Tort Claims Section. This will allow the Section's attorneys to spend less time on routine tasks and more time on litigating their heavy case load. This increases the number of paralegals in the Section from 1 to 3. Both positions are effective October 1, 1999.	$57,214 $9,600 2.00	R NR	$76,285 2.00	R
49 Sheriff's Standards Commission Funding is provided to add a Criminal Justice Field Representative and to purchase software to automate the state examination process. The position is effective October 1, 1999.	$29,039 $2,250 1.00	R NR	$37,052 1.00	R
50 New SBI Personnel to handle DNA testing Funds are provided to add 2 DNA database technicians and $100,000 for supplies needed for DNA analysis and maintenance of a DNA database. Positions are effective December 1, 1999.	$138,946 2.00	R	$166,764 2.00	R

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
51 **Justice Academy Bookstore Positions** Create two positions, a Stock Clerk and a Warehouse Manager, for the Bookstore at the Justice Academy at Salemburg. Recurring cost of the positions is $40,693 but they will be funded entirely through receipts from the Bookstore.	$0 2.00	R	$0 2.00	R
Total Legislative Changes	**$655,386**	R	**$738,160**	R
	($81,810)	NR	**$123,918**	NR
Total Position Changes	8.00		8.00	
Revised Budget	**$72,846,676**		**$72,383,781**	

Office of Juvenile Justice

	GENERAL FUND0			
	FY 99-2000		FY 2000-01	
Recommended Budget	$130,037,966		$130,954,378	
Legislative Changes				
52 **Reduce Electronic House Arrest Funds** Reduce continuation budget from $200,000 to $100,000. $100,000 will provide enough units to cover projected admissions and to provide surplus units while others are in repair.	($100,000)	R	($100,000)	R
53 **Training School Positions** Due to increases in the training school population in 1998 and 1999, the Governor and OJJ recommended that 72 positions that had been funded as temporary positions be made permanent. Updated projections by the Sentencing Commission indicate that the training school population will decline to levels at or below current capacity (843 beds) for 1999-2001 due to the impact of the Juvenile Justice Act, which will shift misdemeanants (currently 46% of training school population) to the community under intermediate sanctions. The continuation budget included $1,998,584 for the 72 positions for each year of the biennium. The Subcommittee recommends that $923,584 be retained to establish 50 part time positions (25 FTE's) for transportation of juveniles (44 now funded from lapsed salaries) and that $75,000 be used to fund an evaluation of training school and detention center staffing.	($1,000,000) -47.00	R	($1,000,000) -47.00	R
54 **Local Juvenile Justice Programs** Provide funds to expand local intermediate and community level sanctions and programs for court involved juveniles. The Governor recommended expansion of $3.088 million. This amount is reduced because of the availabilty of $5.5 million funded in 98-99 that is continued in the 99-2001 continuation budget and the influx of federal funds for juvenile offender programs.	$1,000,000	R	$1,000,000	R
55 **Guard Response Funds (GRASP) Program** Provides funds to expand from four to six programs effective October 1, 1999. This program provides an after school program of regimented training and life skills for court involved and at risk youth. The Governor requested $746,000 for expansion from three to 20 programs and establishment of regional administrators, but it is recommended that the programs be funded at a slower rate and evaluated prior to the year 2000 Short Session.	$62,500 $11,000	R NR	$84,000	R

	FY 99-2000		FY 2000-01	
56 **Juvenile Justice Information System Development** Provide funds to continue the implementation of a juvenile justice information system. These funds, along with federal funds provided through the Governor's Crime Commission, will be used to continue the needs assessment / user requirements phase of this project, complete a portion of the system design,and provide operating support for existing positions working on the project.	$15,000 $385,000	R NR	$15,000 $385,000	R NR
57 **Funds for Eckerd Wilderness Camp** Provide operating funds for a new Eckerd Wilderness Camp beginning January 1, 2000 on a partial basis, with full operation by February 1.	$850,000	R	$2,000,000	R
58 **Funding for Multipurpose Group Homes** Provide operating funds for four 8-bed multipurpose group homes and one part time permanent clerical support position ($14,184 October 1, 1999). The Governor requested $1 million in expansion funds the first year. Based on available carryover funds from 1998-99 and staggered opening dates for the 4 homes, it is anticipated that $800,000 will be adequate funding for 1999-2000.	$800,000 0.75	R	$2,000,000 0.75	R
59 **Support Our Students** Provide funds to expand the SOS program to additional counties in FY 1999-00. The program currently operates in 76 counties. The Governor requested $975,000 each year; the recommended amount allows expansion for either part year funding of 6 more counties or full year funding for 3. Funding includes $50,000 for one new technical assistance position and related support to bring total positions from 3 to 4 to manage and support a $7.25 million dollar program.	$250,000 1.00	R	$250,000 1.00	R
60 **Communities in Schools** Communities in Schools is a non-profit organization that develops community "stay in school efforts" for at-risk children and court involved juveniles. The CIS program currently operates in 28 counties. The Governor recommended an expansion budget of $700,000. The recommended budget allows for continuation of programs funded in 1998-99 and modest expansion.	$450,000	R	$450,000	R
61 **Center for Prevention of School Violence** This program, which operates within the UNC university system, provides research and technical assistance to schools and communities in preventing violence in the schools. The recommended funding is the same amount recommended by the Governor. Funds will be passed through from OJJ to the UNC system.	$500,000 6.00	R	$500,000 6.00	R

	FY 99-2000		FY 2000-01	
62 **Juvenile Justice Institute** Provide funds to establish a Juvenile Justice Institute at North Carolina Central University. The Institute will serve as resource for research and information on national and state juvenile justice practices; provide technical assistance to small non-profit community groups; and survey public and private groups on juvenile justice program effectiveness. Of these funds, $75,000 shall go the Clinical Program at the North Carolina Central University School of Law to assist expansion of their work into family court, domestic violence cases, and alternative dispute resolution.	$575,000 1.00	R	$575,000 1.00	R
63 **Teen Court Funds** Provide funds to continue programs in Wake ($25k), Guilford ($20k), Duplin ($20k), Durham ($20k) and Onslow ($20k) Counties. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.	$105,000	R	$105,000	R
64 **Juvenile Assessment Center** Provide funds for the juvenile assessment center in District 12 which provides prevention and intervention services for at-risk juveniles.	$150,000	R	$150,000	R
65 **Project Challenge Funds** Provide funds for Project Challenge Inc., a nonprofit organization which provides alternative dispositions and services to juveniles in districts 24, 25, 29, and 30 who have been adjudicated delinquent or undisciplined. These funds will also allow for expansion to districts 5, 6A, 6B, and 23.	$150,000	R	$150,000	R
Total Legislative Changes	**$3,807,500**	R	**$6,179,000**	R
	$396,000	NR	**$385,000**	NR
Total Position Changes	-38.25		-38.25	
Revised Budget	**$134,241,466**		**$137,518,378**	

Correction

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$922,020,076		$921,431,794	
Legislative Changes				
66 **Close GPAC Prison Facilities**	($8,537,975)	R	($10,888,590)	R
The Governor recommended closing nine GPAC units; the Subcommittee recommends that Alamance,Cleveland,and Gates remain open. Alamance is now operating a work release pilot program that will need more time for assessment. Cleveland is a medium custody unit; its cost per day is comparable to the state average for medium custody beds. The cost per day for Gates is lower than the average cost per day for minimum custody. Gates also provides a work crew for the community and operates a water and sewer system for the DOC, DOT, and two local schools.	-347.00		-347.00	
Six of the nine GPAC prison units originally recommended by the Governor are recommended for closing. These facilties either operate at costs well above the statewide average and/or are minimum custody institutions. Fewer minimum custody beds are needed due to the impact of Structured Sentencing. The closing dates and custody levels are:				
Goldsboro 8/1/99 (minimum) Blanch 9/1/99 (medium/close) Stokes 10/1/99 (minimum) Stanly 7/1/99 (minimum) Yadkin (9/1/99) (minimum) Iredell(10/1/99) (medium)				
67 **Close Nash Prison Unit**	($344,275)	R	($413,130)	R
It is recommended to close Nash 9/1/99 since minimum custody beds are not needed in this area of the state. This is the old Nash field unit which now operates, with 15 employees, as a satellite to the new Nash Unit.	-15.00		-15.00	
68 **Convert Currituck Unit to Minimum Custody**	($619,695)	R	($743,634)	R
Conversion of this prison from medium to minimum custody will reduce cost and allow for creation of minimum custody community work crews to serve the area.	-27.00		-27.00	

	FY 99-2000		FY 2000-01	
69 **Eliminate Double Celling** In 1995, the General Assembly authorized double celling of inmates at Marion, Pasquotank and Central Prisons and funded the staffing necessary for additional security and programs. With increased availability of prison beds, it is possible to return to single cell close custody in these units and reduce the staffing accordingly.	($3,045,348) -125.00	R	($3,999,260) -125.00	R
70 **Eliminate Expanded Operating Capacity Positions** With the opening of new prison beds, the need for minimum security prison beds has diminished. This budget reduction would reduce beds and population at 16 minimum security units, allowing for reduction of staff.	($2,039,745) -108.00	R	($3,059,618) -108.00	R
71 **Reduce Perimeter Security Positions** Perimeter Patrol was reduced at medium custody prisons in 1998 from two patrols on the night shift to one. This recommendation would reduce staffing from two to one on the evening shift. There would continue to be two perimeter patrols on the day shift. Each of the prisons affected has an electronic intrusion fencing system.	($247,880) -12.00	R	($330,506) -12.00	R
72 **Eliminate Adult Schools at Eastern and Harnett** These two teacher positions are the last remaining adult basic education teachers in the male prisons. DOC's focus is now on youthful offenders; Community Colleges will provide these services for adult males at Harnett and Eastern.	($95,139) -2.00	R	($103,788) -2.00	R
73 **Abolish Education Positions** Eliminates four physical education teachers, three vocational teachers, and one Assistant Education Director at Western. The P.E. teachers are the last remaining P.E.teachers in DOC; their duties will be carried out by recreation staff and classroom teachers. The vocational programs at Piedmont will be carried out by Community Colleges, as are all other vocational programs in the prison system. DOC believes the Assistant Education Director duties can be handled by the Director.	($144,753) -8.00	R	($167,704) -8.00	R
74 **Education Director Position at Eastern** This item eliminates funding for the Education Director position which will be vacant July 1, 1999. The DOC adult education program at Eastern has been reduced over time and replaced by community college programs. The DOC adult program at Eastern no longer requires an on-site Education Director.	($67,322) -1.00	R	($67,322) -1.00	R

	FY 99-2000		FY 2000-01	
75 **Abolish Parole / Post Release Hearing Officers** Eliminate five parole revocation hearing officer positions due to the continued decrease in workload resulting from Structured Sentencing. The Department intends to use contractual employees to hold hearings around the state. Travel expenses are reduced to reflect this change.	($291,540) -5.00	R	($291,540) -5.00	R
76 **Reduce Leased Space Funds** Reduce funds for leased space by consolidating offices and implementing a pilot Home as Duty Station program within the Division of Community Corrections.	($343,220)	R	($343,220)	R
77 **Consolidate Female IMPACT with Male IMPACT Program** The female IMPACT Program has had difficulty maintaining a high utilization rate since its inception. The annual capacity of the program will be reduced from 260 to 80 and its operation will be consolidated with the program for males at Morganton, allowing a reduction in positions and funding.	($940,783) -25.00	R	($940,783) -25.00	R
78 **Additional Reduction in IMPACT Female** The IMPACT program for females in Hoffman is being consolidated with the program for men in Morganton, eliminating 25 positions. This left 12 positions budgeted for the female program in Hoffman. With this item, eight of those positions are eliminated due to the consolidation. This leaves 4 positions at Hoffman to continue food service operation for the program for men; a Food Service Manager I, two Correctional Food Service Supervisor I positions and a Maintenance Mechanic IV.	($400,832) -8.00	R	($400,832) -8.00	R
79 **Reduce Parole Commissioners from 5 to 3** Due to the declining number of paroles since the passage of Structured Sentencing, the number of Post Release Supervision and Parole Commissioners is reduced from 5 to 3. The terms of all current Commissioners will expire June 30th and 3 appointments will be made effective July 1, 1999.	($176,472) -2.00	R	($176,472) -2.00	R
80 **Abolish Two Positions in Parole Commission** Two positions from the Post Release Supervision and Parole Commission, a Victims Services Coordinator and a Public Information Officer, have been transferred to the Office of Citizen Services but were continued in the Parole Commission budget in 1998-99. This item eliminates funding for these positions because alternative funding will be provided by the Office of Citizen Services.	($92,033) -2.00	R	($92,033) -2.00	R

	FY 99-2000		FY 2000-01	
81 Additional Reductions in Parole Commission The Post-Release Supervision and Parole Commission budget is reduced by 5% to reflect decreasing workload. The positions eliminated are an Office Assistant V and an Office Assistant IV. This item also reduces operating expenses by $60,944.	($101,000) -2.00	R	($101,000) -2.00	R
82 Eliminate Vacant Positions The Governor recommended elimination of 9 positions that had been vacant for one year or longer. One position was in the Division of Community Corrections and the rest were in the Division of Prisons.	($323,563) -9.00	R	($323,563) -9.00	R
83 Reduce Inmate Costs at Closed Facilities These funds are the inmate budget component (food,clothing, medical) for prisons recommmended for closing. Also includes adjustment for moving up closing dates of Stanly and Yadkin Correctional Centers.	($1,078,020)	R	($1,265,694)	R
84 Close Stanly and Yadkin Units Early It is recommended that the DOC close Stanly July 1, 1999 instead of the original proposed date of October 1, 1999 so that employees at Stanly can be used to staff the new Albemarle prison. The budget reduction is the additional amount generated between July 1, 1999 and October 1, 1999. It is also recommended that the Yadkin Unit close early -- September 1, 1999 rather than the original proposed date of November 1, 1999. This will avoid expenditures for major repairs or replacement of the water and sewer system.	($541,305)	NR		
85 Reduce Automobile Replacement Funds The Subcommittee reduced the budget for automobile replacement by identifying vehicles that would not meet the replacement mileage cap (100,000 miles) until FY 2000-01.	($360,197)	NR		
86 Reduce Medical Contractual Personnel Funds The DOC continuation budget for medical contractual personnel for 1999-2000 and 2000-01 is $8,500,000, roughly the same amount expended in 1997-98 and estimated in 98-99. However, the General Assembly funded new medical positions at NCCIW that were originally funded from the contractual budget. It is recommended that the contractual services funds be reduced by the amount that was replaced by a portion of the new positions.	($475,000)	R	($475,000)	R
87 Eliminate Funding for New Trainers The Governor's Continuation Budget recommends 10 new Correctional Training Instructors for the Division of Community Correction. This item eliminates funding for these positions.	($415,575) ($84,410) -10.00	R NR	($498,650) -10.00	R

	FY 99-2000		FY 2000-01	
88 **Eliminate Funds for New Administrative Assistants** The Governor's Continuation Budget recommends 13 new Administrative Assistants in the Division of Community Corrections for the Managers in the largest Judicial Districts. This item eliminates these positions.	($472,588) ($105,820) -13.00	R NR	($567,060) -13.00	R
89 **Reduce Funds for New Probation / Parole Officers** The Governor's Continuation Budget recommends $5.6 Million for 110 new Intermediate Officers (PPO II). Instead of establishing new positions, $775,727 will be provided in 1999-2000 and $935,112 in 1999-2000 to the Department of Correction to speed-up reallocation of 161 positions from PPO I (Community) to PPO II (Intermediate). These funds will allow a total of 10% raises for all 514 of the PPO II positions that have been created by reallocation. With these reallocations, caseload averages by 2000-01 will be: 28:2 for Intensive, 65:1 for Intermediate and 106:1 for Community. Reallocations will be phased in between September 1999 and January 2000.	($3,905,306) ($921,690) -110.00	R NR	($4,447,586) -110.00	R
90 **Eliminate Funding for New Supervisors and Clerks** The Governor's Recommended Continuation Budget includes 11 new Chief PPO's and 11 Office Assistants, based on the addition of 110 Intermediate Officers. Because Intermediate Officers will be created through reclassifications of existing Officers, these positions are not needed.	($796,913) ($288,706) -22.00	R NR	($956,219) -22.00	R
91 **Remove Inflationary Increase for CJPP** The Governor's Recommended Continuation Budget includes a 2.5% increase in Implementation Grants for the counties participating in the Criminal Justice Partnership Program. This item removes funding for this inflationary increase.	($240,000)	R	($240,000)	R
92 **Reduce Funds for Non- Participating Counties-CJPP** The Governor's Continuation Budget includes an increase of $4.5 Million to fully fund Implementation Grants for 100 counties for the Criminal Justice Partnership Program. Funding is eliminated for the 10 counties not expected to participate during 1999-2000.	($705,704)	NR		
93 **One-Time Reduction in Prison Enterprises** This one-time reduction will not affect committed Enterprise projects or planned equipment spending.	($400,000)	NR		

	FY 99-2000		FY 2000-01	
94 Reduce DART Cherry Aftercare Funds The Continuation Budget includes $319,715 in contractual service funds which are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry who are not eligible for existing community programs. Funds for this project are reduced to $269,715 for 1999-2000.	($50,000)	NR		
95 Inmate Road Squad Receipts Increase receipts from Highway Fund for operating inmate road squads from $6.5 million to $7 million to reflect actual cost and to implement directive in 1998-99 Budget Bill to adjust the continuation budget to reflect actual cost of operating road squads. This transfer allows a reduction of $500,000 in the General Fund.	($500,000)	R	($500,000)	R
96 Alien Assistance Receipts North Carolina receives federal funds to partially fund the cost of housing illegal aliens who are inmates in the prison system. Receipts are anticipated to increase, allowing for a reduction in the General Fund.	($1,100,000)	NR		
97 Inmate Co-Pay Receipts -- Reduce General Fund The General Assembly authorized inmate co-pay for visits to prison infirmaries in 1997. Inmates pay $3.00 for routine visits to infirmary and $5.00 for emergencies if they have funds available in their accounts. This reduction budgets the receipts and reduces the General Fund.	($300,000)	R	($300,000)	R
98 Inmate Canteen Fund This reduction is a one-time reduction in the estimated cash balance of the Inmate Welfare Fund. This reduction does not affect planned inmate projects or expenses to operate the Fund and inmate services.	($750,000)	NR		
99 Eliminate Vacant Medical Positions The General Assembly authorized 50 new medical positions and 50 reallocations for a total of 100 new medical positions at Central and Women's Prison. This recommendation is to reduce 12 vacant positions at Central. These positions -- 8 lead nurses, 3 Nurse Supervisors and 1 staff nurse -- were established in June 1998 and have not been filled despite continuous reposting. 38 of 50 positions at Central will remain, including 25 nurses.	($540,000) -12.00	R	($540,000) -12.00	R
100 Reduce Office Furniture Budget Reduce funds in the Division of Community Correction's operating budget for office furniture.	($118,336)	R	($118,336)	R

	FY 99-2000		FY 2000-01	
101 **Continue Boot Camp Aftercare Program** Provide funds to continue the IMPACT aftercare program in Forsyth, Mecklenburg, New Hanover, Nash/Edgecombe and Buncombe Counties.	$440,000	R	$440,000	R
102 **Women at Risk Program** Funding is increased from $125,000 to $200,000 to reflect growth in the program in Buncombe County and expansion to Burke, Caldwell and Catawba Counties.	$75,000	R	$75,000	R
103 **Harriet's House** Funds to provide additional support in 1999-2000 to the programs at Harriet's House, a transitional home for female ex-offenders and their children. Harriet's House receives $200,000 in the Continuation Budget.	$75,000	NR		
104 **Continue Victims Assistance Pilot and DOC Program** Continues pilot program to provide assistance to victims through the Division of Community Correction. The program, in Craven and Wake Counties, includes 1 Victims Assistant in each location and a clerical position in Craven. Also provides one-time funds to reprogram OPUS system for tracking victims information statewide for the DOC.	$119,915 $75,000 3.00	R NR	$119,915 3.00	R
105 **Equipment/Furniture Funds for Parole Commission** One-time funding to replace outdated equipment and furniture for the Post Release Supervision and Parole Commission.	$50,000	NR		
106 **Funds for Inmate Education Programs** Funding to allow the DOC to contract with small community colleges to provide education and training for inmates. The DOC will consult with the Community College System to identify small colleges that otherwise could not afford to provide services.	$50,000	R	$50,000	R
107 **Additional Discretionary Funding for CJPP** Counties participating in the Criminal Justice Partnership Program can apply for discretionary grants, decided by the Secretary of DOC based on recommendations of the CJPP Board. These grants are funded from unspent CJPP funds from prior years and were very limited in 1998-99. This item increases the amount available for discretionary grants in 1999-2000.	$200,000	NR		

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
Total Legislative Changes	**($25,968,398)**	R	**($31,666,625)**	R
	($4,907,832)	NR		
Total Position Changes	-862.00		-862.00	
Revised Budget	**$891,143,846**		**$889,765,169**	

Crime Control and Public Safety

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$35,723,850		$35,899,900	
Legislative Changes				
108 **Abolish One Position in Victim & Justice Services** This reduction eliminates a vacant clerical position, effective July 1, 1999.	($25,642) -1.00	R	($25,642) -1.00	R
109 **Transfer Crime Prevention Division** Eliminate funding for three positions in the Division of Crime Prevention including the Director and two Community Development Specialist II's. The remaining four positions are transferred to the Governor's Crime Commission.	($167,059) -3.00	R	($167,059) -3.00	R
110 **Transfer Funding of 3 Positions to Highway Fund** Transfer funding of three positions in the Department who specifically support the operations of the State Highway Patrol. These positions include an Assistant Secretary, Accountant III, and Accouting Clerk IV.	($209,575) -3.00	R	($209,575) -3.00	R
111 **Reduce Operating Funds in Department** Reduce funds for workers' compensations payments department-wide ($75,000) and aid to governmental units in the Division of Emergency Management ($75,000).	($150,000)	R	($150,000)	R
112 **Tarheel Challenge Program** Provide state matching funds for the Tarheel Challenge Program which operates on a 70% federal to 30% state basis. This 22-week residential program in Sampson County works with high school dropouts and expellees from throughout North Carolina.	$710,000	R	$710,000	R
113 **Boxing Commission Funds** Provide funds for personnel and operating expenses required to continue the operation of the Boxing Commission. These funds will be used to cover salaries and benefits, contractual services, travel, and other operating expenses. These funds will allow the program to operate at its 1997-98 level.	$110,220 3.00	R	$110,220 3.00	R

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
114 **National Guard Tuition Assistance Program** Provide funds to increase the amount and number of educational benefits for members of the National Guard.	$100,000	R	$100,000	R
115 **Funds for School Metal Detectors** Provide funds to purchase metal detectors for public schools throughout North Carolina.	$350,000	NR		
116 **Victims Assistance Funds** Provide funds to expand the services provided by the North Carolina Victims Assistance Network.	$350,000	NR		
Total Legislative Changes	**$367,944**	R	**$367,944**	R
	$700,000	NR		
Total Position Changes	-4.00		-4.00	
Revised Budget	**$36,791,794**		**$36,267,844**	

Senate Subcommittee on Justice and Public Safety

DRAFT
FOR REVIEW ONLY

6/15/99

Judicial

GENERAL FUND

	FY 99-2000		FY 2000-01	
Recommended Budget	$337,613,191		$340,135,574	
Legislative Changes				
1 **Reduce Salary Reserve Funds** Reduce Department's available salary reserve funds - these funds are generated by filling positions at a salary less than the budgeted salary authorized by the General Assembly.	($958,363)	R	($1,007,767)	R
2 **Reduce Worker's Compensation Funds** Reduce funds for worker's compensation payments department-wide based on a decrease in the numbers of claims and expenses to date in FY 1998-99.	($200,000)	R	($200,000)	R
3 **Reduce Out of State Travel Expenses** Reduce expenses for out of state travel department-wide.	($95,552)	R	($95,552)	R
4 **Eliminate Reserve for Operations** Eliminate funds which have been used to cover unforseen needs in the areas of postage, travel, etc. The Department believes existing appropriations are sufficient to cover these areas.	($405,612)	R	($405,612)	R
5 **Reduce Reserve for General Office Supplies** Reduce funds used to purchase general office supplies for the department. This reduction will still allow the department to keep sufficient inventory in their warehouse.	($106,983) ($200,000)	R NR	($106,983)	R
6 **Eliminate Vacant Positions** Eliminates funds for the Special Projects Coordinator position and District Attorney investigator position located in District 6B.	($142,367) -2.00	R	($142,367) -2.00	R
7 **Reduce Software Maintenance Agreements** Reduce estimated increases for software license agreements in the Information Services Division based on revised contracts.	($420,148)	R	($420,148)	R

	FY 99-2000		FY 2000-01	
8 **Reduce Indigent Fund Requirements** Reduce estimated increases in indigent fund requirements based on revised projections of expenditures for capital and non-capital cases. Even with these reductions, the fund is being increased $4.8m in FY 1999-00 and $9.8m in FY 2000-01.	($3,200,000)	R	($3,200,000)	R
9 **Reduce Replacement Equipment Funds** Reduce funds for replacement office equipment ($250,000) and computer related equipment ($1,000,000) in FY 1999-00 by delaying replacement of certain items. This still provides $3.75m in funds for FY 1999-00.	($1,250,000)	NR		
10 **Reduce Operating Funds Related to Non IV-D Cases** Reduce operating funds (paper, postage, envelopes, etc) related to transferring all non IV-D, non-wage withholding child support transactions to DHHS.	($601,078)	R	($601,078)	R
11 **Superior Court Judges** Provide funds for four Special Judges and one Resident Judge to be located in District 22, effective October 1, 1999.	$566,440 $38,236 5.00	R NR	$707,095 5.00	R
12 **District Court Judges** Provide funds for 9 additional District Court Judges to be located in Districts 2, 5, 13, 15A, 18, 19A, 26, 27A, and 30. All positions are effective January 1, 2000.	$566,440 $99,522 9.00	R NR	$1,058,301 9.00	R
13 **Judges Support Staff** Provide funds for two judicial assistant II's and 3 judicial assistant I's effective January 1, 2000. Also provides funds for a project coordinator in Superior Court District 3A and District Court District 15B effective October 1, 1999.	$192,809 $37,777 7.00	R NR	$314,683 7.00	R
14 **New Court Reporters / Increase Transcript Fee** Provide funds to establish 8 additional court reporter positions effective January 1, 2000. Also provides $45,621 to increase reimbursement for transcripts from $2.25 to $2.35 per page.	$240,061 $49,848 8.00	R NR	$434,037 8.00	R
15 **Magistrate Positions** Provide funds for 3 additional magistrate positions to be located in Cumberland, Camden, and Union Counties. All positions are effective January 1, 2000.	$50,625 $15,783 3.00	R NR	$101,223 3.00	R
16 **Deputy Clerks of Court** Provide funding for 11 additional deputy clerk positions effective January 1, 2000.	$158,816 $44,836 11.00	R NR	$313,775 11.00	R

	FY 99-2000		FY 2000-01	
17 **Assistant District Attorneys** Provide funding for nine assistant district attorney positions to be located in Districts 5, 10 (2 positions), 12, 13, 15A, 19A, 20, and 26. All positions are effective January 1, 2000.	$324,891 $58,887 9.00	R NR	$644,868 9.00	R
18 **District Attorney Investigators** Provide funds for three district attorney investigator positions to be located in Districts 5, 10, and 22. The position for District 10 shall be used to assist the violent offender task force program. All positions are effective January 1, 2000.	$74,175 $16,539 3.00	R NR	$148,476 3.00	R
19 **District Attorney Support Staff** Provide funds for 25 additional victim witness / legal assistant positions in anticipation of providing services to domestic violence misdemeanor victims as a result of the Victims Rights' legislation. All positions are effective January 1, 2000.	$465,325 $135,250 25.00	R NR	$926,275 25.00	R
20 **Family Court Funds** Provide funds to annualize the three existing programs operating in Districts 26 (Mecklenburg), 14 (Durham), and 20 (Anson, Stanly, Union, Richmond). These funds are used to provide case managers and support staff who assist judges in assigning cases that affect families (divorce, alimony, delinquency, abuse). Also provides funding for an administrator position for District 20 effective October 1, 1999.	$611,399 15.00	R	$724,915 15.00	R
21 **Manage Indigent Fund** Provide funds for one court management specialist position who will assist in reviewing expenditures from the Indigent Defense Fund. Specific responsibilities include: 1) establishing guidelines and procedures for determining indigency, 2) reviewing the feasibility of establishing a uniform fee schedule for certain cases, and, 3) recommending alternatives for putting a management structure in place. The position is effective Janaury 1, 2000.	$29,601 $7,096 1.00	R NR	$59,253 1.00	R
22 **Other Judicial Position** Provide funds for one appellate court reporter position effective January 1, 2000.	$38,825 $6,352 1.00	R NR	$77,544 1.00	R
23 **Court Management Pilot Program** Provide funds to establish four court management administrator positions to assist in implementing HB 1225 or SB 1025 if enacted. The positions will work with the coordinating judge in each pilot program.	$200,000 4.00	NR		

	FY 99-2000		FY 2000-01	
24 **Guardian Ad Litem Funds** Provide funds to establish four district secretary positions effective January 1, 2000. Also provides $400,000 to increase the rate paid to attorneys to assist in retaining experienced counsel.	$482,804 $20,992 4.00	R NR	$565,976 4.00	R
25 **Transfer Indigent Funds for Capital Case Program** Allows the Department to transfer up to $358,103 in FY 1999-00 and $396,845 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 3 assistant public defenders and 1 investigator to work specifically on capital cases.	$0 $0 4.00	R NR	$0 $0 4.00	R NR
26 **Assistant Public Defenders from Indigent Fund** Allows the Department to transfer up to $161,448 in FY 1999-00 and $284,840 in FY 2000-01 from the Indigent Persons' Attorney Fee Fund to establish 4 additional assistant public defender positions. All positions are effective January 1, 2000.	$0 $0 4.00	R NR	$0 $0 4.00	R NR
27 **Emergency Judge Pay** Provide funds to continue pay for emergency judges at $300 per day as specified by the 1998 short session.	$278,245	R	$278,245	R
28 **Expand Family Court Programs / Education Funds** Provide funds to expand family court programs into three additional districts. These programs have specially trained judges who work with matters (divorce, alimony, abuse, custody, etc.) affecting the family. The funds would be used to hire 8 case managers effective January 1, 2000. Also provides $75,000 to establish an educational program for parents who are parties to a custody or visitation action.	$251,608 $40,000 8.00	R NR	$428,216 8.00	R
29 **State Bar Funds** Provide additional funds to the State Bar to improve the administration of justice. This includes $660,000 for Legal Services and $340,000 for the Center for Death Penalty Litigation for each year of the 1999-2000 biennium.	$1,000,000	R	$1,000,000	R
30 **Drug Treatment Court** Provide funds to continue existing programs in Wake, Mecklenburg, Person/Caswell, Warren and Forsyth Counties; to complete implementation over the biennium of new programs started in 1998-99 in Durham, Vance, Wake District Court and Mecklenburg Superior Court; to provide state funds to the New Hanover program; and to continue to work with districts involved in planning new DTC programs. Unexpended funds from 1998-99 will be not revert and will be used to assist programs in 1999-2000. The new position is to continue the program coordinator in District #26 which was funded with nonrecurring funds in 1998-99.	$1,000,000 1.00	R	$1,430,000 1.00	R

	FY 99-2000		FY 2000-01	
31 **Bad Check Programs** Provide funds to continue existing programs in Columbus, Durham, Rockingham, and Wake Counties. Also provides funds to expand the Columbus program to Bladen and Brunswick Counties and establishes a new program in New Hanover and Pender Counties. These programs are designed to reduce the amount of time spent on prosecuting these cases, and to assist worthless check victims in recovering restitution.	$337,621 $12,778 10.00	R NR	$381,474 10.00	R
32 **Community Mediation Center Funds** Provide additional funds for community mediation centers statewide as recommended by the Mediation Network of North Carolina, Incorporated.	$350,000	R	$350,000	R
33 **District Court Mediated Settlement Program** Provide funds to establish pilot programs in district court which assist in mediating equitable distribution, alimony, and child support issues.	$45,142 1.00	R	$45,142 1.00	R
34 **Increase Community Penalties Funding** This item provides additional funding to contract programs around the state to allow them to increase salaries comparable to the state employee pay increase.	$86,935 $12,422	R NR	$86,935	R
35 **Business Court Funds** Provide funds to rent space for the North Carolina Business Court.	$52,000	NR		
36 **Transfer All Non IV-D Transactions to DHHS** Provide funds to DHHS in order to cover the cost of processing all non IV-D, non-wage withholding child support transactions. These funds will be used to cover postage, telephone, personnel, and vendor charges associated with transferring this function from clerks' offices.	$2,000,000	R	$3,328,791	R
37 **Disaster Recovery Program** Provide funds to complete a disaster recovery program for court information systems. The funds will be used to do environmental impact analysis on existing systems and to determine an appropriate means of backing-up systems during disaster situations.	$350,000	NR		

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
Total Legislative Changes	**$3,021,659**	**R**	**$7,225,717**	**R**
	($251,682)	**NR**	**$0**	**NR**
Total Position Changes	131.00		127.00	
Revised Budget	**$340,383,168**		**$347,361,291**	

Justice

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$72,273,100		$71,521,703	
Legislative Changes				
38 **Reduce Funding to Replace SBI Vehicles** The Governor's Continuation Budget recommends $1,879,600 in 1999-2000 and $917,000 in 2000-01 to replace SBI cars and trucks. Funding is reduced by $103,900 in 1999-2000 and increased by $123,918 in 2000-01. This will result in the SBI deferring replacement of approximately 7 vehicles from 1999 to 2000. Increased maintenance costs, increased purchase costs and decreased resale costs are reflected in these figures.	($103,900)	NR	$123,918	NR
39 **Eliminate Funding for Legal Services Bonuses** The Continuation Budget includes funds for annual bonuses for Legal Services attorneys based on outstanding job performance. The funding for this item is eliminated.	($93,453)	R	($93,453)	R
40 **Eliminate Information Systems Manager Position** Eliminate position for Information Systems Manager in the Legal Services Division. Information technology is being reorganized Department-wide and this position is no longer needed. Position is eliminated effective August 1, 1999.	($66,916) -1.00	R	($71,812) -1.00	R
41 **Reduce Safe Neighborhoods Program** Funding is reduced for the Safe Neighborhoods Program. Funds remain to continue the Information and Communication Specialist position currently staffing the program.	($59,406)	R	($59,406)	R
42 **Increase Realized Receipts for DCI Fees** The amounts received in fees for criminal record checks and for access to the DCI system have increased with the volume of activity. The increase in receipts allows a reduction in the General Fund appropriation to the Department.	($100,000)	R	($100,000)	R
43 **Reduction in Lease Expenses for DCI** The Division of Criminal Information will complete lease/purchase payments for their mainframe system in June 2000, allowing a $1.2 Million reduction in the appropriation to the Department.			($1,200,000)	R

	FY 99-2000		FY 2000-01	
44 Expansion Funding Division of Criminal Information Funds are provided to the Division of Criminal Information as follows. $131,088 in recurring funding for a disaster recovery plan; $300,000 in 1999-2000 and $91,600 recurring for upgrade of the system for new applications, with priority given to collecting and maintaining traffic enforcement statistics. If alternative funds are secured for this project, the $300,000 may be used for other forms of upgrade. This leaves $1.408 Million recurring from 2000-2001 on to be used to continue upgrading the system and implementing transition from the current mainframe system.	$431,088	R	$1,631,088	R
45 NC LEAF Provides recurring funds to the NC Legal Education Assistance Foundation to continue assisting public service attorneys with educational loan repayment.	$125,000	R	$125,000	R
46 Minority Sensitivity Training These funds allow the Criminal Justice Training and Standards Division to develop a program for minority sensitivity training for law enforcement, as mandated in the Juvenile Justice Act. Funds will allow the addition of 1 Criminal Justice Training Coordinator, contractual employees and media production for a train-the-trainers program. The position is effective October 1, 1999.	$144,760 $5,240 1.00	R NR	$161,094 1.00	R
47 New Attorney Funds allow the addition of one Attorney III to the Service to State Agencies section to represent Judicial Department personnel, effective October 1, 1999.	$49,114 $5,000 1.00	R NR	$65,548 1.00	R
48 Paralegals for Tort Claims Section Provide funds for two Paralegal II positions to work in the Tort Claims Section. This will allow the Section's attorneys to spend less time on routine tasks and more time on litigating their heavy case load. This increases the number of paralegals in the Section from 1 to 3. Both positions are effective October 1, 1999.	$57,214 $9,600 2.00	R NR	$76,285 2.00	R
49 Sheriff's Standards Commission Funding is provided to add a Criminal Justice Field Representative and to purchase software to automate the state examination process. The position is effective October 1, 1999.	$29,039 $2,250 1.00	R NR	$37,052 1.00	R
50 New SBI Personnel to handle DNA testing Funds are provided to add 2 DNA database technicians and $100,000 for supplies needed for DNA analysis and maintenance of a DNA database. Positions are effective December 1, 1999.	$138,946 2.00	R	$166,764 2.00	R

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
51 **Justice Academy Bookstore Positions**	$0	R	$0	R
Create two positions, a Stock Clerk and a Warehouse Manager, for the Bookstore at the Justice Academy at Salemburg. Recurring cost of the positions is $40,693 but they will be funded entirely through receipts from the Bookstore.	2.00		2.00	
Total Legislative Changes	**$655,386**	R	**$738,160**	R
	($81,810)	NR	**$123,918**	NR
Total Position Changes	8.00		8.00	
Revised Budget	**$72,846,676**		**$72,383,781**	

Office of Juvenile Justice

	GENERAL FUND0			
	FY 99-2000		FY 2000-01	
Recommended Budget	$130,037,966		$130,954,378	
Legislative Changes				
52 **Reduce Electronic House Arrest Funds** Reduce continuation budget from $200,000 to $100,000. $100,000 will provide enough units to cover projected admissions and to provide surplus units while others are in repair.	($100,000)	R	($100,000)	R
53 **Training School Positions** Due to increases in the training school population in 1998 and 1999, the Governor and OJJ recommended that 72 positions that had been funded as temporary positions be made permanent. Updated projections by the Sentencing Commission indicate that the training school population will decline to levels at or below current capacity (843 beds) for 1999-2001 due to the impact of the Juvenile Justice Act, which will shift misdemeanants (currently 46% of training school population) to the community under intermediate sanctions. The continuation budget included $1,998,584 for the 72 positions for each year of the biennium. The Subcommittee recommends that $923,584 be retained to establish 50 part time positions (25 FTE's) for transportation of juveniles (44 now funded from lapsed salaries) and that $75,000 be used to fund an evaluation of training school and detention center staffing.	($1,000,000) -47.00	R	($1,000,000) -47.00	R
54 **Local Juvenile Justice Programs** Provide funds to expand local intermediate and community level sanctions and programs for court involved juveniles. The Governor recommended expansion of $3.088 million. This amount is reduced because of the availabilty of $5.5 million funded in 98-99 that is continued in the 99-2001 continuation budget and the influx of federal funds for juvenile offender programs.	$1,000,000	R	$1,000,000	R
55 **Guard Response Funds (GRASP) Program** Provides funds to expand from four to six programs effective October 1, 1999. This program provides an after school program of regimented training and life skills for court involved and at risk youth. The Governor requested $746,000 for expansion from three to 20 programs and establishment of regional administrators, but it is recommended that the programs be funded at a slower rate and evaluated prior to the year 2000 Short Session.	$62,500 $11,000	R NR	$84,000	R

	FY 99-2000		FY 2000-01	
56 **Juvenile Justice Information System Development** Provide funds to continue the implementation of a juvenile justice information system. These funds, along with federal funds provided through the Governor's Crime Commission, will be used to continue the needs assessment / user requirements phase of this project, complete a portion of the system design,and provide operating support for existing positions working on the project.	$15,000 $385,000	R NR	$15,000 $385,000	R NR
57 **Funds for Eckerd Wilderness Camp** Provide operating funds for a new Eckerd Wilderness Camp beginning January 1, 2000 on a partial basis, with full operation by February 1.	$850,000	R	$2,000,000	R
58 **Funding for Multipurpose Group Homes** Provide operating funds for four 8-bed multipurpose group homes and one part time permanent clerical support position ($14,184 October 1, 1999). The Governor requested $1 million in expansion funds the first year. Based on available carryover funds from 1998-99 and staggered opening dates for the 4 homes, it is anticipated that $800,000 will be adequate funding for 1999-2000.	$800,000 0.75	R	$2,000,000 0.75	R
59 **Support Our Students** Provide funds to expand the SOS program to additional counties in FY 1999-00. The program currently operates in 76 counties. The Governor requested $975,000 each year; the recommended amount allows expansion for either part year funding of 6 more counties or full year funding for 3. Funding includes $50,000 for one new technical assistance position and related support to bring total positions from 3 to 4 to manage and support a $7.25 million dollar program.	$250,000 1.00	R	$250,000 1.00	R
60 **Communities in Schools** Communities in Schools is a non-profit organization that develops community "stay in school efforts" for at-risk children and court involved juveniles. The CIS program currently operates in 28 counties. The Governor recommended an expansion budget of $700,000. The recommended budget allows for continuation of programs funded in 1998-99 and modest expansion.	$450,000	R	$450,000	R
61 **Center for Prevention of School Violence** This program, which operates within the UNC university system, provides research and technical assistance to schools and communities in preventing violence in the schools. The recommended funding is the same amount recommended by the Governor. Funds will be passed through from OJJ to the UNC system.	$500,000 6.00	R	$500,000 6.00	R

	FY 99-2000		FY 2000-01	
62 **Juvenile Justice Institute** Provide funds to establish a Juvenile Justice Institute at North Carolina Central University. The Institute will serve as resource for research and information on national and state juvenile justice practices; provide technical assistance to small non-profit community groups; and survey public and private groups on juvenile justice program effectiveness. Of these funds, $75,000 shall go the Clinical Program at the North Carolina Central University School of Law to assist expansion of their work into family court, domestic violence cases, and alternative dispute resolution.	$575,000 1.00	R	$575,000 1.00	R
63 **Teen Court Funds** Provide funds to continue programs in Wake ($25k), Guilford ($20k), Duplin ($20k), Durham ($20k) and Onslow ($20k) Counties. Teen courts provide a peer review of juveniles who have committed non-violent misdemeanors and recommend different types of punishment, including community service and restitution.	$105,000	R	$105,000	R
64 **Juvenile Assessment Center** Provide funds for the juvenile assessment center in District 12 which provides prevention and intervention services for at-risk juveniles.	$150,000	R	$150,000	R
65 **Project Challenge Funds** Provide funds for Project Challenge Inc., a nonprofit organization which provides alternative dispositions and services to juveniles in districts 24, 25, 29, and 30 who have been adjudicated delinquent or undisciplined. These funds will also allow for expansion to districts 5, 6A, 6B, and 23.	$150,000	R	$150,000	R
Total Legislative Changes	**$3,807,500**	R	**$6,179,000**	R
	$396,000	NR	**$385,000**	NR
Total Position Changes	-38.25		-38.25	
Revised Budget	**$134,241,466**		**$137,518,378**	

Correction

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$922,020,076		$921,431,794	
Legislative Changes				
66 **Close GPAC Prison Facilities**	($8,537,975)	R	($10,888,590)	R
The Governor recommended closing nine GPAC units; the Subcommittee recommends that Alamance,Cleveland,and Gates remain open. Alamance is now operating a work release pilot program that will need more time for assessment. Cleveland is a medium custody unit; its cost per day is comparable to the state average for medium custody beds. The cost per day for Gates is lower than the average cost per day for minimum custody. Gates also provides a work crew for the community and operates a water and sewer system for the DOC, DOT, and two local schools.	-347.00		-347.00	
Six of the nine GPAC prison units originally recommended by the Governor are recommended for closing. These facilties either operate at costs well above the statewide average and/or are minimum custody institutions. Fewer minimum custody beds are needed due to the impact of Structured Sentencing. The closing dates and custody levels are:				
Goldsboro 8/1/99 (minimum) Blanch 9/1/99 (medium/close) Stokes 10/1/99 (minimum) Stanly 7/1/99 (minimum) Yadkin (9/1/99) (minimum) Iredell(10/1/99) (medium)				
67 **Close Nash Prison Unit**	($344,275)	R	($413,130)	R
It is recommended to close Nash 9/1/99 since minimum custody beds are not needed in this area of the state. This is the old Nash field unit which now operates, with 15 employees, as a satellite to the new Nash Unit.	-15.00		-15.00	
68 **Convert Currituck Unit to Minimum Custody**	($619,695)	R	($743,634)	R
Conversion of this prison from medium to minimum custody will reduce cost and allow for creation of minimum custody community work crews to serve the area.	-27.00		-27.00	

	FY 99-2000		FY 2000-01	
69 **Eliminate Double Celling** In 1995, the General Assembly authorized double celling of inmates at Marion, Pasquotank and Central Prisons and funded the staffing necessary for additional security and programs. With increased availability of prison beds, it is possible to return to single cell close custody in these units and reduce the staffing accordingly.	($3,045,348) -125.00	R	($3,999,260) -125.00	R
70 **Eliminate Expanded Operating Capacity Positions** With the opening of new prison beds, the need for minimum security prison beds has diminished. This budget reduction would reduce beds and population at 16 minimum security units, allowing for reduction of staff.	($2,039,745) -108.00	R	($3,059,618) -108.00	R
71 **Reduce Perimeter Security Positions** Perimeter Patrol was reduced at medium custody prisons in 1998 from two patrols on the night shift to one. This recommendation would reduce staffing from two to one on the evening shift. There would continue to be two perimeter patrols on the day shift. Each of the prisons affected has an electronic intrusion fencing system.	($247,880) -12.00	R	($330,506) -12.00	R
72 **Eliminate Adult Schools at Eastern and Harnett** These two teacher positions are the last remaining adult basic education teachers in the male prisons. DOC's focus is now on youthful offenders; Community Colleges will provide these services for adult males at Harnett and Eastern.	($95,139) -2.00	R	($103,788) -2.00	R
73 **Abolish Education Positions** Eliminates four physical education teachers, three vocational teachers, and one Assistant Education Director at Western. The P.E. teachers are the last remaining P.E.teachers in DOC; their duties will be carried out by recreation staff and classroom teachers. The vocational programs at Piedmont will be carried out by Community Colleges, as are all other vocational programs in the prison system. DOC believes the Assistant Education Director duties can be handled by the Director.	($144,753) -8.00	R	($167,704) -8.00	R
74 **Education Director Position at Eastern** This item eliminates funding for the Education Director position which will be vacant July 1, 1999. The DOC adult education program at Eastern has been reduced over time and replaced by community college programs. The DOC adult program at Eastern no longer requires an on-site Education Director.	($67,322) -1.00	R	($67,322) -1.00	R

	FY 99-2000		FY 2000-01	
75 **Abolish Parole / Post Release Hearing Officers** Eliminate five parole revocation hearing officer positions due to the continued decrease in workload resulting from Structured Sentencing. The Department intends to use contractual employees to hold hearings around the state. Travel expenses are reduced to reflect this change.	($291,540) -5.00	R	($291,540) -5.00	R
76 **Reduce Leased Space Funds** Reduce funds for leased space by consolidating offices and implementing a pilot Home as Duty Station program within the Division of Community Corrections.	($343,220)	R	($343,220)	R
77 **Consolidate Female IMPACT with Male IMPACT Program** The female IMPACT Program has had difficulty maintaining a high utilization rate since its inception. The annual capacity of the program will be reduced from 260 to 80 and its operation will be consolidated with the program for males at Morganton, allowing a reduction in positions and funding.	($940,783) -25.00	R	($940,783) -25.00	R
78 **Additional Reduction in IMPACT Female** The IMPACT program for females in Hoffman is being consolidated with the program for men in Morganton, eliminating 25 positions. This left 12 positions budgeted for the female program in Hoffman. With this item, eight of those positions are eliminated due to the consolidation. This leaves 4 positions at Hoffman to continue food service operation for the program for men; a Food Service Manager I, two Correctional Food Service Supervisor I positions and a Maintenance Mechanic IV.	($400,832) -8.00	R	($400,832) -8.00	R
79 **Reduce Parole Commissioners from 5 to 3** Due to the declining number of paroles since the passage of Structured Sentencing, the number of Post Release Supervision and Parole Commissioners is reduced from 5 to 3. The terms of all current Commissioners will expire June 30th and 3 appointments will be made effective July 1, 1999.	($176,472) -2.00	R	($176,472) -2.00	R
80 **Abolish Two Positions in Parole Commission** Two positions from the Post Release Supervision and Parole Commission, a Victims Services Coordinator and a Public Information Officer, have been transferred to the Office of Citizen Services but were continued in the Parole Commission budget in 1998-99. This item eliminates funding for these positions because alternative funding will be provided by the Office of Citizen Services.	($92,033) -2.00	R	($92,033) -2.00	R

	FY 99-2000		FY 2000-01	
81 Additional Reductions in Parole Commission The Post-Release Supervision and Parole Commission budget is reduced by 5% to reflect decreasing workload. The positions eliminated are an Office Assistant V and an Office Assistant IV. This item also reduces operating expenses by $60,944.	($101,000) -2.00	R	($101,000) -2.00	R
82 Eliminate Vacant Positions The Governor recommended elimination of 9 positions that had been vacant for one year or longer. One position was in the Division of Community Corrections and the rest were in the Division of Prisons.	($323,563) -9.00	R	($323,563) -9.00	R
83 Reduce Inmate Costs at Closed Facilities These funds are the inmate budget component (food,clothing, medical) for prisons recommmended for closing. Also includes adjustment for moving up closing dates of Stanly and Yadkin Correctional Centers.	($1,078,020)	R	($1,265,694)	R
84 Close Stanly and Yadkin Units Early It is recommended that the DOC close Stanly July 1, 1999 instead of the original proposed date of October 1, 1999 so that employees at Stanly can be used to staff the new Albemarle prison. The budget reduction is the additional amount generated between July 1, 1999 and October 1, 1999. It is also recommended that the Yadkin Unit close early -- September 1, 1999 rather than the original proposed date of November 1, 1999. This will avoid expenditures for major repairs or replacement of the water and sewer system.	($541,305)	NR		
85 Reduce Automobile Replacement Funds The Subcommittee reduced the budget for automobile replacement by identifying vehicles that would not meet the replacement mileage cap (100,000 miles) until FY 2000-01.	($360,197)	NR		
86 Reduce Medical Contractual Personnel Funds The DOC continuation budget for medical contractual personnel for 1999-2000 and 2000-01 is $8,500,000, roughly the same amount expended in 1997-98 and estimated in 98-99. However, the General Assembly funded new medical positions at NCCIW that were originally funded from the contractual budget. It is recommended that the contractual services funds be reduced by the amount that was replaced by a portion of the new positions.	($475,000)	R	($475,000)	R
87 Eliminate Funding for New Trainers The Governor's Continuation Budget recommends 10 new Correctional Training Instructors for the Division of Community Correction. This item eliminates funding for these positions.	($415,575) ($84,410) -10.00	R NR	($498,650) -10.00	R

	FY 99-2000		FY 2000-01	
88 Eliminate Funds for New Administrative Assistants The Governor's Continuation Budget recommends 13 new Administrative Assistants in the Division of Community Corrections for the Managers in the largest Judicial Districts. This item eliminates these positions.	($472,588) ($105,820) -13.00	R NR	($567,060) -13.00	R
89 Reduce Funds for New Probation / Parole Officers The Governor's Continuation Budget recommends $5.6 Million for 110 new Intermediate Officers (PPO II). Instead of establishing new positions, $775,727 will be provided in 1999-2000 and $935,112 in 1999-2000 to the Department of Correction to speed-up reallocation of 161 positions from PPO I (Community) to PPO II (Intermediate). These funds will allow a total of 10% raises for all 514 of the PPO II positions that have been created by reallocation. With these reallocations, caseload averages by 2000-01 will be: 28:2 for Intensive, 65:1 for Intermediate and 106:1 for Community. Reallocations will be phased in between September 1999 and January 2000.	($3,905,306) ($921,690) -110.00	R NR	($4,447,586) -110.00	R
90 Eliminate Funding for New Supervisors and Clerks The Governor's Recommended Continuation Budget includes 11 new Chief PPO's and 11 Office Assistants, based on the addition of 110 Intermediate Officers. Because Intermediate Officers will be created through reclassifications of existing Officers, these positions are not needed.	($796,913) ($288,706) -22.00	R NR	($956,219) -22.00	R
91 Remove Inflationary Increase for CJPP The Governor's Recommended Continuation Budget includes a 2.5% increase in Implementation Grants for the counties participating in the Criminal Justice Partnership Program. This item removes funding for this inflationary increase.	($240,000)	R	($240,000)	R
92 Reduce Funds for Non- Participating Counties-CJPP The Governor's Continuation Budget includes an increase of $4.5 Million to fully fund Implementation Grants for 100 counties for the Criminal Justice Partnership Program. Funding is eliminated for the 10 counties not expected to participate during 1999-2000.	($705,704)	NR		
93 One-Time Reduction in Prison Enterprises This one-time reduction will not affect committed Enterprise projects or planned equipment spending.	($400,000)	NR		

	FY 99-2000		FY 2000-01	
94 Reduce DART Cherry Aftercare Funds The Continuation Budget includes $319,715 in contractual service funds which are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry who are not eligible for existing community programs. Funds for this project are reduced to $269,715 for 1999-2000.	($50,000)	NR		
95 Inmate Road Squad Receipts Increase receipts from Highway Fund for operating inmate road squads from $6.5 million to $7 million to reflect actual cost and to implement directive in 1998-99 Budget Bill to adjust the continuation budget to reflect actual cost of operating road squads. This transfer allows a reduction of $500,000 in the General Fund.	($500,000)	R	($500,000)	R
96 Alien Assistance Receipts North Carolina receives federal funds to partially fund the cost of housing illegal aliens who are inmates in the prison system. Receipts are anticipated to increase, allowing for a reduction in the General Fund.	($1,100,000)	NR		
97 Inmate Co-Pay Receipts -- Reduce General Fund The General Assembly authorized inmate co-pay for visits to prison infirmaries in 1997. Inmates pay $3.00 for routine visits to infirmary and $5.00 for emergencies if they have funds available in their accounts. This reduction budgets the receipts and reduces the General Fund.	($300,000)	R	($300,000)	R
98 Inmate Canteen Fund This reduction is a one-time reduction in the estimated cash balance of the Inmate Welfare Fund. This reduction does not affect planned inmate projects or expenses to operate the Fund and inmate services.	($750,000)	NR		
99 Eliminate Vacant Medical Positions The General Assembly authorized 50 new medical positions and 50 reallocations for a total of 100 new medical positions at Central and Women's Prison. This recommendation is to reduce 12 vacant positions at Central. These positions -- 8 lead nurses, 3 Nurse Supervisors and 1 staff nurse -- were established in June 1998 and have not been filled despite continuous reposting. 38 of 50 positions at Central will remain, including 25 nurses.	($540,000) -12.00	R	($540,000) -12.00	R
100 Reduce Office Furniture Budget Reduce funds in the Division of Community Correction's operating budget for office furniture.	($118,336)	R	($118,336)	R

	FY 99-2000		FY 2000-01	
101 **Continue Boot Camp Aftercare Program** Provide funds to continue the IMPACT aftercare program in Forsyth, Mecklenburg, New Hanover, Nash/Edgecombe and Buncombe Counties.	$440,000	R	$440,000	R
102 **Women at Risk Program** Funding is increased from $125,000 to $200,000 to reflect growth in the program in Buncombe County and expansion to Burke, Caldwell and Catawba Counties.	$75,000	R	$75,000	R
103 **Harriet's House** Funds to provide additional support in 1999-2000 to the programs at Harriet's House, a transitional home for female ex-offenders and their children. Harriet's House receives $200,000 in the Continuation Budget.	$75,000	NR		
104 **Continue Victims Assistance Pilot and DOC Program** Continues pilot program to provide assistance to victims through the Division of Community Correction. The program, in Craven and Wake Counties, includes 1 Victims Assistant in each location and a clerical position in Craven. Also provides one-time funds to reprogram OPUS system for tracking victims information statewide for the DOC.	$119,915 $75,000 3.00	R NR	$119,915 3.00	R
105 **Equipment/Furniture Funds for Parole Commission** One-time funding to replace outdated equipment and furniture for the Post Release Supervision and Parole Commission.	$50,000	NR		
106 **Funds for Inmate Education Programs** Funding to allow the DOC to contract with small community colleges to provide education and training for inmates. The DOC will consult with the Community College System to identify small colleges that otherwise could not afford to provide services.	$50,000	R	$50,000	R
107 **Additional Discretionary Funding for CJPP** Counties participating in the Criminal Justice Partnership Program can apply for discretionary grants, decided by the Secretary of DOC based on recommendations of the CJPP Board. These grants are funded from unspent CJPP funds from prior years and were very limited in 1998-99. This item increases the amount available for discretionary grants in 1999-2000.	$200,000	NR		

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
Total Legislative Changes	**($25,968,398)**	R	**($31,666,625)**	R
	($4,907,832)	NR		
Total Position Changes	-862.00		-862.00	
Revised Budget	**$891,143,846**		**$889,765,169**	

Crime Control and Public Safety

	GENERAL FUND			
	FY 99-2000		FY 2000-01	
Recommended Budget	$35,723,850		$35,899,900	
Legislative Changes				
108 **Abolish One Position in Victim & Justice Services** This reduction eliminates a vacant clerical position, effective July 1, 1999.	($25,642) -1.00	R	($25,642) -1.00	R
109 **Transfer Crime Prevention Division** Eliminate funding for three positions in the Division of Crime Prevention including the Director and two Community Development Specialist II's. The remaining four positions are transferred to the Governor's Crime Commission.	($167,059) -3.00	R	($167,059) -3.00	R
110 **Transfer Funding of 3 Positions to Highway Fund** Transfer funding of three positions in the Department who specifically support the operations of the State Highway Patrol. These positions include an Assistant Secretary, Accountant III, and Accouting Clerk IV.	($209,575) -3.00	R	($209,575) -3.00	R
111 **Reduce Operating Funds in Department** Reduce funds for workers' compensations payments department-wide ($75,000) and aid to governmental units in the Division of Emergency Management ($75,000).	($150,000)	R	($150,000)	R
112 **Tarheel Challenge Program** Provide state matching funds for the Tarheel Challenge Program which operates on a 70% federal to 30% state basis. This 22-week residential program in Sampson County works with high school dropouts and expellees from throughout North Carolina.	$710,000	R	$710,000	R
113 **Boxing Commission Funds** Provide funds for personnel and operating expenses required to continue the operation of the Boxing Commission. These funds will be used to cover salaries and benefits, contractual services, travel, and other operating expenses. These funds will allow the program to operate at its 1997-98 level.	$110,220 3.00	R	$110,220 3.00	R

Senate Subcommittee on Justice and Public Safety	FY 99-2000		FY 2000-01	
114 **National Guard Tuition Assistance Program** Provide funds to increase the amount and number of educational benefits for members of the National Guard.	$100,000	R	$100,000	R
115 **Funds for School Metal Detectors** Provide funds to purchase metal detectors for public schools throughout North Carolina.	$350,000	NR		
116 **Victims Assistance Funds** Provide funds to expand the services provided by the North Carolina Victims Assistance Network.	$350,000	NR		
Total Legislative Changes	**$367,944**	R	**$367,944**	R
	$700,000	NR		
Total Position Changes	-4.00		-4.00	
Revised Budget	**$36,791,794**		**$36,267,844**	

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

JUNE 15, 1999

DRAFT SPECIAL PROVISIONS

JUDICIAL

99AOC-H17

Requested by: Senator Jordan

TRANSFER OF EQUIPMENT AND SUPPLY FUNDS

Section 17. Funds appropriated to the Judicial Department in the 1999-2001 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 shall 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.

99AOC-H17.1

Requested by: Senator Jordan

N.C. STATE BAR FUNDS

Section 17.1.(a) Of the funds appropriated in the continuation budget as a grant-in-aid to the North Carolina State Bar for the 1999-2001 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 1999-2000 fiscal year and up to the sum of two hundred fifty thousand dollars ($250,000) for the 2000-2001 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

Section 17.1.(b) Of the recurring funds appropriated in the expansion budget as a grant-in-aid to the North Carolina State Bar for the 1999-2001 fiscal biennium, the North Carolina State Bar may in its discretion use up to the sum of three hundred forty thousand dollars ($340,000) for the 1999-2000 fiscal year and up to the sum of three hundred forty thousand dollars ($340,000) for the 2000-2001 fiscal year to contract with the Center for Death Penalty Litigation to provide training, consultation, brief banking, and other assistance to attorneys representing indigent capital defendants.

99AOC-H17.1A

Requested by: Senators Jordan, Carter, Metcalf

PISGAH LEGAL SERVICES FUNDS

Section 17.1A. Notwithstanding the provisions of G.S. 7A-474.4, the North Carolina State Bar shall allocate to Pisgah Legal Services that share of State funds that would otherwise have been provided through Legal Services of North Carolina, Inc., to Appalachian Legal Services to serve eligible clients in Buncombe, Henderson, Madison, Polk, Rutherford, and Transylvania Counties.

99AOC-H17.2

Requested by: Senator Jordan

INDIGENT PERSONS' ATTORNEY FEE FUND

Section 17.2.(a) Effective July 1, 1999, the Administrative Office of the Courts shall each year of the 1999-2001 biennium reserve funds for adult, juvenile, and guardian ad litem cases from the Indigent Persons' Attorney Fee Fund. These funds shall be allotted to each judicial district in which the superior and district courts 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 1998-99 and 1999-2000, respectively. The remaining available funds in the Indigent Persons' Attorney Fee Fund shall be budgeted for capital cases and for transcripts, professional examinations, expert witness fees, and other supporting services.

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.

Section 17.2.(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.

Section 17.2.(c) If funds allocated in subsections (a) and (b) 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 available funds from the Public Defender program.

Section 17.2.(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

1 Indigent Persons' Attorney Fee Fund for the county or district from which the funds
2 are transferred for the fiscal year.

99AOC-H17.3

Requested by: Senator Jordan

REPORT ON COMMUNITY MEDIATION CENTERS

Section 17.3.(a) All community mediation 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 appropriated to the center;
(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.

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is

intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of the Courts for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds.

99AOC-H17.4

Requested by: Senators Jordan, Rand, Plyler, Purcell

AUTHORIZE ADDITIONAL MAGISTRATES

Section 17.4. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	~~2~~ 3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	3	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	4	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	6	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	

1	Wayne	5	12	Mount Olive
2	Greene	2	4	
3	Lenoir	4	10	La Grange
4	Granville	3	7	
5	Vance	3	6	
6	Warren	3	4	
7	Franklin	3	7	
8	Person	3	4	
9	Caswell	2	5	
10	Wake	12	20	Apex,
11				Wendell,
12				Fuquay-
13				Varina,
14				Wake Forest
15	Harnett	7	11	Dunn
16	Johnston	10	12	Benson,
17				Clayton,
18				Selma
19	Lee	4	6	
20	Cumberland	10	~~18~~ 19	
21	Bladen	4	6	
22	Brunswick	4	8	
23	Columbus	6	9	Tabor City
24	Durham	8	13	
25	Alamance	7	10	Burlington
26	Orange	4	11	Chapel Hill
27	Chatham	3	8	Siler City
28	Scotland	3	5	
29	Hoke	4	5	
30	Robeson	8	16	Fairmont,
31				Maxton,
32				Pembroke,
33				Red Springs,
34				Rowland,
35				St. Pauls
36	Rockingham	4	9	Reidsville,
37				Eden,
38				Madison
39	Stokes	2	5	
40	Surry	5	9	Mt. Airy
41	Guilford	20	26	High Point
42	Cabarrus	5	9	Kannapolis
43	Montgomery	2	4	
44	Randolph	5	10	Liberty

1	Rowan	5	10	
2	Stanly	5	6	
3	Union	4	~~6~~ 7	
4	Anson	4	5	
5	Richmond	5	6	Hamlet
6	Moore	5	8	Southern
7				Pines
8	Forsyth	3	15	Kernersville
9	Alexander	2	3	
10	Davidson	7	10	Thomasville
11	Davie	2	3	
12	Iredèll	4	9	Mooresville
13	Alleghany	1	2	
14	Ashe	3	4	
15	Wilkes	4	6	
16	Yadkin	3	5	
17	Avery	3	5	
18	Madison	4	5	
19	Mitchell	3	4	
20	Watauga	4	6	
21	Yancey	2	4	
22	Burke	4	7	
23	Caldwell	4	7	
24	Catawba	6	10	Hickory
25	Mecklenburg	15	27	
26	Gaston	11	22	
27	Cleveland	5	8	
28	Lincoln	4	7	
29	Buncombe	6	15	
30	Henderson	4	7	
31	McDowell	3	5	
32	Polk	3	4	
33	Rutherford	6	8	
34	Transylvania	2	4	
35	Cherokee	3	4	
36	Clay	1	2	
37	Graham	2	3	
38	Haywood	5	7	Canton
39	Jackson	3	4	
40	Macon	3	4	
41	Swain	2	3."	

99AOC-H17.5

Requested by: Senator Jordan

ASSISTANT PUBLIC DEFENDERS

Section 17.5. From funds appropriated to the Indigent Persons' Attorney Fee Fund for the 1999-2001 biennium, the Administrative Office of the Courts may use up to one hundred sixty-one thousand four hundred forty-eight dollars ($161,448) for the 1999-2000 fiscal year and up to two hundred eighty-four thousand eight hundred forty dollars ($284,840) for salaries, benefits, equipment, and related expenses to establish up to four new assistant public defender positions.

99AOC-H17.6-D-P

Requested by: Senators Jordan, Martin of Guilford, Hagan, Odom, Dannelly, Clodfelter, Soles

ADDITIONAL DISTRICT COURT JUDGES

Section 17.6.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	~~3~~ 4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	7	Sampson
		Duplin
		Jones
		Onslow
5	~~6~~ 7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir

	9	4	Granville
			(part of Vance
			see subsection (b))
			Franklin
	9A	2	Person
			Caswell
	9B	1	Warren
			(part of Vance
			see subsection (b))
	10	13	Wake
	11	7	Harnett
			Johnston
			Lee
	12	9	Cumberland
	13	~~5~~ 6	Bladen
			Brunswick
			Columbus
	14	6	Durham
	15A	~~3~~ 4	Alamance
	15B	4	Orange
			Chatham
	16A	3	Scotland
			Hoke
	16B	5	Robeson
	17A	2	Rockingham
	17B	3	Stokes
			Surry
	18	~~11~~ 12	Guilford
	19A	~~3~~ 4	Cabarrus
	19B	6	Montgomery
			Moore
			Randolph
	19C	4	Rowan
	20	7	Stanly
			Union
			Anson
			Richmond
	21	8	Forsyth
	22	8	Alexander
			Davidson
			Davie
			Iredell
	23	4	Alleghany
			Ashe

		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	8	Burke
		Caldwell
		Catawba
26	~~15~~ 16	Mecklenburg
27A	~~5~~ 6	Gaston
27B	4	Cleveland
		Lincoln
28	5	Buncombe
29	6	Henderson
		McDowell
		Polk
		Rutherford
		Transylvania
30	~~4~~ 5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

Section 17.6.(b) Notwithstanding the provisions of G.S. 7A-142, the Governor shall appoint additional district court judges for District Court Districts 2, 5, 13, 15A, 18, 19A, 26, 27A, and 30 as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2002 election for four-year terms commencing on the first Monday in December 2002.

Section 17.6.(c) Subsection (a) of this section becomes effective January 1, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective January 1, 2000, 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.

99AOC-H17.7

Requested by: Senator Jordan

BAD CHECK PROGRAM

Section 17.7.(a) Subsection (e) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, reads as rewritten:

"(e) This section becomes effective October 1, ~~1997, and expires June 30, 1999.~~ 1997."

Section 17.7.(b) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212, reads as rewritten:

"(d) This act applies only to Brunswick, Bladen, Columbus, Durham, New Hanover, Pender, Rockingham, and Wake Counties."

Section 17.7.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the bad check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, New Hanover, and Pender Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases.

Section 17.7.(d) Subsection (a) of this section becomes effective June 30, 1999.

99AOC-H17.8-D-P

Requested by: Senators Jordan, Plyler, Purcell, Odom, Clodfelter, Dannelly, Rand, Soles, Reeves, Miller

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Section 17.8.(a) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	~~13~~ 14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville, Vance, Warren	10
9A	Person, Caswell	4
10	Wake	~~28~~ 30
11	Harnett, Johnston, Lee	14
12	Cumberland	~~17~~ 18
13	Bladen, Brunswick, Columbus	~~9~~ 10
14	Durham	13
15A	Alamance	~~7~~ 8
15B	Orange, Chatham	7
16A	Scotland, Hoke	5
16B	Robeson	9
17A	Rockingham	5
17B	Stokes, Surry	5
18	Guilford	26
19A	Cabarrus	~~5~~ 6

19B	Montgomery, Moore, Randolph	11
19C	Rowan	5
20	Anson, Richmond, Stanly, Union	~~14~~ 15
21	Forsyth	17
22	Alexander, Davidson, Davie, Iredell	16
23	Alleghany, Ashe, Wilkes, Yadkin	5
24	Avery, Madison, Mitchell, Watauga, Yancey	4
25	Burke, Caldwell, Catawba	14
26	Mecklenburg	~~32~~ 33
27A	Gaston	12
27B	Cleveland, Lincoln	8
28	Buncombe	10
29	Henderson, McDowell, Polk, Rutherford, Transylvania	11
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	8

Section 17.8.(b) This section becomes effective January 1, 2000.

99AOC-H17.9-D

Requested by: Senator Jordan

INVESTIGATORIAL ASSISTANTS

Section 17.9. G.S. 7A-69 reads as rewritten:

"**§ 7A-69. Investigatorial assistants.**

The district attorney in prosecutorial districts 1, 3B, 4, 5, ~~6B,~~ 7, 8, ~~10,~~ 11, 12, 13, 14, 15A, 15B, 18, 19B, 20, 21, 22, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one investigatorial ~~assistant~~ assistant, and the district attorney in prosecutorial district 10 is entitled to two investigatorial assistants, to be appointed by the district attorney and to serve at his pleasure.

It shall be the duty of the investigatorial assistant to investigate cases preparatory to trial and to perform such other Duties as may be assigned by the district attorney. The investigatorial assistant is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

99AOC-H17.10

Requested by: Senators Jordan, Ballance

DISTRICT COURT VACANCIES IN DISTRICTS 9 AND 9B

Section 17.10. G.S. 7A-142 reads as rewritten:

"**§ 7A-142. Vacancies in office.**

A vacancy in the office of district judge shall be filled for the unexpired term by appointment of the Governor from nominations submitted by the bar of the judicial district as defined in ~~G.S. 84-19.~~ G.S. 84-19, except that in judicial District 9, when vacancies occur in District Court District 9 or 9B, only those members who reside in the district court district shall participate in the selection of the nominees. If the district court district is comprised of counties in more than one judicial district, the nominees shall be submitted jointly by the bars of those judicial districts, but only those members who reside in the district court district shall participate in the selection of the nominees. If the district court judge was elected as the nominee of a political party, then the district bar shall submit to the Governor the names of three persons who are residents of the district court district who are duly authorized to practice law in the district and who are members of the same political party as the vacating judge; provided that if there are not three persons who are available, the bar shall submit the names of two persons who meet the qualifications of this sentence. Within 60 days after the district bar submits nominations for a vacancy, the Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar nominee within 60 days, then the district bar nominee who received the highest number of votes from the district bar shall fill the vacancy. If the district bar fails to submit nominations within 30 days from the date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for nominations."

99AOC-H17.11

Requested by: Senator Jordan

EXTEND INDIGENT FUND STUDY COMMISSION/STUDY PUBLIC DEFENDER PROGRAMS

Section 17.11. Subsection (b) of Section 16.5 of S.L. 1998-212 reads as rewritten:

"(b) The Commission shall study methods for improving the management and accountability of funds being expended to provide counsel to indigent defendants without compromising the quality of legal representation mandated by State and federal law. In conducting its study, the Commission shall:

(1) Evaluate the current procedures for determining the indigency of defendants and recommend any possible improvements in those procedures;

(2) Determine whether sufficient information is available when evaluating compensation requests from assigned private counsel and expert witnesses;

(3) Assess the effectiveness of the current management structure for the Indigent Persons' Attorney Fee Fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds being expended;

(4) Evaluate whether establishing an Indigent Defense Council to oversee the State's expenditure of funds on a district, regional, or Statewide basis would make the functioning of the Indigent Persons' Attorney Fee Fund more efficient and economical;

(5) Evaluate the effectiveness of existing methods of providing legal representation to indigent defendants, including the use of public defenders, appointed counsel, and contract lawyers;

(6) Review methods used by other states to provide legal representation to indigent defendants;

(7) Assess the potential effectiveness of distributing funds in other ways, including the hiring of contract attorneys on a retainer basis and the expansion of public defender programs; ~~and~~

(8) Outline additional suggestions that would improve the provision of legal representation to indigent ~~defendants.~~ defendants; and

(9) Evaluate the report on the efficiency and cost-effectiveness of the public defender program provided to the Commission pursuant to Section 16.1 of S.L. 1998-212, and recommend any improvements to public defender programs or the expansion of public defender programs to additional districts, based upon the content of that report.

The Administrative Office of the Courts shall assign professional and clerical staff to assist in the work of the Commission. The Commission shall report its findings and recommendations to the Chairs of the Senate and House Appropriations

Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety no later than ~~May 1, 1999.~~ May 1, 2000. The report shall include a cost analysis demonstrating the additional personnel and equipment necessary to implement the Commission's recommendations. The report shall also include any legislation necessary to implement the Commission's recommendations."

99AOC-H17.12

Requested by: Senator Jordan

ADD SPECIAL SUPERIOR COURT JUDGES/ADD SUPERIOR COURT JUDGE IN DISTRICT 22

Section 17.12.(a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a4) Effective October 1, 1999, the Governor may appoint four special superior court judges to serve terms expiring five years from the date that each judge takes office. Successors to the special superior court judges appointed pursuant to this subsection shall be appointed to five-year terms. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

Section 17.12.(b) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson,	1

		part of Edgecombe, see subsection (b))	
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11A	Harnett, Lee	1
	11B	Johnston	1
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford,	1

		see subsection (b))	
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Moore, Randolph	2
	19C	Rowan	1
	20A	Anson, Richmond	1
	20B	Stanly, Union	2
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	~~2~~ 3
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	2
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	2
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
	30A	Cherokee, Clay, Graham, Macon,	1

	Swain	
30B	Haywood, Jackson	1".

Section 17.12.(c) The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 22 as authorized by subsection (b) of this section. The successor to that judge shall be elected in the 2000 general election to serve the remainder of the unexpired term expiring December 31, 2002, in order to provide for unstaggered terms for multiple judgeships in the same district.

Section 17.12.(d) This section becomes effective October 1, 1999.

99AOC-H17.13

Requested by: Senator Jordan

CAPITAL CASE PROGRAM

Section 17.13.(a) The Administrative Office of the Courts shall establish a capital case program to be incorporated into the Office of the Appellate Defender to provide assistance to districts experiencing difficulty in locating qualified private counsel to handle capital cases.

Section 17.13.(b) The Administrative Office of the Courts may use up to the sum of three hundred fifty-eight thousand one hundred three dollars ($358,103) from the Indigent Persons' Attorney Fee Fund for the 1999-2000 fiscal year and the sum of three hundred ninety-six thousand eight hundred forty-five dollars ($396,845) for the 2000-2001 fiscal year for salaries, benefits, and related expenses to establish three assistant public defender positions and one investigator to work specifically on capital cases.

Section 17.13.(c) The Administrative Office of the Courts shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by March 1 of each year on the effectiveness of the program, including information on which districts have received assistance, the average cost per defendant served, and an estimate of the savings to be realized in using this program rather than privately assigned counsel.

99AOC-H17.14

Requested by: Senator Jordan

DRUG TREATMENT COURT FUNDS SHALL NOT REVERT

Section 17.14.(a) Funds appropriated to the Judicial Department for the 1998-99 fiscal year for drug treatment courts shall not revert at the end of the fiscal year but shall remain available to the Department during the 1999-2000 fiscal year to be used for that purpose.

Section 17.14.(b) This section becomes effective June 30, 1999.

99AOC-H17.15

Requested by: Senator Jordan

COURT INFORMATION TECHNOLOGY FUND

Section 17.15.(a) G.S. 7A-343 reads as rewritten:

"**§ 7A-343. Duties of Director.**

The Director is the Administrative Officer of the Courts, and his duties include the following:

(1) Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts;

(2) Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice;

(3) Prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of superior court;

(4) Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the Judicial Department, and authorize expenditures from funds appropriated for these purposes;

(5) Investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the General Court of Justice;

(6) Procure, distribute, exchange, transfer, and assign such equipment, books, forms and supplies as are to be acquired with State funds for the General Court of Justice;

(7) Make recommendations for the improvement of the operations of the Judicial Department;

(8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy to each member of the General Assembly;

(9) Assist the Chief Justice in performing his duties relating to the transfer of district court judges for temporary or specialized duty; ~~and~~

(9a) Establish and operate systems and services that provide electronic transaction processing and access to court information systems pursuant to G.S. 7A-343.2; and

(10) Perform such additional duties and exercise such additional powers as may be prescribed by statute or assigned by the Chief Justice."

Section 17.15.(b) Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology needs. The Director shall report by March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding calendar year."

Section 17.15.(c) G.S. 7A-109(d) reads as rewritten:

"(d) In order to facilitate public access to court records, except where public access is prohibited by law, the Director may enter into one or more nonexclusive contracts under reasonable cost recovery terms with third parties to provide remote electronic access to the records by the public. Costs recovered pursuant to this subsection shall be remitted to the State Treasurer to be held in the Court Information Technology Fund established in G.S. 7A-343.2."

99AOC-H17.16

Requested by: Senator Jordan

EDUCATIONAL PROGRAM FOR PARENTS WHO ARE PARTIES TO A CUSTODY OR VISITATION ACTION

Section 17.16.(a) The Administrative Office of the Courts shall establish a program to educate and sensitize separated or divorcing couples with children about the needs of their children during and after the separation and divorce process. The program shall be administered as part of the family court pilot program established by Section 25 of S.L. 1998-202. Program development shall include the following:

(1) An educational course that parties to a custody or visitation action may attend voluntarily or if ordered by the court. The course should be designed to inform attendees of the impact of their separation, custody, or visitation action on:
   a. The children,
   b. The parents' relationship with one another,
   c. The family's relationship, and
   d. The couple's financial responsibilities for the children;

   The course should provide information to attendees on resources available in the community to help them address these issues;

(2) An administrative plan for the implementation of the program in all judicial districts with a family court pilot program; the administrative plan shall include:
   a. Provisions to ensure the program will be financially self-sustaining in each district,
   b. Estimates of reasonable fees that attendees would be charged, and a method for waiving such fees in cases of severe financial hardship,
   c. Methods for evaluating the courses to ensure effectiveness, and for certifying attendance,
   d. How the program will be implemented at the local level, and
   e. Other administrative matters identified by the Administrative Office of the Courts as necessary for effective and efficient program implementation;

(3) Identification of course providers with whom the Administrative Office of the Courts would contract to make courses available at reasonable times and for reasonable fees, and to ensure that courses will be available with sufficient regularity to meet the needs of the judicial district in which the program is offered; and

(4) Other matters considered by the Administrative Office of the Courts to be important program components.

The Administrative Office of the Courts shall ensure that the program is operational in all judicial districts with a family court pilot program established pursuant to Section 25 of S.L. 1998-202 no later than January 1, 2000.

Section 17.16.(b) The Administrative Office of the Courts shall ensure involvement and input into the development of the program by persons who have experience in assisting families through and after the divorcing process.

Section 17.16.(c) The court shall order participation in this educational course if it finds that significant parental conflict has adversely affected the children and that the children's best interests would be served by the party or parties' participation in the course.

Section 17.16.(d) The Administrative Office of the Courts shall report to the General Assembly not later than March 1, 2001, on the program developed pursuant to this section. The Administrative Office of the Courts shall make an interim report on the program developed pursuant to this section to the General Assembly as part of its report on the family court pilot program established by Section 25 of S.L. 1998-202. These reports shall include the following:

(1) Progress made on the implementation of the targeted pilot districts and recommendations for the expansion of the program to other districts;

(2) The amount of State funds that will be necessary for the Administrative Office of the Courts to supervise and oversee program operation;

(3) Legislation that may be needed to facilitate program implementation and operation; and

(4) Other recommendations the Administrative Office of the Courts considers appropriate.

CODE NO. 99AOC-S001-P

Requested by: Senators Jordan, Odom

CRIMINAL CASE ASSISTANCE/LOCAL FUNDS FOR COURT SERVICES

Section 17.17.(a) G.S. 7A-64 reads as rewritten:

"**§ 7A-64. ~~Temporary assistance~~ Assistance when dockets ~~over-crowded.~~ over-crowded and when otherwise warranted by the public interest.**

When criminal cases accumulate on the dockets of the superior or district courts of a district beyond the capacity of the district attorney and his full-time assistants to keep the dockets reasonably current, or when the public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving imminent threats to public safety, the Administrative Officer of the Courts may, on request of the district attorney, supported by facts indicating the need for assistance:

(1) Temporarily assign an assistant district attorney from another district, after consultation with the district attorney thereof, to assist in the prosecution of cases in the requesting district; ~~or~~

(2) Authorize the temporary appointment, by the requesting district attorney, of a qualified attorney to assist the requesting district ~~attorney.~~ attorney; or

(3) Enter into contracts with local governments for the provision of services by the State pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

The length of service and compensation of such temporary appointee or the terms of such a contract shall be fixed by the Administrative Officer of the Courts in each case."

Section 17.17.(b) Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-212.1. Resources to protect the public.**

A county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving imminent threats to public safety."

Section 17.17.(c) Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-289.1. Resources to protect the public.**

A city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving imminent threats to public safety."

CODE NO. 99AOC-S006-P

Requested by: Senator Jordan

BUSINESS COURT

Section 17.18.(a) The Administrative Office of the Courts shall ensure that the North Carolina Business Court is available to hold court sessions in judicial districts throughout the State when to do so would be more convenient to the parties to actions before the court.

Section 17.18.(b) The Administrative Office of the Courts shall report to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by April 1 of each year on the activities of the North Carolina Business Court, including the number of cases heard by the court and the number of court sessions held outside of Superior Court District 18.

CODE NO. 99AOC-S002A-P

Requested by: Senators Jordan, Lee

DIVIDE SUPERIOR COURT DISTRICT 19B INTO A SET OF DISTRICTS

Section 17.19.(a) G.S. 7A-41(a), as amended by Section 17.12 of this act, reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2

	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11A	Harnett, Lee	1
	11B	Johnston	1
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	~~19B~~ 19B1	(part of Montgomery, part of Moore, part of Randolph	~~2~~ 1

		see subsection (b))	
	19B2	(part of Montgomery,	1
		part of Moore,	
		part of Randolph	
		see subsection (b))	
	19C	Rowan	1
	20A	Anson,	1
		Richmond	
	20B	Stanly, Union	2
	21A	(part of Forsyth,	1
		see subsection (b))	
	21B	(part of Forsyth,	1
		see subsection (b))	
	21C	(part of Forsyth,	1
		see subsection (b))	
	21D	(part of Forsyth,	1
		see subsection (b))	
	22	Alexander, Davidson,	3
		Davie, Iredell	
	23	Alleghany, Ashe,	1
		Wilkes, Yadkin	
Fourth	24	Avery, Madison,	1
		Mitchell,	
		Watauga, Yancey	
	25A	Burke, Caldwell	2
	25B	Catawba	2
	26A	(part of Mecklenburg,	2
		see subsection (b))	
	26B	(part of Mecklenburg,	2
		see subsection (b))	
	26C	(part of Mecklenburg,	2
		see subsection (b))	
	27A	Gaston	2
	27B	Cleveland, Lincoln	2
	28	Buncombe	2
	29	Henderson,	2
		McDowell, Polk,	
		Rutherford,	
		Transylvania	
	30A	Cherokee, Clay,	1
		Graham, Macon,	
		Swain	
	30B	Haywood, Jackson	1"

Section 17.19.(b) G.S. 7A-41(b) is amended by adding two new subdivisions to read:

"(23) Superior Court District 19B1 consists of all of Montgomery County except for Star Precinct, the following precincts of Moore County: #8 West End, #9 Eastwood, #11 Vass, #12 Little River, #14 Taylortown, #17 South Southern Pines, #19 North Southern Pines; #20 West Aberdeen, #21 East Aberdeen, #22 Pinedene, #23 Pinebluff, and the remainder of Randolph County not in Superior Court District 19B2. It has one judge.

(24) Superior Court District 19B2 consists of Star Precinct in Montgomery County, the remainder of Moore County not in Superior Court District 19B1, and the following precincts of Randolph County: Archdale I, Archdale II, Archdale III, Brower, Coleridge, Franklinville, Grant, Level Cross, Liberty, New Market North, New Market South, Pleasant Grove, Prospect, Providence, Ramseur, Richland, Staley, Trinity East, and Trinity West. It has one judge."

Section 17.19.(c) G.S. 7A-41(c) is amended by adding a new subdivision to read:

"(7) The names and boundaries of precincts in Montgomery, Moore, and Randolph Counties are those in existence on March 15, 1999."

Section 17.19.(d) Section 1(b) of Chapter 589 of the 1995 Session Laws is codified at the end of G.S. 7A-41(d)(39), and G.S. 7A-41(d)(39), as so modified reads as rewritten:

"(39) In the ~~nineteenth-B~~ nineteenth-B1 superior court district, Russell G. Walker, Jr., serves a term expiring December 31, 1990. No election shall be held in 1998 for the full term of the seat now occupied by Russell G. Walker, Jr., and the holder of that seat shall serve until a successor is elected in 2000 and qualifies. The succeeding term shall begin January 1, 2001. The superior court judgeship held on June 12, 1996, in Superior Court District 20A by a resident of Moore County (James M. Webb) is allocated to Superior Court District ~~19B.~~ 19B2. The term of that judge expires December 31, 2000. The judge's successor shall be elected in the 2000 general election."

Section 17.19.(e) This section becomes effective January 1, 2001, and applies to the 2000 election.

CODE NO. 99AOC-S003A-P

Requested by: Senator Jordan

DIVIDE SUPERIOR COURT DISTRICT 5 INTO A SET OF DISTRICTS

Section 17.20.(a) G.S. 7A-41(a), as amended by Section 17.12 and Section 17.19 of this act, reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	~~5~~ 5A	(part of New Hanover, part of Pender see subsection (b))	~~3~~ 1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover see subsection (b))	1
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson,	1

		part of Edgecombe, see subsection (b))	
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11A	Harnett, Lee	1
	11B	Johnston	1
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1

	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B1	part of Montgomery, part of Moore, part of Randolph	1
	19B2	part of Montgomery, part of Moore, part of Randolph (see subsection b)	1
	19C	Rowan	1
	20A	Anson, Richmond	1
	20B	Stanly, Union	2
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	3
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	2
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	2
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2

30A	Cherokee, Clay, Graham, Macon, Swain	1
30B	Haywood, Jackson	1"

Section 17.20.(b) G.S. 7A-41(b) is amended by adding three new subdivisions to read:

"(25) Superior Court District 5A consists of the New Hanover County precincts of Cape Fear #1, Cape Fear #2, Harnett #1, Harnett #4, Harnett #6, Wilmington #1, Wilmington #2, Wilmington #3, Wilmington #4, Wilmington #6, Wilmington #7, Wilmington #8, Wilmington #9, Wilmington #10, Wilmington #15, Wilmington #19, and the part of Harnett #7 that consists of the part of Block Group 6 of 1990 Census Tract 0116.02 containing Blocks 601B, 602B, 603, 611, 612, 613, 614, 615, 616, 617, 618, 619; and the Pender County precincts of Canetuck, Caswell, Columbia, Grady, Upper Holly, and Upper Union. It has one judge.

(26) Superior Court District 5B consists of the New Hanover County precincts of Cape Fear #3, Harnett #2, Harnett #5, the part of Harnett #7 that is not in Superior Court District 5A, Harnett #8, Wrightsville Beach, Wilmington #11, Wilmington #12, Wilmington #13, Wilmington #22, Wilmington #24, and the part of Harnett #3 that consists of the part of Block Group 1 of 1990 Census Tract 0119.01 containing Blocks 102, 105, 106A, 106B, 107A, 107B, 107C, 107D, and 108, the part of Block Group 1 of 1990 Census Tract 0119.02 containing Blocks 103, 104, and 114, and the part of Block Group 1 of 1990 Census Tract 0120.01 containing Blocks 101A, 101B, 101C, 101D, 102A, 102B, 103, 104, 105A, 105B, 115A, and 115B; and the following precincts of Pender County: North Burgaw, South Burgaw, Middle Holly, Long Creek, Penderlea, Lower Union, Rocky Point, Lower Topsail, Upper Topsail, Scotts Hill, and Surf City. It has one judge.

(27) Superior Court District 5C consists of the part of New Hanover County that is not in Superior Court Districts 5A or 5B. It has one judge."

Section 17.20.(c) G.S. 7A-41(c) is amended by adding a new subdivision to read:

"(8) The names and boundaries of precincts in New Hanover and Pender Counties are those in existence on May 1, 1999."

Section 17.20.(d) This section becomes effective January 1, 2003, and applies to the 2002 election.

99CORR-H18

Requested by: Senator Jordan

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT/STATUS REPORT ON CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by February 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the 1998-99 fiscal year to the 1999-2000 fiscal year;
(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for 1999-2000;
(3) Any counties the Department anticipates will submit requests for new implementation grants;
(4) The number of counties submitting offender participation data via the electronic reporting system;
(5) An analysis of offender participation data received during 1999-2000; and
(6) An update on efforts to ensure that all counties make use of the electronic reporting system.

99CORR-H18.1

Requested by: Senator Jordan

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 18.1. The Post-Release Supervision and Parole Commission shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year.

99CORR-H18.2

Requested by: Senator Jordan

REDUCE MEMBERSHIP ON POST-RELEASE SUPERVISION AND PAROLE COMMISSION

Section 18.2.(a) G.S. 143B-267 reads as rewritten:

"**§ 143B-267. Post-Release Supervision and Parole Commission -- members; selection; removal; chairman; compensation; quorum; services.**

The Post-Release Supervision and Parole Commission shall consist of ~~five~~ three full-time members. The ~~five~~ three full-time members shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The terms of office of the five members presently serving on the Commission shall expire on ~~June 30, 1993.~~ June 30, 1999. ~~The terms of three members appointed effective July 1, 1993, shall be for three years. The terms of two members appointed effective July 1, 1993, shall be for four years.~~ The term of one of the members appointed effective July 1, 1999, shall be for one year. The term of one of the members appointed effective July 1, 1999, shall be for two years. The term of one of the members appointed effective July 1, 1999, shall be for three years. Thereafter, the terms of office of persons appointed by the Governor as members of the Commission shall be for four years or until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, removal, death or disability of a full-time member shall be for the balance of the unexpired term only.

The Governor shall have the authority to remove any member of the Commission from office for misfeasance, malfeasance or nonfeasance, pursuant to the provisions of G.S. 143B-13. The Governor shall designate a full-time member of the Commission to serve as chairman of the Commission at the pleasure of the Governor.

~~With regard to the transaction of the business of the Commission the following procedure shall be followed: The chairman shall designate panels of two voting Commission members and shall designate a third commissioner to serve as an alternate member of a panel. Insofar as practicable, the chairman shall assign the members to panels in such fashion that each commissioner sits a substantially equal number of times with each other commissioner. Whenever any matter of business, such as the granting, denying, revoking or rescinding of parole, or the authorization of work-release privileges to a prisoner, shall come before the Commission for consideration and action, the chairman shall refer such matter to a panel. Action may be taken by concurring vote of the two sitting panel members. If there is not a concurring vote of the two panel members, the matter will be referred to the alternate member who shall cast the deciding vote. However, no person serving a sentence of life imprisonment shall be granted parole or work-release privileges except by majority vote of the full Commission.~~ The granting, denying, revoking, or rescinding of parole, the authorization of work-release privileges to a prisoner, or any other matters of business coming before the Commission for consideration and action shall be decided by majority vote of the full Commission.

The full-time members of the Commission shall receive the salary fixed by the General Assembly in the Current Operations Appropriations Act and shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction."

Section 18.2.(b) This section becomes effective June 30, 1999.

99CORR-H18.3

Requested by: Senator Jordan

HOME AS DUTY STATION PILOT PROGRAM

Section 18.3. The Department of Correction shall report by April 1, 2000, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the Home As Duty Station pilot program in Cleveland and New Hanover Counties. The report shall provide (i) information on the impact of the pilot on expenditures for office and vehicle leases including an analysis of charges for vehicle miles not driven; (ii) data on the frequency of officers in the pilots being required to report directly from home to locations in the community outside of normally assigned working hours; and (iii) the projected impact of extending the pilot program to additional districts, including office, vehicle, and equipment costs.

99CORR-H18.4

Requested by: Senator Jordan

REPORT ON HARRIET'S HOUSE

Section 18.4. Funds appropriated in this act to the Department of Correction to support the programs of Harriet's House may be used for program operating costs, the purchase of equipment, and the rental of real property. Harriet's House shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served and the number of clients who successfully complete the Harriet's House program.

99CORR-H18.5

Requested by: Senator Jordan

REPORT ON SUMMIT HOUSE

Section 18.5. Summit House shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State appropriations and on the effectiveness of the program, including information on the number of clients served, the number of clients who have their probation revoked, and the number of clients who successfully complete the program while housed at Summit House.

99CORR-H18.6

Requested by: Senator Jordan

REPORT ON WOMEN AT RISK

Section 18.6. Women at Risk shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations on the expenditure of State funds and on the effectiveness of the program, including information on the number of clients served, the number of clients who have had their probation revoked, and the number of clients who have successfully completed the program.

99CORR-H18.7

Requested by: Senator Jordan

FEDERAL GRANT REPORTING

Section 18.7. The Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, the Judicial Department, and the Office of Juvenile Justice shall report by September 1 and March 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on federal grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the department intends to continue the program beyond the end of the grant period, the department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

99CORR-H18.8

Requested by: Senator Jordan

EXEMPTION FROM LICENSURE AND CERTIFICATE OF NEED

Section 18.8.(a) Inpatient chemical dependency or substance abuse facilities that provide services exclusively to inmates of the Department of Correction shall be exempt from licensure by the Department of Health and Human Services under Chapter 122C of the General Statutes. If an inpatient chemical dependency or substance abuse facility provides services both to inmates of the Department of Correction and to members of the general public, the portion of the facility that serves inmates shall be exempt from licensure.

Section 18.8.(b) Any person who contracts to provide inpatient chemical dependency or substance abuse services to inmates of the Department of Correction may construct and operate a new chemical dependency or substance abuse facility for that purpose without first obtaining a certificate of need from the Department of Health and Human Services pursuant to Article 9 of Chapter 131E of the General Statutes. However, a new facility or addition developed for that purpose without a certificate of need shall not be licensed pursuant to Chapter 122C of the General Statutes and shall not admit anyone other than inmates unless the owner or operator first obtains a certificate of need.

Section 18.8.(c) This section applies to existing facilities, as well as future facilities contracting with the Department of Correction.

99CORR-H18.9

Requested by: Senator Jordan

LIMIT USE OF OPERATIONAL FUNDS

Section 18.9. Funds appropriated in this act to the Department of Correction for operational costs for additional facilities shall be used for personnel and operating expenses set forth in the budget approved by the General Assembly in this act. These funds shall not be expended for any other purpose, except as provided for in this act, and shall not be expended for additional prison personnel positions until the new facilities are within 90 days of projected completion, except for certain management, security, and support positions necessary to prepare the facility for opening, as authorized in the budget approved by the General Assembly.

99CORR-H18.10

Requested by: Senator Jordan

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Section 18.10.(b) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) 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~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction ~~within five days~~ after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the ~~sixth day after the hearing~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for

transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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 parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(c) 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."

Section 18.10.(c) Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-109.3. Delivery of commitment order.**

(a) Whenever the district court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 48 hours of the issuance of the sentence.

(b) Whenever the superior court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 72 hours of the issuance of the sentence."

Section 18.10.(d) This section becomes effective October 1, 1999.

99CORR-H18.11

Requested by: Senator Jordan

USE OF FACILITIES CLOSED UNDER GPAC

Section 18.11. In conjunction with the closing of small expensive prison units recommended for consolidation by the Government Performance Audit Committee, the Department of Correction shall consult with the county or municipality in which the unit is located, with the elected State and local officials, and with State agencies about the possibility of converting that unit to other use. The Department may also consult with any private for-profit or nonprofit firm about the possibility of converting the unit to other use. In developing a proposal for future use of each unit, the Department shall give priority to converting the unit to other criminal justice use. Consistent with existing law and the future needs of the Department of Correction, the State may provide for the transfer or the lease of any of these units to counties, municipalities, State agencies, or private firms wishing to convert them to other use. The Department of Correction may also consider converting some of the units recommended for closing from medium security to minimum security, where that conversion would be cost-effective. A prison unit under lease to a county pursuant to the provisions of this section for use as a jail is exempt for the period of the lease from any of the minimum standards adopted by the Secretary of Health and Human Services pursuant to G.S. 153A-221 for the housing of adult prisoners that would subject the unit to greater standards than those required of a unit of the State prison system.

Prior to any transfer or lease of these units, the Department of Correction shall report on the terms of the proposed transfer or lease to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections and Crime Control Oversight Committee. The Department of Correction shall also provide quarterly summary reports to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections and Crime Control Oversight Committee on the conversion of these units to other use and on all leases or transfers entered into pursuant to this section.

99CORR-H18.11A

Requested by: Senator Jordan

SITE FOR NEW CLOSE CUSTODY PRISON

Section 18.11A. In determining site locations for proposed new close custody prison facilities, the Department of Correction shall consider Alexander and Iredell Counties for the site of the proposed new close custody prison in Western North Carolina.

99CORR-H18.12

Requested by: Senator Jordan

INMATE COSTS

Section 18.12.(a) The Department of Correction shall provide a progress report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on its implementation of the recommendations made by the Office of State Budget and Management on the provision of food and health care to inmates pursuant to the study directed by Section 17.8 of S.L. 1998-212. The report shall identify specific areas in which cost savings can be achieved through the more efficient delivery of services.

Section 18.12.(b) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

99CORR-H18.13

Requested by: Senator Jordan

TITLE VII FUNDS/REPORT

Section 18.13. The Department of Correction may use funds available to the Department during the 1999-2001 biennium for payment to claimants as part of the settlement of the Title VII lawsuit over the recruitment, hiring, and promotion of females in the Department. Prior to final settlement of the lawsuit, the Department shall report on the proposed settlement to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

99CORR-H18.14

Requested by: Senator Jordan

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION/SPECIAL COMMITTEE TO REWRITE STANDARDS, CODE, AND POLICY PROCEDURES FOR EMPLOYMENT OF CERTIFIED POSITIONS IN THE DEPARTMENT OF CORRECTION

Section 18.14. The Criminal Justice Education and Training Standards Commission shall appoint a special committee to study and rewrite the necessary standards, administrative code provisions, and policies and procedures relating to the employment of certified positions in the Department of Correction and develop a new certification system for those officers that reflects the impact and statutory requirements of Chapters 126 and 17C of the General Statutes.

The Chair of the Criminal Justice Education and Training Standards Commission and the Chair of the special committee appointed pursuant to this section shall report to the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 2000, on the progress of the special committee.

The proposed new certification system shall be presented to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by the convening of the 2000 Regular Session of the 1999 General Assembly.

Upon approval of the Criminal Justice Education and Training Standards Commission, the new certification system shall be implemented no later than July 1, 2000.

99CORR-H18.15

Requested by: Senator Jordan

FEDERAL GRANT MATCHING FUNDS

Section 18.15. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of six hundred fifty thousand dollars ($650,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

99CORR-H18.16

Requested by: Senator Jordan

PRIVATE PRISON CONTRACTS

Section 18.16. If the Department of Correction determines, in consultation with the Attorney General's office, the Office of State Budget and Management, and the Corrections Corporation of America, that it is appropriate to make a significant modification of the financial terms of the contracts for the leasing and operation of one or both of the two private confinement facilities in Pamlico and Avery/Mitchell Counties, the Department may use funds available to the Department for the 1999-2001 biennium to modify the lease contract and the operating agreement as necessary. Prior to taking actions or obligating funds as authorized by this section, the Department of Correction shall report to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety.

99CORR-H18.17

Requested by: Senators Jordan, Plyler

PILOTS TO DETERMINE COST-EFFECTIVENESS OF PLACING ALL INMATES ON WORK-RELEASE

Section 18.17. Section 17.25 of S.L. 1998-212 reads as rewritten:

"Section 17.25. (a) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Alamance Correctional Center on work release to the extent possible. The Department shall provide a progress report on this pilot program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by June 30, 2000. The Department shall provide a final report 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 March 1, ~~1999,~~ 2001, on the cost-effectiveness of the program.

(b) The Department of Correction shall establish a pilot program for determining the benefits of work-release prison units by placing all eligible inmates in the Union Correctional Center, except those needed for Department of Transportation road squads, on work release to the extent possible. The Department shall provide a progress report on this pilot program to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by June 30, 2000. The Department shall provide a final report 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 March 1, ~~1999,~~ 2001, on the cost-effectiveness of the program."

99CORR-H18.18

Requested by: Senator Jordan

REPORT ON PROBATION AND PAROLE CASELOADS

Section 18.18. The Department of Correction shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Corrections and Crime Control Oversight Committee on caseload averages for probation and parole officers. The report shall include:

(1) Data on current caseload averages for Probation Parole Officer I, Probation Parole Officer II, and Probation Parole Officer III positions;

(2) An analysis of the optimal caseloads for these new officer classifications;

(3) An assessment of the role of surveillance officers; and

(4) Projected impact of the new officer classifications and procedures on the operating and equipment expenditures of the Division of Community Correction.

99CORR-H18.19

Requested by: Senator Jordan

PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 18.19.(a) Subsection (b) of Section 19.17 of S.L. 1997-443, as amended by subsection (b) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall provide a final report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by March 15, ~~1999.~~ 2000, and shall provide a progress report on the development of these standards to the Joint Legislative Corrections and Crime Control Oversight Committee by November 1, 1999. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority.

The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

Section 18.19.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by subsection (c) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to ~~subsection (b) of this section~~ Section 19.17 of S.L. 1997-443, as amended, and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain inmates from any jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction."

99CORR-H18.20

Requested by: Senators Jordan, Plyler, Perdue, Odom

CLOSE SECURITY PRISONS

Section 18.20.(a) G.S. 148-37 is amended by adding a new subsection to read:

"(b1) The Secretary of Correction may enter contracts with private for-profit or nonprofit firms for the construction of close security correctional facilities totaling up to 3,000 cells to be operated by the Department pursuant to a lease that contains a schedule for purchase of the facilities over a period of up to 20 years. The Secretary may issue a request for proposals for the construction of such facilities in accordance with plans and specifications developed by the Department and reviewed by the Office of State Construction.

The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the Department of Administration on the final award decision. The Department of Administration shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection shall provide that the Department of Correction shall furnish the plans and specifications for these correctional facilities to the Office of State Construction for its review and that the Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for use as a correctional facility and for future acquisition by the State."

Section 18.20.(b) The Department of Correction shall provide a status report to the Joint Legislative Commission on Governmental Operations by May 1, 2000, on the development of the request for proposals and the award-making process, including a summary of the major requirements anticipated in the request for proposals. After the contract has been awarded, the Department shall report to the Joint Legislative Commission on Governmental Operations by May 1 of each year on the progress of the project, including the estimated completion dates and the estimated cost of operating correctional facilities constructed pursuant to this section.

CODE NO. 99CORR-S002-P

Requested by: Senators Jordan, Hagan, Martin of Guilford

GUILFORD CORRECTIONAL CENTER

Section 18.22. The Guilford Correctional Center shall remain in operation during the 1999-2001 biennium.

JUSTICE

99ATTY-H19-D-P

Requested by: Senators Jordan, Carter

REPEAL SETTLEMENT RESERVE FUND

Section 19.(a) G.S. 143-16.5 is repealed.

Section 19.(b) G.S. 114-2.5 reads as rewritten:

"**§ 114-2.5. Attorney General to report payment of public monies pursuant to settlement agreements and final court orders.**

(a) The Attorney General shall report to the Joint Legislative Commission on Governmental Operations and the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives on the payments received by the State or a State agency pursuant to a settlement agreement or final order or judgment of the ~~court and deposited to the Public Settlement Reserve Fund in accordance with G.S. 143-16.5.~~ court where the amount of the funds received exceeds seventy-five thousand dollars ($75,000). The Attorney General shall also report on the terms or conditions of payment and of any disbursements set forth in the agreement or order. The Attorney General shall submit a written report to the Fiscal Research Division of the General Assembly.

(b) This section only applies to executed settlement agreements and final orders or judgments of the court and shall in no way affect the authority of the Attorney General to negotiate the settlement of cases in which the State or a State department, agency, institution, or officer is a party."

Section 19.(c) This section is effective when it becomes law and applies to any agreements or orders entered on or after November 15, 1998.

99ATTY-H19.1

Requested by: Senator Jordan

LIMITS ON COMPUTER SYSTEM UPGRADE

Section 19.1. Any major new computer system or major computer system upgrade for the Judicial Department, the Department of Correction, the Department of Justice, the Department of Crime Control and Public Safety, or the Office of Juvenile Justice to be funded all or in part from the Continuation Budget, shall be reported to the Joint Legislative Commission on Governmental Operations, to the Chairs of the Senate and House of Representatives Appropriations Committees, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and to any standing committee on information technology appointed by the Senate or House of Representatives before the department or office enters into any contractual agreement. A major computer system upgrade includes any proposed enhancement, modification, or capacity increase to the computing and telecommunications infrastructure or to program applications where the total cost is anticipated to exceed five hundred thousand dollars ($500,000). This report is to be made jointly by the Information Resource Management Commission, the Office of State Budget and Management, and the requesting department or office.

99ATTY-H19.2

Requested by: Senator Jordan

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

99ATTY-H19.3

Requested by: Senator Jordan

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section 19.3.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the 1999-2000 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for training for the State Bureau of Investigation; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section 19.3.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section 19.3.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a.

99ATTY-H19.4

Requested by: Senator Jordan

PRIVATE PROTECTIVE SERVICES AND ALARM SYSTEMS LICENSING BOARDS PAY FOR USE OF STATE FACILITIES AND SERVICES

Section 19.4. The Private Protective Services and Alarm Systems Licensing Boards shall pay the appropriate State agency for the use of physical facilities and services provided to those boards by the State.

99ATTY-H19.5

Requested by: Senator Jordan

CERTAIN LITIGATION EXPENSES TO BE PAID BY CLIENTS

Section 19.5. Client departments, agencies, and boards shall reimburse the Department of Justice for reasonable court fees, attorney travel and subsistence costs, and other costs directly related to litigation in which the Department of Justice is representing the department, agency, or board.

99ATTY-H19.6

Requested by: Senator Jordan

REIMBURSEMENT FOR UNC BOARD OF GOVERNORS LEGAL REPRESENTATION

Section 19.6. The Department of Justice shall be reimbursed by the Board of Governors of The University of North Carolina for two Attorney III positions to provide legal representation to The University of North Carolina system.

99ATTY-H19.7

Requested by: Senator Jordan

EXEMPT JUSTICE ACADEMY FROM THE UMSTEAD ACT

Section 19.7. G.S. 66-58(b) is amended by adding a new subdivision to read:

"(19) The North Carolina Justice Academy."

99ATTY-H19.8

Requested by: Senator Jordan

STUDY FEE ADJUSTMENT FOR CRIMINAL RECORDS CHECKS

Section 19.8. The Office of State Budget and Management, in consultation with the Department of Justice, shall study the feasibility of adjusting the fees charged for criminal records checks conducted by the Division of Criminal Information of the Department of Justice as a result of the increase in receipts from criminal records checks. The study shall include an assessment of the Division's operational, personnel, and overhead costs related to providing criminal records checks and how those costs have changed since the 1995-96 fiscal year. The Office of State Budget and Management shall report its findings and recommendations to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on or before March 1, 2000.

CRIME CONTROL AND PUBLIC SAFETY

99CCPS-H20

Requested by: Senator Jordan

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Section 20.(a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that the State application for Drug Law Enforcement Grants is subject to review by the State legislature or its designated body. Therefore, the Governor's Crime Commission of the Department of Crime Control and Public Safety shall report on the State application for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, to the Senate and House Appropriations Subcommittees on Justice and Public Safety when the General Assembly is in session. When the General Assembly is not in session, the Governor's Crime Commission shall report on the State application to the Joint Legislative Commission on Governmental Operations.

Section 20.(b) Unless a State statute provides a different forum for review, when a federal law or regulation provides that an individual State application for a grant shall be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations.

99CCPS-H20.1-D-P

Requested by: Senators Jordan, Cooper

VICTIMS ASSISTANCE NETWORK FUNDS

Section 20.1.(a) Of the funds appropriated in this act to the Department of Crime Control and Public Safety, the sum of five hundred thousand dollars ($500,000) for the 1999-2000 fiscal year and the sum of one hundred fifty thousand dollars ($150,000) for the 2000-2001 fiscal year shall be used to support the Victims Assistance Network. These funds shall be used by the Victims Assistance Network to perform the following functions under the direction of and as required by the Department of Crime Control and Public Safety:

(1) Conduct surveys and gather data on crime victims and their needs;
(2) Act as a clearinghouse for crime victims' services;
(3) Provide an automated crime victims' bulletin board for subscribers;
(4) Coordinate and support the activities of other crime victims' advocacy groups;
(5) Identify training needs of crime victims' services providers and criminal justice personnel and coordinate training efforts for those persons; and
(6) Provide other services as identified by the Governor's Crime Commission or the Department of Crime Control and Public Safety.

Section 20.1.(b) The Department of Crime Control and Public Safety shall report on the expenditure of funds allocated pursuant to this section for the Victims Assistance Network. The Department shall also report on the Network's efforts to gather data on crime victims and their needs, act as a clearinghouse for crime victims' services, provide an automated crime victims' bulletin board for subscribers, coordinate and support activities of other crime victims' advocacy groups, identify the training needs of crime victims' services providers and criminal justice personnel, and coordinate training for these personnel. The Department shall submit its report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety of the Senate and House of Representatives by December 1 of each year of the biennium.

99CCPS-H20.2

Requested by: Senator Jordan

REPORT ON CRIME VICTIMS COMPENSATION FUND

Section 20.2. G.S. 15B-21 reads as rewritten:

"**§ 15B-21. Annual report.**

The Commission ~~shall~~ shall, by March 15 each year, prepare and transmit ~~annually~~ to the Governor and the General Assembly a report of its ~~activities.~~ activities in the prior fiscal year and the current fiscal year to date. The report shall ~~include~~ include:

(1) ~~the~~ The number of claims ~~filed,~~ filed;

(2) ~~the~~ The number of awards ~~made,~~ made;

(3) ~~the~~ The amount of each ~~award,~~ award;

(4) ~~a~~ A statistical summary of claims denied and awards ~~made,~~ made;

(5) ~~and the~~ The administrative costs of the Commission, including the compensation of ~~commissioners.~~ commissioners;

(6) The current unencumbered balance of the North Carolina Crime Victims Compensation Fund;

(7) The amount of funds carried over from the prior fiscal year;

(8) The amount of funds received in the prior fiscal year from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.; and

(9) The amount of funds expected to be received in the current fiscal year, as well as the amount actually received in the current fiscal year on the date of the report, from the Department of Correction and from the compensation fund established pursuant to the Victims Crime Act of 1984, 42 U.S.C. § 10601, et seq.

The Attorney General and State Auditor shall assist the Commission in the preparation of the report required by this section."

99CCPS-H20.3

Requested by: Senator Jordan

TECHNICAL CHANGES TO BOXING COMMISSION LAW

Section 20.3.(a) G.S. 143-652(f) reads as rewritten:

"(f) Staff Assistance. -- The Secretary of Crime Control and Public Safety shall hire a person to serve as Executive Director of the Commission and shall provide staff assistance to the Executive Director. The Executive Director shall enforce this ~~Article through the Division of Alcohol Law Enforcement.~~ Article through the Department of Crime Control and Public Safety. If necessary, the Executive Director may train and contract with independent contractors for the purpose of regulating and monitoring events, issuing licenses, collecting fees, and enforcing rules of the Commission. The Executive Director may initiate and review criminal background checks on persons requesting to work as independent contractors for the Commission or persons applying to be licensed by the Commission."

Section 20.3.(b) G.S. 143-654(c) reads as rewritten:

"(c) Surety Bond. -- An applicant for a promoter's license must submit, in addition to any other forms, documents, or exhibits requested by the Commission, a surety bond payable to the Commission for the benefit of any person injured or damaged by (i) the promoter's failure to comply with any provision of this Article or any rules adopted by the Commission or (ii) the promoter's failure to fulfill the obligations of any contract ~~between or among licensees~~ related to the holding of a boxing event. The surety bond shall be issued in an amount to be no less than five thousand dollars ($5,000). The amount of the surety bond shall be negotiable upon the sole discretion of the Commission. All surety bonds shall be upon forms approved by the Secretary of Crime Control and Public Safety and supplied by the Commission."

99CCPS-H20.4

Requested by: Senator Jordan

ANNUAL EVALUATION OF THE TARHEEL CHALLENGE PROGRAM

Section 20.4. The Department of Crime Control and Public Safety shall report 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 April 1 of each year on the operations and effectiveness of the National Guard Tarheel Challenge Program. The report should evaluate the program's effectiveness as an intervention method for preventing juveniles from becoming undisciplined or delinquent. The report shall also evaluate the Program's role in improving individual skills and employment potential for participants and shall include:

(1) The source of referrals for individuals participating in the Program;
(2) The summary of types of actions or offenses committed by the participants of the Program;
(3) An analysis outlining the cost of providing services for each participant, including a breakdown of all expenditures related to the administration and operation of the Program and the education and treatment of the Program participants;
(4) The number of individuals who successfully complete the Program; and
(5) The number of participants who commit offenses after completing the Program.

99CCPS-H20.5-D-P

Requested by: Senator Jordan

CRIME CONTROL PURCHASE METAL DETECTORS TO REDUCE CRIME IN SCHOOLS

Section 20.5.(a) The Department of Crime Control and Public Safety shall expend the sum of three hundred fifty thousand dollars ($350,000) for the 1999-2000 fiscal year to provide metal detectors for the public schools.

Each local board of education may apply for either a portable walk-through model for the local school administrative unit or a hand-held model for each school in the local school administrative unit.

Section 20.5.(b) In allocating these funds, the Secretary of Crime Control and Public Safety shall give highest priority to providing:

(1) A portable walk-through model to each local school administrative unit requesting one that does not have one, and

(2) A hand-held model for each school for which one is requested and that does not have one.

Section 20.5.(c) The Secretary of Crime Control and Public Safety shall allocate any remaining funds on a pro rata basis to provide:

(1) A portable walk-through model to each local school administrative unit requesting one that already has one, and

(2) A hand-held model for each school for which one is requested and that already has one.

99OJJ-H21

Requested by: Senator Jordan

ANNUAL EVALUATION OF JUVENILE JUSTICE COMMUNITY PROGRAMS AND MULTIPURPOSE GROUP HOMES

Section 21.(a) Section 11.51 of S.L. 1997-443 is repealed.

Section 21.(b) The Office of Juvenile Justice shall conduct an evaluation of wilderness camp programs, the Governor's One-on-One Programs, the On Track Program established in S.L. 1998-202, the Guard Response Alternate Sentencing Program established in S.L. 1998-202, and multipurpose group homes. In conducting the evaluation, the Office shall consider whether participation in each program results in a reduction of court involvement among juveniles. The Office shall also identify whether the programs are achieving the goals and objectives of the Juvenile Justice Act, S.L. 1998-202. The Office shall report the results of the evaluation to the Chairs of the House and Senate Appropriations Committees and the Chairs of the Subcommittees of Justice and Public Safety of the House and Senate Appropriations Committees by March 1 of each year.

99OJJ-H21.1

Requested by: Senators Jordan, Odom

SECURE GROUP HOME FOR FEMALE OFFENDERS

Section 21.1. Funds in the amount of one million one hundred twenty-seven thousand eight hundred fifty dollars ($1,127,850) appropriated in S.L. 1998-212 to the Department of Health and Human Services and reallocated to the Office of Juvenile Justice for construction of beds for female offenders at Gatling Detention Center shall be reallocated to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards.

99OJJ-H21.2

Requested by: Senator Jordan

JUVENILE CRIME PREVENTION COUNCIL PARTICIPATION

Section 21.2. Each county in which local programs receive Juvenile Crime Prevention Council grant funds from the Office of Juvenile Justice shall certify annually through its local council to the Office of Juvenile Justice that funds received are not used to duplicate or supplant other programs within the county.

99OJJ-H21.3

Requested by: Senator Jordan

S.O.S. ADMINISTRATIVE COST LIMITS

Section 21.3. Of the funds appropriated to the Office of Juvenile Justice in this act, not more than four hundred fifty thousand dollars ($450,000) for the 1999-2000 fiscal year and not more than four hundred fifty thousand dollars ($450,000) for the 2000-2001 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Office may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services.

99OJJ-H21.4-D

Requested by: Senators Jordan and Ballance

STUDY STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS

Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study 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 on or before April 1, 2000.

99OJJ-H21.5

Requested by: Senator Jordan

LOCAL GRANT REPORTING

Section 21.5. On or before October 1, 1999, and by May 1 each year thereafter, the Office of Juvenile Justice shall submit to the Joint Legislative Commission on Governmental Operations and the Appropriations Committees of the Senate and House of Representatives a list of the recipients of the grants awarded, or preapproved for award, from funds appropriated to the Office for local grants. The list shall include for each recipient the amount of the grant awarded, the membership of the local committee or council administering the award funds on the local level, and a short description of the local services, programs, or projects that will receive funds. The list shall also identify any programs that received grant funds at one time but for which funding has been eliminated by the Office of Juvenile Justice. A written copy of the list and other information regarding the projects shall also be sent to the Fiscal Research Division of the General Assembly.

99OJJ-H21.6

Requested by: Senator Jordan

FUNDS FOR FAMILY COURTS, SUBSTANCE ABUSE PREVENTION, AND MULTIPURPOSE GROUP HOMES SHALL NOT REVERT

Section 21.6.(a) Funds appropriated to the Department of Health and Human Services for the 1998-1999 fiscal year and transferred to the Office of Juvenile Justice for the Substance Abuse Prevention Plan and the operation of multipurpose group homes shall not revert but shall remain available to the Office of Juvenile Justice for the 1999-2000 fiscal year.

Section 21.6.(b) Funds appropriated in S.L. 1998-212 for the family court pilot programs established in S.L. 1998-202 shall not revert but shall remain available to the Administrative Office of the Courts for the 1999-2000 fiscal year.

Section 21.6.(c) This section becomes effective June 30, 1999.

99OJJ-H21.7

Requested by: Senator Jordan

TRANSFER OF POSITIONS FROM THE DEPARTMENT OF CORRECTION AND THE ADMINISTRATIVE OFFICE OF THE COURTS TO THE OFFICE OF JUVENILE JUSTICE

Section 21.7.(a) The Department of Correction is authorized to transfer the following administrative positions and their funding to the Office of Juvenile Justice to provide administrative support for the Office of Juvenile Justice:

(1) Executive Director-Criminal Justice Partnership Act: Position number 4550-0000-000-061.

(2) Accountant III: Position number 4520-0005-0002-050.

(3) Administrative Secretary III: Position number 4550-0000-0000-081.

Section 21.7.(b) The Administrative Office of the Courts is authorized to transfer the research and planning administrator position, position number 2203-1110-1150-543, to the Office of Juvenile Justice.

Section 21.7.(c) The transfers authorized pursuant to this section become effective July 1, 1999.

99OJJ-H21.8

Requested by: Senator Jordan

JUVENILE JUSTICE INFORMATION SYSTEM REPORT

Section 21.8. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall annually evaluate the status of the juvenile justice information system created pursuant to the juvenile justice information plan established by S.L. 1998-202. The Criminal Justice Information Network Governing Board shall consult with the Department of Justice and the Office of Juvenile Justice in evaluating the system and in developing the report. The evaluation shall include a review of the progress or status of the development of:

(1) Each phase of the plan that is mandated to create the system pursuant to S.L. 1998-202;

(2) Identification of management information that will be collected and tracked; and

(3) Identification of the State agency programs that will be part of the system.

The evaluation shall also (i) identify all expenditures to date, including the source of funding and the purpose of the expenditures, and (ii) provide an updated estimate of the short- and long-range cost of the system.

The Criminal Justice Information Network shall report by April 1 each year to the Chairs of the House and Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly on the status of the juvenile justice information system and on any findings, recommendations, and legislative proposals related to the plan.

99OJJ-H21.9-D-P

Requested by: Senators

PROGRAMS AND FUNDS TRANSFERRED TO THE OFFICE OF JUVENILE JUSTICE

Section 21.9.(a) Program responsibility and funding for Project Challenge North Carolina, Inc., the teen court programs funded through the budget of the Administrative Office of the Courts, and the Juvenile Assessment Center Project of District Court District 12 are hereby transferred from the Judicial Department to the Office of Juvenile Justice.

Section 21.9.(b) Project Challenge North Carolina, Inc., shall report to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by November 1 and April 1 each year on the operation and the effectiveness of its program in providing alternative dispositions and services to juveniles who have been adjudicated delinquent or undisciplined. The report shall include information on the source of referrals for juveniles, the types of offenses committed by juveniles participating in the program, the amount of time those juveniles spend in the program, the number of juveniles who successfully complete the program, and the number of juveniles who commit additional offenses after completing the program.

Section 21.9.(c) Funds appropriated to the Judicial Department for the 1998-99 fiscal year for Project Challenge North Carolina, Inc., the teen court programs, and the Juvenile Assessment Center Project of District Court District 12 and transferred in this act to the Office of Juvenile Justice shall not revert at the end of the fiscal year but shall remain available to the Office of Juvenile Justice during the 1999-2000 fiscal year.

Section 21.9.(d) The Office of Juvenile Justice shall report to Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the effectiveness of the Juvenile Assessment Center and teen courts by April 1 each year. The report on the Juvenile Assessment Center shall include information on the number of juveniles served and an evaluation of the effectiveness of juvenile assessment plans and services provided as a result of these plans. The teen court report shall include statistical information on the number of juveniles served, the number and type of offenses considered by teen courts, referral sources for teen courts, and the number of juveniles that become court involved after participation in teen courts.

Section 21.9.(e) This section becomes effective June 30, 1999.

99OJJ-H21.11

Requested by: Senator Jordan

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and Management and the Governor's Crime Commission shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 1999-2000 fiscal year, the amount of funds anticipated for the 2000-2001 fiscal year, and the allocation of funds by program and purpose.

99OJJ-H21.12

Requested by: Senator Jordan

REPORT ON SITE SELECTION OF TRAINING SCHOOL AND DETENTION BEDS

Section 21.12. The Office of Juvenile Justice shall report to the Joint Legislative Commission on Governmental Operations prior to finalizing site selection for training school beds and detention beds for which funds are appropriated in this act and training school or detention beds to be built with federal funds. Consideration shall be given to the renovation of existing GPAC units for new training school and detention beds. In selecting sites, the Office shall consider the need for additional beds in the particular area of the State.

99OJJ-H21.14

Requested by: Senator Jordan

CAREER STATUS FOR FORMER JUDICIAL EMPLOYEES TRANSFERRED TO THE OFFICE OF JUVENILE JUSTICE

Section 21.14. For the purposes of Chapter 126 of the General Statutes, employees in positions transferred from the Judicial Department to the Office of Juvenile Justice during the 1998-99 fiscal year or as provided for in this act, and who have been continuously employed by the State prior to the date of transfer, shall receive credit for those months of service. Upon 24 months of continuous employment in a permanent position with the State, an employee under this section shall become a career State employee.

CODE NO. 99OJJ-S003-P

Requested by: Senator Jordan

STONEWALL JACKSON FUNDS

Section 21.15. Of the funds appropriated to the Office of Juvenile Justice, the sum of three hundred thirty-seven thousand seven hundred dollars ($337,700) for the 1999-2000 fiscal year shall be used to remove, by relocation or demolition, buildings located on the grounds of the Stonewall Jackson School that contain hazardous asbestos materials and pose safety threats to the students and staff of the school. Notwithstanding G.S. 146-30, the Stonewall Jackson Training School in Cabarrus County may retain the net proceeds from the sale or lease of historic properties at the School to be used for capital improvements at the School.

VISITOR REGISTRATION SHEET

Justice and Public Safety — 6/15/99

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tony Gibbons	Community Penalties for JD 17-A/17-B ReDirections, Inc.
Amy Millen	Mecklenburg Community Penalties 229 S. Brevard Street, Suite 300 Charlotte, NC 28202 (Rowan & Cabarrus Counties too)
Amy Anderson	Community Penalties of Mecklenburg, Cabarrus and Rowan Counties 11 Union St. S, Suite 200, Concord, NC 28025
Kathy Bragg	SPCC (20th District Community Penalties) 103 E. Franklin St Monroe, NC 28112
Anne Wilson	NCAOC
Robin Moore	N.C. Com. Init. for Women
Luther Thomas	N.C. Dept. of Correction
Hal Daniel	NCAE
Steve Shaber	Poyner & Spruill
Bill Scobell	NC BAR #1300
Leon McKillion	Moore & Van Allen
Barbara Moore	District Attorneys Conference
Melissa Lovell	DOJ

VISITOR REGISTRATION SHEET

Justice and Public Safety
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Doug Lowe	Alternative Community Penalties Gaston, Cleveland, Lincoln Counties
Susie Gnann	FASC, 310 Green St #110, Fayetteville NC
Lilianne Jones	Pretrial Resource Ctr, 214 New Bridge St., Jacksonville, NC
Lou Rubert	CYPC
Kimbra Pendley	23+24th JD Repay, Inc. Community Penalties, Mocg. NC
Dot Ehlers	11th Judicial District Community Penalties
Louise Davis	10th Judicial Dist / Re Entry CPP
Christopher McPhatter	7th & 8th District Community Penalties
Terry Fenton	9th District Community Penalties
Pam Knuckles	Repay, Inc. Community Penalties
Denise A Sessoms	DOJ
Susan Raber	DOJ
Smita Broome	Parole Commission
Traci Benfield	Community Penalties (22nd Jud. Dist.)
Pam Maney	Community Penalties (22nd Jud. Dist.)

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	DJJ
[illegible]	DOC
Joe Hamilton	DOC
Lynn Phillips	DOC
Buddy Humphrey	OSBM
Jeanne Bonds	AOC
[illegible]	AOC
Barry Smith	Freedom Newspapers

2000

JOINT APPROPRIATIONS – JUSTICE & PUBLIC SAFETY

MINUTES

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 23, 2000
8:30 a.m. and After Session (1:00 p.m.)
Room 415 Legislative Office Building

Rep. Paul McCrary, Co-Chair, called the Joint Appropriations Subcommittee on Justice and Public Safety meeting to order at 8:30 a.m. in Room 415 of the Legislative Office Building on May 23, 2000, and asked the pages, sergeants-at-arms, and committee members present to identify themselves. (The Agenda is attached as Exhibit 1, and the visitor registration sheet is attached as Exhibit 2.)

House committee members present were: Rep. Scott Thomas; Rep. Jim Horn; Rep. Phil Haire; Rep. Wayne Sexton; Rep. Joe Kiser; Rep Bill Culpepper; Rep. Larry Justus; and Rep. Phil Baddour, ex-officio member. Four Senate committee members were present.

The chairman recognized staff member Mr. Jim Mills of the Fiscal Research Division, and Mr. Mills introduced the other staff members who will be serving the committee and gave their assignments. Ms. Kelly Little will handle Crime Control and Public Safety matters, Ms. Denise Thomas will handle Department of Justice matters, Ms. Elisa Wolper, Mr. Mills, Ms. Thomas, and Ms. Kelly Little will share Department of Correction responsibilities, Ms. Wolper will handle Judicial System matters, and Mr. Mills and Ms. Thomas will share Office of Juvenile Justice responsibilities. (See Exhibit 3.)

Rep. McCrary introduced his legislative assistant Barbara Berry, who will serve as committee assistant, and announced that until further notice all committee meetings would be in Room 415 from 8:30 a.m. until 10:00 a.m. Rep. McCrary said that after lunch the committee would re-convene at 1:00 p.m. He said the idea was to move quickly, but thoroughly. He said he would ask the presenters to make their presentations, and then allow adequate time for questions. Rep. McCrary said the committee would be on a tight schedule, so it would be necessary to complete the agenda each day.

Rep. McCrary recognized Mr. Mills for an overview of key issues facing the committee. Mr. Mills began with giving an overview of the schedule for the week. He then directed the committee's attention to a summary of the 1999-2000 key issues for Justice and Public Safety (JPS). (See Exhibit 3.) He pointed out that the total budget for JPS is over $2 billion, including federal monies. He said it looked unusually high because of all the Hurricane Floyd moneys and crime control. Of the total, about 1.5 billion is state appropriations.

Mr. Mills gave a brief summary of what actions were taken by the committee in 1999. (These actions are included in Exhibit 4).

The Chair recognized Rep. Kiser for a question in regard to the reduction in the number of employees in the Department of Correction. He asked whether the General Assembly actually reduced the number of employees in the Department of Correction last year. Mr. Mills said the answer was yes, there was a net reduction even though there were transfers to other prisons. He said he would have to get the figures as to how many.

Ms. Elisa Wolper gave an overview of the Community Corrections reductions and expansions in the Department of Corrections, Judicial Branch, and Justice Department. (See Exhibit 4, pp. 1 and 2.)

Mr. Mills went over the Juvenile Justice and the Crime Control budget adjustments. (See Exhibit 4, pp. 2 and 3.) Jumping ahead, he said there was a brief summary of some of the issues the committee will face in the short session regarding prisons. The major issue being a projected deficit in the number of prison beds needed. (See page 4 of Exhibit 4.)

Ms. Wolper went on with the key issues in the JPS budget, beginning with a proposed increase in spending on AOC Technology from $65 to $90 over the next five years. (See p. 3 of Exhibit 4.) She also reviewed the upcoming needs for the Department of Juvenile Justice. (See p. 4, Exhibit 4.)

Ms. Denise Thomas spoke on the issue of Law Enforcement and Correctional Officer salaries. (See p. 4, Exhibit 4.) The State Office of Personnel has done a comprehensive law enforcement study to compare law enforcement salaries across the state that did not include correctional officers' salaries. They came up with some recommendations for increasing the hiring salaries to allow them to be competitive within their market. They also have a proposed permanent pay plan that will come out August 1st which will permit more flexibility within grade levels for higher salaries across the board, within their existing budget.

Ms. Thomas also reviewed the impact of Hurricane Floyd, pointing out the reversions that each JPS department was required to make for flood relief in 1999-2000. These requirements resulted in hiring slow downs and the inability to cover short falls in the Indigent Fund in AOC and in funding for overtime for SBI agents in the Department of Justice. (See p.5, Exhibit 4.)

Ms. Thomas pointed out another handout showing Justice and Public Safety items that were funded with non-recurring funds last year. (See Exhibit 5.) She said the committee would go over the handout on another day.

Rep. Kiser said he noticed that the vacancy rate for the Department of Corrections is 12%—over 2,000 positions—one out of every 8 positions funded. He wondered whether they funded too many positions or whether they were really in trouble with not having enough people on staff. Mr. Mills said he believed the latter was true. DOC is having a large turnover and also a high attrition rate. He said it is getting to a critical point, and it does need to be addressed.

Rep. asked what the correction officer pay was, and staff pointed out that the salary range is $20,951 to $33,500. Seventy-five percent of all correctional officers make less than $25,000. Rep. Horn asked what the package rate was to include insurance and retirements benefits. Staff didn't have the figures, but Rep. Justus said the package rate used to be about twenty-five percent. Staff said they would get the information.

Rep. McCrary recognized Judge Thomas Ross, Director of Administrative Office of the Courts to speak on the AOC Expansion Budget Request. Judge Ross furnished a handout depicting his PowerPoint presentation of the Judicial Branch Budget Proposal, Fiscal Year 2000-2001. (See Exhibit 6.)

Judge Ross began by providing some context of where the Judicial budget is, what it is made up of generally, and some issues that are arising for the Judicial Branch. The frame showing the pie chart shows 72% of the budget to be personnel because the Judicial Branch is predominantly a people organization with people in 100 counties and 101 courthouses and in a number of other facilities including remote sites for magistrates, off-site DA offices, etc. In addition, 12 % goes to indigent expenditures, which include private counsel appointed by the court and also the Public Defenders operation. Two percent are grant expenditures, and the remaining 14% are operating expenses.

Some the operating expenditures are for items that they cannot control, such as pass-through items. Examples of pass-through expenditures are $2.2 million passed to State Bar and $1.3 million passed to Dispute Mediation Centers. There are some management and accounting responsibilities, but the Judicial Branch has no control over the money. In addition, $4.2 million out of the operating expenditures goes to juror fees, which is something they do not have much control over because the local judicial officials summon the jurors when they need them for trials. About $500,000 goes to interpreters.

Judge Ross said that about the only way they could make reductions in the Judicial Branch is in the area of personnel. When faced with the issues surrounding Hurricane Floyd, the only way to cut the budget was by taking some personnel action. What they did in December was to institute a 60-day hiring slowdown. They evaluated that again in March and determined that the slowdown was not generating sufficient funds so they extended it to 90 days. It is now clear that they are not going to be able to lift that slowdown at the beginning of the fiscal year without some assistance from the General Assembly. The slowdown has a real impact in the field, and can be critical to operations. For example, in Mecklenburg County, the District Attorney's Office has lost nine DAs.

Even though the Judicial Branch spends $346 million of the State's money, they bring some money back into the General Fund. They collected over $145 million through judgments against defendants for attorney's fees, license revocation fees, worthless check fund, General Court of Justice fees, probation fees, community service fees, and parole supervision fees. In addition, they return over $90 million back to local governments by way of funds and forfeitures as well as facilities fees, officer fees, and jail fees that are collected by the courts.

Judge Ross said there are some issues facing the court system that are squeezing them and making it particularly difficult for them to operate. The bar graph shows the percentage of the State Government budget that is made up by the Judicial Branch. Two years ago they were at 2.81%, and they are now at 2.64% of the State Budget. That difference is worth about $20 million, which would make a great deal of difference to the Judicial Branch's ability to operate. They are a small piece of State government, and when you subtract out what earn back in fees, they are an even smaller piece of expenditure for the state.

The next part of the budget shown by a bar graph is the Indigent Fund, which is growing quite significantly. Ten years ago the Indigent Fund made up 8.7% of the Judicial Branch's budget. It is now 12.7% of its budget. That means 4% over time of their budget has been moved into Indigent Funds to keep it going. Over the past five years, the Judicial Branch has been asked to take over, add, and operate a number of additional programs. The sixth slide shows the additions. Only one staff member was added, however, to help manage the additional programs.

In addition to an increase in programs, a lot of the growth in the judicial system in the past five years has been out in the field. In the last five years they have added 773 employees to the Judicial Branch, predominately out in the field—clerks, district attorneys staff and district attorneys, district court and superior court judges and their staffs, public defenders, magistrates, etc. To assist those 773 people, to manage their pay and benefits, to do the procurement of supplies, and to do all the other things that are necessary in the central operation of OAC to support them, in the non-technology area they are *minus* two people. Only 12 have been added in the technology area to support 773 people. These people being supported are located in more than 100 locations.

Judge Ross went over the process the AOC went through this year with the Judicial Branch employees to try to arrive at their budget. They took the approach that they should reach out to the people in the field and the courthouses and understand what their needs were, so they created committees made up their various constituent groups. They had a clerks committee, a DAs committee, public defenders committee, and two levels of trial judge committees. They also had communications with the Court of Appeals, and in addition they formed budget committees within the AOC of to determine their needs. Those budget committees started meeting last fall, and continued to meet into the winter. After receiving their input and recommendations, as law prescribes the Director in consultation with senior management staff developed a proposed budget. The budget was then taken back to the budget committees so they could have the opportunity to bounce new ideas off of management staff. The new budget was then presented to the newly created Judicial Council, which endorsed the budget.

In designing the budget, AOC has broken their needs into three categories. They wanted to set some priorities because they understand this is a difficult budget year. Judge Ross emphasized that all of the needs they have identified are *real* needs. On the other hand, in making the presentation, Judge Ross said he would be focusing on the most critical needs.

In addition to the core operation or critical needs, they also have some high-priority needs—items that will allow them to make some marginal improvements in the court system, will begin to allow them to implement the Technology Plan, and will allow them to make some modest expansion in two programs that they feel are very successful—Custody Mediation and the Family Court. In addition they have a high category of needs that will allow them to make even more improvements and will allow them to continue further with the implementation of their Technology Plan. Judge Ross said they would be happy to make a copy of the Technology Plan available to members who would like to have it.

Critical needs are broken down into four categories. The first are needs for the court operations. Judge Ross pointed out that a handout is provided entitled, "Judicial Branch Fiscal Year 2000-2001 Budget Requests." (See Exhibit 7.)

The first need is for court reporters. When Superior Court is held in North Carolina, it needs to be recorded because it is a court of record. North Carolina has now 105 authorized Superior Court Judges—regular or special— and there are only 103 court reporters. It is estimated that they have cancelled about twenty-three sessions of Superior Court around the state in the last year and they failed to schedule over twenty sessions because they didn't have adequate court reporters. They would like to have a one-to-one one ratio between Superior Court judges and court reporters so they can better utilize the judges they already have. Court reporters prepare transcripts of the trial, and they need time out of court in order to be able to type those transcripts. There are also emergency judges who are used on a regular basis; so if they get two more court reporters, they still won't have enough to match with the emergency judges.

The next item is magistrates. They have looked at caseloads per court official during the past ten years. The area where there has been the most dramatic increase in caseload per person is in the area of magistrates. There are about 700 magistrates in North Carolina, and their caseload has grown over the past ten years by ten percent per magistrate. So if they were to ask to get back to where they were ten years ago, they would be asking for seventy magistrates. They are only asking for six, however. That is because they feel that the new magistrate system, which they have rolled out to many counties and hope to have in all the counties by 2001, is a system that saves magistrates' time and makes them more efficient in their operations. There have been requests by at least six districts, but they have not yet decided where they will put them. Requests for magistrates have come from Perquimans County, McDowell County, Alamance County, Guilford County, Warren County, and Jackson County.

Rep. Kiser said he heard that the magistrate system would only pick up the last offense that a person was charged with. He wanted to know if that were true. Mr. Basil McVey, Deputy Director for Information Services, said that that is true if the county has just started on the system. All it does is start with the very first case that is put in from that county and goes forward. It is not retroactive. If they were combined with other counties,

then the magistrate would pick entries that were made in other counties. Judge Ross said down the road, they would like to go back and pick up full criminal history.

The next critical item is to eliminate the first step of the pay plan for deputy clerks. They are having a serious problem in being able to fill positions in clerk's offices around the state. The beginning pay or first step for a deputy clerk in North Carolina is $19,865. That is less than what a prison guard makes. The beginning pay would then be $21,056. They are hopeful that they will be able to attract clerks by getting over the $20,000 mark. They have about seventy vacancies now, and it is particularly difficult to get people to come in at the existing pay in metropolitan areas. It is also becoming a problem throughout the state. This was a suggestion coming from the Clerks.

The next item is the court-appointed interpreter fund. They have a fund to pay for interpreters in criminal court, which they are obligated to do constitutionally. That fund is running about $250,000 in the red this year. The reason is because of the explosion of the Hispanic/Latino population in North Carolina. North Carolina has the fastest growing population of Hispanic/Latino in terms of percentage of anywhere in the country. It has more than doubled in the last ten years. In answer to a question as to whether there is a system set up to find out whether the immigrants have green cards, Judge Ross said all immigrants are advised that if they are not here legally they can be deported, but there is no system in place to report to the INS under the new immigration law that was passed in 1996. There is a requirement in that law that the federal government set up a reporting mechanism, but that has not been set up yet. After that step is taken, the states will then have to set up a reporting mechanism to the INS.

The next item is for a domestic violence interpreter fund. Right now there is only a requirement that an interpreter be provided in a criminal court. They would like to have nearly $76,000 to pay for interpreters in domestic violence cases.

The next item is for some audio equipment and wiring for the courts. In district court audio recorders are used in place of court reporters. As new courtrooms are built around the state, AOC has to provide the audio equipment. A survey has been done to see what counties are building or plan to build new facilities, and it has been determined that seventy-five audio systems will be needed to have enough to furnish the courtrooms and have a small number in reserve to replace equipment as it breaks.

The next item is for the business court, which is in leased space. It is not located in a particular county by statute or by law. Instead it is a statewide court, and it is presently located in Greensboro. It probably was situated there because the first judge appointed was from that area, but the first space was actually the High Point courthouse because the space was donated. This item would allow enough funds to continue that lease through September of 2001. That court is staying quite busy under Judge Tenille. He does move around to other parts of the state when he can find a courtroom to do that. Rep. Justus said the business court has been one of the most successful ventures of this state and the business people of this state really appreciate having it. He said Judge Tenille donated a

considerable part of his own money because he wanted to be in the federal building because of certain circumstances that exist.

Judge Ross said that concluded the Court Operations' piece of AOC's critical needs. He said those are the things that they are going to have to have if they are going to be able to continue to hold court around the state on a weekly and daily basis.

AOC is in desperate straits to be able to support all of their personnel around the state because of the additional programs that have been added and because of the large number of personnel that have been added in the field. AOC actually has two less administrative personnel in the non-technical area than they used to have. The first item is a request for two additional positions in their Human Resources area. They administer all of the salary and leave administration for the entire 5,400 employees in the court system. In addition to adding nearly 1,200 employees in the last ten years, a number of new benefits have been added for state employees—most recently the flex-care plan where pre-tax dollars can be used for medical expenses and other kinds of items. When a new benefit is added, it adds substantial work to the personnel department. One of the new positions would be in the area of benefits and the other would be in the area of leave tracking.

They are asking for one position in their Administrative Services area. That division handles the procurement of all of the supplies for the court system, and in addition they manage the financial operation, which includes the travel of the employees in the court system all around the state. They also deal with all of the vendors in order to provide technology services and other services for court personnel. In the last four years, indigent defense petitions that have come in to be processed have grown from 82,000 to 118,000. That's a significant amount of additional data entry work, and processing, and checks to write.

They are asking for one position in their court management area as detailed earlier. They have had to pull people away from their other responsibilities in order to do the implementation and training for the additional programs that the General Assembly has created, such as mediation, family court, etc.

Also in the personnel area at AOC, Judge Ross said they are asking for one administrative support person in their legal services area. They have twenty-one people in that legal services area, most of whom are lawyers who provide advice to clerks and judges around the state, and who provide legal services broadly for the court system. For those twenty-one people, most of whom are professionals, they only have three support staff. Again, it is just a matter of basic need so they can get the work done.

The next item is for a program in the AOC that's known as the Special Counsel's Office. They provide legal services for patients in the state's four mental hospitals. They have a lawyer at each of those hospitals, and they have not received any additional support in the last twenty-five years. Their caseloads have doubled during that time period, and when their caseload gets so stressful that they are not able to ask them to take on any more, they have to farm those cases out to public defender offices or to private lawyers. They

are asking for four additional positions that they can put at the state hospitals in order to handle the caseloads in-house.

The last item in the non-technical support area is equipment replacement. There is no equipment replacement money in their continuation budget. The only money they get is what the General Assembly gives them each year. Throughout the state they have copy machines, fax machines, and mail machines that are absolutely critical to their court operations, and they break. Not only do they break, but also many of them are much older than the replacement schedule would require that they be. The replacement schedule for copiers, for example, says they should be replaced every five years. However, they have copiers that are eleven and twelve years old. They are asking for $1 million, which would only allow them to do what they think would be absolutely necessary for the next year. It won't allow them to put new equipment out there; it won't allow them to expand their equipment inventory. It will simply allow them to fix and replace the things that break. For example, there are 103 copiers around the state that are seven years old or older. They have the same problem with mail and fax machines.

The Committee adjourned at 9:50 a.m. with plans to reconvene at 1:00 p.m.

May 23, 2000 (Continued)
1:00 p.m.

The afternoon session convened at 1:00 p.m., Rep. McCrary presiding.

Judge Ross continued his presentation from the morning session beginning with critical needs in the Technical Support area of the Magistrate System within AOC.

As mentioned in the morning, the new Magistrate System is currently being rolled out around the state and Judge Ross expects it to be operating statewide by early 2001. This is the system that allows magistrates to use a software package that contains a lot of standardized text, and allows them to pull up demographic information from previous arrests in order to utilize that information to assist them in filling out warrants. That information is then transmitted to the clerk's office to assist them by opening the files electronically. This is expected to bring about real savings to the court system and will enhance operations. Ultimately it will tie to a warrant repository, which would make statewide information available about outstanding arrest warrants for law enforcement. It is a 24-hour, seven-days-a-week operation.

The development of this system was funded almost entirely by federal funds as part of the Criminal Justice Information Network (CJIN) Project. Once it is rolled out, the Magistrate System will need support staff (23 positions) to be able to support the system statewide, including a help desk seven days a week. Additionally, they seek four additional positions in the Technical Support area to support the mainframe operation and data bases. The Gartner Group reported that AOC is substantially understaffed. The Controller's Office did a study and determined that in state government 3.2 percent of a

particular agency's employees are dedicated to technology. (See Exhibit 8.) In AOC it is only 1.5.

The Disaster Recovery System will enable AOC to have a "hot site." It is, in essence, a backup to their mainframe in the event the mainframe goes down. The General Assembly last year funded the development of a disaster recovery plan recommended by the State Auditor. The requested funds would allow them to proceed to implement that plan.

The next item is for funding to allow AOC to expand its facility because they are out of space. The AOC is located in five different buildings in Raleigh—the Justice Building and four other rented spaces. In the area where they have their mainframe computer, they have had to add some servers to be able to handle the Magistrate System, and they have expanded their help desk people. They have gotten to the point where the Fire Marshall has come by several times to tell them they had to get some of the people out.

The last item in the Technology request is again money for equipment replacement. There are no funds in the continuation budget for equipment replacement. In order to replace PCs as they break, and to replace equipment in the field that is antiquated, they need $1.75 million from the General Assembly just to get through the year. In order to get to the point where they would be at a three-year replacement, which is what is anticipated as ideal for computer technology, it would take nearly $10 million. They have laptops out in the field now that are more than seven years old and can't run any of the operating systems that they now use.

Judge Ross moved on to the Guardian Ad Litem Program, which serves abused and neglected children. The Guardians Ad Litem represent the child when a case goes to court. They have over 3,000 volunteers, some of whom were present at the meeting. They are asking for six positions to provide some administrative support for the staff that is working in the field. They also provide legal services, and they hire some lawyers to represent the children in the courtroom.

The next item to be addressed was the critical shortfall in the Indigent Program. They anticipate $1.7 million dollars shortfall this year, and over $2 million shortfall next year.

Including the Indigent Defense Fund, critical needs total $11,403,616 and represent 54 positions. In addition, there is another item that is contingent on the General Assembly's action with regard to state employees' salaries. In the sentencing services program, some of the programs are operated by AOC under state employees. Some are local, community-based nonprofits that they contract with. So when a pay raise is given to state employees, in order to keep pay equalized between people who are really doing exactly the same work, they would need about $100,000 for a three-percent increase.

Judge Ross said he would wanted to touch on the very high and high-need items, but he said he would not go into as much detail as he did with the critical need items since they are in the handout (Exhibit 7). He said these are items that would help AOC to make some modest and marginal improvements in the system.

The first would expand the Custody Mediation Program. This is a program in which mediators are hired by the court system, and it is their job to mediate the custody dispute between parents at the time of a breakup. A recent evaluation has shown it to be a very effective program. Not only has it kept cases from going to court, it has really helped both children and parents. In addition, they want to expand Family Court. Judge Ross said it has been one of the best things the General Assembly has done in the court system. It allows one judge to hear cases for one family so he can understand what is happening with a family on all their various issues whether it is marital discord or juvenile problems.

AOC needs additional personnel. They are asking for some additional magistrates and district court judges. Last year they asked for sixteen and got nine. This year they are asking for seven more. The need for those is supported by a study that was done by the National Center for State Court. They need additional judicial assistants, deputy clerks, court reporters, public defenders, AOC staff, and additional staff for the Sentencing Services and Guardian Ad Litem Programs. The details are spelled out in the handout.

Judge Ross said they are also asking for substantial additional funds for equipment replacement in the very-high category. They need $9 million to get to the industry standard for replacement, but they also need additional support staff to help provide the technology services that the system demands. Those totals come to an additional $15.2 million and an additional 82.5 positions. Rep. Justus asked what happened in the past two years to require $10 million more over what was provided in the budget two years ago. Judge Ross pointed out that computer equipment needs to be replaced every three years to meet industry standards, and there are an additional 773 people that require support. Judge Ross also pointed out that as technology grows, there should be a corresponding reduction in the growth of personnel.

Moving to the high request category, those consist primarily of additional court officials and staff. In regard to the request for Victim Witness/Legal Assistants, when the victim rights amendment passed it put additional requirements on district attorneys. In order to meet those requirements and to be able to get the word to victims when their cases are being heard, that requires a notification process and additional personnel. These people also provide legal assistance to district attorneys in terms of helping them prepare cases. The number they requested this year (62 positions) is not the number they will ultimately need. The total of high requests comes up to an additional $9 million and an additional 159.5 positions.

In summary, Judge Ross said the total expansion budget request this year is $36,500 and 302 positions. As indicated earlier, they have broken their requests into three categories because they recognize that priorities are important to be set both by the legislature and by them. He said they would obviously appreciate all the consideration that can be given to them because they are hurting and they need some help to continue to operate the courts in an effective way.

Sen. Ballance said he practiced law around the state and he thought the number of Victim Witness/Legal Assistants requested was far too high. He said to tell him he said it, and Judge Ross said he would.

Judge Ross called on one of his staff members, Miriam Saxon, to report on Family Court.

Ms. Saxon said they submitted the report on the original three family court pilots back in April, and she handed out a summary of that report. (See Exhibit 9.) She said the unified family court is a wonderful idea that is being tried in North Carolina and across the nation. The idea is to assign one family to one judge so that you don't have one judge hearing the equitable distribution of the property division, another judge a couple of weeks later hearing the custody issue, and different opinions coming down from different judges. It consolidates it all before one judge. It coordinates the case management and service delivery for the family who is in crisis. There is a huge emphasis in this program on alternative programs for dispute settlement, such as mediation, to resolve those programs faster (hopefully) and to resolve them in a less adversarial manner. Family Court time standards have been developed for not only the specific issues within the case, but for the specific steps within the case. The overall goal is to complete the disposition of these cases within one year from filing. They are using the guidelines established by the Futures commission report under Rep. Baddour's leadership. The program was begun in three districts last Spring—District 14, Durham County; District 20, Anson, Richmond, Stanly and Union; and District 26, Mecklenburg. The new Districts are Districts 5, 6A, and 12.

To highlight the accomplishments of Family Court, Ms. Saxon said case management is beginning to improve in these cases, there are time standards, the court is actively managing these cases, backlogs are being eliminated or have been completely eliminated through case reviews and clean-up calendars. There are tight continuance policies in place so that when a case is before a judge for a hearing, whatever needs to be heard is being heard, barring a family emergency. A lot of new training has been provided for the family judges in the last year (95 hours) focusing on things like child development and family dynamics, domestic violence, substance abuse and the impact on the family and children, case management tools, and development of community resources to assist families in crisis. They have improved services for families by structuring within the districts partnerships and collaborations with all the community service agencies in that district so they are sharing information and coordinating services provided to a family. They have designed and implemented a mandatory parent education program in the family court districts where families that have children and are divorcing have to go to at least a one-hour class to talk about the impact of divorce both financially and emotionally on the children. They have developed new local programs in various districts for things such as truancy court, supervised child visitation programs, dependency mediation, and family group conferencing. They have improved services to fathers who are paying child support but don't have visitation rights yet with their children. They have increased the use of things like mediation and arbitration. They have improved the customer service in districts by designing new forms and procedural guides for pro se litigants in simple not uncontested divorces, and they've trained the staff in customer service.

Ms. Saxon said they have accomplished a lot in a year, but there are impediments to Family Courts reaching their full potential. One is the lack of complete automation of their civil and juvenile records. There are issues in terms of case management when you have elected judges, and other impediments listed on the handout. (Exhibit 9, p. 2.)

Rep. Kiser asked whether there were any statistics as to how many marriages were saved through family court. Ms. Saxon said there are not yet statistics, but they are designing a temporary software package to track that sort of statistics.

Rep. Thomas had a question for Judge Ross. He said the second page (after pie chart frame of Exhibit 6) shows $6.1 million collected from Counsel Fee Judgments. He said he assumed that if a person gets a court appointed attorney, there's a civil judgment entered against him to repay that. He asked Judge Ross to elaborate on that. Judge Ross said that was correct. He said one innovation put in place this year is an automated program that shows a computer tape of all the judgments that are outstanding. They run that against the Department of Revenue tax refund database, and they capture the people who have a tax refund that otherwise would be paid, and they send them a notice and tell them they owe money. If they don't respond they just keep the tax refund. It has enhanced their collections this year. Rep. Thomas asked whether Judge Ross had any information on the overall rate of collection, and he said he did not. He said they could run the tape against the Department of Revenue, but that wouldn't show the whole picture.

Rep. Baddour said everyone should be proud of what is happening in Family Court. He said one of the interesting things to watch is how it is working in both one-county districts as well as districts that have several counties. He said judges are getting together regularly, are sharing their experiences, and are fine-tuning the program. He said he wanted to thank Miriam for the great job she has done in administering the program.

Rep. Kiser said he knew of one or two counties who are interested in contributing money to the AOC to get more personnel there. He asked how the AOC felt about this proposal. Judge Ross said it raised some issues he thinks everyone should think about. He said we have a unified court system in North Carolina, and there are risks if you allow funding to take place by individual counties. On the other hand, the needs in the court system are dramatic, and this is a way by which they could get some help on a short-term basis. He said there are strong arguments that could be made each way, but he hoped the everyone in the General Assembly would keep their eyes open because there are some issues that could come up in terms of equalized funding down the road and large, fairly wealthy counties being able to do things that other counties can't do.

Rep. McCrary thanked Judge Ross for his presentation and called upon Rep. Hackney to make his presentation on HB1590/SB1323 Indigent Defense Services/Funds.

Rep. Hackney said he had been invited to present the report of the Indigent Defense Study Commission. He said the Appropriations Subcommittee on Justice and Public Safety was instrumental in the formation of the Indigent Defense Study Commission by

legislation passed in 1998 and 1999. One member of the commission was appointed by the Speaker, one by the President Pro Tem, one by the Chief Justice, one by the Association of Public Defenders, one by the State Bar, one by the Bar Association, and one by the Academy of Trial Lawyers. Members were Rep. Hackney; Sen. Ballance; Joe Cheshire, a private attorney in Raleigh; Isabel Day, Public Defender from Charlotte; Adam Stein, an attorney from Chapel Hill appointed by Chief Justice Mitchell; Erwin Spainhour, Senior Resident Superior Court Judge in Concord; Mary Ann Tally from Fayetteville. The commission asked to have a District Court Judge added, and Edward McCormick, a District Court Judge in Lillington was appointed Ex-officio.

In 1988-89 there were 88,300 assigned counsel in public defender cases. In 1998-99 that figure had risen to 166,900 such cases. Indigent defense spending in 1988-89 was $23 million and it climbed to $62 million in 1998-99. About a third of the cases are handled by public defenders who are located in certain parts of the states but not others. The Commission was asked in particular to assess the effectiveness of the current management structure for the indigent persons attorney fee fund and outline any additional standards or guidelines that could be implemented to allow for greater accountability of the funds. In addition, they were asked to evaluate whether establishing an indigent defense council to oversee the states expenditure of funds on a, district, regional, or statewide basis would make the operation of the fund more efficient, and to review methods of other states, etc. The General Assembly appropriated $50,000 to allow the study.

Rep. Hackney said Rick Kane from the AOC served as staff to the commission, John Rubin from the Institute of Government assisted as staff, and Elisa Wolper helped when she could. He said they looked at other states. They discovered that the American Bar Association has a full-time consultant on contract whose job is to go from state to state and advise them and help them with indigent fee assistance. His name is Bob Spangenberg, and he came down whenever there was a meeting and the ABA paid the bill. From him they selected two states in particular to study in depth, and those were Kentucky and Minnesota. Top officials from those systems were invited to come and give a report, and they are described in the commission's report.

The most important generalization about the organization of our system currently is that it lacks any centralized authority to provide coordinated planning, oversight or management. He read this important finding: "The study commission considers unacceptable that the state expends some $60 million a year without providing any administrative body with the necessary authority, staff, and resources to properly and comprehensively plan, implement, and manage the budget." The AOC does not have the authority to manage it because the judges are making many of the decisions, local bar committees are making decisions, and there are eleven individual public defenders making decisions. The AOC has the authority to make some decisions, and there are 300 superior or district court judges. The AOC has the duty to manage the budget, but it has no control over the fees that the judges award to lawyers in thousands of cases. There are no statewide uniform standards for indigence qualifications, compensation, or performance of counsel. The quality of legal representation varies tremendously. There is

a problem according to the American Bar Association's standards with a lawyer who is arguing before the judge being dependent upon that judge for the payment of that fee. If the lawyer makes the judge mad, will the fee be affected? And so forth. Sometimes lawyers end up with $10 an hour and sometimes $300 an hour.

Rep. Hackney said the commission recommends, based on models in other states, establishing a Commission on Indigent Defense Services (IDS). It is recommended that this commission have thirteen members with the appointing authority spread widely. It would have the authority over all indigent defense cases. It would not extend to the Guardian Ad Litem Program for children, which is well managed as it is and focuses on recruitment, training, and supervision of volunteer guardians, etc. It would take care of the provision of indigent services to all other categories including the special counsel to mental health patients and any case where somebody's liberty is at stake. It would take care of run-of-the mill district and superior court cases, juvenile cases, capital cases, appellate cases, etc. The commission should be vested with the authority and the duty to prepare and administer a budget, to promulgate standards, and to most importantly determine how legal representative should be provided statewide by implementing for each area of the state not a single system, but the best mix of services among local public defender offices, privately assigned counsel systems, and/or private contracts with private lawyers. The states that are most efficient mix these systems up. They use public defenders where it's most efficient to do so, they use private lawyers where its most efficient to do so, and in some cases—like a day of juvenile court—it might be more efficient to hire contract lawyers and get a better job done too.

Rep. Hackney said there would be an enormous amount of authority invested in the commission. It is contemplated that the system would be transitioned in between July of this year and July of next year and be fully operational by next July 2001. It is contemplated that the commission would be appointed, would meet, would hire an executive director, and would start to put together the staff. A skeleton staff has been proposed to start with a budget of one percent of the total appropriation. In other words, one percent for management of $70 million, and that would be about $700,000 when it was fully operational. It is recommended for this year, that money simply be taken from the Indigent Defense Fund so that no specific, special appropriation is made and that the commission simply be authorized. The study commission is well aware that there's a shortage in that money already, but they think it's very important to get the commission transitioned in over a one-year period. He pointed out that there was a public hearing on this and all the public defenders were involved. They seemed to be reasonably satisfied with it although there is some scattered opposition among public defenders. The judges generally know about this, and the big change is they are no longer deciding how much to pay the lawyers. They still make the decision about indigence because they are in the best position to do that, but IDS will provide how the representation is provided.

The staff positions would be an executive director, an associate director, a chief financial officer, an information systems manager, a research analyst, an administrative assistant, and a secretary. There is a little money needed for meeting costs and for rent. When fully operational the one-year cost would be $724,000.

Rep. Hackney said he believed it would result in more efficiency in the system, better management of the $70 million, and it would result in better provision of legal representation to people who need it.

In response to a question, Rep. Hackney said the commission had no cost-effective recommendations to improve upon the system already in place for collecting money owed by indigents.

In response to a question by Rep. Kiser concerning leaving the eligibility with judges, Rep. Hackney said the commission went into the subject with a consultant and they were satisfied that they wouldn't save any money placing the responsibility elsewhere.

In response to a question regarding furnishing counsel to an indigent in a civil case, Rep. Hackney said the provisions in the bill permitting counsel were there because they were constitutionally required.

Rep. Thomas said the judge usually went to the next name on the list when appointing counsel. He asked how it would play out with IDS. Rep. Hackney said if there were not a public defender in the district, the IDS will go to the local list or else set up a lawyer contract. The difference will be an administrator will make the appointment and not the judge.

Rep. Thomas said he was worried about the efficiency. Rep. Hackney said he was confident that once the system is in place, a lawyer would more often be available in the courtroom to handle a case under the new system than is the case now.

On line 22 on page 7 of the proposed bill, Rep. Thomas asked a question concerning the nomination procedures for public defenders where members of the bar in certain districts shall vote and submit either two or three names to the commission for selection of public defenders. He asked what the commission would consider exceptional circumstances for not appointing a lawyer referred by the bar. Rep. Hackney said he would envision an example as being where there is an exceptionally qualified candidate who was not considered by the local bar. In such a case he would imagine the commission would refer it back to the bar.

Rep. Thomas asked whether there were an exception clause available in the appointment of district court judges where the bar meets and submits three names to the governor. Rep. Hackney said he didn't think so.

Rep. Justus said he liked the bill pretty much, but he said the commission is going to have a tremendous amount of power by the rules that it creates. He asked whether those rules would be subject to review by the General Assembly. Rep. Hackney said the study commission discussed that, and he couldn't remember what the decision was. He said he thought the answer was no, but he will get a definite answer and report to the committee.

Regarding the composition of the commission, a member asked whether there other instances where there are sub groups of a professional group that would be of equal standing on a commission—The Association of Defense Lawyers, Association for Insurance Company Lawyers, Black Lawyers Association, etc.? Rep. Hackney said he thought so. He said the rough model for the commission is the Sentencing Commission. The Sentencing Commission has a lot of authority, and they are organized in roughly this way. But they don't administer $70 million, so this is more of a financial matter and the important component in this matter will be the chief financial officer.

There being no further questions, the subcommittee adjourned at 2:05 p.m. to reconvene at 8:30 a.m. on May 24, 2000.

Respectfully submitted,

Paul McCrary
Rep. Paul McCrary, Co-Chairman

Barbara A. Berry
Barbara A. Berry, Committee Assistant

Attachments:
Exhibit 1—Agenda
Exhibit 2—Visitor Registration
Exhibit 3—Staff Assignments
Exhibit 4—Summary of Key Issues
Exhibit 5—JPS Items Funded with Non-recurring Funds in SFY99-00
Exhibit 6—PowerPoint Presentation
Exhibit 7—Judicial Branch Fiscal Year 2000-2001 Budget Requests
Exhibit 8—AOC Technological Roadmap for the Future of the NC Courts
Exhibit 9—Report on the Pilot Family Court Program Executive Summary
Exhibit 10—House Bill 1590, Indigent Defense Services/Funds

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 23, 2000
8:30 a.m. and After Session
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary-Presiding
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Staff Overview of Key Issues
Fiscal Research Staff

AOC Expansion Budget Request
Thomas Ross, Director, Administrative Office of the Courts

HB1590/SB1323 Indigent Defense Services/Funds
Representative Joe Hackney

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

EXHIBIT 2

VISITOR REGISTRATION SHEET

Name of Committee: Justice & Public Safety

Date: 05-23-00

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Paul Pulley	NCATL
Charles Cromer	NCATL
Alicia Gruenebaum	VAIO
Scott Bradley	Mediation Network
Janet Ritter	OSBM
Robert Powell	OSBM
Eric Dyer	Greensboro News/Record
Seth Whitaker	House Appropriations Staff
[illegible]	NCOAA
Chuck Cox	OSPL

FISCAL RESEARCH DIVISION
SUITE 619 LOB
919 733-4910
FAX 919 715-3589

Jim Johnson, Director

JUSTICE AND PUBLIC SAFETY

DEPARTMENT/ASSIGNMENTS	ANALYSTS
Crime Control and Public Safety	Kelly Little
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	
Department of Justice	Denise Thomas
Legal Services	
Law Enforcement Services (SBI/DCI)	
State Bureau of Investigation	
Training and Standards	
Department of Correction	
Department Management	Jim Mills
Division of Prisons	Jim Mills
Community Corrections -- Adult Probation and Parole	Elisa Wolper
Parole Commission	Elisa Wolper
Community Corrections -- Criminal Justice Partnership Program	Denise Thomas
Substance Abuse Program	Kelly Little
Judicial System	Elisa Wolper
Supreme Court	
Court of Appeals	
Superior and District Courts	
Offices of Clerks of Superior Court	

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Jim Johnson, Director

JUSTICE AND PUBLIC SAFETY (Continued)

DEPARTMENT/ASSIGNMENTS	ANALYSTS
Judicial Sytstem (Continued)	Elisa Wolper
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/Drug Treatment Courts	
Office of Juvenile Justice	
Department Management	Jim Mills
Training Schools and Detention Centers	Jim Mills
Programs (State and Local)	Denise Thomas

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
1999-2000 SUMMARY OF KEY ISSUES

The 1999-2000 certified budget and employees for each agency are:

Department	Total Requirements	Federal Funds receipts, etc	State Appropriation	Positions funded by State Appropriation	Total Certified # Employees**
Corrections	958,291,735	38,621,018	919,670,717	18,390	18,855
Crime Control	555,506,753	422,637,865	37,996,167	569	737
Judicial	366,567,853	18,213,796	348,354,057	5349	5,424
Justice	91,705,796	15,796,912	75,908,884	1,119	1,267
Juvenile Justice	156,390,094	17,060,162	139,329,932	2,038	2,086
Total	2,128,462,231	512,329,753	1,521,259,757	27,465	28,369

Source: December 31,1999 BD701; position numbers based on latest data available from state agencies as of May 12, 2000

*Total requirements includes state and federal funds; Crime Control figures exclude Highway Patrol, which is funded through the Highway Fund ($144 million/1832 employees)

KEY JPS BUDGET ACTIONS IN 1999 GENERAL ASSEMBLY

CORRECTIONS

Division of Prisons

- Prison Beds -- Reduction of 607 positions/$14.75 million in FY 2000 and $18.7 million in 2001; reduction of 2,082 beds by closing 7 prisons (Governor recommended 10); converting one to minimum security; reducing staffing and beds in 16 minimum security and 3 close security prisons (eliminated double ceiling).

- Inmate Education -- Reduction of $307,214 and 11 positions -- eliminated adult schools at Eastern and Harnett prisons; abolished education positions (total of 8) at Western Prison; eliminated funding for Education Director at Eastern Prison.

- Medical Positions -- Reduction of $1 million by reducing contractual personnel funds replaced by new positions and by eliminating 12 vacant positions at Central Prison.

- Special Funds -- Reduction of $1.15 million. One time reduction in Prison Enterprises Fund and in the cash balance of the Inmate Welfare Fund.

Community Corrections

- Reduction of $1.98 million and 38 positions in the Division of Community Corrections-- used contractual employees for parole revocation hearings; reduced the amount of leased office space for field Probation Parole Officers; consolidated Female IMPACT (Boot Camp) program with the men's program in Morganton.

- Reduction of $395,505 -- Parole Commission reduced from 5 to 3 members; 4 staff positions eliminated because of declining workload due to Structured Sentencing.

- $7 million reduction in Governor's recommended expansion in Probation and Parole staff; $775,000 appropriated to speed up the reallocation of probation and parole officers to allow 514 Intermediate Officers to more closely supervise Intermediate Punishment Offenders.

- Expansion Funding was provided to the Women at Risk and Harriet's House programs for female offenders. The budget also made permanent the Post Boot Aftercare Program in 5 counties and the Victims Assistance Pilot in 2 counties.

JUDICIAL

Net budget increase of $2.8 Million with a net increase of 129 positions.

- The subcommittee identified $7.58 Million in reductions in order to fund increased resources for the court system. This budget adds 5 Superior Court Judges, 9 District Court Judges, 9 Assistant DA's and 3 Investigators, 3 Magistrates, 9 Court Reports and 11 Deputy Clerks of Court, and 25 Victims Witness Assistants for DA's offices.

- The subcommittee reduced recommended appropriations to the Indigent Fund by $3.2 Million each year by reviewing trends and history. The budget also creates a position to manage the indigent fund for the first time.

- Increase of $1.6 million in recurring funds for programs that were pilots or funded with nonrecurring funds in the past-- Drug Treatment Court, Family Court, Bad Checks and increased pay for Emergency Judges.

- Funding for Dispute Resolution and Mediation Centers was increased by $350,000 to bring the total budget to $1.3 Million. These funds will be allocated among 27 different programs.

JUSTICE

- Increased realized receipts for DCI fees for criminal record checks and for access to the DCI system; increase allowed for a reduction in the General Fund Appropriation.

- Provided funding for a new dormitory at the Western Justice Academy; recurring funds for 2.5 staff positions.

JUVENILE JUSTICE

- Reduced $2 million dollar continuation budget request for 72 training school positions by $1 million and used the remaining $1 million to juvenile offender

transportation program and to fund a study of staffing at training schools and detention centers.

- Expansion of $1 million for community based juvenile programs (JCPC).

- Expansion of $73,500 for the Guard Response Funds (GRASP) Program; expanded from four to six programs.

- Expansion of $1.65 million in 99-2000 and $4 million in FY 2001-- operating funds for a new Eckerd Wilderness Camp and four 8-bed multipurpose group homes.

- Expansion of $105,000 – funding to continue Teen Court Programs in Wake, Guildford, Duplin, Durham, and Onslow counties.

CRIME CONTROL

- Reduction of $167,059-- eliminated Crime Prevention Division by eliminating three positions within the Division and transferring the remaining four positions to the Governor's Crime Commission.

- Expansion funds of $710,000 as the State match for the Tarheel Challenge Program.

KEY JPS BUDGET ISSUES IN 2000 SESSION

AOC Technology

- Comprehensive study of Court Technology by independent consultants estimated need to increase technology spending $65--$90 Million over five years

- Expansion Budget request includes "Critical Needs" of $4.6 Million (31 positions) for equipment replacement, disaster recovery systems, technical staff and completion and continued maintenance/support of Magistrate System. Additional "Very High Priority Needs" include $9.8 Million for more extensive equipment replacement and automation of civil judgement abstracts.

AOC Staffing

- AOC emphasis on departmental support functions in Raleigh — 9 administrative/management positions totaling $576,000. Critical or Very High Priority Needs for *district* staff include Magistrates (12), Court Reporters (6), Guardian Ad Litem (6), District Court Judges (7), Deputy Clerks (7)

AOC Indigency Fund

- AOC expects to have indigent fee fund obligations $1.6 Million over budget for this year. Because lapsed salaries are being used to cover Floyd Relief, they may carry

over these obligations to next year. In addition, AOC projects the 2000-2001 budget for Indigent Fund to be $2.5 Million short. (Potential total need of $4.1 million)

- The Indigent Fund Study Commission is recommending an independent Defense Services Commission to provide better management of indigent costs starting in 2001-2002. Establishing the Commission would cost about $536,000 in 2000-2001.

Prisons : Prison Population Projections/Proposed 3000 Close Custody Beds

- January 2000 Sentencing Commission projections show population increases and a resulting prison bed deficit by end of FY2000-01; major bed deficit of over 1,200 likely by end of 2002-03. *DOC is developing options for handling short-term deficits.*

- 1999 General Assembly authorized DOC to contract for construction of "up to" 3000 single "close custody" cells by "private" vendors and to issue an RFP seeking bids on 1000 to 3000 beds. Progress report due May 2000. Current estimated State cost is $23 million annually for DOC to lease and operate a 1000 bed prison, or $69 million for three 1,000 bed units in FY 2003 and 2004. Final proposal must be reviewed by Governmental Operations and approved by Council of State.

Juvenile Justice: Proposed New Department

- Governor submitted *"Plan for Reorganization"* April 7, 2000 proposing a new Department. The cost of establishing a new Department was a major issue in 1998. The Governor has indicated there will be "no cost" to set up a new Department.

Juvenile Justice: Juvenile Crime Prevention Grants (JCPC)

- The Office of Juvenile Justice is likely to request several million dollars to expand this program and/or to continue one-time funding from 1998-99. General Assembly has increased State Continuation Budget for JCPC grants (local programs for at risk and court involved youth) from $17.5 to $24 million since 1998 and funded $5.5 in one-time funding to implement Juvenile Justice Act. Federal block grants and Crime Commission grants for juvenile programs have also increased.

Law Enforcement/Correctional Officer Salaries

- Salary issues were presented in Corrections and Crime Control Oversight during the interim. A study of law enforcement agencies is likely to highlight future salary issues (State Personnel Study due in May).

- DOC has studied attrition rates (36% for correctional officers within 12 months of employment in 98-99) and vacancy rates (12%) and has proposed use of salary reserve and lapsed salaries for short-term salary adjustments.

Impact of Floyd

The chart below shows the reversions required of each JPS Department for 1999-2000 and the major source. These requirements resulted in hiring slow downs and inability to cover shortfalls in Indigent Fund in AOC and difficulty funding overtime for SBI agents in DOJ.

DEPARTMENT	1999-2000 CB General &Highway Fund	FLOYD REQUIREMENT	NOTES
Administrative Office of the Courts	$348.3 Million	$ 3.75 Million	$1.9 M lapsed salary $1.7 M deferred indigent payments
Correction	$919.7 Million	$14.0 Million	$9.4 M lapsed salary
Crime Control & Public Safety	$181.7 Million	$ 2.46 Million	$1.76 M from Highway Patrol Lapsed salary
Office of Juvenile Justice	$139.3 Million	$ 4.1 Million	$2.3 M lapsed salary
Justice	$75.9 Million	$ 3.5 Million	Using lapsed Salary
Total	**$1.67 Billion**	**$27.8 Million**	

JUSTICE AND PUBLIC SAFETY BUDGET ISSUES -- SHORT SESSION 2000
JPS ITEMS FUNDED WITH NON-RECURRING FUNDS IN SFY99-00

- ***Tarheel Challenge***: -- Additional $270,000 recurring needed to reach federal match requirement (65% federal/35% state) and continue to operate. Budget guidelines did not allow for federal expansion or the increased state share in second year of budget.

- ***Victims Assistance Network*** (Floyd Relief) -- $350,000 NR; $175,000 was diverted for Floyd Relief

- ***National Guard Armory Charlotte*** (Floyd Relief) -- $1.2 million was appropriated in the 1997 capital budget for a new armory; requested federal money not appropriated until Oct. 1999. Now $1.6 million in state matching funds is needed by Sept. 2000 or $7.1 million in federal money will be lost.

- ***Business Court*** -- Rent $52,000 NR (AOC request:$44,000 for 2000-12001)

- ***Court Management Pilot*** (Floyd Relief) -- $175,000 NR (project delayed—Funds used towards Floyd obligation)

- ***Indigency Screeners in Wake County*** -- $100,000 NR

- ***Henderson Modular Prison Unit*** (Floyd Relief)-- $410,000 NR

- ***Harriet's House*** -- $75,000 NR

- ***Parole Commission Furniture*** (Floyd Relief) - $50,000 NR to purchase furniture for the Parole Commission was reverted for Floyd.

- ***CJPP Discretionary*** - $225,000 NR for additional discretionary grants. This was a one time effort to supplement available discretionary grant funds, some of which were transferred to OSBM for Floyd relief.

- ***AOC Disaster Recovery Funds*** - $350,000 NR for a disaster recovery program for court information systems. Some funds spent to develop a fuller plan. AOC Expansion request includes recurring costs of program.

NON-RECURRING CUTS IN 1999-2000 THAT COULD BE CONSIDERED IN 2000-2001

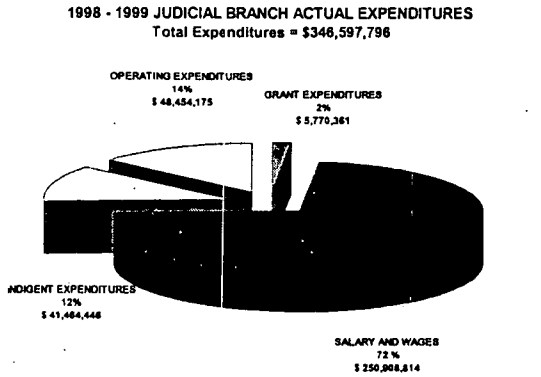
- ***Criminal Justice Partnership Program***—($705,704) NR Reduction in Funds for Nonparticipating Counties. There were 10 nonparticipating counties at the time.

- ***DART-Cherry Aftercare*** ($50,000) NR . This left $269,715 in continuation funds.

JUDICIAL BRANCH

BUDGET PROPOSAL

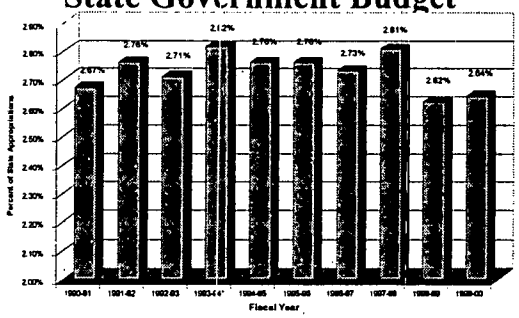
Fiscal Year 2000 - 2001



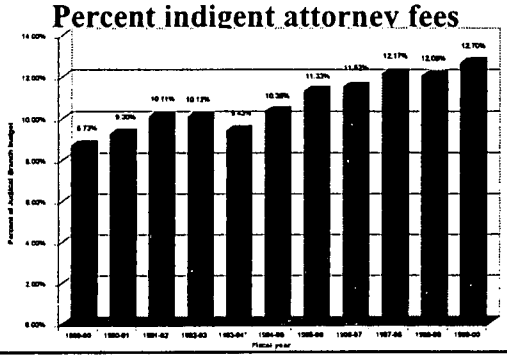
JUDICIAL BRANCH COLLECTIONS: FISCAL YEAR 1989-99

FUNDS COLLECTED	AMOUNT
TO STATE	$145,832,994
Counsel fee judgements	*$6,169,929*
Ten-Day License Revocation	*$2,013,825*
Worthless Check Fund	*$103,343*
General Court of Justice Fees, etc.	*$120,960,786*
Probation fees	*$10,668,097*
DWI/Community Service Fees	*$5,320,421*
Parole Supervision Fees	*$596,089*
TO COUNTY	$88,441,710
Facility fees	*$14,690,003*
Officer fees	*$3,699,695*
Jail Fees	*$1,936,701*
Fines and Forfeitures	*$66,115,311*
TO MUNICIPALITIES	$2,823,4571
Facility Fees	*$624,089*
Officer Fees	*$2,197,229*
Jail Fees	*$2,253*
GRAND TOTAL	$237,098,275

Judicial Branch - Percent of State Government Budget



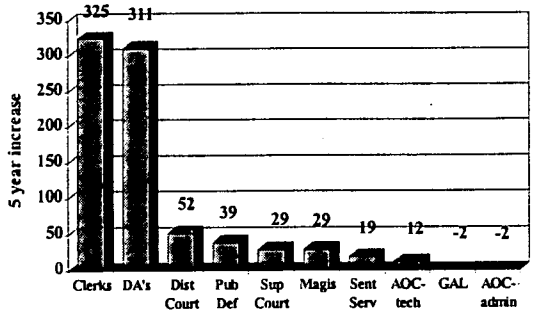
Judicial Branch Budget: Percent indigent attorney fees



New Programs Added or Expanded Last Five Years

- Community Mediation Centers: 8 centers
- Court-Ordered Arbitration: 32 counties
- Custody Visitation Mediation: 44 counties
- District Court Civil Case Calendaring: 11 counties
- Family Court: 10 counties
- Family Financial Mediation: 22 counties
- Worthless Check Program: 8 counties

Increase in Judicial Branch Staff



Budget Priorities

- **Critical:**
  - *Maintain core court operations*
- **Very High:**
  - *Make marginal improvements to court system*
  - *Initial implementation of Technology Plan*
  - *Expand Custody Mediation and Family Court*
- **High:**
  - *Make modest improvements to court system*
  - *Continue implementation of Technology Plan*

CRITICAL REQUESTS

- COURT OPERATIONS
- NON-TECHNICAL SUPPORT
- TECHNICAL SUPPORT
- OTHER SUPPORT

Critical Request
Court Operations

- **Court Reporters**
  $ 111,942 2 Positions
- **Magistrates**
  $ 240,708 6 Positions

Critical Request
Court Operations

- **Eliminate 1st step for deputy clerks**
  $ 212,296
- **Court Appointed Interpreter cost**
  $ 250,179
- **Create Domestic Violence Interpreter account**
  $ 75,889

Critical Request
Court Operations

- **Courtroom Audio Equipment & wiring**
  $ 211,500
- **Business Court - Space Lease & Maintenance on Equipment**
  $ 44,000

Critical Request
Non-Technical Support

- **Human Resources Staff**
  $ 110,586 2 Positions
- **Administrative Division Staff**
  $ 46,171 1 Position
- **Court Management Staff**
  $ 89,216 1 Position

Critical Request
Non-Technical Support

- **Legal Services Administrative Support**
  $ 51,405 1 position
- **Special Counsel Office Staff**
  $ 278,823 4 Positions
- **Non-Technology Equipment Replacement**
  $ 1,000,000

Critical Request
Technical Support

- **Magistrate System Personnel & Operational Cost**
  $ 1,743,816 23 Positions
- **Technical Support Staff**
  $ 226,796 4 Positions
- **Disaster Recovery Staff & Plan**
  $ 774,917 4 Positions

Critical Request
Technical Support

- **Facility Expansion**
  $ 150,000
- **Technology & Telecommunication Equipment Replacement**
  $ 1,750,000

Critical Request
Other Program Support

- **Guardian Ad Litem Staff Support**
  $ 317,516 6 Positions
- **Shortfall of Indigent Fund**
  $ 3,717,856 (projected)

Critical Request
Subtotal

$11,403,616

54 Positions

Critical Request Contingencies

Contingent on General Assembly Legislative Action: Salary Increase:

- **Salary for Sentencing Services non-profit operations**
  $ 99,779 *(assumes 3%)*

Critical Request Total

$ 11,503,395

54 Positions

Very High Request

- **Expand custody mediation**
- **Expand family court**
- **Add additional court officials and staff**
  - *magistrates, district court judges, judicial assistants*
  - *deputy clerks, court reporters, public defender staff, AOC staff, sentencing services, guardian ad litem*
- **Technology equipment and support**

Very High Request Total

$ 15,208,719

82.5 Positions

High Request

- **Additional court officials and staff:**
  - *victim witness/legal assistants, district court judges, deputy clerks, public defender support staff, court of appeals support staff, AOC support staff, sentencing services staff, and guardian ad litem staff and support.*

High Priority Request Total

$ 9,334,031

159.5 Positions

JUDICIAL BRANCH
Total Budget Request

$ 36,518,933

302 Positions

JUDICIAL BRANCH

BUDGET PROPOSAL
Fiscal Year 2000 - 2001

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUESTS

Revised: May 5, 2000

Following are the budget requests developed by the various committees of the Judicial Branch and integrated and prioritized by the Director of the Administrative Office of the Courts. The recommendations total $ 36,518,933 and have been prioritized into three categories:

Critical Priority: Needed to maintain core court operations.

Amount: $11,503,395 (includes an estimated $3,717,856 to cover shortfalls in the Indigent Fund)

Very High Priority: Needed to make marginal improvements to court system, expand custody mediation, expand family court, and begin initial implementation of the court's Technology Plan.

Amount: $ 15,681,507

High Priority: Needed to make modest improvements to the court system and further the implementation of the Technology Plan

Amount: $9,334,031

The Report is organized as follows:

Critical Priority		Very High Priority		High Priority	
Court Operations	Page 1	Court Operations	Page 6	Court Operations	Page 11
Non –Technical Support	Page 2	Non-Technical Support	Page 8	Non-Technical Support	Page 12
Technical Support	Page 3	Technical Support	Page 9	Other Program Support	Page 13
Other Program Support	Page 4	Other Program Support	Page 10		
Contingencies	Page 5				

EXHIBIT 7

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

CRITICAL NEEDS

	AMOUNT	NUMBER OF PERSONNEL
Maintain Court Operations		
Court Reporters	$ 111,942	2
Magistrates	$ 240,708	6
Adjust salary schedule for deputy clerks	$ 212,296	0
Costs for court-appointed interpreters	$ 250,179	0
Interpreters for domestic violence cases	$ 75,889	0
Courtroom audio equipment and wiring	$ 211,500	0
Business Court facility/equipment costs	$ 44,000	0
Maintain Non-Technical Support		
Human Resources Support Staff	$ 110,586	2
Administrative Division Staff Specialist	$ 46,171	1
Court Management Specialist	$ 89,216	1
Special Counsel Office Staff	$ 278,823	4
Non-technology Equipment Replacement	$ 1,000,000	0
Legal Services Administrative Support	$ 51,405	1
Maintain Technical Support		
Magistrate System	$ 1,743,816	23
Technical Support Staff	$ 226,796	4
Disaster Recovery System	$ 774,917	4
Facility Expansion	$ 150,000	0
Technology Equipment Replacement	$ 1,750,000	0
Maintain Other Program Support		
Guardian Ad Litem Staff Positions	$ 317,516	6
Cover Projected Shortfall in Indigent Fund	$ 3,717,856	0
SUBTOTAL: Critical Needs	$ 11,403,616	54
Contingency Items		
Contingent on decisions in General Assembly regarding pay increases:		
Legislative Increase for Sentencing Services' non-profit operations	$ 99,779	0
TOTAL: Critical Needs	$ 11,503,395	54

VERY HIGH PRIORITY NEEDS

	AMOUNT	NUMBER OF PERSONNEL
Maintain Court Operations		
Expand Custody Mediation	$ 477,216	6.5
District Court Judges	$ 934,003	7
Judicial Assistants	$ 402,898	10
Deputy Clerks	$ 229,201	7
Trial Court Coordinators	$ 278,015	5
Additional Assistant Public Defenders	$ 472,788	6
Public Defender Support Staff	$ 408,860	8
Court Reporters	$ 223,884	4
Magistrates	$ 240,708	6
Family Court Expansion	$ 618,000	8
NDAA: Membership/Participation	$ 48,000	0
Training: Technical/Non-Technical	$ 250,000	0
Maintain Non-Technical Support		
Human Resources Support Staff	$ 46,990	1
Legal Services Support Staff	$ 156,765	2
Maintain Technical Support		
Judgement Abstracting Program	$ 687,176	2
Migration Manager	$ 123,586	1
Additional Technology and Tele-communication replacement equipment	$ 8,961,281	0
Maintain Other Program Support		
Sentencing Services Support Staff	$ 157,462	4
Sentencing Services Salary Equity	$ 250,504	0
Sentencing Services District Operations	$ 16,977	0
GAL Staff	$ 679,193	11
GAL Staff Development	$ 18,000	0
TOTAL: Very High Priority Needs	$ 15,681,507	88.5

HIGH PRIORITY NEEDS

	AMOUNT	NUMBER OF PERSONNEL
Maintain Court Operations		
District Court Judges	$ 1,868,006	14
Judicial Assistants	$ 563,318	14
Deputy Clerks	$ 458,402	14
Victim Witness/Legal Assistants	$ 2,720,002	62
Public Defender Support Staff	$ 342,756	7
Court of Appeals Mediation Prgm	$ 25,000	
Court of Appeals Res Assistants	$ 113,092	2
Maintain Non-Technical Support		
Legal Services Support Staff	$ 84,826	1
Arbitration Fees	$ 184,950	0
Maintain Other Program Support		
Sentencing Services Sentencing Specialists	$ 169,136	4
Sentencing Services District Operations	$ 6,159	0
GAL Staff	$ 1,651,389	29.5
GAL Volunteer Recruiters	$ 646,995	12
GAL Attorney Fees	$ 500,000	0
TOTAL: High Priority	$ 9,334,031	159.5

TOTAL RECOMMENDATIONS (All Categories): $ 36,518,933

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

CRITICAL / Court Operations

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Court Reporters	$ 111,942.00	2	Positions will fulfill the need to provide one reporter for each regular (non emergency) judge to avoid the cancellation of court due to the lack of a court reporter (there are currently 103 court reporter positions serving 105 regular judges).
Magistrates	$ 240,708.00	6	New positions are needed to handle the magistrate workload which has increased from 804 cases per magistrate in FY88 to 918 in FY99 (6 additional positions in the 'very high' priority category).
Adjust salary schedule for deputy clerks	$ 212,296.00	0	Eliminate first step in salary schedule (the current 'hiring rate') to help overcome difficulties in recruiting and retaining deputy clerks.
Costs for court-appointed interpreters	$ 250,179.00	0	To cover expenses for increased use of courtroom interpreter services (Hispanic population alone reached 161,220 in 1998 an increase of over 100% since 1990).
Interpreters for domestic violence cases	$ 75,889.00	0	Establish new account for payment of interpreter services in domestic violence cases. There are no funds currently available for this service.
Courtroom audio equipment and wiring	$ 211,500.00	0	75 units plus wiring costs for administrative and other non-jury sessions in newly constructed or renovated courtrooms and where additional court sessions are planned in existing courtrooms.
Business Court facility/equipment costs	$ 44,000.00	0	Needed to maintain current leased space in Greensboro and provide equipment maintenance.

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

CRITICAL / Non-Technical Support

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Human Resources Support Staff	$ 110,586.00	2	Benefits Specialist and Leave Specialist positions are needed to meet workload demand created by increased court employees and number of benefits options and personnel actions (calls to benefits staff increased by 78% between 1998 and 1999, and 773 new court employees have been added in the last five years).
Administrative Division Staff Specialist	$ 46,171.00	1	Position needed to sustain the timely processing of increasing account activity in the indigent and travel areas (indigent transactions have increased from 82,328 in FY95 to 118,610 in FY99, and 1262 new employees have been added in the last 10 years).
Court Management Specialist	$ 89,216.00	1	Position needed to meet workload demand created by new and expanded programs authorized by the General Assembly in recent years. (i.e. family court, worthless check project, community mediations, court-ordered arbitration, etc.).
Special Counsel Office Staff	$ 278,823.00	4	3 Special Counsel Attorneys and a Special Counsel Assistant (paralegal) are needed at the state mental hospitals to meet the work demand created by a doubling of staff caseload activity. There has been no increase in staff in 25 years.
Non-technology equipment replacement	$1,000,000.00	0	Covers replacement costs of obsolete or outdated non-technology equipment, including: copiers, mailing machines, etc. AOC is the only state agency with no equipment replacement funds in the continuation budget.
Legal Services Administrative support	$ 51,405.00	1	Provide administrative support needed as a result of increased special programs added by the General Assembly (i.e. family court, worthless check project, community mediations, court-ordered arbitration, etc.).

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

CRITICAL / Technical Support

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Magistrate System	$1,743,816.00	23	Maintain and support operations through recurring funding of system developed primarily with federal grant funds. Request will ensure that the implementation is complete and maintained in all 100 counties, including the development and implementation of the receipting component.
Technical Support Staff	$ 226,796.00	4	Additional user support staff positions are essential as 24 hour a day/ 7 days per week operations are implemented to support the magistrate users. Around the clock computer operations cannot be supported without these positions. (nearly 10% of calls to help desk are currently being lost)
Disaster Recovery System	$ 774,917.00	4	Funds necessary to implement disaster recovery procedures and implement a hot site recovery solution to ensure court technology services can be delivered in the event of an emergency or disaster.
Facility Expansion	$ 150,000.00	0	Additional space is needed to support current operations; comply with fire regulations.
Technology Equipment Replacement	$1,750,000.00	0	Almost $9 million is required to replace older, technology-related equipment in the court system. The amount requested will be used to replace the oldest, most critically needed equipment. (Additional funds are requested in the 'very high priority' category.)

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

CRITICAL / Other Program Support

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Guardian Ad Litem Staff Positions	$ 317,516.00	6	Provides understaffed offices with needed personnel: makes all regional administrators full-time by expanding two 3/4 time positions; provides 7 half-time program assistants to offices with no secretarial support; and, adds two program supervisor positions to help meet minimum supervisory standards.
Cover Projected Shortfall in Indigent Fund	$ 3,717,856.00	0	Covers mandated expenditures as caseloads and expenditure demands increase.
SUBTOTAL: Critical Needs	$ 11,403,616.00	54	

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

CRITICAL / Contingency Items

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Contingent on decisions in General Assembly regarding pay increases:			
Legislative Increase for Sentencing Services' non-profit operations	$ 99,779.00	0	Provides salary increases for employees of Sentencing Services non-profit operations (assumes a 3% legislative increase).
TOTAL: Critical Needs	$ 11,503,395.00	54	

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

VERY HIGH / Court Operations

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Expand custody mediation	$ 477,216.00	6.5	Expand custody mediation program to five additional districts and add needed support staff. When completed, the program will be operational in 75 of North Carolina's 100 counties.
District Court Judges	$ 934,003.00	7	Based on workload pressures documented by the National Center for State courts, a plan was presented to the GA in 1999 requesting 30 judges over 2 years (9 were authorized for FY00) ... the unfunded positions are requested here and in the 'high' priority category.
Judicial Assistants	$ 402,898.00	10	Provides support staff for new judges in District Court and helps meet staff-to-judge ratio standard (3:1) in Superior Court.
Deputy Clerks	$ 229,201.00	7	Additional personnel needed to support the increased workload created by new positions in the courts divisions.
Trial Court Coordinators	$ 278,015.00	5	Adds support staff in District Court for case calendaring and management in high volume districts.
Additional Assistant Public Defenders	$ 472,788.00	6	Provides personnel to handle increasing caseloads.
Public Defender Support Staff	$ 408,860.00	8	Positions (2 Investigators,1 Paralegal, 1 Admin Assist, 1 Interpreter, 3 Legal Assist) needed to move toward the 0.75 staff-to-attorney ratio standard.

Items continued on next page

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

VERY HIGH / Court Operations (Continued)

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Court Reporters	$ 223,884.00	4	Additional positions will allow increased use of emergency and retired/recalled judges to hold additional sessions of court.
Magistrates	$ 240,708.00	6	New positions are needed to handle the increased magistrate workload in six additional counties.
Family Court Expansion	$ 618,000.00	8	Provides 2 Family Court Administrators and 6 Case Managers plus network support to expand program into 2 additional districts.
NDAA: Membership/Participation	$ 48,000.00	0	DA membership and limited participation in the activities, including continuing education programs, of the National District Attorneys' Association.
Training: Technical/Non-Technical	$ 250,000.00	0	Covers additional needed travel and training expenditures for all court system employees. This is equivalent to less than $50 per employee in personnel development expenditures.

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

VERY HIGH / Non-Technical Support

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Human Resources Support Staff	$ 46,990.00	1	Provides a Secretary II position to provide administrative support to staff to meet workload pressures created by increased numbers of employees and personnel actions and inquiries due to an expansion of benefits options.
Legal Services Support Staff	$ 156,765.00	2	Establishes an Alternative Dispute Resolution Specialist and a Research Attorney to support staff efforts to meet increased (and increasing) workloads due to a major expansion of program responsibilities authorized by the General Assembly over time (e.g., there has been only one Research Attorney since 1992 to serve the entire cadre of judges which has increased by 69 positions).

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

VERY HIGH / Technical Support

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Judgement Abstracting Program	$ 687,176.00	2	Accelerate program implementation to relieve workload in clerk's offices.
Migration Manager	$ 123,586.00	1	Information Technology Specialist position to manage and oversee implementation of modernization strategy proposed by the Gartner Group as part of the Strategic Information Systems and Technology Plan.
Additional Technology and Telecommunication Replacement Equipment	$ 8,961,281.00	0	Funds needed to replace older, technology-related equipment and to handle telephone-related costs necessitated by courthouse moves in the coming year.

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

VERY HIGH / Other Program Support

CATEGORY / ITEM		AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Sentencing Services Support Staff	$	157,462.00	4	Adds support staff to provide administrative support and help meet expanding caseload.
Sentencing Services Salary Equity	$	250,504.00	0	Requests sufficient funds to provide salary equity for sentencing specialists employed by grant operated programs.
Sentencing Services District Operations	$	16,977.00	0	Funds two additional offices and provides office space for current personnel with inadequate working environments.
GAL Staff	$	679,193.00	11	Provides supervisory personnel in local offices with inadequate administrative staff. Provides software support for the collection, reporting and analyses of case tracking data and program results.
GAL Staff Development	$	18,000.00	0	Helps meet the training needs of GAL staff and volunteers.
TOTAL: Very High Priority	$	15,681,507.00	88.5	

HIGH / Court Operations

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
District Court Judges	$ 1,868,006.00	14	Based on workload pressures documented by the NCSC, a plan was presented to the GA in 1999 requesting 30 judges over 2 years (9 were authorized for FY00) ... of the 21 unfunded positions, 7 are requested in the 'very high' priority category.
Judicial Assistants	$ 563,318.00	14	Additional personnel needed to support the increased workload created by new judge positions in the District Courts.
Deputy Clerks	$ 458,402.00	14	Additional personnel needed to support the increased workload created by new judge positions in the District Courts.
Victim Witness/Legal Assistants	$ 2,720,002.00	62	Staff support needed to continue meeting the demands of the Victims' Rights Act (140 total positions are currently estimated to be necessary by the DA's Conference).
Public Defender Support Staff	$ 342,756.00	7	Positions (2 Investigators, 1 Admin Assist, 1 Interpreter, 3 Legal Assist) needed to move toward the 0.75 staff-to-attorney ratio standard.
Court of Appeals Mediation Program	$ 25,000.00	0	Support needed to pursue a post-verdict, pre-appeal mediation strategy to reduce the number of new filings. The strategy uses sitting and emergency judges trained in mediation procedures to bring about a post-verdict compromise that would circumvent the filing of an appeal.
Court of Appeals Research Assistants	$ 113,092.00	2	The increased use of emergency judges is required to handle the existing caseload. One (FTE) judge position requires two additional research assistant positions to meet operating standards.

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

HIGH / Non-Technical Support

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Legal Services Support Staff	$ 84,826.00	1	Research/Statistical Specialist position compiles and maintains information supporting the preparation of fiscal notes, legislative reports and other research and planning data analysis requirements.
Arbitration Fees	$ 184,950.00	0	Would increase fees from $75 to $100 for the first time since program inception (15 years) resulting in attraction of higher quality services.

JUDICIAL BRANCH FISCAL YEAR 2000-2001 BUDGET REQUEST

HIGH / Other Program Support

CATEGORY / ITEM	AMOUNT	NUMBER OF PERSONNEL	DESCRIPTION
Sentencing Services Sentencing Specialists	$ 169,136.00	4	Adds Sentencing Specialists to help meet expanding caseload.
Sentencing Services District Operations	$ 6,159.00	0	To improve working conditions in district offices suffering from lack of operating resources.
GAL Staff	$ 1,651,389.00	29.5	Provides supervisory personnel in local offices with inadequate administrative staff. Provides support positions to offices that do not meet the 1:15 ratio of support staff to program staff plus volunteers.
GAL Volunteer Recruiters	$ 646,995.00	12	Acquiring the necessary program volunteers requires additional personnel to recruit, screen and train new prospects.
GAL Attorney Fees	$ 500,000.00	0	Additional funding is needed to compensate attorneys as caseloads increase and the quality and retention of counsel becomes an issue.
TOTAL: High Priority	$ 9,334,031.00	159.5	

ADMINSTRATIVE OFFICE OF THE COURTS

EXHIBIT 8

A TECHNOLOGICAL ROADMAP FOR THE FUTURE OF THE NORTH CAROLINA COURTS

GartnerGroup, the world's leading authorities on information technology (IT), recently developed a comprehensive, strategic IT plan for the North Carolina Court System. Following are the primary findings and recommendations from that plan [*the bracketed page numbers refer to an Executive Summary which is available online at* http://www.aoc.state.nc.us/itplan *for those with Internet access*]

FINDINGS

- Based on GartnerGroup's observed trends of modernization: -- from *Stage 0* (mainframe systems) to *Stage N* (currently web-based distributed computing), the courts are currently situated somewhere between and among *Stage 0* and *Stage 2*. [page 16]

- Moving the courts forward in its modernization effort will require significant additional resources. For most industries, moving to *distributed computing* has required at least a 50% increase in IT spending. [page 18]

- The expected benefits from modernization are increased productivity, improved business processes, and aligned business and technology goals -- not reduced IT costs. [page 18]

- Based on GartnerGroup's "gold standard" for assessing technology performance, the courts are currently rated in the "cause for concern" category in the areas of IT strategies, resources, project planning, external services, application development, system architecture, and help desk services. Steps to address these areas are outlined in the plan. GartnerGroup rated the courts in the "represents excellence" category for its data center and for desktop and local area networking in counties having modern equipment. They also noted that counties with obsolete equipment pose the primary barrier to the development of new, modern applications. [pages 28-29]

- Most of the courts' current computer applications received high ratings by GartnerGroup in terms of either functional or technical quality. However, GartnerGroup concluded that these various applications are poorly integrated with one another. [page 30]

- In the past, the "full cost of ownership" has not been considered when acquiring new equipment. For example, GartnerGroup estimates that the purchase price of a new desktop computer only represents about 30% of its actual cost to an organization. These hidden recurring support costs must be budgeted when purchasing technology. [page 19]

- The courts end-user support, such as the help desk and field support, is grossly understaffed. GartnerGroup finds that current staffing should be at least double the current level and should be even higher to begin modernization. [page 31]

- Salaries of AOC technical staff are low compared to the private sector. For example, it is estimated that AOC's network support staff salaries are almost 20% lower than those in the private sector, making it difficult to attract and retain quality workers. [page 31]

- The court's overall budget has been growing at a higher rate than the court's IT budget. GartnerGroup recommends that the IT budget should increase at the very least proportionally to the overall court budget. [page 32]

RECOMMENDATIONS

- The courts should adopt and articulate a clear information technology strategy as outlined in 'artnerGroup's Strategic Information Systems and Technology Plan. [page 35]

- The courts should implement a technical architecture as outlined in GartnerGroup's Technical Architecture Plan. [page 38]

- The courts should implement a five-year information technology migration process as outlined in GartnerGroup's Migration Plan (11 strategic initiatives, 74 steps, and 452 tasks). [page 42]

- The courts should assess privatization opportunities and should consider "outsourcing" in "commodity" areas where it is practical and cost effective. [page 40]

- The courts should implement the Strategic Information Systems and Technology Plan in the following prioritized sequence: 1) provide adequate training and support for users, 2) modernize the infrastructure, 3) improve office automation and communications, 4) exploit new technologies, and 5) modernize applications over time. [page 42]

COSTS

- GartnerGroup estimates the need for approximately 50 additional IT staff for modernization.

- GartnerGroup estimates the need to spend an additional $65 to $90 million above our current base budget over a five-year period in order to achieve the recommended level of IT modernization ($10 to $15 million during the initial years and $15 to $20 million by the fifth year). These funds are in addition to other resources needed for equipment and software development.

BENEFITS

- Improved efficiency in court systems due to highly automated and integrated systems
- Improved efficiency in the overall criminal justice system through better integration
- Better tools to help law enforcement identify and apprehend criminals
- Ability to handle increasing caseloads without commensurate staff increases due to streamlined, automated processes and improved productivity
- Improved internal communications
- Establishment of known, documented and uniform business systems
- Improved access to data for analysis, decision making, and management
- Improved data accuracy, quality, and timeliness
- Cost effectiveness for the legal community, the courts, and the public due to more efficient interaction
- Improved community access and better communication between the public, the legal community and the courts
- Potential to collect more revenues through automated systems

REPORT ON THE PILOT FAMILY COURT PROGRAM

EXECUTIVE SUMMARY

The 1998 legislation establishing the Office of Juvenile Justice included authorization for the Administrative Office of the Courts to establish Family Courts on a pilot basis. Such courts are to follow the Family Court guidelines set forth in the 1996 report of the Commission for the Future of Justice and the Courts in North Carolina. The three original pilot sites are District 14 (Durham County), District 20 (Anson, Richmond, Stanly, and Union Counties), and District 26 (Mecklenburg County).

A major underlying goal of Family Court is to coordinate all the case management and service agency efforts for a single family in distress, in order to better serve that family and provide more consistent, efficient use of trial court time on these cases. Family Court issues include: juvenile delinquency charges; neglect and abuse charges; termination of parental rights and adoptions; domestic violence; child custody and visitation rights; divorce and related financial issues like child support, alimony, or equitable distribution of property; involuntary commitments and guardianships.

Each individual family is assigned to one case management team of one judge and court staff for resolving the legal issues facing that family. The team provides the least adversarial and most efficient services to this family to address the root causes of the family problem, and to do so in an expeditious manner. Such case coordination depends upon case file comparisons to assure that all matters involving one family are handled consistently by one Family Court judge.

Under the Family Court concept, the court relies heavily upon local alternative dispute resolution programs, such as mediation, to resolve the issues without the court holding a trial and issuing a judgment or order. The Family Court staff arrange for mediation between the parties, or divorce education, or drug counseling, or whatever services the family members (adults and children) might need to reach a resolution of the conflicts without having to proceed with an adversarial hearing in court. When a judge does need to hear matters involving that family and to issue orders in the case, the case managers ensure the prompt resolution of the issues before the court.

In addition, frequent training sessions are provided for the Family Court judges, and their case managers, to increase their expertise in dealing with family matters.

<u>Family Court Accomplishments Since March of 1999:</u>

- Greater efficiency in case management of domestic and juvenile cases, from filing to disposition
- New Local Rules to guide the management of Family Court cases
- Establishment of time standards, by issue, for significant procedural events and for final dispositions in Family Court cases

- Successful introduction of the court's management of domestic cases into an environment where such cases had historically been calendared only when requested by the client's attorney
- Disposition of domestic backlog through case reviews and clean-up calendars
- Fewer continuances granted by the court
- Increase in judicial expertise in Family Law
- Design of a Family Court Curriculum for both judges and staff
- Purchase of Local Area Networks (LANs) to allow automated data and calendars to be shared among counties in the four-county pilot site (District 20)
- Design and installation of a case tracking and calendaring software package for Family Court cases
- Improved customer service for parties involved in domestic or juvenile matters
- Improved coordination of services to litigants in Family Court cases
- Structured partnerships/collaboration with existing community resources (such as, the local Extension Service's classes on life skills and budgeting and legal clinics by local law schools)
- Design of forms and procedural guides to assist pro se litigants
- Design and implementation of mandatory Parent Education Programs to assist divorcing parents
- Improved services to fathers paying child support who wish to have access to their children
- Implementation of mandatory settlement procedures for family financial issues
- Early group conferencing in neglect and abuse matters (for parents and service agencies to review placement options, visitation terms, and services needed by the family)
- Development of new local programs to assist families, such as Truancy Court and Supervised Child Visitation Programs

Impediments to Reaching Family Court's Full Potential:

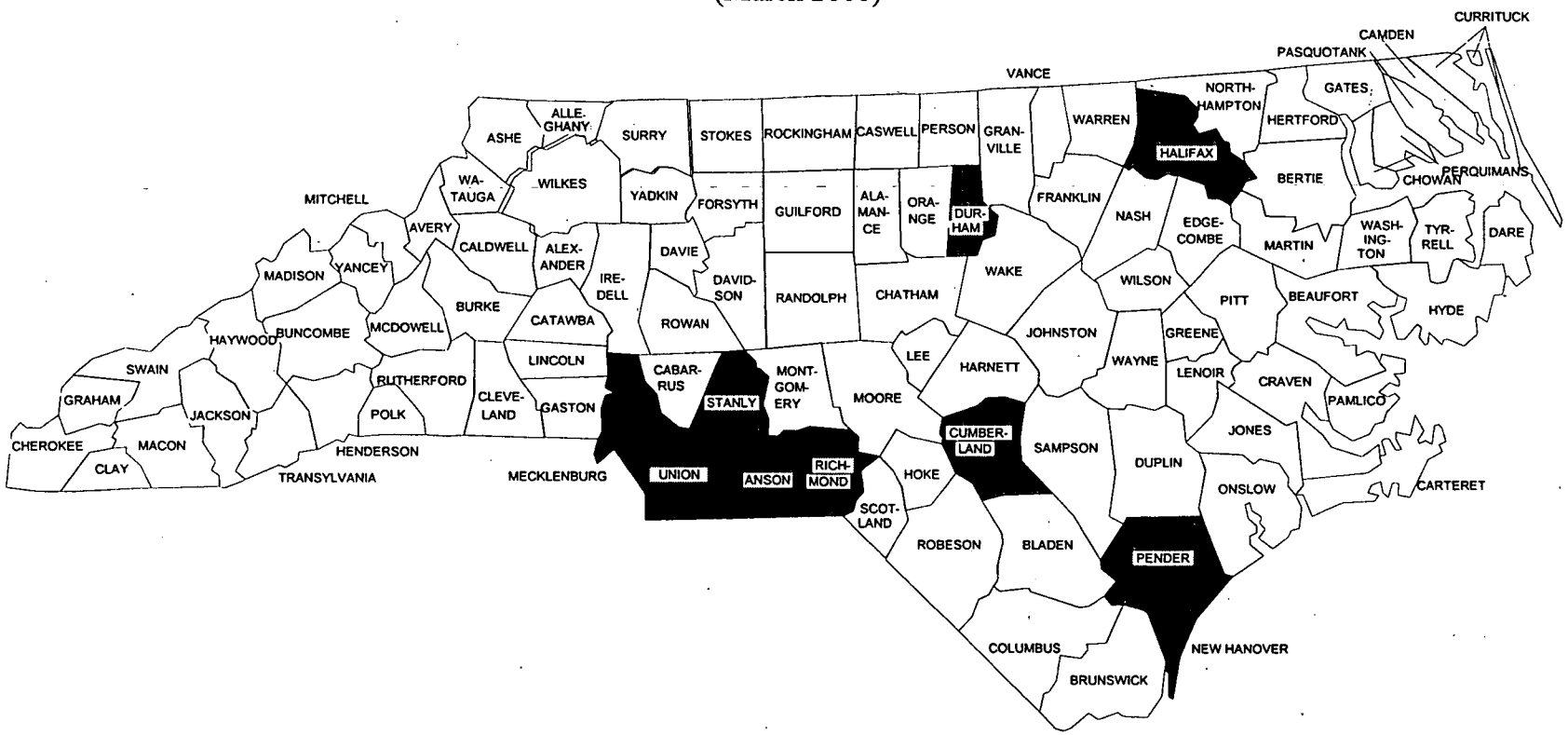
- Lack of complete automation of both civil and juvenile records; Limitations on full calendaring and case tracking capabilities
- Unreliable data in the current computerized civil records; (Some cases that are disposed may still appear as pending disposition in the automated records)
- No uniform definition as to who is part of a "family"; (Inclusion of step or foster parents? Unmarried, cohabitating couple with children?)
- Severe space shortages in county-maintained courthouses (Family Court at times must be held outside the main courthouse facility, in space not designed for court and away from court staff and security personnel; also ADR sessions, like family group conferencing, require safe and appropriate meeting space in the courthouse, though not necessarily in a courtroom)

- Judges who are not assigned to Family Court only have traffic and criminal court and some general civil hearings, and no extra training opportunities or staff assistance; potentially creates conflicts within the District Court Bench
- Election of judges means that some Family Court judges may not want to enforce case management procedures that are not popular with the local Bar;
- In a multi-county judicial district, the "one judge/one family" model requires that the Family Court judges remain in one county. However, if they never are assigned to hear non-Family Court cases in other counties in the district, they may face problems when they must be re-elected by voters in all the counties of the district. Thus, elected Family Court judges in such a district cannot spend 100% of their time hearing Family Court matters.

Administrative Office of the Courts

Family Court Pilot Districts

(March 2000)



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H 1

HOUSE BILL 1590

Short Title: Indigent Defense Services/Funds. (Public)

Sponsors: Representative Hackney.

Referred to: Appropriations.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE INDIGENT DEFENSE STUDY COMMISSION TO ESTABLISH AN OFFICE OF INDIGENT DEFENSE SERVICES.

The General Assembly of North Carolina enacts:

PART I. OFFICE OF INDIGENT DEFENSE SERVICES

Section 1. Subdivision IX of Chapter 7A of the General Statutes is amended by adding a new Article to read:

"ARTICLE 39B.

"Indigent Defense Services Act.

"§ 7A-498. Title.

This Article shall be known and may be cited as the 'Indigent Defense Services Act of 2000'.

"§ 7A-498.1. Purpose.

Whenever a person is determined to be indigent and entitled to counsel, it is the responsibility of the State under the federal and state constitutions to provide that person with counsel and the other necessary expenses of representation. The purpose of this Article is to:

(1) Enhance oversight of the delivery of counsel and related services provided at State expense;

(2) Improve the quality of representation and ensure the independence of counsel;

(3) Establish uniform policies and procedures for the delivery of services;
(4) Generate reliable statistical information in order to evaluate the services provided and funds expended; and
(5) Deliver services in the most efficient and cost-effective manner without sacrificing quality representation.

"§ 7A-498.2. Establishment of Office of Indigent Defense Services.

(a) The Office of Indigent Defense Services, which is administered by the Director of Indigent Defense Services and includes the Commission on Indigent Defense Services, is created within the Judicial Department. As used in this Article, 'Office' means the Office of Indigent Defense Services, 'Director' means the Director of Indigent Defense Services, and 'Commission' means the Commission on Indigent Defense Services.

(b) The Office of Indigent Defense Services shall exercise its prescribed powers independently of the head of the Administrative Office of the Courts. The Office may enter into contracts, own property, and accept funds, grants, and gifts from any public or private source to pay expenses incident to implementing its purposes.

(c) The Director of the Administrative Office of the Courts shall provide general administrative support to the Office of Indigent Defense Services. The term 'general administrative support' includes purchasing, payroll, and similar administrative services.

(d) The budget of the Office of Indigent Defense Services shall be a part of the Judicial Department's budget. The Commission on Indigent Defense Services shall consult with the Director of the Administrative Office of the Courts, who shall assist the Commission in preparing and presenting to the General Assembly the Office's budget, but the Commission shall have the final authority with respect to preparation of the Office's budget and with respect to representation of matters pertaining to the Office before the General Assembly.

(e) The Director of the Administrative Office of the Courts shall not reduce or modify the budget of the Office of Indigent Defense Services or use funds appropriated to the Office without the approval of the Commission.

"§ 7A-498.3. Responsibilities of Office of Indigent Defense Services.

(a) The Office of Indigent Defense Services shall be responsible for establishing, supervising, and maintaining a system for providing legal representation and related services in the following cases:
(1) Cases in which an indigent person is subject to a deprivation of liberty or other constitutionally protected interest and is entitled by law to legal representation;
(2) Cases in which an indigent person is entitled to legal representation under G.S. 7A-451 and G.S. 7A-451.1; and
(3) Any other cases in which the Office of Indigent Defense Services is designated by statute as responsible for providing legal representation.

(b) The Office of Indigent Defense Services shall develop policies and procedures for determining indigency in cases subject to this Article, and those policies shall be applied uniformly throughout the State. The court shall determine in each case whether a person is indigent and entitled to legal representation; however, the Office may preliminarily assign itself to represent indigent persons subject to final determination by the court.

(c) In all cases subject to this Article, appointment of counsel, determination of compensation, appointment of experts, and use of funds for experts and other services related to legal representation shall be in accordance with rules and procedures adopted by the Office of Indigent Defense Services.

(d) The Office of Indigent Defense Services shall allocate and disburse funds appropriated for legal representation and related services in cases subject to this Article pursuant to rules and procedures established by the Office.

"§ 7A-498.4. Establishment of Commission on Indigent Defense Services.

(a) The Commission on Indigent Defense Services is created within the Office of Indigent Defense Services and shall consist of 13 members. To create an effective working group, assure continuity, and achieve staggered terms, the Commission shall be appointed as provided in this section.

(b) The members of the Commission shall be appointed as follows:

(1) The Chief Justice of the North Carolina Supreme Court shall appoint one member, who shall be an active or former member of the North Carolina judiciary.

(2) The Governor shall appoint one member, who shall be a nonattorney.

(3) The General Assembly shall appoint one member upon the recommendation of the President Pro Tempore of the Senate.

(4) The General Assembly shall appoint one member upon the recommendation of the Speaker of the House of Representatives.

(5) The North Carolina Public Defenders Association shall appoint one member.

(6) The North Carolina State Bar shall appoint one member.

(7) The North Carolina Bar Association shall appoint one member.

(8) The North Carolina Academy of Trial Lawyers shall appoint one member.

(9) The North Carolina Association of Black Lawyers shall appoint one member.

(10) The North Carolina Association of Women Lawyers shall appoint one member.

(11) The Commission shall appoint three members, who shall reside in different judicial districts from one another. One appointee shall be a nonattorney, and one appointee may be an active member of the North Carolina judiciary. The initial three members satisfying this subdivision shall be appointed as provided in subsection (k) of this section.

(c) The terms of members appointed pursuant to subsection (b) of this section shall be as follows:

(1) The initial appointments by the Chief Justice, Governor, President Pro Tempore, and the Speaker shall be for four years.

(2) The initial appointments by the Public Defenders Association and State Bar, and one appointment by the Commission, shall be for three years.

(3) The initial appointments by the Bar Association and Trial Academy, and one appointment by the Commission, shall be for two years.

(4) The initial appointments by the Black Lawyers Association and Women Lawyers Association, and one appointment by the Commission, shall be for one year.

At the expiration of these initial terms, appointments shall be for four years and shall be made by the appointing authorities designated in subsection (b) of this section. No person shall serve more than two consecutive four-year terms plus any initial term of less than four years.

(d) Persons appointed to the Commission shall have significant experience in the defense of criminal or other cases subject to this Article or shall have demonstrated a strong commitment to quality representation in indigent defense matters. No active prosecutors or law enforcement officials, or active employees of such persons, may be appointed to or serve on the Commission. No active judicial officials, or active employees of such persons, may be appointed to or serve on the Commission, except as provided in subsection (b) of this section. No active public defenders, active employees of public defenders, or other active employees of the Office of Indigent Defense Services may be appointed to or serve on the Commission, except that notwithstanding this subsection, G.S. 14-234, or any other provision of law, Commission members may include part-time public defenders employed by the Office of Indigent Defense Services and may include persons, or employees of persons or organizations, who provide legal services subject to this Article as contractors or appointed attorneys.

(e) All members of the Commission are entitled to vote on any matters coming before the Commission unless otherwise provided by rules adopted by the Commission concerning voting on matters in which a member has, or appears to have, a financial or other personal interest.

(f) Each member of the Commission shall serve until a successor in office has been appointed. Vacancies shall be filled by appointment by the appointing authority for the unexpired term. Removal of Commission members shall be in accordance with policies and procedures adopted by the Commission.

(g) A quorum for purposes of conducting Commission business shall be a majority of the members of the Commission.

(h) The Commission shall elect a Commission chair from the members of the Commission for a term of two years.

(i) The Director of Indigent Defense Services shall attend all Commission meetings except those relating to removal or reappointment of the Director or allegations of misconduct by the Director. The Director shall not vote on any matter decided by the Commission.

(j) Commission members shall not receive compensation but are entitled to be paid necessary subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6 as applicable.

(k) The Commission shall hold its first meeting no later than September 15, 2000. All appointments to the Commission specified in subdivisions (1) through (10) of subsection (b) of this section shall be made by the appointing authorities by September 1, 2000. The appointee of the Chief Justice shall convene the first meeting. No later than 30 days after its first meeting, the Commission shall make the appointments specified in subdivision (11) of subsection (b) of this section and shall elect its chair.

"§ 7A-498.5. Responsibilities of Commission.

(a) The Commission shall have as its principal purpose the development and improvement of programs by which the Office of Indigent Defense Services provides legal representation to indigent persons.

(b) The Commission shall appoint the Director of the Office of Indigent Defense Services, who shall be chosen on the basis of training, experience, and other qualifications. The Commission shall consult with the Chief Justice and Director of the Administrative Office of the Courts in selecting a Director, but shall have final authority in making the appointment.

(c) The Commission shall develop standards governing the provision of services under this Article. The standards shall include:

(1) Standards for maintaining and operating regional and district public defender offices and appellate defender offices, including requirements regarding qualifications, training, and size of the legal and supporting staff;

(2) Standards prescribing minimum experience, training, and other qualifications for appointed counsel;

(3) Standards for public defender and appointed counsel caseloads;

(4) Standards for the performance of public defenders and appointed counsel;

(5) Standards for the independent, competent, and efficient representation of clients whose cases present conflicts of interest, in both the trial and appellate courts;

(6) Standards for providing and compensating experts and others who provide services related to legal representation;

(7) Standards for qualifications and performance in capital cases; and

(8) Standards for determining indigency and for assessing and collecting the costs of legal representation and related services.

(d) The Commission shall determine the methods for delivering legal services to indigent persons eligible for legal representation under this Article and shall establish

in each district or combination of districts a system of appointed counsel, contract counsel, part-time public defenders, public defender offices, appellate defender services, and other methods for delivering counsel services, or any combination of these services.

(e) In determining the method of services to be provided in a particular district, the Director shall consult with the district bar as defined in G.S. 84-19 and the judges of the district or districts under consideration. The Commission shall adopt procedures ensuring that affected local bars have the opportunity to be significantly involved in determining the method or methods for delivering services in their districts.

(f) The Commission shall establish policies and procedures with respect to the distribution of funds appropriated under this Article, including rates of compensation for appointed counsel, schedules of allowable expenses, appointment and compensation of expert witnesses, and procedures for applying for and receiving compensation.

(g) The Commission shall approve and recommend to the General Assembly a budget for the Office of Indigent Defense Services.

(h) The Commission shall adopt such other rules and procedures as it deems necessary for the conduct of business by the Commission and the Office of Indigent Defense Services.

"§ 7A-498.6. Director of Indigent Defense Services.

(a) The Director of Indigent Defense Services shall be appointed by the Commission for a term of four years. The Director may be removed during this term in the discretion of the Commission by a vote of two-thirds of all of the Commission members. The Director shall be an attorney licensed and eligible to practice in the courts of this State at the time of appointment and at all times during service as the Director.

(b) The Director shall:

(1) Prepare and submit to the Commission a proposed budget for the Office of Indigent Defense Services, an annual report containing pertinent data on the operations, costs, and needs of the Office, and such other information as the Commission may require;

(2) Assist the Commission in developing rules and standards for the delivery of services under this Article;

(3) Administer and coordinate the operations of the Office and supervise compliance with standards adopted by the Commission;

(4) Subject to policies and procedures established by the Commission, hire such professional, technical, and support personnel as deemed reasonably necessary for the efficient operation of the Office of Indigent Defense Services;

(5) Keep and maintain proper financial records for use in calculating the costs of the operations of the Office of Indigent Defense Services;

(6) Apply for and accept on behalf of the Office of Indigent Defense Services any funds that may become available from government grants, private gifts, donations, or bequests from any source;

(7) Coordinate the services of the Office of Indigent Defense Services with any federal, county, or private programs established to provide assistance to indigent persons in cases subject to this Article and consult with professional bodies concerning improving the administration of indigent services;

(8) Conduct training programs for attorneys and others involved in the legal representation of persons subject to this Article; and

(9) Perform other duties as the Commission may assign.

"§ 7A-498.7. Public Defender Offices.

(a) The Commission may establish and operate regional and district public defender offices as it deems necessary to administer the provisions of this Article. In districts in which the Commission has determined to provide services through public defender offices, the Commission shall appoint regional and district public defenders as necessary to administer such offices.

(b) For each new term, and to fill any vacancy, public defenders shall be appointed by the Commission from a list of not less than two and not more than three persons nominated by written ballot of the attorneys licensed to practice law in North Carolina and resident in the district or districts within the public defender's jurisdiction; however, if the Commission determines that exceptional circumstances exist in a specific instance, the Commission may appoint a person as public defender who has not been so nominated. Public defenders shall be chosen by the Commission on the basis of training, experience, and other qualifications. Balloting shall be conducted pursuant to rules promulgated by the Commission.

(c) A public defender shall be an attorney licensed to practice law in North Carolina and shall devote full time to the duties of the office. In lieu of merit and other increment raises paid to regular State employees, a public defender shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of service. 'Service' means service as a public defender, appellate defender, assistant public or appellate defender, assistant district attorney, justice or judge of the General Court of Justice, or clerk of superior court.

(d) Subject to standards adopted by the Commission, the day-to-day operation and administration of public defender offices shall be the responsibility of the public defender in charge of the office. The public defender shall keep appropriate records and make periodic reports, as requested, to the Director of the Office of Indigent Defense Services on matters related to the operation of the office.

(e) The Office of Indigent Defense Services shall procure office equipment and supplies for the public defender, and provide secretarial and library support from State funds appropriated to the public defender's office for this purpose.

(f) Each public defender is entitled to assistant public defenders, investigators, and other staff, full-time or part-time, as may be authorized by the Commission. Assistants, investigators, and other staff are appointed by the public defender and serve at the pleasure of the public defender. Average and minimum compensation of assistants shall be as provided in the biennial Current Operations Appropriations Act. The actual salaries of assistants shall be set by the public defender in charge of the office, subject to approval by the Commission. The Commission shall fix the compensation of investigators. Assistants and investigators shall perform such duties as may be assigned by the public defender.

(g) In lieu of merit and other increment raises paid to regular State employees, an assistant public defender shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations Appropriations Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of service. 'Service' means service as a public defender, appellate defender, assistant public or appellate defender, assistant district attorney, justice or judge of the General Court of Justice, or clerk of superior court.

(h) The term of office of public defenders appointed under this section is four years. The Commission may suspend or remove a public defender from office for cause during the term of appointment. If the Director of the Office of Indigent Defense Services believes that cause exists for suspension or removal of a public defender, the Director may recommend such action to the Commission. Within 10 days of the recommendation, the public defender may request a hearing before a panel of three Commission members appointed by the chair of the Commission. If the public defender requests a hearing, the panel shall make a written report to the full Commission following the hearing. If the panel recommends that the public defender be suspended or removed from office, the Commission shall vote on whether to uphold, reject, or modify the panel's recommendation and, if two-thirds of all of the Commission members so find, the Commission may suspend or remove the public defender from office. If the public defender does not request a hearing, the Commission may vote on the recommendation without a hearing and may suspend or remove a public defender by a two-thirds vote of all of the Commission members. If the Commission suspends or removes a public defender, the public defender may obtain judicial review by filing a petition within 30 days of the decision with the Superior Court of Wake County. Review of the Commission's decision shall be heard on the record and not as a de novo review or trial de novo. The Commission shall adopt rules implementing this subsection."

PART II. AMENDMENTS TO CHAPTER 7A OF THE GENERAL STATUTES

Section 2. G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

(1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars ($5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.

(2) For the use of the courtroom and related judicial facilities, the sum of twelve dollars ($12.00) in the district court, including cases before a magistrate, and the sum of thirty dollars ($30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public ~~defenders,~~ defenders and other personnel of the Office of Indigent Defense Services, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.

(3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of seven dollars and twenty-five cents ($7.25), to be remitted to the State Treasurer.

Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents ($5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents ($1.25) being administered in accordance with the provisions of G.S. 143-166.50(e). One dollar ($1.00) of this sum shall be administered as is provided in Article 12F of Chapter 143 of the General Statutes.

(3a) For the supplemental pension benefits of sheriffs, the sum of seventy-five cents (75¢) to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of sixty-one dollars ($61.00) in the district court, including cases before a magistrate, and the sum of sixty-eight dollars ($68.00) in the superior court, to be remitted to the State Treasurer.

(5) For using pretrial release services, the district or superior court judge shall, upon conviction, impose a fee of fifteen dollars ($15.00) to be remitted to the county providing the pretrial release services. This cost shall be assessed and collected only if the defendant had been accepted and released to the supervision of the agency providing the pretrial release services.

(6) For support of the General Court of Justice, for the issuance by the clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2, the sum of fifty dollars ($50.00), to be remitted to the State Treasurer. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee."

Section 3. G.S. 7A-314(d) reads as rewritten:

"(d) An expert witness, other than a salaried State, county, or municipal law-enforcement officer, shall receive such compensation and allowances as the court, or the Judicial Standards Commission, in its discretion, may authorize. A law-enforcement officer who appears as an expert witness shall receive reimbursement for travel expenses only, as provided in subsection (b) of this section. <u>Compensation of experts provided under G.S. 7A-454 shall be in accordance with rules established by the Office of Indigent Defense Services.</u>"

Section 4. G.S. 7A-344 is repealed.

Section 5. G.S. 7A-450(a) reads as rewritten:

"(a) An indigent person is a person who is financially unable to secure legal representation and to provide all other necessary expenses of representation in an action or proceeding enumerated in this Subchapter. An interpreter is a necessary expense as defined in ~~Chapter 8A~~ <u>Chapter 8B</u> of the General Statutes for a deaf person who is entitled to counsel under this subsection."

Section 6. G.S. 7A-451 reads as rewritten:

"§ 7A-451. **Scope of entitlement.**

(a) An indigent person is entitled to services of counsel in the following actions and proceedings:

(1) Any case in which imprisonment, or a fine of five hundred dollars ($500.00), or more, is likely to be adjudged;

(2) A hearing on a petition for a writ of habeas corpus under Chapter 17 of the General Statutes;

(3) A motion for appropriate relief under Chapter 15A of the General Statutes if the defendant has been convicted of a felony, has been fined five hundred dollars ($500.00) or more, or has been sentenced to a term of imprisonment;

(4) A hearing for revocation of probation;

(5) A hearing in which extradition to another state is sought;

(6) A proceeding for an inpatient involuntary commitment to a facility under Part 7 of Article 5 of Chapter 122C of the General Statutes, or a proceeding for commitment under Part 8 of Article 5 of Chapter 122C of the General Statutes.

(7) In any case of execution against the person under Chapter 1, Article 28 of the General Statutes, and in any civil arrest and bail proceeding under Chapter 1, Article 34, of the General Statutes;

(8) In the case of a juvenile, a hearing as a result of which commitment to an institution or transfer to the superior court for trial on a felony charge is possible;

(9) A hearing for revocation of parole at which the right to counsel is provided in accordance with the provisions of Chapter 148, Article 4, of the General Statutes;

(10) A proceeding for sterilization under Chapter 35, Article 7 (Sterilization of Persons Mentally Ill and Mentally Retarded) of the General Statutes; and

(11) A proceeding for the provision of protective services according to ~~Chapter 108, Article 4,~~ Chapter 108A, Article 6 of the General Statutes;

(12) In the case of a juvenile alleged to be neglected under Chapter 7A, Article 23 of the General Statutes;

(13) A proceeding to find a person incompetent under Subchapter I of Chapter 35A, of the General Statutes;

(14) A proceeding to terminate parental rights where a guardian ad litem is appointed pursuant to G.S. 7B-1101;

(15) An action brought pursuant to Article 24B of Chapter 7A of the General Statutes to terminate an indigent person's parental rights.

(16) A proceeding involving consent for an abortion on an unemancipated minor pursuant to Article 1A, Part 2 of Chapter 90

of the General Statutes. G.S. 7A-450.1, 7A-450.2, and 7A-450.3 shall not apply to this proceeding.

(b) In each of the actions and proceedings enumerated in subsection (a) of this section, entitlement to the services of counsel begins as soon as feasible after the indigent is taken into custody or service is made upon him of the charge, petition, notice or other initiating process. Entitlement continues through any critical stage of the action or proceeding, including, if applicable:

(1) An in-custody interrogation;

(2) A pretrial identification procedure which occurs after formal charges have been preferred and at which the presence of the indigent is required;

(3) A hearing for the reduction of bail, or to fix bail if bail has been earlier denied;

(4) A probable cause hearing;

(5) Trial and sentencing; and

(6) Review of any judgment or decree pursuant to G.S. 7A-27, 7A-30(1), 7A-30(2), and Subchapter XIV of Chapter 15A of the General Statutes.

(c) In any capital case, an indigent defendant who is under a sentence of death may apply to the superior court of the district where the defendant was indicted for the appointment of counsel to represent the defendant in preparing, filing, and litigating a motion for appropriate relief. The application for the appointment of such postconviction counsel may be made prior to completion of review on direct appeal and shall be made no later than 10 days from the latest of the following:

(1) The mandate has been issued by the Supreme Court of North Carolina on direct appeal pursuant to N.C.R. App. P. 32(b) and the time for filing a petition for writ of certiorari to the United States Supreme Court has expired without a petition being filed;

(2) The United States Supreme Court denied a timely petition for writ of certiorari of the decision on direct appeal by the Supreme Court of North Carolina; or

(3) The United States Supreme Court granted the defendant's or the State's timely petition for writ of certiorari of the decision on direct appeal by the Supreme Court of North Carolina, but subsequently left the defendant's death sentence undisturbed.

If there is not a criminal or mixed session of superior court scheduled for that district, the application must be made no later than 10 days from the beginning of the next criminal or mixed session of superior court in the district. Upon application, supported by the defendant's affidavit, the superior court shall enter an order appointing ~~two counsel~~ the Office of Indigent Defense Services if the court finds that the defendant is indigent and desires ~~counsel.~~ counsel, and the Office of Defense Services shall appoint two counsel to represent the defendant. The defendant does not have a right to be present at the time of appointment of counsel, and the appointment need not be made in open court. If the defendant was previously

adjudicated an indigent for purposes of trial or direct appeal, the defendant shall be presumed indigent for purposes of this subsection.

(d) The appointment of counsel as provided in subsection (c) of this section and the procedure for compensation shall comply with ~~the Rules and Regulations Relating to the Appointment of Counsel for Indigent Defendants pursuant to G.S. 7A-459. The court may appoint counsel recruited by the Appellate Defender pursuant to G.S. 7A-486.3(5).~~ rules adopted by the Office of Indigent Defense Services.

(e) No counsel appointed pursuant to subsection (c) of this section shall have previously represented the defendant at trial or on direct appeal in the case for which the appointment is made unless the defendant expressly requests continued representation and understandingly waives future allegations of ineffective assistance of counsel."

Section 7. G.S. 7A-452 reads as rewritten:

"**§ 7A-452. Source of counsel; fees; appellate records.**

(a) ~~Counsel for an indigent person shall be assigned by the court.~~ Upon the court's determination that a person is indigent and entitled to counsel under this Article, counsel shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services. In the courts of those counties ~~which have a public defender,~~ designated by the Office of Indigent Defense Services, however, the ~~public defender may tentatively assign himself or an assistant public defender~~ designee of the Office of Indigent Defense Services may tentatively assign himself or another person to represent an indigent person, subject to subsequent ~~approval~~ determination of entitlement to counsel by the court.

(b) Fees of assigned counsel and salaries and other operating expenses of the offices of the public defenders shall be borne by the State.

(c) (1) The clerk of superior court is authorized to make a determination of indigency and ~~to appoint counsel,~~ entitlement to counsel, as authorized by this Article. The word "court," as it is used in this Article and in any rules pursuant to this Article, includes the clerk of superior court.

(2) A judge of superior or district court having authority to ~~appoint~~ determine entitlement to counsel in a particular case may give directions to the clerk with regard to the ~~appointment of~~ determination of entitlement to counsel in that case; may, if he finds it appropriate, change or modify the ~~appointment of counsel when counsel has been appointed~~ determination made by the clerk; and may set aside a finding of waiver of counsel made by the clerk.

(d) Unless a public defender or assistant public defender is appointed to serve, ~~the trial judge appointing~~ standby counsel appointed under G.S. 15A-1243 shall ~~award~~ receive reasonable compensation to be paid by the State."

Section 8. G.S. 7A-453 reads as rewritten:

"§ 7A-453. Duty of custodian of a possibly indigent person; determination of indigency.

(a) In counties ~~which have a public defender,~~ designated by the Office of Indigent Defense Services, the authority having custody of a person who is without counsel for more than 48 hours after being taken into custody shall so inform the ~~public defender.~~ designee of the Office of Indigent Defense Services. The ~~public defender~~ designee of the Office of Indigent Defense Services shall make a preliminary determination as to the person's entitlement to his services, and proceed accordingly. The court shall make the final determination.

(b) In counties ~~which do not have a public defender,~~ that have not been designated by the Office of Indigent Defense Services, the authority having custody of a person who is without counsel for more than 48 hours after being taken into custody shall so inform the clerk of superior court.

(c) In any county, if a defendant, upon being taken into custody, states that he is indigent and desires counsel, the authority having custody shall immediately inform the ~~defender~~ designee of the Office of Indigent Defense Services or the clerk of superior court, as the case may be, who shall take action as provided in this Article.

(d) The duties imposed by this section upon authorities having custody of persons who may be indigent are in addition to the duties imposed upon arresting officers under G.S. 15-47."

Section 9. G.S. 7A-454 reads as rewritten:

"§ 7A-454. Supporting services.

~~The court, in its discretion, may approve a fee for the service of an expert witness who testifies for an indigent person, and shall approve reimbursement for the necessary expenses of counsel. Fees and expenses accrued under this section shall be paid by the State.~~ Fees for the services of an expert witness for an indigent person and other necessary expenses of counsel shall be paid by the State in accordance with rules adopted by the Office of Indigent Defense Services."

Section 10. G.S. 7A-455 reads as rewritten:

"§ 7A-455. Partial indigency; liens; acquittals.

(a) If, in the opinion of the court, an indigent person is financially able to pay a portion, but not all, of the value of the legal services rendered for him by assigned counsel, the public defender, or the appellate defender, and other necessary expenses of representation, he shall order the partially indigent person to pay such portion to the clerk of superior court for transmission to the State treasury.

(b) In all cases the court shall ~~fix the money value of services rendered by assigned counsel, the public defender, or the appellate defender, and such sum plus any sums allowed by the court for other necessary expenses of representing the indigent person, including any fees and expenses that may have been allowed prior to final determination of the action to assigned counsel pursuant to G.S. 7A-458, shall be entered as~~ direct that a judgment be entered in the office of the clerk of superior ~~court, and~~ court for the money value of services rendered by assigned counsel, the public defender, or the appellate defender, plus any sums allowed for other necessary expenses of representing the indigent person, including any fees and expenses that

may have been allowed prior to final determination of the action to assigned counsel pursuant to G.S. 7A-458, which shall constitute a lien as prescribed by the general law of the State applicable to judgments. Any reimbursement to the State as provided in subsection (a) of this section or any funds collected by reason of such judgment shall be deposited in the State treasury and credited against the ~~judgment; provided, that counsel fees ordered paid to the clerk on behalf of the appointed counsel pursuant to G.S. 15A-1343(c) may be paid directly to the counsel.~~ judgment. The value of services shall be determined in accordance with rules adopted by the Office of Indigent Defense Services. ~~In fixing the~~ The money value of services rendered by the public defender and the appellate ~~defender, the court shall consider~~ defender shall be based upon the factors normally involved in fixing the fees of private attorneys, such as the nature of the case, the time, effort, and responsibility involved, and the fee usually charged in similar cases. ~~The value of the services shall be fixed by a~~ A district court judge shall direct entry of judgment for actions or proceedings finally determined in the district court and ~~by~~ a superior court judge shall direct entry of judgment for actions or proceedings originating in, heard on appeal in, or appealed from the superior court. Even if the trial, appeal, hearing, or other proceeding is never held, preparation therefor is nevertheless compensable.

(b1) In every case in which the State is entitled to a lien pursuant to this section, the public defender shall at the time of sentencing or other conclusion of the proceedings petition the court to enter judgment for the value of the legal services rendered by the public defender, and the appellate defender shall upon completion of the appeal petition or request the trial court to enter judgment for the value of the legal services rendered by the appellate defender.

(c) No order for partial payment under subsection (a) of this section and no judgment under subsection (b) of this section shall be entered unless the indigent person is convicted. If the indigent person is convicted, the order or judgment shall become effective and the judgment shall be docketed and indexed pursuant to G.S. 1-233 et seq., in the amount then owing, upon the later of (i) the date upon which the conviction becomes final if the indigent person is not ordered, as a condition of probation, to pay the State of North Carolina for the costs of his representation in the case or (ii) the date upon which the indigent person's probation is terminated or revoked if the indigent person is so ordered.

(d) In all cases in which the entry of a judgment is authorized under G.S. 7A-450.1 through G.S. 7A-450.4 or under this section, the attorney, guardian ad litem, public defender, or appellate defender who rendered the services or incurred the expenses for which the judgment is to be entered shall obtain the social security number, if any, of each person against whom judgment is to be entered. This number, or a certificate that the person has no social security number, shall be included in each fee application submitted by an assigned attorney, guardian ad litem, public defender, or appellate defender, and no order for payment entered upon an application which does not include the required social security number or certification shall be valid to authorize payment to the applicant from the Indigent Persons' Attorney Fee Fund. Each judgment docketed against any person under this

section or under G.S. 7A-450.3 shall include the social security number, if any, of the judgment debtor."

Section 11. G.S. 7A-457(a) reads as rewritten:

"(a) An indigent person who has been informed of his right to be represented by counsel at any in-court proceeding, may, in writing, waive the right to in-court representation by ~~counsel,~~ counsel in accordance with rules adopted by the Office of Indigent Defense Services. Any waiver of counsel shall be effective only if the court finds of record that at the time of waiver the indigent person acted with full awareness of his rights and of the consequences of the waiver. In making such a finding, the court shall consider, among other things, such matters as the person's age, education, familiarity with the English language, mental condition, and the complexity of the crime charged."

Section 12. G.S. 7A-458 reads as rewritten:

"**§ 7A-458. Counsel fees.**

~~In districts which do not have a public defender, the court shall fix the~~ The fee to which an attorney who represents an indigent person is ~~entitled.~~ entitled shall be fixed in accordance with rules adopted by the Office of Indigent Defense Services. ~~In doing so, the court shall allow a fee~~ Fees shall be based on the factors normally considered in fixing attorneys' fees, such as the nature of the case, and the time, effort and responsibility involved. ~~Fees shall be fixed by the district court judge who hears the case for actions or proceedings finally determined in the district court and by the superior court judge who hears the case for actions or proceedings originating in, heard on appeal in, or appealed from the superior court.~~ Even if the trial, appeal, hearing or other proceeding is never held, preparation therefor is nevertheless compensable and, in capital cases and other extraordinary cases pending in superior court, ~~the presiding judge may allow~~ a fee for services rendered and payment for expenses incurred may be allowed pending final determination of the case."

Section 13. G.S. 7A-459, 7A-465, 7A-466, 7A-467, 7A-469, 7A-470, 7A-471, 7A-486, 7A-486.1, 7A-486.2, 7A-486.3, 7A-486.4, 7A-486.5, 7A-486.6, and 7A-486.7 are repealed.

PART III. AMENDMENTS TO MISCELLANEOUS OTHER STATUTES

Section 14. G.S. 1-311 reads as rewritten:

"**§ 1-311. Against the person.**

If the action is one in which the defendant might have been arrested, an execution against the person of the judgment debtor may be issued to any county within the State, after the return of an execution against his property wholly or partly unsatisfied. But no execution shall issue against the person of a judgment debtor, unless an order of arrest has been served, as provided in the Article Arrest and Bail, or unless the complaint contains a statement of facts showing one or more of the causes of arrest required by law, whether such statement of facts is necessary to the cause of action or not. Provided, that where the facts are found by a jury, the verdict shall contain a finding of facts establishing the right to execution against the person;

and where jury trial is waived and the court finds the facts, the court shall find facts establishing the right to execution against the person. Such findings of fact shall include a finding that the defendant either (i) is about to flee the jurisdiction to avoid paying his creditors, (ii) has concealed or diverted assets in fraud of his creditors, or (iii) will do so unless immediately detained. If defendant appears at the hearing on the debt and the judge has reason to believe that the defendant is indigent, he shall inform the defendant that if he is an indigent person he is entitled to services of counsel under G.S. 7A-451, that he may petition for preliminary release on the basis of his indigency, that if he does so he will have an opportunity within 72 hours to suggest to a judge his indigency for purposes of appointment of counsel and provisional release, and that the judge will thereupon immediately appoint counsel for him if it is adjudged that he is unable to pay a lawyer. If defendant appears at the hearing on the debt and the judge provisionally concludes he is indigent, counsel should be appointed ~~immediately.~~ immediately pursuant to rules adopted by the Office of Indigent Defense Services."

Section 15. G.S. 1-413 reads as rewritten:

"**§ 1-413. Issuance and form of order.**

The order may be made to accompany the summons, or to issue at any time afterwards, before judgment. It shall require the sheriff of the county where the defendant may be found forthwith to arrest him and hold him to bail in a specified sum, and to return the order at a place and time therein mentioned to the clerk of the court in which the action is brought. Notice of the return must be served on the plaintiff or his attorney as prescribed by law for the service of other notices. The order shall include a statement that if the person arrested is an indigent person he is entitled to services of counsel under G.S. 7A-451, that he may petition for preliminary release on the basis of his indigency, that if he does so he will have an opportunity within 72 hours to suggest to a judge his indigency for purposes of appointment of counsel and preliminary release, and that the judge will thereupon immediately appoint counsel for him if it is adjudged that he is unable to pay a lawyer. Appointment of counsel shall be in accordance with rules adopted by the Office of Indigent Defense Services."

Section 16. G.S. 7B-602 reads as rewritten:

"**§ 7B-602. 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 that person waives the right. ~~In no case may the court appoint a county attorney, prosecutor, or public defender.~~"

Section 17. G.S. 7B-603 reads as rewritten:

"**§ 7B-603. Payment of court-appointed attorney or guardian ad litem.**

(a) An attorney or guardian ad litem appointed pursuant to G.S. 7B-601 ~~or G.S. 7B-602 pursuant to any other provision of the Juvenile Code~~ 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.

(b) An attorney appointed pursuant to G.S. 7B-602 or pursuant to any other provision of the Juvenile Code for which the Office of Indigent Defense Services is responsible for providing counsel shall be paid a reasonable fee in accordance with rules adopted by the Office of Indigent Defense Services.

(c) The court 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 fees for a court-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."

Section 18. G.S. 7B-1101 reads as rewritten:

"**§ 7B-1101. Jurisdiction.**

The court shall have exclusive original jurisdiction to hear and determine any petition relating to termination of parental rights to any juvenile who resides in, is found in, or is in the legal or actual custody of a county department of social services or licensed child-placing agency in the district at the time of filing of the petition. The court shall have jurisdiction to terminate the parental rights of any parent irrespective of the age of the parent. The parent has the right to counsel and to appointed counsel in cases of indigency unless the parent waives the right. The fees of appointed counsel shall be borne by the ~~Administrative Office of the Courts.~~ Office of Indigent Defense Services. In addition to the right to appointed counsel set forth above, a guardian ad litem shall be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to represent a parent in the following cases:

(1) Where it is alleged that a parent's rights should be terminated pursuant to G.S. 7B-1111(6); or

(2) Where the parent is under the age of 18 years.

The fees of the guardian ad litem shall be borne by the ~~Administrative Office of the Courts~~ Office of Indigent Defense Services when the court finds that the respondent is indigent. In other cases the fees of the court-appointed guardian ad litem shall be a proper charge against the respondent if the respondent does not secure private legal counsel. Provided, that before exercising jurisdiction under this Article, the court shall find that it would have jurisdiction to make a child-custody determination under the provisions of G.S. 50A-201, 50A-203, or 50A-204. Provided, further, that the clerk of superior court shall have jurisdiction for adoptions under the provisions of G.S. 48-2-100 and Chapter 48 of the General Statutes generally."

Section 19. G.S. 7B-1109(b) reads as rewritten:

"(b) The court shall inquire whether the juvenile's parents are present at the hearing and, if so, whether they are represented by counsel. If the parents are not represented by counsel, the court shall inquire whether the parents desire counsel but are indigent. In the event that the parents desire counsel but are indigent as defined in G.S. 7A-450(a) and are unable to obtain counsel to represent them, ~~the court shall appoint~~ counsel shall be appointed to represent ~~them.~~ them in accordance with rules

adopted by the Office of Indigent Defense Services. The court shall grant the parents such an extension of time as is reasonable to permit their appointed counsel to prepare their defense to the termination petition. In the event that the parents do not desire counsel and are present at the hearing, the court shall examine each parent and make findings of fact sufficient to show that the waivers were knowing and voluntary. This examination shall be reported as provided in G.S. 7A-198."

Section 20. G.S. 7B-1808(b) reads as rewritten:

"(b) At the first appearance, the court shall:

(1) Inform the juvenile of the allegations set forth in the petition;

(2) Determine whether the juvenile has retained counsel or has been assigned counsel ~~and, if the juvenile is not represented by counsel, appoint counsel for the juvenile;~~ counsel;

(3) If applicable, inform the juvenile of the date of the probable cause hearing, which shall be within 15 days of the first appearance; and

(4) Inform the parent, guardian, or custodian that the parent, guardian, or custodian is required to attend all hearings scheduled in the matter and may be held in contempt of court for failure to attend any scheduled hearing.

If the juvenile is not represented by counsel, counsel for the juvenile shall be appointed in accordance with rules adopted by the Office of Indigent Services."

Section 21. G.S. 7B-1906(c) reads as rewritten:

"(c) The court shall determine whether a juvenile who is alleged to be delinquent has retained counsel or has been assigned counsel; ~~and,~~ if the juvenile is not represented by counsel, ~~appoint~~ counsel for the ~~juvenile.~~ juvenile shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services."

Section 22. G.S. 7B-2000(a) reads as rewritten:

"(a) A juvenile alleged to be within the jurisdiction of the court has the right to be represented by counsel in all proceedings. ~~The court shall appoint counsel for the juvenile,~~ Counsel for the juvenile shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services, unless counsel is retained for the juvenile, in any proceeding in which the juvenile is alleged to be (i) delinquent or (ii) in contempt of court when alleged or adjudicated to be undisciplined."

Section 23. G.S. 7B-2002 reads as rewritten:

"§ 7B-2002. Payment of court-appointed attorney.

An attorney appointed pursuant to G.S. 7B-2000 or pursuant to any other provision of this Subchapter shall be paid a reasonable fee ~~fixed by the court in the same manner as fees for attorneys appointed in cases of indigency through the Administrative Office of the Courts.~~ in accordance with rules adopted by the Office of Indigent Defense Services. The court may require payment of the attorneys' fees from a person other than the juvenile as provided in G.S. 7A-450.1, 7A-450.2, and 7A-450.3. A person who does not comply with the court's order of payment may be found in civil contempt as provided in G.S. 5A-21."

Section 24. G.S. 7B-2704 reads as rewritten:

"§ 7B-2704. Payment of support or other expenses; assignment of insurance coverage.

At the dispositional hearing or a subsequent hearing, if the court finds that the parent is able to do so, the court may order the parent to:

(1) Pay a reasonable sum that will cover in whole or in part the support of the juvenile. If the court requires the payment of child support, the amount of the payments shall be determined as provided in G.S. 50-13.4;

(2) Pay a fee for probation supervision or residential facility costs;

(3) Assign private insurance coverage to cover medical costs while the juvenile is in secure detention, training school, or other out-of-home placement; and

(4) Pay ~~court-appointed~~ appointed attorneys' fees.

All money paid by a parent pursuant to this section shall be paid into the office of the clerk of superior court.

If the court places a juvenile in the custody of a county department of social services and if the court finds that the parent is unable to pay the cost of the support required by the juvenile, the cost shall be paid by the county department of social services in whose custody the juvenile is placed, provided the juvenile is not receiving care in an institution owned or operated by the State or federal government or any subdivision thereof."

Section 25. G.S. 7B-2804(a) reads as rewritten:

"(a) The parent, guardian, person, or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of the parent, guardian, person, or agency may petition the appropriate court in the demanding state for the issuance of a requisition for the juvenile's return. The petition shall state the name and age of the juvenile, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of the running away, the juvenile's location if known at the time application is made, and any other facts that may tend to show that the juvenile who has run away is endangering the juvenile's own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Any further affidavits and other documents as may be deemed proper may be submitted with the petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this Compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not the juvenile is an emancipated minor, and whether or not it is in the best interests of the juvenile to compel the juvenile's return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, the judge shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of the juvenile. The requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away

without the consent of a parent, guardian, person, or agency entitled to legal custody, and that it is in the best interests and for the protection of the juvenile that the juvenile be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected, or dependent juvenile is pending in the court at the time when the juvenile runs away, the court may issue a requisition for the return of the juvenile upon its own motion, regardless of the consent of the parent, guardian, person, or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the Compact Administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing that person to take into custody and detain the juvenile. The detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon the order shall be delivered over to the officer whom the court has appointed to receive the juvenile unless the juvenile first is taken before a judge of a court in the state, who shall inform the juvenile of the demand made for the juvenile's return, and who may ~~appoint~~ determine that counsel or guardian ad litem for the ~~juvenile.~~ juvenile should be appointed. If the court finds that the requisition is in order, the court shall deliver the juvenile over to the officer appointed to receive the juvenile by the court demanding the juvenile. The court, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this Compact without the consent of a parent, guardian, person, or agency entitled to legal custody, the juvenile may be taken into custody without a requisition and brought before a judge of the appropriate court who may ~~appoint~~ determine that counsel or guardian ad litem for the juvenile should be appointed and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for the juvenile's own protection and welfare, for such a time not exceeding 90 days as will enable the return of the juvenile to another state party to this Compact pursuant to a requisition for return from a court of that state. In cases in which the court determines that counsel or guardian ad litem should be provided for the juvenile, appointment shall be in accordance with rules adopted by the Office of Indigent Defense Services. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein the juvenile is found, any criminal charge, or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in the state, or if the juvenile is suspected of having committed within the state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of the state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for the offense or juvenile delinquency. The duly accredited officers of any state party to this Compact, upon the establishment of their authority

and the identity of the juvenile being returned, shall be permitted to transport the juvenile through any and all states party to this Compact, without interference. Upon return of the juvenile to the state from which the juvenile ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state."

Section 26. G.S. 7B-2805 reads as rewritten:

"**§ 7B-2805. Return of escapees and absconders.**

(a) The appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody a delinquent juvenile has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of the delinquent juvenile. The requisition shall state the name and age of the delinquent juvenile, the particulars of the juvenile's adjudication as a delinquent juvenile, the circumstances of the breach of the terms of probation or parole or of the juvenile's escape from an institution or agency vested with legal custody or supervision, and the location of the delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects the delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Any further affidavits and documents as may be deemed proper may be submitted with the requisition. One copy of the requisition shall be filed with the Compact Administrator of the demanding state, there to remain on file subject to the provisions of the law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing the person to take into custody and detain such delinquent juvenile. The detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon the order shall be delivered over to the officer whom the appropriate person or authority demanding the juvenile has appointed to receive the juvenile, unless the juvenile is first taken forthwith before a judge of an appropriate court in the state, who shall inform the juvenile of the demand made for the return, and who may ~~appoint~~ determine that counsel or guardian ad litem for the ~~juvenile.~~ juvenile should be appointed. If the judge of the court finds that the requisition is in order, the judge shall deliver the delinquent juvenile over to the officer whom the appropriate person or authority demanding the juvenile appointed to receive the juvenile. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with legal custody or supervision in any state party to this Compact, the person may be taken into custody in any other state party to this Compact without a

requisition. But in that event, the juvenile shall be taken forthwith before a judge of the appropriate court, who may ~~appoint~~ determine that counsel or guardian ad litem for the person should be appointed and who shall determine after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for a length of time, not exceeding 90 days, as will enable detention of the juvenile under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent who has either absconded while on probation or parole or escaped from an institution or agency vested with legal custody or supervision, there is pending in the state wherein the juvenile is detained any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in the state, or if the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency within the state, the juvenile shall not be returned without the consent of the state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for the offense or juvenile delinquency. The duly accredited officers of any state party to this Compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport the delinquent juvenile through any and all states party to this Compact, without interference. Upon return to the state from which the juvenile escaped or absconded, the delinquent juvenile shall be subject to any further proceedings appropriate under the laws of that state.

(b) The state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of transportation costs of the return.

(c) If the court determines that counsel or guardian ad litem should be provided under this section, appointment shall be in accordance with rules adopted by the Office of Indigent Defense Services."

Section 27. G.S. 15-11.1(b) reads as rewritten:

"(b) In the case of unknown or unapprehended defendants or of defendants willfully absent from the jurisdiction, the court shall ~~have discretion to appoint a guardian ad litem, who shall be a licensed attorney,~~ determine whether an attorney should be appointed as guardian ad litem to represent and protect the interest of such unknown or absent defendants. Appointment shall be in accordance with rules adopted by the Office of Indigent Defense Services. The judicial findings concerning identification or value that are made at such hearing whereby property is returned to the lawful owner or a person, firm, or corporation entitled to possession, may be admissible into evidence at the trial. After final judgment all property lawfully seized by or otherwise coming into the possession of law-enforcement authorities shall be disposed of as the court or magistrate in its discretion orders, and may be forfeited and either sold or destroyed in accordance with due process of law."

Section 28. G.S. 15A-279(d) reads as rewritten:

"(d) Any such person is entitled to have counsel present and must be advised prior to being subjected to any nontestimonial identification procedures of his right to have counsel present during any nontestimonial identification procedure and to the appointment of counsel if he cannot afford to retain counsel. Appointment of

counsel shall be in accordance with rules adopted by the Office of Indigent Defense Services. No statement made during nontestimonial identification procedures by the subject of the procedures shall be admissible in any criminal proceeding against him, unless his counsel was present at the time the statement was made."

Section 29. G.S. 15A-803(d) reads as rewritten:

"(d) Procedure. -- A material witness order may be obtained upon motion supported by affidavit showing cause for its issuance. The witness must be given reasonable notice, opportunity to be heard and present evidence, and the right of representation by counsel at a hearing on the motion. Counsel for a material witness may be appointed and compensated in the same manner as counsel for an indigent defendant. Appointment of counsel shall be in accordance with rules adopted by the Office of Indigent Defense Services. The order must be based on findings of fact supporting its issuance."

Section 30. G.S. 15A-1243 reads as rewritten:

"§ 15A-1243. Standby counsel for defendant representing himself.

When a defendant has elected to proceed without the assistance of counsel, the trial judge in his discretion may ~~appoint~~ determine that standby counsel should be appointed to assist the defendant when called upon and to bring to the judge's attention matters favorable to the defendant upon which the judge should rule upon his own motion. Appointment and compensation of standby counsel shall be in accordance with rules adopted by the Office of Indigent Defense Services."

Section 31. G.S. 15A-1343(e) reads as rewritten:

"(e) Costs of Court and Appointed Counsel. -- Unless the court finds there are extenuating circumstances, any person placed upon supervised or unsupervised probation under the terms set forth by the court shall, as a condition of probation, be required to pay all court costs and costs for appointed counsel or public defender in the case in which he was convicted. The cost of appointed counsel or public defender services shall be determined in accordance with rules adopted by the Office of Indigent Defense Services. The court shall determine the amount ~~due~~ of those costs to be repaid and the method of payment."

Section 32. G.S. 23-30.1 reads as rewritten:

"§ 23-30.1. Provisional release.

Every person who has filed a petition under the provisions of G.S. 23-30 shall be brought before a judge within 72 hours after filing the petition and shall be provisionally released from imprisonment unless a hearing shall be held and the creditor shall establish that the prisoner has fraudulently concealed assets. If, at the time he is brought before a judge, the prisoner makes a showing of indigency, ~~the judge shall appoint~~ counsel shall be appointed for ~~him.~~ the prisoner in accordance with rules adopted by the Office of Indigent Defense Services. A provisional release under this section shall not constitute a discharge of the debtor, and the creditor may oppose the discharge by suggesting fraud even if he has unsuccessfully attempted to oppose the provisional release on the basis of fraudulent concealment. The debtor may be provisionally released even though actual service upon the creditor has not

been accomplished if 72 hours has passed since the debtor delivered the notice to the sheriff for service upon the creditor."

Section 33. G.S. 35A-1107 reads as rewritten:

"**§ 35A-1107. Right to counsel or guardian ad litem.**

The respondent is entitled to be represented by counsel of his own choice or by ~~court-appointed~~ an appointed guardian ad litem. Upon filing of the ~~petition, the clerk shall appoint as guardian ad litem an attorney who shall~~ petition, an attorney shall be appointed as guardian ad litem to represent the respondent unless the respondent retains his own counsel, in which event ~~the clerk may discharge~~ the guardian ad ~~litem.~~ litem may be discharged. Appointment and discharge of an appointed guardian ad litem shall be in accordance with rules adopted by the Office of Indigent Defense Services."

Section 34. G.S. 35A-1130(c) reads as rewritten:

"(c) At the hearing on the motion, the ward shall be entitled to be represented by counsel or guardian ad litem, and ~~the clerk shall appoint~~ a guardian ad litem shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services if the ward is indigent and not represented by counsel. Upon motion of any party or the clerk's own motion, the clerk may order a multidisciplinary evaluation. The ward has a right, upon request by him, his counsel, or his guardian ad litem to trial by jury. Failure to request a trial by jury shall constitute a waiver of the right. The clerk may nevertheless require trial by jury in accordance with G.S. 1A-1, Rule 39(b), Rules of Civil Procedure, by entering an order for trial by jury on his own motion. Provided, if there is a jury in a proceeding for restoration to competency, it shall be a jury of six persons selected in accordance with the provisions of Chapter 9 of the General Statutes."

Section 35. G.S. 90-21.8(c) reads as rewritten:

"(c) The minor may participate in proceedings in the court on her own behalf or through a guardian ad litem. The court shall advise her that she has a right to ~~court~~ appointed ~~counsel~~ counsel, and ~~shall provide her with~~ counsel shall be provided upon her ~~request.~~ request in accordance with rules adopted by the Office of Indigent Defense Services."

Section 36. G.S. 108A-105(b) reads as rewritten:

"(b) The court shall set the case for hearing within 14 days after the filing of the petition. The disabled adult must receive at least five days' notice of the hearing. He has the right to be present and represented by counsel at the hearing. If the person, in the determination of the judge, lacks the capacity to waive the right to counsel, then ~~the court shall appoint~~ a guardian ad litem shall be appointed pursuant to G.S. 1A-1, ~~Rule 17.~~ Rule 17, and rules adopted by the Office of Indigent Defense Services. If the person is indigent, the cost of representation shall be borne by the State."

Section 37. G.S. 122C-224.1(a) reads as rewritten:

"(a) Within 48 hours of receipt of notice that a minor has been admitted to a 24-hour facility wherein his freedom of movement will be restricted, ~~the clerk of superior court, under direction of the district court judge,~~ an attorney shall ~~appoint an attorney~~ be appointed for the ~~minor.~~ minor in accordance with rules adopted by

the Office of Indigent Defense Services. When a minor has been admitted to a State facility for the mentally ill, the attorney appointed shall be the attorney employed in accordance with G.S. 122C-270(a) through (c). All minors shall be conclusively presumed to be indigent, and it shall not be necessary for the court to receive from any minor an affidavit of indigency. The attorney shall be paid a reasonable fee ~~fixed by the court in the same manner as fees for attorneys appointed in cases of indigency.~~ in accordance with rules adopted by the Office of Indigent Defense Services. The judge may require payment of the attorney's fee from a person other than the minor as provided in G.S. 7A-450.1 through G.S. 7A-450.4."

Section 38. G.S. 122C-267(d) reads as rewritten:

"(d) At the hearing to determine the necessity and appropriateness of outpatient commitment, the respondent need not, but may, be represented by counsel. However, if the court determines that the legal or factual issues raised are of such complexity that the assistance of counsel is necessary for an adequate presentation of the merits or that the respondent is unable to speak for himself, the court may continue the case for not more than five days and order the appointment of counsel for an indigent respondent. Appointment of counsel shall be in accordance with rules adopted by the Office of Indigent Defense Services."

Section 39. G.S. 122C-268(d) reads as rewritten:

"(d) The respondent shall be represented by counsel of his choice; or if he is indigent within the meaning of G.S. 7A-450 or refuses to retain counsel if financially able to do so, he shall be represented by counsel appointed ~~by the court.~~ in accordance with rules adopted by the Office of Indigent Defense Services."

Section 40. G.S. 122C-268.1(d) reads as rewritten:

"(d) The respondent shall be represented by counsel of his choice, or if he is indigent within the meaning of G.S. 7A-450 or refuses to retain counsel if financially able to do so, he shall be represented by counsel appointed ~~by the court.~~ in accordance with rules adopted by the Office of Indigent Defense Services."

Section 41. G.S. 122C-269(b) reads as rewritten:

"(b) An official of the facility shall immediately notify the clerk of superior court of the county in which the facility is located of a determination to hold the respondent pending hearing. That clerk shall request transmittal of all documents pertinent to the proceedings from the clerk of superior court where the proceedings were initiated. The requesting clerk shall assume all duties set forth in G.S. 122C-264. The ~~requesting clerk shall appoint as~~ counsel for indigent respondents the counsel provided for in ~~G.S. 122C-268(d).~~ G.S. 122C-268(d) shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services."

Section 42. G.S. 122C-270 reads as rewritten:

"**§ 122C-270. Attorneys to represent the respondent and the State.**

(a) ~~The senior regular resident superior court judge of~~ In a superior court district or set of districts as defined in G.S. 7A-41.1 in which a State facility for the mentally ill is ~~located~~ located, the Commission on Indigent Defense Services shall appoint an attorney licensed to practice in North Carolina as special counsel for indigent respondents who are mentally ill. ~~This~~ These special counsel shall serve at the

pleasure of the ~~appointing judge,~~ Commission, may not privately practice law, and shall receive annual compensation within the salary range for assistant ~~district attorneys~~ public defenders as fixed by the ~~Administrative Officer of the Courts.~~ Office of Indigent Defense Services. The special counsel shall represent all indigent respondents at all hearings, rehearings, and supplemental hearings held at the State facility and on appeals held under this Article. Special counsel shall determine indigency in accordance with G.S. 7A-450(a). Indigency is subject to redetermination by the presiding judge.

(b) The State facility shall provide suitable office space for the counsel to meet privately with respondents. The ~~Administrative Office of the Courts~~ Office of Indigent Defense Services shall provide secretarial and clerical service and necessary equipment and supplies for the office.

(c) In the event of a vacancy in the office of special counsel, counsel's incapacity, or a conflict of interest, counsel for indigents at hearings or rehearings may be assigned ~~by a district judge of the district.~~ in accordance with rules adopted by the Office of Indigent Defense Services. No mileage or compensation for travel time is paid to a counsel appointed pursuant to this subsection. Counsel may also be so assigned when, in the opinion of the ~~Administrative Officer of the Courts,~~ Director of the Office of Indigent Defense Services, the volume of cases warrants.

(d) At hearings held in counties other than those designated in subsection (a) of this section, ~~a district court judge shall appoint~~ counsel for indigent respondents ~~from members of the bar of the county in accordance with G.S. 122C-268(d).~~ shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services.

(e) Counsel assigned to represent an indigent respondent at the initial district court hearing is also responsible for perfecting and concluding an appeal, if there is one. Upon completion of an appeal, or upon transfer of the respondent to a State facility for the mentally ill, if there is no appeal, assigned counsel is discharged. If the respondent is committed to a non-State 24-hour facility, assigned counsel remains responsible for his representation until discharged by order of district court, until the respondent is unconditionally discharged from the facility, or until the respondent voluntarily admits himself to the facility.

(f) The Attorney General may employ four attorneys, one to be assigned by him full-time to each of the State facilities for the mentally ill, to represent the State's interest at commitment hearings, rehearings and supplemental hearings held under this Article at the State facilities for respondents admitted to those facilities pursuant to Part 3, 4, 7, or 8 of this Article or G.S. 15A-1321 and to provide liaison and consultation services concerning these matters. These attorneys are subject to Chapter 126 of the General Statutes and shall also perform additional duties as may be assigned by the Attorney General. The attorney employed by the Attorney General in accordance with G.S. 114-4.2B shall represent the State's interest at commitment hearings, rehearings and supplemental hearings held for respondents admitted to the University of North Carolina Hospitals at Chapel Hill pursuant to Part 3, 4, 7, or 8 of this Article or G.S. 15A-1321."

Section 43. G.S. 122C-286(d) reads as rewritten:

"(d) The respondent may be represented by counsel of his choice. If the respondent is indigent within the meaning of G.S. 7A-450, ~~the court shall appoint~~ counsel shall be appointed to represent ~~him.~~ the respondent in accordance with rules adopted by the Office of Indigent Defense Services."

Section 44. G.S. 122C-286.1(b) reads as rewritten:

"(b) An official of the facility shall immediately notify the clerk of superior court of the county in which the facility is located of a determination to hold the respondent pending hearing. That clerk shall request transmittal of all documents pertinent to the proceedings from the clerk of superior court where the proceedings were initiated. The requesting clerk shall assume all duties set forth in G.S. 122C-284. The ~~requesting clerk shall appoint as counsel for indigent respondents the~~ counsel provided for in ~~G.S. 122C-286(d).~~ G.S. 122C-286(d) shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services."

Section 45. G.S. 148-62.1 reads as rewritten:

"**§ 148-62.1. Entitlement of indigent parolee and post-release supervisee to counsel, in discretion of Post-Release Supervision and Parole Commission.**

Any parolee or post-release supervisee who is an indigent under the terms of G.S. 7A-450(a) may be determined entitled, in the discretion of the Post-Release Supervision and Parole Commission, to the services of counsel at State expense at a parole revocation hearing at which either:

(1) The parolee or post-release supervisee claims not to have committed the alleged violation of the parole or post-release supervision conditions; or

(2) The parolee or post-release supervisee claims there are substantial reasons which justified or mitigated the violation and make revocation inappropriate, even if the violation is a matter of public record or is uncontested, and that the reasons are complex or otherwise difficult to develop or present; or

(3) The parolee or post-release supervisee is incapable of speaking effectively for himself;

and where the Commission feels, on a case by case basis, that such appointment in accordance with either (1), (2) or (3) above is necessary for fundamental fairness.

If the parolee or post-release supervisee is determined to be indigent and entitled to services of counsel, counsel shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services."

PART IV. APPROPRIATION, TRANSITION, AND EFFECTIVE DATES

Section 46. There is appropriated from the General Fund to the Indigent Persons' Attorney Fund the sum of five hundred thirty-five thousand six hundred forty-four dollars ($535,644) for the 2000-2001 fiscal year, to be allocated to the Judicial Department for the operations and expenses of the Commission on Indigent Defense Services and its staff.

Section 47. The Director of the Administrative Office of the Courts shall assist the chair of the Commission on Indigent Defense Services in retaining the Commission's initial Director of Indigent Defense Services. The Director of the Administrative Office of the Courts shall recruit and interview prospective candidates and shall submit at least three names to the full Commission for its consideration. The Commission may hire its initial Director of Indigent Defense Services from that list or may request that the chair of the Commission and Director of the Administrative Office of the Courts submit additional names.

Section 48. The Commission on Indigent Defense Services shall report on or before May 1, 2001, to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety regarding (i) a plan for the orderly transfer of budget and related authority from the Administrative Office of the Courts to the Commission on Indigent Defense Services, effective July 1, 2001; (ii) the rules, standards, and other regulations developed by the Commission for the delivery of indigent defense services; and (iii) other matters for implementation of the provisions of this act.

Section 49. Effective when this act becomes law, the Commission on Indigent Defense Services shall be responsible for appointing public defenders and the appellate defender to any new term or for filling any vacancy. To that end, G.S. 7A-498.7(b), enacted in Section 1 of this act, and the repeals of G.S. 7A-466(d) and (e) and G.S. 7A-486.2(a) and (b), as provided in Section 13 of this act, are effective when they become law. Persons holding the position of public defender or appellate defender on the date this act becomes law are entitled to serve the remainder of their terms, and the Commission on Indigent Defense Services may not take any action to shorten their terms unless those persons are removed pursuant to the applicable statutes on removal. After July 1, 2001, public defender offices and the appellate defender's office shall automatically continue in operation unless otherwise determined by the Commission on Indigent Defense Services. The Commission shall adopt standards for the operation of the appellate defender's office after July 1, 2001, including standards on salary and longevity pay consistent with G.S. 7A-498.7, enacted in Section 1 of this act.

Section 50. Except as otherwise provided in this Part, this act becomes effective July 1, 2001. G.S. 7A-498, 7A-498.1, 7A-498.2, 7A-498.4, 7A-498.5, and 7A-498.6, as enacted in Section 1 of this act, are effective when they become law; however, except as otherwise provided in this Part, no rules, standards, or other regulations issued by the Commission on Indigent Defense Services, and no decisions regarding the actual delivery of services shall take effect prior to July 1, 2001, and all authority over the expenditure of funds shall remain with the Director of the Administrative Office of the Courts prior to that date. The Commission shall be responsible for the expenditure of funds for all cases pending on or after July 1, 2001.

APPROPRIATIONS COMMITTEE ON JUSTICE AND PUBLIC SAFETY

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JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
MEETINGS

1999-2000 Legislative Session

Senate Only Meetings
June 15, 2000
June 20, 2000

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 24, 2000
8:30 a.m. and 1p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Paul McCrary
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Review of Governor's Recommended Reductions -- Correction
Gregg Stahl, Assistant Secretary
Department of Correction

Review of Governor's Recommended Reductions/Expansion -- Office of Juvenile Justice

Plan for New Department of Juvenile Justice and Delinquency Prevention
George Sweat, Director
Office of Juvenile Justice

Review of Governor's Recommended Reductions/Expansion --- Crime Control
Greg McLeod, Legislative Liaison
Crime Control & Public Safety

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
On
JUSTICE AND PUBLIC SAFETY
Minutes
May 24, 2000

The Joint Appropriations Subcommittee on Justice and Public Safety met on May 24, 2000, in room 415 LOB, at 8:30AM. Four senators attended. The following House members attended: Rep. Paul McCrary, Rep. Bill Culpepper, Rep. Scott Thomas, Rep. Debbie Clary, Rep. Phillip Haire, Rep. Jim Horne, Rep. Larry Justus, Rep. Joe Kiser, Rep. Wayne Sexton

Senator Luther Jordan chaired the meeting. He called on Mr. Gregg Stahl, Asst. Secretary of the Department of Correction. Mr. Stahl distributed a handout, *Governor's Recommended Changes to the 2000-2001 Budget Justice and Public Safety Portion*, from which he spoke. Senator Ballance expressed his concern regarding recidivism in the five pilot areas. Mr. Stahl said the arrest rate is about the same. Mr. Stahl said, also in response to Sen. Ballance, IMPACT costs are not known. The total budget is $5.6 million. In response to Rep. Kiser, Mr. Stahl said IMPACT is for high-risk people and judges make the decision regarding who is sent to IMPACT. Mr. Stahl recommended that the IMPACT program is not continued.

Items 9, 10 and 11 (see handout) are recommended for cuts. In response to Rep. Kiser, Mr. Stahl said lapsed salaries are returned to the General Assembly. Rep. Haire asked if the reduction in item 12 included van drivers. The answer is yes. Item 18 is the closing of Currituck. Pasquotank or Gates facilities will absorb staff. There are seven additional GPAC sites to be closed. That list is attached.

Item 19 recommends cutting the food budget. Rep. Kiser wanted to see the cost per meal per inmate compared to the price of 2 years ago. Mr. Stahl said we are remaining in national guidelines with the food budget. Regarding item 21, and in response to Rep. Kiser, the caseload for surveillance officers is 21+ without absconders.

See handout titled Justice and Public Safety Budget Issues – Short Session 2000. Senator Ballance wanted to know what happened to $1.2 million. Mr. Jim Mills said it was diverted to Hurricane Floyd relief and if any interest was paid on that money it would revert back to the general fund. Mr. Marvin Dorman, Office of State Budget confirmed that the money is in the Floyd Recovery reserve.

Regarding the business court, Ms. Elisa Wolper responded to questions. The court is not statewide. It is in Guilford. No money is requested for court management pilot. Wake is the only county with indigent screeners. Regarding the AOC disaster recovery funds, most will be spent this year. Some of the $350,000 went to planning and some went for stop gap measures.

At 10:45, Senator Jordan adjourned the meeting until !PM, May 24, 2000.

Luther Jordan
Senate Chair

Gloria Haywood
Committee Assistant

Governor's Recommended Changes To the 2000-2001 Budget Justice and Public Safety Portion

1999-2001 Biennium

Department of Correction

Recommended Adjustments

		2000-01	
1. Increase Receipts from Correction Enterprises			
It is recommended that a total of $3,250,000 ($2,750,000 in nonrecurring and $500,000 in recurring funds) be reduced from the balance of the Prison Enterprise Fund for the purpose of creating additional availability for state fiscal year 2000-01.			
North Carolina Correction Enterprises (NCCE) is self supporting from the sale of products and services produced by inmates and sold to various state and local agencies at a competitive market price. All profits are used by the Department of Correction for capital improvement, salaries of enterprise employees, purchase of equipment, and/or other uses as determined by the Secretary of Correction.			
Requirements	$	-	
Recurring Receipts		500,000	
Nonrecurring Receipts	$	2,750,000	NR
Recurring Appropriation	$	500,000	
Nonrecurring Appropriation	$	2,750,000	NR
2. Reduction of Automobile Replacement Budget			
To create one-time availability, it is recommended the Department of Correction (DOC) delay the replacement schedule for department-owned cars and increase the mileage on DOC vehicles. This initiative is aided by the DOC vehicles taken from prison facilities recently closed.		(1,000,000)	NR
3. Fund Enterprise Accounting Positions from Enterprise Fund			
It is recommended that nine accounting positions dedicated to the Enterprise Fund be supported by receipts from that Fund, thus replacing state appropriation.			
Requirements	$	-	
Receipts		344,200	
Appropriation	$	(344,200)	

NR - Nonrecurring

Recommended Adjustments - Continued

	2000-01	
4. **Reduce Data Processing Equipment by 10%** A one-time reduction of ten percent in data processing equipment budgeted in the Department of Correction is recommended to create needed availability. This savings initiative is aided by reductions in the estimated cost of this type of equipment.	$ (225,862)	NR
5. **IMPACT Aftercare Program – Elimination of Contracts Between the Department of Correction (DOC) and Treatment Alternatives to Street Crimes (TASC)** The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) or boot camp is a condition of special probation (split sentence) in which the offender must serve an active sentence of 90 to 120 days, and then remain on supervised probation. The General Assembly appropriated funding for IMPACT Aftercare, a pilot, post-boot camp probation program, which includes intensive supervision probation and care management through the TASC program in the Department of Health and Human Services. The program is available to 180 IMPACT graduates per year in six counties: Buncombe, Forsyth, Mecklenburg, New Hanover, and Edgecombe/Nash. DOC analysis of the success rate statistics on this program do not support the concept on which the program is based. TASC is an intervention program for certain drug dependent criminal offenders and those participating in the IMPACT program do not have drug and alcohol problems as their primary treatment need. Reduction of the funds budgeted for these contracts is recommended accordingly.	(440,000)	

NR-Nonrecurring

Recommended Adjustments – Continued

	2000-01	
6. Increase Receipts from Welfare Fund for One-Time Transfer of Cash		
The Inmate Welfare Fund accounts for canteen profits and telephone contract profits in the prison system. The Fund pays for vocational teachers in the prison units and for supplies. This savings initiative is aided by the completion of new prison construction and its decreased demand on this Fund for equipment associated with inmate activities. Teaching positions and related supplies are not impacted by this reduction.		
Requirements	$ -	
Receipts	2,250,000	
Appropriation	$ (2,250,000)	NR
7. Increase Receipts from Work Release by Increasing Per Diem from $14 to $15 per day		
Inmates on work release are required by General Statute to pay per diem to the state. The current rate for per diem is $14 per day; an increase to $15 per day is recommended. There are 1,326 inmates currently on work release.		
Requirements	$ -	
Receipts	325,000	
Appropriation	$ (325,000)	
8. Increase Receipts from Work Release by Increasing Transportation Fee from $1.50 to $2.00 per day		
Inmates on work release are required by General Statute to contribute toward the cost of their transportation to work. The current rate of reimbursement to the state is $1.50 per day. It is recommended that this rate be increased to $2 per day.		
Requirements	$ -	
Receipts	44,844	
Appropriation	$ (44,844)	
9. Reduce the Division of Prisons Travel Budget		
The Division of Prisons has turned in a number of Department of Administration (DOA) owned vehicles. Based on actual spending to date, a recurring reduction to the funds budgeted for rent/lease of DOA owned vehicles is recommended.	(150,000)	

NR - Nonrecurring

2000-01 Recommended Changes
General Fund – Department of Correction – Continued

Recommended Adjustments - Continued

		2000-01	
10.	**Reduce Division of Prisons Employee Uniform Budget** Due to a large number of correctional officer vacancies and a reduction in Central Warehouse inventory, the Department of Correction projects a recurring savings in employee uniforms of $750,000. A reduction in the funds budgeted for uniforms is recommended accordingly.	$ (750,000)	
11.	**Reduce Division of Prisons Equipment Budget by 10%** A one-time reduction of 10% in equipment in the Division of Prisons is recommended to create fund availability.	(460,000)	NR
12.	**Cancel Food Service Contract at Black Mountain** Currently the Division of Prisons contracts for the food service provided at the Black Mountain correctional facility. Food service can be accommodated through the Marion facility, which is less than 20 miles from the Black Mountain unit. Marion Correctional Institution's existing food service staff will prepare the meals, and meals will be transported by van to Black Mountain. A reduction in contract costs is recommended accordingly.	(223,372)	
13.	**Drug Test Increase from $2.50 to $3.50** The Department of Correction provides drug testing on a contractual basis to a number of county, state and private facilities as well as the Division of Prisons at well below the cost of private drug testing. The current fee charged is $2.50 per test. It is recommended that this fee be increased to $3.50 per test. This proposed increase is still less expensive than private drug testing, and the increase would come closer to meeting the cost of supplies required in the testing. This is the first increase in this fee since inception of this service.		
	Requirements	$ -	
	Receipts	84,124	
	Appropriation	$ (84,124)	
14.	**Reduce Division of Community Corrections Travel Budget** Over the last few months the Division of Community Corrections has reduced the number of Department of Administration owned vehicles used by the division by defining caseloads into zones and thus reducing employee driving time significantly. A reduction in the division's travel budget is recommended accordingly.	(200,000)	

NR - Nonrecurring

2000-01 Recommended Changes
General Fund – Department of Correction – Continued

Recommended Adjustments - Continued

	2000-01	
15. **Reduce Division of Community Corrections Equipment Budget by 10%** A one-time reduction of 10% in the equipment budget for the Division of Community Corrections is recommended to create fund availability for fiscal year 2000-01.	$ (110,000)	NR
16. **Reduce Department of Correction Management Budget** A nonrecurring budget reduction of $300,000 is recommended to be distributed across the non-salary operating budget for Department of Correction central administration to create availability.	(300,000)	NR
17. **Reduce the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) Budget** IMPACT, a 90 to 120 day boot camp program for probationers, is operational at two locations: IMPACT East in Hoffman is for males; IMPACT West in Morganton serves both male and female on a rotating basis. The program has a capacity of 1,500 but is only graduating 900. A 10% recurring budget reduction in the non-salary operating budget for IMPACT is recommended due to low participation.	(108,300)	
18. **Close Currituck Correctional Facility (GPAC)** It is recommended that the Currituck facility be closed effective August 1, 2000. This is a minimum custody facility with inmate standard operating capacity (SOC) of 56 and expanded operating capacity (EOC) of 68. A total of $614,726 of this savings is recommended for the Office of Juvenile Justice to offset the expansion of the Camp Woodson Program. The Currituck facility was recommended for closing by the Government Performance Audit Comission (GPAC).	(1,045,000)	
Number of Positions	(38.0)	
19. **Reduce Division of Prisons (DOP) Food Budget** The Division of Prisons has implemented cost savings initiatives in food service, which include changes to the master menu and decreasing inventory at the Department of Correction Central Warehouse. Accordingly, a recurring reduction is recommended in the food budget.	(1,500,000)	

NR-Nonrecurring

Recommended Adjustments - Continued

	2000-01
20. **Abolish One Vacant Parole Commission Position** Due to the declining number of parolees since the passage of structured sentencing, costs associated with the operation of the Commission are decreasing. The 1999 General Assembly, in House Bill 168, Section 18.1, directed that the Post Release Supervision and Parole Commission report on a plan for staff reduction in March 2000, including a minimum 10% reduction in staff positions in the 2000-2001 fiscal year over the 1999-00 fiscal year. Budget reductions taken in 1999-00 totaled $354,799 with a recurring reduction of $409,472, in excess of the 10% stipulated. A total reduction of $35,561 is recommended for fiscal year 2000-01.	$ (35,561)
Number of Positions	(1.0)
21. **Eliminate Eight Vacant Surveillance and Intensive Case Officer Positions** Surveillance and intensive case officers are used in the Division of Community Corrections to provide intensive supervision to offenders placed on intermediate sanctions. Based on caseload projections, which reflect a slight decline in population under community supervision, a reduction of eight positions and $327,152 is recommended in the budget for surveillance and intensive case teams as of July 2000. All eight positions are vacant.	(327,152)
Number of Positions	(8.0)
22. **Reduce Division of Prisons (DOP) Electricity Budget** The Division of Prisons has realized savings from taking advantage of peak power options with the power companies and also has identified excess funds budgeted for opening new prison facilities. Based on projected expenditures for 1999-00, a reduction in the funds budgeted for electricity is recommended in the DOP.	(300,000)
23. **Reduce Division of Community Corrections Employee Employment Physical Budget** Physicals are required as a condition of employment for probation/parole officers and certain other employees in the Division of Community Corrections. Based on expenditures in 1999-00, a reduction is recommended in the funds budgeted for pre-employment physicals.	(100,000)

Recommended Adjustments - Continued

	2000-01
24. **Eliminate Six Electronic House Arrest (EHA) Specialist Positions** House arrest with electronic monitoring is a special condition of supervised probation, parole, or post-release supervision. Computer technology is used to monitor and restrict the offender's movement. All house arrest with electronic monitoring cases are supervised by probation and parole officers who respond to violations during regular work hours. Designated electronic house arrest response officers respond to violations after regular work hours. Electronic House Arrest (EHA) is a centralized monitoring system for tracking the movement of persons designated by the court to be placed on house arrest. Effective January 2001, the Division of Community Corrections Special Programs will implement a new, more automated monitoring system for Electronic House Arrest (EHA) which will allow a reduction in staff and a budget reduction in the first year of implementation of $80,962, with a recurring cost savings of $166, 781 beginning in the second year.	$ (80,962)
Number of Positions	(6.0)
Total Recommended Adjustments for Department of Correction	
Requirements	$ (7,356,209)
Receipts	6,298,168
Appropriation	$ (13,654,377)
Number of Positions	(53.0)

Department of Crime Control and Public Safety

Recommended Adjustments

	2000-01
1. **Transfer of the Guard Response to Alternative Sentencing Program (GRASP) from the Department of Crime Control and Public Safety (DCCPS) to the Office of Juvenile Justice (OJJ)** The GRASP is currently administered by the Department of Crime Control and Public Safety and operated by the North Carolina National Guard. The program provides a regimented training program for at-risk and adjudicated juvenile offenders aged 13-15 years old. Because this is an intervention program designed specifically for juvenile offenders, it is recommended that the direct control of the program be transferred from the DCCPS to the OJJ. The National Guard will continue to operate this program through a contractual arrangement with the OJJ.	$ (338,000)
2. **Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) to be Administered by the Office of Juvenile Justice (OJJ)** Currently the Juvenile Accountability Incentive Block Grant is administered by the Governor's Crime Commission in the Department of Crime Control and Public Safety. JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs. It is recommended that any JAIBG funds for the federal fiscal year 2001 be awarded to and administered by the OJJ. Federal fiscal year 2000 funds will total approximately $5,650,000 and will be awarded in June 2000 by the Governor's Crime Commission.	
Total Recommended Adjustments for the Department of Crime Control and Public Safety	
Requirements	$ (338,000)
Receipts	-
Appropriation	$ (338,000)

Recommended Changes to the 2000-01 Expansion

	2000-01
1. Overtime Pay for Highway Patrol	
An increase in the Highway Fund support for the Highway Patrol is recommended to begin to implement overtime pay in lieu of compensatory leave for the Highway Patrol. Currently there is no money budgeted for the Highway Patrol to pay overtime. Based on a forty hour work week, in 1999, the Highway Patrol would have given the equivalent of 104,666 hours of compensatory time or the equivalent of fifty full time troopers. The number of licensed drivers in North Carolina has grown more than eighty percent since the mid-1970's, while the number of troopers has grown less than twenty percent. With the lack of adequate manpower, overtime for troopers continues to increase. These funds will assist in the effort to increase manpower as opposed to decreasing coverage through the practice of troopers taking compensatory time off.	
Requirements	$ 1,500,000
Receipts (Highway Fund)	1,500,000
Appropriation	$ -
Total Recommended Changes to the 2000-01 Expansion for Crime Control and Public Safety	
Requirements	$ 1,500,000
Receipts (Highway Fund)	1,500,000
Appropriation	$ -

Department of Justice

Recommended Adjustments

	2000-01
1. Transfer of J-NET Positions from Department of Justice to Office of Juvenile Justice	
It is recommended that three positions currently located in the Department of Justice and working with the Juvenile Justice Information Network (J-NET) be transferred to the Office of Juvenile Justice. Of the total recommended, $210,000 is for positions (one project director and two information and business systems liaisons); and $15,000 is for support. The $210,000 for the positions was appropriated for 1998-99; and the $15,000 was appropriated for 1999-01.	$ (225,000)
Number of Positions	(3.0)
Total Recommended Changes to the 2000-01 Expansion for Department of Justice	
Requirements	$ (225,000)
Receipts	-
Appropriation	$ (225,000)
Number of Positions	(3.0)

Office of Juvenile Justice

Recommended Adjustments

	2000-01	
1. **Opening of Two New Detention Centers Delayed** Funding in the amount of $840,000 was appropriated for operating costs for two new detention centers in Alexander and Wayne Counties, originally scheduled to be open by January 2001. Current estimates indicate the centers will not be open until July 1, 2001, allowing a nonrecurring reduction in the funds budgeted for the fiscal year 2000-01.	$ (561,000)	NR
Total Recommended Adjustments for Office of Juvenile Justice		
Requirements	$ (561,000)	
Receipts	-	
Appropriation	$ (561,000)	

Recommended Changes to the 2000-01 Expansion

1. **Intermediate Sanctions – Juvenile Crime Prevention Councils (JCPC Grants)** JCPC grants are directed at helping children who, because of changes in sentencing laws, have been diverted from training schools. The grants establish permanent funding in all 100 counties for this purpose. The 1998 Session of the General Assembly funded local juvenile justice programs at a level of $5,511,990. A total of $29 mil is currently budgeted for JCPC grants; but some of these funds are from one-time sources such as carryforward, which reduces the amount available for next year to $24 million. Of the $5.5 million appropriated in 1998, $3.6 million was direct allocation to counties. Funds are recommended to restore the level of funding for state fiscal year 2000-01 to that of the current year.	$ 3,688,000	

Recommended Changes to the 2000-01 Expansion - Continued

	2000-01
2. **Management Information System** The Office of Juvenile Justice (OJJ) receives complaints on approximately 30,000 juveniles per year and provides institutional and community based services to approximately 50,000 juveniles annually. At present, information on juveniles is maintained in multiple filing systems. The OJJ is not electronically linked and in many cases, only paper records exist. The current system causes greater incidence of error and an incomplete database, which does not allow conducting research and evaluation studies of a longitudinal nature on the juveniles within the juvenile justice system. The Juvenile Information Network (J-NET) is a comprehensive computer program being developed to serve OJJ needs. The Juvenile Network Planning Project Final Report dated October 1998, recommended computers, program maintenance staff, LAN administrators, connection lines, and other operational functions as necessary to make J-NET operational. For initial support of J-NET, the OJJ obtained a Management Information System (MIS) grant in the amount of $2,393,276 for 1999-00 from the Governor's Crime Commission. Funds in the amount of $956,590 are recommended to continue to support this initiative for the last six months of fiscal year 2000-01 when grant funds will no longer be available. The funds recommended will be used to support 10 positions responsible for the functions noted earlier. Annualized costs will be $2,002,545.	$ 956,590
3. **Camp Woodson** Camp Woodson is a therapeutic adventure oriented camping program operated by the Office of Juvenile Justice as an intermediate sanction, that is, youth participating in the program are referred through the juvenile court in selected District Courts. These youth are placed on probation with an intermediate sanction requiring that they complete the Camp Woodson Program. Youth may also be referred to the program by the training schools to assist in transition back into the community. Currently, the program is operated only in Buncombe County (Camp Woodson West). It is recommended that $614,726 of the savings realized from the closing of Currituck	

Recommended Changes to the 2000-01 Expansion - Continued

		2000-01	
Camp Woodson - Continued			
Correctional Facility in the Department of Correction be used to offset the expense of an additional three positions at Camp Woodson West and expansion of this program to a location in Washington County (Camp Woodson East) effective October 1, 2000.			
Additional support in the amount of $215,800 for nonrecurring start-up costs for the program will come from a grant from the Governor's Crime Commission (GCC). Nonrecurring start-up costs and recurring operating expenses associated with meal planning and preparation will be supported from federal Child Nutrition grant funds in the amount of $75,920 nonrecurring and $59,980 recurring. Start up construction costs will be minimized through the use of inmate labor from the Department of Correction.			
Requirements	$966,426		
Nonrecurring Receipts (GCC)	215,800		
Nonrecurring Receipts (Child Nutrition)	$ 75,920		
Recurring Receipts (Child Nutrition)	59,980		
Nonrecurring Appropriation	23,978	$ 23,978	NR
Recurring Appropriation	$590,748	590,748	
Number of Positions		24.0	

4. **Transfer of J-NET Positions from the Department of Justice to the Office of Juvenile Justice**
It is recommended that three positions currently located in the Department of Justice and working with the Juvenile Justice Information Network (J-NET) be transferred to the Office of Juvenile Justice. Two hundred and ten thousand dollars is for positions (one project director and two information and business systems liaisons); $15,000 is for support. The $210,000 for the positions was appropriated for 1998-99; and the $15,000 was appropriated for 1999-01.

NR – Nonrecurring

Recommended Changes to the 2000-01 Expansion – Continued

	2000-01
Transfer of J-NET Positions from the Department of Justice to the Office of Juvenile Justice - Continued J-NET is a comprehensive software program developed by the Office of Juvenile Justice to provide critical information about juveniles in North Carolina. This information database eventually will form a communication link with other agencies such as the Division of Social Services, Department of Correction, and the Department of Public Instruction allowing both horizontal and longitudinal studies to be performed.	$ 225,000
Number of Positions	3.0
5. **Transfer of the Guard Response to Alternative Sentencing Program (GRASP) from the Department of Crime Control and Public Safety (DCCPS) to the Office of Juvenile Justice (OJJ)** The GRASP is currently administered by the Department of Crime Control and Public Safety and operated by the North Carolina National Guard. The program provides a regimented training program for at-risk and adjudicated juvenile offenders aged 13-15 years old. The program's mission is to build self-esteem and emphasize the consequences of individual actions. The OJJ is currently receiving this funding through the DCCPS and is responsible for the program's outcome. Because this is an intervention program designed specifically for juvenile offenders, it is recommended that the direct control of the program be transferred from the DCCPS to the OJJ. The National Guard will continue to operate this program through a contractual arrangement with the OJJ.	338,000
6. **Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) Funds to be Administered by the Office of Juvenile Justice (OJJ)** Currently, the Juvenile Accountability Incentive Block Grant is administered by the Governor's Crime Commission in the Department of Crime Control and Public Safety. JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs. It is recommended that any JAIBG for federal fiscal year 2000 will total approximately $5,650,000 and will be awarded in June 2000 by the Governor's Crime Commission.	

Recommended Changes to the 2000-01 Expansion - Continued

	2000-01
Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) Funds to be Administered by the Office of Juvenile Justice (OJJ) - Continued	
funds for the federal fiscal year 2001 be awarded to and administered by the OJJ. The OJJ will direct this funding to local Juvenile Crime Prevention Councils (JCPCs), which would then determine how these funds could best serve local prevention efforts. JAIBG funds	
7. **Transfer of Center for Prevention of School Violence from North Carolina State University to the Office of Juvenile Justice (OJJ)**	
It is recommended that the Center for Prevention of School Violence, currently located at North Carolina State University, be transferred to the Office of Juvenile Justice. The Center is the primary point of contact for information, programs, and research about the prevention of school violence. The Center is involved in the establishment and support of School Resource Officers, Students Against Violence Everywhere (SAVE) chapters, and conflict management and peer mediation programs.	$ 500,000
Number of Positions	7.0
Total Recommended Changes to the 2000-01 Expansion for Office of Juvenile Justice	
Requirements	$ 6,674,016
Receipts	351,700
Appropriation (including Transfers)	$ 6,322,316
Number of Positions	34.0

VI. Other Appropriations

	2000-01
1. Charlotte National Guard Armory Funds are recommended for the Department of Crime Control and Public Safety to provide the state's share for a new 66,000 square foot armory in Charlotte. The 1996 General Assembly authorized the planning phase of this project and appropriated $87,600 for this purpose. The total cost is $8,356,872. The federal share is $5,874,100 and the local government share is $777,000.	$ 1,618,172
2. Reserve for State Match - Water Resources Projects and Small Watershed Grants It is recommended that an appropriation be made for the state share of federal civil works projects for navigation, flood control, water-based recreation, aquatic weed control, drainage, stream restoration, beach protection, and small watershed grants. The costs of these projects are shared by statutory formula with the federal government and/or local governments. Allocation of these funds will be made by the Department of Environment and Natural Resources in compliance with the state's Water Resources Plan.	$ 13,356,000
3. Statewide Reserve for Legislative Salary Increases Funds remaining in the Reserve for 1999-00 Legislative Salary Increases are not needed and it is recommended that they be reduced from the 2000-01 General Fund Budget.	$ (11,000,000)
4. Debt Service The 1999 General Assembly appropriated funds in the amount of $290,709,550 for FY 2000-01 to support the General Fund cost of currently outstanding bonds and bonds anticipated to be issued under current authorizations. As a result of cash flow projection reductions and increases in anticipated receipts, the date of bond issuance and the amount of bonds to be issued during FY 2001 has been revised. Therefore, the debt service appropriation has been reduced from $290,709,550 to $245,096,955, providing for a decrease of $45,612,595.	
Requirements	$ (31,787,595)
Receipts	13,825,000
Appropriation	$ (45,612,595) NR

VII. Special Provisions

-----Teacher Longevity Pay

Section __. Funds are appropriated to change the longevity rates for personnel paid from the teacher salary schedule to the same longevity rates as state employees effective with the school year 2000-01. Annual longevity payments are to be at one and one-half percent (1.5%) of base salary for 10 to 14 years of state service, two and one-quarter percent (2.25%) of base salary for 15 to 19 years of state service, three and one-quarter percent (3.25%) of base salary for 20 to 24 years of state service, and four and one-half percent (4.5%) of base salary for 25 or more years of state service, commencing July 1, 2000, for all teachers whose salaries are supported from the State's General Fund. The longevity payment shall be paid in a lump sum once a year.

-----Hold Harmless FTE Losses

Section__. Funds are appropriated to the State Board of Community Colleges to hold harmless community colleges located in Hurricane Floyd federally declared disaster areas that experienced a decline in earned full-time equivalent student (FTE) enrollment to the 1999-00 budgeted FTE. This section is effective for the 2000-01 fiscal year.

-----Transfer of the Center for Prevention of School Violence to the Office of Juvenile Justice

Section __. The Center for Prevention of School Violence currently operating under the University of North Carolina System is hereby transferred to the Office of Juvenile Justice (OJJ). This transfer will be a Type I in accordance with G.S. 143 a-6 (a).

The Center as a component of the OJJ shall continue to consult with the University of North Carolina System and the Department of Public Instruction to enhance research opportunities and specialized study areas such as; teacher preparation, school resource officer development, suicide prevention and best practices.

-----Transfer of Positions and Support Cost for the Juvenile Information Network from the Department of Justice to the Office of Juvenile Justice.

Section __. The Department of Justice is hereby directed to transfer to the Office of Juvenile Justice the three positions and $225,000 appropriated for support of the Juvenile Information System Network.

DEPARTMENT OF CORRECTION

Remaining GPAC Prison Facilities

November 1999

GPAC Prison Facilities			
Facility	Standard Operating Capacity	Expanded Operating Capacity	Daily Cost Per Inmate FY 1998-99
Alamance Correctional Center (minimum)	46	56	$ 56.81
Currituck Correctional Center (converted to min)	56	68	$ 92.05
Gates Correctional Center (minimum)	76	96	$ 43.85
Guilford Correctional Center (minimum)	110	124	$ 55.36
Haywood Correctional Center (minimum)	106	122	$ 57.77
Henderson Correctional Center (minimum)	114	134	$ 49.61
Scotland Correctional Center (converted to minimum)	44	48	$ 91.26
Union Correctional Center (converted to minimum)	64	94	$ 82.26

NOTES

- SOC's and EOC's were updated 2/24/99
- The average daily cost per inmate for all minimum security prison units was $53.67 and medium security prison units was $65.32 in fiscal year 1998 - 99
- The most cost efficient minimum security prison unit in fiscal year 1998 - 99 was the Charlotte Correctional Center at a daily cost per inmate of $31.30 and the most efficient medium security prison unit was the Columbus Correctional Institution with a daily cost per inmate of $ 50.71.

JUSTICE AND PUBLIC SAFETY BUDGET ISSUES -- SHORT SESSION 2000
JPS ITEMS FUNDED WITH NON-RECURRING FUNDS IN SFY99-00

- ***Tarheel Challenge***: -- Additional $270,000 recurring needed to reach federal match requirement (65% federal/35% state) and continue to operate. Budget guidelines did not allow for federal expansion or the increased state share in second year of budget.

- ***Victims Assistance Network*** (Floyd Relief) -- $350,000 NR; $175,000 was diverted for Floyd Relief

- ***National Guard Armory Charlotte*** (Floyd Relief) -- $1.2 million was appropriated in the 1997 capital budget for a new armory; requested federal money not appropriated until Oct. 1999. Now $1.6 million in state matching funds is needed by Sept. 2000 or $7.1 million in federal money will be lost.

- ***Business Court*** -- Rent $52,000 NR (AOC request:$44,000 for 2000-12001)

- ***Court Management Pilot*** (Floyd Relief) -- $175,000 NR (project delayed—Funds used towards Floyd obligation)

- ***Indigency Screeners in Wake County*** -- $100,000 NR

- ***Henderson Modular Prison Unit*** (Floyd Relief)-- $410,000 NR

- ***Harriet's House*** -- $75,000 NR

- ***Parole Commission Furniture*** (Floyd Relief) - $50,000 NR to purchase furniture for the Parole Commission was reverted for Floyd.

- ***CJPP Discretionary*** - $225,000 NR for additional discretionary grants. This was a one time effort to supplement available discretionary grant funds, some of which were transferred to OSBM for Floyd relief.

- ***AOC Disaster Recovery Funds*** - $350,000 NR for a disaster recovery program for court information systems. Some funds spent to develop a fuller plan. AOC Expansion request includes recurring costs of program.

NON-RECURRING CUTS IN 1999-2000 THAT COULD BE CONSIDERED IN 2000-2001

- ***Criminal Justice Partnership Program***—($705,704) NR Reduction in Funds for Nonparticipating Counties. There were 10 nonparticipating counties at the time.

- ***DART-Cherry Aftercare*** ($50,000) NR . This left $269,715 in continuation funds.

VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/24/00

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	OJJ
Barbara Baker	DOC
Joe Hamilton	DOC
Deborah Ross	ACLU
Cam Cover	BPMHL
Alicia Gruenebaum	YAIO
David Ferrell	Hafer, McNamara, Caldwell et al
Eddie Caldwell	" "
Melissa Lovell	DOJ
Lou Burnett	Justice Policy Center
[illegible]	Fraternal Order of Police

VISITOR REGISTRATION SHEET

Justice & Public Safety — 5/24/2000

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Janet Pellar	OSBM
Claudia Kadis	Guardian ad Litem Ambassador
Carol Ann	BPM&C

VISITOR REGISTRATION SHEET

Name of Committee JUSTICE & PUBLIC SAFETY

Date 5-23-00

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Bob Boswell	AOC
[illegible]	AOC
Ra Coddington	GAL Volunteer Orange Co.
Howard Carson	GAL Volunteer Durham Co.
Melissa Lovell	DOJ
Steven Shober	Poyner & Spruill
Larry Dix	OJJ
Eddie Caldwell	Hafer Caldwell et al
Greg McLeod	CCPS
Peg Dorer	Conference of DAs
Sona Shandilya	Anne Winner
Anne Wine	LSPC
[illegible]	AOC
Steve Lusk	AOC
Judge Tom Ross	AOC
Rob Sumner	AOC
Cliff Layman	AOC
Basil McVay	AOC
Lau Rubert	CSPC
Wendy Mills	SEANC
Patrice Pearce	NCACC

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 24, 2000
8:30 a.m. and 1p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan, Presiding

Representative Paul McCrary
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Review of Governor's Recommended Reductions -- Correction
Gregg Stahl, Assistant Secretary
Department of Correction

Review of Governor's Recommended Reductions/Expansion -- Office of Juvenile Justice

Plan for New Department of Juvenile Justice and Delinquency Prevention
George Sweat, Director
Office of Juvenile Justice

Review of Governor's Recommended Reductions/Expansion --- Crime Control
Greg McLeod, Legislative Liaison
Crime Control & Public Safety

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
May 24, 2000 PM

The Joint Appropriations Subcommittee on Justice and Public Safety met on May 24, 2000 in room 415 LOB, at !PM. There were two senators present. The following House members were present: Rep. Paul McCrary, Rep. Bill Culpepper, Rep. Phillip Haire, Rep. Jim Horn, Rep. Larry Justus, Rep. Joe Kiser, Rep. Wayne Sexton

Senator Luther Jordan chaired the meeting. He introduced Mr. Dwayne Patterson. Mr. Patterson distributed a handout subtitled *Justice and Public Safety Committee Review of the Office of Juvenile Justice*. Two detention centers have been designed and bids are ready to be let. The centers are 24 beds each. $5,000 is allocated per county regardless of size. The Juvenile Crime Prevention Councils decide where the money will be spent. In response to Rep. Justus, all councils are organized and a list of the chars of each JCPC will be provided May 25.Also attached is a handout tat shows the allocation of OJJ money by county.

In response to Rep. Kiser there are guidelines for establishment of the councils. There is an evaluation for each program. October 1, 2000 a report will be made to the General Assembly regarding the effectiveness of the JCPC's.

Regarding item 7, on page 49, Senator Jordan requested a comparison of the program at NC State to the one at NCCU. The program at state focuses on school violence. The one at NCCU is more research and consulting.

Col. Doug Phelps from the National Guard was asked about GRASP. In response to Rep. Sexton, he said the programs are in Charlotte, Greensboro, Raleigh, Goldsboro, and Durham. Two additional GRASP programs are planned for Fayetteville and Winston-Salem. The program currently provides service to about 40 juveniles. In Fayetteville, GRASP supplements a program called Sgt.Red. In response to a question by Rep. Justus, the National Guard will continue to run the program under a contractual agreement with the Office of Juvenile Justice. In response to Sen. Jordan, Mr. Patterson said $400.000 for the Boys and Girls Clubs has been spent. $100,000 was returned for Hurricane Floyd relief. In response to Rep. Sexton, juveniles are assigned to various programs through a collaborative effort by court counsel and the judge. Mr. Larry Dix, also in response to Rep. Haire stated that the Office of Juvenile Justice is going to bring all of these programs together to avoid duplication. Mr. Patterson finished by stating that an effort will be made to expand the SOS program to 100 counties at a cost of $1.575 million.

Mr. Greg McLeod from the Department of Crime Control and Public Safety referred the committee to page 42 of the handout, *Governor's Recommended Changes to the 2000-*

2001 Budget Justice and Public Safety Portion. Another handout was distributed regarding overtime. There is a request for $1.5 million to begin to pay state troopers overtime. See attached handout. Rep. Haire wanted to know the percentage of compensatory time that is attributable to special events. Col. Richard Holden said very little and he continued that special events are assigned and not optional. Col Holden distributed a handout showing selected statistics of the Highway Patrol. The growth in North Carolina has stressed the need for immediate relief. Manpower has not kept pace with that growth. It takes 12 months to train a trooper. The current vacancy rate is approximately 30. The SBI and the State Capitol Police pay overtime.

Mr. Brian Beatty of the SBI was introduced. Mr. Beatty distributed a handout, *Worksheet II Expansion Budget Request.* The only forensic crime lab in the state is at the SBI. They need 6 more drug chemists at a cost of $223,836 for 2000-01. A handout was distributed that substantiates the increase in the caseloads of the drug chemists. They have a backlog in the toxicology unit. They can only do four or five specialized cases per week. Their current turn around time is 60 days. It takes 12 months to train a drug chemist.

The meeting was adjourned at 3PM.

Luther Jordan
Senate Chair

Gloria Haywood
Committee Assistant

Governor's Recommended Changes To the 2000-2001 State Budget 1999-2001 Biennium

Justice and Public Safety Committee Review of the Office of Juvenile Justice

Office of Juvenile Justice

Recommended Adjustments

	2000-01	
1. Opening of Two New Detention Centers Delayed Funding in the amount of $840,000 was appropriated for operating costs for two new detention centers in Alexander and Wayne Counties, originally scheduled to be open by January 2001. Current estimates indicate the centers will not be open until July 1, 2001, allowing a nonrecurring reduction in the funds budgeted for the fiscal year 2000-01.	$ (561,000)	NR
Total Recommended Adjustments for Office of Juvenile Justice		
Requirements	$ (561,000)	
Receipts	-	
Appropriation	$ (561,000)	

Recommended Changes to the 2000-01 Expansion

1. Intermediate Sanctions – Juvenile Crime Prevention Councils (JCPC Grants) JCPC grants are directed at helping children who, because of changes in sentencing laws, have been diverted from training schools. The grants establish permanent funding in all 100 counties for this purpose. The 1998 Session of the General Assembly funded local juvenile justice programs at a level of $5,511,990. A total of $29 mil is currently budgeted for JCPC grants; but some of these funds are from one-time sources such as carryforward, which reduces the amount available for next year to $24 million. Of the $5.5 million appropriated in 1998, $3.6 million was direct allocation to counties. Funds are recommended to restore the level of funding for state fiscal year 2000-01 to that of the current year.	$ 3,688,000	

Recommended Changes to the 2000-01 Expansion - Continued

	2000-01
2. Management Information System The Office of Juvenile Justice (OJJ) receives complaints on approximately 30,000 juveniles per year and provides institutional and community based services to approximately 50,000 juveniles annually. At present, information on juveniles is maintained in multiple filing systems. The OJJ is not electronically linked and in many cases, only paper records exist. The current system causes greater incidence of error and an incomplete database, which does not allow conducting research and evaluation studies of a longitudinal nature on the juveniles within the juvenile justice system. The Juvenile Information Network (J-NET) is a comprehensive computer program being developed to serve OJJ needs. The Juvenile Network Planning Project Final Report dated October 1998, recommended computers, program maintenance staff, LAN administrators, connection lines, and other operational functions as necessary to make J-NET operational. For initial support of J-NET, the OJJ obtained a Management Information System (MIS) grant in the amount of $2,393,276 for 1999-00 from the Governor's Crime Commission. Funds in the amount of $956,590 are recommended to continue to support this initiative for the last six months of fiscal year 2000-01 when grant funds will no longer be available. The funds recommended will be used to support 10 positions responsible for the functions noted earlier. Annualized costs will be $2,002,545.	$ 956,590
3. Camp Woodson Camp Woodson is a therapeutic adventure oriented camping program operated by the Office of Juvenile Justice as an intermediate sanction, that is, youth participating in the program are referred through the juvenile court in selected District Courts. These youth are placed on probation with an intermediate sanction requiring that they complete the Camp Woodson Program. Youth may also be referred to the program by the training schools to assist in transition back into the community. Currently, the program is operated only in Buncombe County (Camp Woodson West). It is recommended that $614,726 of the savings realized from the closing of Currituck	

Recommended Changes to the 2000-01 Expansion - Continued

		2000-01	
Camp Woodson - Continued			
Correctional Facility in the Department of Correction be used to offset the expense of an additional three positions at Camp Woodson West and expansion of this program to a location in Washington County (Camp Woodson East) effective October 1, 2000.			
Additional support in the amount of $215,800 for nonrecurring start-up costs for the program will come from a grant from the Governor's Crime Commission (GCC). Nonrecurring start-up costs and recurring operating expenses associated with meal planning and preparation will be supported from federal Child Nutrition grant funds in the amount of $75,920 nonrecurring and $59,980 recurring. Start up construction costs will be minimized through the use of inmate labor from the Department of Correction.			
Requirements	$966,426		
Nonrecurring Receipts (GCC)	215,800		
Nonrecurring Receipts (Child Nutrition)	$ 75,920		
Recurring Receipts (Child Nutrition)	59,980		
Nonrecurring Appropriation	23,978	$ 23,978	NR
Recurring Appropriation	$590,748	590,748	
Number of Positions		24.0	

4. **Transfer of J-NET Positions from the Department of Justice to the Office of Juvenile Justice**
It is recommended that three positions currently located in the Department of Justice and working with the Juvenile Justice Information Network (J-NET) be transferred to the Office of Juvenile Justice. Two hundred and ten thousand dollars is for positions (one project director and two information and business systems liaisons); $15,000 is for support. The $210,000 for the positions was appropriated for 1998-99; and the $15,000 was appropriated for 1999-01.

NR – Nonrecurring

Recommended Changes to the 2000-01 Expansion – Continued

	2000-01
Transfer of J-NET Positions from the Department of Justice to the Office of Juvenile Justice - Continued J-NET is a comprehensive software program developed by the Office of Juvenile Justice to provide critical information about juveniles in North Carolina. This information database eventually will form a communication link with other agencies such as the Division of Social Services, Department of Correction, and the Department of Public Instruction allowing both horizontal and longitudinal studies to be performed.	$ 225,000
Number of Positions	3.0
5. **Transfer of the Guard Response to Alternative Sentencing Program (GRASP) from the Department of Crime Control and Public Safety (DCCPS) to the Office of Juvenile Justice (OJJ)** The GRASP is currently administered by the Department of Crime Control and Public Safety and operated by the North Carolina National Guard. The program provides a regimented training program for at-risk and adjudicated juvenile offenders aged 13-15 years old. The program's mission is to build self-esteem and emphasize the consequences of individual actions. The OJJ is currently receiving this funding through the DCCPS and is responsible for the program's outcome. Because this is an intervention program designed specifically for juvenile offenders, it is recommended that the direct control of the program be transferred from the DCCPS to the OJJ. The National Guard will continue to operate this program through a contractual arrangement with the OJJ.	338,000
6. **Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) Funds to be Administered by the Office of Juvenile Justice (OJJ)** Currently, the Juvenile Accountability Incentive Block Grant is administered by the Governor's Crime Commission in the Department of Crime Control and Public Safety. JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs. It is recommended that any JAIBG for federal fiscal year 2000 will total approximately $5,650,000 and will be awarded in June 2000 by the Governor's Crime Commission.	

Recommended Changes to the 2000-01 Expansion - Continued

	2000-01
Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) Funds to be Administered by the Office of Juvenile Justice (OJJ) - Continued	
funds for the federal fiscal year 2001 be awarded to and administered by the OJJ. The OJJ will direct this funding to local Juvenile Crime Prevention Councils (JCPCs), which would then determine how these funds could best serve local prevention efforts. JAIBG funds	
7. **Transfer of Center for Prevention of School Violence from North Carolina State University to the Office of Juvenile Justice (OJJ)**	
It is recommended that the Center for Prevention of School Violence, currently located at North Carolina State University, be transferred to the Office of Juvenile Justice. The Center is the primary point of contact for information, programs, and research about the prevention of school violence. The Center is involved in the establishment and support of School Resource Officers, Students Against Violence Everywhere (SAVE) chapters, and conflict management and peer mediation programs.	$ 500,000
Number of Positions	7.0
Total Recommended Changes to the 2000-01 Expansion for Office of Juvenile Justice	
Requirements	$ 6,674,016
Receipts	351,700
Appropriation (including Transfers)	$ 6,322,316
Number of Positions	34.0

OFFICE OF JUVENILE JUSTICE
PROPOSED JUVENILE CRIME PREVENTION COUNCIL ALLOCATIONS
FOR FISCAL YEAR 2000-2001

COUNTY	MATCH	CURRENT RECURRING ALLOCATION	EXPANSION TO MAKE FORMULA RECURRING	TOTAL ALLOCATION
Alamance	30%	$338,226	$73,852	$412,078
Alexander	30%	$108,452	$17,211	$125,663
Alleghany	20%	$50,942	$7,301	$58,243
Anson	10%	$102,266	$14,909	$117,175
Ashe	20%	$82,778	$9,795	$92,573
Avery	30%	$69,195	$9,091	$78,286
Beaufort	10%	$152,499	$24,371	$176,870
Bertie	10%	$89,044	$9,475	$98,519
Bladen	10%	$116,705	$15,357	$132,062
Brunswick	20%	$156,526	$17,083	$173,609
Buncombe	30%	$506,623	$97,250	$603,873
Burke	30%	$232,811	$27,375	$260,186
Cabarrus	30%	$300,771	$45,659	$346,430
Caldwell	20%	$213,591	$20,599	$234,190
Camden	20%	$44,444	$7,557	$52,001
Carteret	30%	$169,383	$30,380	$199,763
Caswell	10%	$93,757	$18,425	$112,182
Catawba	30%	$339,024	$36,006	$375,030
Chatham	30%	$118,256	$13,439	$131,695
Cherokee	20%	$80,615	$11,585	$92,200
Chowan	10%	$70,590	$15,484	$86,074
Clay	20%	$44,753	$6,726	$51,479
Cleveland	20%	$285,242	$47,833	$333,075
Columbus	10%	$184,909	$26,352	$211,261
Craven	20%	$260,758	$38,307	$299,065
Cumberland	20%	$944,005	$202,414	$1,146,419
Currituck	30%	$76,147	$18,681	$94,828
Dare	30%	$82,429	$18,809	$101,238
Davidson	30%	$375,799	$58,253	$434,052
Davie	30%	$105,243	$17,211	$122,454
Duplin	10%	$151,855	$20,727	$172,582
Durham	30%	$488,708	$68,418	$557,126
Edgecombe	10%	$222,133	$42,718	$264,851
Forsyth	30%	$729,171	$101,022	$830,193
Franklin	10%	$133,072	$23,028	$156,100
Gaston	20%	$555,695	$105,305	$661,000
Gates	20%	$54,396	$9,091	$63,487
Graham	10%	$48,693	$8,516	$57,209
Granville	20%	$138,513	$22,261	$160,774
Greene	10%	$75,005	$9,987	$84,992
Guilford	30%	$1,015,965	$214,625	$1,230,590
Halifax	10%	$211,618	$38,115	$249,733
Hamett	10%	$222,655	$33,321	$255,976
Haywood	20%	$144,489	$19,512	$164,001
Henderson	30%	$199,314	$34,280	$233,594
Hertford	10%	$104,851	$15,548	$120,399
Hoke	10%	$116,119	$25,138	$141,257
Hyde	10%	$42,803	$6,406	$49,209
Iredell	30%	$288,018	$46,682	$334,700
Jackson	20%	$99,180	$11,840	$111,020

OFFICE OF JUVENILE JUSTICE
PROPOSED JUVENILE CRIME PREVENTION COUNCIL ALLOCATIONS
FOR FISCAL YEAR 2000-2001

COUNTY	MATCH	CURRENT RECURRING ALLOCATION	EXPANSION TO MAKE FORMULA RECURRING	TOTAL ALLOCATION
Johnston	20%	$247,113	$30,060	$277,173
Jones	20%	$55,129	$7,557	$62,686
Lee	30%	$160,897	$35,111	$196,008
Lenoir	10%	$210,988	$36,006	$246,994
Lincoln	30%	$162,146	$20,663	$182,809
Macon	30%	$82,731	$11,457	$94,188
Madison	20%	$72,820	$9,603	$82,423
Martin	20%	$113,707	$22,836	$136,543
McDowell	20%	$127,093	$17,147	$144,240
Mecklenburg	30%	$1,458,685	$275,453	$1,734,138
Mitchell	20%	$64,535	$9,603	$74,138
Montgomery	20%	$94,944	$15,868	$110,812
Moore	30%	$180,605	$29,165	$209,770
Nash	20%	$243,481	$28,270	$271,751
New Hanover	20%	$424,050	$116,877	$540,927
Northampton	10%	$90,107	$10,882	$100,989
Onslow	30%	$427,685	$63,176	$490,861
Orange	30%	$245,286	$38,115	$283,401
Pamlico	10%	$58,712	$10,242	$68,954
Pasquotank	10%	$131,072	$26,480	$157,552
Pender	10%	$108,165	$19,320	$127,485
Perquimans	10%	$57,852	$11,265	$69,117
Person	20%	$120,670	$26,608	$147,278
Pitt	20%	$336,658	$58,317	$394,975
Polk	20%	$60,143	$8,196	$68,339
Randolph	30%	$325,773	$55,760	$381,533
Richmond	20%	$159,805	$21,494	$181,299
Robeson	10%	$445,781	$117,324	$563,105
Rockingham	20%	$250,684	$27,247	$277,931
Rowan	30%	$329,411	$53,586	$382,997
Rutherford	20%	$182,116	$21,238	$203,354
Sampson	10%	$166,535	$16,252	$182,787
Scotland	10%	$152,475	$35,622	$188,097
Stanly	30%	$173,968	$28,079	$202,047
Stokes	30%	$133,417	$22,261	$155,678
Surry	20%	$195,788	$29,101	$224,889
Swain	10%	$58,815	$8,005	$66,820
Transylvania	30%	$100,752	$17,019	$117,771
Tyrrell	10%	$39,541	$6,662	$46,203
Union	30%	$291,339	$44,892	$336,231
Vance	10%	$160,564	$38,499	$199,063
Wake	30%	$1,162,852	$194,998	$1,357,850
Warren	10%	$76,330	$10,626	$86,956
Washington	10%	$70,095	$8,836	$78,931
Watauga	30%	$111,539	$11,393	$122,932
Wayne	20%	$349,118	$64,838	$413,956
Wilkes	20%	$193,777	$28,079	$221,856
Wilson	10%	$243,603	$47,130	$290,733
Yadkin	20%	$110,051	$18,361	$128,412
Yancey	20%	$67,186	$9,091	$76,277

OFFICE OF JUVENILE JUSTICE
PROPOSED JUVENILE CRIME PREVENTION COUNCIL ALLOCATIONS
FOR FISCAL YEAR 2000-2001

COUNTY	MATCH	CURRENT RECURRING ALLOCATION	EXPANSION TO MAKE FORMULA RECURRING	TOTAL ALLOCATION
TOTAL		$21,724,625	$3,688,000	$25,412,625

Governor's Recommended Changes To the 2000-2001 Budget Justice and Public Safety Portion

1999-2001 Biennium

Department of Correction

Recommended Adjustments

	2000-01	
1. Increase Receipts from Correction Enterprises		
It is recommended that a total of $3,250,000 ($2,750,000 in nonrecurring and $500,000 in recurring funds) be reduced from the balance of the Prison Enterprise Fund for the purpose of creating additional availability for state fiscal year 2000-01.		
North Carolina Correction Enterprises (NCCE) is self supporting from the sale of products and services produced by inmates and sold to various state and local agencies at a competitive market price. All profits are used by the Department of Correction for capital improvement, salaries of enterprise employees, purchase of equipment, and/or other uses as determined by the Secretary of Correction.		
Requirements	$ -	
Recurring Receipts	500,000	
Nonrecurring Receipts	$ 2,750,000	NR
Recurring Appropriation	$ 500,000	
Nonrecurring Appropriation	$ 2,750,000	NR
2. Reduction of Automobile Replacement Budget		
To create one-time availability, it is recommended the Department of Correction (DOC) delay the replacement schedule for department-owned cars and increase the mileage on DOC vehicles. This initiative is aided by the DOC vehicles taken from prison facilities recently closed.	(1,000,000)	NR
3. Fund Enterprise Accounting Positions from Enterprise Fund		
It is recommended that nine accounting positions dedicated to the Enterprise Fund be supported by receipts from that Fund, thus replacing state appropriation.		
Requirements	$ -	
Receipts	344,200	
Appropriation	$ (344,200)	

NR - Nonrecurring

Recommended Adjustments - Continued

	2000-01	
4. **Reduce Data Processing Equipment by 10%** A one-time reduction of ten percent in data processing equipment budgeted in the Department of Correction is recommended to create needed availability. This savings initiative is aided by reductions in the estimated cost of this type of equipment.	$ (225,862)	NR
5. **IMPACT Aftercare Program – Elimination of Contracts Between the Department of Correction (DOC) and Treatment Alternatives to Street Crimes (TASC)** The Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) or boot camp is a condition of special probation (split sentence) in which the offender must serve an active sentence of 90 to 120 days, and then remain on supervised probation. The General Assembly appropriated funding for IMPACT Aftercare, a pilot, post-boot camp probation program, which includes intensive supervision probation and care management through the TASC program in the Department of Health and Human Services. The program is available to 180 IMPACT graduates per year in six counties: Buncombe, Forsyth, Mecklenburg, New Hanover, and Edgecombe/Nash. DOC analysis of the success rate statistics on this program do not support the concept on which the program is based. TASC is an intervention program for certain drug dependent criminal offenders and those participating in the IMPACT program do not have drug and alcohol problems as their primary treatment need. Reduction of the funds budgeted for these contracts is recommended accordingly.	(440,000)	

NR-Nonrecurring

Recommended Adjustments – Continued

	2000-01	
6. Increase Receipts from Welfare Fund for One-Time Transfer of Cash		
The Inmate Welfare Fund accounts for canteen profits and telephone contract profits in the prison system. The Fund pays for vocational teachers in the prison units and for supplies. This savings initiative is aided by the completion of new prison construction and its decreased demand on this Fund for equipment associated with inmate activities. Teaching positions and related supplies are not impacted by this reduction.		
Requirements	$ -	
Receipts	2,250,000	
Appropriation	$ (2,250,000)	NR
7. Increase Receipts from Work Release by Increasing Per Diem from $14 to $15 per day		
Inmates on work release are required by General Statute to pay per diem to the state. The current rate for per diem is $14 per day; an increase to $15 per day is recommended. There are 1,326 inmates currently on work release.		
Requirements	$ -	
Receipts	325,000	
Appropriation	$ (325,000)	
8. Increase Receipts from Work Release by Increasing Transportation Fee from $1.50 to $2.00 per day		
Inmates on work release are required by General Statute to contribute toward the cost of their transportation to work. The current rate of reimbursement to the state is $1.50 per day. It is recommended that this rate be increased to $2 per day.		
Requirements	$ -	
Receipts	44,844	
Appropriation	$ (44,844)	
9. Reduce the Division of Prisons Travel Budget		
The Division of Prisons has turned in a number of Department of Administration (DOA) owned vehicles. Based on actual spending to date, a recurring reduction to the funds budgeted for rent/lease of DOA owned vehicles is recommended.	(150,000)	

NR - Nonrecurring

2000-01 Recommended Changes
General Fund – Department of Correction – Continued

Recommended Adjustments - Continued

		2000-01	
10.	**Reduce Division of Prisons Employee Uniform Budget** Due to a large number of correctional officer vacancies and a reduction in Central Warehouse inventory, the Department of Correction projects a recurring savings in employee uniforms of $750,000. A reduction in the funds budgeted for uniforms is recommended accordingly.	$ (750,000)	
11.	**Reduce Division of Prisons Equipment Budget by 10%** A one-time reduction of 10% in equipment in the Division of Prisons is recommended to create fund availability.	(460,000)	NR
12.	**Cancel Food Service Contract at Black Mountain** Currently the Division of Prisons contracts for the food service provided at the Black Mountain correctional facility. Food service can be accommodated through the Marion facility, which is less than 20 miles from the Black Mountain unit. Marion Correctional Institution's existing food service staff will prepare the meals, and meals will be transported by van to Black Mountain. A reduction in contract costs is recommended accordingly.	(223,372)	
13.	**Drug Test Increase from $2.50 to $3.50** The Department of Correction provides drug testing on a contractual basis to a number of county, state and private facilities as well as the Division of Prisons at well below the cost of private drug testing. The current fee charged is $2.50 per test. It is recommended that this fee be increased to $3.50 per test. This proposed increase is still less expensive than private drug testing, and the increase would come closer to meeting the cost of supplies required in the testing. This is the first increase in this fee since inception of this service.		
	Requirements	$ -	
	Receipts	84,124	
	Appropriation	$ (84,124)	
14.	**Reduce Division of Community Corrections Travel Budget** Over the last few months the Division of Community Corrections has reduced the number of Department of Administration owned vehicles used by the division by defining caseloads into zones and thus reducing employee driving time significantly. A reduction in the division's travel budget is recommended accordingly.	(200,000)	

NR - Nonrecurring

2000-01 Recommended Changes
General Fund – Department of Correction – Continued

Recommended Adjustments - Continued

	2000-01	
15. **Reduce Division of Community Corrections Equipment Budget by 10%** A one-time reduction of 10% in the equipment budget for the Division of Community Corrections is recommended to create fund availability for fiscal year 2000-01.	$ (110,000)	NR
16. **Reduce Department of Correction Management Budget** A nonrecurring budget reduction of $300,000 is recommended to be distributed across the non-salary operating budget for Department of Correction central administration to create availability.	(300,000)	NR
17. **Reduce the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT) Budget** IMPACT, a 90 to 120 day boot camp program for probationers, is operational at two locations: IMPACT East in Hoffman is for males; IMPACT West in Morganton serves both male and female on a rotating basis. The program has a capacity of 1,500 but is only graduating 900. A 10% recurring budget reduction in the non-salary operating budget for IMPACT is recommended due to low participation.	(108,300)	
18. **Close Currituck Correctional Facility (GPAC)** It is recommended that the Currituck facility be closed effective August 1, 2000. This is a minimum custody facility with inmate standard operating capacity (SOC) of 56 and expanded operating capacity (EOC) of 68. A total of $614,726 of this savings is recommended for the Office of Juvenile Justice to offset the expansion of the Camp Woodson Program. The Currituck facility was recommended for closing by the Government Performance Audit Comission (GPAC).	(1,045,000)	
Number of Positions	(38.0)	
19. **Reduce Division of Prisons (DOP) Food Budget** The Division of Prisons has implemented cost savings initiatives in food service, which include changes to the master menu and decreasing inventory at the Department of Correction Central Warehouse. Accordingly, a recurring reduction is recommended in the food budget.	(1,500,000)	

NR-Nonrecurring

Recommended Adjustments - Continued

	2000-01
20. **Abolish One Vacant Parole Commission Position** Due to the declining number of parolees since the passage of structured sentencing, costs associated with the operation of the Commission are decreasing. The 1999 General Assembly, in House Bill 168, Section 18.1, directed that the Post Release Supervision and Parole Commission report on a plan for staff reduction in March 2000, including a minimum 10% reduction in staff positions in the 2000-2001 fiscal year over the 1999-00 fiscal year. Budget reductions taken in 1999-00 totaled $354,799 with a recurring reduction of $409,472, in excess of the 10% stipulated. A total reduction of $35,561 is recommended for fiscal year 2000-01.	$ (35,561)
Number of Positions	(1.0)
21. **Eliminate Eight Vacant Surveillance and Intensive Case Officer Positions** Surveillance and intensive case officers are used in the Division of Community Corrections to provide intensive supervision to offenders placed on intermediate sanctions. Based on caseload projections, which reflect a slight decline in population under community supervision, a reduction of eight positions and $327,152 is recommended in the budget for surveillance and intensive case teams as of July 2000. All eight positions are vacant.	(327,152)
Number of Positions	(8.0)
22. **Reduce Division of Prisons (DOP) Electricity Budget** The Division of Prisons has realized savings from taking advantage of peak power options with the power companies and also has identified excess funds budgeted for opening new prison facilities. Based on projected expenditures for 1999-00, a reduction in the funds budgeted for electricity is recommended in the DOP.	(300,000)
23. **Reduce Division of Community Corrections Employee Employment Physical Budget** Physicals are required as a condition of employment for probation/parole officers and certain other employees in the Division of Community Corrections. Based on expenditures in 1999-00, a reduction is recommended in the funds budgeted for pre-employment physicals.	(100,000)

Recommended Adjustments - Continued

	2000-01
24. **Eliminate Six Electronic House Arrest (EHA) Specialist Positions** House arrest with electronic monitoring is a special condition of supervised probation, parole, or post-release supervision. Computer technology is used to monitor and restrict the offender's movement. All house arrest with electronic monitoring cases are supervised by probation and parole officers who respond to violations during regular work hours. Designated electronic house arrest response officers respond to violations after regular work hours. Electronic House Arrest (EHA) is a centralized monitoring system for tracking the movement of persons designated by the court to be placed on house arrest. Effective January 2001, the Division of Community Corrections Special Programs will implement a new, more automated monitoring system for Electronic House Arrest (EHA) which will allow a reduction in staff and a budget reduction in the first year of implementation of $80,962, with a recurring cost savings of $166, 781 beginning in the second year.	$ (80,962)
Number of Positions	(6.0)
Total Recommended Adjustments for Department of Correction	
Requirements	$ (7,356,209)
Receipts	6,298,168
Appropriation	$ (13,654,377)
Number of Positions	(53.0)

Department of Crime Control and Public Safety

Recommended Adjustments

	2000-01
1. **Transfer of the Guard Response to Alternative Sentencing Program (GRASP) from the Department of Crime Control and Public Safety (DCCPS) to the Office of Juvenile Justice (OJJ)** The GRASP is currently administered by the Department of Crime Control and Public Safety and operated by the North Carolina National Guard. The program provides a regimented training program for at-risk and adjudicated juvenile offenders aged 13-15 years old. Because this is an intervention program designed specifically for juvenile offenders, it is recommended that the direct control of the program be transferred from the DCCPS to the OJJ. The National Guard will continue to operate this program through a contractual arrangement with the OJJ.	$ (338,000)
2. **Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) to be Administered by the Office of Juvenile Justice (OJJ)** Currently the Juvenile Accountability Incentive Block Grant is administered by the Governor's Crime Commission in the Department of Crime Control and Public Safety. JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs. It is recommended that any JAIBG funds for the federal fiscal year 2001 be awarded to and administered by the OJJ. Federal fiscal year 2000 funds will total approximately $5,650,000 and will be awarded in June 2000 by the Governor's Crime Commission.	
Total Recommended Adjustments for the Department of Crime Control and Public Safety	
Requirements	$ (338,000)
Receipts	-
Appropriation	$ (338,000)

Recommended Changes to the 2000-01 Expansion

	2000-01
1. Overtime Pay for Highway Patrol	
An increase in the Highway Fund support for the Highway Patrol is recommended to begin to implement overtime pay in lieu of compensatory leave for the Highway Patrol. Currently there is no money budgeted for the Highway Patrol to pay overtime. Based on a forty hour work week, in 1999, the Highway Patrol would have given the equivalent of 104,666 hours of compensatory time or the equivalent of fifty full time troopers. The number of licensed drivers in North Carolina has grown more than eighty percent since the mid-1970's, while the number of troopers has grown less than twenty percent. With the lack of adequate manpower, overtime for troopers continues to increase. These funds will assist in the effort to increase manpower as opposed to decreasing coverage through the practice of troopers taking compensatory time off.	
Requirements	$ 1,500,000
Receipts (Highway Fund)	1,500,000
Appropriation	$ -
Total Recommended Changes to the 2000-01 Expansion for Crime Control and Public Safety	
Requirements	$ 1,500,000
Receipts (Highway Fund)	1,500,000
Appropriation	$ -

Department of Justice

Recommended Adjustments

	2000-01
1. Transfer of J-NET Positions from Department of Justice to Office of Juvenile Justice	
It is recommended that three positions currently located in the Department of Justice and working with the Juvenile Justice Information Network (J-NET) be transferred to the Office of Juvenile Justice. Of the total recommended, $210,000 is for positions (one project director and two information and business systems liaisons); and $15,000 is for support. The $210,000 for the positions was appropriated for 1998-99; and the $15,000 was appropriated for 1999-01.	$ (225,000)
Number of Positions	(3.0)
Total Recommended Changes to the 2000-01 Expansion for Department of Justice	
Requirements	$ (225,000)
Receipts	-
Appropriation	$ (225,000)
Number of Positions	(3.0)

Office of Juvenile Justice

Recommended Adjustments

	2000-01	
1. Opening of Two New Detention Centers Delayed Funding in the amount of $840,000 was appropriated for operating costs for two new detention centers in Alexander and Wayne Counties, originally scheduled to be open by January 2001. Current estimates indicate the centers will not be open until July 1, 2001, allowing a nonrecurring reduction in the funds budgeted for the fiscal year 2000-01.	$ (561,000)	NR
Total Recommended Adjustments for Office of Juvenile Justice		
Requirements	$ (561,000)	
Receipts	-	
Appropriation	$ (561,000)	

Recommended Changes to the 2000-01 Expansion

1. Intermediate Sanctions – Juvenile Crime Prevention Councils (JCPC Grants) JCPC grants are directed at helping children who, because of changes in sentencing laws, have been diverted from training schools. The grants establish permanent funding in all 100 counties for this purpose. The 1998 Session of the General Assembly funded local juvenile justice programs at a level of $5,511,990. A total of $29 mil is currently budgeted for JCPC grants; but some of these funds are from one-time sources such as carryforward, which reduces the amount available for next year to $24 million. Of the $5.5 million appropriated in 1998, $3.6 million was direct allocation to counties. Funds are recommended to restore the level of funding for state fiscal year 2000-01 to that of the current year.	$ 3,688,000	

Recommended Changes to the 2000-01 Expansion - Continued

	2000-01
2. **Management Information System** The Office of Juvenile Justice (OJJ) receives complaints on approximately 30,000 juveniles per year and provides institutional and community based services to approximately 50,000 juveniles annually. At present, information on juveniles is maintained in multiple filing systems. The OJJ is not electronically linked and in many cases, only paper records exist. The current system causes greater incidence of error and an incomplete database, which does not allow conducting research and evaluation studies of a longitudinal nature on the juveniles within the juvenile justice system. The Juvenile Information Network (J-NET) is a comprehensive computer program being developed to serve OJJ needs. The Juvenile Network Planning Project Final Report dated October 1998, recommended computers, program maintenance staff, LAN administrators, connection lines, and other operational functions as necessary to make J-NET operational. For initial support of J-NET, the OJJ obtained a Management Information System (MIS) grant in the amount of $2,393,276 for 1999-00 from the Governor's Crime Commission. Funds in the amount of $956,590 are recommended to continue to support this initiative for the last six months of fiscal year 2000-01 when grant funds will no longer be available. The funds recommended will be used to support 10 positions responsible for the functions noted earlier. Annualized costs will be $2,002,545.	$ 956,590
3. **Camp Woodson** Camp Woodson is a therapeutic adventure oriented camping program operated by the Office of Juvenile Justice as an intermediate sanction, that is, youth participating in the program are referred through the juvenile court in selected District Courts. These youth are placed on probation with an intermediate sanction requiring that they complete the Camp Woodson Program. Youth may also be referred to the program by the training schools to assist in transition back into the community. Currently, the program is operated only in Buncombe County (Camp Woodson West). It is recommended that $614,726 of the savings realized from the closing of Currituck	

Recommended Changes to the 2000-01 Expansion - Continued

		2000-01	
Camp Woodson - Continued			
Correctional Facility in the Department of Correction be used to offset the expense of an additional three positions at Camp Woodson West and expansion of this program to a location in Washington County (Camp Woodson East) effective October 1, 2000.			
Additional support in the amount of $215,800 for nonrecurring start-up costs for the program will come from a grant from the Governor's Crime Commission (GCC). Nonrecurring start-up costs and recurring operating expenses associated with meal planning and preparation will be supported from federal Child Nutrition grant funds in the amount of $75,920 nonrecurring and $59,980 recurring. Start up construction costs will be minimized through the use of inmate labor from the Department of Correction.			
Requirements	$966,426		
Nonrecurring Receipts (GCC)	215,800		
Nonrecurring Receipts (Child Nutrition)	$ 75,920		
Recurring Receipts (Child Nutrition)	59,980		
Nonrecurring Appropriation	23,978	$ 23,978	NR
Recurring Appropriation	$590,748	590,748	
Number of Positions		24.0	

4. **Transfer of J-NET Positions from the Department of Justice to the Office of Juvenile Justice**
It is recommended that three positions currently located in the Department of Justice and working with the Juvenile Justice Information Network (J-NET) be transferred to the Office of Juvenile Justice. Two hundred and ten thousand dollars is for positions (one project director and two information and business systems liaisons); $15,000 is for support. The $210,000 for the positions was appropriated for 1998-99; and the $15,000 was appropriated for 1999-01.

NR – Nonrecurring

Recommended Changes to the 2000-01 Expansion – Continued

	2000-01
Transfer of J-NET Positions from the Department of Justice to the Office of Juvenile Justice - Continued J-NET is a comprehensive software program developed by the Office of Juvenile Justice to provide critical information about juveniles in North Carolina. This information database eventually will form a communication link with other agencies such as the Division of Social Services, Department of Correction, and the Department of Public Instruction allowing both horizontal and longitudinal studies to be performed.	$ 225,000
Number of Positions	3.0
5. **Transfer of the Guard Response to Alternative Sentencing Program (GRASP) from the Department of Crime Control and Public Safety (DCCPS) to the Office of Juvenile Justice (OJJ)** The GRASP is currently administered by the Department of Crime Control and Public Safety and operated by the North Carolina National Guard. The program provides a regimented training program for at-risk and adjudicated juvenile offenders aged 13-15 years old. The program's mission is to build self-esteem and emphasize the consequences of individual actions. The OJJ is currently receiving this funding through the DCCPS and is responsible for the program's outcome. Because this is an intervention program designed specifically for juvenile offenders, it is recommended that the direct control of the program be transferred from the DCCPS to the OJJ. The National Guard will continue to operate this program through a contractual arrangement with the OJJ.	338,000
6. **Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) Funds to be Administered by the Office of Juvenile Justice (OJJ)** Currently, the Juvenile Accountability Incentive Block Grant is administered by the Governor's Crime Commission in the Department of Crime Control and Public Safety. JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs. It is recommended that any JAIBG for federal fiscal year 2000 will total approximately $5,650,000 and will be awarded in June 2000 by the Governor's Crime Commission.	

Recommended Changes to the 2000-01 Expansion - Continued

	2000-01
Federal 2001 Juvenile Accountability Incentive Block Grant (JAIBG) Funds to be Administered by the Office of Juvenile Justice (OJJ) - Continued	
funds for the federal fiscal year 2001 be awarded to and administered by the OJJ. The OJJ will direct this funding to local Juvenile Crime Prevention Councils (JCPCs), which would then determine how these funds could best serve local prevention efforts. JAIBG funds	
7. **Transfer of Center for Prevention of School Violence from North Carolina State University to the Office of Juvenile Justice (OJJ)**	
It is recommended that the Center for Prevention of School Violence, currently located at North Carolina State University, be transferred to the Office of Juvenile Justice. The Center is the primary point of contact for information, programs, and research about the prevention of school violence. The Center is involved in the establishment and support of School Resource Officers, Students Against Violence Everywhere (SAVE) chapters, and conflict management and peer mediation programs.	$ 500,000
Number of Positions	7.0
Total Recommended Changes to the 2000-01 Expansion for Office of Juvenile Justice	
Requirements	$ 6,674,016
Receipts	351,700
Appropriation (including Transfers)	$ 6,322,316
Number of Positions	34.0

VI. Other Appropriations

		2000-01	
1.	**Charlotte National Guard Armory** Funds are recommended for the Department of Crime Control and Public Safety to provide the state's share for a new 66,000 square foot armory in Charlotte. The 1996 General Assembly authorized the planning phase of this project and appropriated $87,600 for this purpose. The total cost is $8,356,872. The federal share is $5,874,100 and the local government share is $777,000.	$ 1,618,172	
2.	**Reserve for State Match - Water Resources Projects and Small Watershed Grants** It is recommended that an appropriation be made for the state share of federal civil works projects for navigation, flood control, water-based recreation, aquatic weed control, drainage, stream restoration, beach protection, and small watershed grants. The costs of these projects are shared by statutory formula with the federal government and/or local governments. Allocation of these funds will be made by the Department of Environment and Natural Resources in compliance with the state's Water Resources Plan.	$ 13,356,000	
3.	**Statewide Reserve for Legislative Salary Increases** Funds remaining in the Reserve for 1999-00 Legislative Salary Increases are not needed and it is recommended that they be reduced from the 2000-01 General Fund Budget.	$ (11,000,000)	
4.	**Debt Service** The 1999 General Assembly appropriated funds in the amount of $290,709,550 for FY 2000-01 to support the General Fund cost of currently outstanding bonds and bonds anticipated to be issued under current authorizations. As a result of cash flow projection reductions and increases in anticipated receipts, the date of bond issuance and the amount of bonds to be issued during FY 2001 has been revised. Therefore, the debt service appropriation has been reduced from $290,709,550 to $245,096,955, providing for a decrease of $45,612,595.		
	Requirements	$ (31,787,595)	
	Receipts	13,825,000	
	Appropriation	$ (45,612,595)	NR

VII. Special Provisions

-----Teacher Longevity Pay

Section __. Funds are appropriated to change the longevity rates for personnel paid from the teacher salary schedule to the same longevity rates as state employees effective with the school year 2000-01. Annual longevity payments are to be at one and one-half percent (1.5%) of base salary for 10 to 14 years of state service, two and one-quarter percent (2.25%) of base salary for 15 to 19 years of state service, three and one-quarter percent (3.25%) of base salary for 20 to 24 years of state service, and four and one-half percent (4.5%) of base salary for 25 or more years of state service, commencing July 1, 2000, for all teachers whose salaries are supported from the State's General Fund. The longevity payment shall be paid in a lump sum once a year.

-----Hold Harmless FTE Losses

Section__. Funds are appropriated to the State Board of Community Colleges to hold harmless community colleges located in Hurricane Floyd federally declared disaster areas that experienced a decline in earned full-time equivalent student (FTE) enrollment to the 1999-00 budgeted FTE. This section is effective for the 2000-01 fiscal year.

-----Transfer of the Center for Prevention of School Violence to the Office of Juvenile Justice

Section __. The Center for Prevention of School Violence currently operating under the University of North Carolina System is hereby transferred to the Office of Juvenile Justice (OJJ). This transfer will be a Type I in accordance with G.S. 143 a-6 (a).

The Center as a component of the OJJ shall continue to consult with the University of North Carolina System and the Department of Public Instruction to enhance research opportunities and specialized study areas such as; teacher preparation, school resource officer development, suicide prevention and best practices.

-----Transfer of Positions and Support Cost for the Juvenile Information Network from the Department of Justice to the Office of Juvenile Justice.

Section __. The Department of Justice is hereby directed to transfer to the Office of Juvenile Justice the three positions and $225,000 appropriated for support of the Juvenile Information System Network.

North Carolina Department of Crime Control and Public Safety
Highway Fund Expansion Request For
$1.5 Million to Begin Paying Overtime to State Troopers
Legislative Briefing

Background Information

- Based on a 40-hour workweek, in 1999,the State Highway Patrol would have given the equivalent of 104,666 hours in compensatory time off to State Troopers (non supervisory) for overtime worked.

- 104,666 compensatory hours equates to approximately 50 troopers (104,666 divided by 2080 hours)

- The first year cost to put a trooper on the road is approximately $90,000.

- The approximate cost to put 50 troopers on the road would be $4.5 million

Cost Savings and Advantages

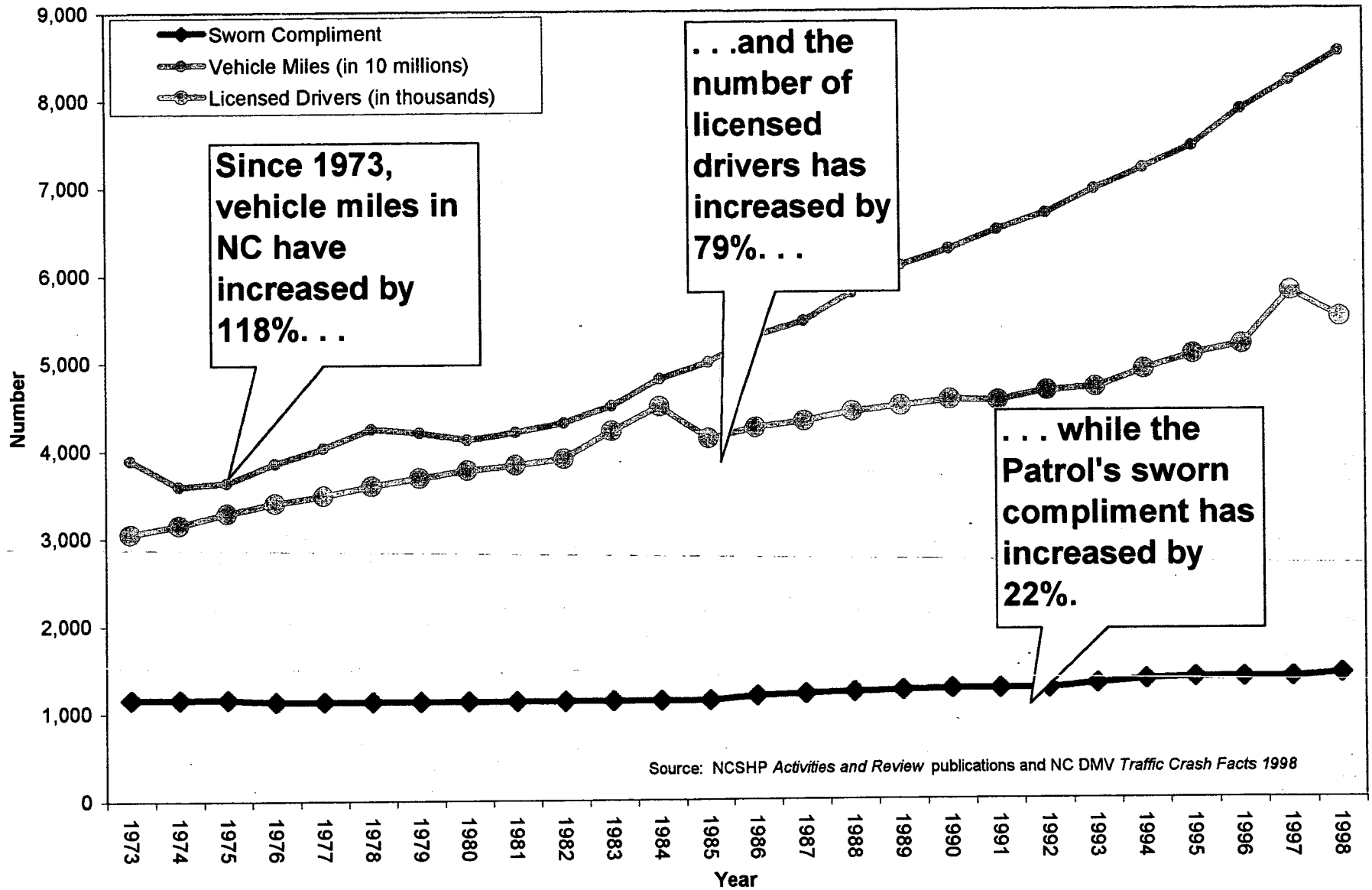
- The appropriation of $1.5 million in overtime funds equates to putting approximately 28 troopers back on the road by paying overtime instead of giving time off.

- The first year cost of 28 troopers is approximately $2.5 million.

- The $1.5 million would in effect generate savings of $1 million.

- Provides for immediate increased enforcement versus waiting for new troopers to be recruited, trained and equipped.

May 24, 2000


Sworn Compliment
Vehicle Miles (in 10 millions)
Licensed Drivers (in thousands)
Since 1973, vehicle miles in NC have increased by 118%. . .
. . .and the number of licensed drivers has increased by 79%. . .
. . . while the Patrol's sworn compliment has increased by 22%.
Source: NCSHP *Activities and Review* publications and NC DMV *Traffic Crash Facts 1998*
Number
Year
0
1,000
2,000
3,000
4,000
5,000
6,000
7,000
8,000
9,000
1973
1974
1975
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1998

Attachment 2: Selected North Carolina Traffic Statistics: 1973-1998

Year	SHP Sworn Compliment	Compliment Percent Change	Vehicle Miles (10 million)	Veh. Miles Percent Change	Licensed Drivers (thousands)	Lic. Drivers Percent Change
1973	1,164	n/a	3,897	n/a	3,060	n/a
1974	1,164	0%	3,602	-8%	3,161	3%
1975	1,164	0%	3,640	1%	3,294	4%
1976	1,139	-2%	3,860	6%	3,403	3%
1977	1,138	0%	4,031	4%	3,490	3%
1978	1,138	0%	4,250	5%	3,599	3%
1979	1,138	0%	4,208	-1%	3,692	3%
1980	1,137	0%	4,123	-2%	3,777	2%
1981	1,137	0%	4,206	2%	3,831	1%
1982	1,137	0%	4,310	2%	3,903	2%
1983	1,137	0%	4,504	5%	4,215	8%
1984	1,137	0%	4,805	7%	4,490	7%
1985	1,137	0%	4,992	4%	4,123	-8%
1986	1,187	4%	5,288	6%	4,244	3%
1987	1,207	2%	5,460	3%	4,319	2%
1988	1,227	2%	5,778	6%	4,422	2%
1989	1,245	1%	6,088	5%	4,485	1%
1990	1,260	1%	6,275	3%	4,553	2%
1991	1,260	0%	6,489	3%	4,544	0%
1992	1,260	0%	6,680	3%	4,655	2%
1993	1,310	4%	6,949	4%	4,685	1%
1994	1,355	3%	7,192	3%	4,890	4%
1995	1,380	2%	7,445	4%	5,060	3%
1996	1,380	0%	7,861	6%	5,174	2%
1997	1,380	0%	8,183	4%	5,781	12%
1998	1,415	3%	8,515	4%	5,477	-5%
Percent Increase '73-'98	n/a	22%	n/a	118%	n/a	79%

Source: NCSHP *Activities and Review* publications and the NC DMV *Traffic Crash Facts 1998*

ATTACHMENT 3: NORTH CAROLINA STATE HIGHWAY PATROL MANPOWER STAFFING METHODOLOGY

To identify field manpower staffing levels, the Highway Patrol employs the nationally accepted Police Allocation Model (developed for use by state police and highway patrol agencies by the Northwestern University Traffic Institute). This model answers two basic questions:

1. What is the total number of sworn members and supervisors required in the field to provide an acceptable level of service?

2. How should the field force be distributed in geographical regions throughout the state?

The table below outlines how many additional personnel are needed in the field based on specified Response Levels. Based on the table, if the Highway Patrol were to have an 85% Response Level--that is, 85% of the Patrol's calls for service would be immediately answerable by a trooper in the field--the Patrol would need an additional 316 troopers and 66 supervisors. When the Response Level is raised to 95%, the Patrol would need an additional 914 troopers and 151 supervisors.

Breakdown of Personnel Requirements for Selected PAMA Response Levels

Response Levels	Additional Troopers Needed for Response Level	Additional Supervisors Needed for Response Level	Total Additional Personnel Required for Response Level
85%	316	66	382
90%	527	96	623
95%	914	151	1065

Note: Response levels denote the percentage of time that a trooper would be available to respond immediately to a call for service.

WORKSHEET II EXPANSION BUDGET REQUEST

1
2 BUDGET CODE: 13600 DEPARTMENT: Department of Justice
3 FUND NUMBER: 1300 FUND TITLE: SBI- Law Enforcement
4 PROGRAM NUMBER: 4300 COC NUMBER: 246
5 TITLE OF REQUEST: SBI Crime Lab Expansion - Six (6) Forensic Chemists
6a STATUTORY CHANGES/SPECIAL PROVISIONS REQUIRED TO IMPLEMENT?
7a YES [ ] NO [X]
8a IF YES, ATTACH A COPY OF THE DRAFT.
9a
10

Priority No. 1 of 1
DIVISION/ INSTITUTION: State Bureau of Investigation

		1999-00	2000-01
6b	TOTAL REQUIREMENTS	0	223,836
7b	TOTAL RECEIPTS	0	0
8b	APPROPRIATION	0	223,836
9b	TOTAL POSITIONS	0.00	6.00

NARRATIVE:

Need
The SBI needs additional Chemists to reduce the controlled substance case backlog and provide a reasonable turn around time for case completion. The SBI continues to experience an annual increase of approximately five percent in the number of requests for controlled substance analysis. To keep pace with the number of submissions, each chemist struggles to complete approximately 123 cases each month. The national average is approximately 75 to 100 cases per month. Even at this accelerated completion pace, the number of cases submitted exceeds the number completed each month. As a result, the turn-around-time for controlled substances cases averages >60 days. The judicial process requires a much faster response time (thirty days or less). Compounding the problem, the presence of clandestinely manufactured drugs is increasing in North Carolina. The process for analyzing clandestine drugs is complex and more time-consuming than more routine cases.

Change to Current Operations
All six (6) of the positions will be assigned to work controlled substance cases that are submitted from areas of the state with the heaviest submission levels.

Anticipated Outcomes
The additional personnel will allow the SBI to reduce the case backlog and maintain a reasonable turn around time for controlled substance (drug) cases.

Outcome Measures
Average monthly caseload per chemist will be reduced from 123 to 95. Reducing the caseload will reduce the turn-around-time for analysis to meet or exceed the preferred 30 (or less) day maximum turn-around-time.

Objective: Increase effectiveness of law enforcement (4320.5)

11 Does this request require additional resources from another agency [ ] Yes [X] No

12 Name the agency and the funds required: N/A (Agency) Funds Requested: N/A (1999-2000) N/A (2000-2001)

Priority No. 1 of 1

MEASURES: G.S. 143-3.5

	Description:		New/ Existing*	Actual 1997-98	Authorized 1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
13	Turn-around-time for controlled substance analysis (Days from evidence receipt to report of analysis issued)	Continuation	N	22	75*	60	60	60	60	60
14		Expansion	N				-15	-30	-30	-45
15		Revised				60	45	30	30	15
		Continuation								
		Expansion								
		Revised								
		Continuation								
		Expansion								
		Revised								
		Continuation								
		Expansion								
		Revised								
		Continuation								
		Expansion								
		Revised								

* Note of Explanation: The 1998/99 turn-around-time of 75 days is the result of more than just the average five percent (5%) increase in case submissions. Ceasing operations while moving to a new lab and preparing for a national accreditation inspection both contributed to the significant rise in turn-around-time. However, the current number of chemists are neither sufficient to absorb the resultant backlog nor to keep pace with the on-going increase in case

Note: Attach a graphic if necessary to explain the change in measures.

* Indicate if this is a New (N) or Existing Measure (E).

Priority No. 1 of 1

BUDGET: G.S. 143-3.5 *Detail of budget is to be provided at the NCAS Agency Management Report detail level.*

REQUIREMENTS:

	ACCOUNT NO.	ACCOUNT TITLE	Actual 1997-98	Authorized 1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
16	531211	SPA - Regular Salaries			0	116,596	199,878		
	531511	Social Security Contributions			0	8,920	15,291		
	531531	LEO Retirement Contribution			0	18,458	31,641		
	531561	Medical Insurance Contribution			0	7,896	13,535		
	531660	Tax Emp. Exp. Reimbursement			0	2,400	2,400		
	534529	Equipment - Custody and Security			0	10,566	0		
	534523	Equipment - Scientific/Medical			0	59,000	0		
		6 stereo microscopes @ $2,000 each							
		6 balances @ $ 2,000 each							
		1 FTIR (Infrared) instrument @ $ 25,000							
		1 UV instrument @ $ 10,000							
17		**Requirements**			0	223,836	262,745	262,745	262,745
18		**Number of F.T.E.***			0.00	6.00	6.00	6.00	6.00

RECEIPTS:

19									
20		**Receipts**			0	0	0	0	0
21		**APPROPRIATION**	0	0	0	223,836	262,745	262,745	262,745
22		**CHANGE IN CASH BALANCE**							

* *Complete Detail information for total positions requested on the following page.*

Priority No. 1 of 1

POSITIONS REQUESTED: *Detail of the positions included in this expansion request.*

	GRADE	CLASSIFICATION/EFFECTIVE DATE:	1999-00 F.T.E	2000-01 F.T.E	Annual Salary**	1999-00 Budgeted Salary	2000-01 Budgeted Salary
23	72	Chemist I / 12/01/00	0.000	6.00	$33,313	$0	$116,596
24		Total	0.000	6.00	[redacted]	$0	$116,596

*** Minimum level salary for the classification requested unless supporting OSP documentation attached.*
#Total F.T.E's equal the number of total F.T.E.'s shown on Page 3, Line 16 of this request.

25 DOES THIS EXPANSION REQUEST RELATE TO A CAPITAL IMPROVEMENT PROJECT? YES [ ] NO [X]
26 IF YES, TITLE OF C.I. PROJECT:
27 C.I. BUDGET CODE: ITEM NUMBER: PROJECTED COMPLETION DATE:

SPACE REQUIREMENTS: G.S. 120-36.7 (c)
28 DOES THIS REQUEST REQUIRE ADDITIONAL SPACE? YES [ ] NO [X] IF YES, COMPLETE THE FOLLOWING:

	Office	Storage	Other	1998-99	1999-00	2000-01	2001-02	2002-03
29 Type of Space:								
30 Additional Square Footage Required								
31 Estimated Cost of Space Requirements								

MOTOR POOL REQUIREMENTS:
32 DOES THIS REQUEST REQUIRE ADDITIONAL VEHICLES FROM THE STATE MOTOR POOL YES [ ] NO [X]
33 IF YES, HOW MANY?

Submit 4 copies on 8 1/2 x 11-inch green paper.

Caseload/Chemist Personnel Comparison

Fiscal Year	Drug/Toxicology Case Submissions (See Note 5)	Percent Increase (Submissions)	Actual Working Chemists Allocated (Drugs/Tox Section)	Cases Per Chemist Per Year	Cases Per Chemist Per Month	Percent Increase (Cases Per Chemist Per Month)
1989/90	22,255	N/A	20	1113	93	N/A
1994/95	27,009	21.4%	19	1422	118	27.75%
1998/99	29,541	9.4%	20	1477	123	3.91%

NOTES:

1. "Actual Working Chemists Allocated" is total number of positions authorized by the legislature and assigned to Drugs/Toxicology. In addition, this number does not include one supervising chemist in Raleigh and one in Asheville.
2. Beginning in October 1998, other personnel within the Crime Laboratory Division who possessed appropriate scientific degrees were trained and utilized to assist in the analysis of simple marijuana cases. Five personnel were utilized from October 1998 until February 1999. The use of these personnel was suspended in February 1999. Their use was reinstituted in June of 1999 and seven additional personnel were utilized, bringing the current total to 12 personnel.
3. Caseload per chemist is based on a chemist working full-time, 52 weeks a year. In reality, because of court, travel, training, leave, and other administrative duties (e.g., reviewing other's cases), each chemist only outputs completed cases about 36 weeks each year (or 70% of their time).
4. While we have 20 allocated positions in 1999, there are only 14 chemists working. Six positions are either in training or vacant.
5. **Source of data:** SBI/DCI "Section Summary Report" (LAB01Y) for Period July 1, 19XX thru June 30, 19XX

Overall Percentage Increases from 1990 to 1999:	
Submissions	32.74%
Cases Per Chemist	32.74%

Drug/Chemistry Caseload

Period	Raleigh Laboratory		Western Lab	Total
	Drugs	Toxicology	Drugs Only	Submissions
Fiscal Year 1984 - 85	12,867	See Note	2,648	15,515
Fiscal Year 1985 - 86	14,312	See Note	2,214	16,526
Fiscal Year 1986 - 87	11,184	3,386	2,722	17,292
Fiscal Year 1987 - 88	12,458	3,345	2,850	18,653
Fiscal Year 1988 - 89	14,406	3,257	2,632	20,295
Fiscal Year 1989 - 90	15,985	3,335	2,935	22,255
Fiscal Year 1990 - 91	15,122	3,213	2,752	21,087
Fiscal Year 1991 - 92	20,007	3,113	1,947	25,067
Fiscal Year 1992 - 93	18,822	2,811	3,131	24,764
Fiscal Year 1993 - 94	19,106	2,587	3,614	25,307
Fiscal Year 1994 - 95	20,230	2,689	4,090	27,009
Fiscal Year 1995 - 96	21,555	2,604	4,173	28,332
Fiscal Year 1996 - 97	22,185	2,832	4,806	29,823
Fiscal Year 1997 - 98	23,647	2,793	4,707	31,147
Fiscal Year 1998 - 99	22,572	2,949	4,020	29,541

Note: Toxicology cases were not counted separately during these periods

Source of Data: SBI/DCI Automated Laboratory Records Fiscal Year-End Reports

VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/24/2000

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Robt Hy	ACLU-NC
A. Cameron	ACLU-NC
Guy Owen	ACLU
Debra Rood	ACLU
Claudia Kadis	GAL Ambassador
Judy Vandenville	GAL ambassador
Bill Vandenville	GAL Ambassador
Phyllis Walker	GAL Ambassador
Bud Skinner	AOC
A.R. Steeuwd	NCSBI
Isuinlee Allcox	State Bureau of Investigation
Seth Whitaker	House Appropriations Staff
Alicia Gruenebaum	YAIO

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCBA
Sandy Sands	WCSR
Sarah Allen	Covenant w/ NC's Children
Amanda Abrams	"
B. E. Batty	SBI
Melissa Lovell	DOJ
Greg McLeod	CCPS
James Bowden	DJJ
Kim Foth	DJJ
Carey Dick	DJJ
Steven Shaber	Poyner + Spruill
Janet Pittard	OSBM
Mike Barker	CC+PS

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 30, 2000
8:30 a.m. and 1:00 pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

"Plan of Organization" -- Proposal to create the Department of Juvenile Justice and Delinquency Prevention
George Sweat, Director
Office of Juvenile Justice

Juvenile Crime Prevention Grants (JCPC) -- Report on JCPC Grant Program and Expansion Budget Request
George Sweat, Director
Office of Juvenile Justice

Afternoon

Department of Correction Plan for Short-Term Prison Bed Shortage
Dan Stieneke, Deputy Secretary
Department of Correction

Correction Enterprises Fund and Projects
Jim Godwin, Director
Prison Enterprises, Department of Correction

Inmate Welfare Fund - Correction
Barbara Baker, Assistant Controller
Department of Correction

Proposal for Correctional Officer Pay Adjustments
Jeff Becker, Director of Personnel
Department of Correction

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
May 30, 2000

The Joint Appropriations Subcommittee on Justice and Public Safety met on May 30, 2000 in room 415 LOB, at 8:30 AM. There were three senators present. The following House members were present:

Rep. Paul McCrary	Rep. Bill Culpepper
Rep. Scott Thomas	Rep. Phillip Haire
Rep. Larry Justus	Rep. Joe Kiser
Rep. Wayne Sexton	Rep. Pete Cunningham

Senator Luther Jordan chaired the meeting. He first introduced the pages. Then Mr. George Sweat, director of the Office of Juvenile Justice. He said the impact of juvenile crime on the state is not known at this time. Senator Jordan stated that we need to focus more on prevention instead of detention centers. Mr. Sweat agreed. He said that detention centers are like jails, training schools are like state prisons. There are 926 juveniles in training schools. That population is projected to increase even though we are already over populated, we have 843 beds. The detention centers seem adequate at this time. In response to Rep. Justus, a child must stay in training school a minimum of six months. Detention center populations fluctuate due to different sentencing, anywhere from 315 to 370. Mr. Larry Dix said there are currently 7,000 juveniles under probation supervision and 1,500 in Alternative To Detention programs. There are about 415 counselors who may also monitor ATD youth. Cumberland County is the only one with a specific ATD counselor.

Mr. Sweat distributed a handout regarding the reorganization of the Office of Juvenile Justice. Rep. Justus asked for annual costs. The training schools cost $45,000 per child per year. Detention centers cost $35,000 per child. Senator Ballance commented that the juvenile office could offer correct resources to deal with social issues and we should not wait until a crime has been committed to intervene with these children.

Mr. Sweat stated $3.6 million in the expansion budget will go to local communities to deal with juveniles. The JCP Councils should make the decisions about how the money is directed. Rep. Haire commented that youth conservation corps should be created to remove a child from environment into a safe place to be educated. Mr. Sweat agreed that some of the $3.6 million should go to prevention. In response to Senator Jordan, a 100 bed juvenile center for eastern North Carolina was funded at about $5 million. $2.5 million is in the budget for January 2001. The earliest it can come on line would be July 2001. A one time reduction could be taken and the money could be reallocated. All bids are due this week and June is the probable date for letting the bids. In response to Rep. Justus, 675 grants were issued last year and they are being monitored and analyzed. Help will be sought from the universities to complete the analysis. The training schools are charged with treating, educating and rehabilitation.

A list of the Juvenile Crime Prevention Council Chairpersons was distributed. The Juvenile Crime Prevention Councils are all established and running well. In response to Rep. Thomas, Mr. Sweat said the expansion of Teen Court and the Eckerds Wilderness programs are good and successful.

The meeting was adjourned at 10AM.

Luther Jordan
Senate Chair

Gloria Haywood
Committee Assistant

Gov. Jim Hunt's Plan to Establish a Department of Juvenile Justice and Delinquency Prevention

Fighting juvenile crime is a top priority of the Hunt Administration. In1998, in response to rising juvenile crime rates, Governor Jim Hunt signed into law the Juvenile Justice Reform Act, his plan to overhaul the state's juvenile justice system based on recommendations of the Governor's Commission on Juvenile Crime and Justice. The legislation means more effective prevention for children; stronger efforts to get troubled youth back on track; tougher, more effective punishment; and a more efficient juvenile justice system.

In 1999, the General Assembly continued to support Governor Hunt's overhaul of the Juvenile Justice system by including boosting local community prevention efforts and establishing the new Office of Juvenile Justice. One hundred Juvenile Crime Prevention Councils have been established to help counties to develop juvenile crime prevention strategies; and the Office of Juvenile Justice (OJJ), led by former Winston-Salem Police Chief George Sweat, was established to coordinate all state efforts.

OJJ is charged with coordinating juvenile justice and delinquency prevention strategies; helping community leaders in all 100 counties develop juvenile crime prevention plans; and implementing new tougher law changing the way young offenders are sentenced. OJJ was created through merging the Division of Youth Services of the Department of Health and Human Services and the Juvenile Services Division of the Administrative Office of the Courts and is temporarily housed in the Office of the Governor.

In 1998, as part of the Juvenile Justice Reform Act, the Governor called for the establishment of a single cabinet level agency to fight crime and step up prevention efforts. The General Assembly asked the Governor to provide a detailed plan for reorganizing of the Office of Juvenile Justice as a Cabinet level agency or a part of an existing state agency. The reorganization plan was to include recommendations for:

- Establishing a Cabinet level agency
- Programs and funding streams to be included
- New Organizational Structure
- Budget requirements of the new Department
- Legislative requirements for establishing the new Department

Gov. Hunt established the State Advisory Council on Juvenile Justice and Delinquency Prevention to develop recommendations for the reorganization of the Office of Juvenile Justice. State Sen. Roy Cooper of Nash County and Rep. Phil Baddour of Wayne County

led the effort, and made recommendations to the Governor for the establishment of a new Department of Juvenile Justice and Delinquency Prevention.

The Governor's Plan

Building on the recommendations of the Council on Juvenile Justice and Delinquency Prevention, the Governor's plan would create a cabinet-level juvenile justice agency. The plan elevates the Office of Juvenile Justice to a cabinet level agency, consolidates juvenile crime prevention and intervention programs, and coordinates state and local services. The Governor's plan calls for maximizing resources in the most cost-efficient way for North Carolina. According to the plan outlined by the State Budget Office, the new Department of Juvenile Justice and Delinquency Prevention will not operate under any additional funds. The Department's Fiscal 2001 budget will be included and outlined in the Governor's 2001 Fiscal year budget in May 2000.

The Department of Juvenile Justice and Delinquency Prevention

The Dept. of Juvenile Justice and Delinquency Prevention will create a single, stronger, and more effective approach to fighting juvenile crime and boosting prevention efforts across the state. It will devote its energy and its focus to prevention punishment, mentoring, school safety and treatment---all under one roof.

The department will coordinate state efforts and help community leaders in all 100 counties develop juvenile crime prevention plans to implement the juvenile laws of this state.

Programs and Funding Streams to be Moved into New Department

The Governor's plan moves the following programs and their budgets into the new Department of Juvenile Justice and Delinquency Prevention to ensure the most coordinated and effective approach to fighting juvenile crime and improving prevention efforts.

Center for Prevention of School Violence

Currently located at North Carolina State University, the Center's mission is to help ensure every student will attend a school that is safe and secure. The Center is the primary point of contact for information, programs, and research about preventing school violence. The Center establishes and supports School Resource Officers, Students Against Violence Everywhere (SAVE) chapters, and conflict management and peer mediation programs. As part of the new Department of Juvenile Justice and Delinquency Prevention, the Center's programs could be better coordinated with other delinquency prevention efforts.

Budget $500,000, 6 staff

Guard Response to Alternative Sentencing Program (GRASP)

Currently administered by Crime Control and Public Safety and operated by the National Guard, the GRASP program provides regimented training program for at risk and

adjudicated juvenile offenders 13 to 15. Because GRASP is an intervention program for juvenile offenders, it would be more effective if housed with the other intervention programs within the new Department.
$338,000 budget

Juvenile Accountability Incentive Block Grant (JAIBG)
JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs. Under the Governor's plan, these funds would move from the Governor's Crime Commission to the New Department of Juvenile Justice and Delinquency Prevention. The new Department would direct funding to local Juvenile Crime Prevention Councils, which would then determine how these funds could best serve local prevention efforts.
$5.46 million

Better Coordination with Other Related Programs.
To effectively tackle the problem of juvenile crime, the new Department of Juvenile Justice and Delinquency Prevention will need to coordinate its efforts across the state. The Governor's plan would establish partnerships with the following programs:

At-Risk Student Services and Student Accountability Grants
The Department of Public Instruction has At-Risk funds totaling nearly $158 million that are to be used by Local Education Authorities (LEAs) to prevent school drop outs, school failure, and school violence. Juvenile Crime Prevention Councils (JCPCs) receive $24 million to fund juvenile crime prevention programs. The Governor's plan would:

1) Request that the State Board of Education and the State Superintendent encourage local superintendents and LEAs to work with JCPCs on an annual basis to develop coordinated delinquency prevention and school safety spending plans.
2) Require the new Department of Juvenile Justice and Delinquency Prevention to issue a policy requiring JCPCs to coordinate with Superintendents and LEAs in developing annual delinquency prevention and school safety spending plans.

MAJORS Program
The MAJORs (Managing Access for Juvenile Offender Resources and Services) program in the Department of Health and Human Services operates collaboratively with OJJ to provide substance abuse treatment services to adjudicated youth in 12 communities. The program coordinates court counselors and judges and treatment staff to link juvenile offenders with appropriate treatment services.

To ensure strong state and local collaborative planning, DHHS and the Department of Juvenile Justice and Delinquency Prevention will develop a Memorandum of Agreement that will strengthen their collaboration by enhancing procedures for joint communication, decision-making, and accountability.

Governor James B. Hunt Jr.'s Report to the Legislature

The Plan of Reorganization for the North Carolina Juvenile Justice System

April 1, 2000

"A new North Carolina Department of Juvenile Justice and Delinquency Prevention will reflect North Carolina's best effort to make communities safe, to give every child an opportunity to succeed, and to maximize resources to keep our state focused on youth." Governor James B. Hunt Jr.

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Part I

Executive Summary

Plan to Establish a Department of Juvenile Justice and Delinquency Prevention

Fighting juvenile crime is a top priority of the Hunt Administration. In 1998, in response to rising juvenile crime rates, Governor Jim Hunt signed into law the Juvenile Justice Reform Act, his plan to overhaul the state's juvenile justice system based on recommendations of the Governor's Commission on Juvenile Crime and Justice. The legislation created more effective prevention for children; stronger efforts to get troubled youth back on track; tougher, more effective punishment; and a more efficient juvenile justice system.

In 1999, the General Assembly continued to support Governor Hunt's overhaul of the juvenile justice system by boosting local community prevention efforts and establishing the new Office of Juvenile Justice. One hundred Juvenile Crime Prevention Councils have been established to help counties develop juvenile crime prevention strategies; and the Office of Juvenile Justice (OJJ), led by former Winston-Salem Police Chief George Sweat, was established to coordinate all state efforts.

OJJ is charged with coordinating juvenile justice and delinquency prevention strategies; helping community leaders in all 100 counties develop juvenile crime prevention plans; and implementing new tougher laws to change the way young offenders are sentenced. Currently, OJJ oversees the state's juvenile court offices, training schools, detention centers, Juvenile Crime Prevention Councils (JCPCs), and after-school mentoring programs. OJJ was created through merging the Division of Youth Services in the Department of Health and Human Services and the Juvenile Services Division in the Administrative Office of the Courts and is temporarily housed in the Office of the Governor.

In 1998, as part of the Juvenile Justice Reform Act, the Governor called for the establishment of a single cabinet level agency to fight crime and step up prevention efforts. The General Assembly asked the Governor to provide a detailed plan for reorganizing of the Office of Juvenile Justice as a Cabinet level agency or a part of an existing state agency. The General Assembly asked that the reorganization plan include recommendations for:

- Establishing a cabinet level agency
- Programs and funding within the new department
- New organizational structure
- Budget requirements of the new department
- Legislative requirements for establishing the new department.

Gov. Hunt charged the State Advisory Council on Juvenile Justice and Delinquency Prevention with developing recommendations for reorganization of the Office of Juvenile Justice into a new

cabinet agency. State Sen. Roy Cooper of Nash County and Rep. Phil Baddour of Wayne County led the effort, and made recommendations to the Governor.

The Plan

Building on the recommendations of the Council on Juvenile Justice and Delinquency Prevention, the Governor's plan would create a cabinet-level juvenile justice agency, the Department of Juvenile Justice and Delinquency Prevention. The plan elevates the Office of Juvenile Justice to a cabinet level agency, consolidates juvenile crime prevention and intervention programs, and coordinates state and local services. The creation of the new Department of Juvenile Justice and Delinquency Prevention will not require any additional funds. The budget for the new department will be outlined in the Governor's budget to be presented to the General Assembly in May 2000.

The Department of Juvenile Justice and Delinquency Prevention

The Dept. of Juvenile Justice and Delinquency Prevention will create a single, stronger and more effective approach to fighting juvenile crime and boosting prevention efforts across the state. It will devote its energy and its focus to prevention, punishment, mentoring, school safety and treatment -- all under one roof.

The department will coordinate state efforts and help community leaders in all 100 counties develop juvenile crime prevention plans to implement the juvenile laws of this state.

Programs and Funds to be Moved Into New Department

The Governor's plan moves the following programs and their budgets into the new Department of Juvenile Justice and Delinquency Prevention to ensure the most coordinated and effective approach to fighting juvenile crime and improving prevention efforts.

Guard Response to Alternative Sentencing Program (GRASP)

Currently administered by the Dept. of Crime Control and Public Safety and operated by the National Guard, the GRASP program provides regimented training program for at-risk and court-involved juvenile offenders aged 13 to 15. Because GRASP is an intervention program for juvenile offenders, it would be more effective if housed with the other intervention programs within the new Department.

$338,000 budget

Juvenile Accountability Incentive Block Grant (JAIBG)

JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs. Under the Governor's plan, these funds would move from the Governor's Crime Commission to the new Department of Juvenile Justice and Delinquency Prevention. The new Department would direct funding to local Juvenile Crime Prevention Councils, which would then determine how these funds could best serve local prevention efforts.

$5.46 million budget

Better Coordination with Other Related Programs.

To effectively tackle the problem of juvenile crime, the new Department of Juvenile Justice and Delinquency Prevention will need to coordinate its efforts across the state. The Governor's plan would establish partnerships with the following programs:

At-Risk Student Services Grant
The Department of Public Instruction's At-Risk Student Services Grant totals nearly $158 million and is used by Local Education Authorities (LEAs) to prevent school dropouts, school failure, and school violence. Juvenile Crime Prevention Councils (JCPCs) receive $24 million to fund juvenile crime prevention programs. The Governor's plan would:

1) Request that the State Board of Education and the State Superintendent encourage local superintendents and LEAs to work with JCPCs on an annual basis to develop coordinated delinquency prevention and school safety spending plans.
2) Require the new Department of Juvenile Justice and Delinquency Prevention to issue a policy requiring JCPCs to coordinate with Superintendents and LEAs in developing annual delinquency prevention and school safety spending plans.

MAJORS Program
The MAJORS (Managing Access for Juvenile Offender Resources and Services) program in the Department of Health and Human Services operates collaboratively with OJJ to provide substance abuse treatment services to court involved delinquent children in 12 communities. The program coordinates court counselors and judges and treatment staff to link juvenile offenders with appropriate treatment services.

To ensure strong state and local collaborative planning, DHHS and the Department of Juvenile Justice and Delinquency Prevention will develop a Memorandum of Agreement that will strengthen the MAJORS program by enhancing their procedures for joint communication, decision-making, and accountability.

Programs Requiring Further Study
Determining the most appropriate placement and utilization of the Center for Prevention of School Violence will require further study due to the Center's dual role in providing research and support to schools and school districts as well as law enforcement and juvenile justice professionals.

Center for Prevention of School Violence
Currently located at North Carolina State University, the Center's mission is to help ensure every student will attend a school that is safe and secure. The Center is the primary point of contact for information, programs, and research about preventing school violence. The Center establishes and supports School Resource Officers, Students Against Violence Everywhere (SAVE) chapters, and conflict management and peer mediation programs. Further study is required to determine the best utilization of the Center's resources.
$500,000 budget

Part II

Establishing New Department of Juvenile Justice and Delinquency Prevention

Following the recommendations of the Juvenile Funds and Plan of Reorganization Subcommittee of the State Advisory Council on Juvenile Justice and Delinquency Prevention, Chaired by Senator Roy Cooper and Representative Phil Baddour, the Governor recommends establishing a Department of Juvenile Justice and Delinquency Prevention.

Establishing the new department will create a single, stronger and more effective approach to fighting juvenile crime and boosting prevention efforts across the state. It will devote its energy and its focus to prevention, punishment, mentoring, school safety and treatment -- all under one roof.

The department will help community leaders in all 100 counties develop juvenile crime prevention plans and implement the juvenile justice laws of this state. The department will be charged with:

1) Ensuring safe schools and safe communities throughout North Carolina,
2) Establishing prevention programs that deter youths from committing crimes, and
3) Creating effective punishment and treatment programs that rehabilitate juvenile offenders.

Review of Approaches in Other States

Rising juvenile crime rates over the last decade have created an increasing focus on efforts to strengthen prevention and intervention efforts. States are bringing their juvenile justice programs together in cabinet level agencies or secretariats to develop unified strategies to help to increase public safety and provide youth with opportunities and alternatives to crime. Single agencies have the ability to develop a coordinated, statewide strategic plan for addressing the issue of juvenile delinquency and have the increased ability to develop new and innovative programs and good faith partnerships with local communities.

Although juvenile justice programs are organized in myriad ways across the nation, states that are proactive about addressing rising juvenile crime rates most often formulate separate, cabinet-level juvenile justice agencies. Thirteen (13) states/territories currently have stand-alone departments, and nine (9) of these states created the new department within the last seven (7) years. States with separate departments include Alabama, Arizona, Florida, Georgia, Idaho, Kansas, Maryland, New Hampshire, Ohio, Oklahoma, Oregon, Texas, and Puerto Rico.

In several other states, departments are "grouped" together in umbrella organizations for various purposes and are referred to as "Secretariats." In these cases, the departments are still referred to as "separate," but the degrees of autonomy differ. This is a different structure from North Carolina, but this structure is very similar to having a cabinet level department for Juvenile Justice. Five states fall into this category: Kentucky, Virginia, Delaware, California and South Carolina.

The remaining states locate juvenile justice in a variety of other agencies including Department of Correction; Social Services; Human Services; Public Safety; and Children, Youth, and Family Services. These disparate structures are less effective in establishing a unified, effective plan for punishment and prevention.

Part III

Programs and Funds to Move into New Department

To determine how best to structure the new Department of Juvenile Justice and Delinquency Prevention, the joint sub-committee on Juvenile Funds and Plan of Reorganization chaired by Representative Baddour and Senator Cooper reviewed various divisions in other department for potential transfer to the new Department of Juvenile Justice and Delinquency Prevention.

The following programs were discussed by the sub-committee:

- ***Guard Response Alternative Sentencing Program – GRASP*** (Department of Crime Control and Public Safety)
- ***Juvenile Accountability Incentive Block Grant*** (Department of Crime Control and Public Safety – Governor's Crime Commission)
- ***At Risk Student Services and Student Accountability Grants*** (Department of Public Instruction)
- ***Guardian Ad Litem*** (Administrative Office of the Courts)
- ***Youth Advocacy and Involvement Office*** (Department of Administration)
- ***Tarheel Challenge Academy*** (Department of Crime Control and Public Safety)
- ***Juvenile Justice and Delinquency Prevention Grants*** (Department of Crime Control and Public Safety – Governor's Crime Commission)
- ***MAJORS*** – Substance Abuse Programs (Department of Health and Human Services)
- ***The Center for the Prevention of School Violence*** (North Carolina State University)

Programs and Funds Recommended to Move Into New Department

To ensure the most coordinated and effective approach to fighting juvenile crime and improving prevention efforts, the following programs are recommended for transfer into the new Department:

The Guard Response Alternative Sentencing Program (GRASP)

Currently administered by the Department of Crime Control and Public Safety and operated by the National Guard, the Grasp program provides a regimented training program for at-risk and adjudicated juvenile offenders aged 13-15. The program's mission is to build self-esteem and emphasize the consequences of individual actions. The Office of Juvenile Justice is currently receiving pass through funds for this program, and is responsible for its outcome, though it is housed in the Department of Crime Control and Public Safety. Because this is an intervention program designed specifically by juvenile offenders, it should be moved into the direct control of

the new department. Moving this program will give the Office of Juvenile Justice the ability to have final authority over program structure and will create a clear accountability system. The National Guard will continue to operate this program through a contractual arrangement with the Office of Juvenile Justice.
$338,000 budget

Juvenile Accountability Incentive Block Grant (JAIBG)
Currently administered by the Governor's Crime Commission, JAIBG is a block grant from the federal Department of Justice that funds a broad range of local juvenile crime programs, including:

- building, expanding or operating detention/corrections facilities;
- developing/administering accountability-based sanctions for offenders;
- hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles;
- hiring additional prosecutors;
- providing funding to enable prosecutors to address drug, gang, youth violence;
- technology, equipment, and training to assist prosecutors;
- improving effectiveness and efficiency of juvenile courts & probation officers;
- establishing court-based juvenile justice programs to target young firearms offenders;
- establishing drug court programs;
- establishing/maintaining interagency information-sharing programs;
- establishing/maintaining accountability-based programs; and
- may be used for testing certain categories of juvenile offenders.

The transfer of the JAIBG funds to the new department will allow the Department to become the sole source of funds for Juvenile Crime Prevention grants within the state. The new Department will direct these funds to local Juvenile Crime Prevention Councils, which would then determine how these funds could best serve local prevention efforts. The new Department Juvenile Justice and Delinquency Prevention will be able to use the administrative allowance from this grant to develop a comprehensive research and monitoring program, to improve delinquency prevention programs, and enhance the operational structure by enhancing the budget and internal auditing sections.
$5.46 million budget

Better Coordination with Other Related Programs

To effectively tackle the problem of juvenile crime, the new Department of Juvenile Justice and Delinquency Prevention will need to coordinate its efforts across the state. The Governor's plan would establish partnerships with the following programs:

At-Risk Student Services Grant
The Department of Public Instruction's At-Risk Student Services Grant totals nearly $158 million and is used by Local Education Authorities (LEAs) to prevent school dropouts, school failure, and school violence. Juvenile Crime Prevention Councils (JCPCs) receive $24 million to fund juvenile crime prevention programs. The Governor's plan would:

1) Request that the State Board of Education and the State Superintendent encourage local superintendents and LEAs to work with JCPCs on an annual basis to develop coordinated delinquency prevention and school safety spending plans.
2) Require the new Department of Juvenile Justice and Delinquency Prevention to issue a policy requiring JCPCs to coordinate with Superintendents and LEAs in developing annual delinquency prevention and school safety spending plans.

MAJORS Program
The MAJORS (Managing Access for Juvenile Offender Resources and Services) program in the Department of Health and Human Services operates collaboratively with OJJ to provide substance abuse treatment services to court involved delinquent children in 12 communities. The program coordinates court counselors and judges and treatment staff to link juvenile offenders with appropriate treatment services.

To ensure strong state and local collaborative planning, DHHS and the Department of Juvenile Justice and Delinquency Prevention will develop a Memorandum of Agreement that will strengthen the MAJORS program by enhancing their procedures for joint communication, decision-making, and accountability.

Programs Not Recommended for Transfer

There were other programs discussed by this committee, but not recommended for transfer to the new department at this time. These include:

Guardian Ad Litem (GAL)
The GAL program is housed in the Administrative Office of the Courts and was established to provide trained independent advocates to represent and promote the best interest of children involved in abuse, neglect and dependency civil court cases. Although most children in the GAL program are "at-risk" of becoming juvenile offenders, this program would not be appropriately placed within the new department for several reasons. First, GAL activities are civil not criminal actions, unlike most Office of Juvenile Justice activities. Second, the Office of Juvenile Justice Court Services has no contact or experience with GAL children. Third, it is important that the GAL program stay within the judicial branch to ensure its neutrality in their mission of child advocacy.

Youth Advocacy and Involvement Council
The Youth Advocacy and Involvement Council in the Department of Administration is not recommended to transfer to the new department. This program, under the leadership and directives of councils and advisory groups, and in cooperation with public and private agencies has two major focuses. One, focus is as an advocate protecting the interest of youth individually and comprehensively. The second focus is being a catalyst for and provider of positive peer development for youth in the state. Like the GAL program, this program provides advocacy services and would be able to better serve their children in a neutral setting. Therefore, the new Department would not be an appropriate placement for this program.

Tarheel Challenge Academy
The Tarheel Challenge Academy is funded by the federal Department of Defense and is operated by the National Guard. Crime Control and Public Safety currently administers this program. The

program offers a quasi-military style program for 16-to 18-year-old dropouts who do not have a heavy criminal involvement. This program is not recommended to transfer for the following reasons: First, the mission of this program is different than that of the Office of Juvenile Justice. This group of kids is not technically under the province of Office of Juvenile Justice because of their age. In NC, a juvenile for juvenile justice purposes is younger than age 16 at the time of court involvement. Second, federal regulations prohibit changing the target population or the curriculum of this program. At this time it is recommended that the Tarheel Challenge Academy remain in Crime Control and Public Safety.

Juvenile Justice and Delinquency Program (JJDP)
This is also a federal Department of Justice block grant distributed by the Governor's Crime Commission is issued for the following:

- Planning and administration;
- State advisory group allocation;
- Deinstitutionalization of status offenders;
- Separation of juveniles from adult offenders;
- Jail removal;
- Compliance monitoring;
- Disproportionate minority confinement;
- Native American tribes; illegal drugs and alcohol;
- Serious crime; gangs;
- Delinquency prevention;
- Systems improvement and other program areas.

Although some of these issues are related to the mission of the Office of Juvenile Justice, some are not. Therefore, it is recommended that JJDP continue to be administered by the Governor's Crime Commission.

Programs Requiring Further Study

Determining the most appropriate placement and utilization of the Center for Prevention of School Violence will require further study due to the Center's role in providing research and support to schools and school districts as well as law enforcement and juvenile justice professionals.

Center for Prevention of School Violence
Currently located at North Carolina State University, the Center's mission is to help ensure every student will attend a school that is safe and secure. The Center is the primary point of contact for information, programs, and research about preventing school violence. The Center establishes and supports School Resource Officers, Students Against Violence Everywhere (SAVE) chapters, and conflict management and peer mediation programs. Further study is required to determine the best utilization of the Center's resources.
$500,000 budget

Part IV

Organizational Structure of the New Department

Current Organizational Structure of Office of Juvenile Justice

Effective February 1, 1999, George Sweat was appointed Director of the Office of Juvenile Justice by Governor Jim Hunt. Director Sweat formally announced his management team on April 15, 1999. The following is a brief description of management team staff and their responsibilities.

The following positions report to the Director: one Executive Assistant II, one Deputy, four Bureau Directors, a Public Information Officer and an Assistant to the Director. The Assistant to the Director is responsible for Legislative Affairs, Intergovernmental Relations, and Public Information.

The Deputy Director is responsible for J-Net, and the Information Management System, Program Evaluation and Monitoring, Training and Development, Accreditation/Policy/Procedure, Planning/Research/Federal Grants, Professional Standards. Responsibilities of the Bureau Director of Intervention/Prevention include supervision of Court Counselors on a statewide basis and administering grants to counties through Juvenile Crime Prevention Counsels (formally known as the CBA program). The Special Initiatives Bureau Director is responsible for the Support our Students initiative (SOS), the Governor's One on One Program, the Guard Response Alternative Sentencing Program (GRASP), Eckerd Camps, Camp Woodson, Multi-Purpose Group Homes, and Mentoring Programs. The Administrative Services Bureau director oversees Budget, Accounting, Human Resources, Purchasing, and Facility Management.

The Detention Bureau is responsible for the five training schools and ten detention centers across the state. The Director serves as liaison with the four county-operated detention facilities and oversees the transportation unit that coordinates all transportation needs of detention and training schools. The five training school directors also report directly to this Bureau Director.

Organizational Structure for New Department of Juvenile Justice and Delinquency Prevention

It is recommended that the new Office of Juvenile Justice and Delinquency Prevention remain structured as it currently exists, adding the Guard Response to Alternative Sentencing Program and the Juvenile Accountability Incentive Block Grant funding from the Governor's Crime Commission and staff. An organizational chart is attached to show the recommended reporting relationships for these new programs within the Department of Juvenile Justice and Delinquency Prevention.

As promised in the last legislative session, there will be no increase in costs to establish a new Department of Juvenile Justice and Delinquency Prevention.

Part V

The Proposed Budget for Fiscal Year 2001

No additional funds will be required to establish the Department of Juvenile Justice and Delinquency Prevention. The Governor will release a comprehensive budget document that will address the budget needs of this department and all other departments in May.

Part VI

Legislative Proposals

Legislative proposals will need to be drafted to make the Office of Juvenile Justice a Department and to transfer the GRASP and JAIBG funding to the new Department. There will not be any legislative proposals to consolidate or expand office space at this time because we have a two year lease that will not expire until March 2002. The proposed new Department of Juvenile Justice and Delinquency Prevention will be located at 410 S. Salisbury St., Raleigh, NCPart

Part VII

Analysis of Alternative Organizational Structures

The legislature requested an analysis of whether the authority, powers, duties, and functions of the Office of Juvenile Justice should be moved into an existing department or to a new cabinet-level agency. To fulfill that request, the Juvenile Funds and Plan of Reorganization Subcommittee reviewed options for moving the department into four existing agencies: the Administrative Office of the Courts, the Department of Correction, the Department of Crime Control and Public Safety, and the Department of Health and Human Services.

The Subcommittee concluded that the Office of Juvenile Justice's mission does not fit squarely within any of the existing agencies and merging the office would dilute the state's ability to create a strong focus on juvenile justice issues. Merging of OJJ into an existing department would not necessarily create any additional efficiency due to its size. Based on the size of its staff, the Office of Juvenile Justice is currently the seventh largest of North Carolina's twenty-six agencies, and based on its budget, the state's eleventh largest agency (see attached charts). As a result, placing OJJ within an existing agency would be similar to merging two departments and would not necessarily achieve any economies of scale. The office would continue to require the same level of administrative support that it currently requires.

1. Administrative Office of the Courts (AOC)

The Subcommittee of the Council concluded that the work of the Office of Juvenile Justice is an Executive function of government, not a Judicial function, and should therefore, remain in the Executive branch. As part of the Judicial branch, the Administrative Office of the Courts is charged with providing quality justice throughout the North Carolina court system, while OJJ is responsible for coordinating prevention and rehabilitation issues associated with juvenile offenders. In other states, where probation works for the courts, probation is a Judicial function. However in North Carolina, once a judgment is imposed on a juvenile offender, the Executive branch of government has authority to carry out the sanction imposed. North Carolina has clearly decided already that probation is an Executive branch function, both in the adult and juvenile systems.

Furthermore, prevention efforts are also clearly Executive branch functions; juvenile crime prevention strategies occur prior to court involvement and can best be carried out through schools and community-based intervention programs.

The AOC is currently North Carolina's sixth largest agency based on the size of its staff and the fourth largest based on its budget. If transferred to the Administrative Office of the Courts, the Office of Juvenile Justice would increase AOC's personnel and budget by approximately 40%.

2. Department of Correction (DOC)

The subcommittee determined that placement of OJJ in DOC would negate the critical difference between North Carolina's punishment mission in dealing with adults and the rehabilitation and prevention responsibility in dealing with juvenile offenders. OJJ is a treatment-centered environment with greater emphasis on prevention and rehabilitation for juveniles age 10 to age 21 in training schools. DOC, in contrast, serves adults in a more punitive, controlling environment with a secondary emphasis on treatment.

The Subcommittee also concluded that placing juveniles in the Department of Correction might also increase the stigma of their offense and work against the OJJ mission of rehabilitating all kids in the juvenile justice system. Unlike adult offenders, juveniles always reenter the community when they turn 21; therefore, treatment and rehabilitation philosophy are essential.

Furthermore, DOC is North Carolina's second largest agency by staff and fourth largest by budget. The Subcommittee felt that the size of DOC would overshadow the importance of OJJ because other divisions in the DOC are so much larger than OJJ. Serving youth offenders and preventing juvenile delinquency would be just one small piece of a very large agency; North Carolina's ability to clearly focus on juvenile delinquency prevention would be lost.

3. Department of Crime Control and Public Safety (CCPS)

Though Crime Control and Public Safety has components of its agency which relate to OJJ (Community Service and Victim and Justice Services), their missions are very different. CCPS

focuses largely on safety on NC highways and on coordinating disaster relief efforts, while OJJ is responsible for implementing programs that focus on preventing and reducing juvenile crime.

Because of OJJ's staff and budget size, it would be difficult for CCPS to incorporate juvenile justice into its agency. Crime Control and Public Safety is primarily a law enforcement agency with the Highway Patrol making up approximately 75% of the employees and the budget in the department. When the remaining CCPS staff is separated from the Highway Patrol, CCPS has 725 staff as compared to OJJs 2046 employees. The budget for CCPS, eliminating the Highway Patrol, is approximately $205 million as compared to OJJs budget of approximately $141 million.

4. Department of Health and Human Services (DHHS)

In January 1999, the legislature recognized the need to move the Division of Youth Services, the largest organizational component of the Office of Juvenile Justice, out of DHHS and into the new Office of Juvenile Justice. Moving OJJ back into DHHS would eliminate the state's ability to provide a single focus on the importance of reducing juvenile delinquency.

OJJ has some similarities with DHHS such as the treatment and prevention emphasis and the family treatment orientation, but OJJ is focused specifically on efforts to deter youth crime through punishment and prevention. To place OJJ back in DHHS would allow juvenile justice issues to be overshadowed by the larger health and human service focus of DHHS. DHHS is charged with serving the state's broad range of health and human services needs, including: providing access to health care; mental health and substance abuse services; rehabilitation services for the disabled, blind, hard of hearing; Smart Start and child care programs; Work First services and other welfare related programs; child support enforcement programs; and child abuse and neglect services.

Furthermore, OJJ would become a small division within a huge organization that would not be able to provide it with the focused leadership that the issue needs. DHHS is already the state's largest agency by budget and by staff size. DHHS has a staff of 18,565 people and a $7.8 billion budget, compared to OJJ's staff of 2,046 and budget of $141 million. Juvenile Justice would definitely lose visibility and focus if placed within such a large agency.

Schedule 1 - Departments by Number of Position		1999-00	
		Budgeted	
		Certified	Authorized
Agency		Positions	Funds
Department of Health & Human Services		18,565	$ 7,814,678,146
Department of Correction		18,332	899,233,568
Highway Fund *		16,586	2,822,048,210
Administrative Office of the Courts		5,108	344,443,876
Department of Environment and Natural Resources		3,877	281,899,785
Department of Commerce		3,038	316,948,754
Office of Juvenile Justice **		**2,046**	**141,399,510**
Department of Agriculture & Consumer Services		1,278	84,210,610
Department of Revenue		1,265	82,287,676
Department of Justice		1,242	80,144,513
Department of Administration		792	73,811,595
Department of Cultural Resources		748	78,386,255
Department of Crime Control and Public Safety*		725	205,214,320
Department of Public Instruction		494	5,277,518,248
Department of Labor		437	24,765,256
Department of Insurance		397	55,019,658
Department of State Treasurer (Includes Special Contributions)		287	19,883,254
General Assembly		218	35,383,575
Department of State Auditor		193	11,614,631
Department of Community Colleges		185	591,015,693
Department of Secretary of State		146	7,005,181
Office of State Controller		96	11,513,513
Office State Budget and Management and State Planning		96	8,332,319
Office of the Governor		69	5,435,102
Office of Lieutenant Governor		9	640,485
Miscellaneous***		208	307,519,297
		76,433	$19,580,353,030
*Highway Fund Positions and Budgeted Dollars reflect positions and funding for the N.C. Highway Patrol.			
**Updated positions added in Short Session			
*** Includes Debt Service, OAH, Board of Elections, and other miscellaneous categories.			

Schedule 2 - Departments by Budget Size		1999-00	
		Budgeted	
		Certified	Authorized
Agency		Positions	Funds
Department of Health & Human Services		18,565	$ 7,814,678,146
Department of Public Instruction		494	5,277,518,248
Highway Fund *		16,586	2,822,048,210
Department of Correction		18,332	899,233,568
Department of Community Colleges		185	591,015,693
Administrative Office of the Courts		5,108	344,443,876
Department of Commerce		3,038	316,948,754
Miscellaneous***		208	307,519,297
Department of Environment and Natural Resources		3,877	281,899,785
Department of Crime Control and Public Safety*		725	205,214,320
Office of Juvenile Justice **		**2,046**	**141,399,510**
Department of Agriculture & Consumer Services		1,278	84,210,610
Department of Revenue		1,265	82,287,676
Department of Justice		1,242	80,144,513
Department of Cultural Resources		748	78,386,255
Department of Administration		792	73,811,595
Department of Insurance		397	55,019,658
General Assembly		218	35,383,575
Department of Labor		437	24,765,256
Department of State Treasurer (Includes Special Contributions)		287	19,883,254
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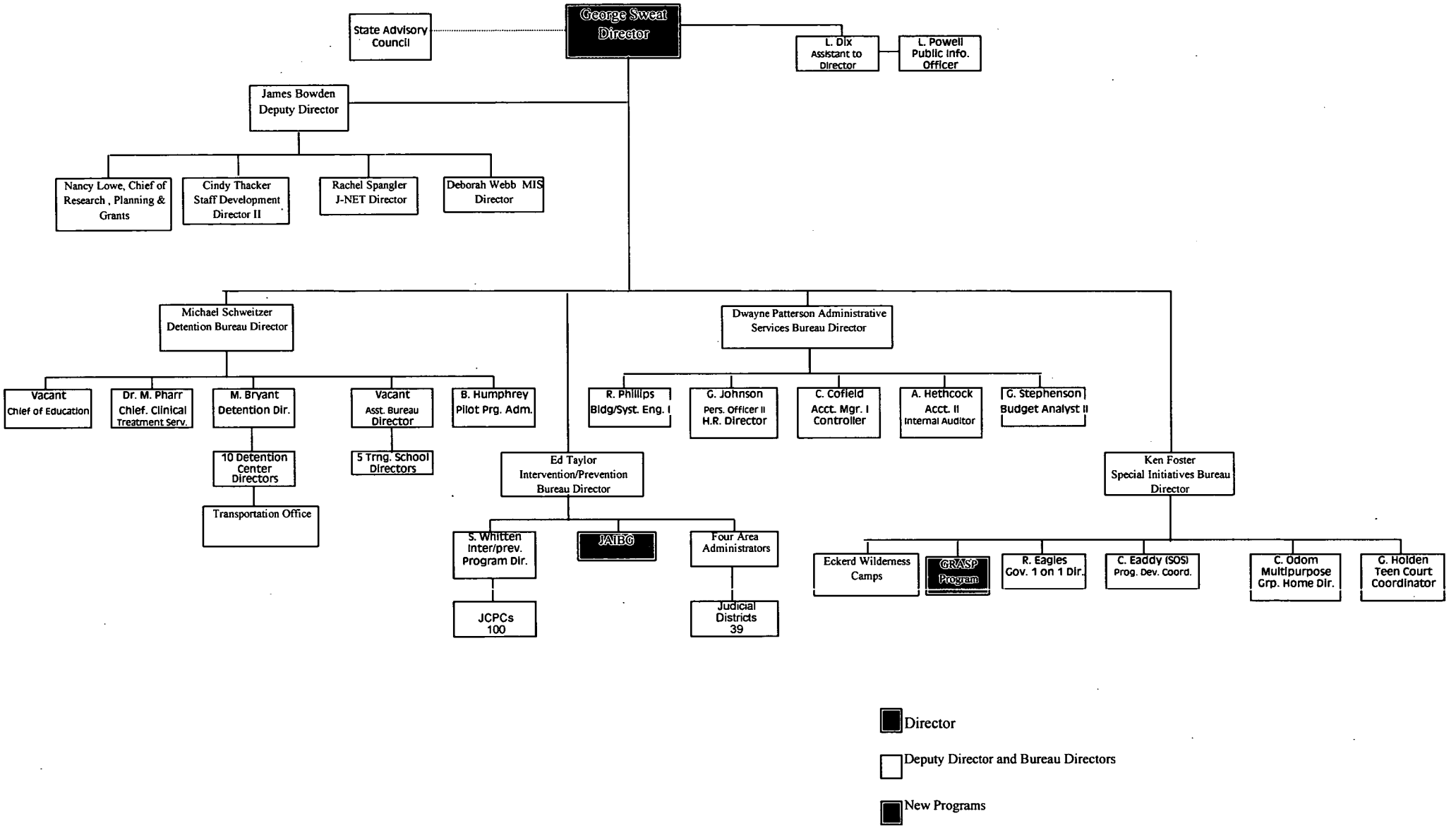
Office of the Governor		69	5,435,102
Office of Lieutenant Governor		9	640,485
		76,433	$19,580,353,030
*Highway Fund Positions and Budgeted Dollars reflect positions and funding for the N.C. Highway Patrol.			
**Updated positions added in Short Session			
*** Includes Debt Service, OAH, Board of Elections, and other miscellaneous categories.			

NORTH CAROLINA OFFICE OF JUVENILE JUSTICE



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VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/30/00

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Peg Dover	Conference of D.A.s
Mark Beason	Capitol Group
Gary McAuley	New Start Beh. Health Care
Barry Ballard	Field coordinator of Ficer
Bud Stumer	AOC
Juli Kim	Sent. Cmsn.
Debbie Dawes	Sentencing Commission
Seth Whitaker	House Appropriations Staff
David Lore	Governor's Crime Commission
HAROLD Webb	New millennium
[illegible]	GAL volunteer

VISITOR REGISTRATION SHEET

Justice and Public Safety
Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
S.A. Carson	GAL Volunteer
Dwayne Patterson	OJJ
James Bowden	OJJ
Donn Hargrove	OJJ
Larry Dix	OJJ
Janet Pittman	OSBM
Whitney Oberg	OSBM

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 30, 2000
8:30 a.m. and 1:00 pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

"Plan of Organization" -- Proposal to create the Department of Juvenile Justice and Delinquency Prevention
George Sweat, Director
Office of Juvenile Justice

Juvenile Crime Prevention Grants (JCPC) -- Report on JCPC Grant Program and Expansion Budget Request
George Sweat, Director
Office of Juvenile Justice

Afternoon

Department of Correction Plan for Short-Term Prison Bed Shortage
Dan Stieneke, Deputy Secretary
Department of Correction

Correction Enterprises Fund and Projects
Jim Godwin, Director
Prison Enterprises, Department of Correction

Inmate Welfare Fund - Correction
Barbara Baker, Assistant Controller
Department of Correction

Proposal for Correctional Officer Pay Adjustments
Jeff Becker, Director of Personnel
Department of Correction

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

JOINT APPROPRIATIONS SUBCOMMITTEE
ON
JUSTICE AND PUBLIC SAFETY
Minutes
May 30, 2000 II

The Joint Appropriations Subcommittee on Justice and Public Safety met on May 30, 2000 in room 415 LOB, at 1:00PM. One senator was present. The following House members were present:

Rep. Paul McCrary	Rep. Phillip Haire
Rep. Larry Justus	Rep. Joe Kiser

Senator Luther Jordan chaired the meeting. He introduced Mr. Dan Steineke from the Department of Corrections. Mr. Steineke distributed a handout titled *Division of Prisons Increased Capacity Proposal,* attached. The handout shows an interim plan for managing the 1235 bed shortage until other units are on board. The prisons expected to increase capacity are outlined. The prisons are remaining at 130% or less of capacity. It is expected that as of June 2003, there will be a 1235 bed deficiency.

Mr. Jim Godwin, Director of Prison Enterprises, DOC was introduced. Mr. Godwin distributed a handout titled *North Carolina Correction Enterprises*, from which he spoke. In response to a question, Mr. Greg Stahl reminded the committee that all capital projects must be fully funded before they are approved. Also in response to a question, Mr. Dan Steineke said that prisoners have been moved out of the Lexington and Catawba units to the Statesville unit to work in the furniture plant. This is temporary until the furniture operation is moved to the Alexander unit.

Mr. Jeff Becker, Director of Personnel for DOC was introduced. Mr. Becker distributed a handout titled *DOC Correctional Officer Pay and Retention Issues*. In January 2000, the vacancy rate among correctional officers was 11.88%. The main problem appears to be salary. $32,000 is probably the maximum that a 30 year correction officer can make. An additional handout, *Legislative Report on Correctional Officer Recruitment and Retention* was distributed. Mr. Becker continued to speak from that handout. Among plans for employee retention, approximately $255,000 in reserve funds will be used to bring everyone up to the 12-month salary from $23, 108. A pay differential of 20% will be given for weekend and night shifts. Training costs $4,000 per trainee.

Ms. Barbara Baker, Asst. Controller, DOC was introduced. She distributed a handout titled *Welfare Receipts and Expenditures* from which she spoke. The handout shows receipts and expenditures. They spend $16 per year, per inmate. They are requesting $2.3 million.

Senator Jordan adjourned the meeting at 3PM.

Senator Luther Jordan
Senate Chair

Gloria Haywood
Committee Assistant

DIVISION OF PRISONS INCREASED CAPACITY PROPOSAL
BASED ON SENTENCING COMMISSION PROJECTION FOR 2000-2003

Type	Fac. Name	Fac. #	SOC	EOC	Proposed EOC Increase	Total Proposed Capacity
Adult Male	Alamance CC	4410	46	56	0	56
May 23,2000	Albemarle CI	4580	624	816	0	816
	Anson CC	4570	252	336	0	336
	Avery/Mitchell	4680	624	816	0	816
	Br. Creek Inst.	3510	832	832	200	1032
	Buncombe CC	4630	140	140	26	166
	Cabarrus CC	4510	164	194	0	194
	Caldwell CC	4625	184	190	28	218
	Caledonia CI	3305	636	636	0	638
	Carteret CC	4110	244	260	20	280
	Caswell CC	4415	354	460	0	460
	Catawba CC	4555	200	220	0	220
	Central Prison	3100	986	1034	53	1087
	Charlotte CC	4530	214	252	0	252
	Cleveland CC	4560	64	100	0	100
	Columbus CI	4355	584	670	0	670
	Craggy CC	4630	312	408	0	408
	Craven CI	3085	542	670	0	670
	Currituck CC	4120	56	68	0	68
	Dan River PWF	3080	500	500	40	540
	Davidson CC	4420	196	244	0	244
	Duplin CC	4125	250	250	50	300
	Durham CC	4210	180	208	0	208
	Eastern CI	3400	393	393	0	393
	Forsyth CC	4430	196	238	0	238
	Franklin CC	4215	356	452	0	452
	Gaston CC	4515	200	232	0	232
	Gates CC	4130	76	96	0	96
	Greene CC	4140	512	544	44	588
	Guilford CC	4440	110	124	0	124
	Harnett CI	3805	820	820	0	820
	Haywood CC	4640	106	106	0	106

Type	Fac. Name	Fac. #	SOC	EOC	Proposed EOC Increase	Total Proposed Capacity
Adult Male	Henderson CC	4645	114	114	27	141
May 23,2000	Hoke CI	4320	424	480	12	492
	Hyde CI	4180	600	600	0	600
	Johnston CI	4230	484	616	0	616
	Lincoln CC	4525	160	202	0	202
	Lumberton CI	4365	624	624	187	811
	Marion CI	3730	702	710	0	710
	McCain CH	3700	365	365	0	365
	Mt. View CF	4855	528	528	0	528
	Nash CI	3710	512	512	96	608
	Neuse CI	3060	600	656	62	718
	New Hanover CC	4170	348	384	22	406
	Odom CI	3310	376	376	48	424
	Orange CC	4240	142	176	0	176
	Pamlico CF	4850	528	528	0	528
	Pasquotank CI	3740	864	920	0	920
	Pender CI	4150	624	728	0	728
	Piedmont CI	3500	640	704	0	704
	Polk HCON	3980	100	100	0	100
	Priv. Sub. Abuse		250	250	0	250
	Randolph CC	4445	176	226	0	226
	Robeson CC	4340	228	276	0	276
	Rowan CC	4540	208	248	0	248
	Rutherford CC	4655	190	216	16	232
	Sampson CI	4345	352	452	0	452
	Sanford CC	4360	242	272	20	292
	Scotland CC	4350	44	48	0	48
	Southern CI	3600	640	672	72	744
	Tillery CI	3320	416	416	46	462
	Tyrrell PWF	3070	500	500	0	500
	Umstead CC	4255	106	106	20	126
	Union CC	4550	64	94	0	94
	Wake CC	4265	354	414	20	434
	Warren CI	4290	552	612	0	612
	Wayne CC	4175	364	428	0	428
	Wilkes CC	4665	206	262	0	262
		Total	24580	27180	1109	28291

Type	Fac. Name	Fac. #	SOC	EOC	Proposed EOC Increase	Total Proposed Capacity
Female	Black Mt. CCW	3040	61	61	0	61
	Fountain CCW	3020	393	531	0	531
	NCCIW	3010	754	928	98	1026
	N. Piedmont CC	3090	104	130	0	130
	Priv. Sub. Abuse		100	100	0	100
	Raleigh CCW	3030	140	176	0	176
	Wilmington RFW	3050	26	26	0	26
		Total	1578	1952	98	2050
Youth	Bladen YC	4315	116	116	28	144
	Blue Ridge YC	3950	64	64	0	64
	Foothills YC	3720	664	664	0	664
	Morrison YI	3930	409	479	0	479
	Polk YI	3980	776	840	0	840
	Sandhills YC	3915	270	306	0	306
	Western YI	3905	652	708	0	708
		Total	2951	3177	28	3205
PLANNED						
2000	Warren CI	4290	36	36	0	36
2001	Central Prison	3100	-52	-52	0	-52
2002	NCCIW	3010	272	272	0	272
		Total	256	256	0	256
					0	
	Grand Total		29365	32600	1,235	33,835
					INCREASED CAP.	1,235

TOTAL BED BY CUSTODY:

CLOSE - 173

MEDIUM - 387

MINIMUM - 675

PROJ. INCREASE	1,235
PROP. BED GAIN	1,235

YEAR	SENT. COM. PROJ.	EOC BEDS	DIFFERENCE
2000	32,113	32,344	231
2001	32,712	32,328	-384
2002	33,067	32,600	-467
2003	33,835	32,600	-1,235

PROPOSED INCREASED CAPACITY

1. Minimum facilities that reduced operating capacity, return to EOC at or below 30% of SOC.
2. Medium facilities operating at SOC be increased to the EOC operation, (Lumberton&Br.Creek).

24-May-00

- Self funded division within the Department of Correction
- Employs approximately 390 staff and 2,100 inmates
- 30 plants are located within 20 prison and 3 hospital facilities across the state
- Main offices are located in Raleigh with Central Warehousing facilities in Apex
- Major industries include License Tags, Chemicals, Printing, Sign, Furniture, Sewing, Metals, Optical, Laundries, Services, Food Processing and Farming
- Sales during the 1998/1999 fiscal year amounted to $74.3 million
- Profits from sales are used to fund equipment purchases and current and future capital projects
- Annual Contributions of $4.0 million:
  - Approximately $.5 million to the Crime Victim's Compensation Fund
  - $1.5 million in revenues to the Department of Correction general fund
  - $2.0 million to compensate **all** inmate workers within the Department of Correction

North Carolina Correction Enterprises

Cash Flow Analysis

Fourth Quarter 1999/2000

(in Millions)

Cash Balance:			
01-Apr-00		22.60	
Projected Net Cash Receipts		1.00	
Cash Available for Use		23.60	
Payments for Committed Projects:			
(Per DOC Engineering):			
Apex Warehouse Upgrade	(0.30)		Job Order # 735
Columbus Sewing Plant			
Construction	(0.10)		Job Order # *641*
Caledonia Farm Upgrades:			
Equipment Shelter	(0.10)		Job Order # 1153
Chemical Storage Building	0.00		Job Order # 1153
Warren Janitorial Plant Upfits	(0.40)		Job Order # 1458
Tag/Duplicating Plant Construction	(0.40)		Job Order # 1452
Miscellaneous Projects	(0.10)		
Total Committed Projects		(1.40)	
Encumbered Equipment Expenditures		(1.70)	
Misc. Maintenance Projects		(0.10)	
Cash Balance 6/30/00		20.40 *	

* Correction Enterprises has determined that it is prudent to keep on reserve two months worth of operating expenses. Current spending rate per month is $6.0, therefore, $12.0 is constantly kept in the fund.

North Carolina Correction Enterprises
Cash Flow Analysis
Fiscal Years 2001 through 2002
(in Millions)

	7/1/2000 to 06/30/2001	7/1/2001 to 06/30/2002
Cash Balance:		
Beginning of Year	20.40	8.75
Projected Net Cash Receipts	12.30	12.30
Cash Available for Use	32.70	21.05
Committed Projects:		
(Per DOC Engineering):		
Caledonia Farm Building Upgrades	(0.60)	0.00
Tag/Duplicating Plant Construction	(4.70)	0.00
Warren Janitorial Products Plant Upfit	(4.00)	(1.00)
NCCE Business Improvement Computer Project	(3.50)	0.00
Sign Plant Sprinkler System	(0.50)	0.00
Miscellaneous Projects	(0.30)	(0.70)
Total Committed Projects	(13.60)	(1.70)
Equipment Purchases	(2.50)	(2.50)
Maintenance Projects	(0.30)	(0.70)
Additional Cash Outlays:		
Ongoing Contribution to DOC General Fund	(1.50)	(1.50)
Payment of Inmate Incentive Wages	(2.00)	(2.00)
Contibution to Victims Compensation Fund	(0.50)	(0.50)
Contribution to DOC General Fund (Non-Recurring)	(2.75)	
Additional Ongoing Contribution to DOC General Fund	(0.50)	(0.50)
Funding of Enterprise Accounting positions	(0.30)	(0.30)
Total Additional Cash Outlays	(7.55)	(4.80)
Gross Cash Available at End of Fiscal Year	8.75 *	11.35 *

* Correction Enterprises has determined that it is prudent to keep on reserve two months worth of operating expenses. Current spending rate per month is $6.0, therefore, $12.0 is constantly kept in the fund. The demands placed upon Correction Enterprises at this time will require delaying several capital projects to future years.

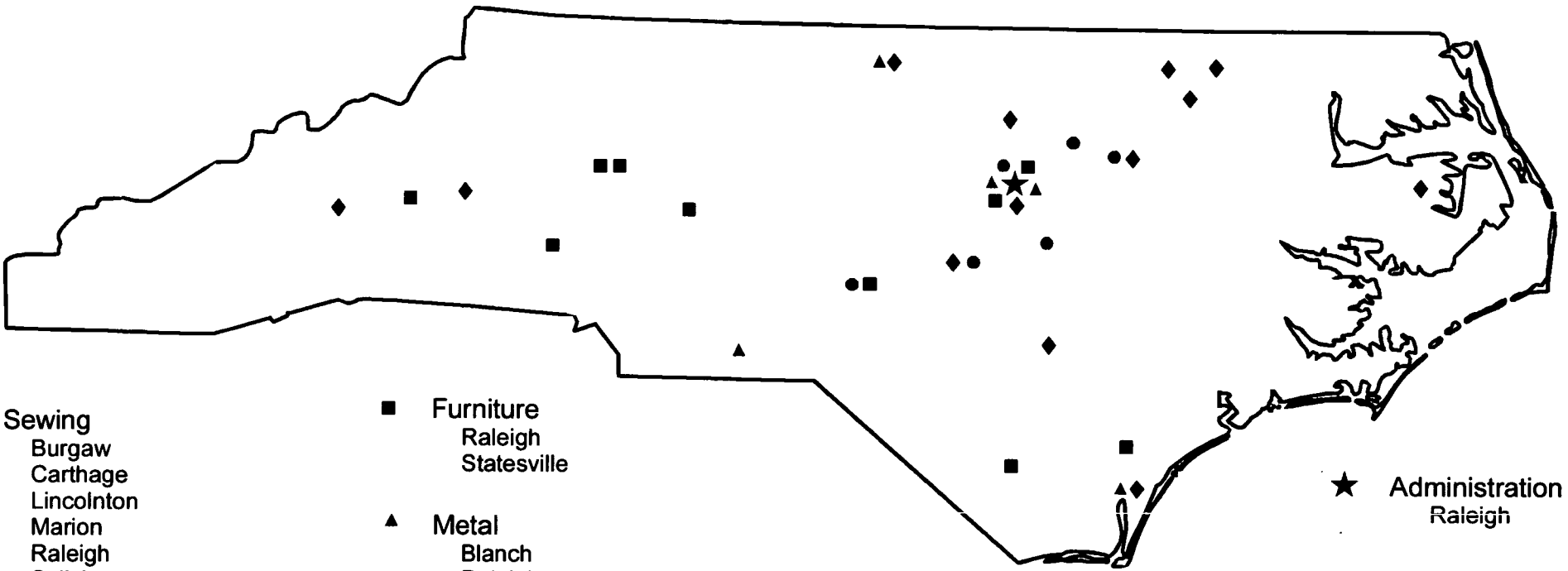
Department of Correction
Correction Enterprises

Future Expansion Plans as of May 2000.

Projects Under Review	Future	
Cannery	2.0	Upgrade existing cannery
Western Laundry	8.0	Consolidate western laundries
Meat Processing	2.0	Expansion of plant
Print Plant	2.0	Establish a western printing operation
Furniture (Alexander)	2.0	Replace the existing plant
Metal Products (Anson)	1.5	Replace the existing plant
Office Partition (Scotland)	1.5	New Industry
Administration	2.3	A new building for private sector involvement.
TOTAL (MILLIONS)	21.3	

NORTH CAROLINA CORRECTION ENTERPRISES

OPERATIONS BY LOCATION



■ Sewing
- Burgaw
- Carthage
- Lincolnton
- Marion
- Raleigh
- Salisbury
- Whiteville

♦ Laundries
- Asheville
- Butner
- Clinton
- Morganton
- Raleigh
- Wilmington

■ Furniture
- Raleigh
- Statesville

▲ Metal
- Blanch
- Raleigh
- Wadesboro

♦ Foods Processing
- Columbia
- Lillington
- Tillery
- Yanceyville

● Chemical
- Lillington
- Nashville
- Smithfield

● Sign
- Bunn
- Carthage

♦ Optical
- Nashville

★ Administration
- Raleigh

● Printing
- Nashville
- Raleigh

▲ Services
- Garner
- Raleigh
- Wilmington

Department of Correction
Correctional Officer Pay and Retention Issues

A. Correctional Officer Vacancy Rates

- January 1999 7.65%
- December 1999 11.51%
- January 2000 11.88%

B. Correctional Officer Attrition Rates

- Attrition Rate = percentage of Correctional Officers that separate from employment within the first 12 months.

  - January 1997 24.9%
  - January 1998 30.1%
  - January 1999 36.7%

- If the recent increasing trend continues, the agency is likely to experience **an overall attrition rate of fifty (50%)** within approximately two years.

C. Turnover Among Experienced Correctional Officers

- 48% of all correctional officers employed from January through June 1996 separated from employment within the first three (3) years.

- 70% of all correctional officers employed from January through June 1998 are projected to separate from employment within the first three (3) years (Based on the recent attrition rate).

D. Correctional Officer Exit Interview Results

- 68.5% were dissatisfied with salary

- 66.7% had a new job prior to separating from employment

- 34% were rehired by other correctional agencies or law enforcement

- 37% indicated they would have remained employed with DOC if salary, benefits, and shift schedule were improved

Department of Correction
Correctional Officer Retention and Pay Issues

E. Correctional Officer Labor Market Issue

- Average Base Pay of a DOC Correctional Officer is $24,193
- NC ranks fifth among Southeastern States, down from 3rd in 1999
  - Georgia 5% special pay increase November 1999
  - Virginia 13% pay increase November 1999
- DOC Correctional Officer Pay vs. County Jailer/Detention Officers
  - 20 counties have higher starting salaries for Detention Officers
  - 12 counties have higher average pay for Detention Officers
  - Wake County recently authorized a significant pay increase for law enforcement and detention staff (Starting Pay Range $25,000 to $26,250)
- Salary Compression
  - 75% of all correctional officers earn less than $25,000 per year in base pay
  - Mid-point of the salary range $27,275 = 20 years of service

Current Recruitment and Retention Efforts

A. Reorganized DOC Recruitment and Employment Processing

- Established 5 Regional Employment Offices
- Streamlined the employment process to expedite hiring
- Developed automated employment tracking system

B. Expanded Recruitment

- Job Fairs
- Advertisements - Newspaper; Television; Radio
- Military - TERA (Temporary Early Retirement Authority)

C. Piloting Alternate Work Schedules - 12 hr shift

D. Established an Office of Testing and Measurement

- Researches/Analyzes recruitment and retention trends
- Assists with pre-employment testing

Department of Correction
Correctional Officer Funding and Pay Initiatives

Phase I - Recommended Funding and Pay Initiatives - June 1, 2000

Step 1: Reduce all vacant Correctional Officer and Probation and Parole Officer positions to the minimum budgeted salary by April 30, 2000.

- This will generate approximately $1.3 million dollars of salary reserve.
- This will raise our total salary reserve to approximately $1.7 million.

Step 2: Increase the Correctional Officer hiring rate by 5%.

- Current hiring rate = $20,951
- New hiring rate = $21,999
- This increase will not require salary reserve expenditures

Step 3: Implement the Correctional Officer Mentoring Program

- Estimated salary reserve cost = $750,000
- Salary reserve balance = $950,000

Step 4: Implement Special Supplemental Shift Premium Weekend Rates for Custody Staff

- 10% for a weekend day shift
- 20% for a weekend evening or night shift
- Estimated lapsed salary cost = $4.7 million annualized
- Budget analysis indicates funds are available from projected lapsed salary line items.

Step 5: Increase Holiday Premium Supplemental Pay by 25%.

- Estimated lapsed salary cost = $1.6 million
- Budget analysis indicates funds are available from projected lapsed salary line items.

Department of Correction
Correctional Officer Funding and Pay Initiatives

Phase II - Projected Proposals for Funding and Pay Initiatives - July 1, 2000

Proposal: Establish a Correctional Officer 12 Special Minimum Rate (2%)

- Example: A Correctional Officer completes 12 months of service on 6/30/00. On 7/01/00 the employee's salary adjusts as follows:

$21,999	June 30 Salary
+ 220	*1% Cost of Living
$22,219	July Salary
+ 440	*2% Career Growth
$22,659	
+ 449	2% DOC Correctional Officer SMR Adjustment Pay
$23,108	New 12 Month Salary

Note: The figures in the example are based on projected legislative increases of 1% cost-of-living and 2% career growth.

Step 1: Adjust all Correctional Officers making less than $23,108 to the new 12 month salary effective 7/1/00.

- Estimated salary reserve costs: $255,000
- Salary reserve balance: $695,000

Step 2: Each month thereafter all Correctional Officers upon reaching 12 months of employment would be adjusted to the new 12 month salary ($23,108).

- Estimated monthly salary reserve costs: $43,500
- Estimated annualized salary reserve costs: $522,000
- Salary reserve balance: $173,000

Department of Correction
Correctional Officer Funding and Pay Initiatives

Phase III - Projected Proposals for Funding and Pay Initiatives - December 2000

Step 1: Correctional Officer In-Range Equity Adjustments

- Request $3 million from the OSB Special Salary Adjustment Fund
- $1000.00 maximum adjustment
- Benchmark Example:

$25,708	Projected 7/01/00 Correctional Officer Salary (10 year veteran)
+ 372	Equity Adjustment
$26,080	New Salary

- Estimated costs: $2.1 million
- Special Salary Adjustment Fund Balance: $900,000

Step 2: 24 Month Correctional Officer Adjustment

- Use methodology from 12 month adjustment program
- 24 month salary = $23,848
- Use Special Salary Adjustment Fund Balance of $900,000 to fund.
- Estimated salary reserve monthly costs: $65,000
- Estimated salary reserve Annualized costs: $780,000

Note: If the Office of State Budget approves a $3 million dollar allocation of Special Salary Adjustment funds, the salary reserve balance would be $120,000. This balance would be used for Sergeant equity.

Phase IV: 160-165 Straight Time Pay

- Estimated Annualized Costs: 5.6 million dollars
- Estimated Monthly Costs: $430,000
- Funding for this pay plan conversion is not currently identified

Phase V - Correctional Officer Pay Plan - Fiscal year 2000-2001

- Develop a pay plan which achieves a mid-point salary upon reaching 7 years of employment ($27,275)
- One time costs for Correctional Officer employees: $8,800,453
- One time costs for associated classes (Sgt, Lt.) $3,262,846
- Total costs: $12,063,299

Note: Total costs include equity adjustments for employees with over seven years of service.

STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION

Division of Human Resources Management

LEGISLATIVE REPORT ON CORRECTIONAL OFFICER RECRUITMENT AND RETENTION

May 16, 2000

James B. Hunt, Jr.
Governor

Jeffrey R. Becker
Director

Theodis Beck
Secretary

May 16, 2000

Division of Human Resources Management ***Legislative Report***
On Correctional Officer Recruitment and Retention

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Note: Correctional Officer Attrition and Vacancy Data was prepared by:
R. Alan Harrop, Ph.D, Director, Office of Testing and Measurement

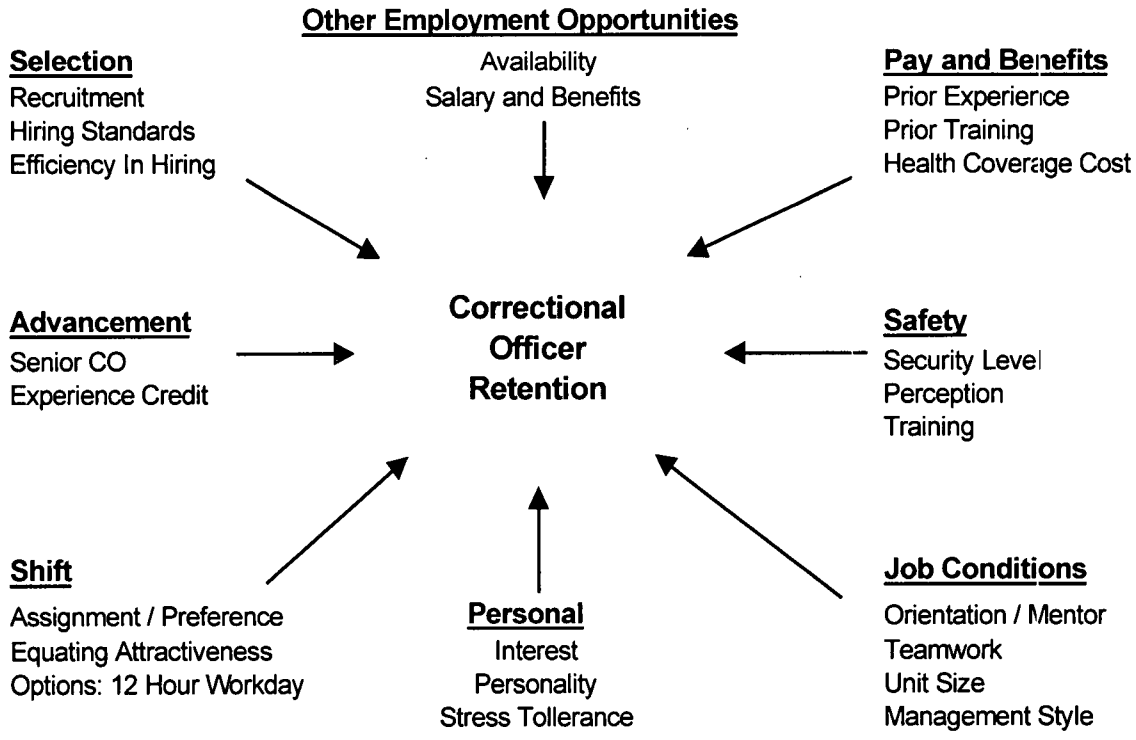
May 16, 2000

Introduction

Correctional Officer Recruitment and Retention -History

The recruitment and retention of correctional officers is critical to the successful and cost effective operation of any prison system. Around the country, many states have experienced increasing difficulty in recruiting qualified applicants for entry level correctional officers positions and a corresponding increase in turnover. The shortage has been attributed to rapid expansion of the prison system, low pay, a booming economy that makes the prospect of spending the day guarding inmates less attractive, and the risks of dealing with inmates who are getting more violent. At the same time, the attrition rate has increased. Despite aggressive recruitment efforts (radio, television, job fairs etc.), the attrition rate in the NCDOC continues to increase at a pace that outstrips the ability to fill correctional officer vacancies. Figure 1 shows various factors that can affect the retention of correctional officers. The purpose of this report is to summarize the status of correctional officer retention and turnover and to provide information about the relative impact of the factors shown in Figure 1.

Figure 1



A. Correctional Officer Vacancy Rate Analysis

Recent Report: April 2000

The vacancy rate of correctional officers was 10.8% for the entire Division of Prisons as of April 1, 2000. Table 1 shows the vacancy rate data by region and the Central region (14.1%) is having the most problems closely followed by the Piedmont (13.0%) region. These average figures mask the extent of the problem at particular facilities that are experiencing the greatest problems. Vacancy rates of this magnitude not only result in considerable overtime expenditures but put additional pressure on remaining staff having to work days off and contributes to more turnover.

Table 1: CORRECTIONAL OFFICER VACANCY RATES BY REGION

	April			March	Six Month
Region	Positions	Vacant	Rate	Rate	Rate
CENTRAL	2199	309	14.1%	13.3%	12.3%
PIEDMONT	1336	174	13.0%	13.5%	11.9%
SOUTH CENTRAL	1906	204	10.7%	11.3%	11.5%
WESTERN	1452	119	8.2%	11.3%	10.8%
EASTERN	1969	148	7.5%	8.0%	9.8%
Totals	8862	954	10.8%	11.4%	11.2%

B. Correctional Officer Attrition Rate Analysis

Attrition rate is defined as the percentage of new hire correctional officers who separate from employment within the first twelve months. This measure is a good indication of how well the agency is retaining new employees and is independent of the number of positions allocated at any particular time. Due to the definition of how this rate is derived a minimum of 12 months is required to observe how many officers have separated so consequently the information is at least 12 months from the current date.

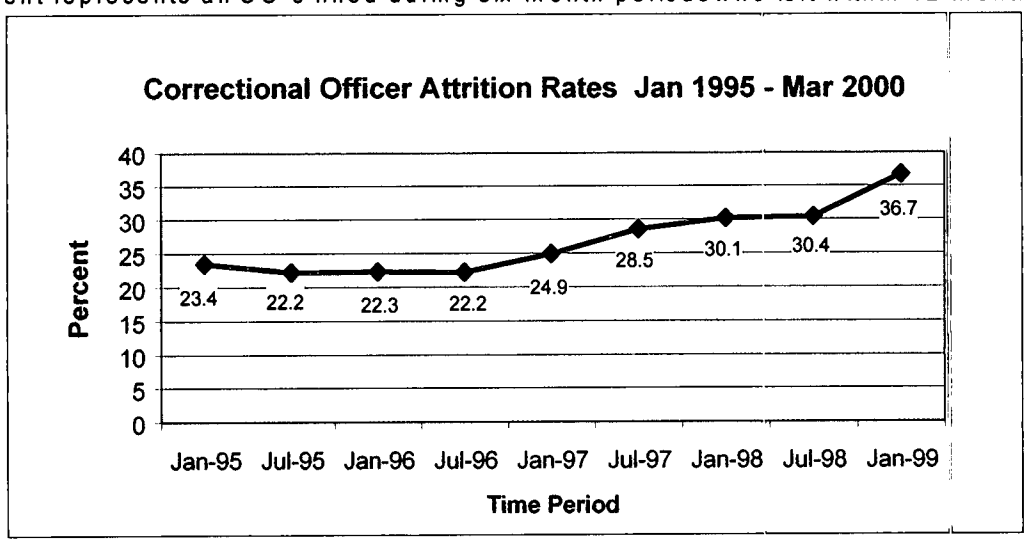
Attrition Rate 1995-present

As can be seen in the information provided in Table 2 and the accompanying chart, the attrition rate has increased considerably from January 1995 through the latest figure March 2000. The March figure of 37.1% is the highest observed indicating that more than one-third of the officers hired left within 12 months of their employment date.

TABLE 2: CORRECTIONAL OFFICER ATTRITION RATES Jan 1995 - Mar 2000

Period	Percent
Jan-95	23.4
Jul-95	22.2
Jan-96	22.3
Jul-96	22.2
Jan-97	24.9
Jul-97	28.5
Jan-98	30.1
Jul-98	30.4
Jan-99	36.7

Note: Includes all CO s employed in the Department regardless of location or duties. Percent represents all CO s hired during six-month periodswho left within 12 months.



Recent Attrition Rates By Region And Selected Facilities

The most recent attrition rate calculated as of March 2000 shows the overall rate for the entire Division of Prisons to be 37.1%. Table 3 shows the attrition rates for the five geographic regions. Table 4 shows the attrition rates for some of the facilities that have been having chronic problems maintaining staffing levels. As can be seen several of these facilities have already experienced attrition rates above 50% (underlined) at various times. Attrition rates of this magnitude have substantial impact on facility management and potential facility security.

TABLE 3: CORRECTIONAL OFFICER ATTRITION RATE DATA BY REGION

Unit	Hired	Left	Mar-00 Attrition Rate
CENTRAL	319	135	42.3%
EASTERN	168	54	32.1%
PIEDMONT	116	45	38.8%
SOUTH CENTRAL	181	58	32.0%
WESTERN	148	54	36.5%
Totals	932	346	37.1%

TABLE 4: FACILITIES WITH THE HIGHEST AVERAGE ATTRITION RATES

1995-1999	Jan-95	Jul-95	Jan-96	Jul-96	Jan-97	Jul-97	Jan-98	Jul-98	Jan-99	Aver.
Polk	13	40	42	26	37	42	48	46	49	38.
Franklin	28	41	25	19	**52**	45	27	47	**53**	37.
Morrison	17	24	**52**	40	40	29	45	31	35	34.
Piedmont	29	28	24	42	33	34	28	**52**	40	34.
Marion	33	18	22	38	47	32	41	36	34	33.
Central P.	25	34	25	36	38	32	39	29	30	32.
Western	28	27	17	23	17	47	**57**	42	50	34.
Pasquotan	33	16	17	30	27	**56**	36	37	37	32.1
kNCCIW	26	14	30	28	25	40	46	37	48	32.7
Average	25.8	26.9	28.2	31.3	35.1	39.7	40.8	39.7	41.8	

Note: Attrition rates that meet or exceed 50% are underlined.

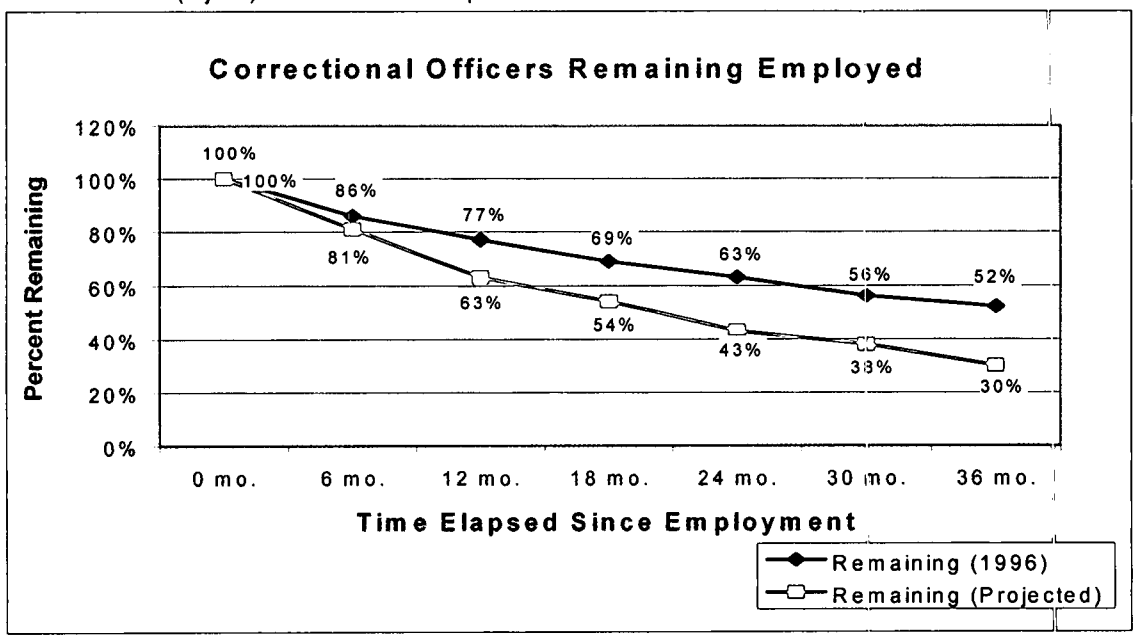
C. Turnover of Experienced Correctional Officers

The loss of correctional officers during the first year of employment is greater than in subsequent years. Table 5 shows there is a steady loss of officers over time that can be anticipated to worsen as the attrition rates for the more recent time periods are projected into the future. Of all the officers hired from Jan-Jun96, 52% remained employed (or 48% left) after 3 years. Examining officers that were hired from Jan-Jun98 at the attrition rate that they experienced it can be projected that at the end of 3 years only 30% will continue to be employed (or 70% left). The point is that the worsening attrition during the first year is also occurring during subsequent years and resulting in a less experienced and seasoned workforce. This is particularly problematic as the percentage of prisoners serving sentences for violent crimes is increasing.

TABLE 5: CORRECTIONAL OFFICERS REMAINING AFTER 36 MONTHS

From DOE	Remaining (1996)	Remaining (Projected)
0 mo.	100%	100%
6 mo.	86%	81%
12 mo.	77%	63%
18 mo.	69%	54%
24 mo.	63%	43%
30 mo.	56%	38%
36 mo.	52%	30%

Note: Column (1996): This information is for all correctional officers hired from 1/96 to 6/96.
Column (Projected): This information is what is expected based on the recent increase in attrition.



D. Correctional Officer Exit Interview Results

Exit interviews were conducted by staff from the Office of Testing and Research of correctional officers separating from employment from September 1 through December 31, 1999 in the Central Region. A summary of results is listed below:

68.5%	were dissatisfied with salary
66.7%	had a new job prior to separating from employment
34%	were rehired by other correctional agencies or law enforcement
37%	indicated they would have remained employed with DOC if salary, benefits and shift schedule were improved.

E. Labor Market

National Trends – Southeastern States

The problems that NCDOC is experiencing with correctional officer recruitment and retention are consistent with national trends in the various law enforcement and criminal justice agencies. The average base pay of a correctional officer in NCDOC is $24,193. North Carolina ranks 5th among Southeastern States, down from 3rd place since August 1999. Two neighboring states have recently received special provisions from their state legislatures to adjust correctional officer Pay. Georgia Correctional Officer's received a special pay increase in November 1999 to help with difficult recruitment and retention issues. The state of Virginia also granted a special allocation of funds in November 1999 providing for a 13% pay raise to their correctional officer's as well as approving them for Law Enforcement Retirement Benefits.

North Carolina – State, Municipal and County Governments

Recent pay improvements for North Carolina Law Enforcement personnel at municipal, county and state level has created an extremely competitive labor market in a number of geographic regions throughout the state. NCDOC is falling behind numerous NC County Governments in starting pay for their detention officers. Twenty counties have higher starting salaries for detention officers as compared to correctional officers. Wake County recently authorized a significant pay increase for Law Enforcement and detention jail staff ($25,000 to $26,250).

County Jailer/Detention Officer Salary Comparisons

STARTING SALARIES OF COUNTY JAILER/DETENTION OFFICER VS. CORRECTIONAL OFFICER		
LOCATION	**TITLE**	**SALARY RANGE**
Mecklenburg	Detention Officer	$26,559 - $45,151
Guilford	Jailer	$26,642 - $43,959
Forsyth	Jailer	$25,853 - $ 39,169
Durham	Jailer	$25,463 - $37,802
Wake	Jailer	$25,000 - $35,149
Cumberland	Jailer	$24,289 - $35,129
New Hanover	Jailer	$23,556 - $33,738
Rowan	Jailer	$23,124 - $36,704
Pitt	Jailer	$23,046 - $31,596
Orange	Jailer	$22,413 - $35,637
Randolph	Jailer	$22,308 - $31,596
Wilson	Jailer	$22,110 - $35,394
Buncombe	Jailer	$22,001 - $31,294
Alamance	Jailer	$21,912 - $34,236
Rockingham	Jailer	$21,788 - $31,590
Dare	Jailer	$21,636 - $31,611
Yadkin	Jailer	$21,492 - $26,844
Nash	Jailer	$21,464 - $32,767
Johnston	Jailer	$21,065 - $31,096
McDowell	Jailer	$21,057 - $30,954
NCDOC	Correctional Officer	$20,951 - $33,598

Note: 66.7% of the Correctional Officers have a new job prior to separating from NCDOC.

Note: 34% of the Correctional Officers that separate from NCDOC are rehired by other correctional agencies or law enforcement.

Correctional Officer – Salary Compression

There is significant salary compression among correctional officers, with the vast majority being paid at the low end of the pay range (salary grade 62). Seventy-five percent (75%) of all Correctional Officers earn less than $25,000 per year in base pay. The average length of state service of Correctional Officers being paid at the mid-point of the salary range ($27,275) is 20 years.

EMPLOYEE AGGREGATE SERVICE PROFILE		
Months of Aggregate Service	**Numbers of Employees**	**Avg. Salary of Aggr. Service Range**
Less than 13 Months	486	$22,074
13 - 24 Months	1,008	$22,656
25 – 36 Months	864	$23,051
37 – 48 Months	860	$23,592
49 – 60 Months	615	$23,755
61 – 72 Months	524	$23,952
73 – 84 Months	323	$24,392
85 – 96 Months	209	$24,378
97 – 108 Months	276	$24,705
109 – 120 Months	259	$24,962
121 – 132 Months	301	$25,091
133 – 144 Months	187	$25,589
145 – 156 Months	119	$25,583
157 – 168 Months	90	$25,685
169 – 180 Months	88	$25,928
181 – 192 Months	62	$26,796
193 – 204 Months	88	$26,824
205 – 216 Months	122	$27,116
217 – 228 Months	68	$26,979
229 – 240 Months	58	$26,983
241 – 252 Months	54	$27,411
253 – 264 Months	44	$27,809
265 – 276 Months	49	$28,859
277 – 288 Months	34	$29,491
289 – 300 Months	23	$30,291
301 – 312 Months	24	$29,326
313 – 324 Months	18	$30,881
325 – 336 Months	20	$30,609
337 – 348 Months	13	$31,389
349 Months and Over	17	$31,450
Total Employees	**6,903**	
Average Aggregate Service	**77 Months**	**$24,123**

Note: A North Carolina Highway Patrol Trooper reaches the maximum of their salary grade within 84 months of service (See Figure 2)

Note: 68.5% of Correctional Officers that have separated from NCDOC were dissatisfied with salary.

Department Response – Current Recruitment Efforts

A. Reorganized DOC Recruitment and Employment Processing

(1) Established 5 Regional Employment Offices
(2) Streamlined the employment process to expedite hiring
(3) Developed automated employment tracking system

B. Expanded Recruitment

(1) Job Fairs
(2) Advertisements – Newspaper; Television; Radio
(3) Military – TERA (Temporary Early Retirement Authority)

C. Piloting Alternate Work Schedules – 12 hour shift

D. Established an Office of Testing and Measurement

(1) Researches/Analyzes recruitment and retention trends
(2) Assists with pre-employment testing

Pay Initiatives

SUMMARY – PHASES OF THE CORRECTIONAL OFFICER PAY PLAN	
PHASE I	Recruitment and Retention Funding and Pay Initiatives June 1, 2000
PHASE II	Correctional Officer 12 Month Special Minimum Rate
PHASE III	Correctional Officer In-Range Equity Adjustments Correctional Officer 24 Month Adjustment
ANTICIPATED INITIATIVES:	
PHASE IV	160 – 165 Straight Time Pay
PHASE V	Pay Plan to achieve Mid-Point Salary

Phase I: Recruitment and Retention Funding and Pay Initiatives – June 1, 2000

Step 1: Reduce all vacant Correctional Officer and Probation and Parole Officer positions to the minimum budgeted salary by April 30, 2000.

Funding Source Generated (approximate):	$1,300,000	Salary Reserve
Total Funding:	$1,700,000	Salary Reserve

Step 2: Increase the Correctional Officer Hiring Rate by 5%.

Current Hiring Rate:	=	$20,951
New Hiring Rate:	=	$21,999

Note: All positions are budgeted at or above the minimum rate therefore, this will not require expenditures from salary reserves

Step 3: Implement the Correctional Officer Mentoring Program

In-range salary adjustment of $1200.00 added to base pay ($100.00 x 12 months) for each mentor.

Estimated Salary Reserve Cost:	$750,000
Salary Reserve Balance:	$950,000

Step 4: Implement Special Supplemental Shift Premium Weekend Rates

Custody staff that works a minimum of one full weekend rotation every fourth weekend shall be eligible for shift premium pay of 10% for a day shift and 20% for an evening shift.

Estimated Lapsed Salary Cost: $4,700,000

Note: Budget analysis indicates funds are available from projected lapsed salary line items.

Step 5: Implement Special Supplemental Holiday Premium Pay Rates for Custody Staff

A Correctional Officer working an 8.25 schedule, earning $12.00 an hour would earn Holiday Premium Pay as follows:

Current Rate (1/2 x $12.00):	$6.00 x 8.25 hours = $49.50
New Rate (3/4 x $12.00):	$9.00 x 8.25 hours = $74.25

Estimated Lapsed Salary Cost: $1,600,000

Phase II: Establish a Correctional Officer 12 Month Special Minimum Rate

Example: A Correctional Officer completes 12 months of service on 6/30/00. On 7/1/00 the employee's salary adjusts as follows:

$21,999	June 30 Salary
+ 220	* 1% Cost-of-Living
$22,219	July Salary
+ 440	* 2% Career Growth
$22,659	
+ 449	DOC CO SMR Adjustment Pay
$23,108	New 12 Month Salary

Step 1: Adjust all Correctional Officers making less than $23,108 to the new 12 month salary effective 7/1/00 (12 months of service).

Estimated Salary Reserve Cost:	$255,000
Salary Reserve Balance:	$695,000

Step 2: Each month thereafter all Correctional Officers upon reaching 12 months of service would be adjusted to the new 12 month salary ($23,108).

Estimated Monthly Salary Reserve Cost:	$43,500
Estimated Annualized Cost:	$522,000
Salary Reserve Balance:	$173,000

Note: The figures in the example are based on projected legislative increases of 1% cost-of-living and 2% career growth.

Phase III: Correctional Officer/Correctional Sergeant In-Range Equity Adjustments

Step 1: Correctional Officer In-Range Equity Adjustments

Request $3,000,000 from the Office of State Budget Special Salary Adjustment
Approximately $880 - $1000 maximum adjustment

Benchmark Example:

$25,708 Projected 7/01/00 Correctional Officer Salary (10-year veteran)
+ 372 Equity Adjustment
$26,080 New Salary

Estimated costs:	$2,100,000
Special Salary Adjustment Fund Balance:	$900,000

Step 2: 24 Month Correctional Officer Adjustment

Use methodology from 12 month adjustment program
24 month salary = $23,848
Use Special Salary Adjustment Fund Balance of $900,000 to fund

Estimated salary reserve monthly costs:	$65,000
Estimated salary reserve annualized costs:	$780,000

Note: If the Office of State Budget approves a $3,000,000 dollar allocation of Special Salary Adjustment funds, the salary reserve balance would be $120,000. This balance would be used to partially address Sergeant Equity.

Phase IV: 160 – 165 Straight Time Pay

Correctional Officers are required to attend a 15-minute briefing prior to the beginning of each shift. This results in Correctional Officers working a total of 2145 or 65 hours more per year than regular state employees (2080) for their base salary.

Step 1: Implement the maximum 7K Law Enforcement Overtime Exemption of 171 hours.

Step 2: Compensate correctional officers for the 15-minute shift line up at a straight time rate.

Approximate Net Base Salary Increase (per officer):	$780
Estimated Monthly Cost:	$430,000
Estimated Annualized Cost:	$5,600,000

Note: Funding for this pay plan conversion is not currently identified.

Phase V: Correctional Officer Mid-Point Salary Plan

Currently, the average length of state service of Correctional Officers being paid at the mid-point of the salary range ($27,275) is 20 years. State Highway Patrol Troopers reach the maximum of their salary range in 84 months. It is essential that the North Carolina Department of Correction develop a salary progression, which improves salary compression for the Correctional Officer job class.

Proposal: **Develop a Correctional Officer Pay Plan which achieves a mid-point salary ($27,275 in 2000-2001 fiscal year dollars) upon reaching seven (7) years of employment.**

One time costs for Correctional Officer employees:	$8,800,453
One time costs for associated classes (Sergeants, Lieutenants etc.)	$3,262,299
Total:	$12,063,299

Note: ***Total cost figures include equity adjustments for employee with over seven years of service.***

CORRECTIONAL OFFICER
PAY PLAN FUNDING SUMMARY

DOC Salary Reserve	DOC Lapsed Salary	OSB Special Salary Adjustment Fund
Total: $1,700,000 $1,700,000 - 750,000 (Mentor Program) 950,000 Balance - 255,000 (2% Salary Adj.) $695,000 Balance - 522,000 (12 Month Adj.) $173,000 Balance	Total Expenditure: $6,300,000 $4,700,000 (Weekend Supplemental Pay) $1,600,000 (Holiday Supplemental Pay)	Requested: $3,000,000 $3,000,000 - 2,100,000 (CO Equity Adj.) $900,000 Balance - 780,000 (24 Month Adj.) $120,000 Balance - $120,000 (Sgt. Equity) 0 Balance

DIVISION OF PRISONS

WELFARE RECEIPTS AND EXPENDITURES - ACTUAL FOR 95-96, 96-97, 97-98, 98-99
WELFARE RECEIPTS AND EXPENDITURES - BUDGET FOR 00-01

DESCRIPTION	ACTUAL 95-96	ACTUAL 96-97	ACTUAL 97-98	ACTUAL 98-99	PROJECTED TO 6/30/00	BUDGET 00-01
RECEIPTS:						
CANTEEN SALES	17,033,457	19,504,337	21,588,477	23,995,040	24,218,595	24,750,000
PAY TELEPHONE COMMISSIONS	6,394,792	7,155,259	6,165,463	7,371,567	7,109,680	7,500,000
MISC. RECEIPTS	427,539	259,743	304,040	119,797	125,000	125,000
TOTAL RECEIPTS	**23,855,788**	**26,919,339**	**28,057,980**	**31,486,404**	**31,453,274**	**32,375,000**
EXPENDITURES:						
CANTEEN MERCHANDISE	14,760,255	16,915,711	18,722,344	19,867,166	19,452,202	20,000,000
SALES TAX ON SALES & BANK CHGS	1,045,573	1,090,575	1,185,845	1,335,336	1,453,116	1,485,000
SALARIES & BENEFITS	177,186	199,681	434,050	490,543	525,826	550,000
(PAYPHONE/CASHLESS/TRUST FUND)						
PAY TELEPHONE EXPENSE	476,881	552,116	1,458,917	1,164,505	761,850	700,000
JOB ORDERS	967,031	556,438	598,117	369,812	400,000	550,000
MAINTENANCE TRACKING SYSTEM					0	0
INFORMATION HIGHWAY	29,439	28,601	33,898	36,001	8,000	8,000
EDUCATION	2,095,503	1,312,886	1,744,924	2,081,787	2,148,548	2,500,000
VICTIMS COMPENSATION FUND	413,370	430,110	463,170	487,500	500,000	525,000
INDIGENT INMATES	434,502	505,163	499,394	610,949	653,970	700,000
CASHLESS CANTEENS & TRUST FUND	1,013,232	1,543,174	322,773	489,309	250,000	475,000
TRANSFER TO GENERAL FUND				708,103	980,000	2,455,000
FACILITY SUPPLIES, EQUIPMENT & PROGRAM	2,774,780	3,709,079	3,375,400	3,590,287	3,200,000	3,400,000
TOTAL EXPENDITURES	**24,187,752**	**26,843,534**	**28,838,832**	**31,242,731**	**30,333,512**	**33,348,000**
RECEIPTS OVER EXPENDITURES	**(331,964)**	**75,805**	**(780,852)**	**243,673**	**1,119,763**	**(973,000)**
BEGINNING CASH BALANCE PRIOR FY	**4,495,789**	**4,164,811**	**4,250,233**	**3,469,382**	**3,713,055**	**4,832,818**
ENDING CASH BALANCE CURRENT FY	**4,163,825**	**4,250,233**	**3,469,382**	**3,713,055**	**4,832,818**	**3,859,818**

VISITOR REGISTRATION SHEET

Justice and Public Safety — 5/30/00 PM

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mark Benson	Capital Group - Corrections Corp.
Greg Owens	ACLU
Deborah Ross	ACLU
Anne Winner	NCADCR
Barbara Baker	DOC
Joe Hamilton	DOC
[illegible] Becker	DOC
[illegible] Gadwin	DOC
Judkins [illegible]	GAL volunteer
E. Carson	GAL Volunteer
Greg [illegible]	DOC

VISITOR REGISTRATION SHEET

Justice and Public Safety

Name of Committee **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Larry Dix	OJJ
Steve Lusk	AOC
Janet Patterson	OSBM
Whitney Oberg	OSBM

MINUTES OF JOINT SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY OF THE HOUSE
May 31, 2000-8:30

The meeting of the Joint Appropriations Committee on Justice and Public Safety met in Room 415 in the Legislative Office Building.

The members of the committee attending were Representative Paul McCrary, presiding; also in attendance, Representative's Thomas, Haire, Justice, Kiser and Sexton.

Co-Chairman Paul McCrary recognized Elisa Wolper, fiscal research staff. starting with **the review of 1999 Special Provisions and Proposed New Provisions**. Elisa stated, she would walk through the JPS 1999 Special Provisions with the Committee and look at the Modifications and Proposed New Provisions to Date. (See Attachment) Starting with the **Report on Community Mediation Centers**, Elisa shared with the Committee that the Administrative Office of the Courts (AOC.) requested a change, to transfer the responsibility from the Judicial Department to the Mediation Network. Elisa continued with the **Court Information Technology Fund**. AOC has requested, changing the reporting schedule. `**Criminal Case Assistance/Funds for Court Services** had know proposed revision to the special provisions but Elisa wanted to include it in the packet
because there has been legislation introduced in both chambers that would give temporary assistance when dockets are over-crowded for district attorneys.

That completes the **Judicial Provisions.**

Alisha continued with a Provision, the **Criminal Justice Partnership Program**. A Modification of Funding Formula For The North Carolina State-County Criminal Justice Partnership Act/Status Report On Criminal Justice Partnership Program(See Attachment).

Co-Chairman Representative McCrary then recognized Jim Mills, fiscal research staff, continuing with the **1999 Provisions from the Department of Corrections**. He stated that this Provision has been worked on by the Committee over the last several years to address the issue of how to handle the *Jail back log*. **Reimburse Counties for Housing and Extraordinary Medical Costs for Inmates, Parolees and Post-Release Supervises awaiting Transfer to State Prison System**(See Attachment).

Jim Mills continued with the next Provision, which was also *an issue of available funds,* **Inmate Costs** (See Attachment).

Next Provision: **Criminal Justice Education And Training Standards Commission/Special Committee To Rewrite Standards, Code, and Policy Procedures For Employment Of Certified Positions In The Department of Correction**(See Attachments).

Next Provision: **Department of Correction, Federal Grant Matching Funds** (See Attachment).

Next Provision: **Proposed Standards For Private Prisons For Out-Of-State Inmates** (See Attachment). That there is a *moratorium* on Private Prisons that hold out of state inmates until the department of Corrections develops standards and then the General Assembly acts on those standards.

Next Provision: **Close Security Prisons** (See Attachment). The request for proposals shall provide for the option of bidding on one or more of the facilities, and shall provide for the option of bidding on one or more of the facilities, and shall require each bidder to provide a separate bid on a single facility of up to 1,000 cells. The Secretary of Correction, in consultation with the Chairs of the joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety shall make recommendations to the Department of Administration on the final award decision.

Next Provision: **Criminal Justice Information Network Report** (See Attachment). Jim Mills reported that this is a Provision carryover from last year, from the Department of Justice, that might need a change.

Next Provision: **Secure Group Home For Female Offenders** (See Attachment). Funds appropriated to the Department of Health and Human Services and reallocated to the Office of Juvenile Justice for construction of beds for female offenders at Gatling Detention Center shall be reallocated to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards. Jim shared with the Committee that there has been a new bill introduced, the Bill would give the authority to the County to continue to upgrade the Gatling Detention Center and allow the county to build two 8 bed Multi-Purpose Centers and upgrade the Gatling Detention Center. Total package would be close to One Point Six Million Dollars.

The next Provision: **Study Staffing at Training Schools and Detention** Centers (See Attachment). Study should be complete by September 2000.

Next Provision: **Funds For Local Organizations of the Boys and Girls Club** (See Attachment). Jim Mills stated that this provision also has a potential reporting issue.

Next Provision: **State Funds May Be Used as Federal Matching Funds** (See Attachment) Jim stated that there is a report on its way to the Committee for this year's money.

Next Provision: **Establish A Pilot Program for A Multifunctional Juvenile Facility** (See Attachment). Jim stated that in the Committee they proposed a couple possible changes. The members suggested that it was not clear, that this facility would be only for North Carolina Juveniles. Section 21.13 State Authority over Offenders the Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina Juvenile Justice System in a facility constructed and operated by a private entity. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law. The Office of Juvenile Justice shall make a written report no later than March 1, 2000, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by March 1, 2001 and January 1, 2002. The reports shall be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations.

Jim Stated that the next two Provisions were in the Governors recommended Budget. **Transfer Center For Prevention Of School Violence To The Office Of Juvenile Justice**(See Attachment).
Jim stated that this was language to transfer for the Center for Prevention of School Violence currently operating under the University of North Carolina transferred to the Office of Juvenile Justice. The Next Provision, **Transfer Of Positions And Support Costs For The Juvenile Information Network From the Department of Justice To the Office of Juvenile Justice** (See Attachment).

Representative Justice was recognized he, shared with the Committee his concerns regarding the School Resource Officers. He stated that in many cases these Officers are doing nothing but being buddies with the students instead of doing their job. Representative Justice also stated that in his area there are drug problems in the schools and yet know one ever takes any kind of action, the correct action. Representative Justice feels something should be done to direct the Officers to do a better job. He pointed out that in most cases they were not. Co-Chairman McCrary stated that he appreciated Representative Justice's comments and that the Committee would certainly take a look at it.

The meeting adjourned at 10:00 a.m. The next meeting to be announced in Session.

Respectively Submitted,

Paul McCrary
Rep. Paul McCrary, Co-Chairman

Barbara A. Berry
Barbara A. Berry, Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE

You are hereby notified that the House and Senate Appropriations Sub Committee on **JUSTICE AND PUBLIC SAFETY**will meet as follows:

DAY & DATE: **Tuesday May 30, at** 8:30am and 1:00pm **Wednesday May 31, at** 8:30am and 1:00pm **and Thursday June 1, at** 8:30am.

TIME: **See above**
LOCATION: **Room 415**

The following bills will be considered (Bill # & Short Title):

Respectfully,

Representative McCrary, Kenney and Culpepper
Co-Chairs

I hereby certify this notice was filed by the committee clerk at the following offices at 10:30 on May 25, 2000.

___Principal Clerk
___Reading Clerk - House Chamber

Barbara Berry (Committee Clerk)

Principal Clerk

Reading Clerk

SENATE
NOTICE OF JOINT SUBCOMMITTEE MEETING

The Joint Appropriations Subcommittee on **Justice and Public Safety** will meet at the following times:

DATES: Tuesday, May 30, 2000 at 8:30AM
Wednesday, May 31, 2000 at 8:30AM
Thursday, June 1, 2000 at 8:30AM

Meetings will also be held Tuesday and Wednesday afternoons, time to be announced.

ROOM: 415, LOB

Senator Luther Jordan,
Senate Chair

ATTENDANCE

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 31, 00

(Name of Committee)

DATES															
Rep. Kinney, Chair															
Rep. McCrary, Chair	—														
Rep. Culpepper, Chair															
Rep. Thomas, Vice Chair	—														
Rep. Clary															
Rep. Haire	—	—													
Rep. Horn															
Rep. Justus	—	—													
Rep. Kiser	—	—													
Rep. Sexton	—	—													
Senate Members															
Sen. Luther Jordan	—														
Sen. Frank Ballance															
Sen. Tony Rand	—	—													
Sen. John Carrington															
Sen. Don East	—	—													
Rep. Baddour-ex-officio															
Rep. Cunningham-ex-officio															
Rep. Dedmon-ex-officio															
Rep. Earle-ex-officio															
Rep. Hackney-ex-officio															

VISITOR REGISTRATION SHEET

~~J&P~~ Approp. Sub. comm. of J. & P. Safety
Name of Committee Date

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

NAME	FIRM OR AGENCY AND ADDRESS
Mark Beason	Capitol Strategies
Pat Dorer	Conference of D.As
Steve Shaber	Poyner & Spruill
Jeff Millon	Sen. Rand
BILL VANDERVELDE	GUARDIAN AD LITEM AMBASSADOR
Judy Vandervelde	Guardian ad Litem - Ambassador
Phyllis Wacker	Guardian ad Litem Ambassador
Claudia Hades	Guardian ad Litem Ambassador
Diane Nelson	GAL & AOC
Alicia Gruenebaum	YAEO
[illegible]	LSPC
MICHAEL SCHWEITZER	OFFICE JUVENILE JUSTICE
Gary Cover	BPMHL
Deborah Ross	ACLU
Ken Foster	OJJ
Gregg Stahl	DOC
Melissa Dawes	DOJ
Larry Dix	OJJ
George Sweat	OJJ
James Bowden	OJJ
Scott Bradley	Mediation Network / NC
STEVE LUCK	AOC
JUDGE THOMAS ROSS	AOC
Dwayne Patterson	OJJ
Greg Owens	ACLU
Whitney Orig	OSBM
Curtis Pittard	OSBM
Greg McLeod	CCPS

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Harold Webb	New millennium
Sara L. Allen	Covenant w/ NC Children
Patrice Decker	
Amanda Adams	Covenant w/ NC's children
Lisa Pierce	CCA

JOINT APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

May 31, 2000
8:30 a.m. and 1:00 pm
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen: Senator Luther Jordan

Representative Paul McCrary, Presiding
Representative Bill Culpepper
Representative Ted Kinney

II. PRESENTATIONS

Morning

- **Review of 1999 Special Provisions and Proposed New Provisions**
  Judicial
  Correction
  Justice
  Crime Control & Public Safety
  Juvenile Justice

  Fiscal Staff

- **Follow Up on Issues Raised in Prior Meetings**

  Fiscal Staff
  Departmental Representatives

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

1999 SESSION JPS SPECIAL PROVISIONS FOR MODIFICATION
and
PROPOSED NEW PROVISIONS TO DATE MAY 31, 2000

REPORT ON COMMUNITY MEDIATION CENTERS

Section 17.3.(a) All community mediation 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 appropriated to the center;
(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.

Mediation Network

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of the Courts for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

AOC requested change

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Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds.
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Rand, Plyler, Purcell, Perdue, Odom

* Clarify Durham | Wake ~~St~~ to
Carolina Correctional

COURT INFORMATION TECHNOLOGY FUND

Section 17.15.(a) G.S. 7A-343 reads as rewritten:

"§ 7A-343. Duties of Director.

The Director is the Administrative Officer of the Courts, and his duties include the following:

(1) Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts;

(2) Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice;

(3) Prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of superior court;

(4) Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the Judicial Department, and authorize expenditures from funds appropriated for these purposes;

(5) Investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the General Court of Justice;

(6) Procure, distribute, exchange, transfer, and assign such equipment, books, forms and supplies as are to be acquired with State funds for the General Court of Justice;

(7) Make recommendations for the improvement of the operations of the Judicial Department;

(8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy to each member of the General Assembly;

(9) Assist the Chief Justice in performing his duties relating to the transfer of district court judges for temporary or specialized duty; and Page 178 House Bill 168

(9a) Establish and operate systems and services that provide electronic transaction processing and access to court information systems pursuant to G.S. 7A-343.2; and

(10) Perform such additional duties and exercise such additional powers as may be prescribed by statute or assigned by the Chief Justice."

Section 17.15.(b) Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-343.2. Court Information Technology Fund.

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology needs. The Director shall report by ~~March~~ 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding ~~calendar year~~." 6 months

report only

Aug 1
Feb 1

Section 17.15.(c) G.S. 7A-109(d) reads as rewritten:

AOC Request

"(d) In order to facilitate public access to court records, except where public access is prohibited by law, the Director may enter into one or more nonexclusive contracts under reasonable cost recovery terms with third parties to provide remote electronic access to the records by the public. Costs recovered pursuant to this subsection shall be remitted to the State Treasurer to be held in the Court Information Technology Fund established in G.S. 7A-343.2."

Requested by: Representatives Culpepper, Kinney, McCrary, Alexander, Easterling, Hardaway,
Redwine, Baddour, Senators Jordan, Plyler, Perdue, Odom

CRIMINAL CASE ASSISTANCE/FUNDS FOR COURT SERVICES

Section 17.17.(a) G.S. 7A-64 reads as rewritten:

"§ 7A-64. Temporary assistance when dockets over-crowded. for district attorneys.

~~When criminal cases accumulate on the dockets of the superior or district courts of a district beyond the capacity of the district attorney and his full-time assistants to keep the dockets reasonably current, the Administrative Officer of the Courts may, on request of the district attorney, supported by facts indicating the need for assistance:~~

A district attorney may apply to the Director of the Administrative Office of the Courts to:

(1) Temporarily assign an assistant district attorney from another district, after consultation with the district attorney thereof, to assist in the prosecution of cases in the requesting district; or

(2) Authorize the temporary appointment, by the requesting district attorney, of a qualified attorney to assist the requesting district attorney. attorney; or

(3) Enter into contracts with local governments for the provision of services by the State pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

The Director of the Administrative Office of the Courts may provide this assistance only upon a showing by the requesting district attorney, supported by facts, that:

(1) Criminal cases have accumulated on the dockets of the superior or district courts of the district beyond the capacity of the district attorney and the district attorney's full-time assistants to keep the dockets reasonably current; or

(2) The overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety. The length of service and compensation of such any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Officer Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 17.17.(b) Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-212.1. Resources to protect the public.

Subject to the requirements of G.S. 7A-64, a county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 17.17.(c) Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-289.1. Resources to protect the public.

Subject to the requirements of G.S. 7A-64, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety.

Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

Bills introduced will expand to

Secretaries
Clerks
Public Defenders

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT/STATUS REPORT ON CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by February 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the 1998-99 fiscal year to the 1999-2000 fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for 1999-2000;

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(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data received during 1999-2000; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 18.1. The Post-Release Supervision and Parole Commission shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom, Balance

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Section 18.10.(b) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) 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~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction ~~within five days~~ after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the ~~sixth day after the hearing day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner,~~ and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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 parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.
If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.
(c) 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."
Section 18.10.(c) Chapter 7A of the General Statutes is amended by adding a new section to read:
"§ 7A-109.3. Delivery of commitment order.
(a) Whenever the district court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 48 hours of the issuance of the sentence.
(b) Whenever the superior court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 72 hours of the issuance of the sentence."
Section 18.10.(d) This section becomes effective October 1, 1999.
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

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INMATE COSTS

Section 18.12.(a) The Department of Correction shall provide a progress report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on its implementation of the recommendations made by the Office of State Budget and Management on the provision of food and health care to inmates pursuant to the study directed by Section 17.8 of S.L. 1998-212. The report shall identify specific areas in which cost savings can be achieved through the more efficient delivery of services.

Section 18.12.(b) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

NEED FOOD ?

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION/SPECIAL COMMITTEE TO REWRITE STANDARDS, CODE, AND POLICY PROCEDURES FOR EMPLOYMENT OF CERTIFIED POSITIONS IN THE DEPARTMENT OF CORRECTION

Section 18.14. The Criminal Justice Education and Training Standards Commission shall appoint a special committee to study and rewrite the necessary standards, administrative code provisions, and policies and procedures relating to the employment of certified positions in the Department of Correction and develop a new certification system for those officers that reflects the impact and statutory requirements of Chapters 126 and 17C of the General Statutes. The Chair of the Criminal Justice Education and Training Standards Commission and the Chair of the special committee appointed pursuant to this section shall report to the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 2000, on the progress of the special committee. The proposed new certification system shall be presented to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by the convening of the 2000 Regular Session of the 1999 General Assembly. Upon approval of the Criminal Justice Education and Training Standards Commission, the new certification system shall be implemented no later than July 1, 2000.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

FEDERAL GRANT MATCHING FUNDS

Section 18.15. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of six hundred fifty thousand dollars ($650,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

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PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 18.19.(a) Subsection (b) of Section 19.17 of S.L. 1997-443, as amended by subsection (b) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall provide a final report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by March 15, ~~1999~~. 2000, and shall provide a progress report on the development of these standards to the Joint Legislative Corrections and Crime Control Oversight Committee by November 1, 1999. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority. The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

Section 18.19.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by subsection (c) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to ~~subsection (b) of this section~~ Section 19.17 of S.L. 1997-443, as amended, and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain inmates from any

jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction."
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

CLOSE SECURITY PRISONS

Section 18.20.(a) G.S. 148-37 is amended by adding a new subsection to read:

"(b1) The Secretary of Correction may enter contracts with private for-profit or nonprofit firms for the construction of three close security correctional facilities totaling up to 3,000 cells to be operated by the Department pursuant to a lease that contains a schedule for purchase of the facilities over a period of up to 20 years. The Secretary may issue a request for proposals for the construction of such facilities in accordance with plans and specifications developed by the Department and reviewed by the Office of State Construction. The request for proposals shall provide for the option of bidding on one or more of the facilities, and shall require each bidder to provide a separate bid on a single facility of up to 1,000 cells.

The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the Department of Administration on the final award decision. The Department of Administration shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection shall provide that the Department of Correction shall furnish the plans and specifications for these correctional facilities to the Office of State Construction for its review and that the Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for use as a correctional facility and for future acquisition by the State."

Section 18.20.(b) The Department of Correction shall provide a status report to the Joint Legislative Commission on Governmental Operations by May 1, 2000, on the development of the request for proposals and the award-making process, including a summary of the major requirements anticipated in the request for proposals. After the contract has been awarded, the Department shall report to the Joint Legislative Commission on Governmental Operations by May 1 of each year on the progress of the project, including the estimated completion dates and the estimated cost of operating correctional facilities constructed pursuant to this section.

Requested by: Representatives Justus, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

SECURE GROUP HOME FOR FEMALE OFFENDERS

Section 21.1. Funds in the amount of one million one hundred twenty-seven thousand eight hundred fifty dollars ($1,127,850) appropriated in S.L. 1998-212 to the Department of Health and Human Services and reallocated to the Office of Juvenile Justice for construction of beds for female offenders at Gatling Detention Center shall be reallocated to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

PROPOSED BILL

STUDY STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS

Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan. The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center. The Office of Juvenile Justice shall report the results and recommendations of the study 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 on or before April 1, 2000. SEPT. 1 2000

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 21.10.(a) Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the sum of five hundred thousand dollars ($500,000) shall be used to establish a pilot program to grant funds to local organizations of the Boys and Girls Club pursuant to subsection (b) of this section. Section 21.10.(b) The Office of Juvenile Justice shall develop a pilot program that grants funds to the local organizations of the Boys and Girls Club in the 10 counties with the highest rate of training school commitments in the 1997-98 fiscal year. The local organization shall provide funds to match the State funds granted pursuant to this section. In developing the program, the Office shall establish criteria for receiving a grant pursuant to this section and shall develop a funding strategy to encourage local organizations to provide resources and services to meet the physical, emotional, and educational needs of juveniles who are court-involved or who are at risk of becoming delinquent or undisciplined, and to provide resources and services to their families. The Office shall consider requiring local organizations that receive grant funds pursuant to this section to:

(1) Encourage juveniles to become involved in community programs that instill in juveniles pride in their communities and that help juveniles develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(2) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(3) Provide guidance to and positive role models for juveniles.

Section 21.10.(c) The Office of Juvenile Justice shall report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and Management and the Governor's Crime Commission shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the ~~federal~~ funds. The report shall identify the amount of funds to be received for the 1999-2000 fiscal year, the 2000-01 amount of funds anticipated for the 2000-2001 fiscal year, and the allocation of funds by program and purpose. 2001-02

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

ESTABLISH A PILOT PROGRAM FOR A MULTIFUNCTIONAL JUVENILE FACILITY

Section 21.13.(a) Establishment of Pilot Program and Authorization to Contract. -- If the Office of Juvenile Justice determines that it would most economically and effectively promote the purposes served by the Office, it shall establish a pilot program in Eastern North Carolina to provide juveniles involved in the juvenile justice system with custodial, rehabilitation, treatment, and program services, including substance abuse and sex offender services. In establishing the pilot, the Office shall contract, as provided by law, with a private for-profit or nonprofit firm for the construction and operation of such a multifunctional juvenile facility totaling up to 100 beds. The facility shall be constructed in accordance with plans and specifications developed by the Office of Juvenile Justice, the Department of Administration, and the Department of Health and Human Services. The facility shall be able to be retrofitted within three to four months to provide the State with either training school beds or detention beds. If local interest and commitment by surrounding communities exist, the facility shall have the capacity to provide community-based programs, including day reporting centers, transitional group homes, emergency shelter care, alternative education programs, and outpatient family counseling and substance abuse treatment.

Section 21.13.(b) Term of Contract. -- Any contract entered under the authority of this section shall be for a period not to exceed 10 years and shall be renewable from time to time for a period not to exceed 10 years.

Section 21.13.(c) Awarding of Contract. -- The Director of the Office of Juvenile Justice, in consultation with the Chairs of the Appropriations Committees of the Senate and House of Representatives, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Section 21.13.(d) Option to Purchase. -- The contract made under the authority of this section may provide the State with an option to purchase the facility according to a purchase schedule determined by the Office of Juvenile Justice in consultation with the State Property Office of the Department of Administration.

Section 21.13.(e) State Overview of Construction. -- The contract made under the authority of this section shall state that plans and specifications for private facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review the project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State.

Except as provided in subsection (f) of this section, the private facility authorized under this section shall be designed, built, and operated in accordance with applicable State laws, court orders, fire safety codes, and local regulations, policies, and procedures of the Office of Juvenile Justice, and all State laws applicable to juvenile facilities. The Director of the Office of Juvenile Justice and the Secretary of the Department of Health and Human Services shall review and approve the design and construction of the facility before housing juvenile offenders in the facility.

Section 21.13.(f) Certificate of Need. -- The private entity with which the Office

contracts under this section may construct and operate a chemical dependency or substance abuse facility to provide inpatient chemical dependency or substance abuse services to juveniles involved in the juvenile justice system without a certificate of need from the Department of Health and Human Services pursuant to Article 9 of Chapter 131E of the General Statutes. The facility shall not provide services or treatment to persons other than juveniles involved in the juvenile justice system unless the facility obtains a certificate of need pursuant to Article 9 of Chapter 131E of the General Statutes.

Section 21.13.(g) Liability Insurance. -- The contract authorized pursuant to this section shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private facility.

Section 21.13.(h) Training of Employees. -- Custodial officials employed by a private facility are agents of the Director of the Office of Juvenile Justice and shall comply with existing statutes, rules, policies, and procedures that govern the custody and care of juveniles under the supervision of the Office. The private entity with which the Office contracts under this section shall have written disciplinary and grievance policies approved by the Office of Juvenile Justice. The persons employed by the private entity operating the facility shall receive training substantially the same as the training provided to employees of the Office of Juvenile Justice performing the same duties. Notwithstanding subsection (e) of this section, G.S. 115C-325 does not apply to employees of the private facility providing educational services.

Section 21.13.(i) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law.

ONLY NC JUVENILES

Section 21.13.(j) Report. -- The Office of Juvenile Justice shall make a written report no later than March 1, 2000, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by March 1, 2001, and January 1, 2002. The reports shall be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations.

2001

MAY 2002

MAY 2003

Section 21.13.(k) Appropriation. -- Of the funds appropriated in this act to the Office of Juvenile Justice, the sum of two million five hundred thousand dollars ($2,500,000) for the 2000-2001 fiscal year shall be used to purchase custodial, rehabilitation, treatment, and program services, including substance abuse and sex offender services.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

DRAFT 24

CODE NO. 2000OJJ-H001

Requested by: Representatives

TRANSFER CENTER FOR PREVENTION OF SCHOOL VIOLENCE TO THE OFFICE OF JUVENILE JUSTICE

Section @. The Center for Prevention of School Violence currently operating under The University of North Carolina is hereby transferred to the Office of Juvenile Justice. This transfer will be a Type I transfer, in accordance with G.S. 143A-6(a).

The Center as a component of the Office of Juvenile Justice shall continue to consult with The University of North Carolina and the Department of Public Instruction to enhance research opportunities and specialized study areas such as teacher preparation, school resource officer development, suicide prevention, and best practices.

GOV. RECOMMENDATION

25

DRAFT

CODE NO. 2000OJJ-H002

Requested by: Representatives

TRANSFER OF POSITIONS AND SUPPORT COSTS FOR THE JUVENILE INFORMATION NETWORK FROM THE DEPARTMENT OF JUSTICE TO THE OFFICE OF JUVENILE JUSTICE

Section @. The Department of Justice is hereby directed to transfer to the Office of Juvenile Justice the three positions and the sum of two hundred twenty-five thousand dollars ($225,000) appropriated in this act for support of the Juvenile Information System Network.

GOV. RECOMMENDATION

1999 SESSION JPS SPECIAL PROVISIONS FOR MODIFICATION
and
PROPOSED NEW PROVISIONS TO DATE
MAY 31, 2000

REPORT ON COMMUNITY MEDIATION CENTERS

Section 17.3.(a) All community mediation 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 appropriated to the center;
(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.

Mediation Network

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to G.S. 7A-346.1 that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to G.S. 7A-346.1 and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the Administrative Office of the Courts for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

AOC requested change

2

Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds.
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Rand, Plyler, Purcell, Perdue, Odom

* Clarify Durham | Wake ~~st~~ to
Carolina Correctional

COURT INFORMATION TECHNOLOGY FUND

Section 17.15.(a) G.S. 7A-343 reads as rewritten:

"**§ 7A-343. Duties of Director.**

The Director is the Administrative Officer of the Courts, and his duties include the following:

(1) Collect and compile statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts;

(2) Determine the state of the dockets and evaluate the practices and procedures of the courts, and make recommendations concerning the number of judges, district attorneys, and magistrates required for the efficient administration of justice;

(3) Prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of superior court;

(4) Prepare and submit budget estimates of State appropriations necessary for the maintenance and operation of the Judicial Department, and authorize expenditures from funds appropriated for these purposes;

(5) Investigate, make recommendations concerning, and assist in the securing of adequate physical accommodations for the General Court of Justice;

(6) Procure, distribute, exchange, transfer, and assign such equipment, books, forms and supplies as are to be acquired with State funds for the General Court of Justice;

(7) Make recommendations for the improvement of the operations of the Judicial Department;

(8) Prepare and submit an annual report on the work of the Judicial Department to the Chief Justice, and transmit a copy to each member of the General Assembly;

(9) Assist the Chief Justice in performing his duties relating to the transfer of district court judges for temporary or specialized duty; and Page 178 House Bill 168

(9a) Establish and operate systems and services that provide electronic transaction processing and access to court information systems pursuant to G.S. 7A-343.2; and

(10) Perform such additional duties and exercise such additional powers as may be prescribed by statute or assigned by the Chief Justice."

Section 17.15.(b) Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology needs. The Director shall report by ~~March~~ 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding ~~calendar year~~." 6 months

report only

Aug 1
Feb 1

Section 17.15.(c) G.S. 7A-109(d) reads as rewritten:

AOC Request

"(d) In order to facilitate public access to court records, except where public access is prohibited by law, the Director may enter into one or more nonexclusive contracts under reasonable cost recovery terms with third parties to provide remote electronic access to the records by the public. Costs recovered pursuant to this subsection shall be remitted to the State Treasurer to be held in the Court Information Technology Fund established in G.S. 7A-343.2."

Requested by: Representatives Culpepper, Kinney, McCrary, Alexander, Easterling, Hardaway,
Redwine, Baddour, Senators Jordan, Plyler, Perdue, Odom

CRIMINAL CASE ASSISTANCE/FUNDS FOR COURT SERVICES

Section 17.17.(a) G.S. 7A-64 reads as rewritten:

"**§ 7A-64. Temporary assistance when dockets over-crowded. for district attorneys.**

~~When criminal cases accumulate on the dockets of the superior or district courts of a district beyond the capacity of the district attorney and his full-time assistants to keep the dockets reasonably current, the Administrative Officer of the Courts may, on request of the district attorney, supported by facts indicating the need for assistance:~~

A district attorney may apply to the Director of the Administrative Office of the Courts to:

(1) Temporarily assign an assistant district attorney from another district, after consultation with the district attorney thereof, to assist in the prosecution of cases in the requesting district; or

(2) Authorize the temporary appointment, by the requesting district attorney, of a qualified attorney to assist the requesting district attorney. attorney; or

(3) Enter into contracts with local governments for the provision of services by the State pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

The Director of the Administrative Office of the Courts may provide this assistance only upon a showing by the requesting district attorney, supported by facts, that:

(1) Criminal cases have accumulated on the dockets of the superior or district courts of the district beyond the capacity of the district attorney and the district attorney's full-time assistants to keep the dockets reasonably current; or

(2) The overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety. The length of service and compensation of such any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Officer Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 17.17.(b) Chapter 153A of the General Statutes is amended by adding a new section to read:

"**§ 153A-212.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-64, a county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 17.17.(c) Chapter 160A of the General Statutes is amended by adding a new section to read:

"**§ 160A-289.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-64, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety.

Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

Bills introduced will expand to

Secretaries
Clerks
Public Defenders

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT/STATUS REPORT ON CRIMINAL JUSTICE PARTNERSHIP PROGRAM

Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by February 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the 1998-99 fiscal year to the 1999-2000 fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for 1999-2000;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data received during 1999-2000; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 18.1. The Post-Release Supervision and Parole Commission shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom, Balance

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to ~~counties~~ for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog.

Section 18.10.(b) G.S. 148-29 reads as rewritten:

"**§ 148-29. Transportation of convicts to prison; reimbursement to counties; sheriff's expense affidavit.**

(a) 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~~ day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner, and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by prisoners awaiting transfer to the State prison system.

If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.

(b) The sheriff having in charge any parolee or post-release supervisee to be taken to the State prison system shall send the prisoner to the custody of the Department of Correction ~~within five days~~ after preliminary hearing held under G.S. 15A-1368.6(b) or G.S. 15A-1376(b). Beginning on the ~~sixth day after the hearing day after the Division of Prisons has been notified by the sheriff that a prisoner is ready for transfer and the Division has informed the sheriff that bedspace is not available for that prisoner,~~ and continuing through the day the prisoner is received by the Division of Prisons, the Department of Correction shall pay the county:

(1) 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 parolee or post-release supervisee awaiting transfer to the State prison system; and

(2) Extraordinary medical costs, as defined in G.S. 148-32.1(a), incurred by parolees or post-release supervisees awaiting transfer to the State prison system.
If the Division of Prisons determines that bedspace is not available for a prisoner after the sheriff has notified the Division that the prisoner is ready for transfer, reimbursement under this subsection shall be made beginning on the day after the sheriff gave the notification.
(c) 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."
Section 18.10.(c) Chapter 7A of the General Statutes is amended by adding a new section to read:
"§ 7A-109.3. Delivery of commitment order.
(a) Whenever the district court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 48 hours of the issuance of the sentence.
(b) Whenever the superior court sentences a person to imprisonment and commitment to the custody of the Department of Correction pursuant to G.S. 15A-1352, the clerk of superior court shall furnish the sheriff with the signed order of commitment within 72 hours of the issuance of the sentence."
Section 18.10.(d) This section becomes effective October 1, 1999.
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

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INMATE COSTS

Section 18.12.(a) The Department of Correction shall provide a progress report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on its implementation of the recommendations made by the Office of State Budget and Management on the provision of food and health care to inmates pursuant to the study directed by Section 17.8 of S.L. 1998-212. The report shall identify specific areas in which cost savings can be achieved through the more efficient delivery of services.

Section 18.12.(b) If the cost of providing food and health care to inmates housed in the Division of Prisons is anticipated to exceed the continuation budget amounts provided for that purpose in this act, the Department of Correction shall report the reasons for the anticipated cost increase and the source of funds the Department intends to use to cover those additional needs to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety.

NEED FOOD ?

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION/SPECIAL COMMITTEE TO REWRITE STANDARDS, CODE, AND POLICY PROCEDURES FOR EMPLOYMENT OF CERTIFIED POSITIONS IN THE DEPARTMENT OF CORRECTION

Section 18.14. The Criminal Justice Education and Training Standards Commission shall appoint a special committee to study and rewrite the necessary standards, administrative code provisions, and policies and procedures relating to the employment of certified positions in the Department of Correction and develop a new certification system for those officers that reflects the impact and statutory requirements of Chapters 126 and 17C of the General Statutes. The Chair of the Criminal Justice Education and Training Standards Commission and the Chair of the special committee appointed pursuant to this section shall report to the Joint Legislative Corrections and Crime Control Oversight Committee by March 1, 2000, on the progress of the special committee. The proposed new certification system shall be presented to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety by the convening of the 2000 Regular Session of the 1999 General Assembly. Upon approval of the Criminal Justice Education and Training Standards Commission, the new certification system shall be implemented no later than July 1, 2000.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

FEDERAL GRANT MATCHING FUNDS

Section 18.15. Notwithstanding the provisions of G.S. 148-2, the Department of Correction may use up to the sum of six hundred fifty thousand dollars ($650,000) from funds available to the Department to provide the State match needed in order to receive federal grant funds. Prior to using funds for this purpose, the Department shall report to the Chairs of the Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative Commission on Governmental Operations on the grants to be matched using these funds.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

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PROPOSED STANDARDS FOR PRIVATE PRISONS FOR OUT-OF-STATE INMATES

Section 18.19.(a) Subsection (b) of Section 19.17 of S.L. 1997-443, as amended by subsection (b) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(b) The Department of Correction, in cooperation with the Department of Justice, Department of Insurance, and Office of State Construction, shall establish proposed standards for any private correctional facilities in this State that are used to confine inmates from a jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government. These standards shall include provisions for all such facilities to:

(1) Meet minimum responsibility and insurance standards and may provide for the posting of surety bonds;

(2) Meet or exceed all standards applicable to the State prison system, particularly those standards relating to inmate care and treatment;

(3) Provide for the transfer or return of all inmates to the jurisdiction in which the inmates were originally convicted prior to release of the inmates;

(4) Permit officials of the State of North Carolina to conduct periodic inspections of all such facilities; and

(5) Meet any other standards the departments deem advisable.

The Department of Correction shall provide a final report on these proposed standards to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety by March 15, ~~1999~~. 2000, and shall provide a progress report on the development of these standards to the Joint Legislative Corrections and Crime Control Oversight Committee by November 1, 1999. The report shall include a recommendation on the appropriate regulatory agency or agencies to enforce these standards and on the necessary enforcement authority to be vested in that agency or agencies. The report shall also include a draft of legislation necessary to enact the proposed standards and regulatory authority. The Department of Correction shall also consult with the Department of Justice on the appropriateness of the penalty provided for in G.S. 14-256.1, enacted in subsection (a) of this section, and on the implications of convicting inmates already serving sentences imposed by other jurisdictions in private prisons located in North Carolina. The Department of Correction shall include the conclusions reached during its consultation with the Department of Justice in the report required by this section."

Section 18.19.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by subsection (c) of Section 17.23 of S.L. 1998-212, reads as rewritten:

"(c) No municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates from any jurisdiction other than North Carolina, a political subdivision of North Carolina, or the federal government until the Department of Correction has developed proposed standards for such private correctional facilities pursuant to ~~subsection (b) of this section~~ Section 19.17 of S.L. 1997-443, as amended, and the General Assembly has acted upon those standards. No private confinement facility authorized under G.S. 148-37(g) that receives payment from this State for the housing of State prisoners may contain inmates from any

jurisdiction other than North Carolina or a political subdivision of North Carolina without the written consent of the Secretary of Correction."
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

CLOSE SECURITY PRISONS

Section 18.20.(a) G.S. 148-37 is amended by adding a new subsection to read:

"(b1) The Secretary of Correction may enter contracts with private for-profit or nonprofit firms for the construction of three close security correctional facilities totaling up to 3,000 cells to be operated by the Department pursuant to a lease that contains a schedule for purchase of the facilities over a period of up to 20 years. The Secretary may issue a request for proposals for the construction of such facilities in accordance with plans and specifications developed by the Department and reviewed by the Office of State Construction. The request for proposals shall provide for the option of bidding on one or more of the facilities, and shall require each bidder to provide a separate bid on a single facility of up to 1,000 cells.

The Secretary of Correction, in consultation with the Chairs of the Joint Legislative Corrections and Crime Control Oversight Committee and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, shall make recommendations to the Department of Administration on the final award decision. The Department of Administration shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Contracts made under the authority of this subsection shall provide that the Department of Correction shall furnish the plans and specifications for these correctional facilities to the Office of State Construction for its review and that the Office of State Construction shall inspect and review each project during construction to ensure that the project is suitable for use as a correctional facility and for future acquisition by the State."

Section 18.20.(b) The Department of Correction shall provide a status report to the Joint Legislative Commission on Governmental Operations by May 1, 2000, on the development of the request for proposals and the award-making process, including a summary of the major requirements anticipated in the request for proposals. After the contract has been awarded, the Department shall report to the Joint Legislative Commission on Governmental Operations by May 1 of each year on the progress of the project, including the estimated completion dates and the estimated cost of operating correctional facilities constructed pursuant to this section.

Requested by: Representatives Justus, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by March 1, 2000, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

SECURE GROUP HOME FOR FEMALE OFFENDERS

Section 21.1. Funds in the amount of one million one hundred twenty-seven thousand eight hundred fifty dollars ($1,127,850) appropriated in S.L. 1998-212 to the Department of Health and Human Services and reallocated to the Office of Juvenile Justice for construction of beds for female offenders at Gatling Detention Center shall be reallocated to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

PROPOSED BILL

STUDY STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS

Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan. The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center. The Office of Juvenile Justice shall report the results and recommendations of the study 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 on or before April 1, 2000. SEPT. 1 2000

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 21.10.(a) Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the sum of five hundred thousand dollars ($500,000) shall be used to establish a pilot program to grant funds to local organizations of the Boys and Girls Club pursuant to subsection (b) of this section. Section 21.10.(b) The Office of Juvenile Justice shall develop a pilot program that grants funds to the local organizations of the Boys and Girls Club in the 10 counties with the highest rate of training school commitments in the 1997-98 fiscal year. The local organization shall provide funds to match the State funds granted pursuant to this section. In developing the program, the Office shall establish criteria for receiving a grant pursuant to this section and shall develop a funding strategy to encourage local organizations to provide resources and services to meet the physical, emotional, and educational needs of juveniles who are court-involved or who are at risk of becoming delinquent or undisciplined, and to provide resources and services to their families. The Office shall consider requiring local organizations that receive grant funds pursuant to this section to:

(1) Encourage juveniles to become involved in community programs that instill in juveniles pride in their communities and that help juveniles develop self-respect and the skills needed for them to be productive, responsible members of their communities;

(2) Coordinate with the local schools and State and local law enforcement to educate juveniles regarding the justice system and to promote respect for authority and an appreciation of societal laws and mores; and

(3) Provide guidance to and positive role models for juveniles.

Section 21.10.(c) The Office of Juvenile Justice shall report by April 1, 2000, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and Management and the Governor's Crime Commission shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the ~~federal~~ funds. The report shall identify the amount of funds to be received for the 1999-2000 fiscal year, the 2000-01 amount of funds anticipated for the 2000-2001 fiscal year, and the allocation of funds by program and purpose. 2001-02

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,

Senators Jordan, Plyler, Perdue, Odom

ESTABLISH A PILOT PROGRAM FOR A MULTIFUNCTIONAL JUVENILE FACILITY

Section 21.13.(a) Establishment of Pilot Program and Authorization to Contract. -- If the Office of Juvenile Justice determines that it would most economically and effectively promote the purposes served by the Office, it shall establish a pilot program in Eastern North Carolina to provide juveniles involved in the juvenile justice system with custodial, rehabilitation, treatment, and program services, including substance abuse and sex offender services. In establishing the pilot, the Office shall contract, as provided by law, with a private for-profit or nonprofit firm for the construction and operation of such a multifunctional juvenile facility totaling up to 100 beds. The facility shall be constructed in accordance with plans and specifications developed by the Office of Juvenile Justice, the Department of Administration, and the Department of Health and Human Services. The facility shall be able to be retrofitted within three to four months to provide the State with either training school beds or detention beds. If local interest and commitment by surrounding communities exist, the facility shall have the capacity to provide community-based programs, including day reporting centers, transitional group homes, emergency shelter care, alternative education programs, and outpatient family counseling and substance abuse treatment.

Section 21.13.(b) Term of Contract. -- Any contract entered under the authority of this section shall be for a period not to exceed 10 years and shall be renewable from time to time for a period not to exceed 10 years.

Section 21.13.(c) Awarding of Contract. -- The Director of the Office of Juvenile Justice, in consultation with the Chairs of the Appropriations Committees of the Senate and House of Representatives, shall make recommendations to the State Purchasing Officer on the final award decision. The State Purchasing Officer shall make the final award decision, and the contract shall then be subject to the approval of the Council of State after consultation with the Joint Legislative Commission on Governmental Operations.

Section 21.13.(d) Option to Purchase. -- The contract made under the authority of this section may provide the State with an option to purchase the facility according to a purchase schedule determined by the Office of Juvenile Justice in consultation with the State Property Office of the Department of Administration.

Section 21.13.(e) State Overview of Construction. -- The contract made under the authority of this section shall state that plans and specifications for private facilities shall be furnished to and reviewed by the Office of State Construction. The Office of State Construction shall inspect and review the project during construction to ensure that the project is suitable for habitation and to determine whether the project would be suitable for future acquisition by the State.

Except as provided in subsection (f) of this section, the private facility authorized under this section shall be designed, built, and operated in accordance with applicable State laws, court orders, fire safety codes, and local regulations, policies, and procedures of the Office of Juvenile Justice, and all State laws applicable to juvenile facilities. The Director of the Office of Juvenile Justice and the Secretary of the Department of Health and Human Services shall review and approve the design and construction of the facility before housing juvenile offenders in the facility.

Section 21.13.(f) Certificate of Need. -- The private entity with which the Office

contracts under this section may construct and operate a chemical dependency or substance abuse facility to provide inpatient chemical dependency or substance abuse services to juveniles involved in the juvenile justice system without a certificate of need from the Department of Health and Human Services pursuant to Article 9 of Chapter 131E of the General Statutes. The facility shall not provide services or treatment to persons other than juveniles involved in the juvenile justice system unless the facility obtains a certificate of need pursuant to Article 9 of Chapter 131E of the General Statutes.

Section 21.13.(g) Liability Insurance. -- The contract authorized pursuant to this section shall require a minimum of ten million dollars ($10,000,000) of occurrence-based liability insurance and shall hold the State harmless and provide reimbursement for all liability arising out of actions caused by operations and employees of the private facility.

Section 21.13.(h) Training of Employees. -- Custodial officials employed by a private facility are agents of the Director of the Office of Juvenile Justice and shall comply with existing statutes, rules, policies, and procedures that govern the custody and care of juveniles under the supervision of the Office. The private entity with which the Office contracts under this section shall have written disciplinary and grievance policies approved by the Office of Juvenile Justice. The persons employed by the private entity operating the facility shall receive training substantially the same as the training provided to employees of the Office of Juvenile Justice performing the same duties. Notwithstanding subsection (e) of this section, G.S. 115C-325 does not apply to employees of the private facility providing educational services.

Section 21.13.(i) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law.

ONLY NC JUVENILES

Section 21.13.(j) Report. -- The Office of Juvenile Justice shall make a written report no later than March 1, 2000, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by March 1, 2001, and January 1, 2002. The reports shall be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations.

2001

MAY 2002

MAY 2003

Section 21.13.(k) Appropriation. -- Of the funds appropriated in this act to the Office of Juvenile Justice, the sum of two million five hundred thousand dollars ($2,500,000) for the 2000-2001 fiscal year shall be used to purchase custodial, rehabilitation, treatment, and program services, including substance abuse and sex offender services.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Hardaway, Redwine,
Senators Jordan, Plyler, Perdue, Odom

DRAFT 24

CODE NO. 2000OJJ-H001

Requested by: Representatives

TRANSFER CENTER FOR PREVENTION OF SCHOOL VIOLENCE TO THE OFFICE OF JUVENILE JUSTICE

Section @. The Center for Prevention of School Violence currently operating under The University of North Carolina is hereby transferred to the Office of Juvenile Justice. This transfer will be a Type I transfer, in accordance with G.S. 143A-6(a).

The Center as a component of the Office of Juvenile Justice shall continue to consult with The University of North Carolina and the Department of Public Instruction to enhance research opportunities and specialized study areas such as teacher preparation, school resource officer development, suicide prevention, and best practices.

GOV. RECOMMENDATION

25

DRAFT

CODE NO. 2000OJJ-H002

Requested by: Representatives

TRANSFER OF POSITIONS AND SUPPORT COSTS FOR THE JUVENILE INFORMATION NETWORK FROM THE DEPARTMENT OF JUSTICE TO THE OFFICE OF JUVENILE JUSTICE

Section @. The Department of Justice is hereby directed to transfer to the Office of Juvenile Justice the three positions and the sum of two hundred twenty-five thousand dollars ($225,000) appropriated in this act for support of the Juvenile Information System Network.

GOV. RECOMMENDATION

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

June 12, 2000
2:00 p.m.
Room 415 Legislative Office Building

Rep. Bill Culpepper, Co-Chair, called to order the meeting of the House Appropriations Subcommittee on Justice and Public Safety at 2:00 p.m. in Room 415 of the Legislative Office Building on June 12, 2000. (See Agenda attached as Exhibit 1.)

Committee members present were: Rep. Culpepper, Co-Chair; Rep. McCrary, Co-Chair; Rep. Thomas, Vice-Chair; Rep. Haire, Rep. Horn, Rep. Justus; Rep. Kiser; Rep. Sexton; and Ex-Officio members Rep. Dedmon and Rep. Hackney. The visitor registration sheet is attached as Exhibit 2.

Rep. Culpepper said the committee had before it a proposed report and special provisions. He said that under ground rules handed down by the Appropriations chairs, the subcommittee had a dollar figure to stay within, and the report handed out stayed exactly within that budget. (See Exhibit 3.) Rep. Culpepper said that while it might be feasible to move money around from one place to another or to reduce the total, the subcommittee could not spend any more money than evidenced in the report. Furthermore, he said the committee was under instructions not to consider any special provisions not directly impacting the state budget.

Rep. Culpepper said he would proceed through the budget, item by item, and he asked the committee to ask questions as they went along. He began with the Judicial budget. (See page I-1 of Exhibit 3.)

Item 1 is a cut for two special Superior Court judgeships. One of them is going to legislatively expire on October 1, 2000 (see Exhibit 4); and the other is a position formerly held by Justice Louis Meyer who died, leaving the position vacant. Rep. Kiser asked which judges are paid a regular salary and which ones are paid by the day. Rep. Culpepper said emergency judges are paid by the day.

Item 2 increases Indigent Fund requirements. The Indigent Fund has been increasing each year and is experiencing a shortfall. Rep. Justus asked about how Hurricane Floyd caused a shortfall. Answer: There's been a shortfall every year, and they sometimes make up that shortfall by using lapsed salaries. This time, Hurricane Floyd ate up a lot of the lapsed salary money.

Item 3 provides funds to implement HB 1590, asked for by Rep. Hackney, to set up an independent commission to oversee spending on indigent defense. Rep. Hackney asked for seven positions initially, but this item would fund five to begin with.

Item 4 funds a critical request for one assistant to Special Counsel/Paralegal and three attorneys for the Special Counsel for the Mentally Ill program.

Item 5 funds the omnibus court technology resources proposed allocation as requested by Judge Ross at AOC. The full amount needed for magistrates is funded. The addition of technical support was also in the critical request, but it is suggested that only two of the four positions be funded this year. Another critical request for non-recurring funds to improve facilities for the Court Management Information Division is recommended. Funds to improve the Disaster Recovery plan is recommended. It is recommended that $835,000.00 be provided as recurring money and $1.78 as non-recurring money to cover the critical request for equipment replacement. The Migration Manager was a critical request and it is recommended that it be funded as requested by the AOC. In support for the Worthless Check Program, it is suggested that three or four new programs be added. AOC needs support in Raleigh to help with the inquiries that come in from out in the field. The Automated Civil Abstract Program was a critical request that is recommended for funding. Additional resources recommended as a catchall item for additional court technology are $277,896 recurring and 8,345 non-recurring.

Item 6 provides funds for 17 community mediation/dispute settlement centers around the state.

Item 7 provides for rent and equipment maintenance for the Business Court in Greensboro, but on a non-recurring basis with the hope it can support itself in the future.

Item 8 increases money for court interpreters as requested by AOC due to increase in Latino and Hispanic population.

Item 9 funds a group of members' bills for Worthless Check Programs.

Item 10 allocates non-recurring funds to allow AOC to hire interpreters in domestic violence cases in District Court.

Item 11 allows AOC to replace non-technology equipment. This was a critical request by AOC, funded in its entirety.

Item 12 allows AOC to wire new courtrooms and purchase recording equipment. This was a critical request by AOC, and it is recommended it be funded in its entirety.

Item 13 rolled together AOC's critical request for six magistrates along with requests by legislators for magistrates in their counties for a total of 13.

Item 14 funds a request by 39 elected District Attorneys to join the National District Attorney's Association. It is a non-recurring expense.

Item 15 comes from the AOC critical list for 5 new positions.

Item 16 provides for eight new district Court Judges, which is a combination of AOC's request and the requests of some legislators. Rep. Justus asked for a list of the districts by name. Number 4 is Onslow, Duplin, Sampson; 10 is Wake; 9B is Warren; 11 is Lee, Harnett, Johnston; 17A is Rockingham; 22 is Alexander and Iredell; 26 is Mecklenburg; 1 is Camden, Chowan, Currituck, Dare, Gates, Pasquotank, and Perquimans.

Item 17 creates new Superior Court judgeships, which are resident judgeships as opposed to special.

Item 18 recommends a member request for a judicial assistant in Superior Court District #11B.

Item 19 recommends funding for three judges for the Court of Appeals along with staff. The judges will be appointed after October 1 of this year. Rep. Kiser asked if they could add to the Court of Appeals just by appropriating more positions. Answer: There will be a special provision. Thet will be appointed after October 1st, and they will stand for re-election in 2004. They serve 8-year terms once elected.

Item 20 recommends funding for the Court of Appeals Mediation Program to try to cut down on the caseload in the Court of Appeals. In response to a question by Rep. Haire, Judge Ross was recognized to say it is a mediation program similar to the 4th Circuit's Mediation Program on Appeal. It's an effort to try to start mediation in NC's Appellate Courts. Rep. Haire said he was glad to see it.

Item 21 funds two Appeals research assistants as requested by AOC.

Item 22 provides funds to expand the Family Court Program to two additional districts. It was on AOC's very high list, and a bill was also introduced. Rep. Kiser asked whether it added judgeships too. He said a half a million dollars seemed like a lot of money. Rep. Culpepper said it did not add any judgeships. Staff said it is a personnel-heavy program. It adds three case managers to work with the judges assigned to family court for each district and an administrator for the program in each of the pilot counties.

Item 23 provides for salary increases for sentencing services staff to makes salaries for governmental and non-governmental staff equal. This was critical item from AOC list.

Item 24 provides for additional Guardian Ad Litem staff for the Guardian Ad Litem Program. Recommendation is for funding in its entirety as requested by AOC on its critical needs list.

Rep. Culpepper said that concluded the AOC funding. The request was for an increase in the AOC budget of about $13.2 million. The entire Justice and Public Safety Budget, however, would be decreased by $2 million.

There being no further questions on AOC, Rep. Culpepper moved to the Justice budget. (See Page I-6 of Exhibit 3.)

Item 25 was in the Governor's budget. It transfers J-NET out of Justice and into the Office of Juvenile Justice.

Item 26 reflects a cut that could be taken from the $1.4 million funded last year because of a delay that has occurred in the DCI Mainframe Migration Project.

Item 27 provides money to hire 6 additional chemists to reduce the controlled substance case backlog as requested by the SBI because they are about six months behind.

Rep. Culpepper said that completed the requests for the Department of Justice, and he asked for additional questions. There being none, he moved to the budget items for the Office of Juvenile Justice.

Item 28 reflects a transfer of GRASP Program funds from the Governor's budget. It takes funds out of the Crime Control and Public and Public Safety Division and puts it into the Office of Juvenile Justice.

Item 29 transfers funds for the Center for Prevention of School Violence from NCSU to Office of Juvenile Justice.

Item 30 transfers funds for three positions from the Department of Justice to the Office of Juvenile Justice.

Item 31 reflects a cut from the Governor's budget by delaying the opening of two new detention centers.

Item 32 reflects a cut identified by the subcommittee. It has to do with the multi-functional juvenile facility funded last session. The opening of the facility has been delayed so a non-recurring cut of $2 million can be taken this year. Plans are to put it back next year.

Item 33 provides new expansion money for the JCPC grants to provide additional support for local juvenile programs. There has been some question about diverting money away from prevention-type programs to at-risk children, so $300,000 in nonrecurring money is to be used for tutoring, mentoring, and other delinquency prevention activities. Rep. Sexton whether people were located to other jobs when doing away with the TASC program. A staff member the TASC Program is in Health and Human Services, and there was a Governor's recommendation item to have Division of Community Corrections end their contract with TASC for the Impact After Care Program; however, that recommendation is not being taken and the program is still intact.

Item 34 is a Governor's expansion item to fund Camp Woodson East. It is coupled with the closing of the Currituck unit, which will come up in the Corrections budget. Rep.

Justus asked whether Camp Woodson would be operated along the lines of Eckerd Camps. Rep. Culpepper said its similar to Eckerd Camps but differs in that this is a training school. There is a five-week program with a different class of kids every five weeks. It looks more like an Explorer Boy Scout troop. They use tents rather than building shelters for their primary dwellings, and they are only in the woods for five weeks at a time. Eckerd is contracted by a private provider, but the Office of Juvenile Justice operates Camp Woodson.

Item 35 funds Teen Courts as requested by members.

Item 36 reflects a one-time cut in multi-purpose group homes due to delayed openings.

Rep.Culpepper said that concluded the recommendations for the Office of Juvenile Justice. There being no further questions, he moved to the proposed Correction budget. (See I-9 of Exhibit 3.)

Item 37 reflects a cut as recommended by the Governor. It reduces the Community Corrections travel budget.

Item 38 reflects a cut as recommended by the Governor in funds for physicals for probation/parole officers.

Item 40 reflects a cut as recommended by the Governor in the budget for Community Corrections equipment.

Item 41 reflects a cut as recommended by the Governor. It reduces Intensive Probation Parole Officer Positions. Rep. Kiser said intensive officers and surveillance officers have been cut considerably in the past few years, and there are over 16,000 people that they can't find out of over 120,000 who are on parole and probation. He said the General Assembly is making a shambles out of the Department of Corrections and the probation programs. He said he thought it was a mistake to continue to cut in this area. He said he might offer an amendment later on.

Item 42 reflects a cut as recommended by Governor plus another position identified by the subcommittee. It abolishes two vacant positions in the Parole Commission.

Item 43 is a subcommittee identified cut. It reduces DART Cherry Aftercare Funds because the program has been over funded for the last three or four years.

Item 44 funds Community Substance Abuse Programs.

Item 45 was a Governor's identified cut, which eliminates electronic house arrest staff.

Item 46 increases fee for drug tests to $4.00 (Governor recommended $3.50), which permits a decrease in the general fund appropriation of $126,186.

Item 47 reflects a cut recommended by the Governor in the operating budget for the IMPACT Boot Camp Program.

Item 48 reflects a subcommittee/staff-identified cut reducing funds for non-participating counties in the Criminal Justice Partnership Program. Six counties are not expected to participate—Bladen, Dare, Hyde, Lincoln, Rutherford, and Union.

Item 49 increases Harriet's House funds by $75,000.

Item 50 increases funding for Women at Risk in Buncombe County as brought to the subcommittee's attention by Rep. Justus.

Item 51 increases funding for Summit House (having three locations in the State).

Item 52 is a non-recurring expenditure for Energy Committed Offenders Program.

Item 53 reflects a cut recommended by the Governor. There are nine positions being funded by the General Fund, which will now be funded by receipts.

Item 54 reflects a cut identified by the Governor. Funds generated from the inmate canteens will be transferred to the General Fund on a one-time basis.

Item 55 reflects a non-recurring cut identified by the Governor. It reduces the data processing equipment budget by 10%.

Item 56 reflects a Governor's recurring cut in the work release transportation fee. It increases the fee inmates must pay for transportation from $1.50 to $2.00 per day.

Item 57 reflects a cut recommended by the Governor to reduce the Division of Prison employee uniform budget.

Item 58 reflects a Governor's non-recurring reduction of 10% in the Division of Prisons equipment budget.

Item 59 reflects a Governor's identified cut in the food service contract for Black Mountain Correctional Center. The Marion Correctional Center will provide food. Rep. Haire said he wanted to go on record as wanting to look and see if the State actually saves money by transporting food up the mountain from Marion to Black Mountain.

Item 60 reflects a one-time reduction identified by the Governor in the non-salary operating budget for central administration of the Department of Correction.

Item 61 reflects a reduction identified by the Governor. It closes Currituck Correctional Center. The subcommittee identified an extra amount over and above what the Governor recommended. This item is coupled with the Camp Woodson East opening mentioned in Item 34. Rep. Sexton asked how many inmates were there and what the cost was per day.

Staff said the cost per inmate in 1998-99 was about $92 per day, and its capacity was 56 SOC and 68 expanded capacity. There were 39 staff members.

Item 62 reflects a reduction of $1.5 million in the inmate food budget as recommended by the Governor. The subcommittee cut an additional $.5 million, which they believe can be affected without doing any harm. Rep. Kiser said the old budget allowed for $.84 per meal. He said it must be getting down in the seventies now. He said the prisoners are going to get hungry, and inmates who are hungry are hard to manage.

Item 63 reflects a Governor's identified reduction in the Division of Prisons electricity budget.

Item 64 is an item the Governor identified. It transfers Correction Enterprise receipts to the General Fund.

Item 65 reflects a recommendation by the Governor to reduce the budget by increasing the work release per diem.

Item 66 reflects a savings identified by the Governor by delaying automobile replacement.

Item 67 and **Item 68** are recommended by the subcommittee. Item 67 provides funds for staff to review the medical fees and the contracts with a view toward cost savings. Item 68 provides funds to assist with the increased cost of providing medical care to inmates.

This concluded the Correction budget, and Rep. Justus made the observation that this is a true cut to the Department of Corrections. He said there would be some serious problems if the General Assembly keeps reducing their budget. He said the food was bad several years ago, and he didn't know what it would be like after it's dropped down to $.70 per serving.

Rep. Kiser asked staff what the budget was for the Department of Correction in 1998 and 1999. Answer: Last year the approved budget was for $889,943,525. Figures were not available for the previous year.

Rep. Culpepper moved on to Crime Control and Public Safety.

Item 69 and **Item 70** shows Highway Patrol overtime pay and salaries and benefits for new SHP troopers will be funded out of the Highway Fund. Rep. Haire asked when troopers are hired as of January 1st, is that the day they are sworn in and go on the road or is that the day they are accepted and go to school? Staff said that would be the day they start the academy. Lapsed time until they go to work is six months.

Item 71 provides funds to increase the state match for the Tarheel Challenge Program. The federal government has increased funding, so the state has to increase its funding too.

Item 72 is a wash item transferring GRASP from CCPS to OJJ.

Item 73 reduces CVCF funds. This fund has been carrying forward balances in excess of $2 million for the past three years, so the subcommittee recommends a recurring cut of $.5 million. It still leaves $5.5 million in the fund. Rep. Haire asked if the criteria were changed and if the new criteria had come into play. Staff said the new criteria has been in effect for a full year, and they still project that they will carry forward an extra $2 million. Rep. Kiser asked whether they were getting any better in paying claims quicker than they used to, and how much is pending on the books. Staff said they were doing some better in that they have cut down on their processing time by about two weeks. Their average process time, however, is still about thirty-two weeks. It is difficult to say what they have pending on their books because they traditionally have awarded an average of only thirty-five percent of their claims. Rep. Justus said he had had several letters about this problem, and the general theme seemed to revolve around their saying, "yes, we'll pay some of your hospital bills and those things." But he knew of a person who lost his car while he was in the hospital, and he lost his job and everything else. Rep. Justus said he didn't necessarily think it was because they were slow in reacting but because of rules and regulations are set up so you can't help in other areas except medical, primarily. He said somewhere along the line something will need to be done to see that people don't lose their houses, jobs, and everything else because of a criminal's actions. Rep. Culpepper said maybe that should be looked into by the oversight committee in the interim to see if there are some holes that could be plugged in order to get more money to victims. Rep. Sexton agreed that it looked like an item that should be looked into. He said it concerned him that those funds were being cut when there were people who need help. Rep. Culpepper said the entire program needed to be looked at, but it was out of the scope of this committee during the short session. Rep. Haire said there was a bill that passed last session that liberalized the rules and criteria on which claims would be eligible. He said that was why he had asked the question as to whether it had made any difference in the amounts of payments being made in the past year.

Rep. Culpepper said that completed the proposals for Crime Control and Public Safety. He asked if there were further questions on Crime Control and Public Safety or any of the other departments. There being none, he moved on to special provisions.

Handouts were passed out: JPS multi-paged document (Exhibit 5), a two-page document pertaining to additional Court of Appeals Judges (Exhibit 6), and a one-page special provision entitled Reduced Special Superior Court Judgeships (Exhibit 7).

Rep. Culpepper directed the committee's attention to the first special provision, Community Mediation Centers, on the JPS handout (Exhibit 5). He said that special provision shifts the responsibility for that report from AOC to the Mediation Network of North Carolina. All of the community mediation centers currently receiving state funds shall now make their report to the central network who will be responsible for bringing that report to the General Assembly as opposed to AOC doing that.

On page 113 (Exhibit 5), Report on Court Information Technology Fund, fine tunes a special provision that was put into last year's budget. It makes a technical correction by adding the words, "and office automation needs" on line 24 after "court automation technology." And the reporting requirements are changed from once a year to twice a year to speed up AOC's ability to use the technology funds as they are collected.

The next item, Authorize Additional Magistrates, is the provision that follows the money with respect to the new magistrates that are provided in the report.

On page 116 (Exhibit 5), Additional District Court Judges, is a provision that follows the money with respect to the eight new District Court Judges that are recommended for funding in the report.

On page 118 (Exhibit 5), The Worthless Check Program, follows the money with respect to the four new Worthless Checks Programs that are recommended for funding in the report.

Bottom of page 118 (Exhibit 5) Authorize Court Officials to Apply to the Director of the Administrative Office of the Courts to Enter into Contracts with Local Governments for the Provision of Judicial Secretaries, Temporary Assistant Public Defenders, Assistant Clerks, Deputy Clerks, and Other Employees in the Office of Clerk of Court When the Public Interest Warrants the Use of Additional Court Resources, is a several-page special provision. There was a House bill that was strictly targeted to Mecklenburg County, and there was a statewide Senate bill. This is a statewide bill without a sunset. It is thought that it will only apply to Mecklenburg because there are probably not any other counties rich enough to do this, but the county would be able to apply to the Administrative Office of the Courts to enter into contracts for additional court personnel such as judicial secretaries, public defenders staff, and clerk's office staff. These people would be considered temporary state employees and would be paid under the contracts by local governments. Rep. Kiser asked if that money would pass through the AOC or would they be paid directly by them. Rep. Culpepper said the money would pass through and AOC will have the authority to charge administrative costs.

Page 121 (Exhibit 5) Additional Court of Appeals Judges, this provision follows the money on the Court of Appeals Judges. Rep. Culpepper directed the committee's attention to the first page of the two-page addendum (Exhibit 6). In looking at the printed version of this special provision, it was determined that it needed to be redrafted, so when a motion is made to approve the report, the motion will involve the inclusion of the language on the first page of the addendum, which replaces the language on page 122 (Exhibit 5) that is underlined.

On the bottom of page 122 (Exhibit 5) is the provision that follows the money with respect to the two additional Resident Superior Court Judges, and page 2 of the two-page addendum (Exhibit 6) would amend the language on page 125 starting with lines 6 through 20.

On page 125 (Exhibit 5), Judicial Department Equipment Replacement Costs, is the next special provision. In looking at the Judicial Branch expansion budget request, there was some concern that the continuation budget hasn't included equipment replacement funding. Therefore, this directs the Office of State Budget to include equipment replacement cost estimates in the continuation budget that they send over like they do for most other departments. The vehicle for doing that was to actually amend G.S. 143, which is the Executive Budget Act.

On page 126 (Exhibit 5), the Modification of Funding Formula for the North Carolina State-County Criminal Justice Partnership Act, is a special provision that allows the Criminal Justice Partnership Program to carry over in the current year unused funds from discretionary one-time projects in the upcoming fiscal year. It is basically a continuation of a special provision from last year.

On page 127 (Exhibit 5), Post-Release Supervision and Parole Commission/Report on Staffing Reorganization and Reduction, is a special provision that extends an existing report.

On page 127 (Exhibit 5), Reimburse Counties for Housing and Extraordinary Medical Costs for Inmates, Parolees, and Post Release Supervisees Awaiting Transfer to State Prison System, is a special provision that was in the 1999 budget and it is continuing the $40 day reimbursement.

On page 127 and 128 (Exhibit 5), Criminal Justice Information Network Report, is a special provision that is a continuation of a report from last year.

On page 128, line 24 (Exhibit 5), Use of Seized and Forfeited Property Transferred to State Law Enforcement Agencies by the Federal Government is a special provision continued from last year's budget for the next fiscal year.

On page 129 (Exhibit 5), Increase the Educational Assistance Grants for Members of the North Carolina National Guard, is a special provision requested by a member. Apparently there are problems with people not wanting to apply for the grant, if they're not going to get it fully funded, and the average tuition is $2,000 a year. This provision will allow for a grant to cover a person's entire tuition and not just part of it. Rep. Sexton said it's a great recruiting tool for the National Guard, and it is badly needed.

On page 129 (Exhibit 5), Partial Cash Balance Reversion, speaks to the over funding of the Crime Victim's Compensation Fund. This special provision provides that $1 million be re-directed to domestic violence programs, the rape victim assistance program, and other assistance programs that are under funded.

On page 129, line 33 (Exhibit 5), Transfer Center for Prevention of School Violence to the Office of Juvenile Justice, is a special provision to affect the transfer.

On page 129, line 48 (Exhibit 5), Transfer of Positions and Support Costs for the Juvenile Information Network from the Department of Justice to the Office of Juvenile Justice, is, again, a special provision to affect the transfer.

On page 130 (Exhibit 5), Revise Reporting Requirements of Staffing at Training Schools and Detention Centers Study, is a provision for a study that has been funded and authorized for OJJ to do. This just changes to whom the report is to be made, and the reporting date is changed to September 1st.

On page 130 (Exhibit 5), Reports of Funds for Local Organizations of the Boys and Girls Club, is special provision to extend the reporting period for another year and adds another section to require them, before extending more funds, to take a look at the ones that were not funded last time to see if they are still eligible. There are ten counties being funded.

On page 131 (Exhibit 5), State Funds May Be Used As Federal Matching Funds, is a provision that extends the reporting requirement. There's a federal juvenile accountability block grant that's been reported to the General Assembly prior to its allocation. This extends the reporting for another year and requires Juvenile Justice to be one of the entities that reports.

On page 131 (Exhibit 5), Revise Requirements of Multifunctional Juvenile Facility, is a special provision that clarifies that the multifunctional juvenile facility, if and when it is built and is on line, is only going to house juveniles in the North Carolina Juvenile Justice System. It also extends the reporting time, from the time it's initially set up in the last budget bill, for one year in each reporting instance.

On page 131 (Exhibit 5), Mecklenburg County Multipurpose Group Homes. There were funds appropriated in 1998 to construct a detention facility for females. It did not get adequate community support, so last year the General Assembly allowed them to use $1.1 million for a multipurpose group home rather than a detention facility. This year the county has come back and asked to take that $1.1 million allowed by the state and add $500,000 in county funds to build two, eight-bed multipurpose homes. Mecklenburg County wants to build and run the facilities modeled after state facilities, but it would be a local multipurpose home—not a state multipurpose home. Multipurpose means only two of the beds can be used for detention—the other six beds are alternative to detention.

On page 132 (Exhibit 5), Transfer of Guard Response Alternative Sentencing Program to the Office of Juvenile Justice, is a special provision to follow the money transfer of that program over from Crime Control to OJJ.

On page 132 (Exhibit 5), Transfer of Funds to Department of Juvenile Justice and Delinquency Prevention. House Bill 1804 and Senate Bill 1462 are pending for the establishment of a new Department level, Department of Juvenile Justice and Delinquency Prevention to take over OJJ. If either one of those bills becomes law this session, the provision allows the money appropriated to OJJ to be transferred over to the new department.

On page 132 (Exhibit 5), Forsyth Detention Center, is a provision regarding a prior appropriation. The General Assembly appropriated $1.75 million in 1999-2000 to OJJ for a grant in aid for the construction of the Forsyth Detention Center. That has not been put on line yet, and in order to keep those funds from reverting, and to keep them for their original purpose, this special provision rolls that money over and carries it forward to the 2000-2001 fiscal year to allow adequate time to complete the assessment and try to put that facility on line. Rep. Justus said in years past there were reporting requirements to an oversight committee.

Rep. Culpepper said that completed the presentation of the budget items and special provisions and he again called attention to the handouts amending the language. (See Exhibits 6 and 7) He asked whether there were further questions or discussion from the committee.

Rep. Kiser said he thought the committee had put the public safety of correctional officers, probation officers, and the general public at risk by what has been done to the Correction budget. He said it had been cut too deep. Rep. Culpepper agreed, but said it could be looked at next year.

Rep. Culpepper said the chair would entertain a motion that the Justice and Public Safety Subcommittee Report as submitted to the committee today, including the report and all the special provisions as amended be reported favorably by the committee to the full Appropriations. Rep. Haire so moved, and there was no further discussion. The motion passed and the meeting was adjourned.

Respectfully submitted,

Barbara A. Berry

Rep. William T. Culpepper III, Co-Chairman

Barbara A. Berry, Committee Assistant

Attachments:
Exhibit 1—Agenda
Exhibit 2—Visitor Registration
Exhibit 3—JPS List of Budget Items
Exhibit 4—Reduce Special Superior Court Judgeships
Exhibit 5—JPS Special Provisions
Exhibit 6—Document pertaining to additional Court of Appeals Judges
Exhibit 7—Special Provision entitled Special Superior Court Judgeships

HOUSE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

Monday June 12, 2000 2:00 p.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairmen:

Representative Bill Culpepper, Presiding
Representative Paul McCrary,
Representative Ted Kinney

II. PRESENTATIONS

Review of Proposed House Budget Report and Special Provisions

Subcommittee Chairmen
Fiscal Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

EXHIBIT 2

VISITOR REGISTRATION SHEET

Appropriations Subcommittee on Justice and Public Safety

Name of Committee | Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Scott Bradley	Mediation Network of NC
Donna Hargrove	OJJ
Susan Whitten	OJJ
Ken Foster	OJJ
Greg Retsinas	NY Times Group
Cam Coven	BPMHC
[illegible]	GAL Volunteers
Melissa Lovell	DOJ
[illegible]	DOJ
Mike Barker	CC&PS
Jonathan Williams	CCPS
Sara Singleton	Governor's Office
[illegible]	
Janet Pittard	OSBM
Whitney Hung	OSBM
Rob Lubitz	~~OA~~ ACC
Tom Ross	AOC

House Subcommittee on Justice and Public Safety

Judicial

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	**$347,361,291**

Budget Changes

1	**Vacant Superior Court Judgeships** The Continuation Budget is adjusted to reflect the expiration of 1 Special Superior Court Judgeship as of October 1,2000 and the elimination of an additional Special Superior Court Judgeship that will be vacant as of October 1, 2000. These Judgeships were created in 1987 and 1993 respectively.	($220,246) -2.00	R
2	**Increase Indigent Fund Requirements** The 1999 budget reduced continuation budget funding for the indigent fund by $3.2 Million. Because spending requirements have been higher than anticipated and available funds limited by the costs of Hurricane Floyd, $200,000 of this cut is restored.	$200,000	R
3	**Positions for Office of Indigent Defense Services** House Bill 1590 establishes an independent Commission to oversee spending on Indigent Defense, as of July 1, 2001. During 2000-2001, $375,859 from the Indigent Defense Fund will be used to establish 5 staff positions for this new office; an Executive Director and Administrative Assistant as of November 1, 2000 and a Deputy Director/ Chief Financial Officer, an Information Systems Director and a Research Analyst as of January 1, 2001. Funding for Indigent Defense is increased for 2000-2001 to cover these costs. If neither HB1590 nor SB 1323 become law, these funds will remain in the indigent fund for ongoing expenses .	$297,900 $77,959 5.00	R NR
4	**Special Counsel for the Mentally Ill** Funds will be used from the Indigent Defense Fund to establish 4 new positions in the Special Counsel for the Mentally Ill program. This program represents patients at 3 state mental institutions. The new positions are 3 attorneys and 1 Assistant to Special Counsel/Paralegal at Cherry Hospital. Funding for the Indigent Defense Fund is increased to cover this expense.	$262,415 $16,408 4.00	R NR

5 Resources for Court Technology $4,375,877

$2,305,732 NR

27.00

These funds are provided to address critical needs in the area of improving court technology. Funds are to be allocated as follows:

Implement Magistrate System
$1,543,867 R
$ 199,949 NR
23 positions

This includes positions to staff Help Desk, maintain LAN and WAN for training and to continue to maintain and enhance the system.

Add 2 Technical Support/Computer Operator Positions $ 100,828 R
$ 12,570 NR

Funds to improve facilities for the Court Management Information Division $ 150,000 NR

Reserve for Disaster Recovery $ 741,755 R
$ 33,162 NR

Funds may be used to establish positions, contractual services or equipment, based on planning process now underway.

Equipment Replacement $ 835,679 R
$1,780,242 NR

Migration Manager Position $ 116,435 R
This position will oversee $ 7,151 NR
implementation of Gartner Report recommendations.

Support for Worthless Check Programs $ 135,419 R
$ 51,135 NR
1 position

Automated Civil Abstract Pgrm
To begin automating the $ 623,998
civil abstract records in $ 63,178
Clerks' offices.

Resources to be allocated to additional support or to $ 277,896 R
redesign of legacy court $ 8,345 NR
systems

House Subcommittee on Justice and Public Safety

6	**Community Mediation Center Funds** Provide additional funds to 17 community mediation/dispute settlement centers around the state. This item also includes $25,000 for the Mediation Network of North Carolina as they take on more responsibility in monitoring the work of individual centers and $25,750 for a new program in Johnston County. (HB 1840, Sec. 15)	$290,630	R
7	**Business Court Funds** Funding is continued, on a nonrecurring basis, for rent and equipment maintenance expenses for the Business Court located in Greensboro.	$44,000	NR
8	**Increase Funding for Court Interpreters** The increasing numbers of non-English speaking parties has increased the demand for court interpreters. This item increased continuation budget funding to $458,005.	$250,179	R
9	**Worthless Check Programs** Funds are provided to expand the Worthless Check Program to Cumberland, Nash, Edgecombe and Onslow Counties. This brings the total number of counties involved to 12. Each program is staffed by a District Attorney Investigator and a Legal Assistant. Nash and Edgecombe will be staffed by 1 team. (HB 1840, Sec. 15.3A)	$286,311 $52,236 6.00	R NR
10	**Interpreters for Domestic Violence Cases** These funds will allow the AOC to hire interpreters in Domestic Violence Cases in District Court.	$75,889	NR
11	**Non-technology Equipment Replacement** These funds will allow replacement statewide of office equipment (copiers, microfilming equipment and mailing machines) that are at least 6 years old. The Judicial Branch does not have continuation budget funding for equipment replacement.	$1,000,000	NR
12	**Courtroom Wiring and Audio Equipment** These funds will cover the costs of 75 courtroom recording systems to accommodate District Court and non-jury Superior Court proceedings. New units are needed because of new courtrooms that have been established.	$211,500	NR
13	**Magistrates** Funds are provided to add magistrates in 13 counties; full time magistrates in Alamance, Brunswick, Guilford, Hertford, Jackson, Orange, and Union Counties and half-time positions in Alexander, McDowell, Mecklenburg, Perquimans, Wake and Warren. The AOC identified new magistrate positions as a critical need due to increasing caseloads and the difficulties providing 24-hour coverage. (HB 1840, Sec. 15.2)	$345,720 $72,098 10.00	R NR

14	**NDAA Membership** Funds are provided to allow the 39 elected District Attorneys to join the National District Attorneys' Association.	$48,000	NR
15	**Administrative Office of the Courts Positions** Funds to add 5 new positions to support the Administrative Office of the Courts; Leave Specialist and Benefits Specialist for Human Resources, Court Management Specialist, Staff Specialist in the Administrative Division and Secretary in the Legal Services Division.	$261,520 $35,858 5.00	R NR
16	**District Court Judges** Eight new District Court Judge positions are created as of December 15, 2000. New positions are in Districts 1,4,10,9B,11,17A,22 and 26. (HB 1840, Sec. 15.3)	$544,920 $96,232 8.00	R NR
17	**Superior Court Judges** Creates new Superior Court Judgeships in District #4B (Onslow County) and District #26B (Mecklenburg County) as of October 1, 2000. (HB 1840, Sec. 15.6)	$225,989 $17,910 2.00	R NR
18	**Judicial Assistant** Funds for a Judicial Assistant I for Superior Court District #11B.	$35,547 $4,954 1.00	R NR
19	**Additional Court of Appeals Judges and Staff** Funds to add 3 Court of Appeals Judges, 3 Executive Assistants, 6 Research Assistants, 1 Court of Appeals Staff Attorney and 1 Appellate Clerk as of October 1, 2000. (HB 1840, Sec. 15.5)	$748,645 $109,103 14.00	
20	**Court of Appeals Mediation Program** Funds to allow a new program to mediate cases post-conviction/pre-appeal in order to reduce Court of Appeals filings. Funds will be used to pay judges and for training.	$25,000	R
21	**Court of Appeals Research Assistants** Funds to provide 2 Research Assistants for emergency Judges working at the Court of Appeals.	$99,580 $13,512 2.00	R NR
22	**Expand Family Court Program** Funds to expand the Family Court Pilot to 2 additional districts. This program, established in 1998,coordinates case management and service agency efforts for a family involved in the court system. This brings the number of programs to 8. Funds are used to pay case managers and a program administrator in each district.	$513,184 $104,816 8.00	R NR
23	**Salary Increases for Sentencing Services Staff** This item allows non governmental agencies running Sentencing Services programs to provide their employees the same pay increase granted to state employees working in the program, as was done in 1999.	$166,298	R

House Subcommittee on Justice and Public Safety

24 Guardian Ad Litem Staff Funds to add 6 fte positions to the Guardian-Ad-Litem program; upgrade two 3/4 time regional administrators to fulltime, add 2 program supervisors and 7 half-time program assistants.	$274,192 $43,324 6.00	R NR
Budget Changes	**$8,983,661** **$4,329,531**	R NR
Total Position Changes	96.00	
Revised Total Budget	**$360,674,483**	

Justice

GENERAL FUND

	FY 00-01	
Total Budget Approved 1999 Session	**$72,575,950**	
Budget Changes		
25 Transfer J-NET Positions to OJJ	($225,000)	R
Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	-3.00	
SBI		
26 DCI Mainframe Migration Project		
One time reduction in expansion funding for the DCI mainframe migration project.	($350,000)	NR
27 Hire 6 Forensic Chemists	$154,270	R
Hire 6 additional Chemists to reduce the controlled substance case backlog and provide a reasonable turnaround time for case completion.	$69,566 6.00	
Budget Changes	**($70,730)**	R
	($280,434)	NR
Total Position Changes	3.00	
Revised Total Budget	**$72,224,786**	

Office of Juvenile Justice

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	**$140,018,378**

Budget Changes

Administration

28	**Transfer GRASP from CCPS to OJJ** The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ. (HB 1840, Sec. 19.7)	$338,000	R
29	**Center for Prevention of School Violence** Transfer the Center for Prevention of School Violence from NC State University to the Office of Juvenile Justice. (HB 1840, Sec. 19)	$500,000 7.00	R
30	**Transfer J-NET Positions from DOJ** Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	$225,000 3.00	R

Detention Bureau

31	**Delayed Opening of Two New Detention Centers** A partial operating budget of $840,000 was appropriated for two new detention centers based on January, 2001 start dates. The latest schedule shows a July 1, 2001 start date for the Wayne and Alexander facilities allowing for a one-time reduction in the FY 2000-01 budget of $561,000. The amount of $279,000 is retained for one-time start up costs such as equipment.	($561,000)	NR
32	**Multi-functional Juvenile Facility** One time non-recurring reduction in operating funds due to delayed opening of the 100 bed multi-functional juvenile facility. Facility was originally expected to open January 2001. The latest target date is July, 2001. $500,000 is left for 2000-01 in case the facility opens one month early or start up funding is needed.	($2,000,000)	NR

Intervention/Prevention Bureau

33 Local Juvenile Justice Funding Increases county JCPC grants in order to provide additional support for local juvenile programs. $1 million is recurring to be used for JCPC formula grants. The $300,000 non recurring funds are to be allocated to programs that emphasize tutoring, mentoring, and other delinquency prevention activities for at-risk youth.	$1,000,000 $300,000	R NR

Special Initiatives Bureau

34 Camp Woodson East Funding to start a Camp Woodson East October 1, 2000 and to increase staffing at Woodson West by three positions. Camp Woodson is a therapeutic wilderness and education program that is used by the Court as an intermediate sanction and as a transitional program for offenders in training schools. The full cost of the program for 2000-01, $966,426, is offset by recurring and non-recurring receipts.	$590,748 $23,978 24.00	R NR
35 Teen Courts Provide funding for Teen Courts in Bladen, Chatham, Davidson, Jones, and Orange Counties.	$140,000	R
36 Multi-purpose Group Homes One time non-recurring reduction in operating funds due to delayed opening of four multi-purpose group homes funded in 1998-99.	($400,000)	
Budget Changes	**$2,793,748** **($2,637,022)**	R NR
Total Position Changes	34.00	
Revised Total Budget	**$140,175,104**	

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	**$889,943,525**

Budget Changes

37	**Reduce Community Corrections Travel Budget** The Department of Correction has studied their travel expenses and adopted several cost savings measures, including reducing the number of Department of Administration owned vehicles in use. Based on these savings, the travel budget for the Division of Community Corrections has been reduced.	($200,000)	R
38	**Reduce Division of Prisons Travel Budget** Based on the study of travel costs, the Division of Prisons Travel Budget can also be reduced.	($150,000)	R
39	**Community Correction Budget for Employee Physicals** Based on expenditures in 1999-2000 for physicals required as a condition of employment for probation/parole officers, a recurring reduction in the budget will be taken.	($100,000)	R
40	**Reduce Community Corrections Equipment Budget** The equipment budget for the Division of Community Corrections is reduced by $110,000, roughly 10% of the equipment budget, for 2000-2001 only.	($110,000)	NR
41	**Intensive Probation Parole Officer Positions** Four vacant intensive officer positions and four vacant surveillance officer positions will be eliminated. This leaves 359 of each position. Caseloads for intensive teams have recently reached the targeted level of 25 offenders per 2 person team.	($327,152) -8.00	R
42	**Abolish Two Vacant Positions in Parole Commission** Two positions from the Post Release Supervision and Parole Commission, a Parole Case Analyst and an Office Assistant V, are eliminated to reflect a decreasing workload. The Governor's Recommended Changes included abolishing one of these positions at a reduction of $35,561. (HB 1840, Sec. 16.1)	($78,603) -2.00	R
43	**Reduce DART Cherry Aftercare Funds** The Continuation Budget includes $319,715 in contractual service funds that are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry who are not eligible for existing community programs. Funds for this project are reduced to $219,715.	($100,000)	R

44 Community Substance Abuse Programs — $100,000 — NR

Increase budget of DOC Substance Abuse program for expansion of community based counseling, job placement and mentoring programs for offenders.

45 Eliminate Electronic House Arrest Staff — ($93,924) — R

-6.00

Improved technology for electronic monitoring has reduced some of the workload of staff in the electronic monitoring area. Six Electronic House Arrest Specialist positions in their Technology Center will be eliminated, five of which are currently vacant. During 2000-2001, the Department will retain $68,000 of the cost of these positions to cover overtime and contractual workers until the new system is fully operational.

46 Increase Fee for Drug Tests — ($126,186) — R

The Division of Community Corrections operates its own drug testing lab providing testing services to itself, the Division of Prisons, the Office of Juvenile Justice and several local government agencies. They currently charge $2.50 per test. This budget item reflects an increase in fee to $4.00 per test, close to the actual cost of $3.84, not including administrative costs. The Governor recommended an increase to $3.50 but the subcommittee increased it further to $4.00.

47 IMPACT Program — ($108,300)

Reduction in the operating budget for the IMPACT Boot Camp Program.

48 Reduce funds for non-participating counties - CJPP — ($420,000) — NR

The continuation budget included funds to fully fund Criminal Justice Partnership Program (CJPP) Implementation Grants for 100 counties. Funding is eliminated for one year for the six counties not expected to participate during 2000-2001. (HB 1840, Sec. 16)

49 Harriet's House — $75,000 — R

Harriet's House provides services to female offenders released from prison. This funding will increase their state appropriation and allow the program to serve more clients.

50 Women at Risk — $50,000 — R

Increase funding for this community correction program for female probationers in Western North Carolina.

51 Summit House — $292,834 — R

Expansion funding for this residential treatment and assistance program for female probationers and their children.

52	**ECO Inmate Family Pilot Project** Provide one-time funds for the Energy Committed Offenders Program (ECO) to develop a program to provide counseling and services to families of inmates. ECO currently receives state funds to operate a halfway house for female inmates prior to their release from the prison system.	$60,000	NR
53	**Enterprise Fund Accountants** Nine Enterprise accounting positions are funded from the General Fund. It is recommended that the positions be supported by receipts from the Enterprise Fund allowing for a reduction in the General Fund.	($344,200)	R
54	**Inmate Welfare Fund** This special fund is generated from inmate canteens and from contracts for use of telephones by inmates. It is primarily to fund inmate related projects. It is recommended that funds from the estimated cash balance of the Fund be transferred to the General Fund to allow for a one-time reduction in the General Fund.	($2,250,000)	NR
55	**Data Processing Equipment** One-time reduction of 10% of the Department's data processing equipment budget.	($225,862)	NR
56	**Work Release Transportation Fee** Inmates on work release are required by the General Statutes to contribute towards the cost of their transportation to work. It is recommended that the current fee of $1.50 be increased to $2.00 daily to increase receipts and allow for a General Fund reduction.	($44,844)	R
57	**Division of Prison Employee Uniform Budget** Correctional officer vacancies and improvements in Central Warehouse inventory procedures allow for a recurring reduction in the employee uniform budget.	($750,000)	R
58	**Division of Prisons Equipment Budget** One-time reduction of 10% of the Prison equipment budget	($460,000)	NR
59	**Food Service Contract** Meals at the Black Mountain Correctional Center can now be provided by the Marion Correctional Center so the food service contract at Black Mountain can be cancelled.	($223,372)	R
60	**Department of Correction Management Budget** One-time reduction in the non-salary operating budget for central administration of the Department of Correction.	($300,000)	NR

61 Close Currituck Correctional Facility ($1,140,000)

As proposed by the Governor, it is recommended that Currituck Correctional Center be closed August 1, 2000. Currituck is one of the original GPAC units recommended for closing. Total reduction recommended by the Governor is $1,045,000. An additional reduction of 50 % of the inmate budget (food, medical, clothing) of $95,000 will also be taken. -38.00

62 Division of Prisons Inmate Food Budget ($2,000,000) R

Through various cost saving initiatives, including changes in inventory practices and the master food menu, DOC believes the continuation budget for inmate food can be reduced. The Governor recommended a reduction of $1,500,000. It is believed an additional $500,000 can be reduced from this budget.

63 Division of Prisons Electricity Budget ($300,000) R

The Division is realizing savings in the electricity budget due to over budgeting for electricity in new prisons and better use of peak power options with the power companies.

64 Increase Correction Enterprise Receipts ($500,000) R

It is recommended that $3,250,000 in Enterprise receipts be transferred to the General Fund to allow for a reduction in the General Fund both one time and recurring. ($2,750,000) NR

65 Work Release ($325,000)

Increase per diem paid to the Department by inmates on work release from $14 to $15 dollars daily.

66 Delay Automobile Replacement ($1,000,000) NR

Based on a revised DOC replacement schedule, a one-time reduction in the budget for vehicle purchases is recommended. This is based on improved maintenance programs and using vehicles from prisons that were closed.

67 Medical Cost Containment Positions $100,239 R

In order to provide additional auditing and review of inmate bills, medical fees and contracts, three positions are recommended. These are a medical cost containment analyst and two accounting positions - - a technician and a clerk. $13,260 NR 3.00

68 DOC Medical Budget $780,000 R

Funding is provided to assist with the increased cost of providing medical care to inmates. Funds can be used for non-salary items, such as medical supplies and drugs, and to pay fees and contracts for services.

Budget Changes	**($5,613,508)**	**R**
	($7,342,602)	**NR**
Total Position Changes	-51.00	
Revised Total Budget	**$876,987,415**	

	FY 00-01
Total Budget Approved 1999 Session	**$36,267,844**

Budget Changes

Highway Patrol

69 Highway Patrol Overtime Pay — $0 — R

Provides $480,564 from the Highway Fund to pay overtime for State Highway Patrol in lieu of compensatory leave.

70 Salaries and Benefits for New SHP Troopers — $0 — R

Provides a reserve for salaries and benefits for 28 new SHP troopers to be hired January 2001. Funds come from the Highway Fund.

National Guard

71 Increase State Match for Tarheel Challenge — $270,000 — R

Provide funds to increase the state match for the Tarheel Challenge Program. The National Guard Bureau increased the total budget to $2.8 million beginning FY 00-01.The program will be funded on a 65% federal to 35% state match basis beginning FY 2000

72 Transfer GRASP from CCPS to OJJ — ($338,000) — R

The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ. (HB 1840, Sec. 19.7)

Victims & Justice Services

73 Reduce CVCF Funds — ($500,000) — R

The Continuation Budget includes a $2,000,000 general fund appropriation for the Crime Victims Compensation Fund. The CVCF reimburses victims for the economic costs of criminally injurious conduct. This Fund has carried forward cash balances in excess of $2 million each year for the past three years, therefore, funds for this program are reduced to $1,500,000. (HB 1840, Sec. 18.1)

Budget Changes	**($568,000)**	**R**
Total Position Changes		
Revised Total Budget	**$35,699,844**	

CODE NO. 2000AOC-H014

Requested by:

REDUCE SPECIAL SUPERIOR COURT JUDGESHIPS

Section @. G.S. 7A-45.1(a) reads as rewritten:

"(a) Effective November 1, 1993, the Governor may appoint two special superior court judges to serve terms expiring September 30, 2000. Effective October 1, 2000, one of those positions is abolished. Successors to the special superior court ~~judges~~ judge appointed pursuant to this subsection shall be appointed to a five-year ~~terms.~~ term. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

EXHIBIT 5

JPS

PART XV. JUDICIAL DEPARTMENT

CODE NO. 2000AOC-H002A-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORT ON COMMUNITY MEDIATION CENTERS

Section 15.(a) Section 17.3 of S.L. 1999-237 reads as rewritten:

"Section 17.3.(a) All community mediation centers currently receiving State funds shall report annually to the ~~Judicial Department~~ Mediation Network of North Carolina 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 appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The ~~Judicial Department~~ Mediation Network of North Carolina 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.

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to ~~G.S. 7A-346.1~~ this section that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to ~~G.S. 7A-346.1~~ this section and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the ~~Administrative Office of the~~

~~Courts~~ Mediation Network of North Carolina for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds."

Section 15.(b) G.S. 7A-346.1 is repealed.

Section 15.(c) Of the funds appropriated to the Judicial Department for transfer to the community mediation centers for the 2000-2001 fiscal year, funds allocated to the Dispute Settlement Center of Durham County, Inc., and Mediation Services of Wake County, Inc., shall be allocated to Carolina Correctional Services, Inc.

CODE NO. 2000AOC-H003-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORT ON COURT INFORMATION TECHNOLOGY FUND

Section 15.1 G.S. 7A-343.2 reads as rewritten:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology and office automation needs. The Director shall report by ~~March 1~~ August 1 and February 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding ~~calendar year.~~ six months."

CODE NO. 2000AOC-H004-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

AUTHORIZE ADDITIONAL MAGISTRATES

Section 15.2. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
Camden	1	3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	~~3~~ 4	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	

Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	4	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	
Jones	2	3	
Onslow	8	14	
New Hanover	6	11	
Pender	4	6	
Halifax	9	14	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	6	
Hertford	5	~~6~~ 7	
Nash	7	10	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	12	Mount Olive
Greene	2	4	
Lenoir	4	10	La Grange
Granville	3	7	
Vance	3	6	
Warren	3	~~4~~ 5	
Franklin	3	7	
Person	3	4	
Caswell	2	5	
Wake	12	~~20~~ 21	Apex, Wendell, Fuquay- Varina, Wake Forest
Harnett	7	11	Dunn
Johnston	10	12	Benson, Clayton, Selma
Lee	4	6	
Cumberland	10	19	
Bladen	4	6	
Brunswick	4	~~8~~ 9	
Columbus	6	9	Tabor City
Durham	8	13	
Alamance	7	~~10~~ 11	Burlington
Orange	4	~~11~~ 12	Chapel Hill
Chatham	3	8	Siler City
Scotland	3	5	
Hoke	4	5	
Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs,

Rockingham	4	9	Rowland, St. Pauls Reidsville, Eden, Madison
Stokes	2	5	
Surry	5	9	Mt. Airy
Guilford	20	~~26~~ 27	High Point
Cabarrus	5	9	Kannapolis
Montgomery	2	4	
Randolph	5	10	Liberty
Rowan	5	10	
Stanly	5	6	
Union	4	~~7~~ 8	
Anson	4	5	
Richmond	5	6	Hamlet
Moore	5	8	Southern Pines
Forsyth	3	15	Kernersville
Alexander	2	~~3~~ 4	
Davidson	7	10	Thomasville
Davie	2	3	
Iredell	4	9	Mooresville
Alleghany	1	2	
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	5	
Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	Hickory
Mecklenburg	15	~~27~~ 28	
Gaston	11	22	
Cleveland	5	8	
Lincoln	4	7	
Buncombe	6	15	
Henderson	4	7	
McDowell	3	~~5~~ 6	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	Canton
Jackson	3	~~4~~ 5	
Macon	3	4	
Swain	2	3."	

CODE NO. 2000AOC-H005B-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
ADDITIONAL DISTRICT COURT JUDGES

Section 15.3.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	~~4~~ 5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~7~~ 8	Sampson
		Duplin
		Jones
		Onslow
5	7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	~~1~~ 2	Warren
		(part of Vance
		see subsection (b))
10	~~13~~ 14	Wake
11	~~7~~ 8	Harnett

1			Johnston
2			Lee
3	12	9	Cumberland
4	13	6	Bladen
5			Brunswick
6			Columbus
7	14	6	Durham
8	15A	4	Alamance
9	15B	4	Orange
10			Chatham
11	16A	3	Scotland
12			Hoke
13	16B	5	Robeson
14	17A	~~2~~ 3	Rockingham
15	17B	3	Stokes
16			Surry
17	18	12	Guilford
18	19A	4	Cabarrus
19	19B	6	Montgomery
20			Moore
21			Randolph
22	19C	4	Rowan
23	20	7	Stanly
24			Union
25			Anson
26			Richmond
27	21	8	Forsyth
28	22	~~8~~ 9	Alexander
29			Davidson
30			Davie
31			Iredell
32	23	4	Alleghany
33			Ashe
34			Wilkes
35			Yadkin
36	24	4	Avery
37			Madison
38			Mitchell
39			Watauga
40			Yancey
41	25	8	Burke
42			Caldwell
43			Catawba
44	26	~~16~~ 17	Mecklenburg
45	27A	6	Gaston
46	27B	4	Cleveland
47			Lincoln
48	28	5	Buncombe
49	29	6	Henderson
50			McDowell
51			Polk
52			Rutherford
53			Transylvania

30	5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

Section 15.3.(b) Notwithstanding the provisions of G.S. 7A-142, the Governor shall appoint additional district court judges for District Court Districts 1, 4, 9B, 10, 11, 17A, 22, and 26, as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2004 election for four-year terms commencing on the first Monday in December 2004.

Section 15.3.(c) Subsection (a) of this section becomes effective December 15, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective December 15, 2000, 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.

CODE NO. 2000AOC-H006-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

WORTHLESS CHECK PROGRAM

Section 15.3A.(a) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212 and Section 17.7 of S.L. 1999-237, reads as rewritten:

"(d) This act applies only to Brunswick, Bladen, Columbus, Cumberland, Durham, Edgecombe, Nash, New Hanover, Onslow, Pender, Rockingham, and Wake Counties."

Section 15.3A.(b) Section 17.7(c) of S.L. 1999-237 reads as rewritten:

"Section 17.7.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the ~~bad~~ worthless check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, Cumberland, Edgecombe, Nash, New Hanover, Onslow, and Pender Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

CODE NO. 2000AOC-H008A-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

AUTHORIZE COURT OFFICIALS TO APPLY TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS FOR THE PROVISION OF JUDICIAL SECRETARIES, TEMPORARY ASSISTANT PUBLIC DEFENDERS, ASSISTANT CLERKS, DEPUTY CLERKS, AND OTHER EMPLOYEES IN THE OFFICE OF THE CLERK OF COURT WHEN THE PUBLIC INTEREST WARRANTS THE USE OF ADDITIONAL COURT RESOURCES

Section 15.4.(a) G.S. 7A-44.1 reads as rewritten:

"**§ 7A-44.1. Secretarial and clerical help.**

(a) Each senior resident superior court judge may appoint a judicial secretary to serve at his pleasure and under his direction the secretarial and clerical needs of the superior court judges of the district or set of districts as defined by G.S. 7A-41.1(a)

for which he is the senior resident superior court judge. The appointment may be full- or part-time and the compensation and allowances of such secretary shall be fixed by the senior regular resident superior court judge, within limits determined by the Administrative Office of the Courts, and paid by the State.

(b) Each senior resident superior court judge may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of judicial secretaries pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(c) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (b) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(d) The terms of any contract entered into with local governments pursuant to subsection (b) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(b) G.S. 7A-102 is amended by adding three new subsections to read:

"(e) A clerk of superior court may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of assistant clerks, deputy clerks, and other employees in the office of each clerk of superior court pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(c) G.S. 7A-300 reads as rewritten:

"**§ 7A-300. Expenses paid from State funds.**

(a) The operating expenses of the Judicial Department shall be paid from State funds, out of appropriations for this purpose made by the General ~~Assembly.~~ Assembly, or from funds provided by local governments pursuant to G.S. 153A-212.1 and G.S. 160A-289.1. The Administrative Office of the Courts shall prepare budget estimates to cover these expenses, including therein the following items and such

other items as are deemed necessary for the proper functioning of the Judicial Department:

(1) Salaries, departmental expense, printing and other costs of the appellate division;

(2) Salaries and expenses of superior court judges, district attorneys, assistant district attorneys, public defenders, and assistant public defenders, and fees and expenses of counsel assigned to represent indigents under the provisions of Subchapter IX of this Chapter;

(3) Salaries, travel expenses, departmental expense, printing and other costs of the Administrative Office of the Courts;

(4) Salaries and travel expenses of district judges, magistrates, and family court counselors;

(5) Salaries and travel expenses of clerks of superior court, their assistants, deputies, and other employees, and the expenses of their offices, including supplies and materials, postage, telephone and telegraph, bonds and insurance, equipment, and other necessary items;

(6) Fees and travel expenses of jurors, and of witnesses required to be paid by the State;

(7) Compensation and allowances of court reporters;

(8) Briefs for counsel and transcripts and other records for adequate appellate review when an appeal is taken by an indigent person;

(9) Transcripts of preliminary hearings in indigency cases and, in cases in which the defendant pays for a transcript of the preliminary hearing, a copy for the district attorney;

(10) Transcript of the evidence and trial court charge furnished the district attorney when a criminal action is appealed to the appellate division;

(11) All other expenses arising out of the operations of the Judicial Department which by law are made the responsibility of the State; and

(12) Operating expenses of the Judicial Council and the Judicial Standards Commission.

(b) Repealed by Session Laws 1971, c. 377, ~~e. 32."~~ s. 32."

Section 15.4.(d) G.S. 7A-467 is amended by adding three new subsections to read:

"(e) A public defender may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of temporary assistant public defenders pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the requesting public defender, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be

construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(e) G.S. 153A-212.1 reads as rewritten:

"**§ 153A-212.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(f) G.S. 160A-289.1 reads as rewritten:

"**§ 160A-289.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(g) G.S. 7A-64(c) reads as rewritten:

"(c) The length of service and compensation of any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this ~~section.~~ section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(h) The Administrative Office of the Courts shall report by March 1 of each year to the Chairs of the House and Senate Appropriations Committees and to the Chairs of the House and Senate Appropriation Subcommittees on Justice and Public Safety on contracts entered into with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the Clerk of Superior Court. The report shall include the number of applications made to the Administrative Office of the Courts for these contracts, the number of contracts entered for provision of these positions, and the dollar amounts of each contract.

CODE NO. 2000AOC-H009-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL COURT OF APPEALS JUDGES

Section 15.5.(a) G.S. 7A-16 reads as rewritten:

"**§ 7A-16. Creation and organization.**

The Court of Appeals is created effective January 1, 1967. It shall consist initially of six judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.

Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is authorized to convene, organize, and promulgate, subject to the approval of the Supreme Court, such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

Effective January 1, 1969, the number of judges is increased to nine, and the Governor, on or after March 1, 1969, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1971. Their successors shall be elected at the general election for members of the General Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

Effective January 1, 1977, the number of judges is increased to 12; and the Governor, on or after July 1, 1977, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1979. Their successors shall be elected at the general election for members of the General Assembly in November, 1978, and shall take office on January 1, 1979, to serve the remainder of the unexpired term which began on January 1, 1977.

On or after October 1, 2000, the Governor shall appoint three additional judges to increase the number of judges to 15. The appointees shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election, and shall take office on January 1, 2005, to serve terms expiring December 31, 2012. If the Governor fails to make the appointments by January 1, 2001, then the judgeships shall be treated as vacancies on the court and filled as provided by law.

The Court of Appeals shall sit in panels of three judges each. The Chief Judge insofar as practicable shall assign the members to panels in such fashion that each member sits a substantially equal number of times with each other member. He shall preside over the panel of which he is a member, and shall designate the presiding judge of the other panel or panels.

Three judges shall constitute a quorum for the transaction of the business of the court, except as may be provided in § 7A-32.

In the event the Chief Judge is unable, on account of absence or temporary incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an acting Chief Judge from the other judges of the Court, to temporarily discharge the duties of Chief Judge."

Section 15.5.(b) This section becomes effective October 1, 2000.

CODE NO. 2000AOC-H012-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL SUPERIOR COURT JUDGES

Section 15.6.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges

First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	2
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	~~1~~ 2
Second	5	New Hanover, Pender	3
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick, Columbus	2
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham,	3

		see subsection (b))	
Third	15A	Alamance	2
Third	15B	Orange, Chatham	1
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Moore, Randolph	2
Sixth	19C	Rowan	1
Sixth	20A	Anson, Richmond	1
Sixth	20B	Stanly, Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	~~2~~ 3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29	Henderson, McDowell, Polk, Rutherford,	2

		Transylvania	
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

Section 15.6.(b) The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 26B as authorized by subsection (a) of this section. The successor to that judge shall be elected in the 2002 general election to serve a term expiring December 31, 2010. The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 4B as authorized by subsection (a) of this section. The successor to that judge shall be elected in the 2002 general election to serve the remainder of the unexpired term expiring December 31, 2006, in order to provide for unstaggered terms for multiple judgeships in the same district.

Section 15.6.(c) Subsection (a) of this section becomes effective October 1, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective October 15, 2000, 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.

CODE NO. 2000AOC-H013A-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
JUDICIAL DEPARTMENT EQUIPMENT REPLACEMENT COSTS

Section 15.7. G.S. 143-11(b) reads as rewritten:

"(b) The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two fiscal years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

(5) A proposal for expenditure of the funds in the Repairs and Renovations Reserve Account, which is established in G.S. 143-

15.3A. The Director shall consider the data from the Facilities Condition and Assessment Program in the Office of State Construction when establishing priorities for the proposed expenditure of these funds.

(6) Statements of the objections of members of the Council of State received pursuant to G.S. 143-10.3(b) to the performance measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5.

(7) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

(8) An estimate of the equipment replacement costs within the Judicial Department for the period covered by that budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

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."

PART XVI. DEPARTMENT OF CORRECTION

CODE NO. 2000CORR-H002-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 16. Section 18 of S.L. 1999-237 reads as rewritten:

"Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by ~~February 1, 2000,~~ February 1 of each year to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight

Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the ~~1998-99 fiscal year to the 1999-2000 fiscal year;~~ prior fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for ~~1999-2000;~~ the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data ~~received during 1999-2000;~~ received; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system."

CODE NO. 2000CORR-H003-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 16.1. Section 18.1 of S.L. 1999-237 reads as rewritten:

"Section 18.1. The Post-Release Supervision and Parole Commission shall report by ~~March 1, 2000,~~ March 1 of each year to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year."

CODE NO. 2000CORR-H004-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 16.2. Subsection (a) of Section 18.10 of S.L. 1999-237 reads as rewritten:

"Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year and the 2000-2001 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog."

PART XVII. DEPARTMENT OF JUSTICE

CODE NO. 2000ATTY-H001-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 17. Section 19.2 of S.L. 1999-237 reads as rewritten:

"Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by ~~March 1, 2000,~~ March 1, 2001, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point."

CODE NO. 2000ATTY-H002-P

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section 17.1. Section 19.3 of S.L. 1999-237 reads as rewritten:

"Section 19.3.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the ~~1999-2000~~ 2000-2001 fiscal year, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for training for the State Bureau of Investigation; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section 19.3.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section 19.3.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a."

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

CODE NO. 2000CCPS-H001-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine, Baddour, Sexton
INCREASE THE EDUCATIONAL ASSISTANCE GRANTS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD

Section 18. G.S. 127A-193 reads as rewritten:

"**§ 127A-193. Benefit.**

The benefit provided under this Article shall consist of a monetary educational assistance grant not to exceed ~~one~~ two thousand dollars ~~($1,000)~~ ($2,000) per academic year to qualifying members of the North Carolina national guard. Benefits shall be payable for a period of one academic year at a time, renewable at the option of the Secretary for a maximum of ~~four~~ eight thousand dollars ~~($4,000).~~ ($8,000)."

CODE NO. 2000CCPS-H002B-P
Requested by: Culpepper, Kinney, McCrary, Easterling, Redwine
PARTIAL CASH BALANCE REVERSION

Section 18.1. Notwithstanding the provisions of G.S. 15B-23, the sum of one million twenty-five thousand dollars ($1,025,000) from the cash balance of the Crime Victims Compensation Fund shall revert to the General Fund on July 1, 2000, to be used for domestic violence programs, the rape victim assistance program, and other victims' assistance programs.

PART XIX. OFFICE OF JUVENILE JUSTICE

CODE NO. 2000OJJ-H001A-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
TRANSFER CENTER FOR PREVENTION OF SCHOOL VIOLENCE TO THE OFFICE OF JUVENILE JUSTICE

Section 19. The Center for Prevention of School Violence currently operating under The University of North Carolina, and all functions, powers, duties, and obligations vested in The University of North Carolina for the Center, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a).

The Center as a component of the Office of Juvenile Justice shall continue to consult with The University of North Carolina and the Department of Public Instruction to enhance research opportunities and specialized study areas such as teacher preparation, school resource officer development, suicide prevention, and best practices.

CODE NO. 2000OJJ-H002-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
TRANSFER OF POSITIONS AND SUPPORT COSTS FOR THE JUVENILE INFORMATION NETWORK FROM THE DEPARTMENT OF JUSTICE TO THE OFFICE OF JUVENILE JUSTICE

Section 19.1. The Department of Justice shall transfer to the Office of Juvenile Justice the three positions and the sum of two hundred twenty-five thousand

dollars ($225,000) appropriated in this act for support of the Juvenile Information System Network.

CODE NO. 2000OJJ-H003-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
REVISE REPORTING REQUIREMENTS OF STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS STUDY

Section 19.2. Section 21.4 of S.L. 1999-237 reads as rewritten:

"Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;
(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and
(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study to the Chairs of the House and Senate Appropriations ~~Committees and~~ Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public ~~Safety~~ Safety, and the Joint Legislative Commission on Governmental Operations on or before ~~April 1, 2000.~~ September 1, 2000."

CODE NO. 2000OJJ-H004A-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
REPORTS OF FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 19.3.(a) Section 21.10.(c) of S.L. 1999-237 reads as rewritten:

"Section 21.10.(c) The Office of Juvenile Justice shall report by ~~April 1, 2000,~~ April 1, 2001, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served."

Section 19.3.(b) Before expending any funds appropriated for the Boys and Girls Club to establish any new local organization of the Boys and Girls Club,

the Office of Juvenile Justice shall reconsider counties that were eligible for the establishment of local organizations, but not funded in the 1999-2000 fiscal year, and shall report to the Chairs of the House and Senate Appropriations Committees on the proposed new local organization, including the location of the organization and the amount of funds the Office proposes to expend on the organization.

CODE NO. 2000OJJ-H005-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 19.4. Section 21.11 of S.L. 1999-237 reads as rewritten:

"Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the ~~1999-2000~~ 2000-2001 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and ~~Management and~~ Management, the Governor's Crime ~~Commission~~ Commission, and the Office of Juvenile Justice shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the ~~1999-2000~~ 2000-2001 fiscal year, the amount of funds anticipated for the ~~2000-2001~~ 2001-2002 fiscal year, and the allocation of funds by program and purpose."

CODE NO. 2000OJJ-H006-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
REVISE REQUIREMENTS OF MULTIFUNCTIONAL JUVENILE FACILITY

Section 19.5.(a) Section 21.13(i) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(i) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. The Office of Juvenile Justice shall only house juveniles in the North Carolina juvenile justice system. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law."

Section 19.5.(b) Section 21.13(j) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(j) Report. -- The Office of Juvenile Justice shall make a written report no later than ~~March 1, 2000,~~ March 1, 2001, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by ~~March 1, 2001,~~ May 1, 2002, and ~~January 1, 2002.~~ May 1, 2003. The reports shall be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations."

CODE NO. 2000OJJ-H007-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
MECKLENBURG COUNTY MULTIPURPOSE GROUP HOMES

Section 19.6. The funds appropriated in S.L. 1998-212 and reallocated in S.L. 1999-237 to the Office of Juvenile Justice to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards may be used to construct two eight-

bed multipurpose group homes to house juvenile offenders. A maximum of two beds per home may be designated for secure detention. The homes may be used to house male juvenile offenders until the population of female juvenile offenders in the area served by the facilities increases such that both homes are needed to house female offenders. The Office of Juvenile Justice may contract with Mecklenburg County to implement this section and to assure that the multipurpose group homes authorized pursuant to this section are consistent with similar facilities in this State.

CODE NO. 2000OJJ-H009-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine, Baddour
TRANSFER OF GUARD RESPONSE ALTERNATIVE SENTENCING PROGRAM TO THE OFFICE OF JUVENILE JUSTICE

Section 19.7. The Guard Response Alternative Sentencing Program developed pursuant to S.L. 1998-202, and all functions, powers, duties, and obligations vested in the Department of Crime Control and Public Safety for the Guard Response Alternative Sentencing Program, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a). The Program shall continue to function as an additional probation option for certain first-time juveniles who have been adjudicated delinquent and who are subject to Level 2 disposition.

CODE NO. 2000OJJ-H010-P
Requested by: Representatives Easterling, Redwine, Baddour
TRANSFER FUNDS TO DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 19.8. If either House Bill 1804 or Senate Bill 1462 of the 1999 General Assembly becomes law, all funds appropriated in this act to the Office of Juvenile Justice shall be transferred to the Department of Juvenile Justice and Delinquency Prevention.

CODE NO. 2000OJJ-H012-P
Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine
FORSYTH DETENTION CENTER

Section 19.9. The sum of one million seven hundred fifty thousand dollars ($1,750,000) appropriated in the 1999-2000 fiscal year to the Office of Juvenile Justice for a grant-in-aid for construction of the Forsyth Detention Center may be carried forward to the 2000-2001 fiscal year to allow adequate time for completion of a needs assessment by Forsyth County and for review and evaluation by the Office of Forsyth County's plan for the Center.

measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5.

(7) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

(8) An estimate of the equipment replacement costs within the Judicial Department for the period covered by that budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

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."

Requested by: Representatives Culpepper, McKinney, Clary, Easterling, Redwine

REDUCE SPECIAL SUPERIOR COURT JUDGESHIPS

Section 15.8. G.S. 7A-45.1(a) reads as rewritten:

"(a) Effective November 1, 1993, the Governor may appoint two special superior court judges to serve terms expiring September 30, 2000. Effective October 1, 2000, one of those positions is abolished. Successors to the special superior court ~~judges~~ judge appointed pursuant to this subsection shall be appointed to a five-year ~~terms.~~ term. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

PART XVI. DEPARTMENT OF CORRECTION

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 16. Section 18 of S.L. 1999-237 reads as rewritten:

"Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

June 15, 2000
8:30 a.m
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairman: Senator Luther Jordan
Vice-Chairman: Senator Frank Ballance

II. PRESENTATIONS

Review of House Bill 1840—The 2000 Appropriations Act
Fiscal Research Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Minutes
June 15, 2000

The Senate Appropriations Subcommittee on Justice and Public Safety met on June 15, 2000 in room 415 LOB at 8:30AM. **Senator Frank Ballance** chaired the meeting.

The committee reviewed the budget (HB 1840)of the House Subcommittee on Justice and Public Safety (attached). The critical needs of AOC were essentially included in the budget. The exceptions are for two court reporters instead of four and for two computer operators instead of four. Two judgeships are affected. One is vacant and, one is held by Judge Gray in Charlotte. That judgeship expires in September but he has requested the time to be extended to December. That will cost about $35,000.

In response to several questions: item 1 – the public defenders are not included in the retirement system because the cost is prohibitive; item 4 - the positions move to AOC; item 5 – they will try to recover costs as there will be a demand for knowledge of civil judgements. Item 6 reduces the allotment to Cape Fear mediation center.. Item 17, Onslow County judge is appointed and will be elected in 2006. Item 19 was flagged for follow up. Item 20, $25,000 is sufficient because the cases will be civil ones for the most part.

Ms. Denise Thomas, staff went through items 25 through 28. In response to a question, Ms. Thomas said the SBI does have a DNA specialist on board. There was considerable discussion regarding DNA testing. Senator Ballance stated that we must put in place a policy regarding DNA results. Senator East said innocent people need to be released from prison.

Mr. Jim Mills, staff, went through items 29 – 37. Ms. Kelly Little, staff, covered items 45 on. Regarding house arrest, Mr. Greg Stahl agreed with the suggested House cuts because there is no real measurable improvement in recidivism rates.
Judge Thomas Ross from AOC distributed a handout titled *Contingency Proposals.*

Senator Ballance moved on to the special provisions. Item 15.3C a does not apply to district judges. 15.3A adds Wilson County. Regarding 14.4, Judge Ross stated they would contract with the county and not the city. Line 14 on page 119 should read Oct. 1, 2000. Language must be added to extend the judgeship in Mecklenburg County from September to December.

Senator Ballance distributed a draft of the Traffic Law Enforcement Statistics. He said the bill needs to be more specific to indicate where stops are made and by which agency. It would allow the Highway Patrol to assign anonymous numbers to their personnel. Also distributed by Senator Ballance was a draft of the special provision regarding Wackenhut. The provision would prohibit private prisons housing out of state inmates.

Judge Ross would like a special provision, see attached *Sentencing Services Program.*

The meeting was adjourned at 10:50AM.

Senator Frank Ballance
Senate Vice-chair

Gloria Haywood
Committee Assistant

As of 5:30 6/14/2000

House Subcommittee on Justice and Public Safety

Judicial

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$347,361,291

Budget Changes

1	**Vacant Superior Court Judgeships** The Continuation Budget is adjusted to reflect the expiration of 1 Special Superior Court Judgeship as of October 1,2000 and the elimination of an additional Special Superior Court Judgeship that will be vacant as of October 1, 2000. These Judgeships were created in 1987 and 1993 respectively.	($220,246) -2.00	R
2	**Increase Indigent Fund Requirements** Because spending requirements have been higher than anticipated and available funds limited by the costs of Hurricane Floyd, funding for the Indigent Fund is increased by $200,000.	$200,000	R
3	**Positions for Office of Indigent Defense Services** House Bill 1590 would establish a Commission to oversee spending on Indigent Defense, as of July 1, 2001. During 2000-2001, $375,859 from the Indigent Defense Fund will be used to establish 5 staff positions for this new office; an Executive Director and Administrative Assistant as of November 1, 2000 and a Deputy Director/ Chief Financial Officer, an Information Systems Director and a Research Analyst as of January 1, 2001. Funding for Indigent Defense is increased for 2000-2001 to cover these costs. If neither HB1590 nor SB1323 become law, these funds will remain in the indigent fund for ongoing expenses .	$297,900 $77,959 5.00	R NR
4	**Special Counsel for the Mentally Ill** Funds will be used from the Indigent Defense Fund to establish 4 new positions in the Special Counsel for the Mentally Ill program. This program represents patients at 3 state mental institutions. The new positions are 3 attorneys and 1 Assistant to Special Counsel/Paralegal at Cherry Hospital. Funding for the Indigent Defense Fund is increased to cover this expense.	$262,415 $16,408 4.00	R NR

5 Resources for Court Technology $4,375,877
$2,305,732
29.00

These funds are provided to address critical needs in the area of improving court technology. Funds are to be allocated as follows:

- Implement Magistrate System $1,543,867 R
199,949 NR

This includes positions to staff help desk, maintain LAN and WAN, for training and to continue to maintain and enhance the system. (23 positions)

- Add 2 Technical support/computer operator positions. 100,828 R
12,570 NR

- Funds to Improve Facilities for the Court Management Information Division. 150,000 NR

- Reserve for Disaster Recovery 741,755 R
33,162 NR

Funds may be used to establish positions, contractural services, or equipment based on planning process now underway.

- Equipment Replacement 835,679 R
1,780,242 NR

- Migration Manager Position 116,435 R
7,151 NR

This position will oversee implementation of Gartner Report recommendations.

- Support for Worthless Check programs (1 position) 135,419 R
51,135 NR

- Automated Civil Abstract Program 623,998 R
63,178 NR

To begin automating the civil abstract records in Clerks' Offices. (2 positions)

- Resources to be allocated to additional support or to redesign of legacy court systems. 277,896 R
8,345 NR

6 **Community Mediation Center Funds** — $290,630 R

Provide additional funds to 17 community mediation/dispute settlement centers around the state and $25,000 for the Mediation Network of North Carolina as they take on more responsibility for monitoring the individual centers. Specific allocations follow those in House Bill 1830 with two exceptions; the Community Mediation Center of Cape Fear shall receive $15,000 and $25,750 is included for a new center in Johnston County. (HB 1840, Sec. 15)

7 **Business Court Funds** — $44,000 NR

Funding is continued, on a nonrecurring basis, for rent and equipment maintenance expenses for the Business Court located in Greensboro.

8 **Increase Funding for Court Interpreters** — $250,179 R

The increasing numbers of non-English speaking parties has increased the demand for court interpreters. This item increased continuation budget funding to $458,005.

9 **Worthless Check Programs** — $286,311 R; $52,236 NR; 6.00

Funds are provided to expand the Worthless Check Program to Cumberland, Nash, Edgecombe, Wilson and Onslow Counties. This brings the total number of counties involved to 12. Each program is staffed by a District Attorney Investigator and a Legal Assistant. Nash/Edgecombe/Wilson will be staffed by 1 team. (HB 1840, Sec. 15.3A)

10 **Interpreters for Domestic Violence Cases** — $75,889 NR

These funds will allow the AOC to hire interpreters in Domestic Violence Cases in District Court.

11 **Non-technology Equipment Replacement** — $1,000,000 NR

These funds will allow replacement statewide of office equipment (copiers, microfilming equipment and mailing machines) that are at least 6 years old. The Judicial Branch does not have continuation budget funding for equipment replacement.

12 **Courtroom Wiring and Audio Equipment** — $211,500 NR

These funds will cover the costs of 75 courtroom recording systems to accommodate District Court and non-jury Superior Court proceedings. New units are needed because of new courtrooms that have been established.

13 **Magistrates** — $345,720 R; $72,098 NR; 10.00

Funds are provided to add magistrates in 13 counties; full time magistrates in Alamance, Brunswick, Guilford, Hertford, Jackson, Orange, and Union Counties and half-time positions in Alexander, McDowell, Mecklenburg, Perquimans, Wake and Warren. The AOC identified new magistrate positions as a critical need due to increasing caseloads and the difficulties providing 24-hour coverage. (HB 1840, Sec. 15.2)

14	**NDAA Membership** Funds are provided to allow the 39 elected District Attorneys to join the National District Attorneys' Association.	$48,000	
15	**Administrative Office of the Courts Positions** Funds to add 5 new positions to support the Administrative Office of the Courts; Leave Specialist and Benefits Specialist for Human Resources, Court Management Specialist, Staff Specialist in the Administrative Division and Secretary in the Legal Services Division.	$261,520 $35,858 5.00	R NR
16	**District Court Judges** Eight new District Court Judge positions are created as of December 15, 2000. New positions are in Districts 1,4,10,9B,11,17A,22 and 26. (HB 1840, Sec. 15.3)	$544,920 $96,232 8.00	R NR
17	**Superior Court Judges** Creates new Superior Court Judgeships in District #4B (Onslow County) and District #26B (Mecklenburg County) as of October 1, 2000. (HB 1840, Sec. 15.6)	$225,989 $17,910 2.00	R NR
18	**Judicial Assistant** Funds for a Judicial Assistant I for Superior Court District #11B.	$35,547 $4,954 1.00	R NR
19	**Additional Court of Appeals Judges and Staff** Funds to add 3 Court of Appeals Judges, 3 Executive Assistants, 6 Research Assistants, 1 Court of Appeals Staff Attorney and 1 Appellate Clerk as of October 1, 2000. (HB 1840, Sec. 15.5)	$748,645 $109,103 14.00	 NR
20	**Court of Appeals Mediation Program** Funds to allow a new program to mediate cases post-conviction/pre-appeal in order to reduce Court of Appeals filings. Funds will be used to pay judges and for training.	$25,000	R
21	**Court of Appeals Research Assistants** Funds to provide 2 Research Assistants for emergency Judges working at the Court of Appeals.	$99,580 $13,512 2.00	R NR
22	**Expand Family Court Program** Funds to expand the Family Court Pilot to 2 additional districts. This program, established in 1998,coordinates case management and service agency efforts for a family involved in the court system. This brings the number of programs to 8. Funds are used to pay case managers and a program administrator in each district.	$513,184 $104,816 8.00	R NR

House Subcommittee on Justice and Public Safety

23	Salary Increases for Sentencing Services Staff This item allows non governmental agencies running Sentencing Services programs to provide their employees the same pay increase granted to state employees working in the program, as was done in 1999.	$166,298	R
24	Guardian Ad Litem Staff Funds to add 6 full time equivalent positions to the Guardian-Ad-Litem program; upgrade two 3/4 time regional administrators to fulltime, add 2 program supervisors and 7 half-time program assistants.	$274,192 $43,324 6.00	R NR
Budget Changes		**$8,983,661** **$4,329,531**	R NR
Total Position Changes		98.00	
Revised Total Budget		**$360,674,483**	

	FY 00-01
Total Budget Approved 1999 Session	$72,575,950

Budget Changes

25	Transfer J-NET Positions to OJJ Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	($225,000) -3.00	R
	Legal Services		
26	Tort Claims Section Positions Funds are provided to add an Attorney III and Processing Assistant IV position to the Tort Claims Section, effective August 1, 2000.	$99,951 $12,897 2.00	R NR
	SBI		
27	DCI Mainframe Migration Project One time reduction in expansion funding for the DCI mainframe migration project.	($350,000)	NR
28	Hire 6 Forensic Chemists Hire 6 additional Chemists to reduce the controlled substance case backlog and provide a reasonable turnaround time for case completion.	$154,270 $69,566 6.00	R NR
	Budget Changes	**$29,221** **($267,537)**	**R** **NR**
	Total Position Changes	5.00	
	Revised Total Budget	**$72,337,634**	

Office of Juvenile Justice

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$140,018,378

Budget Changes

Administration

29	Transfer GRASP from CCPS to OJJ The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ. (HB 1840, Sec. 19.7)	$338,000	R
30	Center for Prevention of School Violence Transfer the Center for Prevention of School Violence from NC State University to the Office of Juvenile Justice. (HB 1840, Sec. 19)	$500,000 7.00	R
31	Transfer J-NET Positions from DOJ Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	$225,000 3.00	R

Detention Bureau

32	Delayed Opening of Two New Detention Centers A partial operating budget of $840,000 was appropriated for two new detention centers based on January, 2001 start dates. The latest schedule shows a July 1, 2001 start date for the Wayne and Alexander facilities allowing for a one-time reduction in the FY 2000-01 budget of $561,000. The amount of $279,000 is retained for one-time start up costs such as equipment.	($561,000)	NR
33	Multi-functional Juvenile Facility One time non-recurring reduction in operating funds due to delayed opening of the 100 bed multi-functional juvenile facility. Facility was originally expected to open January 2001. The latest target date is July, 2001. $500,000 is left for 2000-01 in case the facility opens one month early or start up funding is needed.	($2,000,000)	NR

House Subcommittee on Justice and Public Safety

Intervention/Prevention Bureau

34	Local Juvenile Justice Funding Increases county JCPC grants in order to provide additional support for local juvenile programs. $1 million is recurring to be used for JCPC formula grants. The $300,000 non recurring funds are to be allocated to programs that emphasize tutoring, mentoring, and other delinquency prevention activities for at-risk youth.	$1,000,000 $300,000	R NR

Special Initiatives Bureau

35	Camp Woodson East Funding to start a Camp Woodson East October 1, 2000 and to increase staffing at Woodson West by three positions. Camp Woodson is a therapeutic wilderness and education program that is used by the Court as an intermediate sanction and as a transitional program for offenders in training schools. The full cost of the program for 2000-01, $966,426, is offset by recurring and non-recurring receipts.	$590,748 $23,978 24.00	R NR
36	Teen Courts Provide funding for Teen Courts in Bladen, Chatham, Davidson, Jones, and Orange Counties.	$140,000	R
37	Multi-purpose Group Homes One time non-recurring reduction in operating funds due to delayed opening of four multi-purpose group homes funded in 1998-99.	($400,000)	

Budget Changes	**$2,793,748** **($2,637,022)**	R NR
Total Position Changes	34.00	
Revised Total Budget	**$140,175,104**	

Correction

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$889,943,525

Budget Changes

38	**Reduce Community Corrections Travel Budget** The Department of Correction has studied their travel expenses and adopted several cost savings measures, including reducing the number of Department of Administration owned vehicles in use. Based on these savings, the travel budget for the Division of Community Corrections has been reduced.	($200,000)	R
39	**Reduce Division of Prisons Travel Budget** Based on the study of travel costs, the Division of Prisons Travel Budget can also be reduced.	($150,000)	R
40	**Community Correction Budget for Employee Physicals** Based on expenditures in 1999-2000 for physicals required as a condition of employment for probation/parole officers, a recurring reduction in the budget will be taken.	($100,000)	R
41	**Reduce Community Corrections Equipment Budget** The equipment budget for the Division of Community Corrections is reduced by $110,000, roughly 10% of the equipment budget, for 2000-2001 only.	($110,000)	NR
42	**Abolish Two Vacant Positions in Parole Commission** Two positions from the Post Release Supervision and Parole Commission, a Parole Case Analyst and an Office Assistant V, are eliminated to reflect a decreasing workload. The Governor's Recommended Changes included abolishing one of these positions at a reduction of $35,561. (HB 1840, Sec. 16.1)	($78,603) -2.00	R
43	**Reduce DART Cherry Aftercare Funds** The Continuation Budget includes $319,715 in contractual service funds that are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry who are not eligible for existing community programs. Funds for this project are reduced to $219,715.	($100,000)	R
44	**Community Substance Abuse Programs** Increase budget of DOC Substance Abuse program for expansion of community based counseling, job placement and mentoring programs for offenders.	$100,000	NR

45 Eliminate Electronic House Arrest Staff ($93,924 -6.00

Improved technology for electronic monitoring has reduced some of the workload of staff in the electronic monitoring area. Six Electronic House Arrest Specialist positions in their Technology Center will be eliminated, five of which are currently vacant. During 2000-2001, the Department will retain $68,000 of the cost of these positions to cover overtime and contractual workers until the new system is fully operational.

46 Increase Fee for Drug Tests ($126,186) R

The Division of Community Corrections operates its own drug testing lab providing testing services to itself, the Division of Prisons, the Office of Juvenile Justice and several local government agencies. They currently charge $2.50 per test. This budget item reflects an increase in fee to $4.00 per test, close to the actual cost of $3.84, not including administrative costs. The Governor recommended an increase to $3.50 but the subcommittee increased it further to $4.00.

47 IMPACT Program ($108,300) R

Reduction in the operating budget for the IMPACT Boot Camp Program.

48 Eliminate IMPACT Aftercare Funding ($440,000) R

Funding for the IMPACT aftercare program is eliminated. This program has worked in 5 locations with offenders completing Boot Camp. The Department of Correction is instead working to involve probation parole officers in aftercare planning for all Boot Camp graduates.

49 Reduce funds for non-participating counties - CJPP ($420,000) NR

The continuation budget included funds to fully fund Criminal Justice Partnership Program (CJPP) Implementation Grants for 100 counties. Funding is eliminated for one year for the six counties not expected to participate during 2000-2001. (HB 1840, Sec. 16)

50 Harriet's House $75,000 R

Harriet's House provides services to female offenders released from prison. This funding will increase their state appropriation and allow the program to serve more clients.

51 Women at Risk $50,000 R

Increase funding for this community correction program for female probationers in Western North Carolina.

52 Summit House $292,834 R

Expansion funding for this residential treatment and assistance program for female probationers and their children.

53	**ECO Inmate Family Pilot Project** Provide one-time funds for the Energy Committed Offenders Program (ECO) to develop a program to provide counseling and services to families of inmates. ECO currently receives state funds to operate a halfway house for female inmates prior to their release from the prison system.	$60,000	NR
54	**Enterprise Fund Accountants** Nine Enterprise accounting positions are funded from the General Fund. It is recommended that the positions be supported by receipts from the Enterprise Fund allowing for a reduction in the General Fund.	($344,200)	R
55	**Inmate Welfare Fund** This special fund is generated from inmate canteens and from contracts for use of telephones by inmates. It is primarily to fund inmate related projects. It is recommended that funds be transferred from the Inmate Welfare Fund to allow a one-time reduction in the General Fund appropriation.	($2,250,000)	NR
56	**Data Processing Equipment** One-time reduction of 10% of the Department's data processing equipment budget.	($225,862)	NR
57	**Work Release Transportation Fee** Inmates on work release are required by the General Statutes to contribute towards the cost of their transportation to work. It is recommended that the current fee of $1.50 be increased to $2.00 daily to increase receipts and allow for a General Fund reduction.	($44,844)	R
58	**Division of Prison Employee Uniform Budget** Correctional officer vacancies and improvements in Central Warehouse inventory procedures allow for a recurring reduction in the employee uniform budget.	($750,000)	R
59	**Division of Prisons Equipment Budget** One-time reduction of 10% of the Prison equipment budget	($460,000)	NR
60	**Food Service Contract** Meals at the Black Mountain Correctional Center can now be provided by the Marion Correctional Center so the food service contract at Black Mountain can be cancelled.	($223,372)	R
61	**Department of Correction Management Budget** One-time reduction in the non-salary operating budget for central administration of the Department of Correction.	($300,000)	NR

62	**Close Currituck Correctional Facility** As proposed by the Governor, it is recommended that Currituck Correctional Center be closed August 1, 2000. Currituck is one of the original GPAC units recommended for closing. Total reduction recommended by the Governor is $1,045,000. An additional reduction of 50 % of the inmate budget (food, medical, clothing) of $95,000 will also be taken.	($1,140,000 -38.00	
63	**Division of Prisons Inmate Food Budget** Through various cost saving initiatives, including changes in inventory practices and the master food menu, DOC believes the continuation budget for inmate food can be reduced. The Governor recommended a reduction of $1,500,000. It is believed an additional $500,000 can be reduced from this budget.	($2,000,000)	R
64	**Division of Prisons Electricity Budget** The Division is realizing savings in the electricity budget due to over budgeting for electricity in new prisons and better use of peak power options with the power companies.	($300,000)	R
65	**Increase Correction Enterprise Receipts** It is recommended that $3,250,000 in Enterprise receipts be transferred to the General Fund to allow for a reduction in the General Fund appropriation, both one time and recurring.	($500,000) ($2,750,000)	R NR
66	**Work Release** Increase per diem paid to the Department by inmates on work release from $14 to $15 dollars daily.	($325,000)	R
67	**Delay Automobile Replacement** Based on a revised DOC replacement schedule, a one-time reduction in the budget for vehicle purchases is recommended. This is based on improved maintenance programs and using vehicles from prisons that were closed.	($1,000,000)	NR
68	**Medical Cost Containment Positions** In order to provide additional auditing and review of inmate bills, medical fees and contracts, three positions are recommended. These are a medical cost containment analyst and two accounting positions - - a technician and a clerk.	$100,239 $13,260 3.00	R NR
69	**DOC Medical Budget** Funding is provided to assist with the increased cost of providing medical care to inmates. Funds can be used for non-salary items, such as medical supplies and drugs, and to pay fees and contracts for services.	$780,000	R

Budget Changes	**($5,726,356)**	**R**
	($7,342,602)	**NR**
Total Position Changes	-43.00	
Revised Total Budget	**$876,874,567**	

	FY 00-01
Total Budget Approved 1999 Session	$36,267,844

Budget Changes

Highway Patrol

70 Highway Patrol Overtime Pay — $0 R

Provides $480,564 from the Highway Fund to pay overtime for State Highway Patrol in lieu of compensatory leave.

71 Salaries and Benefits for New SHP Troopers — $0 R

Provides a reserve for salaries and benefits for 28 new SHP troopers to be hired January 2001. Funds come from the Highway Fund.

National Guard

72 Increase State Match for Tarheel Challenge — $270,000 R

Provide funds to increase the state match for the Tarheel Challenge Program. The National Guard Bureau increased the total budget to $2.8 million beginning FY 00-01.The program will be funded on a 65% federal to 35% state match basis beginning FY 2000

73 Transfer GRASP from CCPS to OJJ — ($338,000) R

The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ.
(HB 1840, Sec. 19.7)

Victims & Justice Services

74 Reduce CVCF Funds — ($500,000) R

The Continuation Budget includes a $2,000,000 general fund appropriation for the Crime Victims Compensation Fund. The CVCF reimburses victims for the economic costs of criminally injurious conduct. This Fund has carried forward cash balances in excess of $2 million each year for the past three years, therefore, funds for this program are reduced to $1,500,000. (HB 1840, Sec. 18.1)

Budget Changes	**($568,000)**	**R**
Total Position Changes		
Revised Total Budget	**$35,699,844**	

ADMINISTRATIVE OFFICIE OF THE COURTS:

CONTINGENCY PROPOSALS

1. If the proposal to expand the Court of Appeals is enacted, the AOC recommends that funds allocated to provide research assistants for emergency Court of Appeals judges be reallocated to fund the AOC "critical need" request for two additional court reporters for Superior Court (the addition of permanent Court of Appeals judges should greatly reduce the need for emergency judges in the Court of Appeals).

Removed:	**Court of Appeals Research Assistants**	**$99,580**	**R**
		$13,512	**NR**
		2.00	
Added:	**Court Reporters**	**$99,986**	**R**
		$11,956	**NR**
		2.00	

2. If the proposal to expand the Court of Appeals is not enacted, the AOC recommends that funds allocated for this expansion be reallocated to fund the AOC "critical need" request for two additional court reporters for Superior Court and to fund the "very high need" requests for three additional support staff for AOC legal services and to expand the custody mediation program to five additional districts (20 counties).

Removed:	**Additional Court of Appeals Judges and Staff**	**$748,645**	**R**
		$109,103	**NR**
		14.00	
Added:	*Court Reporters*	*$99,986*	*R*
		$11,956	*NR*
		2.00	
	Expand AOC Legal Services staff	*$182,362*	*R*
		$ 21,393	*NR*
		3.00	
	Expand Custody Mediation Program	*$469,134*	*R*
		$ 8,082	*NR*
Total Added:		**$751,482**	**R**
		$ 41,134	**NR**
		5.00	

pipe wastewater systems. If a grant is awarded under this sub-subdivision, then the grant shall be matched on a dollar-for-dollar basis in the amount of the grant awarded; or

c. Projects that demonstrate alternative water and waste management processes for local governments. Special consideration should be given to cost-effectiveness, efficacy, management efficiency, and the ability of the demonstration project to be replicated.

(4) $1,500,000 for the 1999-2000 fiscal year and $400,000 for the 2000-2001 fiscal year to the Capacity Building Assistance Program. Funds shall be used to pay all or a portion of the costs for providing technical and financial assistance to rural, low-wealth local government units and nonprofit corporations initiating needed water and sewer projects that support the growth and development of rural areas.

(5) $250,000 for the 2000-2001 fiscal year for the Agricultural Advancement Consortium to be placed in a reserve for expenses associated with the Consortium. The Consortium will facilitate discussions among interested parties and develop recommendations to improve the State's economic development through farming and agricultural interests.

The grant recipients in this section shall be selected on the basis of need."

Requested by: Representatives Fox, Owens, Warren, Easterling, Redwine, Mitchell

ENERGY DIVISION STUDY OF RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM

Section 14.14.(a) The Energy Division of the Department of Commerce shall for the 1998-1999 fiscal year and the 1999-2000 fiscal year determine by county the number of owner-occupied houses that were allocated funds from the Residential Energy Conservation Assistance Program (RECAP) and the amount of funds that were allocated by county.

Section 14.14.(b) The Energy Division of the Department of Commerce shall for the 1998-1999 fiscal year and the 1999-2000 fiscal year determine by county the number of rental houses that were allocated funds from the Residential Energy Conservation Assistance Program (RECAP) and the amount of funds that were allocated by county.

Section 14.14.(c) The Division shall report its findings to the House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources and the Fiscal Research Division by January 15, 2001.

Requested by: Representatives Fox, Owens, Warren, Easterling, Redwine, Mitchell

CAP ON RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM SPENDING

Section 14.15. The amount spent by the Energy Division of the Department of Commerce for weatherization activities in the Residential Energy Conservation Assistance Program (RECAP) in the 2000-2001 fiscal year shall not exceed eight million nine hundred seventy-seven thousand sixty-nine dollars ($8,977,069). This amount equals that spent by the Energy Division on RECAP in the 1998-1999 fiscal year.

PART XV. JUDICIAL DEPARTMENT

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORT ON COMMUNITY MEDIATION CENTERS

Section 15.(a) Section 17.3 of S.L. 1999-237 reads as rewritten:

"Section 17.3.(a) All community mediation centers currently receiving State fu[illegible] shall report annually to the ~~Judicial Department~~ Mediation Network of Nor[illegible] Carolina 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 appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The ~~Judicial Department~~ Mediation Network of North Carolina 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.

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to ~~G.S. 7A-346.1~~ th[illegible] section that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to ~~G.S. 7A-346.1~~ this section and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the ~~Administrative Office of the Courts~~ Mediation Network of North Carolina for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds."

Section 15.(b) G.S. 7A-346.1 is repealed.

Section 15.(c) Of the funds appropriated to the Judicial Department for transfer to the community mediation centers for the 2000-2001 fiscal year, funds allocated to the Dispute Settlement Center of Durham County, Inc., and Mediation Services of Wake County, Inc., shall be allocated to Carolina Correctional Services, Inc.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORT ON COURT INFORMATION TECHNOLOGY FUND

Section 15.1. G.S. 7A-343.2 reads as rewritten:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology and office automation needs. The Director shall report by ~~March 1~~ August 1 and February 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding ~~calendar year.~~ six months."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

AUTHORIZE ADDITIONAL MAGISTRATES

Section 15.2. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	~~3~~ 4	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden Havelock
Craven	7	10	
Pamlico	2	4	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	

1	Jones	2	3	
2	Onslow	8	14	
3	New Hanover	6	11	
4	Pender	4	6	
5	Halifax	9	14	Roanoke
6				Rapids,
7				Scotland Neck
8	Northampton	5	7	
9	Bertie	4	6	
10	Hertford	5	~~6~~ 7	
11	Nash	7	10	Rocky Mount
12	Edgecombe	4	7	Rocky Mount
13	Wilson	4	7	
14	Wayne	5	12	Mount Olive
15	Greene	2	4	
16	Lenoir	4	10	La Grange
17	Granville	3	7	
18	Vance	3	6	
19	Warren	3	~~4~~ 5	
20	Franklin	3	7	
21	Person	3	4	
22	Caswell	2	5	
23	Wake	12	~~20~~ 21	Apex,
24				Wendell,
25				Fuquay-
26				Varina,
27				Wake Forest
28	Harnett	7	11	Dunn
29	Johnston	10	12	Benson,
30				Clayton,
31				Selma
32	Lee	4	6	
33	Cumberland	10	19	
34	Bladen	4	6	
35	Brunswick	4	~~8~~ 9	
36	Columbus	6	9	Tabor City
37	Durham	8	13	
38	Alamance	7	~~10~~ 11	Burlington
39	Orange	4	~~11~~ 12	Chapel Hill
40	Chatham	3	8	Siler City
41	Scotland	3	5	
42	Hoke	4	5	
43	Robeson	8	16	Fairmont,
44				Maxton,
45				Pembroke,
46				Red Springs,
47				Rowland,
48				St. Pauls
49	Rockingham	4	9	Reidsville,
50				Eden,
51				Madison
52	Stokes	2	5	
53	Surry	5	9	Mt. Airy

Guilford	20	~~26~~ 27	High Point
Cabarrus	5	9	Kannapolis
Montgomery	2	4	
Randolph	5	10	Liberty
Rowan	5	10	
Stanly	5	6	
Union	4	~~7~~ 8	
Anson	4	5	
Richmond	5	6	Hamlet
Moore	5	8	Southern Pines
Forsyth	3	15	Kernersville
Alexander	2	~~3~~ 4	
Davidson	7	10	Thomasville
Davie	2	3	
Iredell	4	9	Mooresville
Alleghany	1	2	
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	5	
Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	Hickory
Mecklenburg	15	~~27~~ 28	
Gaston	11	22	
Cleveland	5	8	
Lincoln	4	7	
Buncombe	6	15	
Henderson	4	7	
McDowell	3	~~5~~ 6	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	Canton
Jackson	3	~~4~~ 5	
Macon	3	4	
Swain	2	3."	

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL DISTRICT COURT JUDGES

Section 15.3.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	~~4~~ 5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~7~~ 8	Sampson
		Duplin
		Jones
		Onslow
5	7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	~~1~~ 2	Warren
		(part of Vance
		see subsection (b))
10	~~13~~ 14	Wake
11	~~7~~ 8	Harnett
		Johnston
		Lee
12	9	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	6	Durham
15A	4	Alamance

1	15B	4	Orange
2			Chatham
3	16A	3	Scotland
4			Hoke
5	16B	5	Robeson
6	17A	~~2~~ 3	Rockingham
7	17B	3	Stokes
8			Surry
9	18	12	Guilford
10	19A	4	Cabarrus
11	19B	6	Montgomery
12			Moore
13			Randolph
14	19C	4	Rowan
15	20	7	Stanly
16			Union
17			Anson
18			Richmond
19	21	8	Forsyth
20	22	~~8~~ 9	Alexander
21			Davidson
22			Davie
23			Iredell
24	23	4	Alleghany
25			Ashe
26			Wilkes
27			Yadkin
28	24	4	Avery
29			Madison
30			Mitchell
31			Watauga
32			Yancey
33	25	8	Burke
34			Caldwell
35			Catawba
36	26	~~16~~ 17	Mecklenburg
37	27A	6	Gaston
38	27B	4	Cleveland
39			Lincoln
40	28	5	Buncombe —
41	29	6	Henderson
42			McDowell
43			Polk
44			Rutherford
45			Transylvania
46	30	5	Cherokee
47			Clay
48			Graham
49			Haywood
50			Jackson
51			Macon
52			Swain."

Section 15.3.(b) Notwithstanding the provisions of G.S. 7A-142, the Governor shall appoint additional district court judges for District Court Districts 4, 9B, 10, 11, 17A, 22, and 26, as authorized by subsection (a) of this section. The judges' successors shall be elected in the 2004 election for four-year terms commencing on the first Monday in December 2004.

Section 15.3.(c) Subsection (a) of this section becomes effective December 15, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective December 15, 2000, 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: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

WORTHLESS CHECK PROGRAM

Section 15.3A.(a) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212 and Section 17.7 of S.L. 1999-237, reads as rewritten:

"(d) This act applies only to Brunswick, Bladen, Columbus, Cumberland, Durham, Edgecombe, Nash, New Hanover, Onslow, Pender, Rockingham, and Wake Counties."

Section 15.3A.(b) Section 17.7(c) of S.L. 1999-237 reads as rewritten:

"Section 17.7.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the ~~bad~~ worthless check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, Cumberland, Edgecombe, Nash, New Hanover, Onslow, and Pender Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

AUTHORIZE COURT OFFICIALS TO APPLY TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS FOR THE PROVISION OF JUDICIAL SECRETARIES, TEMPORARY ASSISTANT PUBLIC DEFENDERS, ASSISTANT CLERKS, DEPUTY CLERKS, AND OTHER EMPLOYEES IN THE OFFICE OF THE CLERK OF COURT WHEN THE PUBLIC INTEREST WARRANTS THE USE OF ADDITIONAL COURT RESOURCES

Section 15.4.(a) G.S. 7A-44.1 reads as rewritten:

"§ 7A-44.1. Secretarial and clerical help.

(a) Each senior resident superior court judge may appoint a judicial secretary to serve at his pleasure and under his direction the secretarial and clerical needs of the superior court judges of the district or set of districts as defined by G.S. 7A-41.1(a) for which he is the senior resident superior court judge. The appointment may be full- or part-time and the compensation and allowances of such secretary shall be fixed by the senior regular resident superior court judge, within limits determined by the Administrative Office of the Courts, and paid by the State.

(b) Each senior resident superior court judge may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of judicial secretaries pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(c) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (b) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(d) The terms of any contract entered into with local governments pursuant to subsection (b) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(b) G.S. 7A-102 is amended by adding three new subsections to read:

"(e) A clerk of superior court may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of assistant clerks, deputy clerks, and other employees in the office of each clerk of superior court pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(c) G.S. 7A-300 reads as rewritten:

"**§ 7A-300. Expenses paid from State funds.**

(a) The operating expenses of the Judicial Department shall be paid from State funds, out of appropriations for this purpose made by the General ~~Assembly.~~ Assembly, or from funds provided by local governments pursuant to G.S. 153A-212.1 and G.S. 160A-289.1. The Administrative Office of the Courts shall prepare budget estimates to cover these expenses, including therein the following items and such other items as are deemed necessary for the proper functioning of the Judicial Department:

(1) Salaries, departmental expense, printing and other costs of the appellate division;

(2) Salaries and expenses of superior court judges, district attorneys, assistant district attorneys, public defenders, and assistant public defenders, and fees and expenses of counsel assigned to represent indigents under the provisions of Subchapter IX of this Chapter;

(3) Salaries, travel expenses, departmental expense, printing and other costs of the Administrative Office of the Courts;

(4) Salaries and travel expenses of district judges, magistrates, and family court counselors;

(5) Salaries and travel expenses of clerks of superior court, their assistants, deputies, and other employees, and the expenses of their offices, including supplies and materials, postage, telephone and telegraph, bonds and insurance, equipment, and other necessary items;

(6) Fees and travel expenses of jurors, and of witnesses required to be paid by the State;

(7) Compensation and allowances of court reporters;

(8) Briefs for counsel and transcripts and other records for adequate appellate review when an appeal is taken by an indigent person;

(9) Transcripts of preliminary hearings in indigency cases and, in cases in which the defendant pays for a transcript of the preliminary hearing, a copy for the district attorney;

(10) Transcript of the evidence and trial court charge furnished the district attorney when a criminal action is appealed to the appellate division;

(11) All other expenses arising out of the operations of the Judicial Department which by law are made the responsibility of the State; and

(12) Operating expenses of the Judicial Council and the Judicial Standards Commission.

(b) Repealed by Session Laws 1971, c. 377, ~~c. 32."~~ s. 32."

Section 15.4.(d) G.S. 7A-467 is amended by adding three new subsections to read:

"(e) A public defender may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of temporary assistant public defenders pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the requesting public defender, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(e) G.S. 153A-212.1 reads as rewritten:

"**§ 153A-212.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any

appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(f) G.S. 160A-289.1 reads as rewritten:

"§ 160A-289.1. Resources to protect the public.

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(g) G.S. 7A-64(c) reads as rewritten:

"(c) The length of service and compensation of any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this ~~section.~~ section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(h) The Administrative Office of the Courts shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, to the Chairs of the House of Representatives Subcommittee on Justice and Public Safety, and to the Chairs of the Senate Appropriations Committee on Justice and Public Safety on contracts entered into with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the Clerk of Superior Court. The report shall include the number of applications made to the Administrative Office of the Courts for these contracts, the number of contracts entered for provision of these positions, and the dollar amounts of each contract.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL COURT OF APPEALS JUDGES

Section 15.5.(a) G.S. 7A-16 reads as rewritten:

"§ 7A-16. Creation and organization.

The Court of Appeals is created effective January 1, 1967. It shall consist initially of six judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.

Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is authorized to convene, organize, and promulgate, subject to the approval

of the Supreme Court, such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

Effective January 1, 1969, the number of judges is increased to nine, and the Governor, on or after March 1, 1969, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1971. Their successors shall be elected at the general election for members of the General Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

Effective January 1, 1977, the number of judges is increased to 12; and the Governor, on or after July 1, 1977, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1979. Their successors shall be elected at the general election for members of the General Assembly in November, 1978, and shall take office on January 1, 1979, to serve the remainder of the unexpired term which began on January 1, 1977.

On or after October 1, 2000, the Governor shall appoint three additional judges to increase the number of judges to 15. Each judgeship shall not become effective until the appointment is made, and each appointee shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election, and shall take office on January 1, 2005, to serve terms expiring December 31, 2012.

The Court of Appeals shall sit in panels of three judges each. The Chief Judge insofar as practicable shall assign the members to panels in such fashion that each member sits a substantially equal number of times with each other member. He shall preside over the panel of which he is a member, and shall designate the presiding judge of the other panel or panels.

Three judges shall constitute a quorum for the transaction of the business of the court, except as may be provided in § 7A-32.

In the event the Chief Judge is unable, on account of absence or temporary incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an acting Chief Judge from the other judges of the Court, to temporarily discharge the duties of Chief Judge."

Section 15.5.(b) This section becomes effective October 1, 2000.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL SUPERIOR COURT JUDGES

Section 15.6.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2

Second	3B	Carteret, Craven, Pamlico	2
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	~~1~~ 2
Second	5	New Hanover, Pender	3
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick, Columbus	2
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	1
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1

Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Moore, Randolph	2
Sixth	19C	Rowan	1
Sixth	20A	Anson, Richmond	1
Sixth	20B	Stanly, Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	~~2~~ 3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

Section 15.6.(b) On or after October 1, 2000, the Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 26B as authorized by subsection (a) of this section. This judgeship shall not become effective until the appointment is made, and the appointee shall serve from the date

of qualification until January 1, 2005. The successor to that judge shall be elected in the 2004 general election to serve a term expiring December 31, 2012.

On or after October 1, 2000, the Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 4B as authorized by subsection (a) of this section. This judgeship shall not become effective until the appointment is made, and the appointee shall serve from the date of qualification until January 1, 2007. The successor to that judge shall be elected in the 2006 general election in order to provide for unstaggered terms for multiple judgeships in the same district.

Section 15.6.(c) Subsection (a) of this section becomes effective October 1, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective October 15, 2000, 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: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

JUDICIAL DEPARTMENT EQUIPMENT REPLACEMENT COSTS

Section 15.7. G.S. 143-11(b) reads as rewritten:

"(b) The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two fiscal years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

(5) A proposal for expenditure of the funds in the Repairs and Renovations Reserve Account, which is established in G.S. 143-15.3A. The Director shall consider the data from the Facilities Condition and Assessment Program in the Office of State Construction when establishing priorities for the proposed expenditure of these funds.

(6) Statements of the objections of members of the Council of State received pursuant to G.S. 143-10.3(b) to the performance

measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143-10.3, 14 10.4, and 143-10.5.

(7) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

(8) An estimate of the equipment replacement costs within the Judicial Department for the period covered by that budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

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."

Requested by: Representatives Culpepper, McKinney, Clary, Easterling, Redwine

REDUCE SPECIAL SUPERIOR COURT JUDGESHIPS

Section 15.8. G.S. 7A-45.1(a) reads as rewritten:

"(a) Effective November 1, 1993, the Governor may appoint two special superior court judges to serve terms expiring September 30, 2000. Effective October 1, 2000, one of those positions is abolished. Successors to the special superior court ~~judges~~ judge appointed pursuant to this subsection shall be appointed to a five-year ~~terms.~~ term. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

PART XVI. DEPARTMENT OF CORRECTION

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 16. Section 18 of S.L. 1999-237 reads as rewritten:

"Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by ~~February 1, 2000,~~ February 1 of each year to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the ~~1998-99 fiscal year to the 1999-2000 fiscal year;~~ prior fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for ~~1999-2000;~~ the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data ~~received during 1999-2000;~~ received; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 16.1. Section 18.1 of S.L. 1999-237 reads as rewritten:

"Section 18.1. The Post-Release Supervision and Parole Commission shall report by ~~March 1, 2000,~~ March 1 of each year to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 16.2. Subsection (a) of Section 18.10 of S.L. 1999-237 reads as rewritten:

"Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year and the 2000-2001 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog."

PART XVII. DEPARTMENT OF JUSTICE

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 17. Section 19.2 of S.L. 1999-237 reads as rewritten:

"Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by ~~March 1, 2000,~~ March 1, 2001, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section 17.1. Section 19.3 of S.L. 1999-237 reads as rewritten:

"Section 19.3.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the ~~1999-2000 fiscal year,~~ 1999-2001 fiscal biennium, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for training for the State Bureau of Investigation; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section 19.3.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section 19.3.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a."

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine, Baddour, Sexton

INCREASE THE EDUCATIONAL ASSISTANCE GRANTS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD

Section 18. G.S. 127A-193 reads as rewritten:

"**§ 127A-193. Benefit.**

The benefit provided under this Article shall consist of a monetary educational assistance grant not to exceed ~~one~~ two thousand dollars ~~($1,000)~~ ($2,000) per academic year to qualifying members of the North Carolina national guard. Benefits shall be payable for a period of one academic year at a time, renewable at the option of the Secretary for a maximum of ~~four~~ eight thousand dollars ~~($4,000).~~ ($8,000)."

Requested by: Culpepper, Kinney, McCrary, Easterling, Redwine

PARTIAL CASH BALANCE REVERSION

Section 18.1. Notwithstanding the provisions of G.S. 15B-23, the sum of one million twenty-five thousand dollars ($1,025,000) from the cash balance of the Crime Victims Compensation Fund shall revert to the General Fund on July 1, 2000, to be used for domestic violence programs, the rape victim assistance program, and other victims' assistance programs.

PART XIX. OFFICE OF JUVENILE JUSTICE

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

TRANSFER CENTER FOR PREVENTION OF SCHOOL VIOLENCE TO THE OFFICE OF JUVENILE JUSTICE

Section 19. The Center for Prevention of School Violence currently operating under The University of North Carolina, and all functions, powers, duties, and obligations vested in The University of North Carolina for the Center, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a).

The Center as a component of the Office of Juvenile Justice shall continue to consult with The University of North Carolina and the Department of Public Instruction to enhance research opportunities and specialized study areas such as teacher preparation, school resource officer development, suicide prevention, and best practices.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

TRANSFER OF POSITIONS AND SUPPORT COSTS FOR THE JUVENILE INFORMATION NETWORK FROM THE DEPARTMENT OF JUSTICE TO THE OFFICE OF JUVENILE JUSTICE

Section 19.1. The Department of Justice shall transfer to the Office of Juvenile Justice the three positions and the sum of two hundred twenty-five thousand dollars ($225,000) appropriated in this act for support of the Juvenile Information System Network.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REVISE REPORTING REQUIREMENTS OF STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS STUDY

Section 19.2. Section 21.4 of S.L. 1999-237 reads as rewritten:

"Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study to the Chairs of the House and Senate Appropriations ~~Committees and~~ Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public ~~Safety~~ Safety, and the Joint Legislative Commission on Governmental Operations on or before ~~April 1, 2000.~~ September 1, 2000."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORTS OF FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 19.3.(a) Section 21.10.(c) of S.L. 1999-237 reads as rewritten:

"Section 21.10.(c) The Office of Juvenile Justice shall report by ~~April 1, 2000,~~ April 1, 2001, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served."

Section 19.3.(b) Before expending any funds appropriated for the Boys and Girls Club to establish any new local organization of the Boys and Girls Club, the Office of Juvenile Justice shall reconsider counties that were eligible for the establishment of local organizations, but not funded in the 1999-2000 fiscal year, and shall report to the Chairs of the House and Senate Appropriations Committees on the proposed new local organization, including the location of the organization and the amount of funds the Office proposes to expend on the organization.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 19.4. Section 21.11 of S.L. 1999-237 reads as rewritten:

"Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the ~~1999-2000~~ 2000-2001 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and ~~Management and~~ Management, the Governor's Crime ~~Commission~~ Commission, and the Office of Juvenile Justice shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the ~~1999-2000~~ 2000-2001 fiscal year, the amount of funds anticipated for the ~~2000-2001~~ 2001-2002 fiscal year, and the allocation of funds by program and purpose."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REVISE REQUIREMENTS OF MULTIFUNCTIONAL JUVENILE FACILITY

Section 19.5.(a) Section 21.13(i) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(i) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. The Office of Juvenile Justice shall only house juveniles in the North Carolina juvenile justice system. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law."

Section 19.5.(b) Section 21.13(j) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(j) Report. -- The Office of Juvenile Justice shall make a written report no later than ~~March 1, 2000,~~ March 1, 2001, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by ~~March 1, 2001,~~ May 1, 2002, and ~~January 1, 2002.~~ May 1, 2003. The reports shall be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

MECKLENBURG COUNTY MULTIPURPOSE GROUP HOMES

Section 19.6. The funds appropriated in S.L. 1998-212 and reallocated in S.L. 1999-237 to the Office of Juvenile Justice to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards may be used to construct two eight-bed multipurpose group homes to house juvenile offenders. A maximum of two beds per home may be designated for secure detention. The homes may be used to house male juvenile offenders until the population of female juvenile offenders in the area served by the facilities increases such that both homes are needed to house female offenders. The Office of Juvenile Justice may contract with Mecklenburg County to implement this section and to assure that the multipurpose group homes authorized pursuant to this section are consistent with similar facilities in this State.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine, Baddour

TRANSFER OF GUARD RESPONSE ALTERNATIVE SENTENCING PROGRAM TO THE OFFICE OF JUVENILE JUSTICE

Section 19.7. The Guard Response Alternative Sentencing Program developed pursuant to S.L. 1998-202, and all functions, powers, duties, and obligations vested in the Department of Crime Control and Public Safety for the Guard Response Alternative Sentencing Program, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a). The Program shall continue to function as an additional probation option for certain first-time juveniles who have been adjudicated delinquent and who are subject to Level 2 disposition.

Requested by: Representatives Easterling, Redwine, Baddour

TRANSFER FUNDS TO DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 19.8. If either House Bill 1804 or Senate Bill 1462 of the 1999 General Assembly becomes law, all funds appropriated in this act to the Office of Juvenile Justice shall be transferred to the Department of Juvenile Justice and Delinquency Prevention.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

FORSYTH DETENTION CENTER

Section 19.9. The sum of one million seven hundred fifty thousand dollars ($1,750,000) appropriated in the 1999-2000 fiscal year to the Office of Juvenile Justice for a grant-in-aid for construction of the Forsyth Detention Center may be carried forward to the 2000-2001 fiscal year to allow adequate time for completion of a needs assessment by Forsyth County and for review and evaluation by the Office of Forsyth County's plan for the Center.

PART XX. GENERAL ASSEMBLY

Requested by: Representatives Jeffus, Wainwright, Easterling, Redwine

EXTEND TECHNOLOGICAL INFRASTRUCTURE STUDY REPORTING DATE

Section 20. Section 22.2 of S.L. 1999-237 reads as rewritten:

"Section 22.2. The Joint Select Committee on Information Technology, established pursuant to Section 22 of this act, shall study, evaluate, and recommend changes in the current technological infrastructure of the Department of the Secretary of State and the Department of the State Treasurer. The Committee shall:

(1) Consider the feasibility and advisability of moving the Secretary of State's applications from the ITS mainframe to in-house servers and allowing the Secretary of State to develop and support its own computer applications;

(2) Consider the need to replace, update, or modify the information technology infrastructure within the Department of the State Treasurer and existing banking system which supports the State Treasurer's Investment and Banking Operations Division; and

(3) Study, evaluate, and recommend the level of audit staff needed in the Office of the State Auditor to provide for adequate audit coverage of the computer applications and installation in State government.

The Committee shall report by ~~April 1, 2000,~~ December 1, 2000, to the Appropriations Committees of the Senate and House of Representatives."

CODE NO. 2000ATTY-S001

Requested by: Senator Ballance

TRAFFIC LAW ENFORCEMENT STATISTICS

Section @.(a) G.S. 114-10(2a) reads as rewritten:

"(2a) To collect, correlate, and maintain the following information regarding traffic law enforcement by State law enforcement officers:

a. The number of drivers stopped for routine traffic enforcement by State law enforcement ~~officers~~ officers, the officer making each stop, the agency of the officer making each stop, and whether or not a citation or warning was issued;

b. Identifying characteristics of the drivers stopped, including the race or ethnicity, approximate age, and gender;

c. The alleged traffic violation that led to the stop;

d. Whether a search was instituted as a result of the stop;

e. Whether the vehicle, personal effects, driver, or passenger or passengers were searched, and the race or ethnicity, approximate age, and gender of each person searched;

f. Whether the search was conducted pursuant to consent, probable cause, or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable suspicion;

g. Whether any contraband was found and the type and amount of any such contraband;

h. Whether any written citation or any oral or written warning was issued as a result of the stop;

i. Whether an arrest was made as a result of either the stop or the search;

j. Whether any property was seized, with a description of that property;

k. Whether the officers making the stop encountered any physical resistance from the driver or passenger or passengers;

l. Whether the officers making the stop engaged in the use of force against the driver, passenger, or passengers for any reason;

m. Whether any injuries resulted from the stop; ~~and~~

n. Whether the circumstances surrounding the stop were the subject of any investigation, and the results of that ~~investigation.~~ investigation; and

o. The geographic location of the stop, including the applicable law enforcement district, county, or city.

The information required by this subdivision need not be collected in connection with impaired driving checks under G.S. 20-16.3A or other types of roadblocks, vehicle checks, or checkpoints that are consistent with the laws of this State and with the State and federal constitutions, except when those stops result in a warning, search, seizure, arrest, or any of the other activity described in sub-subdivisions d. through n. of this subdivision.

The identity of the law enforcement officer making the stop required by sub-subdivision a. of this subdivision may be accomplished by assigning anonymous identification numbers to each officer in an agency. The correlation between the identification numbers and the names of the officers shall not be a public record as defined in G.S. 132-1."

Section @.(b) This section is effective when it becomes law.

CODE NO. 2000CORR-S001

Requested by: Senator Ballance

BAN PRIVATE PRISONS HOUSING OUT-OF-STATE INMATES

Section @.(a) Article 3 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-37.1 Prohibition on private prisons housing out-of-state inmates.**

(a) Except as otherwise provided in this section or authorized by North Carolina law, no municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates serving sentences for violation of the laws of a jurisdiction other North Carolina.

(b) The provisions of this section shall not apply to facilities owned or operated by the federal government and used exclusively for the confinement of inmates serving sentences for violation of federal law, but only to the extent that such facilities are not subject to restriction by the states under the provisions of the United States Constitution."

Section @.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by subsection (c) of Section 17.23 of S.L. 1998-212 and subsection (b) of Section 18.19 of S.L. 1999-237, is repealed.

Section @.(c) This section is effective when it becomes law and applies to agreements entered into on or after _____.

Requested By: _____
--SENTENCING SERVICES PROGRAM

Section _____(a) The title of Subchapter XIII of Chapter 7A of the General Statutes reads as rewritten:

"SUBCHAPTER XIII. ~~COMMUNITY PENALTIES~~ SENTENCING SERVICES PROGRAM."

Section _____(b) G.S. 7A-773.1 reads as rewritten:

"(d) To the extent allowed by law, the sentencing services program shall develop procedures to ensure that the program staff may work with offenders before a plea is entered. To that end, ~~no~~ information obtained in the course of preparing a sentencing plan may not be used by the State for ~~the~~ any purpose ~~of establishing guilt~~ at trial and is subject to the provisions of G.S. 15A-1333.

Section _____(c) G.S. 15A-1333 reads as rewritten:

"(a) Presentence Reports and Sentencing Services Information Not Public Records. --A written presentence report, ~~and~~ the record of an oral presentence report, and information obtained in the preparation of a sentencing plan by a sentencing services program under Article 61 of Chapter 7A are not public records and may not be made available to any person except as provided in this section.

(b) Access to Reports. -- The defendant, his counsel, the prosecutor, or the court may have access at any reasonable time to a written presentence report or to any record of an oral presentence report. Access to a sentencing plan and information obtained in the preparation of a sentencing plan shall be in accordance with the comprehensive sentencing services program plan developed pursuant to G.S. 7A-774.

(c) Expunging Reports. -- On motion of the defendant, the court in its discretion may order a written presentence report, ~~or~~ the record of an oral presentence report, or a sentencing plan expunged from the court record."

Section _____(d) This act becomes effective on July 1, 2000.

Requested By: _____
--SENTENCING SERVICES PROGRAM

Section _____(a) The title of Subchapter XIII of Chapter 7A of the General Statutes reads as rewritten:

"SUBCHAPTER XIII. ~~COMMUNITY PENALTIES~~ SENTENCING SERVICES PROGRAM."

Section _____(b) G.S. 7A-773.1 reads as rewritten:

"(d) To the extent allowed by law, the sentencing services program shall develop procedures to ensure that the program staff may work with offenders before a plea is entered. To that end, ~~no~~ information obtained in the course of preparing a sentencing plan may not be used by the State for ~~the~~ any purpose ~~of establishing guilt~~ at trial and is subject to the provisions of G.S. 15A-1333.

Section _____(c) G.S. 15A-1333 reads as rewritten:

"(a) Presentence Reports and Sentencing Services Information Not Public Records. --A written presentence report, ~~and~~ the record of an oral presentence report, and information obtained in the preparation of a sentencing plan by a sentencing services program under Article 61 of Chapter 7A are not public records and may not be made available to any person except as provided in this section.

(b) Access to Reports. -- The defendant, his counsel, the prosecutor, or the court may have access at any reasonable time to a written presentence report or to any record of an oral presentence report. Access to a sentencing plan and information obtained in the preparation of a sentencing plan shall be in accordance with the comprehensive sentencing services program plan developed pursuant to G.S. 7A-774.

(c) Expunging Reports. -- On motion of the defendant, the court in its discretion may order a written presentence report, ~~or~~ the record of an oral presentence report, or a sentencing plan expunged from the court record."

Section _____(d) This act becomes effective on July 1, 2000.

pipe wastewater systems. If a grant is awarded under this sub-subdivision, then the grant shall be matched on a dollar-for-dollar basis in the amount of the grant awarded; or

c. Projects that demonstrate alternative water and waste management processes for local governments. Special consideration should be given to cost-effectiveness, efficacy, management efficiency, and the ability of the demonstration project to be replicated.

(4) $1,500,000 for the 1999-2000 fiscal year and $400,000 for the 2000-2001 fiscal year to the Capacity Building Assistance Program. Funds shall be used to pay all or a portion of the costs for providing technical and financial assistance to rural, low-wealth local government units and nonprofit corporations initiating needed water and sewer projects that support the growth and development of rural areas.

(5) $250,000 for the 2000-2001 fiscal year for the Agricultural Advancement Consortium to be placed in a reserve for expenses associated with the Consortium. The Consortium will facilitate discussions among interested parties and develop recommendations to improve the State's economic development through farming and agricultural interests.

The grant recipients in this section shall be selected on the basis of need."

Requested by: Representatives Fox, Owens, Warren, Easterling, Redwine, Mitchell

ENERGY DIVISION STUDY OF RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM

Section 14.14.(a) The Energy Division of the Department of Commerce shall for the 1998-1999 fiscal year and the 1999-2000 fiscal year determine by county the number of owner-occupied houses that were allocated funds from the Residential Energy Conservation Assistance Program (RECAP) and the amount of funds that were allocated by county.

Section 14.14.(b) The Energy Division of the Department of Commerce shall for the 1998-1999 fiscal year and the 1999-2000 fiscal year determine by county the number of rental houses that were allocated funds from the Residential Energy Conservation Assistance Program (RECAP) and the amount of funds that were allocated by county.

Section 14.14.(c) The Division shall report its findings to the House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources and the Fiscal Research Division by January 15, 2001.

Requested by: Representatives Fox, Owens, Warren, Easterling, Redwine, Mitchell

CAP ON RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM SPENDING

Section 14.15. The amount spent by the Energy Division of the Department of Commerce for weatherization activities in the Residential Energy Conservation Assistance Program (RECAP) in the 2000-2001 fiscal year shall not exceed eight million nine hundred seventy-seven thousand sixty-nine dollars ($8,977,069). This amount equals that spent by the Energy Division on RECAP in the 1998-1999 fiscal year.

PART XV. JUDICIAL DEPARTMENT

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORT ON COMMUNITY MEDIATION CENTERS

Section 15.(a) Section 17.3 of S.L. 1999-237 reads as rewritten:

"Section 17.3.(a) All community mediation centers currently receiving State fu shall report annually to the ~~Judicial Department~~ Mediation Network of No Carolina 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 appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The ~~Judicial Department~~ Mediation Network of North Carolina 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.

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to ~~G.S. 7A-346.1~~ t section that, after the second year of receiving State funds, at least ten percent (10 of total funding comes from non-State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to ~~G.S. 7A-346.1~~ this section and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the ~~Administrative Office of the Courts~~ Mediation Network of North Carolina for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds."

Section 15.(b) G.S. 7A-346.1 is repealed.

Section 15.(c) Of the funds appropriated to the Judicial Department for transfer to the community mediation centers for the 2000-2001 fiscal year, funds allocated to the Dispute Settlement Center of Durham County, Inc., and Mediation Services of Wake County, Inc., shall be allocated to Carolina Correctional Services, Inc.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORT ON COURT INFORMATION TECHNOLOGY FUND

Section 15.1. G.S. 7A-343.2 reads as rewritten:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology and office automation needs. The Director shall report by ~~March 1~~ August 1 and February 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding ~~calendar year.~~ six months."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

AUTHORIZE ADDITIONAL MAGISTRATES

Section 15.2. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
Camden	1	3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	~~3~~ 4	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	
Washington	3	4	
Pitt	10	12	Farmville Ayden
Craven	7	10	Havelock
Pamlico	2	4	
Carteret	5	8	
Sampson	6	8	
Duplin	9	11	

1	Jones	2	3	
2	Onslow	8	14	
3	New Hanover	6	11	
4	Pender	4	6	
5	Halifax	9	14	Roanoke
6				Rapids,
7				Scotland Neck
8	Northampton	5	7	
9	Bertie	4	6	
10	Hertford	5	~~6~~ 7	
11	Nash	7	10	Rocky Mount
12	Edgecombe	4	7	Rocky Mount
13	Wilson	4	7	
14	Wayne	5	12	Mount Olive
15	Greene	2	4	
16	Lenoir	4	10	La Grange
17	Granville	3	7	
18	Vance	3	6	
19	Warren	3	~~4~~ 5	
20	Franklin	3	7	
21	Person	3	4	
22	Caswell	2	5	
23	Wake	12	~~20~~ 21	Apex,
24				Wendell,
25				Fuquay-
26				Varina,
27				Wake Forest
28	Harnett	7	11	Dunn
29	Johnston	10	12	Benson,
30				Clayton,
31				Selma
32	Lee	4	6	
33	Cumberland	10	19	
34	Bladen	4	6	
35	Brunswick	4	~~8~~ 9	
36	Columbus	6	9	Tabor City
37	Durham	8	13	
38	Alamance	7	~~10~~ 11	Burlington
39	Orange	4	~~11~~ 12	Chapel Hill
40	Chatham	3	8	Siler City
41	Scotland	3	5	
42	Hoke	4	5	
43	Robeson	8	16	Fairmont,
44				Maxton,
45				Pembroke,
46				Red Springs,
47				Rowland,
48				St. Pauls
49	Rockingham	4	9	Reidsville,
50				Eden,
51				Madison
52	Stokes	2	5	
53	Surry	5	9	Mt. Airy

Guilford	20	~~26~~ 27	High Point
Cabarrus	5	9	Kannapolis
Montgomery	2	4	
Randolph	5	10	Liberty
Rowan	5	10	
Stanly	5	6	
Union	4	~~7~~ 8	
Anson	4	5	
Richmond	5	6	Hamlet
Moore	5	8	Southern Pines
Forsyth	3	15	Kernersville
Alexander	2	~~3~~ 4	
Davidson	7	10	Thomasville
Davie	2	3	
Iredell	4	9	Mooresville
Alleghany	1	2	
Ashe	3	4	
Wilkes	4	6	
Yadkin	3	5	
Avery	3	5	
Madison	4	5	
Mitchell	3	4	
Watauga	4	6	
Yancey	2	4	
Burke	4	7	
Caldwell	4	7	
Catawba	6	10	Hickory
Mecklenburg	15	~~27~~ 28	
Gaston	11	22	
Cleveland	5	8	
Lincoln	4	7	
Buncombe	6	15	
Henderson	4	7	
McDowell	3	~~5~~ 6	
Polk	3	4	
Rutherford	6	8	
Transylvania	2	4	
Cherokee	3	4	
Clay	1	2	
Graham	2	3	
Haywood	5	7	Canton
Jackson	3	~~4~~ 5	
Macon	3	4	
Swain	2	3."	

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL DISTRICT COURT JUDGES

Section 15.3.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	~~4~~ 5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~7~~ 8	Sampson
		Duplin
		Jones
		Onslow
5	7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	~~1~~ 2	Warren
		(part of Vance
		see subsection (b))
10	~~13~~ 14	Wake
11	~~7~~ 8	Harnett
		Johnston
		Lee
12	9	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	6	Durham
15A	4	Alamance

1	15B	4	Orange
2			Chatham
3	16A	3	Scotland
4			Hoke
5	16B	5	Robeson
6	17A	~~2~~ 3	Rockingham
7	17B	3	Stokes
8			Surry
9	18	12	Guilford
10	19A	4	Cabarrus
11	19B	6	Montgomery
12			Moore
13			Randolph
14	19C	4	Rowan
15	20	7	Stanly
16			Union
17			Anson
18			Richmond
19	21	8	Forsyth
20	22	~~8~~ 9	Alexander
21			Davidson
22			Davie
23			Iredell
24	23	4	Alleghany
25			Ashe
26			Wilkes
27			Yadkin
28	24	4	Avery
29			Madison
30			Mitchell
31			Watauga
32			Yancey
33	25	8	Burke
34			Caldwell
35			Catawba
36	26	~~16~~ 17	Mecklenburg
37	27A	6	Gaston
38	27B	4	Cleveland
39			Lincoln
40	28	5	Buncombe
41	29	6	Henderson
42			McDowell
43			Polk
44			Rutherford
45			Transylvania
46	30	5	Cherokee
47			Clay
48			Graham
49			Haywood
50			Jackson
51			Macon
52			Swain."

Section 15.3.(b) Notwithstanding the provisions of G.S. 7A-142, the Governor shall appoint additional district court judges for District Court Districts 4, 9B, 10, 11, 17A, 22, and 26, as authorized by subsection (a) of this section. The judges' successors shall be elected in the 2004 election for four-year terms commencing on the first Monday in December 2004.

Section 15.3.(c) Subsection (a) of this section becomes effective December 15, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective December 15, 2000, 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: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

WORTHLESS CHECK PROGRAM

Section 15.3A.(a) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212 and Section 17.7 of S.L. 1999-237, reads as rewritten:

"(d) This act applies only to Brunswick, Bladen, Columbus, Cumberland, Durham, Edgecombe, Nash, New Hanover, Onslow, Pender, Rockingham, and Wake Counties."

Section 15.3A.(b) Section 17.7(c) of S.L. 1999-237 reads as rewritten:

"Section 17.7.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the ~~bad~~ worthless check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, Cumberland, Edgecombe, Nash, New Hanover, Onslow, and Pender Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

AUTHORIZE COURT OFFICIALS TO APPLY TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS FOR THE PROVISION OF JUDICIAL SECRETARIES, TEMPORARY ASSISTANT PUBLIC DEFENDERS, ASSISTANT CLERKS, DEPUTY CLERKS, AND OTHER EMPLOYEES IN THE OFFICE OF THE CLERK OF COURT WHEN THE PUBLIC INTEREST WARRANTS THE USE OF ADDITIONAL COURT RESOURCES

Section 15.4.(a) G.S. 7A-44.1 reads as rewritten:

"§ 7A-44.1. Secretarial and clerical help.

(a) Each senior resident superior court judge may appoint a judicial secretary to serve at his pleasure and under his direction the secretarial and clerical needs of the superior court judges of the district or set of districts as defined by G.S. 7A-41.1(a) for which he is the senior resident superior court judge. The appointment may be full- or part-time and the compensation and allowances of such secretary shall be fixed by the senior regular resident superior court judge, within limits determined by the Administrative Office of the Courts, and paid by the State.

(b) Each senior resident superior court judge may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of judicial secretaries pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(c) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (b) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(d) The terms of any contract entered into with local governments pursuant to subsection (b) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(b) G.S. 7A-102 is amended by adding three new subsections to read:

"(e) A clerk of superior court may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of assistant clerks, deputy clerks, and other employees in the office of each clerk of superior court pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(c) G.S. 7A-300 reads as rewritten:

"§ 7A-300. Expenses paid from State funds.

(a) The operating expenses of the Judicial Department shall be paid from State funds, out of appropriations for this purpose made by the General ~~Assembly.~~ Assembly, or from funds provided by local governments pursuant to G.S. 153A-212.1 and G.S. 160A-289.1. The Administrative Office of the Courts shall prepare budget estimates to cover these expenses, including therein the following items and such other items as are deemed necessary for the proper functioning of the Judicial Department:

(1) Salaries, departmental expense, printing and other costs of the appellate division;

(2) Salaries and expenses of superior court judges, district attorneys, assistant district attorneys, public defenders, and assistant public defenders, and fees and expenses of counsel assigned to represent indigents under the provisions of Subchapter IX of this Chapter;

(3) Salaries, travel expenses, departmental expense, printing and other costs of the Administrative Office of the Courts;

(4) Salaries and travel expenses of district judges, magistrates, and family court counselors;

(5) Salaries and travel expenses of clerks of superior court, their assistants, deputies, and other employees, and the expenses of their offices, including supplies and materials, postage, telephone and telegraph, bonds and insurance, equipment, and other necessary items;

(6) Fees and travel expenses of jurors, and of witnesses required to be paid by the State;

(7) Compensation and allowances of court reporters;

(8) Briefs for counsel and transcripts and other records for adequate appellate review when an appeal is taken by an indigent person;

(9) Transcripts of preliminary hearings in indigency cases and, in cases in which the defendant pays for a transcript of the preliminary hearing, a copy for the district attorney;

(10) Transcript of the evidence and trial court charge furnished the district attorney when a criminal action is appealed to the appellate division;

(11) All other expenses arising out of the operations of the Judicial Department which by law are made the responsibility of the State; and

(12) Operating expenses of the Judicial Council and the Judicial Standards Commission.

(b) Repealed by Session Laws 1971, c. 377, ~~c. 32."~~ s. 32."

Section 15.4.(d) G.S. 7A-467 is amended by adding three new subsections to read:

"(e) A public defender may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of temporary assistant public defenders pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the requesting public defender, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(e) G.S. 153A-212.1 reads as rewritten:

"**§ 153A-212.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any

appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(f) G.S. 160A-289.1 reads as rewritten:

"**§ 160A-289.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(g) G.S. 7A-64(c) reads as rewritten:

"(c) The length of service and compensation of any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this ~~section.~~ section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(h) The Administrative Office of the Courts shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, to the Chairs of the House of Representatives Subcommittee on Justice and Public Safety, and to the Chairs of the Senate Appropriations Committee on Justice and Public Safety on contracts entered into with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the Clerk of Superior Court. The report shall include the number of applications made to the Administrative Office of the Courts for these contracts, the number of contracts entered for provision of these positions, and the dollar amounts of each contract.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL COURT OF APPEALS JUDGES

Section 15.5.(a) G.S. 7A-16 reads as rewritten:

"**§ 7A-16. Creation and organization.**

The Court of Appeals is created effective January 1, 1967. It shall consist initially of six judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.

Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is authorized to convene, organize, and promulgate, subject to the approval

of the Supreme Court, such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

Effective January 1, 1969, the number of judges is increased to nine, and the Governor, on or after March 1, 1969, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1971. Their successors shall be elected at the general election for members of the General Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

Effective January 1, 1977, the number of judges is increased to 12; and the Governor, on or after July 1, 1977, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1979. Their successors shall be elected at the general election for members of the General Assembly in November, 1978, and shall take office on January 1, 1979, to serve the remainder of the unexpired term which began on January 1, 1977.

On or after October 1, 2000, the Governor shall appoint three additional judges to increase the number of judges to 15. Each judgeship shall not become effective until the appointment is made, and each appointee shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election, and shall take office on January 1, 2005, to serve terms expiring December 31, 2012.

The Court of Appeals shall sit in panels of three judges each. The Chief Judge insofar as practicable shall assign the members to panels in such fashion that each member sits a substantially equal number of times with each other member. He shall preside over the panel of which he is a member, and shall designate the presiding judge of the other panel or panels.

Three judges shall constitute a quorum for the transaction of the business of the court, except as may be provided in § 7A-32.

In the event the Chief Judge is unable, on account of absence or temporary incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an acting Chief Judge from the other judges of the Court, to temporarily discharge the duties of Chief Judge."

Section 15.5.(b) This section becomes effective October 1, 2000.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

ADDITIONAL SUPERIOR COURT JUDGES

Section 15.6.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2

Second	3B	Carteret, Craven, Pamlico	2
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	~~1~~ 2
Second	5	New Hanover, Pender	3
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick, Columbus	2
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	1
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1

Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Moore, Randolph	2
Sixth	19C	Rowan	1
Sixth	20A	Anson, Richmond	1
Sixth	20B	Stanly, Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	~~2~~ 3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2
Eighth	28	Buncombe	2
Eighth	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

Section 15.6.(b) On or after October 1, 2000, the Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 26B as authorized by subsection (a) of this section. This judgeship shall not become effective until the appointment is made, and the appointee shall serve from the date

of qualification until January 1, 2005. The successor to that judge shall be elected in the 2004 general election to serve a term expiring December 31, 2012.

On or after October 1, 2000, the Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 4B as authorized by subsection (a) of this section. This judgeship shall not become effective until the appointment is made, and the appointee shall serve from the date of qualification until January 1, 2007. The successor to that judge shall be elected in the 2006 general election in order to provide for unstaggered terms for multiple judgeships in the same district.

Section 15.6.(c) Subsection (a) of this section becomes effective October 1, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective October 15, 2000, 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: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

JUDICIAL DEPARTMENT EQUIPMENT REPLACEMENT COSTS

Section 15.7. G.S. 143-11(b) reads as rewritten:

"(b) The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two fiscal years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

(5) A proposal for expenditure of the funds in the Repairs and Renovations Reserve Account, which is established in G.S. 143-15.3A. The Director shall consider the data from the Facilities Condition and Assessment Program in the Office of State Construction when establishing priorities for the proposed expenditure of these funds.

(6) Statements of the objections of members of the Council of State received pursuant to G.S. 143-10.3(b) to the performance

measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5.

(7) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

(8) An estimate of the equipment replacement costs within the Judicial Department for the period covered by that budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

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."

Requested by: Representatives Culpepper, McKinney, Clary, Easterling, Redwine

REDUCE SPECIAL SUPERIOR COURT JUDGESHIPS

Section 15.8. G.S. 7A-45.1(a) reads as rewritten:

"(a) Effective November 1, 1993, the Governor may appoint two special superior court judges to serve terms expiring September 30, 2000. Effective October 1, 2000, one of those positions is abolished. Successors to the special superior court ~~judges~~ judge appointed pursuant to this subsection shall be appointed to a five-year ~~terms.~~ term. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

PART XVI. DEPARTMENT OF CORRECTION

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 16. Section 18 of S.L. 1999-237 reads as rewritten:

"Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by ~~February 1, 2000,~~ February 1 of each year to the Chairs of the Senate and House Appropriations Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the ~~1998-99 fiscal year to the 1999-2000 fiscal year;~~ prior fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for ~~1999-2000;~~ the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data ~~received during 1999-2000;~~ received; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 16.1. Section 18.1 of S.L. 1999-237 reads as rewritten:

"Section 18.1. The Post-Release Supervision and Parole Commission shall report by ~~March 1, 2000,~~ March 1 of each year to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 16.2. Subsection (a) of Section 18.10 of S.L. 1999-237 reads as rewritten:

"Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year and the 2000-2001 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog."

PART XVII. DEPARTMENT OF JUSTICE

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 17. Section 19.2 of S.L. 1999-237 reads as rewritten:

"Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by ~~March 1, 2000,~~ March 1, 2001, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section 17.1. Section 19.3 of S.L. 1999-237 reads as rewritten:

"Section 19.3.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the ~~1999-2000 fiscal year,~~ 1999-2001 fiscal biennium, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for training for the State Bureau of Investigation; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section 19.3.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section 19.3.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a."

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine, Baddour, Sexton

INCREASE THE EDUCATIONAL ASSISTANCE GRANTS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD

Section 18. G.S. 127A-193 reads as rewritten:

"**§ 127A-193. Benefit.**

The benefit provided under this Article shall consist of a monetary educational assistance grant not to exceed ~~one~~ two thousand dollars ~~($1,000)~~ ($2,000) per academic year to qualifying members of the North Carolina national guard. Benefits shall be payable for a period of one academic year at a time, renewable at the option of the Secretary for a maximum of ~~four~~ eight thousand dollars ~~($4,000).~~ ($8,000)."

Requested by: Culpepper, Kinney, McCrary, Easterling, Redwine

PARTIAL CASH BALANCE REVERSION

Section 18.1. Notwithstanding the provisions of G.S. 15B-23, the sum of one million twenty-five thousand dollars ($1,025,000) from the cash balance of the Crime Victims Compensation Fund shall revert to the General Fund on July 1, 2000, to be used for domestic violence programs, the rape victim assistance program, and other victims' assistance programs.

PART XIX. OFFICE OF JUVENILE JUSTICE

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

TRANSFER CENTER FOR PREVENTION OF SCHOOL VIOLENCE TO THE OFFICE OF JUVENILE JUSTICE

Section 19. The Center for Prevention of School Violence currently operating under The University of North Carolina, and all functions, powers, duties, and obligations vested in The University of North Carolina for the Center, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a).

The Center as a component of the Office of Juvenile Justice shall continue to consult with The University of North Carolina and the Department of Public Instruction to enhance research opportunities and specialized study areas such as teacher preparation, school resource officer development, suicide prevention, and best practices.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

TRANSFER OF POSITIONS AND SUPPORT COSTS FOR THE JUVENILE INFORMATION NETWORK FROM THE DEPARTMENT OF JUSTICE TO THE OFFICE OF JUVENILE JUSTICE

Section 19.1. The Department of Justice shall transfer to the Office of Juvenile Justice the three positions and the sum of two hundred twenty-five thousand dollars ($225,000) appropriated in this act for support of the Juvenile Information System Network.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REVISE REPORTING REQUIREMENTS OF STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS STUDY

Section 19.2. Section 21.4 of S.L. 1999-237 reads as rewritten:

"Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study to the Chairs of the House and Senate Appropriations ~~Committees and~~ Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public ~~Safety~~ Safety, and the Joint Legislative Commission on Governmental Operations on or before ~~April 1, 2000.~~ September 1, 2000."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REPORTS OF FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 19.3.(a) Section 21.10.(c) of S.L. 1999-237 reads as rewritten:

"Section 21.10.(c) The Office of Juvenile Justice shall report by ~~April 1, 2000,~~ April 1, 2001, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served."

Section 19.3.(b) Before expending any funds appropriated for the Boys and Girls Club to establish any new local organization of the Boys and Girls Club, the Office of Juvenile Justice shall reconsider counties that were eligible for the establishment of local organizations, but not funded in the 1999-2000 fiscal year, and shall report to the Chairs of the House and Senate Appropriations Committees on the proposed new local organization, including the location of the organization and the amount of funds the Office proposes to expend on the organization.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 19.4. Section 21.11 of S.L. 1999-237 reads as rewritten:

"Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the ~~1999-2000~~ 2000-2001 fiscal year may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and ~~Management and~~ Management, the Governor's Crime ~~Commission~~ Commission, and the Office of Juvenile Justice shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the ~~1999-2000~~ 2000-2001 fiscal year, the amount of funds anticipated for the ~~2000-2001~~ 2001-2002 fiscal year, and the allocation of funds by program and purpose."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

REVISE REQUIREMENTS OF MULTIFUNCTIONAL JUVENILE FACILITY

Section 19.5.(a) Section 21.13(i) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(i) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. The Office of Juvenile Justice shall only house juveniles in the North Carolina juvenile justice system. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law."

Section 19.5.(b) Section 21.13(j) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(j) Report. -- The Office of Juvenile Justice shall make a written report no later than ~~March 1, 2000,~~ March 1, 2001, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by ~~March 1, 2001,~~ May 1, 2002, and ~~January 1, 2002.~~ May 1, 2003. The reports shall be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations."

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

MECKLENBURG COUNTY MULTIPURPOSE GROUP HOMES

Section 19.6. The funds appropriated in S.L. 1998-212 and reallocated in S.L. 1999-237 to the Office of Juvenile Justice to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards may be used to construct two eight-bed multipurpose group homes to house juvenile offenders. A maximum of two beds per home may be designated for secure detention. The homes may be used to house male juvenile offenders until the population of female juvenile offenders in the area served by the facilities increases such that both homes are needed to house female offenders. The Office of Juvenile Justice may contract with Mecklenburg County to implement this section and to assure that the multipurpose group homes authorized pursuant to this section are consistent with similar facilities in this State.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine, Baddour

TRANSFER OF GUARD RESPONSE ALTERNATIVE SENTENCING PROGRAM TO THE OFFICE OF JUVENILE JUSTICE

Section 19.7. The Guard Response Alternative Sentencing Program developed pursuant to S.L. 1998-202, and all functions, powers, duties, and obligations vested in the Department of Crime Control and Public Safety for the Guard Response Alternative Sentencing Program, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a). The Program shall continue to function as an additional probation option for certain first-time juveniles who have been adjudicated delinquent and who are subject to Level 2 disposition.

Requested by: Representatives Easterling, Redwine, Baddour

TRANSFER FUNDS TO DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 19.8. If either House Bill 1804 or Senate Bill 1462 of the 1999 General Assembly becomes law, all funds appropriated in this act to the Office of Juvenile Justice shall be transferred to the Department of Juvenile Justice and Delinquency Prevention.

Requested by: Representatives Culpepper, Kinney, McCrary, Easterling, Redwine

FORSYTH DETENTION CENTER

Section 19.9. The sum of one million seven hundred fifty thousand dollars ($1,750,000) appropriated in the 1999-2000 fiscal year to the Office of Juvenile Justice for a grant-in-aid for construction of the Forsyth Detention Center may be carried forward to the 2000-2001 fiscal year to allow adequate time for completion of a needs assessment by Forsyth County and for review and evaluation by the Office of Forsyth County's plan for the Center.

PART XX. GENERAL ASSEMBLY

Requested by: Representatives Jeffus, Wainwright, Easterling, Redwine

EXTEND TECHNOLOGICAL INFRASTRUCTURE STUDY REPORTING DATE

Section 20. Section 22.2 of S.L. 1999-237 reads as rewritten:

"Section 22.2. The Joint Select Committee on Information Technology, established pursuant to Section 22 of this act, shall study, evaluate, and recommend changes in the current technological infrastructure of the Department of the Secretary of State and the Department of the State Treasurer. The Committee shall:

(1) Consider the feasibility and advisability of moving the Secretary of State's applications from the ITS mainframe to in-house servers and allowing the Secretary of State to develop and support its own computer applications;

(2) Consider the need to replace, update, or modify the information technology infrastructure within the Department of the State Treasurer and existing banking system which supports the State Treasurer's Investment and Banking Operations Division; and

(3) Study, evaluate, and recommend the level of audit staff needed in the Office of the State Auditor to provide for adequate audit coverage of the computer applications and installation in State government.

The Committee shall report by ~~April 1, 2000,~~ December 1, 2000, to the Appropriations Committees of the Senate and House of Representatives."

VISITOR REGISTRATION SHEET

Justice and Public Safety — 6/15/00

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Tom Ross	AOC
Cam Cruz	BPMHL
Greg Hall	DOC
Joe Hamilton	DOC
Melissa Lovell	DOJ
BILL SCOGGIN	KENNEDY COVINGTON
LAO RUBERT	CJPC
Larry Dix	OJJ
Janet Pittard	OSBM
Eddie Caldwell	NC Sheriffs Assn / NC Law Enf Off Assn

SENATE APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY

June 20, 2000
8:30 a.m.
Room 415 Legislative Office Building

AGENDA

I. CALL TO ORDER

Chairman: Senator Luther Jordan
Vice-Chairman: Senator Frank Ballance

II. PRESENTATIONS

Proposed Senate Justice and Public Safety Budget

Chairmen

Fiscal Research Staff

III. COMMITTEE DISCUSSION/OTHER BUSINESS

IV. ADJOURNMENT

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE AND PUBLIC SAFETY
Minutes
June 20, 2000

The Senate Appropriations Subcommittee on Justice and Public Safety met on June 20, 2000 in room 415 LOB at 8:30AM. **Senator Luther Jordan** chaired the meeting.

Staff, Kelly Little, Jim Mills, Elisa Wolper, and Denise Thomas reviewed the proposed Senate Justice and Public Safety Budget (see attached). In the Judicial portion of the budget, the Senate recommends $659,000 less than the House.

The proposed Special Provisions were also reviewed, also attached. Sections 15.2 and 15.3 reflect additional judges. Section 15.3 adds Wilson County. Section 15.6 adds two superior court judges. Section 15.9 is new. The provisions in section 16 are essentially the same as the House version but 16.3 updates change in line 6. Section 17.2 and 17.3 are new.

Mr. Scott Perry, acting director of the Department of Criminal Justice Standards Division, spoke. He distributed a handout titled Report to the Joint Legislative Justice and Public Safety Committee dated June 6, 2000. The handout shows a comparison of the documentation required for law enforcement and correctional officers. The commission is adding misdemeanors as grounds for suspension. District Attorney Colin Willoughby announced a special meeting of the commission to be held 6/27/00.

In response to a question by Senator Ballance, Mr. Perry said there is a 10-year time limit on misdemeanors as well as on felonies. Also in response to Sen. Ballance, they have worked on these standards for three years.

Mr. Stahl of DOC said there are 13,000 certified employees. They have one vote on the Commission. In response to Senator Rand, there are difficulties in staffing and they have an attrition rate of 40%. Correction Officers do not have any retirement benefits. In response to a question by Senator East, Probation Offficers must have a college degree and their training is different from Correction Officers. In response to a question by Senator Ballance, the commission has about 16 law enforcement persons on it in addition to others. Special provision 17C-3 gives them an additional six months.

In response to a question by Senator Rand, Judge Thomas Ross stated that clerks and secretarial help is needed.

Senator Rand moved to delete provision 15.4. The motion carried.

Senator Jordan asked for a motion to accept the Special Provisions. Senator Ballance moved and Senator Rand seconded the motion to accept the Special Provisions minus provision 15.4.

Senator Jordan adjourned the meeting at 10AM.

Senator Luther Jordan
Committee Chair

Gloria Haywood
Committee Assistant

Senate Appropriations Subcommittee

on

JUSTICE AND PUBLIC SAFETY

Report on FY 2001
Recommended Budget

June 20, 2000

Judicial

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$347,361,291

Budget Changes

1	**Vacant Superior Court Judgeships** The Continuation Budget is adjusted to reflect the expiration of 1 Special Superior Court Judgeship as of December 31, 2000 and the elimination of an additional Special Superior Court Judgeship that will be vacant as of October 1, 2000. These Judgeships were created in 1987 and 1993 respectively. (Sec. 15.8)	($185,240) -2.00	R
2	**Increase Indigent Fund Requirements** Because spending requirements have been higher than anticipated and available funds limited by the costs of Hurricane Floyd, funding for the Indigent Fund is increased by $200,000.	$200,000	R
3	**Positions for Office of Indigent Defense Services** Senate Bill 1323 would establish a Commission to oversee spending on Indigent Defense, as of July 1, 2001. During 2000-2001, $375,859 from the Indigent Defense Fund will be used to establish 5 staff positions for this new office; an Executive Director and Administrative Assistant as of November 1, 2000 and a Deputy Director/ Chief Financial Officer, an Information Systems Director and a Research Analyst as of January 1, 2001. Funding for Indigent Defense is increased for 2000-2001 to cover these costs. In addition, $49,480 nonrecurring is provided to fund a change in how longevity would be calculated for Public Defenders and Assistant PDs under SB1323. If neither HB1590 nor SB1323 become law, these funds will remain in the indigent fund for ongoing expenses .	$297,900 $127,439 5.00	R NR
4	**Special Counsel for the Mentally Ill** Funds will be used from the Indigent Defense Fund to establish 4 new positions in the Special Counsel for the Mentally Ill program. This program represents patients at 3 state mental institutions. The new positions are 3 attorneys and 1 Assistant to Special Counsel/Paralegal at Cherry Hospital. Funding for the Indigent Defense Fund is increased to cover this expense.	$262,415 $16,408 4.00	R NR

5 Court Technology

$4,334,7[illegible] R
$2,297,3[illegible] NR
29.00

These funds are provided to address critical needs in the area of improving court technology. This item does not preclude AOC using Court Technology or other available funds for similar positions. Funds are to be allocated as follows:

- Implement Magistrate System	$1,543,867	R
	199,949	NR
This includes positions to staff help desk, maintain LAN and WAN, for training and to continue to maintain and enhance the system. (23 positions)		
- Add 2 Technical support/computer operator positions.	100,828	R
	12,570	NR
- Funds to Improve Facilities for the Court Management Information Division.	150,000	NR
- Reserve for Disaster Recovery	741,755	R
	33,162	NR
Funds may be used to establish positions, contractural services, or equipment based on planning process now underway.		
- Equipment Replacement	835,679	R
	1,780,242	NR
- Migration Manager Position	116,435	R
	7,151	NR
This position will oversee implementation of Gartner Report recommendations.		
- Support for Worthless Check programs (1 position)	135,419	R
	51,135	NR
- Automated Civil Abstract Program	623,998	R
	63,178	NR
To begin automating the civil abstract records in Clerks' Offices. (2 positions)		
- Resources to be allocated to additional support or to redesign of legacy court systems.	236,761	R
	0	NR

6 **Community Mediation Center Funds** — $305,630 R

Provide additional funds to 19 community mediation/dispute settlement centers and $25,000 to the Mediation Network of North Carolina as they take on more responsibility for monitoring individual centers. The following centers will receive expansion funding; Alamance ($8,000),Albemarle ($8,000), Blue Ridge ($10,000), Cabarrus ($11,000), Chatham ($18,000), Cape Fear ($15,000), Moore ($10,000), Duplin ($11,000), Foothills ($12,000), Henderson ($7,500), Asheville ($28,000), Eastern Carolina ($25,000), Southern Piedmont ($15,000), Forsyth ($15,000), Rockingham ($15,000), Orange ($15,000), Piedmont ($24,380), Transylvania ($7,000), and Johnston Co($25,750).

7 **Business Court Funds** — $44,000 NR

Funding is continued, on a nonrecurring basis, for rent and equipment maintenance expenses for the Business Court located in Greensboro.

8 **Increase Funding for Court Interpreters** — $250,179 R

The increasing numbers of non-English speaking parties has increased the demand for court interpreters. This item increased continuation budget funding to $458,005.

9 **Court Reporters** — $75,306 R; $11,956 NR; 2.00

Funds are provided to add 2 Court Reporters, effective October 1, 2000.

10 **Worthless Check Programs** — $286,311 R; $52,236 NR; 6.00

Funds are provided to expand the Worthless Check Program to Cumberland, Nash, Edgecombe, Wilson and Onslow Counties. This brings the total number of counties involved to 12. Each program is staffed by a District Attorney Investigator and a Legal Assistant. Nash/Edgecombe/Wilson will be staffed by 1 team. (HB 1840, Sec. 15.3A)

11 **Interpreters for Domestic Violence Cases** — $75,889 NR

These funds will allow the AOC to hire interpreters in Domestic Violence Cases in District Court.

12 **Non-technology Equipment Replacement** — $1,000,000 NR

These funds will allow replacement statewide of office equipment (copiers, microfilming equipment and mailing machines) that are at least 6 years old. The Judicial Branch does not have continuation budget funding for equipment replacement.

13 **Courtroom Wiring and Audio Equipment** — $211,500 NR

These funds will cover the costs of 75 courtroom recording systems to accommodate District Court and non-jury Superior Court proceedings. New units are needed because of new courtrooms that have been established.

14	**Magistrates** Funds are provided to add magistrates in 13 counties; full time magistrates in Alamance, Brunswick, Guilford, Hertford, Jackson, Orange, and Anson Counties and half-time positions in Alexander, McDowell, Mecklenburg, Perquimans, Wake and Warren. The AOC identified new magistrate positions as a critical need due to increasing caseloads and the difficulties providing 24-hour coverage. (HB 1840, Sec. 15.2)	$345,72 $72,09 10.00	R NR
15	**NDAA Membership** Funds are provided to allow the 39 elected District Attorneys to join the National District Attorneys' Association and for some DAs to attend the national conference.	$48,000	NR
16	**Administrative Office of the Courts Positions** Funds to add 6 new positions to support the Administrative Office of the Courts; Leave Specialist and Benefits Specialist for Human Resources, Court Management Specialist, Staff Specialist in the Administrative Division and 2 Secretaries.	$301,413 $42,955 6.00	R NR
17	**District Court Judges** Nine new District Court Judge positions are created as of December 15, 2000. New positions are in Districts 1,4,9B,10,11,17A,22, 26 and 28. (HB 1840, Sec. 15.3)	$613,035 $108,261 9.00	R NR
18	**Superior Court Judges** Creates new Superior Court Judgeships in District #4B (Onslow County) and District #26B (Mecklenburg County) as of October 1, 2000. (HB 1840, Sec. 15.6)	$225,989 $17,910 2.00	R
19	**Judicial Assistant** Funds for a Judicial Assistant I for Superior Court District #11B.	$35,547 $4,954 1.00	R NR
20	**Court of Appeals Mediation Program** Funds to allow a new program to mediate cases post-conviction/pre-appeal in order to reduce Court of Appeals filings. Funds will be used to pay judges and for training.	$25,000	R
21	**Court of Appeals Research Assistants** Funds to provide 2 Research Assistants for emergency Judges working at the Court of Appeals.	$99,580 $13,512 2.00	R NR
22	**Expand Family Court Program** Funds to expand the Family Court Pilot to 2 additional districts. This program, established in 1998,coordinates case management and service agency efforts for a family involved in the court system. This brings the number of programs to 8. Funds are used to pay case managers and a program administrator in each district.	$513,184 $104,816 8.00	R NR

23	Guardian Ad Litem Staff Funds to add 6 full time equivalent positions to the Guardian-Ad-Litem program; upgrade two 3/4 time regional administrators to fulltime, add 2 program supervisors and 7 half-time program assistants.	$274,192 $43,324 6.00	R NR
24	Drug Treatment Court Funds Nonrecurring funds are provided to the Drug Treatment Court program for futher support for programs already underway.	$100,000	NR
	Budget Changes	**$8,260,903** **$4,392,645**	R NR
	Total Position Changes	88.00	
	Revised Total Budget	**$360,014,839**	

Justice

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$72,575,950

Budget Changes

25	Transfer J-NET Positions to OJJ Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	($225,000) -3.00	R
	Legal Services		
26	Tort Claims Section Positions Funds are provided to add an Attorney III and Processing Assistant IV position to the Tort Claims Section, effective August 1, 2000.	$99,951 $12,897 2.00	R NR
	SBI		
27	DCI Mainframe Migration Project One time reduction in expansion funding for the DCI mainframe migration project.	($350,000)	NR
28	Hire 6 Forensic Chemists Effective December 1, 2000, hire 6 additional Chemists to reduce the controlled substance case backlog and provide a reasonable turnaround time for case completion.	$154,270 $69,566 6.00	R NR
	Budget Changes	**$29,221** **($267,537)**	R NR
	Total Position Changes	5.00	
	Revised Total Budget	**$72,337,634**	

Office of Juvenile Justice

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$140,018,378

Budget Changes

Administration

29	**Management Information System (MIS) Support** Funding is provided to support 10 MIS staff positions effective October 1, 2000. In addition to staff support, partial funding is provided for recurring communications costs. Funds are provided to replace grant funding due to expire in September 2000.	$650,000 10.00	R
30	**Transfer GRASP from CCPS to OJJ** The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ. (HB 1840, Sec. 19.7)	$338,000	R
31	**Center for Prevention of School Violence** Transfer the Center for Prevention of School Violence from NC State University to the Office of Juvenile Justice. (HB 1840, Sec. 19)	$500,000 7.00	R
32	**Transfer J-NET Positions from DOJ** Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	$225,000 3.00	R

Detention Bureau

33	**Delayed Opening of Two New Detention Centers** A partial operating budget of $840,000 was appropriated for two new detention centers based on January, 2001 start dates. The latest schedule shows a July 1, 2001 start date for the Wayne and Alexander facilities allowing for a one-time reduction in the FY 2000-01 budget of $561,000. The amount of $279,000 is retained for one-time start up costs such as equipment.	($561,000)	NR

Senate Subcommittee on Justice and Public Safety

34 **Multi-functional Juvenile Facility** One time non-recurring reduction in operating funds due to delayed opening of the 100 bed multi-functional juvenile facility. Facility was originally expected to open January 2001. The latest target date is July, 2001. $500,000 is left for 2000-01 in case the facility opens one month early or start up funding is needed.	($2,000,0[illegible]	NR
Intervention/Prevention Bureau		
35 **Local Juvenile Justice Funding** Increases county JCPC grants in order to provide additional support for local juvenile programs. $1 million is recurring to be used for JCPC formula grants. The $400,000 non recurring funds are to be allocated to programs that emphasize tutoring, mentoring, and other delinquency prevention activities for at-risk youth.	$1,000,000 $400,000	R NR
Special Initiatives Bureau		
36 **Teen Courts** Provide funding for Teen Courts in Bladen, Chatham, Davidson, Jones, New Hanover, and Orange Counties	$170,000	R
37 **Camp Woodson East** Funding to start a Camp Woodson East October 1, 2000 and to increase staffing at Woodson West by three positions. Camp Woodson is a therapeutic wilderness and education program that is used by the Court as an intermediate sanction and as a transitional program for offenders in training schools. The full cost of the program for 2000-01, $966,426, is offset by recurring and non-recurring receipts.	$590,748 $23,978 24[illegible]	R NR
38 **Multi-purpose Group Homes** One time non-recurring reduction in operating funds due to delayed opening of four multi-purpose group homes funded in 1998-99.	($400,000)	NR
Budget Changes	**$3,473,748** **($2,537,022)**	**R** **NR**
Total Position Changes	44.00	
Revised Total Budget	**$140,955,104**	

Correction

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$889,943,525

Budget Changes

39	**Reduce Community Corrections Travel Budget** The Department of Correction has studied their travel expenses and adopted several cost savings measures, including reducing the number of Department of Administration owned vehicles in use. Based on these savings, the travel budget for the Division of Community Corrections has been reduced.	($200,000)	R
40	**Reduce Division of Prisons Travel Budget** Based on the study of travel costs, the Division of Prisons Travel Budget can also be reduced.	($150,000)	R
41	**Community Correction Budget for Employee Physicals** Based on expenditures in 1999-2000 for physicals required as a condition of employment for probation/parole officers, a recurring reduction in the budget will be taken.	($100,000)	R
42	**Reduce Community Corrections Equipment Budget** The equipment budget for the Division of Community Corrections is reduced by $110,000, roughly 10% of the equipment budget, for 2000-2001 only.	($110,000)	NR
43	**Abolish Two Vacant Positions in Parole Commission** Two positions from the Post Release Supervision and Parole Commission, a Parole Case Analyst and an Office Assistant V, are eliminated to reflect a decreasing workload. The Governor's Recommended Changes included abolishing one of these positions at a reduction of $35,561. (HB 1840, Sec. 16.1)	($78,603) -2.00	R
44	**Reduce DART Cherry Aftercare Funds** The Continuation Budget includes $319,715 in contractual service funds that are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry who are not eligible for existing community programs. Funds for this project are reduced to $219,715.	($100,000)	R
45	**Community Substance Abuse Programs** Increase budget of DOC Substance Abuse program for expansion of community based counseling, job placement and mentoring programs for offenders.	$100,000	NR

46 Eliminate Electronic House Arrest Staff — ($93,[illegible]) R — -6.00

Improved technology for electronic monitoring has reduced some of the workload of staff in the electronic monitoring area. Six Electronic House Arrest Specialist positions in their Technology Center will be eliminated, five of which are currently vacant. During 2000-2001, the Department will retain $68,000 of the cost of these positions to cover overtime and contractual workers until the new system is fully operational.

47 Increase Fee for Drug Tests — ($126,186) R

The Division of Community Corrections operates its own drug testing lab providing testing services to itself, the Division of Prisons, the Office of Juvenile Justice and several local government agencies. They currently charge $2.50 per test. This budget item reflects an increase in fee to $4.00 per test, close to the actual cost of $3.84, not including administrative costs. The Governor recommended an increase to $3.50 but the subcommittee increased it further to $4.00.

48 IMPACT Program — ($108,300) R

Reduction in the operating budget for the IMPACT Boot Camp Program.

49 Eliminate IMPACT Aftercare Funding — ($440,000) R

Funding for the IMPACT aftercare program is eliminated. This program has worked in 5 locations with offenders completing Boot Camp. The Department of Correction is instead working to involve probation parole officers in aftercare planning for all Boot Camp graduates.

50 Harriet's House — $75,000 R

Harriet's House provides services to female offenders released from prison. This funding will increase their state appropriation and allow the program to serve more clients.

51 Reduce funds for non-participating counties - CJPP — ($420,000) NR

The continuation budget included funds to fully fund Criminal Justice Partnership Program (CJPP) Implementation Grants for 100 counties. Funding is eliminated for one year for the six counties not expected to participate during 2000-2001. (HB 1840, Sec. 16)

52 Women at Risk — $50,000 R

Increase funding for this community correction program for female probationers in Western North Carolina.

53 Summit House — $292,834 R

Expansion funding for this residential treatment and assistance program for female probationers and their children.

54	**ECO Inmate Family Pilot Project** Provide one-time funds for the Energy Committed Offenders Program (ECO) to develop a program to provide counseling and services to families of inmates. ECO currently receives state funds to operate a halfway house for female inmates prior to their release from the prison system.	$60,000	NR
55	**Inmate Education and Reentry Program** Funds for pilot project to provide training and education for male inmates to assist with transition to the community. Funds would go to the Urban Investment Strategies Center at the Kenan Center at UNC Chapel Hill. The project will provide six training programs of 26 sessions each at 6 prisons statewide. Twenty to 25 male offenders will participate in each program.	$130,000	NR
56	**Enterprise Fund Accountants** Nine Enterprise accounting positions are funded from the General Fund. It is recommended that the positions be supported by receipts from the Enterprise Fund allowing for a reduction in the General Fund.	($344,200)	R
57	**Inmate Welfare Fund** This special fund is generated from inmate canteens and from contracts for use of telephones by inmates. It is primarily to fund inmate related projects. It is recommended that funds be transferred from the Inmate Welfare Fund to allow a one-time reduction in the General Fund appropriation.	($2,250,000)	NR
58	**Data Processing Equipment** One-time reduction of 10% of the Department's data processing equipment budget.	($225,862)	NR
59	**Work Release Transportation Fee** Inmates on work release are required by the General Statutes to contribute towards the cost of their transportation to work. It is recommended that the current fee of $1.50 be increased to $2.00 daily to increase receipts and allow for a General Fund reduction.	($44,844)	R
60	**Division of Prison Employee Uniform Budget** Correctional officer vacancies and improvements in Central Warehouse inventory procedures allow for a recurring reduction in the employee uniform budget.	($750,000)	R
61	**Division of Prisons Equipment Budget** One-time reduction of 10% of the Prison equipment budget	($460,000)	NR
62	**Food Service Contract** Meals at the Black Mountain Correctional Center can now be provided by the Marion Correctional Center so the food service contract at Black Mountain can be cancelled.	($223,372)	R
63	**Department of Correction Management Budget** One-time reduction in the non-salary operating budget for central administration of the Department of Correction.	($300,000)	NR

64	**Close Currituck Correctional Facility** As proposed by the Governor, it is recommended that Currituck Correctional Center be closed August 1, 2000. Currituck is one of the original GPAC units recommended for closing. Total reduction recommended by the Governor is $1,045,000. An additional reduction of 50 % of the inmate budget (food, medical, clothing) of $95,000 will also be taken.	($1,140,000) -38.00	
65	**Division of Prisons Inmate Food Budget** Through various cost saving initiatives, including changes in inventory practices and the master food menu, DOC believes the continuation budget for inmate food can be reduced. The Governor recommended a reduction of $1,500,000. It is believed an additional $500,000 can be reduced from this budget.	($2,000,000)	R
66	**Division of Prisons Electricity Budget** The Division is realizing savings in the electricity budget due to over budgeting for electricity in new prisons and better use of peak power options with the power companies.	($300,000)	R
67	**Increase Correction Enterprise Receipts** It is recommended that $3,250,000 in Enterprise receipts be transferred to the General Fund to allow for a reduction in the General Fund appropriation, both one time and recurring.	($500,000) ($2,750,000)	R NR
68	**Work Release** Increase per diem paid to the Department by inmates on work release from $14 to $15 dollars daily.	($325,000)	
69	**Delay Automobile Replacement** Based on a revised DOC replacement schedule, a one-time reduction in the budget for vehicle purchases is recommended. This is based on improved maintenance programs and using vehicles from prisons that were closed.	($1,000,000)	NR
70	**Medical Cost Containment Positions** In order to provide additional auditing and review of inmate bills, medical fees and contracts, three positions are recommended. These are a medical cost containment analyst and two accounting positions - - a technician and a clerk.	$100,239 $13,260 3.00	R NR
	Budget Changes	**($6,506,356)** **($7,212,602)**	**R** **NR**
	Total Position Changes	-43.00	
	Revised Total Budget	**$876,224,567**	

Crime Control and Public Safety

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$36,267,844

Budget Changes

Highway Patrol

71 Highway Patrol Overtime Pay — $0 — R

Provides $480,564 from the Highway Fund to pay overtime for State Highway Patrol in lieu of compensatory leave.

72 Salaries and Benefits for New SHP Troopers — $0 — R

Provides a reserve for salaries and benefits for 28 new SHP troopers to be hired January 2001. Funds come from the Highway Fund.

National Guard

73 Increase State Match for Tarheel Challenge — $270,000 — R

Provide funds to increase the state match for the Tarheel Challenge Program. The National Guard Bureau increased the total budget to $2.8 million beginning FY 00-01.The program will be funded on a 65% federal to 35% state match basis beginning FY 2000

74 Transfer GRASP from CCPS to OJJ — ($338,000) — R

The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ.
(HB 1840, Sec. 19.7)

Victims & Justice Services

75 Reduce CVCF Funds — ($500,000) — R

The Continuation Budget includes a $2,000,000 general fund appropriation for the Crime Victims Compensation Fund. The CVCF reimburses victims for the economic costs of criminally injurious conduct. This Fund has carried forward cash balances in excess of $2 million each year for the past three years, therefore, funds for this program are reduced to $1,500,000. (HB 1840, Sec. 18.1)

Budget Changes	**($568,0 R**
Total Position Changes	
Revised Total Budget	**$35,699,844**

PART XV. JUDICIAL DEPARTMENT

CODE NO. 2000JPS-H15 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

REPORT ON COMMUNITY MEDIATION CENTERS

Section 15.(a) Section 17.3 of S.L. 1999-237 reads as rewritten:

"Section 17.3.(a) All community mediation centers currently receiving State funds shall report annually to the ~~Judicial Department~~ Mediation Network of North Carolina 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 appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The ~~Judicial Department~~ Mediation Network of North Carolina 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.

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to ~~G.S. 7A-346.1~~ this section that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to ~~G.S. 7A-346.1~~ this section and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the ~~Administrative Office of the~~

~~Courts~~ Mediation Network of North Carolina for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds."

Section 15.(b) G.S. 7A-346.1 is repealed.

Section 15.(c) Of the funds appropriated to the Judicial Department for transfer to the community mediation centers for the 2000-2001 fiscal year, funds allocated to the Dispute Settlement Center of Durham County, Inc., and Mediation Services of Wake County, Inc., shall be allocated to Carolina Correctional Services, Inc.

CODE NO. 2000JPS-H15.1 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

REPORT ON COURT INFORMATION TECHNOLOGY FUND

Section 15.1. G.S. 7A-343.2 reads as rewritten:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology and office automation needs. The Director shall report by ~~March 1~~ August 1 and February 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding ~~calendar year.~~ six months."

CODE NO. 2000JPS-H15.2/S15.2

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Reeves, Miller, Soles, Lee, Kinnaird, Hagan, Martin of Guilford

AUTHORIZE ADDITIONAL MAGISTRATES

Section 15.2. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.-Max.		Additional Seats of Court
Camden	1	3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	~~3~~ 4	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	

1	Washington	3	4	
2	Pitt	10	12	Farmville
3				Ayden
4	Craven	7	10	Havelock
5	Pamlico	2	4	
6	Carteret	5	8	
7	Sampson	6	8	
8	Duplin	9	11	
9	Jones	2	3	
10	Onslow	8	14	
11	New Hanover	6	11	
12	Pender	4	6	
13	Halifax	9	14	Roanoke
14				Rapids,
15				Scotland Neck
16	Northampton	5	7	
17	Bertie	4	6	
18	Hertford	5	~~6~~ 7	
19	Nash	7	10	Rocky Mount
20	Edgecombe	4	7	Rocky Mount
21	Wilson	4	7	
22	Wayne	5	12	Mount Olive
23	Greene	2	4	
24	Lenoir	4	10	La Grange
25	Granville	3	7	
26	Vance	3	6	
27	Warren	3	~~4~~ 5	
28	Franklin	3	7	
29	Person	3	4	
30	Caswell	2	5	
31	Wake	12	~~20~~ 21	Apex,
32				Wendell,
33				Fuquay-
34				Varina,
35				Wake Forest
36	Harnett	7	11	Dunn
37	Johnston	10	12	Benson,
38				Clayton,
39				Selma
40	Lee	4	6	
41	Cumberland	10	19	
42	Bladen	4	6	
43	Brunswick	4	~~8~~ 9	
44	Columbus	6	9	Tabor City
45	Durham	8	13	
46	Alamance	7	~~10~~ 11	Burlington
47	Orange	4	~~11~~ 12	Chapel Hill
48	Chatham	3	8	Siler City
49	Scotland	3	5	
50	Hoke	4	5	
51	Robeson	8	16	Fairmont,
52				Maxton,
53				Pembroke,

1				Red Springs,
2				Rowland,
3				St. Pauls
4	Rockingham	4	9	Reidsville,
5				Eden,
6				Madison
7	Stokes	2	5	
8	Surry	5	9	Mt. Airy
9	Guilford	20	~~26~~ 27	High Point
10	Cabarrus	5	9	Kannapolis
11	Montgomery	2	4	
12	Randolph	5	10	Liberty
13	Rowan	5	10	
14	Stanly	5	6	
15	Union	4	7	
16	Anson	4	~~5~~ 6	
17	Richmond	5	6	Hamlet
18	Moore	5	8	Southern
19				Pines
20	Forsyth	3	15	Kernersville
21	Alexander	2	~~3~~ 4	
22	Davidson	7	10	Thomasville
23	Davie	2	3	
24	Iredell	4	9	Mooresville
25	Alleghany	1	2	
26	Ashe	3	4	
27	Wilkes	4	6	
28	Yadkin	3	5	
29	Avery	3	5	
30	Madison	4	5	
31	Mitchell	3	4	
32	Watauga	4	6	
33	Yancey	2	4	
34	Burke	4	7	
35	Caldwell	4	7	
36	Catawba	6	10	Hickory
37	Mecklenburg	15	~~27~~ 28	
38	Gaston	11	22	
39	Cleveland	5	8	
40	Lincoln	4	7	
41	Buncombe	6	15	
42	Henderson	4	7	
43	McDowell	3	~~5~~ 6	
44	Polk	3	4	
45	Rutherford	6	8	
46	Transylvania	2	4	
47	Cherokee	3	4	
48	Clay	1	2	
49	Graham	2	3	
50	Haywood	5	7	Canton
51	Jackson	3	~~4~~ 5	
52	Macon	3	4	
53	Swain	2	3."	

CODE NO. 2000JPS-H15.3/S15.3
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Albertson, Reeves, Miller, Phillips, Metcalf, Carter, Wellons
ADDITIONAL DISTRICT COURT JUDGES

Section 15.3.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	~~4~~ 5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~7~~ 8	Sampson
		Duplin
		Jones
		Onslow
5	7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	~~1~~ 2	Warren
		(part of Vance
		see subsection (b))
10	~~13~~ 14	Wake

1	11	~~7~~ 8	Harnett
2			Johnston
3			Lee
4	12	9	Cumberland
5	13	6	Bladen
6			Brunswick
7			Columbus
8	14	6	Durham
9	15A	4	Alamance
10	15B	4	Orange
11			Chatham
12	16A	3	Scotland
13			Hoke
14	16B	5	Robeson
15	17A	~~2~~ 3	Rockingham
16	17B	3	Stokes
17			Surry
18	18	12	Guilford
19	19A	4	Cabarrus
20	19B	6	Montgomery
21			Moore
22			Randolph
23	19C	4	Rowan
24	20	7	Stanly
25			Union
26			Anson
27			Richmond
28	21	8	Forsyth
29	22	~~8~~ 9	Alexander
30			Davidson
31			Davie
32			Iredell
33	23	4	Alleghany
34			Ashe
35			Wilkes
36			Yadkin
37	24	4	Avery
38			Madison
39			Mitchell
40			Watauga
41			Yancey
42	25	8	Burke
43			Caldwell
44			Catawba
45	26	~~16~~ 17	Mecklenburg
46	27A	6	Gaston
47	27B	4	Cleveland
48			Lincoln
49	28	~~5~~ 6	Buncombe
50	29	6	Henderson
51			McDowell
52			Polk
53			Rutherford

		Transylvania
30	5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

Section 15.3.(b) Notwithstanding the provisions of G.S. 7A-142, the Governor shall appoint additional district court judges for District Court Districts 1, 4, 9B, 10, 11, 17A, 22, 26, and 28, as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2004 election for four-year terms commencing on the first Monday in December 2004.

Section 15.3.(c) Subsection (a) of this section becomes effective December 15, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective December 15, 2000, 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.

CODE NO. 2000JPS-H15.3A/S15.3A

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Rand, Cooper, Wellons, Martin of Pitt, Albertson

WORTHLESS CHECK PROGRAM

Section 15.3A.(a) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212 and Section 17.7 of S.L. 1999-237, reads as rewritten:

"(d) This act applies only to Brunswick, Bladen, Columbus, Cumberland, Durham, Edgecombe, Nash, New Hanover, Onslow, Pender, Rockingham, ~~and Wake~~ Wake, and Wilson Counties."

Section 15.3A.(b) Section 17.7(c) of S.L. 1999-237 reads as rewritten:

"Section 17.7.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the ~~bad~~ worthless check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, Cumberland, Edgecombe, Nash, New Hanover, Onslow, ~~and Pender~~ Pender, and Wilson Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

CODE NO. 2000JPS-H15.4 =

Requested by: Senators Jordan, Ballance, Clodfelter, Plyler, Perdue, Odom

AUTHORIZE COURT OFFICIALS TO APPLY TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS FOR THE PROVISION OF JUDICIAL SECRETARIES, TEMPORARY ASSISTANT PUBLIC DEFENDERS, ASSISTANT CLERKS, DEPUTY CLERKS, AND OTHER EMPLOYEES IN THE OFFICE OF THE CLERK OF COURT WHEN THE PUBLIC INTEREST WARRANTS THE USE OF ADDITIONAL COURT RESOURCES

Section 15.4.(a) G.S. 7A-44.1 reads as rewritten:

"**§ 7A-44.1. Secretarial and clerical help.**

(a) Each senior resident superior court judge may appoint a judicial secretary to serve at his pleasure and under his direction the secretarial and clerical needs of the superior court judges of the district or set of districts as defined by G.S. 7A-41.1(a) for which he is the senior resident superior court judge. The appointment may be full- or part-time and the compensation and allowances of such secretary shall be fixed by the senior regular resident superior court judge, within limits determined by the Administrative Office of the Courts, and paid by the State.

(b) Each senior resident superior court judge may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of judicial secretaries pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(c) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (b) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(d) The terms of any contract entered into with local governments pursuant to subsection (b) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(b) G.S. 7A-102 is amended by adding three new subsections to read:

"(e) A clerk of superior court may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of assistant clerks, deputy clerks, and other employees in the office of each clerk of superior court pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(c) G.S. 7A-300 reads as rewritten:

"**§ 7A-300. Expenses paid from State funds.**

(a) The operating expenses of the Judicial Department shall be paid from State funds, out of appropriations for this purpose made by the General ~~Assembly.~~ Assembly, or from funds provided by local governments pursuant to G.S. 153A-212.1

and G.S. 160A-289.1. The Administrative Office of the Courts shall prepare budget estimates to cover these expenses, including therein the following items and such other items as are deemed necessary for the proper functioning of the Judicial Department:

(1) Salaries, departmental expense, printing and other costs of the appellate division;

(2) Salaries and expenses of superior court judges, district attorneys, assistant district attorneys, public defenders, and assistant public defenders, and fees and expenses of counsel assigned to represent indigents under the provisions of Subchapter IX of this Chapter;

(3) Salaries, travel expenses, departmental expense, printing and other costs of the Administrative Office of the Courts;

(4) Salaries and travel expenses of district judges, magistrates, and family court counselors;

(5) Salaries and travel expenses of clerks of superior court, their assistants, deputies, and other employees, and the expenses of their offices, including supplies and materials, postage, telephone and telegraph, bonds and insurance, equipment, and other necessary items;

(6) Fees and travel expenses of jurors, and of witnesses required to be paid by the State;

(7) Compensation and allowances of court reporters;

(8) Briefs for counsel and transcripts and other records for adequate appellate review when an appeal is taken by an indigent person;

(9) Transcripts of preliminary hearings in indigency cases and, in cases in which the defendant pays for a transcript of the preliminary hearing, a copy for the district attorney;

(10) Transcript of the evidence and trial court charge furnished the district attorney when a criminal action is appealed to the appellate division;

(11) All other expenses arising out of the operations of the Judicial Department which by law are made the responsibility of the State; and

(12) Operating expenses of the Judicial Council and the Judicial Standards Commission.

(b) Repealed by Session Laws 1971, c. 377, ~~e. 32."~~ s. 32."

Section 15.4.(d) G.S. 7A-467 is amended by adding three new subsections to read:

"(e) A public defender may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of temporary assistant public defenders pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the requesting public defender, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or

services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(e) G.S. 153A-212.1 reads as rewritten:

"**§ 153A-212.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(f) G.S. 160A-289.1 reads as rewritten:

"**§ 160A-289.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(g) G.S. 7A-64(c) reads as rewritten:

"(c) The length of service and compensation of any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this ~~section.~~ section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(h) The Administrative Office of the Courts shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, to the Chairs of the House of Representatives Subcommittee on Justice and Public Safety, and to the Chairs of the Senate Appropriations Committee on Justice and Public Safety on contracts entered into with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the Clerk of Superior Court. The report shall include the number of applications made to the Administrative Office of the Courts for these contracts, the number of contracts entered for provision of these positions, and the dollar amounts of each contract.

CODE NO. 2000JPS-H15.6/S15.6

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Albertson

ADDITIONAL SUPERIOR COURT JUDGES

Section 15.6.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	2
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	~~1~~ 2
Second	5	New Hanover, Pender	3
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick,	2

		Columbus	
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	1
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Moore, Randolph	2
Sixth	19C	Rowan	1
Sixth	20A	Anson, Richmond	1
Sixth	20B	Stanly, Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	~~2~~ 3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2

Eighth	28	Buncombe	2
Eighth	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

Section 15.6.(b) The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 26B as authorized by subsection (a) of this section. The successor to that judge shall be elected in the 2002 general election to serve a term expiring December 31, 2010.

The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 4B as authorized by subsection (a) of this section. The successor to that judge shall be elected in the 2002 general election to serve the remainder of the unexpired term expiring December 31, 2006, in order to provide for unstaggered terms for multiple judgeships in the same district.

Section 15.6.(c) Subsection (a) of this section becomes effective October 1, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective October 1, 2000, 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.

CODE NO. 2000JPS-H15.7 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

JUDICIAL DEPARTMENT EQUIPMENT REPLACEMENT COSTS

Section 15.7. G.S. 143-11(b) reads as rewritten:

"(b) The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two fiscal years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

(5) A proposal for expenditure of the funds in the Repairs and Renovations Reserve Account, which is established in G.S. 143-15.3A. The Director shall consider the data from the Facilities Condition and Assessment Program in the Office of State Construction when establishing priorities for the proposed expenditure of these funds.

(6) Statements of the objections of members of the Council of State received pursuant to G.S. 143-10.3(b) to the performance measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5.

(7) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

(8) An estimate of the equipment replacement costs within the Judicial Department for the period covered by that budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

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."

CODE NO. 2000JPS-H15.8/S15.8

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

REDUCE SPECIAL SUPERIOR COURT JUDGESHIPS/EXTEND TERM OF SPECIAL SUPERIOR COURT JUDGE

Section 15.8.(a) G.S. 7A-45.1(a) reads as rewritten:

"(a) Effective November 1, 1993, the Governor may appoint two special superior court judges to serve terms expiring September 30, 2000. Effective October 1, 2000, one of those positions is abolished. Successors to the special superior court ~~judges~~ judge appointed pursuant to this subsection shall be appointed to a five-year ~~terms.~~ term. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

Section 15.8.(b) Section 24.7 of Chapter 769 of the 1993 Session Laws, as amended by Chapter 18 of the Session Laws of the 1996 Second Extra Session, reads as rewritten:

"Sec. 24.7. Notwithstanding G.S. 7A-45, G.S. 7A-45.1, Section 7 of Chapter 509 of the 1987 Session Laws, or any other provision of law, if any special superior court judge who is holding office on the effective date of this act first took office as an appointed or elected regular or special superior court judge in the calendar year 1986, the term of that judge is extended through ~~September 30, 2000.~~ December 31, 2000."

CODE NO. 2000AOC-S002

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

SENTENCING SERVICES PROGRAM

Section 15.9.(a) The title to Subchapter XIII of Chapter 7A of the General Statutes reads as rewritten:

"**SUBCHAPTER XIII. ~~COMMUNITY PENALTIES~~ SENTENCING SERVICES PROGRAM.**"

Section 15.9.(b) G.S. 7A-773.1 reads as rewritten:

"(d) To the extent allowed by law, the sentencing services program shall develop procedures to ensure that the program staff may work with offenders before a plea is entered. To that end, ~~no~~ information obtained in the course of preparing a sentencing plan may not be used by the State for ~~the~~ any purpose ~~of establishing guilt.~~ at trial and is subject to the provisions of G.S. 15A-1333."

Section 15.9.(c) G.S. 15A-1333 reads as rewritten:

"**§ 15A-1333. Availability of presentence report.**

(a) Presentence Reports and Sentencing Services Information Not Public Records. -- A written presentence ~~report and~~ report, the record of an oral presentence ~~report~~ report, and information obtained in the preparation of a sentencing plan by a sentencing services program under Article 61 of Chapter 7A are not public records and may not be made available to any person except as provided in this section.

(b) Access to Reports. -- The defendant, his counsel, the prosecutor, or the court may have access at any reasonable time to a written presentence report or to any record of an oral presentence report. Access to a sentencing plan and information obtained in the preparation of a sentencing plan shall be in accordance with the comprehensive sentencing services program plan developed pursuant to G.S. 7A-774.

(c) Expunging Reports. -- On motion of the defendant, the court in its discretion may order a written presentence ~~report or~~ report, the record of an oral presentence ~~report~~ report, or a sentencing plan expunged from the court record."

PART XVI. DEPARTMENT OF CORRECTION

CODE NO. 2000JPS-H16 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 16. Section 18 of S.L. 1999-237 reads as rewritten:

"Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by ~~February 1, 2000,~~ February 1 of each year to the Chairs of the Senate and House Appropriations

Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the ~~1998-99 fiscal year to the 1999-2000 fiscal year;~~ prior fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for ~~1999-2000;~~ the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data ~~received during 1999-2000;~~ received; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system."

CODE NO. 2000JPS-H16.1 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 16.1. Section 18.1 of S.L. 1999-237 reads as rewritten:

"Section 18.1. The Post-Release Supervision and Parole Commission shall report by ~~March 1, 2000,~~ March 1 of each year to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year."

CODE NO. 2000JPS-H16.2 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 16.2. Subsection (a) of Section 18.10 of S.L. 1999-237 reads as rewritten:

"Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year and the 2000-2001 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog."

CODE NO. 2000CORR-S001

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

BAN PRIVATE PRISONS HOUSING OUT-OF-STATE INMATES

Section 16.3.(a) Article 3 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-37.1 Prohibition on private prisons housing out-of-state inmates.**

(a) Except as otherwise provided in this section or authorized by North Carolina law, no municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates serving sentences for violation of the laws of a jurisdiction other North Carolina.

(b) The provisions of this section shall not apply to facilities owned or operated by the federal government and used exclusively for the confinement of inmates serving sentences for violation of federal law, but only to the extent that such facilities are not subject to restriction by the states under the provisions of the United States Constitution."

Section 16.3.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by subsection (c) of Section 17.23 of S.L. 1998-212 and subsection (b) of Section 18.19 of S.L. 1999-237, is repealed.

Section 16.3.(c) This section is effective when it becomes law and applies retroactively to July 1, 1998.

PART XVII. DEPARTMENT OF JUSTICE

CODE NO. 2000JPS-H17 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 17. Section 19.2 of S.L. 1999-237 reads as rewritten:

"Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by ~~March 1, 2000,~~ March 1, 2001, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point."

CODE NO. 2000JPS-H17.1 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section 17.1. Section 19.3 of S.L. 1999-237 reads as rewritten:

"Section 19.3.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited

to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the ~~1999-2000 fiscal year,~~ 1999-2001 fiscal biennium, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for training for the State Bureau of Investigation; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section 19.3.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section 19.3.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a."

CODE NO. 2000ATTY-S001

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

TRAFFIC LAW ENFORCEMENT STATISTICS

Section 17.2.(a) G.S. 114-10(2a) reads as rewritten:

"(2a) To collect, correlate, and maintain the following information regarding traffic law enforcement by State law enforcement officers:

a. The number of drivers stopped for routine traffic enforcement by State law enforcement ~~officers~~ officers, the officer making each stop, the date each stop was made, the agency of the officer making each stop, and whether or not a citation or warning was issued;

b. Identifying characteristics of the drivers stopped, including the race or ethnicity, approximate age, and gender;

c. The alleged traffic violation that led to the stop;

d. Whether a search was instituted as a result of the stop;

e. Whether the vehicle, personal effects, driver, or passenger or passengers were searched, and the race or ethnicity, approximate age, and gender of each person searched;

f. Whether the search was conducted pursuant to consent, probable cause, or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable suspicion;

g. Whether any contraband was found and the type and amount of any such contraband;

h. Whether any written citation or any oral or written warning was issued as a result of the stop;

i. Whether an arrest was made as a result of either the stop or the search;

j. Whether any property was seized, with a description of that property;

k. Whether the officers making the stop encountered any physical resistance from the driver or passenger or passengers;

l. Whether the officers making the stop engaged in the use of force against the driver, passenger, or passengers for any reason;

m. Whether any injuries resulted from the stop; ~~and~~

n. Whether the circumstances surrounding the stop were the subject of any investigation, and the results of that ~~investigation.~~ investigation; and

o. The geographic location of the stop; if the officer making the stop is a member of the State Highway Patrol, the location shall be the Highway Patrol District in which the stop was made; for all other law enforcement officers, the location shall be the city or county in which the stop was made.

The information required by this subdivision need not be collected in connection with impaired driving checks under G.S. 20-16.3A or other types of roadblocks, vehicle checks, or checkpoints that are consistent with the laws of this State and with the State and federal constitutions, except when those stops result in a warning, search, seizure, arrest, or any of the other activity described in sub-subdivisions d. through n. of this subdivision.

The identity of the law enforcement officer making the stop required by sub-subdivision a. of this subdivision may be accomplished by assigning anonymous identification numbers to each officer in an agency. The correlation between the identification numbers and the names of the officers shall not be a public record as defined in G.S. 132-1."

Section 17.2.(b) This section is effective when it becomes law.

CODE NO. 2000CORR-H006B

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

CERTIFICATION OF DEPARTMENT OF CORRECTION EMPLOYEES

Section 17.3.(a) G.S. 17C-2 reads as rewritten:

"§ 17C-2. Definitions.

Unless the context clearly otherwise requires, the following definitions apply in this Chapter:

(1) Commission. -- The North Carolina Criminal Justice Education and Training Standards Commission.

(2) Criminal justice agencies. -- The State and local law-enforcement agencies, ~~the State correctional agencies,~~ other correctional agencies maintained by local governments, and the juvenile justice agencies, but shall not include deputy sheriffs, special deputy sheriffs, sheriffs "jailers, or other sheriffs" department personnel governed by the provisions of Chapter 17E of these General Statutes.

(3) Criminal justice officers. -- The administrative and subordinate personnel of all the departments, agencies, units or entities comprising the criminal justice agencies who are sworn law-enforcement officers, both State and local, with the power of arrest; revenue law enforcement officers; ~~State correctional officers; State probation/parole officers;~~ officers, supervisory and administrative personnel of local confinement facilities; ~~State youth services officers; State probation/parole intake officers; State probation/parole officers surveillance; State probation/parole intensive officers; and State parole case analysts.~~ and State youth services officers.

(4) Entry level. -- The initial appointment or employment of any person by a criminal justice agency, or any appointment or employment of a person previously employed by a criminal justice agency who has not been employed by a criminal justice agency for the 12-month period preceding this appointment or employment, or any appointment or employment of a previously certified criminal justice officer to a position which requires a different type of certification."

Section 17.3.(b) G.S. 17C-3 reads as rewritten:

"§ 17C-3. North Carolina Criminal Justice Education and Training Standards Commission established; members; terms; vacancies.

(a) There is established the North Carolina Criminal Justice Education and Training Standards Commission, hereinafter called "the Commission," in the Department of Justice. The Commission shall be composed of ~~26~~ 25 members as follows:

(1) Police Chiefs. -- Three police chiefs selected by the North Carolina Association of Chiefs of Police and one police chief appointed by the Governor.

(2) Police Officers. -- Three police officials appointed by the North Carolina Police Executives Association and two criminal justice officers certified by the Commission as selected by the North Carolina Law-Enforcement Officers' Association.

(3) Departments. -- The Attorney General of the State of North Carolina; the Secretary of the Department of Crime Control and Public Safety; ~~the Secretary of the Department of Correction;~~ the President of the Department of Community Colleges.

(3a) A representative of the Office of Juvenile Justice.

(4) At-large Groups. -- One individual representing and appointed by each of the following organizations: one mayor selected by the League of Municipalities; one law-enforcement training officer selected by the North Carolina Law-Enforcement Training Officers' Association; one criminal justice professional selected by the North Carolina Criminal Justice Association; one sworn law-enforcement officer selected by the North State Law-Enforcement Officers' Association; one member selected by the North Carolina Law-Enforcement Women's Association; and one District Attorney selected by the North Carolina Association of District Attorneys.

(5) Citizens and Others. -- The President of The University of North Carolina; the Director of the Institute of Government; and two citizens, one of whom shall be selected by the Governor and one of whom shall be selected by the Attorney General. The General Assembly shall appoint two persons, one upon the

recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. Appointments by the General Assembly shall serve two-year terms to conclude on June 30th in odd-numbered years.

(b) The members shall be appointed for staggered terms. The initial appointments shall be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year in which their respective terms expire and until their successors are appointed and qualified as provided hereafter:

For the terms of one year: one member from subdivision (1) of subsection (a), serving as a police chief; three members from subdivision (2) of subsection (a), one serving as a police official, and two criminal justice officers; one member from subdivision (4) of subsection (a), appointed by the North Carolina Law-Enforcement Training Officers' Association; and two members from subdivision (5) of subsection (a), one appointed by the Governor and one appointed by the Attorney General.

For the terms of two years: one member from subdivision (1) of subsection (a), serving as a police chief; one member from subdivision (2) of subsection (a), serving as a police official; and two members from subdivision (4) of subsection (a), one appointed by the League of Municipalities and one appointed by the North Carolina Association of District Attorneys.

For the terms of three years: two members from subdivision (1) of subsection (a), one police chief appointed by the North Carolina Association of Chiefs of Police and one police chief appointed by the Governor; one member from subdivision (2) of subsection (a), serving as a police official; and three members from subdivision (4) of subsection (a), one appointed by the North Carolina Law-Enforcement Women's Association, one appointed by the North Carolina Criminal Justice Association, and one appointed by the North State Law-Enforcement Officers' Association.

Thereafter, as the term of each member expires, his successor shall be appointed for a term of three years. Notwithstanding the appointments for a term of years, each member shall serve at the will of the appointing authority.

The Attorney General, the Secretary of the Department of Crime Control and Public Safety, ~~the Secretary of the Department of Correction,~~ the President of The University of North Carolina, the Director of the Institute of Government, and the President of the Department of Community Colleges shall be continuing members of the Commission during their tenure. These members of the Commission shall serve ex officio and shall perform their duties on the Commission in addition to the other duties of their offices. The ex officio members may elect to serve personally at any or all meetings of the Commission or may designate, in writing, one member of their respective office, department, university or agency to represent and vote for them on the Commission at all meetings the ex officio members are unable to attend.

Vacancies in the Commission occurring for any reason shall be filled, for the unexpired term, by the authority making the original appointment of the person causing the vacancy. A vacancy may be created by removal of a Commission member by majority vote of the Commission for misconduct, incompetence, or neglect of duty. A Commission member may be removed only pursuant to a hearing, after notice, at which the member subject to removal has an opportunity to be heard."

Section @.(c) This section becomes effective June 30, 2001, unless the Criminal Justice Education and Training Standards Commission has established and implemented by the convening of the 2001 General Assembly a new certification system for employees in the Department of Correction, as originally requested of the Commission in Section 18.14 of S.L. 1999-237 for implementation no later than July 1, 2000. The Commission shall report on the new system to the Chairs of the Senate

and House Appropriations Subcommittees on Justice and Public Safety by the convening of the 2001 General Assembly. If the system has not been established and implemented by the convening of the 2001 General Assembly, it is the intent of the General Assembly to develop a new system for the certification of employees of the Department of Correction and to enact that system to coincide with the repeal of the Commission's authority over the certification of correctional employees effective June 30, 2001.

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

CODE NO. 2000JPS-H18 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
INCREASE THE EDUCATIONAL ASSISTANCE GRANTS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD

Section 18. G.S. 127A-193 reads as rewritten:

"**§ 127A-193. Benefit.**

The benefit provided under this Article shall consist of a monetary educational assistance grant not to exceed ~~one~~ two thousand dollars ~~($1,000)~~ ($2,000) per academic year to qualifying members of the North Carolina national guard. Benefits shall be payable for a period of one academic year at a time, renewable at the option of the Secretary for a maximum of ~~four~~ eight thousand dollars ~~($4,000).~~ ($8,000)."

CODE NO. 2000JPS-H18.1 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
PARTIAL CASH BALANCE REVERSION

Section 18.1. Notwithstanding the provisions of G.S. 15B-23, the sum of one million twenty-five thousand dollars ($1,025,000) from the cash balance of the Crime Victims Compensation Fund shall revert to the General Fund on July 1, 2000, to be used for domestic violence programs, the rape victim assistance program, and other victims' assistance programs.

PART XIX. OFFICE OF JUVENILE JUSTICE

CODE NO. 2000JPS-H19 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER CENTER FOR PREVENTION OF SCHOOL VIOLENCE TO THE OFFICE OF JUVENILE JUSTICE

Section 19. The Center for Prevention of School Violence currently operating under The University of North Carolina, and all functions, powers, duties, and obligations vested in The University of North Carolina for the Center, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a).

The Center as a component of the Office of Juvenile Justice shall continue to consult with The University of North Carolina and the Department of Public Instruction to enhance research opportunities and specialized study areas such as teacher preparation, school resource officer development, suicide prevention, and best practices.

CODE NO. 2000JPS-H19.1 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER OF POSITIONS AND SUPPORT COSTS FOR THE JUVENILE INFORMATION NETWORK FROM THE DEPARTMENT OF JUSTICE TO THE OFFICE OF JUVENILE JUSTICE

Section 19.1. The Department of Justice shall transfer to the Office of Juvenile Justice the three positions and the sum of two hundred twenty-five thousand dollars ($225,000) appropriated in this act for support of the Juvenile Information System Network.

CODE NO. 2000JPS-H19.2 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
REVISE REPORTING REQUIREMENTS OF STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS STUDY

Section 19.2. Section 21.4 of S.L. 1999-237 reads as rewritten:

"Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study to the Chairs of the House and Senate Appropriations ~~Committees and~~ Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public ~~Safety~~ Safety, and the Joint Legislative Commission on Governmental Operations on or before ~~April 1, 2000.~~ September 1, 2000."

CODE NO. 2000OJJ-H19.3/S19.3
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
REPORTS OF FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 19.3.(a) Section 21.10.(c) of S.L. 1999-237 reads as rewritten:

"Section 21.10.(c) The Office of Juvenile Justice shall report by ~~April 1, 2000,~~ April 1, 2001, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served."

Section 19.3.(c) Before expending any funds appropriated for the Boys and Girls Club to establish any new local organization of the Boys and Girls Club, the Office of Juvenile Justice shall reconsider counties that were eligible for the establishment of local organizations, but not funded in the 1999-2000 fiscal year. The Office shall expend funds for fully accredited organizations of the Boys and Girls Club only. The Office shall report to the Chairs of the House and Senate Appropriations Committees on the proposed new local organization, including the location of the organization and the amount of funds the Office proposes to expend on the organization.

CODE NO. 2000JPS-H19.4/S19.4
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 19.4.(a) Section 21.11 of S.L. 1999-237 reads as rewritten:

"Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the ~~1999-2000 fiscal year~~ 1999-2001 biennium may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and ~~Management and~~ Management, the Governor's Crime ~~Commission~~ Commission, and the Office of Juvenile Justice shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the ~~1999-2000~~ 2000-2001 fiscal year, the amount of funds anticipated for the ~~2000-2001~~ 2001-2002 fiscal year, and the allocation of funds by program and purpose."

Section 19.4.(b) If the Governor transfers the authority for administration of the Juvenile Accountability Incentive Block Grants to the Office of Juvenile Justice prior to the end of the 2000-2001 fiscal year, the Office of Juvenile Justice shall consult with the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety regarding the criteria for awarding federal funds. The Office shall make the report required by subsection (a) of this section pursuant to the requirements set forth in the subsection.

CODE NO. 2000OJJ-H19.5/S19.5 -- NOT PROOFED
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
REVISE REQUIREMENTS OF MULTIFUNCTIONAL JUVENILE FACILITY

Section 19.5.(a) Section 21.13(i) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(i) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. The Office of Juvenile Justice shall only house juveniles who are in the North Carolina juvenile justice system in the facility. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law."

Section 19.5.(b) Section 21.13(j) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(j) Report. -- The Office of Juvenile Justice shall make a written report no later than ~~March 1, 2000,~~ March 1, 2001, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by ~~March 1, 2001,~~ May 1, 2002, and ~~January 1, 2002.~~ May 1, 2003. The reports shall

be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations."

CODE NO. 2000JPS-H19.6 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Dannelly, Clodfelter
MECKLENBURG COUNTY MULTIPURPOSE GROUP HOMES

Section 19.6. The funds appropriated in S.L. 1998-212 and reallocated in S.L. 1999-237 to the Office of Juvenile Justice to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards may be used to construct two eight-bed multipurpose group homes to house juvenile offenders. A maximum of two beds per home may be designated for secure detention. The homes may be used to house male juvenile offenders until the population of female juvenile offenders in the area served by the facilities increases such that both homes are needed to house female offenders. The Office of Juvenile Justice may contract with Mecklenburg County to implement this section and to assure that the multipurpose group homes authorized pursuant to this section are consistent with similar facilities in this State.

CODE NO. 2000JPS-H19.7 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER OF GUARD RESPONSE ALTERNATIVE SENTENCING PROGRAM TO THE OFFICE OF JUVENILE JUSTICE

Section 19.7. The Guard Response Alternative Sentencing Program developed pursuant to S.L. 1998-202, and all functions, powers, duties, and obligations vested in the Department of Crime Control and Public Safety for the Guard Response Alternative Sentencing Program, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a). The Program shall continue to function as an additional probation option for certain first-time juveniles who have been adjudicated delinquent and who are subject to Level 2 disposition.

CODE NO. 2000JPS-H19.8 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER FUNDS TO DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 19.8. If either House Bill 1804 or Senate Bill 1462 of the 1999 General Assembly becomes law, all funds appropriated in this act to the Office of Juvenile Justice shall be transferred to the Department of Juvenile Justice and Delinquency Prevention.

CODE NO. 2000JPS-H19.9 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Garrou
FORSYTH DETENTION CENTER

Section 19.9. The sum of one million seven hundred fifty thousand dollars ($1,750,000) appropriated in the 1999-2000 fiscal year to the Office of Juvenile Justice for a grant-in-aid for construction of the Forsyth Detention Center may be carried forward to the 2000-2001 fiscal year to allow adequate time for completion of a needs assessment by Forsyth County and for review and evaluation by the Office of Forsyth County's plan for the Center.

CODE NO. 2000OJJ-S003
Requested by: Senators Ballance, Jordan, Plyler, Perdue, Odom

S.O.S. ADMINISTRATIVE COST LIMITS

Section 19.10. Section 21.3 of S.L. 1999-237 reads as rewritten:

"Section 21.3. Of the funds appropriated to the Office of Juvenile Justice in this act, not more than four hundred fifty thousand dollars ($450,000) for the 1999-2000 fiscal year and not more than ~~four hundred fifty thousand dollars ($450,000)~~ five hundred fifty thousand dollars ($550,000) for the 2000-2001 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Office may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services."

Report To The Joint Legislative Justice and Public Safety Committee

From

The North Carolina Criminal Justice Education & Training Standards Commission

June 6, 2000

The North Carolina Criminal Justice Education & Training Standards Commission (Commission) is charged with the responsibility to ensure that all officers in the criminal justice profession meet minimum education, training, and moral character standards. Over the past several years the Department of Correction (DOC) has experienced a tremendous growth in personnel due to a multitude of factors. At DOC's request the Commission's Standards Committee appointed a sub-committee on March 6, 1997, to study DOC concerns regarding mandated background investigations for correctional officers. Thereafter on October 2, 1997, Chairman John Glenn appointed a DOC Advisory Committee to develop a background investigation form for correctional officer applicants and to streamline the paperwork for certification. The Commission's officer certification forms are designated to ensure that officers meet the mandated standards. The Commission approved at its August 21, 1998 meeting the set of revised certification forms developed by its DOC Advisory Committee. Drastic modifications and deletions in information were made to streamline the certification process for DOC. A comparison of the documentation required for law enforcement and correctional officers is set out below.

Law Enforcement/Juvenile Justice Officers		Correctional Officers
F-1	Medical History Statement (4 pages)	Medical History Statement (2 pages)
F-2	Medical Examination Report (2 pages)	Medical Examination Report (2 pages)
F-3	Personal History Statement (11 pages)	Personal History Statement (4 pages plus PD-107)
F-4	Qualifications Appraisal Interview (1 page)	Form Deleted
F-5A	Report of Appointment/Application For Certification (2 pages)	Report of Appointment/Application For Certification (2 pages)

F-5B	Report of Separation (2 pages)	Report of Separation (1 page)
F-8	Background Investigation Form (26 pages)	Interview & Background Summary (1 page)
F-9A	Firearms Qualifications Record	N/A

As this DOC Advisory Committee was finalizing its work, DOC sought additional changes in the certification process by requesting that the Legislature provide some direction as set out in Section 19.28 of S.L. 1997-443 (1998 Session). Subsequently, the Legislature expanded its directive to the Commission in Section 18.14 of S.L. 1999-237 (1999 Session). In August 1999, Commission Chairman John Glenn appointed another Ad Hoc DOC Committee with Commission member Ron Gillespie, Assistant Secretary, DOC, as chairman with the directive to study and rewrite the administrative code provisions as well as policies and procedures to address additional concerns raised by DOC.

After considerable work in this area, the DOC Ad Hoc Committee adopted a proposal on April 27, 2000 for presentation to the Commission's Executive Committee on May 25, 2000 and the 26 member Commission at its May 26, 2000 quarterly meeting. The proposed new rules relating to correction officers, which comprised approximately 67 pages, and the proposed amendments to the old rules, which comprised approximately 26 pages, were mailed to the Commission members in May for their consideration at the May meeting.

At the Commission's Executive Committee meeting on Thursday, May 25, 2000, committee members applauded the hard work by the Ad Hoc Committee and provided favorable remarks to much of the proposal. However, the Committee expressed some particular concerns, both procedural and substantive. After some discussion among the members and DOC staff present at the meeting, the Commission's attorney was directed to work out the procedural problems with DOC's attorney and present an agreed upon list of substantive issues to the Committee prior to July 1, 2000. The Committee then agreed to submit the Ad Hoc Committee's proposal to the full Commission for consideration and to request a grant of authority by the Commission to the Executive Committee to approve these

temporary rules on behalf of the full Commission. This proposed procedure would allow the Executive Committee the opportunity to review the changes prepared by legal counsel prior to the July 1, 2000 deadline set by the Legislature.

At the full Commission's May 26th meeting, many members raised numerous questions in regard to the Ad Hoc DOC Committee's proposal which generated an open discussion among the members. The Commission members agreed that a separate chapter in the Commission's administrative rules was appropriate and that DOC needed additional representation on the Commission. Furthermore, the Commission has continuously worked with DOC to reduce the number of certified DOC positions (63 job titles removed on 3/7/97 and other modifications made on 11/20/98, 2/9/99 and 5/26/00). Some of the issues addressed included:

1. If the directive from the General Assembly is to make the certification requirements for DOC identical to DOC's employment requirements (i.e. Chapter 126), do DOC employees need regulatory oversight at all?

2. The removal of the "commission of an offense" rule would preclude the Commission from taking action when there is evidence that a person engaged in behavior inappropriate for a correctional officer or participated in conduct that threatens the integrity of the criminal justice process.

3. The DOC list of misdemeanor convictions, which could cause denial or suspension of certification, contained only 8 misdemeanors and omitted misdemeanor weapons offenses, drug possession offenses, alcohol offenses, certain assaults, and crimes against children. (See attached list).

4. The Commission objected to the restriction of its ability to suspend certification in certain situations, with such ability being contingent on DOC's discharge of the employee. (For example: unless DOC dismisses an officer convicted of an offense such as child abuse or misdemeanor larceny, the Commission could not suspend certification.)

5. The apparent restriction of the Commission's authority to summarily suspend certification when the public health, safety, or welfare requires such emergency action raised some concerns.

The act of certifying correctional officers, through the grant of authority to the Commission under Chapter 17C of the North Carolina General Statutes, creates a public expectation that these officers possess a minimum level of competence and moral character. In order to responsibly carry out their duties to the public, the Commission determined that it could not delegate its authority to review and approve rules to the Executive Committee. Therefore, on May 26th, the Commission defeated the motion to grant such authority to the Executive Committee. The Commission then agreed to reconvene in a special meeting before July 1, 2000 to give it ample time to review the packet of information provided and the proposed revision prepared as a result of the discussions and concerns outlined above. A special meeting of the Commission will be held on June 27, 2000 to reconsider the revised DOC rules package.

Report prepared by:

Scott Perry, Acting Director

On behalf of Chairman John Glenn

PART XV. JUDICIAL DEPARTMENT

CODE NO. 2000JPS-H15 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

REPORT ON COMMUNITY MEDIATION CENTERS

Section 15.(a) Section 17.3 of S.L. 1999-237 reads as rewritten:

"Section 17.3.(a) All community mediation centers currently receiving State funds shall report annually to the ~~Judicial Department~~ Mediation Network of North Carolina 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 appropriated to the center;
(7) Level of volunteer activity; and
(8) Identification of future service demands and budget requirements.

The ~~Judicial Department~~ Mediation Network of North Carolina 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.

Section 17.3.(b) A community mediation center requesting State funds for the first time shall provide the General Assembly with the information enumerated in subsection (a) of this section, or projections where historical data are not available, as well as a detailed statement justifying the need for State funding.

Section 17.3.(c) Each community mediation center receiving State funds for the first time shall document in the information provided pursuant to ~~G.S. 7A-346.1~~ this section that, after the second year of receiving State funds, at least ten percent (10%) of total funding comes from non-State sources.

Section 17.3.(d) Each community mediation center receiving State funds for the third, fourth, or fifth year shall document that at least twenty percent (20%) of total funding comes from non-State sources.

Section 17.3.(e) Each community mediation center receiving State funds for six or more years shall document that at least fifty percent (50%) of total funding comes from non-State sources.

Section 17.3.(f) Each community mediation center currently receiving State funds that has achieved a funding level from non-State sources greater than that provided for that center by subsection (c), (d), or (e) of this section shall make a good faith effort to maintain that level of funding.

Section 17.3.(g) The percentage that State funds comprise of the total funding of each community mediation center shall be determined at the conclusion of each fiscal year with the information provided pursuant to ~~G.S. 7A-346.1~~ this section and is intended as a funding ratio and not a matching funds requirement. Community mediation centers may include the market value of donated office space, utilities, and professional legal and accounting services in determining total funding.

Section 17.3.(h) A community mediation center having difficulty meeting the funding ratio provided for that center by subsection (c), (d), or (e) of this section may request a waiver or special consideration through the ~~Administrative Office of the~~

~~Courts~~ Mediation Network of North Carolina for consideration by the Senate and House Appropriations Subcommittees on Justice and Public Safety.

Section 17.3.(i) The provisions of G.S. 143-31.4 do not apply to community mediation centers receiving State funds."

Section 15.(b) G.S. 7A-346.1 is repealed.

Section 15.(c) Of the funds appropriated to the Judicial Department for transfer to the community mediation centers for the 2000-2001 fiscal year, funds allocated to the Dispute Settlement Center of Durham County, Inc., and Mediation Services of Wake County, Inc., shall be allocated to Carolina Correctional Services, Inc.

CODE NO. 2000JPS-H15.1 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

REPORT ON COURT INFORMATION TECHNOLOGY FUND

Section 15.1. G.S. 7A-343.2 reads as rewritten:

"**§ 7A-343.2. Court Information Technology Fund.**

The Court Information Technology Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Director pursuant to G.S. 7A-109(d) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Judicial Department for court information technology and office automation needs. The Director shall report by ~~March 1~~ August 1 and February 1 of each year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on all moneys collected and deposited in the Fund and on the proposed expenditure of those funds collected during the preceding ~~calendar year.~~ six months."

CODE NO. 2000JPS-H15.2/S15.2

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Reeves, Miller, Soles, Lee, Kinnaird, Hagan, Martin of Guilford

AUTHORIZE ADDITIONAL MAGISTRATES

Section 15.2. G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
Camden	1	3	
Chowan	2	3	
Currituck	1	4	
Dare	3	8	
Gates	2	3	
Pasquotank	3	5	
Perquimans	2	~~3~~ 4	
Martin	5	8	
Beaufort	4	8	
Tyrrell	1	3	
Hyde	2	4	

1	Washington	3	4	
2	Pitt	10	12	Farmville
3				Ayden
4	Craven	7	10	Havelock
5	Pamlico	2	4	
6	Carteret	5	8	
7	Sampson	6	8	
8	Duplin	9	11	
9	Jones	2	3	
10	Onslow	8	14	
11	New Hanover	6	11	
12	Pender	4	6	
13	Halifax	9	14	Roanoke
14				Rapids,
15				Scotland Neck
16	Northampton	5	7	
17	Bertie	4	6	
18	Hertford	5	~~6~~ 7	
19	Nash	7	10	Rocky Mount
20	Edgecombe	4	7	Rocky Mount
21	Wilson	4	7	
22	Wayne	5	12	Mount Olive
23	Greene	2	4	
24	Lenoir	4	10	La Grange
25	Granville	3	7	
26	Vance	3	6	
27	Warren	3	~~4~~ 5	
28	Franklin	3	7	
29	Person	3	4	
30	Caswell	2	5	
31	Wake	12	~~20~~ 21	Apex,
32				Wendell,
33				Fuquay-
34				Varina,
35				Wake Forest
36	Harnett	7	11	Dunn
37	Johnston	10	12	Benson,
38				Clayton,
39				Selma
40	Lee	4	6	
41	Cumberland	10	19	
42	Bladen	4	6	
43	Brunswick	4	~~8~~ 9	
44	Columbus	6	9	Tabor City
45	Durham	8	13	
46	Alamance	7	~~10~~ 11	Burlington
47	Orange	4	~~11~~ 12	Chapel Hill
48	Chatham	3	8	Siler City
49	Scotland	3	5	
50	Hoke	4	5	
51	Robeson	8	16	Fairmont,
52				Maxton,
53				Pembroke,

1				Red Springs,
2				Rowland,
3				St. Pauls
4	Rockingham	4	9	Reidsville,
5				Eden,
6				Madison
7	Stokes	2	5	
8	Surry	5	9	Mt. Airy
9	Guilford	20	~~26~~ 27	High Point
10	Cabarrus	5	9	Kannapolis
11	Montgomery	2	4	
12	Randolph	5	10	Liberty
13	Rowan	5	10	
14	Stanly	5	6	
15	Union	4	7	
16	Anson	4	~~5~~ 6	
17	Richmond	5	6	Hamlet
18	Moore	5	8	Southern
19				Pines
20	Forsyth	3	15	Kernersville
21	Alexander	2	~~3~~ 4	
22	Davidson	7	10	Thomasville
23	Davie	2	3	
24	Iredell	4	9	Mooresville
25	Alleghany	1	2	
26	Ashe	3	4	
27	Wilkes	4	6	
28	Yadkin	3	5	
29	Avery	3	5	
30	Madison	4	5	
31	Mitchell	3	4	
32	Watauga	4	6	
33	Yancey	2	4	
34	Burke	4	7	
35	Caldwell	4	7	
36	Catawba	6	10	Hickory
37	Mecklenburg	15	~~27~~ 28	
38	Gaston	11	22	
39	Cleveland	5	8	
40	Lincoln	4	7	
41	Buncombe	6	15	
42	Henderson	4	7	
43	McDowell	3	~~5~~ 6	
44	Polk	3	4	
45	Rutherford	6	8	
46	Transylvania	2	4	
47	Cherokee	3	4	
48	Clay	1	2	
49	Graham	2	3	
50	Haywood	5	7	Canton
51	Jackson	3	~~4~~ 5	
52	Macon	3	4	
53	Swain	2	3."	

CODE NO. 2000JPS-H15.3/S15.3
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Albertson, Reeves, Miller, Phillips, Metcalf, Carter, Wellons
ADDITIONAL DISTRICT COURT JUDGES

Section 15.3.(a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	~~4~~ 5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	5	Pitt
3B	5	Craven
		Pamlico
		Carteret
4	~~7~~ 8	Sampson
		Duplin
		Jones
		Onslow
5	7	New Hanover
		Pender
6A	2	Halifax
6B	3	Northampton
		Bertie
		Hertford
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	4	Granville
		(part of Vance
		see subsection (b))
		Franklin
9A	2	Person
		Caswell
9B	~~1~~ 2	Warren
		(part of Vance
		see subsection (b))
10	~~13~~ 14	Wake

1	11	~~7~~ 8	Harnett
2			Johnston
3			Lee
4	12	9	Cumberland
5	13	6	Bladen
6			Brunswick
7			Columbus
8	14	6	Durham
9	15A	4	Alamance
10	15B	4	Orange
11			Chatham
12	16A	3	Scotland
13			Hoke
14	16B	5	Robeson
15	17A	~~2~~ 3	Rockingham
16	17B	3	Stokes
17			Surry
18	18	12	Guilford
19	19A	4	Cabarrus
20	19B	6	Montgomery
21			Moore
22			Randolph
23	19C	4	Rowan
24	20	7	Stanly
25			Union
26			Anson
27			Richmond
28	21	8	Forsyth
29	22	~~8~~ 9	Alexander
30			Davidson
31			Davie
32			Iredell
33	23	4	Alleghany
34			Ashe
35			Wilkes
36			Yadkin
37	24	4	Avery
38			Madison
39			Mitchell
40			Watauga
41			Yancey
42	25	8	Burke
43			Caldwell
44			Catawba
45	26	~~16~~ 17	Mecklenburg
46	27A	6	Gaston
47	27B	4	Cleveland
48			Lincoln
49	28	~~5~~ 6	Buncombe
50	29	6	Henderson
51			McDowell
52			Polk
53			Rutherford

		Transylvania
30	5	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

Section 15.3.(b) Notwithstanding the provisions of G.S. 7A-142, the Governor shall appoint additional district court judges for District Court Districts 1, 4, 9B, 10, 11, 17A, 22, 26, and 28, as authorized by subsection (a) of this section. Those judges' successors shall be elected in the 2004 election for four-year terms commencing on the first Monday in December 2004.

Section 15.3.(c) Subsection (a) of this section becomes effective December 15, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) becomes effective December 15, 2000, 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.

CODE NO. 2000JPS-H15.3A/S15.3A

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Rand, Cooper, Wellons, Martin of Pitt, Albertson

WORTHLESS CHECK PROGRAM

Section 15.3A.(a) Subsection (d) of Section 18.22 of S.L. 1997-443, as amended by Section 16.3 of S.L. 1998-212 and Section 17.7 of S.L. 1999-237, reads as rewritten:

"(d) This act applies only to Brunswick, Bladen, Columbus, Cumberland, Durham, Edgecombe, Nash, New Hanover, Onslow, Pender, Rockingham, ~~and Wake~~ Wake, and Wilson Counties."

Section 15.3A.(b) Section 17.7(c) of S.L. 1999-237 reads as rewritten:

"Section 17.7.(c) The Administrative Office of the Courts shall report by April 1 of each year to the Chairs of the Senate and House Appropriations Committees and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the implementation of the ~~bad~~ worthless check collection programs in Columbus, Durham, Rockingham, and Wake Counties and the establishment of such programs in Bladen, Brunswick, Cumberland, Edgecombe, Nash, New Hanover, Onslow, ~~and Pender~~ Pender, and Wilson Counties, including their effectiveness in assisting the recipients of worthless checks in obtaining restitution and the amount of time saved in prosecuting worthless check cases."

CODE NO. 2000JPS-H15.4 =

Requested by: Senators Jordan, Ballance, Clodfelter, Plyler, Perdue, Odom

AUTHORIZE COURT OFFICIALS TO APPLY TO THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ENTER INTO CONTRACTS WITH LOCAL GOVERNMENTS FOR THE PROVISION OF JUDICIAL SECRETARIES, TEMPORARY ASSISTANT PUBLIC DEFENDERS, ASSISTANT CLERKS, DEPUTY CLERKS, AND OTHER EMPLOYEES IN THE OFFICE OF THE CLERK OF COURT WHEN THE PUBLIC INTEREST WARRANTS THE USE OF ADDITIONAL COURT RESOURCES

Section 15.4.(a) G.S. 7A-44.1 reads as rewritten:

"§ 7A-44.1. Secretarial and clerical help.

(a) Each senior resident superior court judge may appoint a judicial secretary to serve at his pleasure and under his direction the secretarial and clerical needs of the superior court judges of the district or set of districts as defined by G.S. 7A-41.1(a) for which he is the senior resident superior court judge. The appointment may be full- or part-time and the compensation and allowances of such secretary shall be fixed by the senior regular resident superior court judge, within limits determined by the Administrative Office of the Courts, and paid by the State.

(b) Each senior resident superior court judge may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of judicial secretaries pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(c) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (b) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(d) The terms of any contract entered into with local governments pursuant to subsection (b) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(b) G.S. 7A-102 is amended by adding three new subsections to read:

"(e) A clerk of superior court may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of assistant clerks, deputy clerks, and other employees in the office of each clerk of superior court pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the senior resident superior court judge, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(c) G.S. 7A-300 reads as rewritten:

"§ 7A-300. Expenses paid from State funds.

(a) The operating expenses of the Judicial Department shall be paid from State funds, out of appropriations for this purpose made by the General ~~Assembly.~~ Assembly, or from funds provided by local governments pursuant to G.S. 153A-212.1

and G.S. 160A-289.1. The Administrative Office of the Courts shall prepare budget estimates to cover these expenses, including therein the following items and such other items as are deemed necessary for the proper functioning of the Judicial Department:

(1) Salaries, departmental expense, printing and other costs of the appellate division;

(2) Salaries and expenses of superior court judges, district attorneys, assistant district attorneys, public defenders, and assistant public defenders, and fees and expenses of counsel assigned to represent indigents under the provisions of Subchapter IX of this Chapter;

(3) Salaries, travel expenses, departmental expense, printing and other costs of the Administrative Office of the Courts;

(4) Salaries and travel expenses of district judges, magistrates, and family court counselors;

(5) Salaries and travel expenses of clerks of superior court, their assistants, deputies, and other employees, and the expenses of their offices, including supplies and materials, postage, telephone and telegraph, bonds and insurance, equipment, and other necessary items;

(6) Fees and travel expenses of jurors, and of witnesses required to be paid by the State;

(7) Compensation and allowances of court reporters;

(8) Briefs for counsel and transcripts and other records for adequate appellate review when an appeal is taken by an indigent person;

(9) Transcripts of preliminary hearings in indigency cases and, in cases in which the defendant pays for a transcript of the preliminary hearing, a copy for the district attorney;

(10) Transcript of the evidence and trial court charge furnished the district attorney when a criminal action is appealed to the appellate division;

(11) All other expenses arising out of the operations of the Judicial Department which by law are made the responsibility of the State; and

(12) Operating expenses of the Judicial Council and the Judicial Standards Commission.

(b) Repealed by Session Laws 1971, c. 377, ~~c. 32."~~ s. 32."

Section 15.4.(d) G.S. 7A-467 is amended by adding three new subsections to read:

"(e) A public defender may apply to the Director of the Administrative Office of the Courts to enter into contracts with local governments for the provision by the State of services of temporary assistant public defenders pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

(f) The Director of the Administrative Office of the Courts may provide assistance requested pursuant to subsection (e) of this section only upon a showing by the requesting public defender, supported by facts, that the overwhelming public interest warrants the use of additional resources for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving a threat to public safety.

(g) The terms of any contract entered into with local governments pursuant to subsection (e) of this section shall be fixed by the Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or

services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(e) G.S. 153A-212.1 reads as rewritten:

"**§ 153A-212.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a county may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(f) G.S. 160A-289.1 reads as rewritten:

"**§ 160A-289.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-467, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(g) G.S. 7A-64(c) reads as rewritten:

"(c) The length of service and compensation of any temporary appointee or the terms of any contract entered into with local governments shall be fixed by Director of the Administrative Office of the Courts in each case. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this ~~section.~~ section or to obligate the Administrative Office of the Courts to provide the administrative costs of establishing or maintaining the positions or services provided for under this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts to maintain positions or services initially provided for under this section."

Section 15.4.(h) The Administrative Office of the Courts shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Committees, to the Chairs of the House of Representatives Subcommittee on Justice and Public Safety, and to the Chairs of the Senate Appropriations Committee on Justice and Public Safety on contracts entered into with local governments for the provision of the services of assistant district attorneys, assistant public defenders, judicial secretaries, and employees in the office of the Clerk of Superior Court. The report shall include the number of applications made to the Administrative Office of the Courts for these contracts, the number of contracts entered for provision of these positions, and the dollar amounts of each contract.

CODE NO. 2000JPS-H15.6/S15.6

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Albertson

ADDITIONAL SUPERIOR COURT JUDGES

Section 15.6.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	2
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	~~1~~ 2
Second	5	New Hanover, Pender	3
First	6A	Halifax	1
First	6B	Bertie, Hertford, Northampton	1
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third	9	Franklin, Granville, Vance, Warren	2
Third	9A	Person, Caswell	1
Third	10A	(part of Wake, see subsection (b))	2
Third	10B	(part of Wake, see subsection (b))	2
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
Fourth	11A	Harnett, Lee	1
Fourth	11B	Johnston	1
Fourth	12A	(part of Cumberland, see subsection (b))	1
Fourth	12B	(part of Cumberland, see subsection (b))	1
Fourth	12C	(part of Cumberland, see subsection (b))	2
Fourth	13	Bladen, Brunswick,	2

		Columbus	
Third	14A	(part of Durham, see subsection (b))	1
Third	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third	15B	Orange, Chatham	1
Fourth	16A	Scotland, Hoke	1
Fourth	16B	Robeson	2
Fifth	17A	Rockingham	2
Fifth	17B	Stokes, Surry	2
Fifth	18A	(part of Guilford, see subsection (b))	1
Fifth	18B	(part of Guilford, see subsection (b))	1
Fifth	18C	(part of Guilford, see subsection (b))	1
Fifth	18D	(part of Guilford, see subsection (b))	1
Fifth	18E	(part of Guilford, see subsection (b))	1
Sixth	19A	Cabarrus	1
Fifth	19B	Montgomery, Moore, Randolph	2
Sixth	19C	Rowan	1
Sixth	20A	Anson, Richmond	1
Sixth	20B	Stanly, Union	2
Fifth	21A	(part of Forsyth, see subsection (b))	1
Fifth	21B	(part of Forsyth, see subsection (b))	1
Fifth	21C	(part of Forsyth, see subsection (b))	1
Fifth	21D	(part of Forsyth, see subsection (b))	1
Sixth	22	Alexander, Davidson, Davie, Iredell	3
Fifth	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
Seventh	25A	Burke, Caldwell	2
Seventh	25B	Catawba	2
Seventh	26A	(part of Mecklenburg, see subsection (b))	2
Seventh	26B	(part of Mecklenburg, see subsection (b))	~~2~~ 3
Seventh	26C	(part of Mecklenburg, see subsection (b))	2
Seventh	27A	Gaston	2
Seventh	27B	Cleveland, Lincoln	2

Eighth	28	Buncombe	2
Eighth	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
Eighth	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth	30B	Haywood, Jackson	1."

Section 15.6.(b) The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 26B as authorized by subsection (a) of this section. The successor to that judge shall be elected in the 2002 general election to serve a term expiring December 31, 2010.

The Governor shall appoint a superior court judge for the additional judgeship in Superior Court District 4B as authorized by subsection (a) of this section. The successor to that judge shall be elected in the 2002 general election to serve the remainder of the unexpired term expiring December 31, 2006, in order to provide for unstaggered terms for multiple judgeships in the same district.

Section 15.6.(c) Subsection (a) of this section becomes effective October 1, 2000, as to any district in which no county is subject to section 5 of the Voting Rights Act of 1965. As to any district in which any county is subject to section 5 of the Voting Rights Act of 1965, subsection (a) of this section becomes effective October 1, 2000, 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.

CODE NO. 2000JPS-H15.7 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

JUDICIAL DEPARTMENT EQUIPMENT REPLACEMENT COSTS

Section 15.7. G.S. 143-11(b) reads as rewritten:

"(b) The Director shall accompany the budget with:

(1) A budget message supporting his recommendations and outlining a financial policy and program for the ensuing biennium. The message will include an explanation of increase or decrease over past expenditures, a discussion of proposed changes in existing revenue laws and proposed bond issues, their purpose, the amount, rate of interest, term, the requirements to be attached to their issuance and the effect such issues will have upon the redemption and annual interest charges of the State debt.

(2) State Controller reports including:

a. An itemized and complete financial statement for the State at the close of the last preceding fiscal year ending June 30.

b. A statement of special funds.

(2a) A statement showing the itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two fiscal years.

(3) A report on the fees charged by each State department, bureau, division, board, commission, institution, and agency during the previous fiscal year, the statutory or regulatory authority for each fee, the amount of the fee, when the amount of the fee was last changed, the number of times the fee was collected during the prior fiscal year, and the total receipts from the fee during the prior fiscal year.

(4) A statement showing the State Board of Education's request, in accordance with G.S. 115C-96, for sufficient funds to provide textbooks to public school students.

(5) A proposal for expenditure of the funds in the Repairs and Renovations Reserve Account, which is established in G.S. 143-15.3A. The Director shall consider the data from the Facilities Condition and Assessment Program in the Office of State Construction when establishing priorities for the proposed expenditure of these funds.

(6) Statements of the objections of members of the Council of State received pursuant to G.S. 143-10.3(b) to the performance measures, departmental operations plans, and indicators of program impact prepared in accordance with G.S. 143-10.3, 143-10.4, and 143-10.5.

(7) A list of the budget requests of members of the Council of State that are not included in the proposed budget.

(8) An estimate of the equipment replacement costs within the Judicial Department for the period covered by that budget.

It shall be a compliance with this section by each incoming Governor, at the first session of the General Assembly in his term, to submit the budget report with the message of the outgoing Governor, if he shall deem it proper to prepare such message, together with any comments or recommendations thereon that he may see fit to make, either at the time of the submission of the said report to the General Assembly, or at such other time, or times, as he may elect and fix.

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."

CODE NO. 2000JPS-H15.8/S15.8
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
REDUCE SPECIAL SUPERIOR COURT JUDGESHIPS/EXTEND TERM OF SPECIAL SUPERIOR COURT JUDGE

Section 15.8.(a) G.S. 7A-45.1(a) reads as rewritten:

"(a) Effective November 1, 1993, the Governor may appoint two special superior court judges to serve terms expiring September 30, 2000. Effective October 1, 2000, one of those positions is abolished. Successors to the special superior court ~~judges~~ judge appointed pursuant to this subsection shall be appointed to a five-year ~~terms.~~ term. A special judge takes the same oath of office and is subject to the same requirements and disabilities as are or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district."

Section 15.8.(b) Section 24.7 of Chapter 769 of the 1993 Session Laws, as amended by Chapter 18 of the Session Laws of the 1996 Second Extra Session, reads as rewritten:

"Sec. 24.7. Notwithstanding G.S. 7A-45, G.S. 7A-45.1, Section 7 of Chapter 509 of the 1987 Session Laws, or any other provision of law, if any special superior court judge who is holding office on the effective date of this act first took office as an appointed or elected regular or special superior court judge in the calendar year 1986, the term of that judge is extended through ~~September 30, 2000.~~ December 31, 2000."

CODE NO. 2000AOC-S002
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
SENTENCING SERVICES PROGRAM

Section 15.9.(a) The title to Subchapter XIII of Chapter 7A of the General Statutes reads as rewritten:

"SUBCHAPTER XIII. ~~COMMUNITY PENALTIES~~ SENTENCING SERVICES PROGRAM."

Section 15.9.(b) G.S. 7A-773.1 reads as rewritten:

"(d) To the extent allowed by law, the sentencing services program shall develop procedures to ensure that the program staff may work with offenders before a plea is entered. To that end, ~~no~~ information obtained in the course of preparing a sentencing plan may not be used by the State for ~~the~~ any purpose ~~of establishing guilt.~~ at trial and is subject to the provisions of G.S. 15A-1333."

Section 15.9.(c) G.S. 15A-1333 reads as rewritten:

"§ 15A-1333. Availability of presentence report.

(a) Presentence Reports and Sentencing Services Information Not Public Records. -- A written presentence ~~report and~~ report, the record of an oral presentence ~~report~~ report, and information obtained in the preparation of a sentencing plan by a sentencing services program under Article 61 of Chapter 7A are not public records and may not be made available to any person except as provided in this section.

(b) Access to Reports. -- The defendant, his counsel, the prosecutor, or the court may have access at any reasonable time to a written presentence report or to any record of an oral presentence report. Access to a sentencing plan and information obtained in the preparation of a sentencing plan shall be in accordance with the comprehensive sentencing services program plan developed pursuant to G.S. 7A-774.

(c) Expunging Reports. -- On motion of the defendant, the court in its discretion may order a written presentence ~~report or~~ report, the record of an oral presentence ~~report~~ report, or a sentencing plan expunged from the court record."

PART XVI. DEPARTMENT OF CORRECTION

CODE NO. 2000JPS-H16 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

MODIFICATION OF FUNDING FORMULA FOR THE NORTH CAROLINA STATE-COUNTY CRIMINAL JUSTICE PARTNERSHIP ACT

Section 16. Section 18 of S.L. 1999-237 reads as rewritten:

"Section 18.(a) Notwithstanding the funding formula set forth in G.S. 143B-273.15, appropriations made to the Department of Correction through the North Carolina State-County Criminal Justice Partnership Act for the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed to the counties as specified in G.S. 143B-273.15(2) only, and not as discretionary funds. The Department may also use funds from the State-County Criminal Justice Partnership Account in order to maintain the counties' allocations of nine million six hundred thousand dollars ($9,600,000) as provided in previous fiscal years.

Section 18.(b) Appropriations not claimed or expended by the counties during the 1999-2000 fiscal year and the 2000-2001 fiscal year shall be distributed as specified in G.S. 143B-273.15(1). A single county may apply for discretionary funds under G.S. 143B-273.15(1) for a residential program that serves offenders from other counties; in order for those other counties to assign offenders to such a program, those counties shall include a residential component in an approved partnership plan.

Section 18.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully-developed plan for each type of sanction.

Section 18.(d) The Department of Correction shall report by ~~February 1, 2000,~~ February 1 of each year to the Chairs of the Senate and House Appropriations

Committees, the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections and Crime Control Oversight Committee on the status of the Criminal Justice Partnership Program. The report shall include the following information:

(1) The amount of funds carried over from the ~~1998-99 fiscal year to the 1999-2000 fiscal year;~~ prior fiscal year;

(2) The dollar amount and purpose of grants awarded to counties as discretionary grants for ~~1999-2000;~~ the current fiscal year;

(3) Any counties the Department anticipates will submit requests for new implementation grants;

(4) The number of counties submitting offender participation data via the electronic reporting system;

(5) An analysis of offender participation data ~~received during 1999-2000;~~ received; and

(6) An update on efforts to ensure that all counties make use of the electronic reporting system."

CODE NO. 2000JPS-H16.1 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

POST-RELEASE SUPERVISION AND PAROLE COMMISSION/REPORT ON STAFFING REORGANIZATION AND REDUCTION

Section 16.1. Section 18.1 of S.L. 1999-237 reads as rewritten:

"Section 18.1. The Post-Release Supervision and Parole Commission shall report by ~~March 1, 2000,~~ March 1 of each year to the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on an updated transition plan for implementing staff reductions through the 2002-2003 fiscal year, including a minimum ten percent (10%) reduction in staff positions in the 2000-2001 fiscal year over the 1999-2000 fiscal year."

CODE NO. 2000JPS-H16.2 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL COSTS FOR INMATES, PAROLEES, AND POST-RELEASE SUPERVISEES AWAITING TRANSFER TO STATE PRISON SYSTEM

Section 16.2. Subsection (a) of Section 18.10 of S.L. 1999-237 reads as rewritten:

"Section 18.10.(a) The Department of Correction may use funds appropriated to the Department for the 1999-2000 fiscal year and the 2000-2001 fiscal year to pay the sum of forty dollars ($40.00) per day as reimbursement to counties for the cost of housing convicted inmates and parolees and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Corrections and Crime Control Oversight Committee, the Chairs of the Senate and House Appropriations Committees, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer and on its progress in reducing the jail backlog."

CODE NO. 2000CORR-S001

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

BAN PRIVATE PRISONS HOUSING OUT-OF-STATE INMATES

Section 16.3.(a) Article 3 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-37.1 Prohibition on private prisons housing out-of-state inmates.**

(a) Except as otherwise provided in this section or authorized by North Carolina law, no municipality, county, or private entity may authorize, construct, own, or operate any type of correctional facility for the confinement of inmates serving sentences for violation of the laws of a jurisdiction other North Carolina.

(b) The provisions of this section shall not apply to facilities owned or operated by the federal government and used exclusively for the confinement of inmates serving sentences for violation of federal law, but only to the extent that such facilities are not subject to restriction by the states under the provisions of the United States Constitution."

Section 16.3.(b) Subsection (c) of Section 19.17 of S.L. 1997-443, as amended by subsection (c) of Section 17.23 of S.L. 1998-212 and subsection (b) of Section 18.19 of S.L. 1999-237, is repealed.

Section 16.3.(c) This section is effective when it becomes law and applies retroactively to July 1, 1998.

PART XVII. DEPARTMENT OF JUSTICE

CODE NO. 2000JPS-H17 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

CRIMINAL JUSTICE INFORMATION NETWORK REPORT

Section 17. Section 19.2 of S.L. 1999-237 reads as rewritten:

"Section 19.2. The Criminal Justice Information Network Governing Board created pursuant to Section 23.3 of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall report by ~~March 1, 2000,~~ March 1, 2001, to the Chairs of the Senate and House Appropriations Committees, the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division of the General Assembly on:

(1) The operations of the Board, including the Board's progress in developing data-sharing standards in cooperation with State and local agencies and the estimated time of completion of the standards;

(2) The operating budget of the Board, the expenditures of the Board as of the date of the report, and the amount of funds in reserve for the operation of the Board; and

(3) A long-term strategic plan and cost analysis for statewide implementation of the Criminal Justice Information Network. For each component of the Network, the initial cost estimate of the component, the amount of funds spent to date on the component, the source of funds for expenditures to date, and a timetable for completion of that component, including additional resources needed at each point."

CODE NO. 2000JPS-H17.1 =

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

USE OF SEIZED AND FORFEITED PROPERTY TRANSFERRED TO STATE LAW ENFORCEMENT AGENCIES BY THE FEDERAL GOVERNMENT

Section 17.1. Section 19.3 of S.L. 1999-237 reads as rewritten:

"Section 19.3.(a) Assets transferred to the Department of Justice during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited to the budget of the Department and shall result in an increase of law enforcement resources for the Department. Assets transferred to the Department of Crime Control and Public Safety during the 1999-2001 biennium pursuant to 19 U.S.C. § 1616a shall be credited

to the budget of the Department and shall result in an increase of law enforcement resources for the Department. The Departments of Justice and Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations upon receipt of the assets and, before using the assets, shall report on the intended use of the assets and the departmental priorities on which the assets may be expended, except during the ~~1999-2000 fiscal year,~~ 1999-2001 fiscal biennium, the Department of Justice may:

(1) Use an amount not to exceed the sum of twenty-five thousand dollars ($25,000) of the funds to extend the lease of space in the Town of Salemburg for training for the State Bureau of Investigation; and

(2) Use an amount not to exceed the sum of fifty thousand dollars ($50,000) of the funds to lease space for its technical operations unit, storage of its equipment and vehicles, and command post vehicle.

Section 19.3.(b) The General Assembly finds that the use of assets transferred pursuant to 19 U.S.C. § 1616a for new personnel positions, new projects, the acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Crime Control and Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

Section 19.3.(c) Nothing in this section prohibits North Carolina law enforcement agencies from receiving funds from the United States Department of Justice pursuant to 19 U.S.C. § 1616a."

CODE NO. 2000ATTY-S001

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

TRAFFIC LAW ENFORCEMENT STATISTICS

Section 17.2.(a) G.S. 114-10(2a) reads as rewritten:

"(2a) To collect, correlate, and maintain the following information regarding traffic law enforcement by State law enforcement officers:

a. The number of drivers stopped for routine traffic enforcement by State law enforcement ~~officers~~ officers, the officer making each stop, the date each stop was made, the agency of the officer making each stop, and whether or not a citation or warning was issued;

b. Identifying characteristics of the drivers stopped, including the race or ethnicity, approximate age, and gender;

c. The alleged traffic violation that led to the stop;

d. Whether a search was instituted as a result of the stop;

e. Whether the vehicle, personal effects, driver, or passenger or passengers were searched, and the race or ethnicity, approximate age, and gender of each person searched;

f. Whether the search was conducted pursuant to consent, probable cause, or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable suspicion;

g. Whether any contraband was found and the type and amount of any such contraband;

h. Whether any written citation or any oral or written warning was issued as a result of the stop;

i. Whether an arrest was made as a result of either the stop or the search;

j. Whether any property was seized, with a description of that property;

k. Whether the officers making the stop encountered any physical resistance from the driver or passenger or passengers;

l. Whether the officers making the stop engaged in the use of force against the driver, passenger, or passengers for any reason;

m. Whether any injuries resulted from the stop; ~~and~~

n. Whether the circumstances surrounding the stop were the subject of any investigation, and the results of that ~~investigation.~~ investigation; and

o. The geographic location of the stop; if the officer making the stop is a member of the State Highway Patrol, the location shall be the Highway Patrol District in which the stop was made; for all other law enforcement officers, the location shall be the city or county in which the stop was made.

The information required by this subdivision need not be collected in connection with impaired driving checks under G.S. 20-16.3A or other types of roadblocks, vehicle checks, or checkpoints that are consistent with the laws of this State and with the State and federal constitutions, except when those stops result in a warning, search, seizure, arrest, or any of the other activity described in sub-subdivisions d. through n. of this subdivision.

The identity of the law enforcement officer making the stop required by sub-subdivision a. of this subdivision may be accomplished by assigning anonymous identification numbers to each officer in an agency. The correlation between the identification numbers and the names of the officers shall not be a public record as defined in G.S. 132-1."

Section 17.2.(b) This section is effective when it becomes law.

CODE NO. 2000CORR-H006B

Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom

CERTIFICATION OF DEPARTMENT OF CORRECTION EMPLOYEES

Section 17.3.(a) G.S. 17C-2 reads as rewritten:

"**§ 17C-2. Definitions.**

Unless the context clearly otherwise requires, the following definitions apply in this Chapter:

(1) Commission. -- The North Carolina Criminal Justice Education and Training Standards Commission.

(2) Criminal justice agencies. -- The State and local law-enforcement agencies, ~~the State correctional agencies,~~ other correctional agencies maintained by local governments, and the juvenile justice agencies, but shall not include deputy sheriffs, special deputy sheriffs, sheriffs "jailers, or other sheriffs" department personnel governed by the provisions of Chapter 17E of these General Statutes.

(3) Criminal justice officers. -- The administrative and subordinate personnel of all the departments, agencies, units or entities comprising the criminal justice agencies who are sworn law-enforcement officers, both State and local, with the power of arrest; revenue law enforcement officers; ~~State correctional officers; State probation/parole officers;~~ officers, supervisory and administrative personnel of local confinement facilities; ~~State youth services officers; State probation/parole intake officers; State probation/parole officers surveillance; State probation/parole intensive officers; and State parole case analysts.~~ and State youth services officers.

(4) Entry level. -- The initial appointment or employment of any person by a criminal justice agency, or any appointment or employment of a person previously employed by a criminal justice agency who has not been employed by a criminal justice agency for the 12-month period preceding this appointment or employment, or any appointment or employment of a previously certified criminal justice officer to a position which requires a different type of certification."

Section 17.3.(b) G.S. 17C-3 reads as rewritten:

"§ 17C-3. North Carolina Criminal Justice Education and Training Standards Commission established; members; terms; vacancies.

(a) There is established the North Carolina Criminal Justice Education and Training Standards Commission, hereinafter called "the Commission," in the Department of Justice. The Commission shall be composed of ~~26~~ 25 members as follows:

(1) Police Chiefs. -- Three police chiefs selected by the North Carolina Association of Chiefs of Police and one police chief appointed by the Governor.

(2) Police Officers. -- Three police officials appointed by the North Carolina Police Executives Association and two criminal justice officers certified by the Commission as selected by the North Carolina Law-Enforcement Officers' Association.

(3) Departments. -- The Attorney General of the State of North Carolina; the Secretary of the Department of Crime Control and Public Safety; ~~the Secretary of the Department of Correction;~~ the President of the Department of Community Colleges.

(3a) A representative of the Office of Juvenile Justice.

(4) At-large Groups. -- One individual representing and appointed by each of the following organizations: one mayor selected by the League of Municipalities; one law-enforcement training officer selected by the North Carolina Law-Enforcement Training Officers' Association; one criminal justice professional selected by the North Carolina Criminal Justice Association; one sworn law-enforcement officer selected by the North State Law-Enforcement Officers' Association; one member selected by the North Carolina Law-Enforcement Women's Association; and one District Attorney selected by the North Carolina Association of District Attorneys.

(5) Citizens and Others. -- The President of The University of North Carolina; the Director of the Institute of Government; and two citizens, one of whom shall be selected by the Governor and one of whom shall be selected by the Attorney General. The General Assembly shall appoint two persons, one upon the

recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. Appointments by the General Assembly shall serve two-year terms to conclude on June 30th in odd-numbered years.

(b) The members shall be appointed for staggered terms. The initial appointments shall be made prior to September 1, 1983, and the appointees shall hold office until July 1 of the year in which their respective terms expire and until their successors are appointed and qualified as provided hereafter:

For the terms of one year: one member from subdivision (1) of subsection (a), serving as a police chief; three members from subdivision (2) of subsection (a), one serving as a police official, and two criminal justice officers; one member from subdivision (4) of subsection (a), appointed by the North Carolina Law-Enforcement Training Officers' Association; and two members from subdivision (5) of subsection (a), one appointed by the Governor and one appointed by the Attorney General.

For the terms of two years: one member from subdivision (1) of subsection (a), serving as a police chief; one member from subdivision (2) of subsection (a), serving as a police official; and two members from subdivision (4) of subsection (a), one appointed by the League of Municipalities and one appointed by the North Carolina Association of District Attorneys.

For the terms of three years: two members from subdivision (1) of subsection (a), one police chief appointed by the North Carolina Association of Chiefs of Police and one police chief appointed by the Governor; one member from subdivision (2) of subsection (a), serving as a police official; and three members from subdivision (4) of subsection (a), one appointed by the North Carolina Law-Enforcement Women's Association, one appointed by the North Carolina Criminal Justice Association, and one appointed by the North State Law-Enforcement Officers' Association.

Thereafter, as the term of each member expires, his successor shall be appointed for a term of three years. Notwithstanding the appointments for a term of years, each member shall serve at the will of the appointing authority.

The Attorney General, the Secretary of the Department of Crime Control and Public Safety, ~~the Secretary of the Department of Correction,~~ the President of The University of North Carolina, the Director of the Institute of Government, and the President of the Department of Community Colleges shall be continuing members of the Commission during their tenure. These members of the Commission shall serve ex officio and shall perform their duties on the Commission in addition to the other duties of their offices. The ex officio members may elect to serve personally at any or all meetings of the Commission or may designate, in writing, one member of their respective office, department, university or agency to represent and vote for them on the Commission at all meetings the ex officio members are unable to attend.

Vacancies in the Commission occurring for any reason shall be filled, for the unexpired term, by the authority making the original appointment of the person causing the vacancy. A vacancy may be created by removal of a Commission member by majority vote of the Commission for misconduct, incompetence, or neglect of duty. A Commission member may be removed only pursuant to a hearing, after notice, at which the member subject to removal has an opportunity to be heard."

Section @.(c) This section becomes effective June 30, 2001, unless the Criminal Justice Education and Training Standards Commission has established and implemented by the convening of the 2001 General Assembly a new certification system for employees in the Department of Correction, as originally requested of the Commission in Section 18.14 of S.L. 1999-237 for implementation no later than July 1, 2000. The Commission shall report on the new system to the Chairs of the Senate

and House Appropriations Subcommittees on Justice and Public Safety by the convening of the 2001 General Assembly. If the system has not been established and implemented by the convening of the 2001 General Assembly, it is the intent of the General Assembly to develop a new system for the certification of employees of the Department of Correction and to enact that system to coincide with the repeal of the Commission's authority over the certification of correctional employees effective June 30, 2001.

PART XVIII. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

CODE NO. 2000JPS-H18 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
INCREASE THE EDUCATIONAL ASSISTANCE GRANTS FOR MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD

Section 18. G.S. 127A-193 reads as rewritten:

"§ 127A-193. Benefit.

The benefit provided under this Article shall consist of a monetary educational assistance grant not to exceed ~~one~~ two thousand dollars ~~($1,000)~~ ($2,000) per academic year to qualifying members of the North Carolina national guard. Benefits shall be payable for a period of one academic year at a time, renewable at the option of the Secretary for a maximum of ~~four~~ eight thousand dollars ~~($4,000).~~ ($8,000)."

CODE NO. 2000JPS-H18.1 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
PARTIAL CASH BALANCE REVERSION

Section 18.1. Notwithstanding the provisions of G.S. 15B-23, the sum of one million twenty-five thousand dollars ($1,025,000) from the cash balance of the Crime Victims Compensation Fund shall revert to the General Fund on July 1, 2000, to be used for domestic violence programs, the rape victim assistance program, and other victims' assistance programs.

PART XIX. OFFICE OF JUVENILE JUSTICE

CODE NO. 2000JPS-H19 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER CENTER FOR PREVENTION OF SCHOOL VIOLENCE TO THE OFFICE OF JUVENILE JUSTICE

Section 19. The Center for Prevention of School Violence currently operating under The University of North Carolina, and all functions, powers, duties, and obligations vested in The University of North Carolina for the Center, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a).

The Center as a component of the Office of Juvenile Justice shall continue to consult with The University of North Carolina and the Department of Public Instruction to enhance research opportunities and specialized study areas such as teacher preparation, school resource officer development, suicide prevention, and best practices.

CODE NO. 2000JPS-H19.1 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER OF POSITIONS AND SUPPORT COSTS FOR THE JUVENILE INFORMATION NETWORK FROM THE DEPARTMENT OF JUSTICE TO THE OFFICE OF JUVENILE JUSTICE

Section 19.1. The Department of Justice shall transfer to the Office of Juvenile Justice the three positions and the sum of two hundred twenty-five thousand dollars ($225,000) appropriated in this act for support of the Juvenile Information System Network.

CODE NO. 2000JPS-H19.2 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
REVISE REPORTING REQUIREMENTS OF STAFFING AT TRAINING SCHOOLS AND DETENTION CENTERS STUDY

Section 19.2. Section 21.4 of S.L. 1999-237 reads as rewritten:

"Section 21.4. Of the funds appropriated in this act to the Office of Juvenile Justice for the 1999-2000 fiscal year, the Office may use up to seventy-five thousand dollars ($75,000) to contract with consultants for a study of staffing in training schools and detention centers. The study shall consider the appropriate staffing patterns for the juvenile population of training schools and detention centers as a result of the goals and objectives for those facilities set forth in S.L. 1998-202, the Juvenile Justice Act. The study shall consider whether:

(1) Training schools and detention centers are staffed with the appropriate number of custodial staff and staff that administers treatment, education, and counseling to juveniles housed in the facilities;

(2) Staff of the training schools and detention centers has the appropriate classification, training, and experience to provide juveniles housed in the facilities with the required treatment and guidance; and

(3) Salary levels for current or proposed position classifications are appropriate.

The study shall include a review of the appropriate staffing patterns on each shift, the impact of previous or potential lawsuits or liability issues on staffing levels and types, an analysis of the current guidelines on staffing ratios, the accuracy of the staffing relief formula, and the effectiveness of the current systems for scheduling staff workdays and days off. The consultant shall consult with the Office of State Personnel, the Office of Juvenile Justice, and the Fiscal Research Division of the General Assembly in developing the study objectives and a work plan.

The final product shall include a report that addresses the issues stated in this section and a staffing plan by shift for each training school and detention center.

The Office of Juvenile Justice shall report the results and recommendations of the study to the Chairs of the House and Senate Appropriations ~~Committees and~~ Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public ~~Safety~~ Safety, and the Joint Legislative Commission on Governmental Operations on or before ~~April 1, 2000.~~ September 1, 2000."

CODE NO. 2000OJJ-H19.3/S19.3
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
REPORTS OF FUNDS FOR LOCAL ORGANIZATIONS OF THE BOYS AND GIRLS CLUB

Section 19.3.(a) Section 21.10.(c) of S.L. 1999-237 reads as rewritten:

"Section 21.10.(c) The Office of Juvenile Justice shall report by ~~April 1, 2000,~~ April 1, 2001, to the Joint Legislative Commission on Governmental Operations, the Chairs of the House and Senate Appropriations Committees, and the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety on the expenditure of State appropriations and on the operations and the effectiveness of the program, including information on the number of juveniles served."

Section 19.3.(c) Before expending any funds appropriated for the Boys and Girls Club to establish any new local organization of the Boys and Girls Club, the Office of Juvenile Justice shall reconsider counties that were eligible for the establishment of local organizations, but not funded in the 1999-2000 fiscal year. The Office shall expend funds for fully accredited organizations of the Boys and Girls Club only. The Office shall report to the Chairs of the House and Senate Appropriations Committees on the proposed new local organization, including the location of the organization and the amount of funds the Office proposes to expend on the organization.

CODE NO. 2000JPS-H19.4/S19.4
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS

Section 19.4.(a) Section 21.11 of S.L. 1999-237 reads as rewritten:

"Section 21.11. Funds appropriated in this act to the Office of Juvenile Justice for the ~~1999-2000 fiscal year~~ 1999-2001 biennium may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants, or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety shall consult with the Office of Juvenile Justice regarding the criteria for awarding federal funds. The Office of State Budget and ~~Management and~~ Management, the Governor's Crime ~~Commission~~ Commission, and the Office of Juvenile Justice shall report to the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the ~~1999-2000~~ 2000-2001 fiscal year, the amount of funds anticipated for the ~~2000-2001~~ 2001-2002 fiscal year, and the allocation of funds by program and purpose."

Section 19.4.(b) If the Governor transfers the authority for administration of the Juvenile Accountability Incentive Block Grants to the Office of Juvenile Justice prior to the end of the 2000-2001 fiscal year, the Office of Juvenile Justice shall consult with the Office of State Budget and Management and the Governor's Crime Commission of the Department of Crime Control and Public Safety regarding the criteria for awarding federal funds. The Office shall make the report required by subsection (a) of this section pursuant to the requirements set forth in the subsection.

CODE NO. 2000OJJ-H19.5/S19.5 -- NOT PROOFED
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
REVISE REQUIREMENTS OF MULTIFUNCTIONAL JUVENILE FACILITY

Section 19.5.(a) Section 21.13(i) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(i) State Authority Over Offenders. -- The Office of Juvenile Justice may, in the discretion of the Director, provide services to and house juveniles who are involved in the North Carolina juvenile justice system in a facility constructed and operated by a private entity. The Office of Juvenile Justice shall only house juveniles who are in the North Carolina juvenile justice system in the facility. Juvenile offenders housed in private facilities shall be governed by the State laws applicable to juvenile offenders housed in State facilities, including educational requirements mandated by State and federal law."

Section 19.5.(b) Section 21.13(j) of S.L. 1999-237 reads as rewritten:

"Section 21.13.(j) Report. -- The Office of Juvenile Justice shall make a written report no later than ~~March 1, 2000,~~ March 1, 2001, on the status of the pilot program and shall evaluate the program annually and report on the findings of the evaluations by ~~March 1, 2001,~~ May 1, 2002, and ~~January 1, 2002.~~ May 1, 2003. The reports shall

be submitted to the Chairs of the Appropriations Committees of the Senate and House of Representatives and the Joint Legislative Commission on Governmental Operations."

CODE NO. 2000JPS-H19.6 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Dannelly, Clodfelter
MECKLENBURG COUNTY MULTIPURPOSE GROUP HOMES

Section 19.6. The funds appropriated in S.L. 1998-212 and reallocated in S.L. 1999-237 to the Office of Juvenile Justice to construct an eight-bed secure group home for female offenders in Mecklenburg County and to upgrade the Gatling Detention Center to meet fire marshal standards may be used to construct two eight-bed multipurpose group homes to house juvenile offenders. A maximum of two beds per home may be designated for secure detention. The homes may be used to house male juvenile offenders until the population of female juvenile offenders in the area served by the facilities increases such that both homes are needed to house female offenders. The Office of Juvenile Justice may contract with Mecklenburg County to implement this section and to assure that the multipurpose group homes authorized pursuant to this section are consistent with similar facilities in this State.

CODE NO. 2000JPS-H19.7 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER OF GUARD RESPONSE ALTERNATIVE SENTENCING PROGRAM TO THE OFFICE OF JUVENILE JUSTICE

Section 19.7. The Guard Response Alternative Sentencing Program developed pursuant to S.L. 1998-202, and all functions, powers, duties, and obligations vested in the Department of Crime Control and Public Safety for the Guard Response Alternative Sentencing Program, are hereby transferred to the Office of Juvenile Justice. This transfer has all the components of a Type I transfer as that term is defined in G.S. 143A-6(a). The Program shall continue to function as an additional probation option for certain first-time juveniles who have been adjudicated delinquent and who are subject to Level 2 disposition.

CODE NO. 2000JPS-H19.8 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom
TRANSFER FUNDS TO DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 19.8. If either House Bill 1804 or Senate Bill 1462 of the 1999 General Assembly becomes law, all funds appropriated in this act to the Office of Juvenile Justice shall be transferred to the Department of Juvenile Justice and Delinquency Prevention.

CODE NO. 2000JPS-H19.9 =
Requested by: Senators Jordan, Ballance, Plyler, Perdue, Odom, Garrou
FORSYTH DETENTION CENTER

Section 19.9. The sum of one million seven hundred fifty thousand dollars ($1,750,000) appropriated in the 1999-2000 fiscal year to the Office of Juvenile Justice for a grant-in-aid for construction of the Forsyth Detention Center may be carried forward to the 2000-2001 fiscal year to allow adequate time for completion of a needs assessment by Forsyth County and for review and evaluation by the Office of Forsyth County's plan for the Center.

CODE NO. 2000OJJ-S003
Requested by: Senators Ballance, Jordan, Plyler, Perdue, Odom

S.O.S. ADMINISTRATIVE COST LIMITS

Section 19.10. Section 21.3 of S.L. 1999-237 reads as rewritten:

"Section 21.3. Of the funds appropriated to the Office of Juvenile Justice in this act, not more than four hundred fifty thousand dollars ($450,000) for the 1999-2000 fiscal year and not more than ~~four hundred fifty thousand dollars ($450,000)~~ five hundred fifty thousand dollars ($550,000) for the 2000-2001 fiscal year may be used to administer the S.O.S. Program, to provide technical assistance to applicants and to local S.O.S. programs, and to evaluate the local S.O.S. programs. The Office may contract with appropriate public or nonprofit agencies to provide the technical assistance, including training and related services."

Senate Appropriations Subcommittee

on

JUSTICE AND PUBLIC SAFETY

Report on FY 2001
Recommended Budget

June 20, 2000

Judicial

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$347,361,291

Budget Changes

1	**Vacant Superior Court Judgeships** The Continuation Budget is adjusted to reflect the expiration of 1 Special Superior Court Judgeship as of December 31, 2000 and the elimination of an additional Special Superior Court Judgeship that will be vacant as of October 1, 2000. These Judgeships were created in 1987 and 1993 respectively. (Sec. 15.8)	($185,240) -2.00	R
2	**Increase Indigent Fund Requirements** Because spending requirements have been higher than anticipated and available funds limited by the costs of Hurricane Floyd, funding for the Indigent Fund is increased by $200,000.	$200,000	R
3	**Positions for Office of Indigent Defense Services** Senate Bill 1323 would establish a Commission to oversee spending on Indigent Defense, as of July 1, 2001. During 2000-2001, $375,859 from the Indigent Defense Fund will be used to establish 5 staff positions for this new office; an Executive Director and Administrative Assistant as of November 1, 2000 and a Deputy Director/ Chief Financial Officer, an Information Systems Director and a Research Analyst as of January 1, 2001. Funding for Indigent Defense is increased for 2000-2001 to cover these costs. In addition, $49,480 nonrecurring is provided to fund a change in how longevity would be calculated for Public Defenders and Assistant PDs under SB1323. If neither HB1590 nor SB1323 become law, these funds will remain in the indigent fund for ongoing expenses .	$297,900 $127,439 5.00	R NR
4	**Special Counsel for the Mentally Ill** Funds will be used from the Indigent Defense Fund to establish 4 new positions in the Special Counsel for the Mentally Ill program. This program represents patients at 3 state mental institutions. The new positions are 3 attorneys and 1 Assistant to Special Counsel/Paralegal at Cherry Hospital. Funding for the Indigent Defense Fund is increased to cover this expense.	$262,415 $16,408 4.00	R NR

5 Court Technology

$4,334,7[illegible] R
$2,297,3[illegible] NR
29.00

These funds are provided to address critical needs in the area of improving court technology. This item does not preclude AOC using Court Technology or other available funds for similar positions. Funds are to be allocated as follows:

- Implement Magistrate System	$1,543,867	R
	199,949	NR

This includes positions to staff help desk, maintain LAN and WAN, for training and to continue to maintain and enhance the system. (23 positions)

- Add 2 Technical support/computer operator positions.	100,828	R
	12,570	NR
- Funds to Improve Facilities for the Court Management Information Division.	150,000	NR
- Reserve for Disaster Recovery	741,755	R
	33,162	NR

Funds may be used to establish positions, contractural services, or equipment based on planning process now underway.

- Equipment Replacement	835,679	R
	1,780,242	NR
- Migration Manager Position	116,435	R
	7,151	NR

This position will oversee implementation of Gartner Report recommendations.

- Support for Worthless Check programs (1 position)	135,419	R
	51,135	NR
- Automated Civil Abstract Program	623,998	R
	63,178	NR

To begin automating the civil abstract records in Clerks' Offices. (2 positions)

- Resources to be allocated to additional support or to redesign of legacy court systems.	236,761	R
	0	NR

6 **Community Mediation Center Funds** — $305,630 R

Provide additional funds to 19 community mediation/dispute settlement centers and $25,000 to the Mediation Network of North Carolina as they take on more responsibility for monitoring individual centers. The following centers will receive expansion funding; Alamance ($8,000),Albemarle ($8,000), Blue Ridge ($10,000), Cabarrus ($11,000), Chatham ($18,000), Cape Fear ($15,000), Moore ($10,000), Duplin ($11,000), Foothills ($12,000), Henderson ($7,500), Asheville ($28,000), Eastern Carolina ($25,000), Southern Piedmont ($15,000), Forsyth ($15,000), Rockingham ($15,000), Orange ($15,000), Piedmont ($24,380), Transylvania ($7,000), and Johnston Co($25,750).

7 **Business Court Funds** — $44,000 NR

Funding is continued, on a nonrecurring basis, for rent and equipment maintenance expenses for the Business Court located in Greensboro.

8 **Increase Funding for Court Interpreters** — $250,179 R

The increasing numbers of non-English speaking parties has increased the demand for court interpreters. This item increased continuation budget funding to $458,005.

9 **Court Reporters** — $75,306 R; $11,956 NR; 2.00

Funds are provided to add 2 Court Reporters, effective October 1, 2000.

10 **Worthless Check Programs** — $286,311 R; $52,236 NR; 6.00

Funds are provided to expand the Worthless Check Program to Cumberland, Nash, Edgecombe, Wilson and Onslow Counties. This brings the total number of counties involved to 12. Each program is staffed by a District Attorney Investigator and a Legal Assistant. Nash/Edgecombe/Wilson will be staffed by 1 team. (HB 1840, Sec. 15.3A)

11 **Interpreters for Domestic Violence Cases** — $75,889 NR

These funds will allow the AOC to hire interpreters in Domestic Violence Cases in District Court.

12 **Non-technology Equipment Replacement** — $1,000,000 NR

These funds will allow replacement statewide of office equipment (copiers, microfilming equipment and mailing machines) that are at least 6 years old. The Judicial Branch does not have continuation budget funding for equipment replacement.

13 **Courtroom Wiring and Audio Equipment** — $211,500 NR

These funds will cover the costs of 75 courtroom recording systems to accommodate District Court and non-jury Superior Court proceedings. New units are needed because of new courtrooms that have been established.

14	**Magistrates** Funds are provided to add magistrates in 13 counties; full time magistrates in Alamance, Brunswick, Guilford, Hertford, Jackson, Orange, and Anson Counties and half-time positions in Alexander, McDowell, Mecklenburg, Perquimans, Wake and Warren. The AOC identified new magistrate positions as a critical need due to increasing caseloads and the difficulties providing 24-hour coverage. (HB 1840, Sec. 15.2)	$345,7[illegible] $72,0[illegible] 10.00	R NR
15	**NDAA Membership** Funds are provided to allow the 39 elected District Attorneys to join the National District Attorneys' Association and for some DAs to attend the national conference.	$48,000	NR
16	**Administrative Office of the Courts Positions** Funds to add 6 new positions to support the Administrative Office of the Courts; Leave Specialist and Benefits Specialist for Human Resources, Court Management Specialist, Staff Specialist in the Administrative Division and 2 Secretaries.	$301,413 $42,955 6.00	R NR
17	**District Court Judges** Nine new District Court Judge positions are created as of December 15, 2000. New positions are in Districts 1,4,9B,10,11,17A,22, 26 and 28. (HB 1840, Sec. 15.3)	$613,035 $108,261 9.00	R NR
18	**Superior Court Judges** Creates new Superior Court Judgeships in District #4B (Onslow County) and District #26B (Mecklenburg County) as of October 1, 2000. (HB 1840, Sec. 15.6)	$225,9[illegible] $17,91[illegible] 2.00	R NR
19	**Judicial Assistant** Funds for a Judicial Assistant I for Superior Court District #11B.	$35,547 $4,954 1.00	R NR
20	**Court of Appeals Mediation Program** Funds to allow a new program to mediate cases post-conviction/pre-appeal in order to reduce Court of Appeals filings. Funds will be used to pay judges and for training.	$25,000	R
21	**Court of Appeals Research Assistants** Funds to provide 2 Research Assistants for emergency Judges working at the Court of Appeals.	$99,580 $13,512 2.00	R NR
22	**Expand Family Court Program** Funds to expand the Family Court Pilot to 2 additional districts. This program, established in 1998,coordinates case management and service agency efforts for a family involved in the court system. This brings the number of programs to 8. Funds are used to pay case managers and a program administrator in each district.	$513,184 $104,816 8.00	R NR

23 Guardian Ad Litem Staff Funds to add 6 full time equivalent positions to the Guardian-Ad-Litem program; upgrade two 3/4 time regional administrators to fulltime, add 2 program supervisors and 7 half-time program assistants.	$274,192 $43,324 6.00	R NR
24 Drug Treatment Court Funds Nonrecurring funds are provided to the Drug Treatment Court program for futher support for programs already underway.	$100,000	NR
Budget Changes	**$8,260,903** **$4,392,645**	R NR
Total Position Changes	88.00	
Revised Total Budget	**$360,014,839**	

Justice

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$72,575,950

Budget Changes

25	Transfer J-NET Positions to OJJ Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	($225,000) -3.00	R
	Legal Services		
26	Tort Claims Section Positions Funds are provided to add an Attorney III and Processing Assistant IV position to the Tort Claims Section, effective August 1, 2000.	$99,951 $12,897 2.00	R NR
	SBI		
27	DCI Mainframe Migration Project One time reduction in expansion funding for the DCI mainframe migration project.	($350,000)	NR
28	Hire 6 Forensic Chemists Effective December 1, 2000, hire 6 additional Chemists to reduce the controlled substance case backlog and provide a reasonable turnaround time for case completion.	$154,270 $69,566 6.00	R NR
	Budget Changes	**$29,221** **($267,537)**	R NR
	Total Position Changes	5.00	
	Revised Total Budget	**$72,337,634**	

Office of Juvenile Justice

GENERAL FUND

Total Budget Approved 1999 Session	FY 00-01
	$140,018,378

Budget Changes

Administration

29	**Management Information System (MIS) Support** Funding is provided to support 10 MIS staff positions effective October 1, 2000. In addition to staff support, partial funding is provided for recurring communications costs. Funds are provided to replace grant funding due to expire in September 2000.	$650,000 10.00	R
30	**Transfer GRASP from CCPS to OJJ** The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ. (HB 1840, Sec. 19.7)	$338,000	R
31	**Center for Prevention of School Violence** Transfer the Center for Prevention of School Violence from NC State University to the Office of Juvenile Justice. (HB 1840, Sec. 19)	$500,000 7.00	R
32	**Transfer J-NET Positions from DOJ** Transfer three positions from the Department of Justice to the Office of Juvenile Justice to support the continued development of the J-NET management information system. Included in the transfer is $15,000 in operating funds. (HB 1840, Sec. 19.1)	$225,000 3.00	R

Detention Bureau

33	**Delayed Opening of Two New Detention Centers** A partial operating budget of $840,000 was appropriated for two new detention centers based on January, 2001 start dates. The latest schedule shows a July 1, 2001 start date for the Wayne and Alexander facilities allowing for a one-time reduction in the FY 2000-01 budget of $561,000. The amount of $279,000 is retained for one-time start up costs such as equipment.	($561,000)	NR

34 Multi-functional Juvenile Facility One time non-recurring reduction in operating funds due to delayed opening of the 100 bed multi-functional juvenile facility. Facility was originally expected to open January 2001. The latest target date is July, 2001. $500,000 is left for 2000-01 in case the facility opens one month early or start up funding is needed.	($2,000,0	NR
Intervention/Prevention Bureau		
35 Local Juvenile Justice Funding Increases county JCPC grants in order to provide additional support for local juvenile programs. $1 million is recurring to be used for JCPC formula grants. The $400,000 non recurring funds are to be allocated to programs that emphasize tutoring, mentoring, and other delinquency prevention activities for at-risk youth.	$1,000,000 $400,000	R NR
Special Initiatives Bureau		
36 Teen Courts Provide funding for Teen Courts in Bladen, Chatham, Davidson, Jones, New Hanover, and Orange Counties	$170,000	R
37 Camp Woodson East Funding to start a Camp Woodson East October 1, 2000 and to increase staffing at Woodson West by three positions. Camp Woodson is a therapeutic wilderness and education program that is used by the Court as an intermediate sanction and as a transitional program for offenders in training schools. The full cost of the program for 2000-01, $966,426, is offset by recurring and non-recurring receipts.	$590,748 $23,978 24	R NR
38 Multi-purpose Group Homes One time non-recurring reduction in operating funds due to delayed opening of four multi-purpose group homes funded in 1998-99.	($400,000)	NR
Budget Changes	**$3,473,748** **($2,537,022)**	**R** **NR**
Total Position Changes	44.00	
Revised Total Budget	**$140,955,104**	

Correction

GENERAL FUND

Total Budget Approved 1999 Session	FY 00-01
	$889,943,525

Budget Changes

39	**Reduce Community Corrections Travel Budget** The Department of Correction has studied their travel expenses and adopted several cost savings measures, including reducing the number of Department of Administration owned vehicles in use. Based on these savings, the travel budget for the Division of Community Corrections has been reduced.	($200,000)	R
40	**Reduce Division of Prisons Travel Budget** Based on the study of travel costs, the Division of Prisons Travel Budget can also be reduced.	($150,000)	R
41	**Community Correction Budget for Employee Physicals** Based on expenditures in 1999-2000 for physicals required as a condition of employment for probation/parole officers, a recurring reduction in the budget will be taken.	($100,000)	R
42	**Reduce Community Corrections Equipment Budget** The equipment budget for the Division of Community Corrections is reduced by $110,000, roughly 10% of the equipment budget, for 2000-2001 only.	($110,000)	NR
43	**Abolish Two Vacant Positions in Parole Commission** Two positions from the Post Release Supervision and Parole Commission, a Parole Case Analyst and an Office Assistant V, are eliminated to reflect a decreasing workload. The Governor's Recommended Changes included abolishing one of these positions at a reduction of $35,561. (HB 1840, Sec. 16.1)	($78,603) -2.00	R
44	**Reduce DART Cherry Aftercare Funds** The Continuation Budget includes $319,715 in contractual service funds that are used for aftercare for offenders completing the 28 and 90 day programs at DART-Cherry who are not eligible for existing community programs. Funds for this project are reduced to $219,715.	($100,000)	R
45	**Community Substance Abuse Programs** Increase budget of DOC Substance Abuse program for expansion of community based counseling, job placement and mentoring programs for offenders.	$100,000	NR

46 Eliminate Electronic House Arrest Staff — ($93,9[illegible]) R
-6.00

Improved technology for electronic monitoring has reduced some of the workload of staff in the electronic monitoring area. Six Electronic House Arrest Specialist positions in their Technology Center will be eliminated, five of which are currently vacant. During 2000-2001, the Department will retain $68,000 of the cost of these positions to cover overtime and contractual workers until the new system is fully operational.

47 Increase Fee for Drug Tests — ($126,186) R

The Division of Community Corrections operates its own drug testing lab providing testing services to itself, the Division of Prisons, the Office of Juvenile Justice and several local government agencies. They currently charge $2.50 per test. This budget item reflects an increase in fee to $4.00 per test, close to the actual cost of $3.84, not including administrative costs. The Governor recommended an increase to $3.50 but the subcommittee increased it further to $4.00.

48 IMPACT Program — ($108,300) R

Reduction in the operating budget for the IMPACT Boot Camp Program.

49 Eliminate IMPACT Aftercare Funding — ($440,000) R

Funding for the IMPACT aftercare program is eliminated. This program has worked in 5 locations with offenders completing Boot Camp. The Department of Correction is instead working to involve probation parole officers in aftercare planning for all Boot Camp graduates.

50 Harriet's House — $75,000 R

Harriet's House provides services to female offenders released from prison. This funding will increase their state appropriation and allow the program to serve more clients.

51 Reduce funds for non-participating counties - CJPP — ($420,000) NR

The continuation budget included funds to fully fund Criminal Justice Partnership Program (CJPP) Implementation Grants for 100 counties. Funding is eliminated for one year for the six counties not expected to participate during 2000-2001. (HB 1840, Sec. 16)

52 Women at Risk — $50,000 R

Increase funding for this community correction program for female probationers in Western North Carolina.

53 Summit House — $292,834 R

Expansion funding for this residential treatment and assistance program for female probationers and their children.

54	**ECO Inmate Family Pilot Project** Provide one-time funds for the Energy Committed Offenders Program (ECO) to develop a program to provide counseling and services to families of inmates. ECO currently receives state funds to operate a halfway house for female inmates prior to their release from the prison system.	$60,000	NR
55	**Inmate Education and Reentry Program** Funds for pilot project to provide training and education for male inmates to assist with transition to the community. Funds would go to the Urban Investment Strategies Center at the Kenan Center at UNC Chapel Hill. The project will provide six training programs of 26 sessions each at 6 prisons statewide. Twenty to 25 male offenders will participate in each program.	$130,000	NR
56	**Enterprise Fund Accountants** Nine Enterprise accounting positions are funded from the General Fund. It is recommended that the positions be supported by receipts from the Enterprise Fund allowing for a reduction in the General Fund.	($344,200)	R
57	**Inmate Welfare Fund** This special fund is generated from inmate canteens and from contracts for use of telephones by inmates. It is primarily to fund inmate related projects. It is recommended that funds be transferred from the Inmate Welfare Fund to allow a one-time reduction in the General Fund appropriation.	($2,250,000)	NR
58	**Data Processing Equipment** One-time reduction of 10% of the Department's data processing equipment budget.	($225,862)	NR
59	**Work Release Transportation Fee** Inmates on work release are required by the General Statutes to contribute towards the cost of their transportation to work. It is recommended that the current fee of $1.50 be increased to $2.00 daily to increase receipts and allow for a General Fund reduction.	($44,844)	R
60	**Division of Prison Employee Uniform Budget** Correctional officer vacancies and improvements in Central Warehouse inventory procedures allow for a recurring reduction in the employee uniform budget.	($750,000)	R
61	**Division of Prisons Equipment Budget** One-time reduction of 10% of the Prison equipment budget	($460,000)	NR
62	**Food Service Contract** Meals at the Black Mountain Correctional Center can now be provided by the Marion Correctional Center so the food service contract at Black Mountain can be cancelled.	($223,372)	R
63	**Department of Correction Management Budget** One-time reduction in the non-salary operating budget for central administration of the Department of Correction.	($300,000)	NR

64	**Close Currituck Correctional Facility** As proposed by the Governor, it is recommended that Currituck Correctional Center be closed August 1, 2000. Currituck is one of the original GPAC units recommended for closing. Total reduction recommended by the Governor is $1,045,000. An additional reduction of 50 % of the inmate budget (food, medical, clothing) of $95,000 will also be taken.	($1,140,000) -38.00	
65	**Division of Prisons Inmate Food Budget** Through various cost saving initiatives, including changes in inventory practices and the master food menu, DOC believes the continuation budget for inmate food can be reduced. The Governor recommended a reduction of $1,500,000. It is believed an additional $500,000 can be reduced from this budget.	($2,000,000)	R
66	**Division of Prisons Electricity Budget** The Division is realizing savings in the electricity budget due to over budgeting for electricity in new prisons and better use of peak power options with the power companies.	($300,000)	R
67	**Increase Correction Enterprise Receipts** It is recommended that $3,250,000 in Enterprise receipts be transferred to the General Fund to allow for a reduction in the General Fund appropriation, both one time and recurring.	($500,000) ($2,750,000)	R NR
68	**Work Release** Increase per diem paid to the Department by inmates on work release from $14 to $15 dollars daily.	($325,000)	
69	**Delay Automobile Replacement** Based on a revised DOC replacement schedule, a one-time reduction in the budget for vehicle purchases is recommended. This is based on improved maintenance programs and using vehicles from prisons that were closed.	($1,000,000)	NR
70	**Medical Cost Containment Positions** In order to provide additional auditing and review of inmate bills, medical fees and contracts, three positions are recommended. These are a medical cost containment analyst and two accounting positions - - a technician and a clerk.	$100,239 $13,260 3.00	R NR
	Budget Changes	**($6,506,356)** **($7,212,602)**	R NR
	Total Position Changes	-43.00	
	Revised Total Budget	**$876,224,567**	

Crime Control and Public Safety

GENERAL FUND

	FY 00-01
Total Budget Approved 1999 Session	$36,267,844

Budget Changes

Highway Patrol

71 Highway Patrol Overtime Pay — $0 — R

Provides $480,564 from the Highway Fund to pay overtime for State Highway Patrol in lieu of compensatory leave.

72 Salaries and Benefits for New SHP Troopers — $0 — R

Provides a reserve for salaries and benefits for 28 new SHP troopers to be hired January 2001. Funds come from the Highway Fund.

National Guard

73 Increase State Match for Tarheel Challenge — $270,000 — R

Provide funds to increase the state match for the Tarheel Challenge Program. The National Guard Bureau increased the total budget to $2.8 million beginning FY 00-01.The program will be funded on a 65% federal to 35% state match basis beginning FY 2000

74 Transfer GRASP from CCPS to OJJ — ($338,000) — R

The Guard Response to Alternative Sentencing Program (GRASP) is currently administered by the Department of Crime Control and Public Safety, operated by the NC National Guard. The regimented training programs is for at-risk and adjudicated juvenile offenders aged 13-15, Because this program is designed specifically for juveniles, the direct supervision of the program will be transferred to the Office of Juvenile Justice. The National Guard will continue to operate GRASP through a contractual agreement with OJJ.
(HB 1840, Sec. 19.7)

Victims & Justice Services

75 Reduce CVCF Funds — ($500,000) — R

The Continuation Budget includes a $2,000,000 general fund appropriation for the Crime Victims Compensation Fund. The CVCF reimburses victims for the economic costs of criminally injurious conduct. This Fund has carried forward cash balances in excess of $2 million each year for the past three years, therefore, funds for this program are reduced to $1,500,000. (HB 1840, Sec. 18.1)

Budget Changes	**($568,0 R**
Total Position Changes	
Revised Total Budget	**$35,699,844**

Report To The Joint Legislative Justice and Public Safety Committee

From

The North Carolina Criminal Justice Education & Training Standards Commission

June 6, 2000

The North Carolina Criminal Justice Education & Training Standards Commission (Commission) is charged with the responsibility to ensure that all officers in the criminal justice profession meet minimum education, training, and moral character standards. Over the past several years the Department of Correction (DOC) has experienced a tremendous growth in personnel due to a multitude of factors. At DOC's request the Commission's Standards Committee appointed a sub-committee on March 6, 1997, to study DOC concerns regarding mandated background investigations for correctional officers. Thereafter on October 2, 1997, Chairman John Glenn appointed a DOC Advisory Committee to develop a background investigation form for correctional officer applicants and to streamline the paperwork for certification. The Commission's officer certification forms are designated to ensure that officers meet the mandated standards. The Commission approved at its August 21, 1998 meeting the set of revised certification forms developed by its DOC Advisory Committee. Drastic modifications and deletions in information were made to streamline the certification process for DOC. A comparison of the documentation required for law enforcement and correctional officers is set out below.

Law Enforcement/Juvenile Justice Officers		Correctional Officers
F-1	Medical History Statement (4 pages)	Medical History Statement (2 pages)
F-2	Medical Examination Report (2 pages)	Medical Examination Report (2 pages)
F-3	Personal History Statement (11 pages)	Personal History Statement (4 pages plus PD-107)
F-4	Qualifications Appraisal Interview (1 page)	Form Deleted
F-5A	Report of Appointment/Application For Certification (2 pages)	Report of Appointment/Application For Certification (2 pages)

F-5B	Report of Separation (2 pages)	Report of Separation (1 page)
F-8	Background Investigation Form (26 pages)	Interview & Background Summary (1 page)
F-9A	Firearms Qualifications Record	N/A

As this DOC Advisory Committee was finalizing its work, DOC sought additional changes in the certification process by requesting that the Legislature provide some direction as set out in Section 19.28 of S.L. 1997-443 (1998 Session). Subsequently, the Legislature expanded its directive to the Commission in Section 18.14 of S.L. 1999-237 (1999 Session). In August 1999, Commission Chairman John Glenn appointed another Ad Hoc DOC Committee with Commission member Ron Gillespie, Assistant Secretary, DOC, as chairman with the directive to study and rewrite the administrative code provisions as well as policies and procedures to address additional concerns raised by DOC.

After considerable work in this area, the DOC Ad Hoc Committee adopted a proposal on April 27, 2000 for presentation to the Commission's Executive Committee on May 25, 2000 and the 26 member Commission at its May 26, 2000 quarterly meeting. The proposed new rules relating to correction officers, which comprised approximately 67 pages, and the proposed amendments to the old rules, which comprised approximately 26 pages, were mailed to the Commission members in May for their consideration at the May meeting.

At the Commission's Executive Committee meeting on Thursday, May 25, 2000, committee members applauded the hard work by the Ad Hoc Committee and provided favorable remarks to much of the proposal. However, the Committee expressed some particular concerns, both procedural and substantive. After some discussion among the members and DOC staff present at the meeting, the Commission's attorney was directed to work out the procedural problems with DOC's attorney and present an agreed upon list of substantive issues to the Committee prior to July 1, 2000. The Committee then agreed to submit the Ad Hoc Committee's proposal to the full Commission for consideration and to request a grant of authority by the Commission to the Executive Committee to approve these

temporary rules on behalf of the full Commission. This proposed procedure would allow the Executive Committee the opportunity to review the changes prepared by legal counsel prior to the July 1, 2000 deadline set by the Legislature.

At the full Commission's May 26th meeting, many members raised numerous questions in regard to the Ad Hoc DOC Committee's proposal which generated an open discussion among the members. The Commission members agreed that a separate chapter in the Commission's administrative rules was appropriate and that DOC needed additional representation on the Commission. Furthermore, the Commission has continuously worked with DOC to reduce the number of certified DOC positions (63 job titles removed on 3/7/97 and other modifications made on 11/20/98, 2/9/99 and 5/26/00). Some of the issues addressed included:

1. If the directive from the General Assembly is to make the certification requirements for DOC identical to DOC's employment requirements (i.e. Chapter 126), do DOC employees need regulatory oversight at all?

2. The removal of the "commission of an offense" rule would preclude the Commission from taking action when there is evidence that a person engaged in behavior inappropriate for a correctional officer or participated in conduct that threatens the integrity of the criminal justice process.

3. The DOC list of misdemeanor convictions, which could cause denial or suspension of certification, contained only 8 misdemeanors and omitted misdemeanor weapons offenses, drug possession offenses, alcohol offenses, certain assaults, and crimes against children. (See attached list).

4. The Commission objected to the restriction of its ability to suspend certification in certain situations, with such ability being contingent on DOC's discharge of the employee. (For example: unless DOC dismisses an officer convicted of an offense such as child abuse or misdemeanor larceny, the Commission could not suspend certification.)

5. The apparent restriction of the Commission's authority to summarily suspend certification when the public health, safety, or welfare requires such emergency action raised some concerns.

The act of certifying correctional officers, through the grant of authority to the Commission under Chapter 17C of the North Carolina General Statutes, creates a public expectation that these officers possess a minimum level of competence and moral character. In order to responsibly carry out their duties to the public, the Commission determined that it could not delegate its authority to review and approve rules to the Executive Committee. Therefore, on May 26th, the Commission defeated the motion to grant such authority to the Executive Committee. The Commission then agreed to reconvene in a special meeting before July 1, 2000 to give it ample time to review the packet of information provided and the proposed revision prepared as a result of the discussions and concerns outlined above. A special meeting of the Commission will be held on June 27, 2000 to reconsider the revised DOC rules package.

Report prepared by:

Scott Perry, Acting Director

On behalf of Chairman John Glenn

VISITOR REGISTRATION SHEET

Justice & Public Safety — 6/20/2000

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
Deborah Ross	ACLU
Doc Hoggard	DOJ
Scott Perry	DOJ
Robin Pendergraft	DOJ
Nancy Lodden Jones	GAL Volunteers
[illegible]	ACC
Scott Bradley	Mediation Network
Leo Rubert	CJPC
[illegible]	DOC
Joe Hamilton	DOC
Pamela Walker	DOC
Paul S. Lee	DOC
David Ferrell	NCSA / NCLEOA
Greg McNeil	CCPS
Richard W. Holden	CCPS - SBI
David E. Seely	CCPS
Melissa Lavell	DOJ
[illegible]	Capitol Group
[illegible]	OSHM
James Bowden	OJJ
John McMillan	MFHS BOA
[illegible]	LSPC
T. Ross	DOC