# AGENDA

| | |
|---|---|
| Meeting Type: | SPECIAL |
| Date: | 02/03/1994 |
| | PROPOSED PRIORITIES |

City of Charlotte, City Clerk's Office

# PROPOSED
# CITY OF CHARLOTTE
# PRIORITIES
## SPECIAL LEGISLATIVE SESSION
**FEBRUARY 3, 1994**

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2 Violent Predator Police/Prosecution Team
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4 Criminal Justice Information System
5 Boot Camp

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1 A felony to assault a police officer under any condition
2 A felony to use a real unloaded gun or a fake gun in any crime
3 Authorization for teenage curfews
4 Make possession of less than one gram of cocaine a felony (reverse action taken during the last session)

# MAYOR'S URGENT INITIATIVES

1. Funding for Drug Court
2. Violent Predator Police/Prosecution Team
3. Housing Authority Laws
4. Criminal Justice Information System
5. Boot Camp

## "DRUG COURT" - EXCUTIVE SUMMARY

## PROJECT FOLLOW THROUGH

In April 1992, the District Attorney's Office for Mecklenburg County applied with the Governor's Crime Commission for a two-year grant to vigorously prosecute drug cases

The primary purpose of this project would be to provide five assistant district attorneys to devote their time to the prosecution of drug offenses in Mecklenburg County The five assistant district attorneys would work closely with police drug enforcement officers to target the prosecution of drug offenders whose presence in residential neighborhoods has a negative impact on the city's crime rate and quality of life The prosecution of these drug offenders would also involve the increased use of territorial exclusions as a condition of probation or parole

Through the diligent efforts of District Attorney Peter S. Gilchrist, III, and Charlotte Mayor Richard Vinroot, the Governor's Crime Commission was persuaded to fund the project and approval was given on June 25, 1992 The project is underway now with the five prosecutors being named to staff it and it commenced operation on October 1, 1992

## DRUG COURT

With the funding of five additional assistant district attorneys, it became apparent that the current superior courts would face an additional case load that they were ill-equipped to handle It was decided then to apply for a second grant to establish a separate felony drug court for Mecklenburg County The court, one of the first of its kind in the nation, operates on four-week cycles Every other week, the court convenes at night for the purpose of conducting arraignments, accepting guilty pleas, and setting trial dates, on alternate weeks, felony drug trials are conducted during day sessions

The primary objectives of the drug court are to enable the Twenty-sixth Judicial District to prosecute more felony drug cases, to get those cases through the system more rapidly, and to provide more consistency in the handling of those cases

## ACCOMPLISHMENTS

Both the Drug Prosecution Grant and Drug Court Grant have been in operation for over a year and have shown dramatic results Statistics have been kept showing what was accomplished in the year before it began operation and comparing it to its first year of operation In 1992, the District Attorney's Office disposed of 1,047 defendants, or 34 percent of the defendants, at the probable cause/district court stage Compared to 1993,

when the Drug Prosecution Team disposed of only 480 defendants, or 16 percent of the defendants, at the probable cause/district court stage. This is a result of not reducing felonies to misdemeanors and plea bargaining away the cases.

Conversely, the impact of the Drug Prosecution Team is apparent at the superior court level. This change goes hand-in-glove with the first In 1992, all felony assistant district attorneys disposed of 1,234, or 44 percent, of the defendants at arraignment. For the comparable period in 1993, the Drug Prosecution Team has disposed of 56 percent of the defendants at the arraignment stage Additionally, the Drug Prosecution Team has increased the number of defendants disposed of at the trial stage, from 7 percent to 13 percent

Emphasis is placed on having the defendant plead as charged with positive results thus, reducing the number of defendants allowed to reduce the charges by way of plea bargaining. In 1992, 720 defendants plead as charged, but in 1993, that number increased to 931. The Drug Prosecution Team has had the court impose $4,024,227.00 in fines and has had forfeited to the Charlotte-Mecklenburg School Board an additional $217,753 96 We have removed 172 guns from the streets of Charlotte, have seized and destroyed 94 beepers, and have forfeited 11 vehicles to the police department for use in undercover work. We have also begun to work closely with the North Carolina Department of Revenue and through that cooperation, thousands of dollars in cash that is seized is forfeited to the state for tax stamps not having been purchased on these controlled substances

After one year of operation, the Felony Drug Court has performed beyond original expectations. Many objectives have already been met or exceeded. If operations continue at present levels, this program should significantly impact the community and society at large

The time elapsed from the point of arrest to the formal disposition of the charges against the defendant has been significantly reduced in all drug cases

The assignment of cases to the Drug Court began January 4, 1993 During the first two months, thirty (30) defendants per week were placed upon this track In March 1993, the number of defendants assigned to the track was raised to forty (40) per week. After determining that the Drug Court could easily accommodate another increase in its caseload, all defendants charged with the sale or purchase of drugs began to be assigned to this track on April 12, 1993. As a result, with the exception of trafficking and conspiracy cases, 100 percent of all drug cases prosecuted by the District Attorney are now assigned to this court.

The efficiency of the nighttime arraignment court continues to exceeded all expectations Business anticipated to take several hours a night is being completed in a much shorter time

frame Even after reallocating significant time dedicated for arraignments to the trial component, little change has occurred in the nighttime utilization rate In essence, the same amount of cases are being arraigned in a shorter period of time. The court will continue to monitor the situation in the upcoming months to determine if additional arraignment time can be reallocated for trials.

## COSTS

To permanently fund the entire "Drug Court" operation, a number of temporary positions would need to be made permanent and among these would be:

| | |
|---|---|
| 5 | Assistant district attorneys |
| 1 | Legal assistant |
| 3 | Assistant public defenders |
| 1 | Superior court judge |
| 2 | Deputy clerks |
| 1 | Court reporter |
| 1 | Probation officers |

The total estimated budget would range between $750,000 00 and $800,000 00 per year

## ATTACHMENTS

1 Detailed description of Grant for five prosecutors (Project Follow Through)

2. First Annual Report for Project Follow Through

3. Detailed description of Grant for Drug Court

4. First Annual Report for Drug Court

5. Review of Drug Court by Charlotte Observer

6. Review of Drug Court by Raleigh News and Observer

## PROJECT FOLLOW THROUGH

In April 1992, the District Attorney's Office for Mecklenburg County applied with the Governor's Crime Commission for a two-year grant to vigorously prosecute drug cases.

The primary purpose of this project would be to provide five assistant district attorneys to devote their time to the prosecution of drug offenses in Charlotte. The five assistant district attorney would work closely with police drug enforcement officers to target the prosecution of drug offenders whose presence in residential neighborhoods has a negative impact on the city's crime rate and quality of life. The prosecution of these drug offenders would also involve the increased use of territorial exclusions as a condition of probation or parole.

The primary objective of the project would be to increase the number of both felony and misdemeanor drug cases that are prosecuted in Charlotte and result in active sentences or probation with territorial restrictions.

Applying for this grant and allocation of five prosecutors to the task of combating the ever-growing drug problem was founded in Charlotte's growing crime rate and what appeared to be an escalating problem with hard core drug use creating an unprecedented demand upon the District Attorney's Office and its staff of 23 assistant district attorneys. Felony drug cases prosecuted by the Mecklenburg County District Attorney's Office (including all of Mecklenburg County, not just those presented by Charlotte Police officers) have steadily increased from 1,744 in 1989, to 2,764 in 1990, to 3,183 in 1991. In 1989, only 37 percent of those cases resulted in the incarceration of the offender. This figure rose to 46 percent in 1990 but declined to 33 percent in 1991. As a result, many of these offenders remain on the street and continue to be actively involved in the drug trade and/or crimes of violence. Those that are incarcerated serve a minimal amount of time, are released, and in many cases, return to drug activity, often in the same area where they were previously arrested.

Many of the people involved in drug related activity are also the perpetrators of Charlotte's violent crime. In 1990, Charlotte had 22 percent of the violent crime in the State of North Carolina despite having only 6 percent of the state's population. The increase in Charlotte's homicides illustrate the problem, with 45 in 1988, 73 in 1989, 93 in 1990 and 115 in 1991, a 156 percent increase in the past three years. In 1989, 41 percent of the homicides cleared were in some way drug related. In 1990, 48 percent of homicides were related to drugs and in 1991, 51 percent of all homicides cleared were categorized as drug related. Charlotte's violent crime, especially its homicides, armed robberies, and assault, impacts all segments of the community, but has had an especially significant impact upon the black community where in 1991, 72 percent of homicide victims were black males. Increasingly, young people are either the victims and/or perpetrators of these crimes of violence. In 1989, 21 percent of all homicide arrests were youths under the age of 18. By 1990, the number rose to 37 percent of all homicide arrest and in 1991, 35

percent of all homicides cleared involved teenage suspects. The violence in Charlotte has taken its toll, as reflected in widespread fear in a number of its neighborhoods, and in Charlotte's growing national reputation as a city of violence.

Prosecutors, who handled 9,563 total felony charges in 1989, 11,241 in 1990, and 10,962 in 1991, have little time to spend on coordinating police and prosecutorial efforts on drug cases and even less time to evaluate, target, and prepare cases that come to court. In an urban area such as Charlotte, the volume of drug cases, especially those in residential areas, requires a high level of police-prosecution coordination. Arrests in these areas often involve relatively small amounts of drugs which would have a correspondingly low priority for prosecutors. However, the impact that these offenders have on the residential environment by open drug sales and accompanying violence demands a greater level of prosecutorial and judicial attention than they would normally receive. Prosecutors need to work more closely with officers to target particular areas, groups, or neighborhoods and to identify those cases which, while they do not involve drug charges, involve violence perpetrated by someone known to be involved in drug activity. Too often this information is known to police officers but is not communicated to the prosecutor and the court or, even if it is known, cannot be given appropriate consideration due to the press of other cases.

Enhanced prosecutorial attention to drug cases should result in increased use of territorial probation, under which the defendant is excluded from the area where his crimes were committed unless he resides in the area or has lawful employment or some other legitimate purpose for being in the area. This is a useful tool for prosecutors but has not been used to maximum effectiveness due to the lack of time to devote to prosecution of drug cases. If assistant district attorneys were available to deal exclusively with drug cases, they could become experts in the use of territorial probation and could work with the courts to use it more frequently in Charlotte. This concept will become increasingly important as Charlotte moves toward community policing and places a growing emphasis on seeking long term solutions to neighborhood problems. In Charlotte's most troubled neighborhoods, getting drug dealers out of the neighborhood is expected to be identified by residents as their number one priority. This cannot be accomplished without additional prosecutorial resources that would allow more active coordination of efforts and priorities between police and prosecutors.

The Grant Application submitted outlined two primary goals for the project.

(a) to reduce drug crimes and drug related violence in Charlotte neighborhoods by increased and more effective prosecution of these offenses, and

(b) to devote more attention to removing offenders from residential areas through the use of both pre- and post-trial territorial restrictions.

In order to achieve these goals, the application outlined a series of objectives.

- -Increase the number of drug cases accepted for prosecution.
- -Target for vigorous prosecution efforts an increased number of cases involving drug related violence
- -Increase the number of drug and drug related violence cases prosecuted in Superior Court rather than District Court.
- -Increase the number of drug interdiction operations that are conducted jointly by the Charlotte Police Department and the Mecklenburg County District Attorney's Office.
- -Increase the use of territorial probation to reduce the number of individuals arrested and/or convicted of drug related crimes who resume their drug related activities.
- -Review felony drug arrests and selected misdemeanor arrests with officers.
- -Conclude drug cases within 180 days of arrest, either by trial or guilty plea.

The means to reach these ends included a number of activities in which the five prosecutors would engage.

- -Conduct regular meetings between the prosecutors hired for this project and the supervisors of Charlotte Police Department units responsible for drug enforcement in residential neighborhoods.
- -Work with Charlotte Police officers to target drug cases and drug related violence cases for prosecution.
- -Attend court appearances to consider pretrial release to either oppose release or request territorial restrictions.
- -In cases where a drug dealer's sentence includes territorial probation, coordinate the distribution of photographs and other relevant information to police officers and neighborhood groups in the residential area where the crime was committed.
- -Follow-up all cases where offenders violate territorial restrictions before or after sentencing.
- -Hold regular meetings with supervisors of Pretrial Services and Adult Probation and Parole to be sure that procedures for prompt reporting and arresting of offenders violating territorial probation are being followed and are effective.
- -Establish a working group of project personnel and Charlotte Police personnel who will meet on a regular basis.
- -Prepare written instructions for police officers on methods of presenting drug cases for prosecution to insure uniformity and efficiency.
- -Publicize the program so that residents in neighborhoods where drug activity is occurring understand who the project, particularly territorial probation, works.

In order to measure how successful the project would be, an outline was developed for records to be kept that would reflect the following:

- -Number of defendants arrested for drug or drug related offenses.
- -Number of defendants who meet criteria for prosecution by project personnel.
- -Number of defendants prosecuted with territorial probation as a condition of pretrial release.
- -Number of defendants prosecuted who receive an active sentence and the sentence received.
- -Number of defendants prosecuted who are sentenced to territorial probation.
- -Number of defendants returned to court for violation of pretrial release orders or sentences of territorial probation and results of the return to court.
- -Reported violent crime one year before the project, during the project, and after the project.

If successful, the project should result in the prosecution of more drug cases, more use of territorial probation and, ultimately, fewer drug dealers on the streets of Charlotte.

Through the diligent efforts of District Attorney Peter S. Gilchrist, III, and Charlotte Mayor Richard Vinroot, the Governor's Crime Commission was persuaded to fund the Project and approval was given on June 25, 1992. The project is underway now with the five prosecutors being named to staff it and it will commence operation on October 1, 1992.

State of North Carolina
General Court of Justice
Twenty-sixth Prosecutorial District

PETER S GILCHRIST III
DISTR CT ATTORNEY

CHARLOTTE, N C 28202 3106

January 14, 1994

Ms Dee Lutz, Grants Manager
Administrative Office of the Courts
Post Office Box 2448
Raleigh, North Carolina 27602

Dear Dee

To bring you up to date on our grant's progress, the statistics have been updated through the end of 1993 Our statistics use two comparables, January through December, 1992, versus January through December, 1993 I feel that this twelve-month span is a true reflection of what the team is now accomplishing versus how things worked before we were created

The stage at which we are disposing of cases shows a significant change from 1992 I have enclosed two "green sheets," which are our method of record keeping for all felony activity in this office We have adapted the standard form to accommodate the drug-specific activity of the drug prosecution team Please note that in 1992, this office disposed of 1047 defendants, or 34 percent of the defendants, at the probable cause/district court stage Compare that to 1993, when the drug prosecution team disposed of only 480 defendants, or 16 percent of the defendant, at the probable cause/district court stage

In direct relation to the above figures, the impact of the drug prosecution team is apparent at the superior court level This change goes hand-in-glove with the first In 1992, all felony assistant district attorneys disposed of 1234, or 44 percent, of the defendants at arraignment For the comparable period in 1993, the drug team has disposed of 56 percent of the defendants at the arraignment stage Additionally, the drug team has increased the number of defendants disposed of at the trial stage, from 7 percent to 13 percent

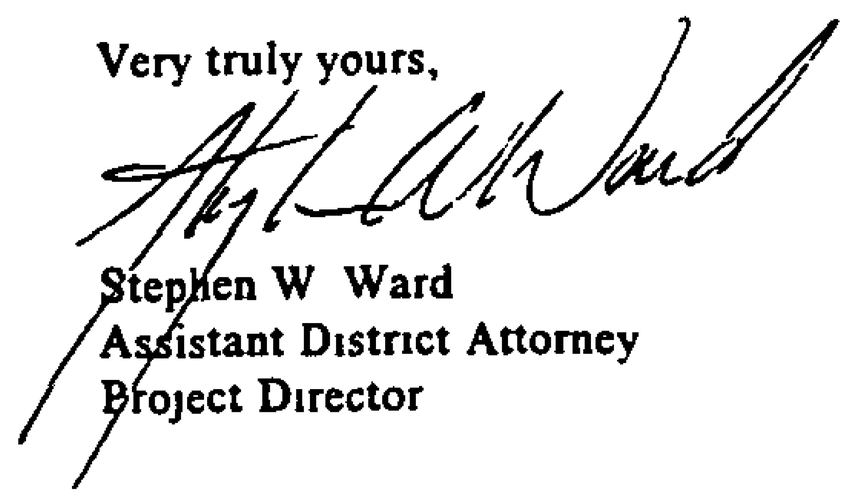
Emphasis is placed on having the defendant plead as charged with positive result, thus, reducing the number of defendants allowed to reduce the charges by way of plea bargaining In 1992, 720 defendants plead as charged, but in 1993, that number increased to 931 I perceive this to be a significant increase in a significant area of drug prosecution

Lastly, I would direct your attention to the portion of our "green sheet" reporting fines and forfeitures I note with a great deal of pride that in the year we were tracking, the team has had the court impose $4,024,227 00 in fines and has had forfeited to the Charlotte-Mecklenburg School Board an additional $217,753 96 On an annual basis, that means we generated about $4,200,000 00 on a $350,000 investment We have removed 172 guns from the streets of Charlotte, have seized and destroyed 94 beepers and have forfeited 11 vehicles to the Police department for use in undercover work We have also begun to work closely with the North Carolina Department of Revenue and through that cooperation, thousands of dollars in cash that is seized is forfeited to the state for tax stamps not having been purchased on these controlled substances

I want to make one final point regarding the numbers used in gathering our statistics Our documents count defendants, not cases or charges Any given defendant could have multiple charges, however, our records would reflect only the one defendant You should, therefore, consider that the number of cases, or charges, disposed of by the drug prosecution team is significantly higher than the raw numbers presented to you on the attached "green sheets "

I hope our statistics and my interpretation of them will give you some insight into the drug prosecution team's achievements for the Mecklenburg district I can only say I am proud, very proud, of what this team is accomplishing and hope to maintain these dramatic results during the remaining period of the grant administration

Very truly yours,



Stephen W Ward
Assistant District Attorney
Project Director

SWW/ecd
cc Peter C Gilchrist
Darrlynn Kaiser

JANUARY - DECEMBER, 1993
(DRUG TEAM CASES)

# DRUG DEFENDANT INCIDENT DISPOSITION REPORT

Def.Name: _____ Date Opened: _____ Judge: _____
Compl.No: _____ Date Closed: _____ Def.Coun.Name: _____
PID: _____ ADA: _____ Def.Coun: 1) Private 595
AGE: 3 (Only if Defendant is a Juvenile) 2) Appointed 415
DRUG COURT =1535 3) PD 1239
4) BLANK 581

## CHARGE STATUS AT PAPERING

307 1. Papered Before Process Issued
3 2. Papered After Process Issued but Before Arrest
2494 3. Papered After Arrest

## DISPOSITION STAGE

399 1. Screening
480 2. District Court
3. Grand Jury
1590 4. Administrative Court
365 5. Trial Court
2834

## DISPOSITION

46 1. Declined - Pre-warrant
38 2. VD/No Papering
514 3. VD/Post Warrant Declined Papering
ADA: _____
64 4. VD/Plea to Other Pending Charges
- 5. VD/No Action by Grand Jury
239 6. VD/Other _____
90 7. VDWL
136 8. Deferred Prosecution
- 9. No Probable Cause
- 10. No True Bill
931 11. Plea as Charged
273 12. Plea - Most Serious Felony or More Than One Felony if Several of Equal Seriousness
339 13. Plea - Lesser Felony Charge or Less Than all Felonies
86 14. Plea - To Misdemeanor
38 15. Trial - Guilty as Charged
1 16. Trial - Guilty/Most Serious Felony
11 17. Trial - Guilty/Lesser Felony
2 18. Trial - Guilty/Misdemeanor
17 19. Trial - Not Guilty
4 20. Mistrial/Hung Jury
5 21. Other _____
834

## ORIGINAL CHARGES THIS INCIDENT
(circle all applicable)

197 6. Trafficking
A. Cocaine - 189
B. Heroin - 3
C. Other - 8
497 11. Sale
A. Cocaine - 432
B. Heroin - 10
C. Marijuana - 55
D. Other - 4
2021 13. Felonious Poss./Poss. With Intent
A. Cocaine - 1956
B. Heroin - 49
C. Other - 35
155 24. Felony Marijuana
9 27. Felony Weapons Charge
81 29. Other _____
1 (Vehicle Forfeiture)
61 (Maintaining Vehicle/Dwelling)
45 (Prescription Fraud)

## JUDGE'S SENTENCE AFTER NOT GUILTY PLEA

41 1. Reduced Arraignment Judge's Sentence
14 2. Same as Arraignment Judge's Sentence
32 3. Exceeded Arraignment Judge's Sentence
69 4. No Offer Made by Arraignment Judge

## SENTENCE

596 1. Active - DOC
109 2. Active - Jail
909 3. Probation - Supervised
21 4. Probation - Unsupervised
17 5. Suspended Sentence
- 6. Community Service
- 7. Treatment Program
- 8. Restitution
26 9. Fine
3 10. PJC

421 1. Fine imposed $4,024,227.00
395 2. Money Forfeit $217,753.96
96 3. Weapons Seized 172
87 4. Beeper Seized 94
11 5. Phones Seized 15
9 6. Vehicles Seized 11

188 7. Territorial Exclusion
Pretrial Probation Condition
Granted 2 Granted 180
Denied Denied

12-01-92
DA #25

JANUARY - DECEMBER, 1992
(DRUG CASES ONLY)

# FELONY DEFENDANT INCIDENT DISPOSITION REPORT

Def.Name: _____ Date Opened: _____ Judge: _____
Compl.No: _____ Date Closed: _____ Def.Coun.Name: _____
PID: _____ ADA: _____ Def.Coun: 1) Private 5
AGE: 57 (Only if Defendant is a Juvenile) 2) Appointed 3
3) PD 12
4) BLANK 7

## CHARGE STATUS AT PAPERING

239 1. Papered Before Process Issued
12 2. Papered After Process Issued but Before Arrest
2629 3. Papered After Arrest

## DISPOSITION STAGE

450 1. Screening
1047 2. District Court
3. Grand Jury
1234 4. Administrative Court
221 5. Trial Court
2952

## DISPOSITION

55 1. Declined - Pre-warrant
68 2. VD/No Papering
435 3. VD/Post Warrant Declined Papering
ADA: _____
48 4. VD/Plea to Other Pending Charges
5. VD/No Action by Grand Jury
374 6. VD/Other _____
50 7. VDWL
99 8. Deferred Prosecution
9. No Probable Cause
10. No True Bill
720 11. Plea as Charged
188 12. Plea - Most Serious Felony or More Than One Felony if Several of Equal Seriousness
227 13. Plea - Lesser Felony Charge or Less Than all Felonies
577 14. Plea - To Misdemeanor
53 15. Trial - Guilty as Charged
2 16. Trial - Guilty/Most Serious Felony
14 17. Trial - Guilty/Lesser Felony
1 18. Trial - Guilty/Misdemeanor
23 19. Trial - Not Guilty
- 20. Speedy Trial Dismissal
2 21. Mistrial/Hung Jury
16 22. Other _____
2952

## SENTENCE

462 1. Active - DOC
232 2. Active - Jail
857 3. Probation - Supervised
66 4. Probation - Unsupervised
73 5. Suspended Sentence
2 6. Community Service
1 7. Treatment Program
8. Restitution
31 9. Fine
13 10. PJC

## ORIGINAL CHARGES THIS INCIDENT
(circle all applicable)

1. Murder (14-17)
2. Rape/Sexual Assault (14-27.2 to 27.5) Age of Victim if Less Than 16 _____
3. Arson/Other Burning (58-67.1)
4. Kidnapping (14.39, 41)
5. Armed Robbery (14-87)
156 6. Trafficking Narcotics
7. Manslaughter (14-18)
8. B&E Residence (14-51, 54)
9. Felony Assault (14-32)
10. Indecent Liberties (14-202.1) Victim's age _____
404 11. Sale of Narcotics
12. Escape (148-45(b))
2470 13. Felony Possession/Possession With Intent Narcotics (Non-marijuana) (90-95)
14. Common Law Robbery (14-87.1)
15. Conspiracy (Common Law)
16. Discharging Firearm Into Occupied Property (14-34.1)
17. Fraud/False Pretense (14-100)
18. Embezzlement (14-90 to 92, 254)
19. B&E Other Building (14-54)
20. Possession of Stolen Goods (14-71.1)
21. Larceny (14-72, 74)
22. B&E Conveyance/Machine (14-56, 56.1, 56.
23. Forgery & Uttering (14-120, 122)
156 24. Felony Marijuana (90-95)
25. Hit & Run (20-166(a))
26. Credit Card Cases (14-113.8 to 113.17)
7 27. Felony Weapons Charge (14-288.8, 14-415.
28. Fugitive
18 29. Other (_____

## JUDGE'S SENTENCE AFTER NOT GUILTY PLEA

24 1. Reduced Arraignment Judge's Sentence
15 2. Same as Arraignment Judge's Sentence
20 3. Exceeded Arraignment Judge's Sentence
63 4. No Offer Made by Arraignment Judge

Rev. 2/89
DA #25

State of North Carolina
General Court of Justice
Twenty-sixth Prosecutorial District

PETER S GILCHRIST III
DISTRICT ATTORNEY

CHARLOTTE, N C 28202 3106

January 14, 1994

Quarterly Monitoring Report for Project Follow Through - Fourth Quarter 1993
State DAS Fund No 2176
Grant 110-192-G4-D054

In compliance with Administrative Office of the Courts and Grant requirements, the following is the fourth quarter 1993 report as well as a summary of the entire year

The primary purpose of this project is to provide five assistant district attorney to devote their time to the prosecution of drug offenses in Charlotte The five assistant district attorneys would work closely with police drug enforcement officers to target the prosecution of drug offenders whose presence in residential neighborhoods has a negative impact on the city's crime rate and quality of life The prosecution of these drug offenders would also involve the increase use of territorial probation as a condition of probation or parole.

The primary objective of the project would be to increase the number of both felony and misdemeanor drug cases that are prosecuted in Charlotte and result in active sentences or probation with territorial restrictions

The Project Goals are

- to reduce drug crimes and drug-related violence in Charlotte neighborhoods by increased and more effective prosecution of these offenses, and
- to devote more attention to removing offenders from residential areas through the use of both pre- and post-trial territorial restrictions.

These goals would be accomplished by several project objectives Among those.

1. Increase the number of drug cases accepted for prosecution This has been accomplished by accepting cases that might previously have been declined because of a marginal change for success They are now getting full attention.

2. Target for vigorous prosecution efforts an increased number of cases involving drug-related violence The additional staff has allowed these cases to be focused on and receive the attention they deserve The violent crime cases are delegated to felony unit assistant district attorneys for prosecution.

3 Increase the number of drug and drug-related violence cases prosecuted in Superior Court rather than District Court. A new policy since the grant implementation of not reducing drug cases to misdemeanors for guilty pleas has squarely addressed this issue

4 Increase the number of drug interdiction operations that are conducted jointly by the Charlotte Police Department and the Mecklenburg County District Attorney's Office. Operations are now launched with the District Attorney's Office being allowed in on the planning stage resulting in better coordination and information sharing.

5 Increase the use of territorial probation to reduce the number of individuals arrested and/or convicted of drug-related crimes who resume their drug-related activities. This is being requested in cases where applicable. Consistent implementation of this goal had run into snags that have been solved by the creation of a systematic method of requesting this through the use of a form the arresting officers complete and is designed to highlight the need for this special condition where appropriate.

6 Review felony drug arrests and selected misdemeanor arrests with officers This is being done in 100 percent of arrests made

7. Conclude drug cases within 180 days of arrest, either by trial or guilty plea. Dispositions to date show this is being accomplished. Current figures suggest a 94 percent completion rate, a significant achievement of this goal.

At the outset, various project activities were outlined which included

1 Conduct regular meetings between the prosecutors hired for this project and the supervisors of Charlotte Police Department units responsible for drug enforcement in residential neighborhoods Meetings and telephone conversations are held between team superviosrs and police supervisors frequently and as needed to address problems that arise An assistant district attorney attends the beweekly police drug meeting where intelligence information is discussed. (Minutes are available). Assistant district attorneys conducted a series of in-service tranining seminars for line officers on search and seizure issues

2 Work with Charlotte Police officers to target drug cases and drug-related violence cases for prosecution. This is explored in the bi-weekly meetings as well as later in the screening process In one meeting a target group of the worst such offenders was prepared. This list is being used by the assistant district attorneys to vigorously prosecute these individuals in hopes of having a significant impact on the areas in which they operate. Initial reports show success. These individuals are receiving significant active prison terms

3 Attend court appearances to consider pretrial release to either oppose release or request territorial restrictions This is done in each case set on for a bond hearing

4 In cases where a drug dealer's sentence includes territorial probation, coordinate the distribution of photographs and other relevant information to police officers and neighborhood groups in the residential area where the crime was committed This information is obtained at the sentencing and distributed through a system we established.

5. Follow-up all cases where offenders violate territorial restrictions before or after sentencing This is accomplished through the probation office monitoring violations of terms set out and requesting revocation of the suspended sentence. Several cases were revoked recently using this as the basis for the probation violation

6. Hold regular meetings with supervisors of Pretrial Services and Adult Probation and Parole to be sure that procedures for prompt reporting and arresting of offenders violating territorial probation are being followed and are effective. These are held on a regular basis with implementation left in the agency's hands.

Among the implementation activities that have been accomplished·

1. All project personnel - five assistant district attorneys and one legal assistant have been hired and have been hard at work since October 1, 1992. As an aside, as of January 1, 1994, one of the attorneys paid by the grant has been promoted from District Court to work on the Drug Team We anticipate a second one in early April

2. All needed equipment has been ordered and received Supplies are ordered as needed

3. We established a working group of project personnel and Charlotte Police personnel who will meet on a regular basis

4. We have prepare written instructions for police officers on methods of presenting drug cases for prosecution to ensure uniformity and efficiency

5. We have publicized the program so that residents in neighborhoods where drug activity is occurring understand how the project, particularly territorial probation, works. We send a representative to neighborhood meetings to discuss these issues

This project is providing a focused, coordinated working relationship between Charlotte Police officers assigned to drug investigations and prosecutors who are assigned specifically to drug cases The project continues to stress the use of territorial probation restrictions to keep drug offenders out of the neighborhoods where their crimes were committed unless they have a legitimate purpose for being in the area The District Attorney's Office has specifically targeted drug cases where the successful prosecution of the offender will have a positive pact upon the quality of life in a residential neighborhood

Records are being kept to reflect·

- Number of defendants arrested for drug or drug-related offenses.
- Number of defendants who met criteria for prosecution by project personnel.
- Number of defendants prosecuted with territorial probation as a condition of pretrial release.
- Number of defendants prosecuted who receive an active sentence and the sentence received.
- Number of defendants prosecuted who are sentenced to territorial probation.

- Number of defendants returned to court for violation of pretrial release orders or sentences of territorial probation and results of the return to court
- Reported violent crime one year before the project, during the project, and after the project.

A separate letter filed with this report compile these figures and does an analysis comparing the first twelve months of 1992 with the first twelve months of 1993 for a reflection of the progress of this grant

All-in-all, progress is being made on our goals and objectives

SWW/ebj
cc· Jim Butler
Peter Gilchrist
Darrlynn Kaiser
Dee Lutz
Larry Snider
Tim Stewart

The primary purpose of this project is to establish a separate felony drug court for the State of North Carolina's 26th Judicial District which includes the City of Charlotte and Mecklenburg County The court, one of the first of its kind in the nation, will operate on four week cycles Every other week, the court will convene at night for the purpose of conducting arraignments, accepting guilty pleas and setting trial dates, on alternate weeks, felony drug trials will be conducted during day sessions

The primary objectives of the drug court will be to enable the 26th Judicial District to prosecute more felony drug cases, to get those cases through the system more rapidly, and to provide more consistency in the handling of those cases

The City of Charlotte continues to face an unacceptably high level of drug related crime which has threatened the quality of life in a number of inner city neighborhoods and has made violence, particularly among the young people of this community, a socially acceptable way of life

While local human service agencies have increased their efforts to reduce the demand for drugs through education, prevention, early intervention, and treatment, the local criminal justice system has increased its efforts to reduce the supply of drugs The Charlotte Police Department devotes over 60 officers to full time drug enforcement efforts The Vice and Narcotics Bureau investigates major drug traffickers while the Street Interdiction Unit targets both the buyers and sellers in street drug sales, especially those that occur in residential neighborhoods The Airport Narcotics Interdiction Unit, funded by federal grant, intercepts drugs entering the city by plane, train, or bus As a result of these efforts, drug arrests in cases where there is at least one drug charge have steadily increased with 3,064 in 1988, 3,223 in 1989, 3,646 in 1990 and 4,034 in 1991, a 32% increase over the past three years

Drug related activity fuels the increase in violent crime which, by 1990, placed Charlotte in the position of having 22% of the state's violent crime despite having only 6% of its population The increase in homicides in Charlotte perhaps most effectively illustrates the crime problem The Charlotte Police Department reported 45 homicides in 1988, 73 in 1989, 93 in 1990, and 115 in 1991, a 156% increase in the last three years In 1989, the first year for which figures were kept, 41% of the homicides cleared were in some manner drug related By 1990, that figure had risen to 48%, and, in 1991, 51% of all homicides cleared bore some direct link to drug activity

As police have intensified their activities to target drug related crimes, their efforts have placed an unprecedented demand on the other components of the criminal justice system, notably the District Attorney and the court system Felony drug cases prosecuted by the Mecklenburg County District Attorney's Office (including those presented by all law enforcement agencies in the County) have steadily increased from 1,744 in 1989 to 2,764 in 1990 and 3,183 in 1991 Despite the increase in prosecutions, a large number of cases are still being dismissed In those cases that are prosecuted, a relatively small number of drug offenders, 33% in 1991, were actually incarcerated In many instances, these offenders remained on the street and active in the drug trade, often in the same areas where they were previously arrested Without an increase in staff, prosecutors were unable to work closely with police, especially to target cases where the offender was having a demonstrable negative impact in a residential neighborhood

The Mecklenburg County District Attorney's Office has received a grant from the Governor's Crime Commission which will fund five additional District Attorneys who will be devoted to the prosecution of felony drug cases The grant, with matching funds from Charlotte Police Department assets forfeiture funds, will allow for a much closer working relationship between police and prosecutors Special efforts will be made to target drug dealers whose activities have proven to be disruptive to residential neighborhoods and to make much more extensive use of territorial exclusion under which an arrestee is not allowed to return to the area where he was arrested unless there is some legitimate reason for him to do so

This partnership between the police and the District Attorney places additional burdens on the court system in Mecklenburg County The courts, like other components of the criminal justice system, have experienced a growing caseload without a concurrent increase in resources The court system has taken a number of positive steps to increase its efficiency and effectiveness including the establishment of a separate administrative Superior Court which handles all bond hearings, probation violation hearings, misdemeanor and felony pleas, all arraignments, and some appointment of counsel While this court has proven very effective, its daily dockets now average between 125 to 200 cases, far too many for one judge to handle effectively The court system also undertook a probing self examination through a study commissioned by the Citizen's Criminal Justice Commission and conducted by Hildebrandt, Inc That study identified a number of areas where improvements were needed including shortening the time it took to get a case through the judicial system and making more efficient use of existing courtroom facilities

The goal of the closer collaboration between police and the five district attorneys assigned to prosecute drug cases is to increase the number of drug cases that are aggressively prosecuted and disposed of in Superior Court as opposed to dismissed Of 1,376 drug cases presented to the District Attorney in the first six months of this year, 655, or almost 48%, of the cases were disposed of at the District Court level, another 605 were adjudicated at the arraignment stage, and 116 were tried If fewer drug cases are disposed of at the District Court level, the Mecklenburg County Court system will need additional resources to deal with those cases in a fair, efficient and consistent manner that serves the needs of the criminal justice system and the citizens it is designed to serve while protecting the rights of the defendant If additional resources are not made available to the court system, the ability to handle more felony drug cases will not be achieved unless it is at the expense of the prosecution of other equally important cases

## Project Objectives

1. Use the Felony Drug Court to dispose of 50% of all felony drug cases accepted for prosecution by the District Attorney

2. Of those cases handled by the Drug Court, close 100% within 180 days

3. Of those cases presented to the drug court, dispose of 75% at the time of arraignment

4. Of those cases calendared for trial, dispose of 75% on the first setting

5. Increase the number of defendants receiving territorial exclusion as a condition of their sentence by 25%

## Project Activities

1. Conduct 208 days of drug court in the first year of operation

2. Conduct the drug court in alternate cycles with arraignments and plea bargain conferences held <u>every other week at night</u> Or alternate weeks, trials will be conducted in the daytime

3. On weeks when arraignments are held, calendar 80 cases per week

## Implementation Activities

1. Project personnel will be selected, hired, and trained

2. Furniture will be purchased, telephones installed, and appropriate security locks will be put in place in the Mecklenburg County Criminal Courts Building

3. Appropriate calendaring procedures for the new drug court will be established

4. The drug court will begin on January 4, 1993

This project will provide Mecklenburg County with a separate Felony Drug Superior Court which is believed to be the first of its kind in the state The court will be used exclusively for felony drug cases, and will handle arraignments, trials, acceptance of guilty pleas, and probation violations

In order to make more effective use of the existing courtroom facilities, the court will operate on alternate cycles Every other week the court will convene at night Approximately 80 cases per week will be calendared for arraignment Plea negotiations will take place at these night sessions and it is likely that 75% of the cases coming before the court will be disposed of through guilty pleas at the arraignment phase On alternate weeks, the drug court will convene during the day for trials of those cases not disposed of during the initial court appearance It is anticipated that 75% of those cases calendared on the first setting will be disposed of at that time The cases before this court will be prosecuted by the five Assistant District Attorneys who were funded under the Crime Commission grant This team of attorneys will work with police to target cases involving drug dealers whose activities have negatively impacted the quality of life in residential neighborhoods In some instances, the cases may not involve large quantities of drugs but the impact of the dealers on the residential environment will be a deciding factor in making the case a prosecutorial priority The team of Assistant District Attorneys will follow the case through the system from initial court appearance through final adjudication Since drug dealers in residential neighborhoods will be targeted for prosecution in the drug court, the District Attorneys will, whenever necessary, request the court to make territorial exclusion a provision of an offender's sentence

The Administrative Office of the Courts has agreed to provide a seventh Superior Court Judge to the 26th Judicial District to handle the workload of the drug court This judge will be drawn from a pool of retired/recalled or emergency Superior Court Judges Salary, travel, lodging and per diem will be set at the current state rate for the 208 days per year the court will be in session The court will be staffed by two Deputy Clerks who will be hired as temporary employees and who will be responsible for administrative functions of the courtroom Primary responsibilities will include preparation of arraignment forms, judgement forms, and all other related paperwork There will be one court reporter who, as a contract employee, will record all activities in the courtroom, two Bailiffs who will provide courtroom security services; and one probation officer who, as a temporary employee, will handle all the probation intake functions for the drug court

Finally, a separate court-appointed counsel list, comprised of (4) attorneys, will be established Individuals who are indigent and charged with controlled substance offenses will be appointed counsel from this list if they are processed through the Drug Court

The need for additional defense counsel is necessitated by the anticipated increase in cases generated from a reduction in dismissals by the District Attorney Although indigent defense is normally provided by the Public Defenders Office, it can not be expected to absorb the anticipated increase in numbers without a proportionate increase in staff While it is possible to assign the four new attorneys directly to the Public Defender, a decision has been made to keep them separate to reduce the high number of conflicts now experienced by this office when multiple codefendants are involved

In operation, each defense attorney will rotate through the night time Arraignment Court where they will be assigned as counsel to indigent defendants Defendants pleading guilty will be processed at that time Defendants pleading not guilty will receive a trial date Counsel are responsible for following the case through arraignment to final disposition

Once the funds are made available, the personnel for the drug court will be selected, hired, and trained Furniture and equipment for the two bailiffs will be purchased and additional telephone lines will be installed Security locks will be installed to control access in the criminal courts building during the nights the court is in operation

The operation of the drug court will be overseen by the Trial Court Administrator for Mecklenburg County This office will be involved in developing a calendaring system for the drug court, in handling procedural problems that may develop, and in compiling the data for monitoring and evaluation of the grant.

## MONITORING/EVALUATION CRITERIA

Begin below, add continuation page(s) if necessary.

Records will be maintained on the following:

- Number of felony drug cases presented to the District Attorney.
- Number of felony drug cases dismissed.
- Number of felony drug cases calendered in the felony drug court.
- Number of felony drug cases disposed of at arraignment.
- Number of felony drug cases tried in felony drug court.
- Adjudication of felony drug cases, including number of cases of territorial exclusion
- Total number of felony cases prosecuted by District Attorney.
- Hours felony drug court is in operation.
- Time and attendance sheets for all personnel funded under the grant
- Documentation for travel, lodging, and per diem.
- Equipment purchase records.

To assist you in completing this section please refer to the instructions.

TODD NUCCIO
TRIAL COURT ADMINISTRATOR
PHONE (704) 347-7802
FAX NUMBER (704) 342-5466

State of North Carolina
General Court of Justice
26th Judicial District
MECKLENBURG COUNTY
300 E FOURTH STREET
CHARLOTTE N C 28202

FILED
JAN 25 1994

JAMES C DRENNAN DIRECTOR
ADMINISTRATIVE OFFICE OF THE COURTS
ROBERT M BURROUGHS
SENIOR RESIDENT SUPERIOR COURT JUDGE
JAMES E LANNING
CHIEF DISTRICT COURT JUDGE

# MEMORANDUM

To: Dee Lutz
Grants Administrator

From: Todd Nuccio
Trial Court Administrator

Subject: Grant Progress Report

Date: January 21, 1994

Per your request, enclosed is our latest quarterly progress report for the Felony Drug Court Grant in the 26th Judicial District. Please ensure that a copy of this report is forwarded to Jim Butler at the Governor's Crime Commission.

If you have any questions or require further information, please do not hesitate to contact me.

cc: Judge Robert M. Burroughs
Mr. Steve Ward
Mr. John Wyatt

# GRANT PROGRESS REPORT

Governor's Crime Commission, Dobbs Building, P.O. Box 27687, Raleigh, NC 27611

| APPLICANT/GRANTEE | PROJECT TITLE |
|---|---|
| Administrative Office of the Courts<br>P.O. Box 2448, Raleigh, NC 27602 | Felony Drug Court |
| **IMPLEMENTING AGENCY** | **PROJECT NUMBER** |
| Trial Court Administrator's Office | 110-191-G4-D151 |

## I. Program Objectives

**A.**

Planned - Use the Felony Drug Court to dispose of at least 50% of all felony drug cases accepted for prosecution by the District Attorney.

Accomplished - The assignment of cases to the new drug track began January 4, 1993. During the first two months, thirty (30) defendants per week were placed upon this track. In March 1993, the number of defendants assigned to the track was raised to forty (40) per week. After determining that the Drug Court could easily accommodate another increase in its caseload, all defendants charged with the sale or purchase of drugs began to be assigned to this track on April 12, 1993. As a result, with the exception of trafficking and conspiracy cases, 100% of all drug cases prosecuted by the District Attorney are now assigned to this Court.

The efficiency of the nighttime arraignment court continues to exceeded all expectations. Business anticipated to take several hours a night is being completed in a much shorter time frame. Even after reallocating significant time dedicated for arraignments to the trial component, little change has occurred in the nighttime utilization rate. In essence, the same amount of cases are being arraigned in a shorter period of time. The Court will continue to monitor the situation in the upcoming months to determine if additional arraignment time can be reallocated for trials.

Please note that night court was not in session during the month of December. For this reason, the utilization rate for Courtroom 1101C will reflect 0.00%.

**B.**

Planned - Of those cases handled by the Drug Court, close 100% within 180 days.

Accomplished - At the time this report was compiled, 96% of all defendants processed through the Felony Drug Court had their cases concluded within 180 days. The overall average time frame from the appointment of counsel to the conclusion of the case was sixty-four (64) days. Twenty-two (22) cases out of the six hundred ten (610) in the review accounted for the 4% which were not closed under the goal set.

**C.**

Planned - Of those cases handled by the Drug Court, dispose of 75% at the time of arraignment.

Accomplished - The nighttime or arraignment component of the Drug Court began operation on March 1, 1993. For the nine months of operation ending December 31, 1993, 1,741 cases were disposed. When measured as a percentage of the total docket, a 68% disposition rate results. This is an increase of 3% percent from the time of the last report. Copies of the monthly calendar productivity sheets are attached for your review. While we continue to fall somewhat short of our goal in this area, it should be noted that the daytime and nighttime Drug Courts are currently the most productive Superior Courts in the system.

**D.**

Planned - Of those cases calendared for trial, dispose of 75% on the first setting.

Accomplished - The daytime Drug Court which handles the trial component of the program began operation January 25, 1993. Since that time, 379 cases have been disposed. When measured as a percentage of those cases calendared, a 75% disposition rate results. The standard has now been met over four consecutive progress reports. Once again, greater statistical detail can be found through examination of the monthly productivity sheets provided.

**E.**

Planned - Increase the number of defendants receiving territorial exclusion as a condition of their sentence by 25%.

Accomplished - The District Attorney now requests territorial exclusion in all applicable cases. Data is not available on past percentage of defendants receiving territorial exclusion to provide any comparison.

## II. Project Activities

**A.**

Planned - Conduct 208 days of Drug Court in the first year of operation.

Accomplished - The first trial session of the Felony Drug Court was held on January 25, 1993. Up until September 27, 1993, the trial court operated on a biweekly basis. On September 27, 1993, the court schedule was altered slightly to accommodate back-to-back trial sessions. The scheduling of additional trial time was initiated as part of an attempt to better utilize available resources.

The first arraignment session of the Felony Drug Court was held March 1, 1993. Like the trial court, arraignments have been heard on a biweekly basis. On September 27, 1993, court time previously designated to handle arraignments was converted to handle trials. Once again, the redistribution of the court time is part of an effort to achieve increased utilization.

Please note that the overall time designated to hear drug cases was not changed through the last program modification. Only the way the time was structured was changed.

With the close of the first year of operation, 123 days of trial court and 72 days of arraignment court were recorded as scheduled. The combined number of days was 195. Without the 30-day delay in reaching an agreement with the AOC on implementation requirements and the 90-day start-up period needed for new cases to reach the arraignment stage, the 208-day goal would have easily been exceeded. Under these circumstances, however, we were fortunate to fall only thirteen days short of the target. The Court will now strive to surpass the 208-day target during the second year of operation.

B.

Planned - Conduct the Drug Court in alternate cycles with arraignments and plea conferences held every other week at night. On alternate weeks, trials will be conducted in the daytime.

Accomplished - As stated earlier, the original alternating court cycle was modified to achieve greater utilization of available court time. While the system will generally continue to hold plea conferences and arraignments every other week, the schedule may be altered from time to time to gain more trial sessions.

C.

Planned - On weeks when arraignments are held, calendar 60 to 80 defendants per week.

Accomplished - On January 4, 1993, approximately thirty (30) defendants per week began to be assigned to the Drug Court track. Given that the nighttime Arraignment Court operated every other week, the number of defendants scheduled to appear at each session normally totaled around sixty (60) per week. In March, the number of defendants to be assigned to the Drug Court track was raised to approximately forty (40) per week or eighty (80) defendants per nighttime arraignment session. On April 12, 1993, the cap on defendants was lifted completely and all defendants charged with the felony sale or purchase of drugs began to be assigned to the Drug Court track. The actual number of defendants placed on the Drug Court track by month is as follows: January, 126; February, 127; March, 209; April, 144; May, 140; June, 150; July, 210; August, 179; September, 159; October, 183; November, 278; December, 240. The total number of defendants assigned to the track as of December 31, 1993, was 2145. The average number of defendants assigned to the track for each arraignment session during the period was 126. Once again, the Drug Court is fully meeting all projected goals and objectives.

## III. General Comments

Although the process continues to evolve, significant accomplishments have been made.

1. Project personnel have been selected, hired and trained.

2. The Sheriff's Department has developed a security program to ensure the safety of staff members and of individuals participating in the nighttime court sessions.

3. Calendaring procedures were developed.

4. Data collection has been initiated and computerized spreadsheets have been designed to analyze productivity, utilization and time frames from filing to disposition.

5. Several meetings have taken place between the major actors in the system to address problems and concerns.

6. Furniture and other equipment have been ordered and delivered to accommodate personnel.

7. The time elapsed from the point of arrest to the formal disposition of the charges against the defendant has been significantly reduced in all drug cases.

After one year of operation, the Felony Drug Court has performed beyond original expectations. Many objectives have already been met or exceeded. If operations continue at present levels, this program should significantly impact the community and society at large.

If you have any questions or require further information, please do not hesitate to contact me.

**Report completed by:** Todd Nuccio **Title:** Trial Court Administrator

**Project Director's Signature** _____ **Date:** _____

**GCC-5**

MECKLENBURG
CALENDAR PRODUCTIVITY REPORT
CRIMINAL COURTS

MONTH January December
Division: Superior

| Courtroom | 2201 # | 2201 % | 3301 3 # | 3301 3 % | 3302 # | 3302 % | Drug Trial Court (3302) # | Drug Trial Court (3302) % | Non Drug Track # | Non Drug Track % | Drug Arraignment Court (1101) # | Drug Arraignment Court (1101) % | Non-Drug Track # | Non-Drug Track % | Total # | Total % |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Set for Trial | 10582 | | 902 | | 881 | | 508 | | 18 | | 2574 | | 52 | | 15447 | |
| Continued | | | | | | | | | | | | | | | | |
| State | 166 | 5% | 7 | 9% | 22 | 23% | 19 | 32% | 0 | ###### | 57 | 10% | 0 | 0% | 271 | 6% |
| Defense | 3408 | 95% | 59 | 75% | 57 | 59% | 32 | 53% | 0 | ###### | 527 | 89% | 10 | 91% | 4083 | 92% |
| Unknown | 21 | 1% | 13 | 16% | 17 | 18% | 9 | 15% | 0 | ###### | 11 | 2% | 1 | 9% | 71 | 2% |
| Total | 3595 | 34% | 79 | 9% | 96 | 11% | 60 | 12% | 0 | 0% | 595 | 23% | 11 | 21% | 4425 | 29% |
| Not reached | 6 | 0% | 374 | 41% | 305 | 35% | 40 | 8% | 0 | 0% | 16 | 1% | 0 | 0% | 741 | 5% |
| Called/Failed | 476 | 4% | 69 | 8% | 121 | 14% | 26 | 5% | 0 | 0% | 222 | 9% | 0 | 0% | 914 | 6% |
| Cases Disposed | | | | | | | | | | | | | | | | |
| Trial/Hearing | 0 | 0% | 133 | 33% | 37 | 10% | 65 | 17% | 0 | 0% | 0 | 0% | 0 | 0% | 235 | 3% |
| Guilty Plea | 2253 | 35% | 200 | 50% | 101 | 28% | 227 | 60% | 8 | 44% | 873 | 50% | 19 | 46% | 3654 | 39% |
| Dismissed | 574 | 9% | 29 | 7% | 101 | 28% | 65 | 17% | 9 | 50% | 476 | 27% | 13 | 32% | 1245 | 13% |
| Other | 3679 | 57% | 38 | 10% | 119 | 33% | 22 | 6% | 1 | 6% | 392 | 23% | 9 | 22% | 4250 | 45% |
| Total Dispositions | 6506 | 61% | 400 | 44% | 358 | 41% | 379 | 75% | 18 | 100% | 1741 | 68% | 41 | 79% | 9384 | 61% |

26th Judicial District

MECKLENBURG
COURTROOM UTILIZATION
SUMMARY REPORT

Division: Superior Criminal

| Utilization % | Courtroom 2201 | | 3301 | | 3303 | | Drug Ct 3302D | | M Appls 3302MA | | Night Drug 1101C | | | TOTAL MONTHLY UTIL. % |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jan'93 | | | | | | | 84.62 | | | | | | | 84.62 |
| Feb'93 | | | | | | | 91.54 | | | | | | | 91.54 |
| Mar'93 | 76.09 | | 70.55 | | 86 06 | | 73.02 | | 51.98 | | 48.75 | | | 67.74 |
| Apr'93 | 69.74 | | 84.18 | | 55.37 | | 82.77 | | 76 55 | | 60.42 | | | 71.51 |
| May'93 | 54.62 | | 77.90 | | 92 66 | | 87.85 | | 74.44 | | 69.17 | | | 76.10 |
| Jun'93 | 55 82 | | 80 12 | | 73 52 | | 74.86 | | 59 50 | | 55.48 | | | 66.55 |
| July'93 | 58.63 | | 77.00 | | 85 88 | | 82.20 | | 93 22 | | 66.90 | | | 77.30 |
| Aug'93 | 60.34 | | 92 44 | | 88.14 | | 72.74 | | 74 44 | | 48.13 | | | 72.70 |
| Sept'93 | 59.86 | | 83 51 | | 75 78 | | 50.10 | | 0 00 | | 61.25 | | | 55.08 |
| Oct'93 | 70.68 | | 68 27 | | 74 37 | | 87.77 | | 77 12 | | 51.25 | | | 71.57 |
| Nov '93 | 58.11 | | 70 98 | | 94 92 | | 78.39 | | 74.47 | | 53.75 | | | 71.77 |
| Dec'93 | 70.62 | | 66 67 | | 94.92 | | 93.64 | | 38.98 | | 0.00 | | | 72.97 |
| Last 3 Mos | 62.88 | | 68.64 | | 88.07 | | 86.60 | | 63.52 | | 55.42 | | | 70.85 |
| To date | 63.85 | | 76.46 | | 82.87 | | 81.47 | | 68.97 | | 57.67 | | | 71.88 |

# AVERAGE DAYS TO DISPOSITION

| MONTH | CODE | TO FIRST APPEAR | TO BOND HEARING | TO PROBABLE CAUSE | TO ARRAIGNMENT | TO TRIAL | AVERAGE DAYS TO DISPOSITION |
|---|---|---|---|---|---|---|---|
| January | P | 9 00 | 9 00 | 16 55 | 85 75 | 114 50 | 57 53 |
| | F | 0 00 | 0 00 | 1 00 | 0 00 | 0 00 | 1 00 |
| | R | 5 00 | 4 00 | 7 00 | 0 00 | 0 | 6 00 |
| | All | 12 00 | 10 00 | 6 93 | 35 75 | 44 50 | 47 50 |
| February | P | 0 00 | 5 0 | 2 04 | 68 8 | 64 04 | 36 98 |
| | F | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | R | 5 00 | 14 00 | 17 67 | 0 00 | 0 00 | 6 75 |
| | All | 5 00 | 5 91 | 1 54 | 68 82 | 64 04 | 77 53 |
| March | P | 0 00 | 6 73 | 22 14 | 55 40 | 127 00 | 43 90 |
| | F | 0 00 | 1 00 | 16 75 | 36 60 | 0 00 | 33 67 |
| | R | 0 00 | 5 00 | 0 00 | 46 60 | 0 00 | 41 33 |
| | All | 0 00 | 6 58 | 1 77 | 53 14 | 1 7 00 | 43 19 |
| April | P | 0 00 | 4 50 | 21 19 | 57 31 | 65 25 | 51 95 |
| | F | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 4 50 | 21 19 | 57 31 | 65 25 | 51 95 |
| May | P | 0 00 | 8 62 | 8 7 | 57 50 | 94 50 | 59 00 |
| | F | 0 00 | 0 00 | 0 00 | 15 00 | 0 00 | 15 00 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 9 62 | 8 47 | 56 13 | 94 50 | 57 81 |
| June | P | 0 00 | 5 | 6 94 | 66 3 | 1 3 80 | 62 34 |
| | F | 0 00 | 15 33 | 15 00 | 38 33 | 55 00 | 41 56 |
| | R | 0 00 | 106 00 | 06 00 | 139 00 | 0 00 | 139 00 |
| | All | 0 00 | 9 45 | 27 52 | 93 16 | 104 00 | 60 79 |
| July | P | 24 00 | 6 51 | 27 77 | 69 59 | 110 67 | 66 11 |
| | F | 3 00 | 9 83 | 23 27 | 57 54 | 0 00 | 54 86 |
| | R | 0 00 | 0 00 | 22 00 | 55 00 | 0 00 | 55 00 |
| | All | 13 50 | 7 00 | 27 03 | 67 25 | 110 67 | 64 17 |
| August | P | 0 00 | 6 60 | 38 94 | 92 30 | 99 90 | 88 68 |
| | F | 0 00 | 3 20 | 16 27 | 53 35 | 78 60 | 55 15 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 6 18 | 34 78 | 81 95 | 92 80 | 79 49 |
| September | P | 0 00 | 5 27 | 30 40 | 67 70 | 1 7 33 | 76 09 |
| | F | 0 00 | 9 75 | 28 80 | 50 00 | 14 00 | 34 00 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 5 96 | 30 70 | 66 9 | 5 00 | 71 04 |
| October | P | 0 00 | 4 88 | 37 75 | 78 1 | 97 7 | 78 19 |
| | F | 0 00 | 5 50 | 24 96 | 68 14 | 0 00 | 62 11 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 4 97 | 27 42 | 76 97 | 97 17 | 76 00 |
| November | P | 0 00 | 9 67 | 24 40 | 6 60 | 99 00 | 92 40 |
| | F | 0 00 | 20 00 | 21 00 | 52 50 | 112 50 | 66 75 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 11 14 | 73 83 | 72 58 | 102 86 | 85 07 |
| December | P | 0 00 | 4 50 | 143 00 | 105 00 | 0 00 | 86 88 |
| | F | 0 00 | 1 00 | 35 00 | 56 00 | 0 00 | 53 50 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 2 75 | 99 80 | 92 75 | 0 00 | 84 50 |

P=PUBLIC DEFENDER
F=FARM OUT
R=PRIVATELY RETAINED

## AVERAGE DAYS TO DISPOSITION

| MONTH | CODE | TO FIRST APPEAR | TO BOND HEARING | TO PROBABLE CAUSE | TO ARRAIGNMENT | TO TRIAL | AVERAGE DAYS TO DISPOSITION |
|---|---|---|---|---|---|---|---|
| ar-to-Date | P | 21 50 | 6 26 | 28 05 | 70 13 | 119 01 | 67 36 |
| | F | 3 00 | 7 88 | 21 55 | 51 51 | 76 33 | 50 28 |
| | R | 5 00 | 34 75 | 26 25 | 61 00 | 0 00 | 37 33 |
| | All | 11 20 | 6 85 | 27 36 | 67 55 | 113 53 | 64 42 |
| | | | | | | | |
| | | | | | | | |
| 1st Quarter | P | 19 00 | 6 61 | 21 58 | 59 03 | 155 47 | 53 76 |
| | F | 0 00 | 1 00 | 17 60 | 36 60 | 0 00 | 31 86 |
| | R | 5 00 | 11 00 | 18 70 | 46 60 | 0 00 | 28 15 |
| | All | 9 67 | 6 73 | 21 20 | 56 88 | 155 47 | 50 52 |
| | | | | | | | |
| d Quarter | P | 0 00 | 6 16 | 26 31 | 62 08 | 92 92 | 59 60 |
| | F | 0 00 | 15 33 | 15 00 | 36 00 | 55 00 | 38 90 |
| | R | 0 00 | 106 00 | 106 00 | 139 00 | 0 00 | 139 00 |
| | All | 0 00 | 8 81 | 26 67 | 60 27 | 90 21 | 58 60 |
| | | | | | | | |
| 3rd Quarter | P | 24 00 | 6 25 | 32 15 | 76 57 | 115 96 | 75 79 |
| | F | 3 00 | 7 60 | 21 44 | 54 84 | 67 83 | 51 88 |
| | R | 0 00 | 0 00 | 22 00 | 55 00 | 0 00 | 55 00 |
| | All | 13 50 | 6 44 | 30 43 | 72 49 | 106 65 | 71 13 |
| | | | | | | | |
| | | | | | | | |
| h Quarter | P | 0 00 | 5 73 | 32 48 | 79 09 | 98 00 | 85 11 |
| | F | 0 00 | 6 29 | 26 00 | 63 80 | 112 50 | 62 20 |
| | R | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 | 0 00 |
| | All | 0 00 | 5 83 | 31 56 | 77 10 | 100 23 | 81 07 |

P=PUBLIC DEFENDER
F=FARM OUT
R=PRIVATELY RETAINED

# Drug court lives up to its billing

LAURA MUELLER/Staff

**Quick justice:** This man joined a growing number of defendants in Mecklenburg County s felony drug court who ve entered guilty pleas

■ In Mecklenburg courtroom, plea bargains are rarer, justice is swift — and guilty pleas abound.

By KATHLEEN McCLAIN
Staff Writer

The pace inside Mecklenburg s fast track felony drug court is al most as brisk as the drug trade in its streets

And the one two punch of day and night sessions is piling up results Average time from arrest to trial has been slashed from 10 months to two Guilty pleas are up trial time is down

Prosecutors say dealers are get ting the message

The word on the street is the defendant thinks it s a railroad says project director Stephen Ward an assistant district attor ney

We have a very high conviction rate with our trials And when defendants are convicted by a jury judges are giving long, active sen tences

Mecklenburg launched its drug court last January with high hopes, two federal grants and some matching money from the city and county With grant money running out Gov Jim Hunt will ask the General Assembly to approve per manent funding during its special session next month

The system works like this

Every other week the state s only nighttime superior court con-

Please see **Drug court**/page 4A

**Tracking Mecklenburg drug court, 1993**

During its first full year, officials say that Mecklenburg's drug court resulted in swifter punishment for drug dealers and more time to prosecute violent criminals in other courts.

CRIME
The Search for Solutions

**1,635 sentences**

- 596 Sent to state prison
- 109 Sent to county jail
- 909 Placed on supervised probation
- 21 Placed on unsupervised probation

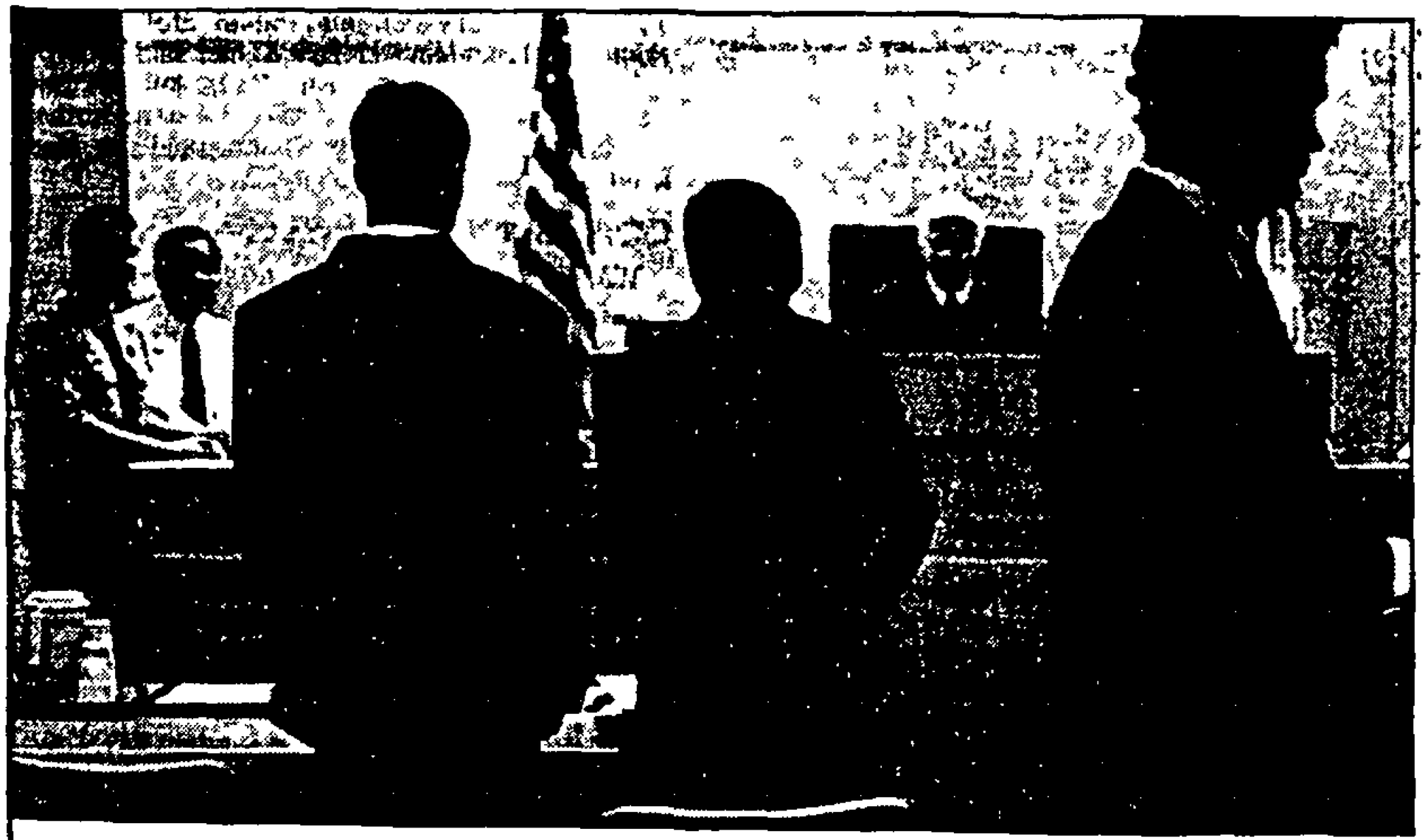
**Fine and forfeitures**

| | |
|---|---|
| $4,024,227 | Fines imposed |
| $217,754 | Money forfeited |
| 172 | Guns seized |
| 94 | Beepers seized |
| 15 | Phones seized |
| 11 | Vehicles seized |

SOURCE Mecklenburg County district attorney

Staff graphic

# Conviction rates high, arrest-to-trial time lower



LAURA MUELLER/Staff

**'When we get out there, we don't drop a stitch':** Superior Court Judge Robert Lewis runs three-hour sessions without a break at Mecklenburg's fast-track felony drug court

# Drug court

Continued from page 1A

venes with a couple of hundred cases and a team of prosecutors, public defenders and court personnel who specialize in drug offenses.

Cases are called nonstop for three hours as defendants are arraigned, and those who plead guilty are sentenced on the spot.

Overcrowding in N.C. prisons means many of those sentenced still won't spend much time behind bars. But drug court at least is delivering swifter punishment for drug dealers and allowing other courts to focus on violent offenders, supporters say.

"I'm very pleased with what we've done by way of alleviating overcrowding in other courts and speeding cases through the system," Ward says.

"Our goal wasn't to send everybody to prison. The Department of Correction can't accommodate that. The goal was to ease the crush in the regular courts, and we've shown in 12 months that we're successful."

A night in arraignment court provides a chilling glimpse of the problem. On the most recent docket were 26 defendants with a total of 50 charges. The youngest was a 16-year-old crack dealer, the oldest a 51-year-old heroin addict.

The sound of a baby crying among the spectators mingled with murmured conversations between lawyers and the clatter of ankle chains as jailed defendants dressed in orange jumpsuits, were led into the room.

Prosecutor David Wallace deftly shuffled a tower of folders, summarizing the details of each case and recapping prior criminal records for the judge.

Twelve of the 26 defendants pleaded guilty. Eight got probation averaging 4½ years; four got prison terms totaling 23 years. Four pleaded not guilty and will go to trial; arrests were ordered for three who didn't show. The other seven cases were continued.

Drug court alternates a week of night arraignments with a week of daytime trials. Prosecutors work closely with police to target drug cases and ban drug criminals from neighborhoods where they were arrested.

The team focuses on street-level sales. Felony possession of cocaine with intent to sell or deliver leads the list of offenses. Drug court doesn't handle misdemeanor cases, such as simple possession of marijuana.

Likewise, cases involving drug amounts large enough to be classified as trafficking, such as just over an ounce of cocaine or 50 pounds of marijuana, are tried in other courts.

drug court funding is part of his $90 million crime-fighting plan. He estimates the special court's cost at $446,000 per year (10 times less than earlier reported, based on a typographical error in papers Hunt distributed to the press).

According to Ward's annual report, Mecklenburg's drug court has earned the vote of confidence.

- In 1993, 2,834 defendants — facing about twice that many charges — came through the special court. Average time from arrest to verdict was cut from 10 months to 64 days.
- The target disposition time of 180 days was reached in 94% of cases.
- The number of defendants pleading to the original rather than a reduced charge rose from 720 to 931 as the number of plea bargains was cut.

Drug court judges hit offenders with heavy fines and seized tools of the dealers' trade.

In 1993 the court imposed more than $4 million in fines, seized $217,700 in cash and confiscated 172 guns, 94 beepers, 15 cellular phones and 11 vehicles. The guns and beepers were melted down, the cars and phones turned over to police for undercover work.

Police and prosecutors also used a weapon they call territorial exclusion. It bars defendants on probation from the area where they were arrested, unless they live or work there.

Probation officers give photos of defendants and information about excluded areas to police. Violators can have their parole revoked and be sent to prison.

"Exclusion gives us a mechanism for following up," says Capt. David Grose, head of vice and narcotics for the Charlotte-Mecklenburg police. "It may not put the dealers out of business, but it will get them out of the immediate neighborhood."

In recent sessions, most of the exclusions were ordered in neighborhoods known for drug traffic, including Belmont and Grier Heights. But a man found smoking crack in a public park was banned from all Mecklenburg parks. Another was banned from the miniature golf course where he was selling marijuana.

Belmont neighborhood activist Peggie Boulware likes the idea of a ban.

"We have a situation where there is a lot of fear," said Boulware, chairperson of the Belmont Strategy Association. "If word gets out that you can't come over here for drugs, that would help."

The drug court grants financed a new team — five prosecutors, a legal assistant, three public defenders, two clerks, a probation officer and two sheriff's deputies — and added a judge to the superior court rotation.

Ward, who supervises prosecutors, says drug court is getting a

The first week of this year, 15 people were scheduled for trial. One case was dismissed for lack of evidence, two were continued because of illness, two didn't show up, so orders for arrest were issued. Of the 10 remaining, all changed their plea to guilty.

Says Ward: "Defendants are realizing, I can't wiggle, I can't squirm. I'd better throw myself on the mercy of the court and hope the judge will give me credit for not wasting the court's time."

N.C. Attorney General Mike Easley praised Mecklenburg's drug court as "a good prosecution tool," but urged attention to treatment.

As part of Hunt's anti-crime plan, Easley recommends keeping nonviolent drug offenders out of jail if they stick to a yearlong, court-supervised program of treatment and job training. Estimated cost for pilot programs in five cities, which he said would probably include Charlotte, is $800,000 per year.

Easley's idea is based on a Miami drug court that offers rehabilitation for people with one to three arrests for nonviolent crimes while freeing up prison space for more dangerous criminals.

"We may not want to limit this to first-time offenders," Easley said. "What we're searching for is an addiction that's leading to crime but can be cured."

Whatever happens with Easley's plan, the drug court team has no plans to slow down.

Superior Court Judge Robert Lewis, assigned to night court last week, said he has grown to appreciate its efficiency.

"I was skeptical at first," said Lewis, who runs three-hour sessions without a break. "But when we get out there, we don't drop a stitch."

From the bench, Lewis often asks defendants if they are users or sellers — most say they just sell — and presses them for details.

"How are we going to break this cycle?" Lewis asked repeat offender Rodney Eugene Watt, 22, before sentencing him to seven years in prison with access to the DART drug-treatment program.

"I'm going to try to straighten my life out," Watt said.

# 'Don't sell drugs in Mecklenburg County'

## Novel court aims to reclaim streets in Charlotte

By JULIE POWERS RIVES
Staff writer

CHARLOTTE — Weary of watching drug deals transform its inner city neighborhoods into cocaine marketplaces and combat zones, Charlotte is testing a new weapon it hopes will help reclaim streets under siege

That weapon is "drug court," which debuted in January at the Mecklenburg County Courthouse

The court is devoted exclusively to trying felony cases involving neighborhood dealers and — in an unusual twist — their customers far faster and in greater numbers than before The court, thought to be the first of its kind in North Carolina, is funded for two years by federal, county and city money

Judges and prosecutors who formed the drug court want to

■ Cut the number of charges that are dismissed or reduced because regular court dockets are so crowded And, in the process, relieve the load on other courts

■ Slice the time between arrest and trial from six months or more to as little as 60 days

■ Send some of those convicted to new local jails, where they will serve longer sentences than in the crowded state prison system

All this, court officials think, will deter drug commerce and the violence and other crimes that rise from it

"The fancy name for it is differentiated case management The street name is 'Don't sell drugs in Mecklenburg County'" said Robert Burroughs, senior resident Superior Court judge "We hope it will free these neighborhoods that are existing virtually under house arrest We hope children can go out to play without having to listen for gunfire"

Burroughs proposed the drug court last year, soon after the Mecklenburg District Attorney's Office added five special drug prosecutors

Charlotte court officials said the court could become a model for Raleigh, Durham and other cities that, like Charlotte, are struggling with growing drug problems and crowded courts.

### Will it matter?

But some question whether more prosecution will make the hoped for difference on the streets of the Queen City.

"If you're going to wage war, you wage war on drug use, abuse, addiction and chemical dependency," said Mike Roark, executive director of the N.C. Center on Crime and Punishment in Raleigh, a prison reform advocacy group. "The more it is treatment driven, as opposed to punishment — lock them up-and-throw-away-the key — driven, the more successful it will be"

Still, Roark said Charlotte should be applauded for trying to be innovative.

See CHARLOTTE, page 12A

# Charlotte gives 'drug court' a try

Continued from page 1A

Charlotte officials copied some *court logistics from a drug court* that operated in New Orleans until last year The Louisiana court concentrated on major drug traffickers But the Charlotte approach is unusual *in going after* relatively small time sales

I ve had the feeling for a long time that street dealers were really causing more of a problem than people were aware of said Burroughs a 14-year veteran of the bench who presided over the Charlotte drug court s first session

Charlotte police said more than half the city s 99 homicides last year were directly related to the dealing or the use of drugs Residents of high-crime downtown neighborhoods have pleaded with law enforcement agencies for help

Yet someone caught with a *pocketful of crack was not a* priority on court dockets crowded with murders and other violent crimes

It s kind of like triage " said Stephen Ward, an assistant district attorney who heads the drug prosecution team You ve got a lot of patients lying there bleeding Some you work on at the expense of others

## Justice delayed

Before drug court charges of *possession and distribution of* small amounts of cocaine and other drugs were prone to continuances and other delays Sometimes, prosecutors say the ac*cused went back into business* while awaiting a court date

It s not unusual for somebody to have one case pending and get arrested on a second one Ward said He has seen accused dealers arrested three times before they ever went to trial

To speed the flow of cases in the sluggish system as many as 40 percent of felony drug charges *presented for prosecution* some years were reduced to misdemeanors and sent to district court usually in exchange for guilty pleas

Drug customers in particular were candidates for reduced charges before drug court A convicted buyer now will face felony charges and penalties

He s diminishing the quality of life in that neighborhood just as much as the guy selling it Ward said

Ward said 80 percent of drug court cases involve cocaine most of it crack Most offenses carry a maximum sentence of 5 or 10 years in prison Charges involving amounts large enough to be drug trafficking — such as just over an ounce of cocaine or 50 pounds of marijuana — are tried in other courts

*The first session of drug court* which is part of Superior Court commenced Jan 25 in Courtroom 3302 in the Mecklenburg Courthouse It will convene there every *other week for jury trials On* alternate weeks beginning March 1 the court will meet at night for arraignments Running from 5 p m to midnight drug arraignment court is expected to handle the cases of 60 to 80 drug defendants each session

Most of the jury trials by nature of the alleged offense, involve few witnesses and take only a matter of hours Ward expects to conduct three or four trials a week

*In drug court's first week* which was abbreviated to four days, three jury trials were conducted and sentences were imposed on three defendants who *pleaded guilty As jurors deliber*ated the first case on the first day of drug court, jury selection for the second trial began

"The chairs don't even get *cold Ward said*

The proceedings opened a window into the grim world the court is trying to change In one trial police from a drug surveillance team described how crack and money were exchanged through car windows as vehicles passed down Parson Street, a residential street.

*Parson Street is like a lot of* other streets in this town Assistant District Attorney David Keesler said in his closing arguments It s a drive-through just like McDonald s is a drive through only there s no menu and the only product sold is crack cocaine

In the first three jury trials one *defendant was found guilty* one found guilty of a lesser charge, and the third found not guilty of one charge a mistrial was declared on a second

## Crowding no factor

Those convicted in drug court may find they do not benefit from a crowded state prison system

Mecklenburg County is in the midst of a $122 million jail expansion program to keep up with the city s growth and the increase in all types of crime The sheriff s department has promised to devote space for drug felons who normally would be sent to the *state Department of Correction*

Because of prison overcrowding people were sent to DOC and they were out before they got there,' said Chief Deputy Kenn Brown

' This will provide meaning to a sentence Whatever it says on that piece of paper when they get to the county jail that s how long they ll be there. '

The county is building three jails that will nearly double its present capacity of 1,200 prisoners by 1997 and eventually accommodate 3 000 inmates It recently opened a 600 cell jail for prisoners who have been sentenced to jail time Those awaiting trial are held elsewhere

In the first week of drug court, Burroughs gave two defendants who pleaded guilty six months in the county jail along with suspended terms in state prison and five years of supervised probation Two others — one pleaded guilty one was found guilty by a jury — were sentenced to six years in prison Both had previous convictions.

The drug prosecution team is financed by a $479 000 federal grant matched by $120 000 in city and county cash The drug court is running on $247,500 in federal grant money for its first year and $82 500 from county funds

The grants also provide for additional defense lawyers for indigent drug defendants

Some of the local match money comes from the sale of cars and other property seized during drug deals

' I think it s very poetic that we re using their money to prosecute them ' Burroughs said

## Verdict in abeyance

*It will be months before they* can judge whether the program succeeds at cutting down on crime and bloodshed Charlotte officials said

*Frank Marullo, a Louisiana* criminal court judge who initiated the drug court in New Orleans said the separate court there seemed to reduce drug violence during the three years it operated

It was an effective tool he said When you cut down on drugs you cut down on violence '

The New Orleans court ceased about a year ago when its federal grant ran out and the financially strapped state did not pick up the funding

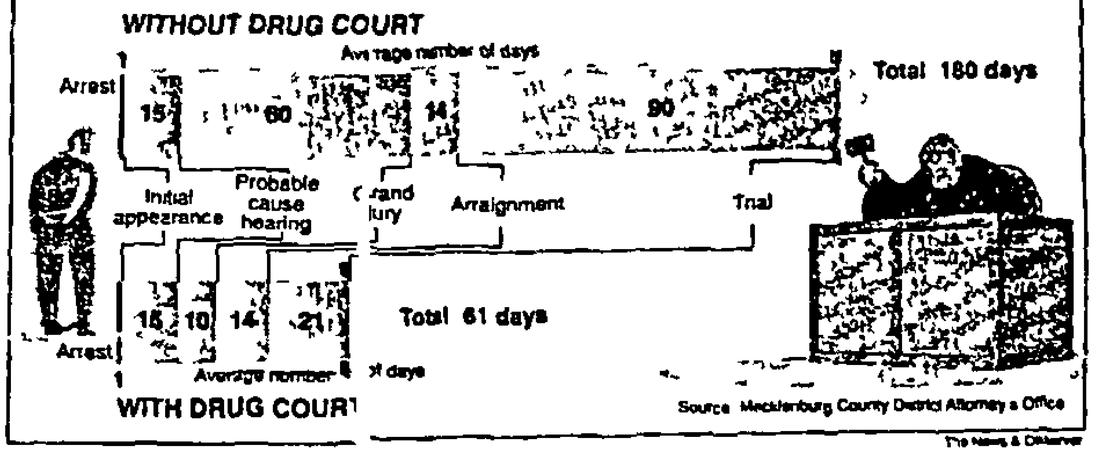
*In Charlotte* drug court has support from people such as John Wyatt executive director of the Mecklenburg County Criminal Justice Commission a citizen *board He said the court could* complement other efforts to remedy the social and economic ills that fuel crime

' We have neighborhoods in this *town where the violence is so* random and so lethal people put their children in the bathtub at night' to protect them from stray bullets he said

We re concerned with drugs but we re much more concerned with the violence it s breeding and the destruction of the neighborhoods ' he said "When people are afraid their kids are going to be shot on their front steps a lot of things just aren t working '

## Shortcut to court

"Drug court" debuted in Charlotte in January the first in the state Part of Superior Court, it handles only felony drug charges typical of street level sales. Its creators hope faster prosecution will discourage neighborhood drug marketplaces and the violence they attract




Source Mecklenburg County District Attorney s Office

The News & Observer

## Numbers behind the drug court

Drug arrests felony drug cases and crime related to drugs have been rising steadily in recent years in the state's largest city In 1990 Charlotte had 6 percent of the state population but 22 percent of the state s violent crimes

**Arrests**

Number of arrests in which at least one drug charge was filed

Source Charlotte Police Dept.

**Homicides**

| Year | Number of homicides | % drug related |
|---|---|---|
| 1988 | 45 | n/a |
| 1989 | 73 | 41 |
| 1990 | 93 | 48 |
| 1991 | 115 | 51 |
| 1992 | 99 | 56 |

Source Charlotte Police Dept.

**Felony drug cases**

| Year | Number of cases | % jailed |
|---|---|---|
| 1989 | 1 744 | 37 |
| 1990 | 2 764 | 46 |
| 1991 | 3 183 | 33 |

Source: Mecklenburg County District Attorney's Office

# Violent Predator Police-Prosecution Team

The Police Department and the District Attorney's Office wish to form a Violent Predator Police-Prosecution Team to target those violent offenders who are not presently an investigative or prosecutional priority but whose patterns of criminal activity indicate that they are an escalating danger to the community Offenders in this category would include

- Those who have been charged with two or more violent offenses within a one year period
- Those who are involved in the sale and delivery of controlled substances on a regular basis
- Juveniles and young adults identified by police as involved in violent behavior but who have not yet been convicted on any criminal charges
- Those who are involved in criminal activity within one year of release from a penal institution

At present, many of these offenders are not prosecuted because the District Attorney lacks adequate resources to make them a priority for prosecution Many of the cases against these individuals are among the more difficult to prosecute since they are dependent upon the testimony of a co-defendant or of witnesses who have themselves been involved in criminal activity This type of case requires a highly coordinated effort between police and prosecutors to adequately investigate and prepare a case that can be successfully prosecuted

The Violent Predator Police Prosecution Team would consist of nine Police Officers, one Police Sergeant, five Assistant District Attorneys and appropriate support personnel for secretarial and data entry functions The police officers would interface with community policing coordinators, investigators, and vice officers to identify those individuals who fall within one or more of the criteria established by the team for priority prosecution By aggressively targeting these individuals, the Violent Predator Police Prosecution Team would get those individuals off the street and hopefully get them longer than the average minimum sentence for the offense for which they are convicted By getting those individuals who display an escalating pattern of violence off the streets, the City should see some positive impact upon its crime rate

The estimated first year cost of this unit including salaries and benefits, training, equipment, and rental of office space is $917,142 The City Council supports this approach to dealing with violent crime and plans to seek funding from the State Legislature and/or the Governor's Crime Commission

# LEGISLATIVE PROPOSALS
# OF THE
# HOUSING AUTHORITY OF THE CITY OF CHARLOTTE, N.C

January 31, 1994

Drug Free Public Housing Zone

Termination of Housing Authority Leases

Housing Authority Rules Applicable to Visitors and Guests

Housing Authority's Acceptance of Rent No Waiver of Defaults

Expedited Eviction Actions in Certain Housing Authority Cases

Robert C. Sink
Attorney for Housing Authority

## DRUG FREE PUBLIC HOUSING ZONE

The Controlled Substances Act currently authorizes the imposition of more severe penalties for the manufacture, sale or delivery of a controlled substance, or for possession with intent to manufacture, sell, or deliver, if done by a person 21 years or older

> on property used for an elementary or secondary school or within 300 feet of the boundary of real property used for an elementary or secondary school.

G.S. §90-95(e)(8). Conduct in this "drug free school zone" that would otherwise be classified as a Class H or Class I Felony (punishable by imprisonment up to 10 or 5 years, respectively) is classified as a Class E Felony punishable by imprisonment up to 30 years.

In furtherance of the public policies embodied in the Housing Authorities Law (Chapter 157 of the North Carolina General Statutes), the proposed legislation would authorize enhanced penalties for this category of illegal conduct if it occurs in a "drug free public housing zone."

## Proposed Statutory Amendment

Amend G.S. §90-95(e) by adding thereto a new subsection (10) as follows:

> **(10) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property owned, leased, or managed by a housing authority (as defined in G.S. 157-3) or within 300 feet of the boundary of real property owned, leased or managed by a housing authority shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1).**

## TERMINATION OF HOUSING AUTHORITY LEASES

Because a public housing authority is a governmental body, it may not constitutionally terminate its leases at will or without "good cause." Because authorities receive significant Federal funds, they must comply with an extensive and comprehensive array of Federal laws and regulations, including regulations that define what constitutes "good cause" for termination of an authority lease.

After the North Carolina Supreme Court held in 1985 that the legislature had intended to prevent eviction for nonpayment if the tenant was unable to pay through no fault of her own, the legislature responded in 1987 by adding subsection G.S. 157-29(c) to the Housing Authorities Law that provided in part that an authority could evict for nonpayment "without regard to fault on the part of the tenant."

The legislature also attempted to incorporate by reference HUD regulations [24 C.F R. §966.4(f)] that specify what tenant obligations that housing authorities may or must include in their leases, the violation of which would be further examples of "good cause" for termination. That clause did not separately refer to "fault" and the last sentence of the subsection includes an ambiguous provision to the effect that except in cases involving nonpayment, fault "may be considered in determining whether good cause exists."

Federal legislation and regulations enacted since 1987, including amendments to 24 C.F.R. §966.4(f), have resulted in lease requirements that allow housing authorities to evict for criminal activity by tenants and their family members, guests and visitors, without a separate determination of "fault" beyond what is stated in the law and regulations, as interpreted by the courts. To avoid a contention that the North Carolina statute adds a finding of "fault" or "personal fault" as an additional state law condition or requirement for eviction, G.S. §157-29(c) should be amended to clarify the intent of the legislature. The new amendment should not affect pending litigation.

### Proposed Statutory Amendment

Amend the Housing Authorities Law by rewriting G.S. 157-29(c) to read as follows:

> (c) An authority may not terminate or refuse to renew a rental agreement other than for ~~a~~ serious or repeated violation of material terms of the rental agreement such as (i) failure to make payments due under the rental agreement, if such payments were properly calculated according to ~~applicable HUD regulation~~ **the rental agreement and any federal law or regulation applicable to the authority,** without regard to fault on the part of the tenant, (ii) failure to fulfill the

tenant obligations ~~set forth in 24 C.F.R. Section 966.4(f) or other applicable provisions of federal law as they may be amended from time to time~~ **under the rental agreement that are expressly required or permitted by federal law or regulation applicable to the authority (including the obligations specified in 24 C.F.R. Section 966.4(f)), without regard to fault on the part of the tenant beyond that required under applicable federal law or regulation,** or (iii) other good cause. ~~Except in the case of failure to make payments due under a rental agreement, fault on the part of a tenant may be considered in determining whether good cause exists to terminate a rental agreement.~~

## HOUSING AUTHORITY RULES APPLICABLE TO VISITORS AND GUESTS

To provide a safe and peaceful environment for their tenants, housing authorities often wish to prohibit the entry of persons who have engaged in certain criminal activity, such as drug-related criminal activity in or near the authority's property, or who have violated the authority's posted rules while on authority property. Accordingly, some authorities have established programs to "ban" specific persons by giving them personal notice that they may not enter the common areas or other property of the authority, and that if they do, they will be subject to arrest and conviction as trespassers.

Relying in part on an old North Carolina case, some persons have argued that the housing authority, as a landlord, cannot lawfully prohibit their entry on authority property if they are, or intend to be, a guest or visitor of a tenant of the authority. This often results in intimidation of tenants (who are afraid to deny that the person is his or her guest) and in practical difficulties in the enforcement of the authority's program.

The legislation proposed below would, for example, authorize an authority to establish and enforce rules that deny certain criminals entry to the authority's property even if they are, or wish to be, guests or visitors of tenants. The authority's rules could, but would not be required to, make exception for such persons to enter the authority's property to visit a tenant if the tenant expressly acknowledges and agrees that the tenant may be evicted if the named guest or visitor engages in activity that violates the tenant's lease.

The proposed enabling legislation is purposefully broad, to allow housing authorities to craft rules and regulations that may in practice prove effective and appropriate. Any such rules would be necessarily and expressly limited by constitutional considerations, including the protected rights of association, due process and equal protection.

### Proposed Statutory Amendment

Amend the Housing Authorities Law to enlarge or clarify the powers of an authority, by adding the following provision at the end of G.S. 157-9:

**To the extent not inconsistent with the constitution or statutes of this State or the United States, an authority shall have the power to adopt, promulgate, and enforce rules and regulations governing the lawful entry of guests and visitors to its properties, including the visitors and guests of its tenants. Persons who enter or remain on the property of an authority in violation of such rules and regulations, shall be subject to prosecution under the trespass laws of this State.**

## HOUSING AUTHORITY'S ACCEPTANCE OF RENT NO WAIVER OF DEFAULTS

Relying on, and sometimes misconstruing, old case law, housing authority tenants often argue that by accepting rent the authority automatically waives defaults under the lease that have occurred prior to such acceptance. As a result, authorities often face the dilemma of having to refuse rent (which may then be forever uncollectible) or risking the possible waiver of criminal activity or other lease violations. Moreover, with centralized rent collection and other divisions of responsibilities, the alleged "waiver" may be inadvertent.

The proposed legislation would not preclude arguments by a tenant that an authority has waived a default by the failure to notify the tenant about activity that offends the lease, or by the knowing acquiescence in or condoning of that activity, or by the passage of time without complaint. However, the legislation would preclude the artificial and legalistic argument that the mere receipt or acceptance of rent constitutes a waiver of prior defaults, such as criminal or disturbing activity engaged in by the tenant or tenant's family member, visitor, or guest.

### Proposed Statutory Amendment

Amend the Housing Authorities Law by adding to G.S. 157-29 a new subsection (d), as follows:

> **(d) The receipt or acceptance of rent by an authority, with or without knowledge of a prior default or failure by the tenant under a rental agreement, shall not be construed as a waiver of that default or failure, unless the authority expressly agrees in writing.**

## EXPEDITED EVICTION ACTIONS IN CERTAIN HOUSING AUTHORITY CASES

Under applicable North Carolina and Federal law, a public housing tenant is entitled to (i) a formal grievance hearing and decision before an impartial panel or hearing officer, (ii) a fresh (de novo) summary ejectment trial in a small claims court before a magistrate, and (iii) an automatic right of appeal and fresh (de novo) trial in a district court, with or without a jury, upon an appeal. The eviction process is often a lengthy one, even if the eviction is based on drug-related or other criminal activity by the tenant or tenant's family member, guest or visitor.

Under current law, if a tenant appeals the magistrate's decision in a summary ejectment case, the landlord (including a housing authority) may "demand that the case be tried at the first session of the [district] court after the appeal is docketed," subject to certain discretion afforded the presiding judge. Because of the special circumstances of a housing authority, the proposed legislation would allow an authority to waive and bypass a hearing and decision in the small claims court and move directly to the district court, in a special class of cases involving specified criminal activity. The election to do so could be made at any time prior to a hearing before the magistrate, and would typically be made when it appeared to the authority that the tenant would likely appeal an adverse decision. Upon the authority's exercise of its election, the case would then be entitled to the same priority as an appeal from a summary ejectment decision by the magistrate under current law.

The legislation would not deprive the tenant of his or her right to a grievance hearing or right to a trial in the district court with or without a jury. It might, however, enable the authority to protect more swiftly the rights and expectations of other residents.

### Proposed Statutory Amendment

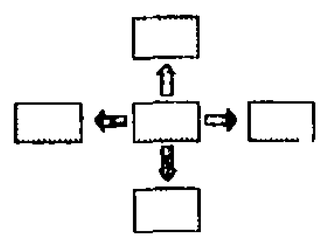
Amend the Housing Authorities Law by adding to G.S. 157-29 a new subsection (e) [or (d)], as follows:

> **(e) In any summary ejectment action authorized under Chapter 42 of the North Carolina General Statutes arising out of a lease termination described below, an authority may file with the clerk of superior court at any time prior to a hearing before the magistrate, a demand that the action not be heard and decided by the magistrate but instead be assigned for trial at the first session of the district court after the filing of the demand, as in the case of appeals pursuant to G.S. 42-34(a) and subject to the same discretion afforded the presiding judge under that section. The authority may exercise its election under this subsection only in cases involving termination of a rental agreement for (i) criminal activity that threatens the health, safety, or right to peaceful enjoyment of the authority's public**

housing premises by other residents or employees of the authority, or (ii) any drug-related criminal activity on or near such premises, by (in either case) the tenant or tenant's family member, visitor, or guest. Upon assignment to the district court, the case shall be handled and disposed of in the same manner as an appeal from the magistrate, in accordance with all relevant provisions of Chapters 7A and 42 of the North Carolina General Statutes.

# INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM

a statewide vision



# INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM

- MULTIPLE CRIMINAL JUSTICE AGENCIES
- SHARING DATA
- USER NETWORK
- EACH AGENCY GAINS ADDITIONAL AND IMPROVED INFORMATION

# BENEFITS

- BETTER OPERATIONAL DECISIONS
  - more complete information
  - more accurate information
  - information available when & where needed
  - information available to everyone
- BETTER MANAGEMENT DECISIONS
  - exception reporting
  - activity summaries
  - inventory data
  - historical data
- MINIMIZE COST
  - eliminate unnecessary data entry
  - minimize data entry errors
  - increase employee efficiency

- IMPROVE CRIMINAL JUSTICE SYSTEM
  - enhance effectiveness
  - increase efficiency
  - reduce delay
  - increase access to justice
  - improve quality of justice
  - improve responsiveness
  - more accurately identify offenders
  - enable quantitative program evaluation
  - improve resource allocation
- JUSTIFIABLY IMPROVE PUBLIC CONFIDENCE IN OUR JUSTICE SYSTEM

# INTEGRATED JUSTICE SYSTEM REQUIREMENTS

- COMMON DATA DEFINITIONS
- COMMON INFORMATION TECHNOLOGY STANDARDS
- OPEN ACCESS TO INFORMATION
- FINGERPRINT BASED PERSON IDENTIFICATION AT ARREST
- SINGLE INCIDENT NUMBER
- INTEGRATION OF DATA AT STATE AND LOCAL LEVELS
- LOCAL GOVERNMENT MAY DEVELOP MULTI-AGENCY SYSTEMS

# MECKLENBURG COUNTY SHERIFF'S DEPARTMENT

# PROPOSAL

# DETENTION AND REHABILITATION CAMP FOR YOUTHFUL OFFENDERS

**PRESENTED BY**
**CHIEF DEPUTY W. KENN BROWN**

## OVERVIEW

The Mecklenburg County Jail Master Plan embraces a new philosophy called Direct Supervision. This approach is inundated with programs such as, but not limited to; substance abuse, life skills, education and counseling, which is consistent with the new philosophy of 'Detention and Rehabilitation'.

It is understood that there is a certain percentage of individuals who cannot be rehabilitated. However, professionals in the field of corrections estimate this percentage to be 10 percent. In a system designed to house 1900 offenders, 1710 of these individuals are capable of being salvaged. Given this information, we cannot afford to continue on the same road of using jails as "human warehouses" and "Universities of Crime .

This 'Boot Camp" proposal is based on this concept. We would have two basic but separate camps. Through the passage of appropriate legislation, these camps may operate on the same site but with the appropriate divisions and protections for what are now considered juveniles or minors (those who are committing violent activities at the ages 13, 14, and 15). This program will provide the courts with a menu of sanctions on which to call; from a minimum stay to a maximum of two years. During this time rehabilitative approaches will be initiated along with qualitative analysis for program continuance. Currently, Area Mental Health provides these services to our incarcerated adult inmates. With redirection they could provide these or similar services (self esteem development, psychological testing, parenting skills) to these youth camps.

Providing for security and safety concerns, this program will have an open door policy. It is envisioned that child advocacy groups, school officials, prosecutors, public defenders, and other interested groups will be highly involved in the programs development and daily operations.

Boot camps traditionally deal with 16 - 25 year old offenders. However, in consultation with Juvenile Court Counselors, Judges, Law Enforcement Officers and others and based on the model of our "Scared Straight" Program it is believed and therefore proposed that legislative changes be made to also allow 13 - 15 year old offenders to be sentenced to the custody of the Sheriff for a period up to two years. What follows are some details based on a traditional 90 day encampment which would be followed by intensive supervision which may include house arrest, electronic monitoring, day reporting (before and/or after school, etc.), job skills training and actual job placement. All of this would be followed by Aftercare supervision. In order for the program to be successful, an aftercare component must be present and an integral aspect of the "camp experience '

This proposal is not simply an 'in-your-face' short term military 'boot camp' approach. It is a "wholelistic attempt to remove violent or potentially violent young people from the streets (and their negative environments) and provide them with the necessary motivation, skills and resources needed to become productive law abiding adults. We propose that this program be named, **DETENTION AND REHABILITATION CAMP FOR YOUTHFUL OFFENDERS**.

An objective overview of "Jail based Boot Camps was released in an October 1993 research brief from the National Institute of Justice written by; James Austin, Ph.D., Michael Jones, and Melissa Bolyard (see appendix). Our proposed Detention and Rehabilitation Camp for Youthful Offenders incorporates much of these same ideologies and provides an additional variety of services and educational programs consistent with available resources.

## DETENTION AND REHABILITATION CAMP FOR YOUTHFUL OFFENDERS

**WHEREAS,** crime has made it unsafe for people to go shopping or be in their homes;

**WHEREAS,** dangerous criminals are being hustled out the back door of our prisons as fast as law enforcement, prosecutors and judges put them in;

**WHEREAS,** serious crimes committed by 13, 14 and 15 year olds receive little punishment and virtually no rehabilitation. (See examples* attached)

**WHEREAS,** in response to court ordered inmate population caps, parole has become a population 'valve' to control prison overcrowding;

**WHEREAS,** the family unit and personal discipline habits are almost non-existent in far to many cases;

**WHEREAS,** the lack of positive role models is a contributory problem;

**WHEREAS,** in view of the foregoing, it is absolutely imperative that there be developed a bold, innovative method (based on the "scared straight model') to immediately impact crime;

**WHEREAS,** our Scared Straight Program* is currently obtaining referrals from a wide variety of current community based programs;

**WHEREAS,** a program with possible solutions should include a component which impacts community safety by allowing offenders to be immediately removed from the streets' following conviction or some other form of court ordered commitment.

A positive impact on crime and offenders can be accomplished if some North Carolina Laws are revised and others enacted. To this end, it would be necessary to have those 13, 14 and 15 year old offenders sentenced to the Sheriff of Mecklenburg County for a period of up to two years. The same would be true of committed youthful offenders ages 16 - 20.

*The title Scared Straight used with permission of Arnold Shapiro Productions, producers of the Emmy and Oscar Award winning film of the same name.

## MISSION STATEMENT

To protect the public, to restructure and instill civil and courteous behavior in the sentenced offender, to provide the motivation and skills for the offender to live a productive life, to provide the 'aftercare' to reduce recidivism and to promote lasting success.

## RATIONALE

Since the military style of boot camp has worked for many decades and the quality of personnel turned out through Marine Boot Camp has traditionally been known to be outstanding, it is believed this should be the proper induction point into the Detention and Rehabilitation Camp for Youthful Offenders Program. This program will contain components which include but is not limited to: educational modules to allow for high school completion (GED), continuing education, refresher courses, life skills, job training, works programs, job placement, substance abuse counseling, etc.

In order to correct the years of misdirection and displays of misconduct we feel simply placing an offender in a typical "correctional" facility will not offer him the desire to change. However, if this offender were placed in our comprehensive detention and rehabilitation camp for youthful offenders geared toward restructuring, the atmosphere of team work, motivation and strong discipline, could lead to a more positive mental attitude resulting in the persons productive return to society.

Ideally, it is believed:

[1] A substantial number of youthful offenders will respond to a short but intensive period of confinement followed by a longer period of intensive community supervision.

[2] These youthful offenders will benefit from a military type atmosphere that instills a sense of self discipline and physical conditioning that was lacking in their lives; especially if provided by adults who are positive role models.

[3] These same youthful offenders need exposure to relevant educational, vocational training, drug treatment, and general counseling services to develop more positive and law abiding values and become better prepared to secure legitimate future employment.

[4] The costs involved will be less than a traditional Criminal Justice sanction which imprisons the offender with little or no rehabilitative programs or perhaps worse, provides no detention at all.

For a number of reasons, **JAIL** operated "boot camps" could be of strategic value to the Criminal Justice System. It may even reduce prison overcrowding. A jail "boot camp may be better suited to function as an intermediate sanction for probation violators in lieu of revocation and commitment to the State Prison System. Money savings can be realized by streamlining the court process by providing a well designed alternative sanction of this type.

## PROGRAM GOALS

A wide array of goals exist; they are:

[1] Reduce recidivism by rehabilitating offenders through the provision of a wide range of components in the overall "boot camp' program.

There exists a substantial number of offenders committing crimes and or being admitted to jail who are not yet firmly committed to a criminal lifestyle and can either be deterred or rehabilitated through exposure to the detention and rehabilitation camp for youthful offenders program.

[2] Establishment of a deterrence to youths by demonstrating there is swift and sure punishment in the Criminal Justice System (which is now almost non-existent for these youthful offenders).

[3] Provide a safe and secure environment for both staff and inmates alike.

[4] Serves as a punishment. Any sentence imposed by the courts is a punishment including alternative sanctions and is viewed as such and thus gives the victim a sense of security and faith in the Criminal Justice System.

[5] Provides for a safer community in which to thrive. Individual offenders who normally would not be placed in jail/prison would now be out of the community and in a restructuring program providing both short relief and long term healing.

Now, more than ever, Charlotte Mecklenburg needs a 'boot camp" program with innovative methodology. Outlined in the attachments are real, illustrative reasons the legislative proposal must address 13 - 15 as well as 16 - 20 year old offenders. We must do something now!

## II. OPERATIONAL PROCEDURES

Selection Criteria

The Court would recommend that certain offenders be considered by the Sheriffs' staff for a menu of alternative sanctions. After staff screening (with input from appropriate support agencies) verify that the offender meets the admission criteria, a recommendation is then made to the Court to sentence the offender to the overall program (or various segments).

Typical Camp Schedule

| | | |
|---|---|---|
| 0400 | Wake up, count off/roll call, on line | 1 Instructor |
| 0430 | Breakfast | 1 Instructor |
| 0450 | Clean up / Inspection | 1 Instructor |
| 0600 | Drill | 3 Instructors |
| | 1 Instructor to march from barracks to Field<br>2 Instructors for drill; 1 instructs, 1 assists | |
| 0730 | Prepare for work assignments | 3 Instructors |
| 0745 | Report for work or study site | 3 Instructors |
| 1130 | Roll Call / Lunch | 2 Instructors |
| 1145 | Lunch | 2 Instructors |
| 1210 | Clean Barracks / Inspection | 1 Instructor |
| 1300 | Report to work or study | 3 Instructors |
| 1500 | Physical Training | 3 Instructors |
| 1630 | Prepare for Dinner | 1 Instructor |
| 1635 | Dinner | 1 Instructor |
| 1650 | Clean up / Inspection | 1 Instructor |
| 1800 | School / GED / Other Programming | 1 Instructor |
| 2000 | Prepare for next day: shine boots, iron uniform, haircuts, write letters, study time | 1 Instructor |
| 2100 | Bed / Lights Out | 1 Instructor |

## Proposed Instructor Schedule

| | |
|---|---|
| 1 Instructor | 0400 - 0600 |
| 2 Instructors | 0600 - 0730 |
| 3 Instructors | 0730 - 1630 |
| 1 Instructor | 1630 - 2100 / 0400 |

One Instructor stays overnight every third night, one Instructor does not have to report to work until 0730 every third day.

The proposed daily schedule will be in effect every day except Sunday's. On Sunday's, campers will attend religious services. Since the Sheriff's Department already has chaplains employed there will be no additional cost for these services.

## Instructors

I. Purpose / Summary

Instructors supervise and instruct or assist in commanding and instructing a group of inmates or campers.

II. Requirements / Prerequisites

[1] Must successfully complete the Drill Instructor School or equivalent training and experience (in working with young people)**

[2] Once voided, "drill instructor" status may not be reassigned without prior approval from the Chief Deputy for Administration.

[3] Individuals selected to perform other duties will not retain Drill Instructor classification or status.

**A number of these individuals will be selected from staff members who will be certified Drill Instructors.

III. Specific Duties

[1] Instructs or assists in training basic tasks and skills to inmates/campers.

[2] Train inmates/campers in the fundamentals of 'boot camp' life and development in the inmate/camper of discipline, fitness, respect for self and authority.

[3] Instructs in rules and regulations for fire watch, interior guard duty, personal hygiene, first aid, military style bearing and neatness, and care of clothing and supplies.

[4] Lectures on customs of civil behavior, military style courtesy, and regulations of the Sheriff's Department, Detention and Rehabilitation Camp for Youthful Offenders.

Initial Basic Boot Camp Completion

After completion of the initial segment the offender could be returned to the Court, (successful or not). For those who fail, the court has the option to resentence the inmate to a traditional incarceration in prison or jail. Those who successfully complete the first phase of this program would move into additional phases of intensive supervision which may include house arrest (electronically monitored), day reporting (after or before school, etc), job skill training, actual job placement, and other specialized schools or educational programming; all of which would be followed by aftercare in the community.

Staffing Requirements

| Staff | | Salary | Fringes | Totals |
|---|---|---|---|---|
| Asst. Administrator | (1) | $29929.90 | $8649.74 | $38579.64 |
| Shift Supervisor | (2) | $50020.00 | $14455.78 | $64475.78 |
| Sheriffs Unit Sup I | (15) | $354450.75 | $102436.20 | $456886.95 |
| Info/Ed Coordinator | (1) | $26726.00 | $6574.60 | $33300.60 |

**Yearly Staffing Total: $ 593242.97**

## Transportation

Initially, the "boot camp' will need three buses and two sedan vehicles with emblazoned markings so as to be readily identifiable. Other cost factors in this category include:

| | |
|---|---|
| Fuel: | Gasoline / Diesel |
| Service: | Maintenance / Repair |

## Food Services

| | |
|---|---|
| Three Basic Boot Camps per year: | $81648.00 |
| Cost of 90 day supply for 120 inmates | $27216.00 |
| Cost per inmate for 90 days: | $ 226.80 |
| Cost per day/per inmate: | $ 2.52 |
| Cost per meal: | $ 0.84 |

Similar cost would need to factored in on a 12 month per year basis for the training which would occur after the initial 90 day encampment.

## Uniforms and Equipment $26,877.78

18 Officers will need to be uniformed properly in "boot camp" attire.

| | |
|---|---|
| Four uniforms each (shirt/pants, belts, ties). | $8933.04 |
| Hats, Brown Campaign | $1474.74 |
| Physical Training Uniforms / Shoes | $1620.00 |
| Motorola Radios | $14400.00 |
| Miscellaneous | $450.00 |

## Educational and Assistance Modules

The Sheriff has some existing education and substance abuse modules already in place, in conjunction with Area Mental Health. Preliminary discussions would indicate that these programs could be expanded into this proposal.

Central Piedmont Community College (Dr. Westcott) has indicated that CPCC will be able to provide the GED program to all Boot Camp Inmates 16 years old and older. Additionally, for those already possessing GED or HS Diploma, CPCC will test these individuals for educational weaknesses in areas such as literary,

math, etc., so specific educational remediation can occur. These programs will have some cost attached to them; which at this time cannot be calculated in time for this proposal but should be relatively minimal.

Miscellaneous Expenses **$10,000.00 - $15,000.00**

While there may be some items not yet identified, general expenses for such items as polish, wax, rags, mops, mop buckets, and Physical Training Equipment will be needed but should not exceed the aforementioned cost.

## III. SITE LOCATION

It is not the purpose or intent of this proposal to recommend a specific site or location for this program. In fact, any proposed site should be discussed with the neighbors and every effort should be made for gaining their support for locating this program in their neighborhood. The Sheriff's Department would be more than glad to assist in this effort by being present at any such gathering to explain the nature and purpose of the program.

Initial land acquisition, construction, and/or major renovation of existing buildings to meet minimum state housing requirements for persons in custody could escalate into millions of dollars. An example is the renovation of the AT&T building which cost over three million dollars to meet state standards. The construction costs for the Spector Drive Temporary Facility was more than six million dollars.

A reasonable cost for land acquisition and construction could be:

| | |
|---|---|
| Land acquisition and construction cost per housing barracks: | $562,500.00 |
| Initial phase of three barracks: | $1,687,500.00 |

Without recommending any site, but for the purpose of example consideration could be given to an existing 'State Approved Site' for holding persons in custody such as the Spector Drive Temporary Facility which would reduce costs significantly. Retrofitting and specialized programming (skills and physical training facilities) could cost as little as $10,000.00.

# IV. COST PROJECTIONS

YEARLY:

| | |
|---|---|
| Staffing | $ 593242.97 |
| Uniforms / Equipment | $ 12477.04 |
| Food Services | $ 81648.00 |
| Transportation | Maintenance and Fuel Costs Unknown |
| Miscellaneous Expenses | $ 10000.00 |
| **Total** | **$ 697368.01** |

Acquisition and Eventual Replacement

| | |
|---|---|
| Two Sedan Vehicles Emblazoned & Light Bars | $ 50000.00 |
| Three Buses Emblazoned & Light Bars | $ 120000.00 |
| **Total** | **$ 170000.00** |

One Time Acquisition

| | |
|---|---|
| Site Location Improvements (as example) | $ 10000.00 |
| Motorola Radios | $ 14400.00 |
| **Total** | **$ 24400.00** |

**Total Annualized Expenditures** . . . . . **$ 1189024.01**

These figures are only an estimate (some had to be annualized) and that the actual expenditures may be significantly higher or lower based on hidden costs. It is a good faith estimate based on many known factors.

# * APPENDIX A

He began his career as a criminal in January of 1991 when he was charged with credit card fraud, possession of cocaine with intent to sell and deliver, 3 counts of larceny, 2 counts of breaking into automobiles, one count of breaking and entering a building, and one count of second degree burglary You might assume that the criminal justice system dealt with him and ended his crime spree but that was not the case Two months later, in March of 1991, he was charged with two counts of auto theft The next month he was charged with breaking and entering a vehicle and damage to property Four months later, in August, 1991, he was charged with housebreaking

In March of 1992, he began the second phase of his crime spree He was charged with possession of a firearm (a 38 caliber pistol) on school grounds, assault with a knife, 2 more counts of housebreaking, possession of a knife on a school campus and disorderly conduct

In the next year and a half, he was not charged with any crime, but that is no indication that he was not involved in criminal activity It merely means he did not get caught

In December of 1993, he was back This time he was charged with homicide He told investigators he was doing dope and had traded 2 pieces of crack cocaine for a 9mm handgun with clip and holster He and a friend were joyriding when they encountered a 41 year old man whom they offered a ride For the thrill of it, he pointed his newly acquired gun at the man's head Responding to the taunts of his friends who called him chicken, he pulled the trigger but it did not fire The homeless man struggled to take the gun but the young man said "you never mess with a man's gun" At that point, he shot the man at close range It gave him quite a rush As the man was shot, his blood spattered on his murderer who said he liked the taste of blood. Even more important, he had now gained automatic respect because he had killed

He is remorseless He is dangerous What is most frightening is that he is not unique - there are many more on Charlotte's streets just like him What is tragic is that he is barely 17 years old He committed cold blooded murder two days before his seventeenth birthday He was first arrested one month after his fourteenth birthday

Charlotte, like other cities across the country, is experiencing an unacceptable level of violent crime While Charlotte's overall crime rate declined 3 4% in 1993, its violent crime increased 2 9%, fueled by a 23 2% increase in its homicide rate While these figures are alarming, police and the community are most concerned about the growing involvement of young people, many under the age of 16, in crimes of violence that are senseless and which have left the

community in fear In the last three years arrests of juveniles under the age of 16 for violent crimes have steadily increased in Charlotte and Mecklenburg County The following chart shows the arrests of juveniles under 16 in four crime categories· homicide, rape, robbery, and aggravated assault

| | 1991 | 1992 | 1993 |
|---|---|---|---|
| Homicide | 4 | 7 | 9 |
| Rape | 4 | 4 | 8 |
| Robbery | 25 | 35 | 33 |
| Assault | 129 | 156 | 169 |

In 1993 the Urban Division of the Charlotte-Mecklenburg Police Department reported an 11 8% increase in arrests of young people under 18 for violent crimes

While the numbers on a page may not look particularly frightening what they represent is of grave concern to this community They represent young people who place little, if any, value on human life, including their own They represent young people who have grown up in a cycle of poverty which in many cases is characterized by broken homes and a history of abuse within the family Most of the young people in these arrest figures are either school drop-outs, students who have been suspended or permanently excluded from school for disciplinary problems or students who attend school but make no effort to learn

These numbers also reflect a society where drugs and guns are readily available Many of these young people are drug involved at an early age and have found drug sales to be a quicker way to raise money than the traditional teenage jobs in fast food restaurants and department stores Most of these young people view possession of a weapon as a status symbol and believe that violence is the quickest and preferred method of addressing a problem A local middle school teacher who talked with the parents of a student who had thrown a chair across a classroom reported that the parents were not at all chagrined that the boy had broken the chair "He sees us do this at home", they calmly explained

Homicide investigators are chilled by the stories they hear from young people The majority of them show no remorse for what they have done and if they display any emotion at all, it is likely to be pride For many of these young people, killing has become simply a rite of passage along the path to adulthood. Some examples from recent Charlotte cases illustrate this problem

May, 1992 - A 16 year old boy wanted money from his father When the father refused, the son shot him in the head, rolled his body up in a carpet, and put him under the house

April, 1992 - A fifteen year old male is out driving with two 16 and 17 year old friends They challenged him to run over a pedestrian on the sidewalk He does, the man dies One month later, this same group of teenagers kidnap and rape a woman, steal her car, and take her to a dead end street where they shoot her in the head multiple times

February, 1993 - After a neighborhood dance, one fourteen year old female stabs another to death

March, 1993 - A 15 year old answers the front door and is shot and killed by two 16 and 17 year olds as the result of an argument at school between rival gangs

May, 1993 - A fifteen year old who is denied entrance to a party shoots two people, killing one of them

June, 1993 - A 15 year old robs a 28 year old female at gunpoint on the street, forces her into a vacant house, and shoots her in the head

May, 1993 - A five year old child in a van was shot and killed by a 17 year old drug dealer who thought the van was an undercover police vehicle and that he was shooting at police

May, 1993 - A fourteen year old female stabbed another 14 year old female after a school fight

August, 1993 - A forty-four year old male street person was killed by 15 and 16 year olds who beat him to death with bricks By their own admission, it was a thrill killing

December, 1993 - A 7 year old boy was accidentally killed by his 16 year old cousin who, along with a 15 year old, had stolen a gun as part of the initiation into a neighborhood gang

January, 1994 - A 22 year old Malaysian student who delivers pizzas to pay his college tuition is kidnapped by two 15 and 16 year olds who force him to drive to a deserted area, rob him, shoot him three times, and leave him for dead.

For Charlotte Police officers, juvenile involvement in violent crime struck a personal note in November of 1991 when three teenagers shot an off-duty Charlotte police officer who was moonlighting at a local motel The officer had ordered them off the motel property for creating a disturbance One of the boys felt his manhood had been challenged He and his friends left the motel, went to one of their houses to get a shotgun, and returned to the motel where they shot and killed the officer Their attitude after the homicide sums up the attitude of many of the young people involved in violent crimes After the killing, they went home and went to sleep and investigators had to awaken them to question them They felt so little remorse that killing a police officer didn't even cost them a sleepless night

With very few exceptions, these acts of violence were not the first involvement that these juvenile perpetrators had with crime In a number of these cases, these young people got involved with crime at 13 or 14, developing a pattern of escalating criminal activity Case histories of several representative young people are presented as an attachment While these young people were apprehended by police and charged with these crimes, the criminal justice system failed to adequately address their problems

In many cases, the charges against these young people were voluntarily dismissed and they never appeared in juvenile court Those who did received very little punishment and were essentially free to carry on their criminal activity They see that the juvenile justice system is no deterrent to crime and knew that under North Carolina law, with very few exceptions, the slate would be wiped clean and they could begin anew as first offenders As they well know, adult first offenders don't face much punishment either

What the state must realize is that these young people are dangerous While they may not start out as violent predators, their criminal activity follows a distinct pattern of escalating violence which goes unchecked because it goes unpunished If these young people are not treated as potentially violent offenders while they are still young and while there is still some hope that punishment can be a positive intervention in their lives, then they will remain a danger to the community

Presently, there is little if any effective punishment for young people under the age of 16 Elected officials and the citizens of Charlotte and Mecklenburg County are interested in developing a boot camp for young offenders under the age

of 16 The boot camp concept could be applied to those offenders who show distinct patterns of escalating criminal activity. The boot camp concept that we wish to see implemented in Mecklenburg County would combine strong military discipline with a support program that includes drug treatment, remedial education, job training and placement, exercises that build self-esteem, and aftercare and follow-up A regimen of discipline without attitude changes and skill building will accomplish nothing more than temporarily removing these young people from the street Charlotte-Mecklenburg desires a boot camp that can make a significant difference in these young offenders and give them what amounts to a second chance in life The ultimate goal of such a boot camp would be to reduce the recidivism rate among these young people and decrease the likelihood that they will become adult offenders

# APPENDIX B

U.S. Department of Justice
Office of Justice Programs
*National Institute of Justice*

National Institute of Justice
*Research in Brief*

*Michael J. Russell, Acting Director*

October 1993

# The Growing Use of Jail Boot Camps: The Current State of the Art

by James Austin, Ph.D., Michael Jones, and Melissa Bolyard

Boot camp programs, frequently called "shock incarceration" programs, place offenders in a quasi-military program similar to a military basic training program—a "boot camp" that instills discipline, routine, and unquestioning obedience to orders. The past decade has witnessed considerable interest in the concept of boot camps as a potentially effective intermediate sanction for certain types of offenders. The rationale for boot camps is as follows:

1. A substantial number of youthful first time offenders now incarcerated will respond to a short but intensive period of confinement followed by a longer period of intensive community supervision.

2. These youthful offenders will benefit from a military-type atmosphere that instills a sense of self-discipline and physical conditioning that was lacking in their lives.

3. These same youths need exposure to relevant educational, vocational training, drug treatment, and general counseling services to develop more positive and law-abiding values and become better prepared to secure legitimate future employment.

4. The costs involved will be less than a traditional criminal justice sanction that imprisons the offender for a substantially longer period of time.

To date, most of the attention has been directed at boot camps operated by State prison systems. Typically, these programs target offenders who would be sentenced to prison for at least 1 year had the boot camp sanction not been available to either the courts or State prison system. To date, 28 State prison systems are operating 43 such programs, with more States planning to start similar programs.[1]

More recently, there has been increased interest in the use of boot camps for *jail* populations. The Nation's jail system comprises over 3,500 adult detention facilities processing more than 10 million bookings each year.[2] On any given day, nearly 427,000 pretrial or sentenced inmates are housed in jails. In terms of volume, the Nation's jails touch more adult offenders than any other form of corrections.[3]

For a number of reasons, a jail-operated boot camp could be of strategic value to the criminal justice system. Although the average length of stay for defendants and offenders admitted to jail is relatively short (15–16 days) compared to State prisoners (16–18 months), jails increasingly house inmates who can spend many months in confinement. For example, in many jurisdictions inmates can be sentenced to a year or more.[4]

Intermediate punishments are intended to provide prosecutors, judges, and corrections officials with sentencing options that permit them to apply appropriate punishments to convicted offenders while not being constrained by the traditional choice between prison and parole. Rather than *substituting* for prison or probation, however, these sanctions—which include intensive supervision, house arrest with electronic monitoring, and shock incarceration—bridge the gap between those options and provide innovative ways to ensure swift and certain punishment.

Shock incarceration programs, also known as "boot camp" programs, enforce a rigid military discipline on inmates chosen for this punishment. Those accepted into the programs must adhere to strict guidelines for conduct, must obey all orders without question or hesitation, and must undertake rigorous physical training and work regimens. Among the goals mentioned in surveys of program officials, rehabilitation and the reduction of recidivism were rated highest, followed by reducing prison crowding and changing of offender behavior patterns.

Until recently, most boot camp programs were conducted in State prisons (one program is conducted by the Federal Bureau of Prisons). But now county and local jails, which house prisoners for considerably shorter terms than do prisons, have begun questioning whether shock incarceration might work there too.

As this report states, on any given day some 427,000 pretrial or sentenced inmates are housed in the Nation's jails. And although the average length of stay is relatively short compared to State prisons, inmates can spend many months in confinement.

This report presents the results of an NIJ national survey to determine the number of jail boot camps currently in existence or planned. It also relates some of the difficulties experienced in operating a shock incarceration program within the limited confines of a county or local jail, and provides information on the costs involved in running jail boot camp programs.

Michael J. Russell
Acting Director
National Institute of Justice

Jails frequently hold significant numbers of State-sentenced inmates who spend many months incarcerated there For example, paroled prisoners who violate the terms of their parole are generally housed in local detention facilities until a decision on their status is made by the State, and these decisions may take several months And with the growing number of jails holding State sentenced inmates because of prison crowding, jails are holding more and more inmates who will spend well beyond a year in confinement. According to the most recent national data, nearly 40,000 State and local prisoners from other jails are now held in jail facilities holding at least 100 inmates and this number is certain to rise [5]

Finally, significant numbers of adults placed on probation subsequently violate probation and are readmitted to jail to await a court's decision on whether to continue probation or commit the violator to prison Here again, the offender may spend substantial time in custody awaiting the court's decision

Because the inmate population found in jails is so diversified, the goals and attributes of prison-operated boot camps may not apply or may be more difficult to achieve in a jail-operated boot camp (for example, 180-day programs geared toward reducing jail crowding) However, the nature of jail populations may prove advantageous to criminal justice officials For example a jail boot camp may be better suited to function as an intermediate sanction for probation or parole violators in lieu of revocation and commitment to State prison

## How many jail boot camps are there?

During the spring of 1992 the National Council on Crime and Delinquency (NCCD), at the request of NIJ, conducted a national survey to identify the number and characteristics of jail boot camps.

In May 1992 NCCD mailed more than 2,200 letters to sheriffs, jail administrators, and State probation departments throughout the country, asking whether they operated a boot camp, had plans for a boot camp, or had interest in a boot camp Of approximately 200 of these surveys that were returned (10 percent)

- Ten jurisdictions indicated they were operating a boot camp
- Thirteen jurisdictions reported that they were planning to open a boot camp in 1992 or 1993
- One hundred thirty respondents said there were no immediate plans to open a boot camp but the jurisdiction was interested in establishing one in the near future

One of the surveyed boot camps has since terminated its operations due to unanticipated budget constraints—the Los Angeles Sheriff's Regimented Inmate Diversion program This program is discussed later

## What do jail boot camp programs look like?

A followup telephone interview was conducted with each of the 10 identified programs to obtain detailed information about the boot camp's operations Four boot camp programs were then visited by NCCD researchers

### Organizational characteristics

All of the surveyed boot camps are administered by local Sheriff or County Department of Corrections agencies with local funding (see exhibit 1) Most of these programs are relatively new, having begun operations in the past 2 years The earliest programs were begun in New Orleans, Louisiana, (1986) and Travis County, Texas (1988)

Even though the programs tend to be located within large jail systems (approximately 2,000 or more inmates) the size of these programs is quite modest (ranging from 12 to 350 inmates) The expected length of stay in these programs, which ranges from 2 to 4 months, is considerably shorter than that in prison boot camps This design feature is consistent with the relatively short average length of stay for jail populations

To date, almost all of the programs are operating at less than their design capacity Some reasons for this include the selection criteria set by the programs, lack of coordination among criminal justice agencies, and the fact that few jail inmates will be in custody beyond the time they would have to spend in the boot camp program

Considerable variation exists among the sites in their staffing and funding levels. Some programs like those in Travis County, Texas, New York City, and Harris County, Texas, have very large program staffs in addition to large custody staffs Consequently, their staff-to-inmate ratios are quite low (exhibit 1) Documenting the actual costs of these programs is quite difficult since many of them are included in the overall jail budgets Where cost data exist, annual budgets range from $400,000 for the 60-bed program in Oakland, Michigan, to $3 5 million for the 384-bed program in Harris County, Texas

### Program goals

Like prison boot camps, jail boot camps list a wide array of goals ranging from rehabilitation to punishment (see exhibit 2) Not all programs report that reducing jail crowding is an important goal—perhaps in recognition that achieving such a goal would be extremely difficult given the relatively short period of stay in jail for most inmates There is greater consensus that boot camps can reduce recidivism by rehabilitating offenders through the provision of a wide range of employment, educational, vocational, and drug treatment programs These goals are directly linked to the perception that there exists a substantial pool of offenders admitted to jail who are not yet firmly committed to a criminal lifestyle and can either be deterred or rehabilitated through exposure to the boot camp program

Some of the jails cited less dramatic but equally significant and more pragmatic program goals In some cases the jail hoped that the boot camp program would provide a safer environment for staff and inmates alike The programs also were designed to enhance the jail's image in the local community

### Selection criteria

The criteria for selecting boot camp participants are quite varied across the 10 jurisdictions (exhibit 3) Like prison boot camps, most programs tend to identify youthful offenders although many have age limits exceeding 25 years In particular, New York and New Orleans have maximum age limits of 39 years and 45 years respectively

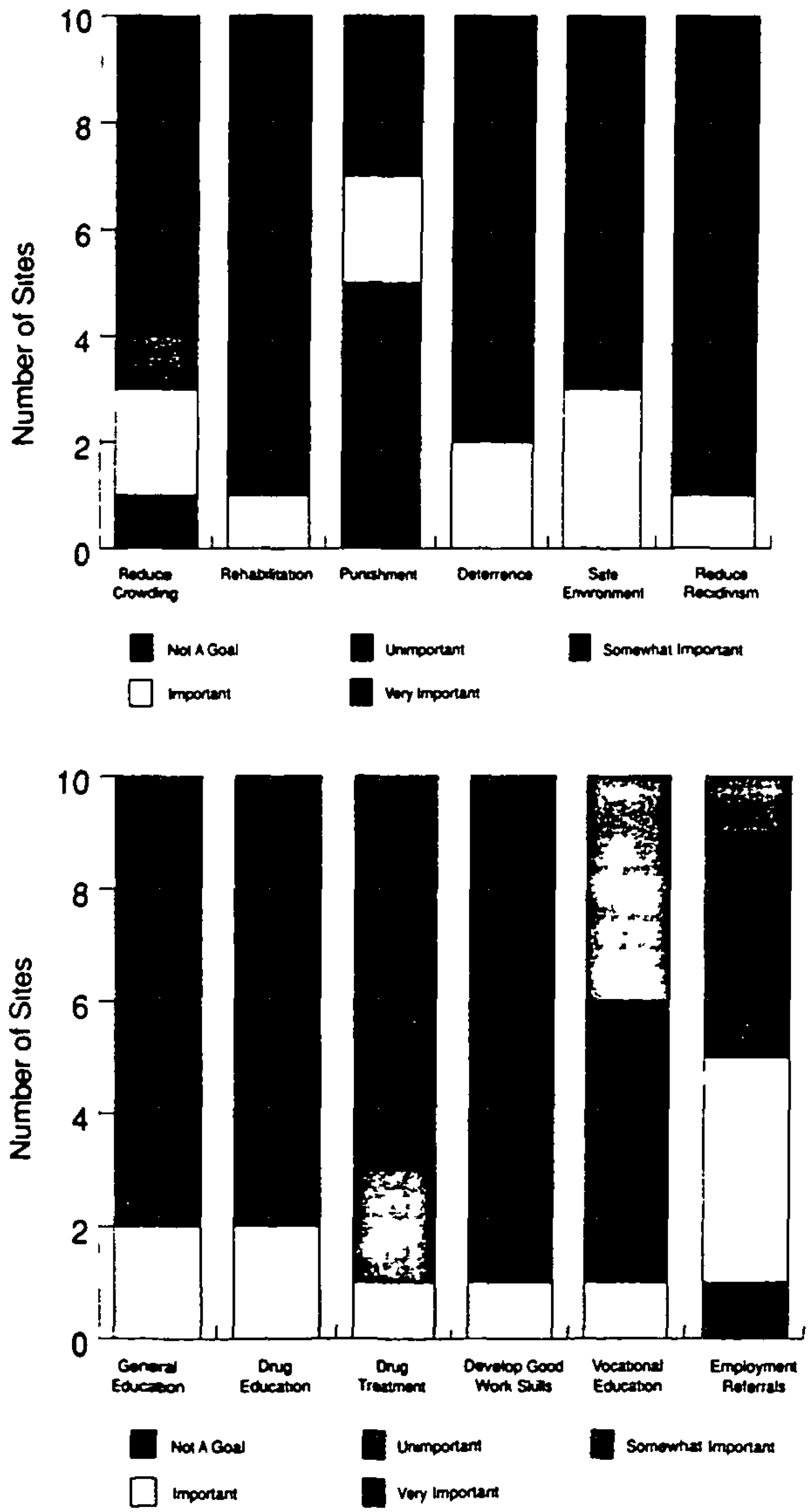
Although most programs prefer to select first time offenders convicted of nonviolent or drug-related crimes, no consistent

## Exhibit 1. Jail Boot Camps: Organizational Attributes

| Attributes | Travis, TX | New York City—Men | New York City—Women | Santa Clara, CA | Nassau, NY | Orleans, LA | Harris, TX | Ontario, NY | Brazos, TX | Oakland, MI |
|---|---|---|---|---|---|---|---|---|---|---|
| Startup date | 9/88 | 10/90 | 10/91 | 4/91 | 4/92 | 8/86 | 5/91 | 3/92 | 2/92 | 7/90 |
| Bed capacity | 76 | 300 | 100 | 44 | 38 | 126 | 384 | 18 | 12 | 60 |
| ADP—County jail system | 2 222 | 21 449 | 21 449 | 4 026 | 1 940 | 4 600 | 14 512 | 120 | 352 | 1 550 |
| ADP—Boot camp | 57 | 210 | 84 | 26 | 14 | 80 | 348 | 15 | 12 | 47 |
| Percent of capacity | 75% | 70% | 84% | 59% | 37% | 63% | 91% | 83% | 100% | 78% |
| Annual admissions | 266 | 1 059 | 210 | 124 | N/A | 177 | 814 | 108 | 36 | 119 |
| Program length in days | 90–120 | 60 | 70 | 63–70 | 90 days | 250–300 | 90–120[a] | 5 | 120 | 56 |
| Average length of stay | 120 | 60 | 70 | 65 | N/A | 275 | 120 | 5 | 120 | 56 |
| Number of staff | 20 | 119 | 24 5 | 8 5 | 21 | 24 | 119 | 19 | 7 | 10 |
| Administrative | 5 | 3 | 4 | 5 | 5 | 1 | 4 | 3 | 0 | 1 |
| Custody | 3 | 101 | 17 | 8 | 14 | 23 | 65 | 6 | 4 | 8 |
| Program | 12 | 15 | 3 5 | 0 | 2 | 0 | 50 | 10[b] | 3 | 1 |
| Total annual budget | $1 1 Million | $367 119[c] | $858 174 | $507 000 | $800 000 | $879 175 | $3 5 Million | No Separate Budget | N/A | $403 423 |
| Staff to inmate ratio | 1 3 | 1 2 | 1 4 | 1 3 | 1 5 1 | 1 4 | 1 3 | 1 2[b] | 1 2 | 1 5 |
| Cost per inmate/day | $53 | $5[c] | $28 | $53 | $117 | $30 | $28 | N/A | N/A | $24 |
| Funding source(s) | county | city | city | county | Federal State and county | County | State and county | N/A | County and Inmate Commissary | County |

[a] Length of stay is extended beyond 120 days for inmates with disciplinary problems
[b] Part time volunteer personnel not included in staff to inmate ratio
[c] Staff salary only does not include maintenance costs

**Exhibit 2 Jail Boot Camp Goals**




policy exists to include such offenders automatically across all sites A number of programs accept State parolees who have not been arrested for a new offense but have violated the terms of their parole supervision

Four programs have the capacity to accept women, and two programs are exclusively set up for women (Santa Clara, California, and New York City) Of these two programs, one lacks a military training component In general, those programs with a co-ed capacity have very low numbers of women participating and some sites indicated that they may discontinue that aspect of the program in the future

There are two basic processes by which an offender is selected and admitted to a program In four sites the sentencing court has considerable power in determining who is admitted to the boot camp program In these sites the court recommends that certain offenders be considered by the program staff After staff screening to verify that the offender meets the admission criteria a recommendation is then made to the court to sentence the offender to the program In one jurisdiction (Harris County, Texas), the judge can directly sentence the inmate with or without the consent of program staff

In five jurisdictions, the jail has unilateral authority to admit an offender to the program independent of the court s recommendation In this situation the jail conducts its own screening of potential candidates who are either in the jail or are brought to the attention of program staff by prosecutors or defense attorneys

The selection process can have important consequences for keeping the program filled with the appropriate clientele In those jurisdictions that rely upon the court, intake may be less than anticipated if disagreements develop between a prosecutor and the defendant's attorney on whether an application to the boot camp is an acceptable alternative sentence Several jurisdictions indicate that disagreements among prosecutors and defense attorneys have reduced the projected program intake

In situations where the judge sentences the inmate to the boot camp, the offender is returned to the court upon completion of the program, successful or not For those who fail the program, the court has the

option to resentence the inmate to a longer period of incarceration either in prison or within the jail Those who successfully complete the program are either discharged or begin a period of probation supervision Some programs allow for inmates to leave the program voluntarily, others do not. Only one program (Harris County) did not require the offender to volunteer for the program

### Program services

Here again, jail boot camps look very similar to prison boot camps in terms of the types of services offered (exhibit 4) The curriculum is generally separated into three phases of activity involving varying levels of military drill, physical training structured work assignments, adult education, vocational education, drug education, and various counseling and life skills programs

Most programs allow a gradual shifting from the physical training and work assignments to education, counseling, and community service activities as the offender progresses through the program Military drill, physical training, and work assignments are emphasized during the initial month The number of privileges increases as the inmates progress through the various stages of the program For example, in several programs, neither TV nor visits are allowed for the first 30 days Thereafter, privileges are increased to reward the participant's performance.

### Aftercare supervision

Most of the programs include an aftercare component, which most observers consider essential for a successful boot camp program Typically, the offender receives a sentence in which successful completion of the boot camp program leads to additional time under probation or parole supervision In these situations, supervision is provided by the county or State probation agency In a few programs, a probation officer is actually assigned to the boot camp program to help prepare inmates for release into the community Several programs also allow graduates to return to the program on a volunteer basis to attend group counseling or support groups

### Program results

Very little research or documentation is available that would allow an assessment of how successful these programs have been in realizing their goals With the exception of the now discontinued Los Angeles boot camp program, none has undergone any formal, independent study or cost-effectiveness evaluation.

## Results of the Los Angeles County sheriff's RID program

In 1990 NIJ commissioned NCCD to evaluate the Los Angeles County Sheriff's Regimented Inmate Diversion program Operating within the Nation's largest jail system (20,000 average daily population and over 250,000 admissions per year), the RID program was intended as a judicial sentencing option for selected volunteering defendants who were likely to receive lengthy jail sentences

Funded primarily by cash and the sale of assets seized from convicted drug dealers, and with an annual operating budget of approximately $4 million, the RID program had as major goals the reduction of jail crowding, reduction of costs through avoiding long-term incarceration and reduction of recidivism An important secondary goal was to improve inmate control by establishing and enforcing strict rules of conduct.

The program exposed young adult male offenders to a residential, military style boot camp for 90 days, followed by a 90-day period of intensive aftercare supervision in the community Unlike many boot camp programs, RID included mandatory participation in formal education classes, drug treatment, and counseling sessions Participants were primarily young minority males, poorly educated with fairly substantial prior criminal and drug involvements

**Lessons learned.** Evaluators found that RID participants actually spent more time in jail than did control group inmates, when time spent in pretrial confinement was added to their boot camp stay Thus, the costs of keeping them in jail exceeded the costs of keeping non RID inmates

Budgetary problems plagued Los Angeles County, however, and 18 months after the first platoon entered the RID program, county officials withdrew funding and the program was terminated.

## Policy implications for operating a jail boot camp

Although jail boot camps are in their infancy, a number of important lessons already have been learned in terms of how such a program should be structured in the future A number of suggestions are outlined for local jurisdictions interested in starting their own boot camp program

### Establishing realistic goals

To be of practical value to a local jail system, a jail boot camp must address several key issues Based on this survey the most frequently cited goals were

- **Relief of crowding** Since most jails are crowded a boot camp program may have a positive influence on this situation However, given the relatively short length of stay for most jail inmates this objective will not be met unless the program carefully targets inmates who will spend at least 90 days or more in custody Inmates who may be good candidates include probation violators and parole violators who are likely to be sentenced to prison or spend a considerable amount of time in jail prior to either transfer to a prison or release to probation or parole supervision Diverting these offenders to a boot camp would help relieve prison intake But in such a situation, the State prison system might have to subsidize the jail boot camp operations in order for the jail to benefit financially from the boot camp s operations

- **Rehabilitation.** Reversing the cumulative negative experiences of youthful offenders within a 90-day period is at best, an extremely difficult objective A boot camp program can help initiate the process by improving an offender s ability to read developing work skills making job referrals, and dealing with long term drug abuse histories Research findings from the Los Angeles RID program show that a boot camp can significantly improve offenders' basic reading and math skills as well as help them locate full and part time jobs But these gains do not necessarily translate into reductions in crime rates Program administrators should avoid raising expectations about the program's ability to reduce recidivism rates dramatically

- **Improving jail operations and community relations.** Perhaps the most direct impact a jail boot camp can have is to im

## Exhibit 3. Jail Boot Camps: Selection Criteria and Placement Procedures

| Selection criteria | Travis, TX | New York City—Men | New York City—Women | Santa Clara, CA | Nassau, NY | Orleans, LA | Harris, TX | Ontario, NY | Brazos, TX | Oakland, MI |
|---|---|---|---|---|---|---|---|---|---|---|
| Age | 17–26 | 16–39 | 19 plus | 18 plus | 16–18 | 17–45 | 17–25 | 16–30 | 17–30 | 17 plus |
| Sex | Co-ed | Males | Females | Females | Males | Co-ed | Co-ed | Co-ed | Males | Males |
| 1st time offenders | Yes | No | No | Yes | Yes | Yes | No | No | Yes | No |
| Nonviolent offenders | Yes | Yes | Yes | No | No | Yes | No | No | No | Yes |
| Other | N/A | Low classification | Low classification | Substance abuse | N/A | Multiple offender | N/A | N/A | N/A | N/A |
| Voluntary entry | For some | Yes | Yes | Yes | Yes | Yes | No | Yes | For some | Yes |
| Voluntary exit | No | Yes | Yes | Yes | Yes | Yes | No | No | No | Yes |
| **Placement procedure** | Judge recommends with jail approval judge then sentences jail also selects parole violators | Jail selects no other approval necessary technical parole violators admitted upon referral to boot camp | Jail selects no other approval necessary technical parole violators admitted upon referral to boot camp | Jail selects no other approval necessary | Jail selects no other approval necessary [a] | Judge recommends with jail approval judge then sentences | Judge sentences jail has no veto power | Jail selects no other approval necessary | Judge recommends jail approves | Judge sentences jail has veto power |

[a] Applicants screened by a board composed of correction staff rehabilitation counselors education counselor clergy and probation staff

## Exhibit 4. Jail Boot Camps: Services, Aftercare and Completion Rates

| Services provided | Travis, TX | New York City—Men | New York City—Women | Santa Clara, CA | Nassau, NY | Orleans, LA | Harris, TX | Ontario, NY | Brazos, TX | Oakland, MI |
|---|---|---|---|---|---|---|---|---|---|---|
| Phys training & drill | 3 hrs/wk | 1 hr/day | 1 hr/day | 3 75 hrs/day | 2 hrs/day | 2 hrs/day | 6 hrs/day | 2 hrs/day | 1 hr/day | 4 hrs/day |
| Work | 6 hrs/wk | 3 hrs/day | 0 | 1 5 hrs/day | 4 hrs/day | 5 hrs/day | 2 hrs/day | 1/2 hrs/day | 6 hrs/day | 8 hrs/day |
| Vocational ed | 8 hrs/wk | 3 hrs/day | 2 hrs/day | 2 5 hrs/day | 0 | 3 hrs/day | 2 hrs/day | 2 hrs/day | Yes[a] | 4 hrs/wk |
| Drug ed./couns | 4 hrs/wk | 5 hrs/wk | 2 hrs/day | 1 5 hrs/day | 4 hrs/day | 1 hr/day | 1 hr/day | 4 hrs/day | 1 hr/day | 8 hrs/wk |
| Gen education | 5 hrs/wk | 12 hrs/wk | 2 hrs/day | 1 5 hrs/day | 4 hrs/day | 4 hrs/day | 4 hrs/day | 0 | 1 hr/day | 6 hrs/wk |
| Gen counseling | Yes[a] | N/A | Yes[a] | 1 hr/day | N/A | N/A | Yes[a] | 2 hrs/wk | 1 hr/day | 2 hrs/wk |
| Other | Life skills 4 hrs/wk | Community services | Community services 5 hrs/wk | Personal hygiene 1 hr/day | N/A | Community services 1 hr/day | Life skills 2 hrs/day | Health education 2 hrs/wk | N/A | N/A |
| Special aftercare supervision | Yes | Yes | Yes | No | No | Yes | Yes | No | Yes | Yes |
| **Type of supervision** | Depends on risk level | Limited aftercare supervision for parole violators and conditional releases | Limited aftercare supervision for parole violators and conditional releases | N/A | N/A | Moderate | Intensive Monitor Devices Halfway Housing | N/A | Intensive | Moderate |
| **Supervision Provided by** | Probation | Parole and probation | Parole and probation | N/A | N/A | Jail and probation | Probation | N/A | Jail and probation | Jail and probation |
| **Program completion rate** | 47 7% | 69 9% | 71 4% | 79 0% | 67 8%[b] | 78 5%[c] | 97 0% | 92 6% | N/A | 79 8% |
| **Noncompletions** | 139 | 319 | 56 | 26 | 19 | 38 | 15 | 8 | 0 | 24 |
| Medical/psychol | 21 | 13 | 6 | 3 | 5 | N/A | 0 | 0 | 0 | 4 |
| Disciplinary | 114 | 126 | 23 | 16 | 7 | N/A | 0 | 8 | 0 | 9 |
| Voluntary withdrawl | 0 | 169 | 22 | 0 | 7 | 0 | 0 | 0 | 0 | 11 |
| Other | 4 | 11[d] | 5[d] | 7[e] | 0 | 38[f] | 15[g] | 0 | 0 | 0 |

- Hours not available
- *Reflects those still successfully enrolled in program* none have completed program to date
- Reflects those still successfully enrolled in program no 1992 completions to date
- Legal
- *Sentence served prior to program completion*
- Includes medical and disciplinary breakdown not available
- Probation absconders

prove the overall operation of a jail and its standing with the community Jail operations are improved by creating an efficient inmate work force and a safe housing environment. Staff training is enhanced as officers learn to deal with inmates in a very direct but supportive manner And community relations can be dramatically improved through community works projects

## Pretest selection criteria

Who should be admitted and can benefit from a boot camp needs to be determined by each site Before embarking on a new program officials must first know what types of offenders are admitted to jail and how long they stay Once formal criteria are set the program must pretest its selection criteria and its screening process This will verify that there will be enough offenders to fill the program and that the boot camp will improve and not worsen the jail's crowding situation

### Limit length of stay

Unless there is compelling evidence that boot camp participants would spend, on average, 180 days or more in custody had they not been admitted to the boot camp, jail boot camps should limit the period of program participation to not more than 120 days

### Establish a strong aftercare component

For the positive effects of the program's rehabilitative services to be maintained, intense supervision and services should continue after release from the program In some situations this will require establishing a transition halfway house, residential drug treatment, and/or intensive supervision probation for 3 to 6 months

### Evaluate program operations and effectiveness

Jurisdictions need to be encouraged to conduct, at a minimum, process evaluations that would assess whether the program is accepting the type of offenders it wants, delivering the types of services it should, maintaining an acceptable program completion rate, and effectively working within the allotted budget. Once these issues have been addressed, more rigorous impact evaluations should attempt to determine the program s effectiveness

## Notes

1 Based on personal communication with Doris L. MacKenzie Department of Criminal Justice and Criminology University of Maryland See also Doris L. MacKenzie 'Boot Camp Prisons in 1993 " *National Institute of Justice Journal* no 227 (1993) Washington, D C National Institute of Justice

2 Bureau of Justice Statistics *Jail Inmates 1991* Washington, D C , June 1992

3 Assuming that nearly three fourths of the total jail admissions represent individual adults who are booked only once a year approximately 3 percent of the entire adult population is admitted to jail each year By contrast, less than half a million adults are admitted to prison each year

4 In Pennsylvania, offenders can be sentenced to from 2 to 5 years. In most jurisdictions, inmates can receive consecutive sentences of less than 1 year per sentence, which can produce a total sentence of several years without the benefit of good time

5 The Texas Criminal Justice Policy Council estimates that more than 18 000 State-sentenced inmates are backed up in the county jails and that that number will increase to more than 40 000 by 1997

The authors prepared this study for the National Council on Crime and Delinquency (NCCD) under grant number 90-DD-CX-0055 from the National Institute of Justice James Austin Ph D , is NCCD executive vice president, Michael Jones is project manager, and Melissa Bolyard is a research associate

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U S Department of Justice

*The National Institute of Justice is a component of the Office of Justice Programs which also includes the Bureau of Justice Assistance Bureau of Justice Statistics Office of Juvenile Justice and Delinquency Prevention and the Office for Victims of Crime*

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## SCARED STRAIGHT/BOOT CAMP

We have an effective in house program called "Scared Straight" (see attachment #1) With limited "volunteer" staff time we are able to make a difference in the lives of wide variety of young people (see attachment #2)

A simple expansion of this program into longer periods of time (3 days to 90 days) could form the basis of "Boot Camp" (see attachment #3) Camps could also be Days only or even after school hours (to bed time)

We can begin "immediately by using two pods at the Spector Drive Jail (up to 100 campers), by "funding" our scared straight team and adding a few other select staff We have the plans for physical training, educational programs and daily schedules already developed for up to 90 days Cost will be developed

The first "campers" could even help with the construction of the "ropes" course I suggest that our proposal follow a simple format (see attachment #4)

# "SCARED STRAIGHT"

The title "Scared Straight" is used with permission of Arnold Shapiro Production, producers of the Emmy and Oscar Award winning film of the same name. The working name of our program is "The Reality of Jail".

Using existing staff and volunteer time we attempt to give young people who are "at risk" of becoming involved in the Criminal Justice a "graphic preview" into the real world of jail/prison. Because of the harsh reality of jail life and the very nature of this program we are successful - especially with the young people who we "catch-in-time". The major elements of the program are:

- Parents, school officials, court officers and etc. must request the program
- A written application process is initiated on each request
- Each case is weighed on its own merits and a "tour" that meets that individual's needs is designed
- Parental or legal guardianship permission (in writing) is required
- These "tours" are done in very small groups (4 or less per tour)
- The staff ratio is one to one
- The program is for three days. However, <u>the young people do no spend the night in jail</u> and usually only one day or less is sufficient for "non-hardened" cases
- The approach is five fold;

1) Military style discipline and control
2) A graphic "preview" of adult detention which they will most likely experience in the near future absent a change in their behavior
3) A challenge to choose parental and school authority before it becomes necessary for the criminal justice system to impose scantions on their behavior and restrictions on their freedom
4) An affirmation of their ability and responsibility to make informed decisions in order to prevent the necessity of further "incarceration" in the program
5) Follow-up with parents or other adults involved with the young person to monitor post visit behavior

Presented By
W. Kenn Brown, Chief Deputy
Mecklenburg County Sheriff's Department

It's a scary time for both parents and their children

So many rules and boundaries have disappeared

So many new pressures and avenues for serious trouble have arisen

Where once there were positive influences from both parents and communities those have now given way to splintered families neighborhoods of strangers and peer pressures that outweigh them all

Many kids are out of control and parents without community help are too often powerless to change the situation

## Recognizing The Problem

Scared Straight® is a youth intervention program offered by the Mecklenburg County Sheriff's Department It is aimed at kids experiencing a variety of behavioral problems which—left unchecked—often lead to a life of failure and perhaps serious crime

Available through referral by parents guardians and school officials Scared Straight is a program that can make the crucial differences between a life well spent and a life wasted

How do you know when a child is a candidate for Scared Straight?

Like cancer with its 7 warning signs juvenile misdirection can also be recognized by a variety of obvious signals For example

School performance that has suddenly declined
Increased truancy
New "friends" or hanging out with a "crowd" that the parent doesn't recognize
The use of drugs the appearance of drug paraphernalia in the home
Lack of self discipline
Lack of respect for all authority including parents
Rebellious attitude argumentative on every subject
A refusal to acknowledge rules and boundaries
An unwillingness to take personal responsibility for their actions
Minor run ins with the law or persons in authority

And as with cancer success depends in great measure on early detection and treatment

## Scared Straight—A Program That Works

There is in the life of every child with behavioral problems a crucial point at which intervention and redirection can change the life of that child forever Wait too long make too many excuses for them and that turning point has passed

Scared Straight can provide that crucial redirection

It does it by giving youths a first hand up close look at what their future might be

It takes them into the real life environment of jail of hard time and complete loss of freedom It is a harsh introduction to the sights the sounds the smells the harshness and the prisoners that are the reality and the pay-off for criminal behavior

Is it pleasant? In no way

Is it effective? Extremely!

With each Scared Straight experience custom tailored to the particular needs of the individual child and administered by specially trained officers our success rate in turning around youth headed for serious trouble is very high

But again the secret is in early treatment

## Taking The Next Step

If you think that Scared Straight might be of help to your child or a child for whom you are responsible the next step is to request our program application form

Because the program is in high demand there is often a waiting period so the sooner you apply the sooner help can be made available Youths may be referred by the judiciary school officials clergy and parents or guardians

Please complete the attached post card answering all questions and a program application will be sent to you

But do it now before the turning point has passed

Please send application for Scared Straight Program to

Name _____

Address _____

City _____

Zip Code _____

Youth's Age _____ Grade _____

Race _____ Sex _____

Daytime Phone _____

Home Phone _____

Brief Description of behavioral problem (example Refuses to accept parental authority skips school caught shoplifting)

_____

_____

_____

_____

_____

_____

ATTACHMENT #2

October 3, 1993

Mrs Amanda Poole
Garinger High School
1100 Eastway Drive
Charlotte, NC 28205

Mr Ken Brown
Mecklenburg County Jail
Court Arcade Building
725 East Trade Street
Charlotte, NC 28202

Dear Mr Brown

I am a teacher at Garinger High School who took my Psychology classes last year on a tour of the jail facilities I cannot tell you what an impact the tour made on my students So many times I have had students who were potential problems for society, who took the tour and changed their behavior and attitude as they saw the potential and reality of prison.

I am writing to you as I have been told that you are not conducting tours right now because of construction of the new jail facility I would like to ask you to make an exception for my two psychology classes They are students from Garinger High School , who many signed up for the psychology class because they wanted to see what the prison looks like The trip has become notorious for the class and it made the front page of our school newspaper last year

I would also like to commend the tour guides who did an outstanding job I am not quite sure of their names, but I believe them to be Lt Williams, Lt Murtaugh (huge arms!) and another very tall gentlemen who was the kick boxing champion They commanded respect and attention from my students and created the military attitude of discipline that they understand My students learned very quickly that the jail is somewhere they do not EVER want to be or end up Several times during the tour, Lt Williams stated "It is real simple If you cannot follow directions in life then you will end up here So learn to follow directions " For the rest of the school year, the catch phrase in my class became "If you cannot follow directions, then you know what will happen. "

If you find that an exception cannot be made, then I welcome any suggestions you might have I am aware that some tour guides do come into the school, but the environment of the jail I do not think can be recreated in my classroom I appreciate all that you are contributing to help the youth of tomorrow It has made a difference to many

Sincerely,
Amanda Poole
Amanda Poole
Psychology teacher

343-6450 Garinger High School

ATTACHMENT #2

October 7, 1993

Dear Deputy Brown,

I certainly do appreciate your arranging for us to have a tour of the jail. My Forensics Science Class has always looked forward to going to the jail and it seems as if it is always a culmination of the semester study when we go to the jail. Juniors and Seniors compose the membership of my Forensics Class. It is true that they are not high risk students, which is I am told constitute the majority of your jail tours. It does give to them, as potential voting members of Mecklenburg County a true empathy for our growing criminal population. It is the type of experience that they can never get in books or hear others talk about and understand as it should be understood. I have had a great number of students tell me that they can never objectively hear on TV "and he spent the night in the Mecklenburg County Jail," that they do not think of their trip to the jail. Several parents have told me that their child would talk about the jail trip for months. In my twenty-three years of teaching, I do not believe that I have every done anything with my class that has been as well received.

I know that you are going out of your way to take my kids on the jail tour this semester. I know that because of construction, this tour will not be easy for you and your staff I want you to know that my students as well as their parents are aware of the inconvenience and do indeed want you to know that it is appreciated.

Yours truly,

Norma N Mackenzie

# POSSIBLE APPROACHES TO BOOT CAMPS OPERATED IN AND BY MECKLENBURG COUNTY

## Basic Boot Camp

- A military style encampment for various levels of offenders in the 16-21 year age group
- To be a combined effort of city, county, schools, courts and the Sheriff's Department with guidance from the military experts
- Possible funding resources;grants, private business and city/county funds
- A site would be selected which would provide for military type physical training, meals, secure holding and education/teaching opportunities, Perhaps at the County Jail - North (some pod space is currently available and up to 600 beds will be available in the future).
- The courts could sentence offenders to the custody of the Sheriff directed to this program in lieu of a traditional sentence
- Encampments would be for various lengths of time (30 days,60 days, 90 days, etc.)
- Successful completion would see the offender returned home, or back to school with "after-care" and home life guidance
- Unsuccessful candidate would go to jail and/or prison as ordered by the court to serve a maximum traditional sentence

## Alternative Sanctions (Excluded Camp) Concepts

- A modified or combination of the Scared Straight program and the Boot Camp concept
- A possible type of "deferred prosecution" or "probation" sentence
- Day reporting (after school until bed time... "Day Care for would be Hoodlums").
- Three, six, ten, etc. day encampments for first time offenders, or "at risk" young people,
- Utilize existing staff of the Sheriff's Department's Scared Straight Team as "core" to be expanded in proportion to the number of "campers"
- Utilize some portion of the current jails now available and as more space becomes available with the new jail construction
- Thirty, sixty or ninety day encampments for more difficult youthful offenders
- Working in concert with the schools, Area Mental Health and volunteers to provide teaching and life skills counseling as an integral aspect of all encampments
- Provide for follow-up school and/or job placement
- Provide for on-going substance abuse counseling and "after care" assistance (total family involvement).

# APPROVAL OF CAROLINAS URBAN COALITION ENDORSING THE GOVERNOR'S PROPOSED CRIME-FIGHTING PLAN AND OTHER HIGH PRIORITY REGIONAL ISSUES

## (Approved Unanimously By City Council)

# CAROLINAS URBAN COALITION RESOLUTION FOR PUBLIC SAFETY

WHEREAS, the Carolinas Urban Coalition consists of the City of Charlotte Concord Kannapolis, Mooresville, Gastonia Rock Hill, Monroe and radius, and

WHEREAS, the Carolinas Urban Coalition's focus is cooperating on issues that can best be addressed in a regional fashion, and

WHEREAS, the Carolinas Urban Coalition on January 20, 1994 conducted a public workshop where all members presented high priority issues that need state attention for addressing the serious crime problems within our region, and

WHEREAS, the Carolinas Urban Coalition voted to support the Legislative Special Session in dealing with the Governor's proposals and other issues which are of major importance to the Coalition

NOW THEREFORE BE IT RESOLVED, that the Carolinas Urban Coalition fully endorses the following

- A statewide Comprehensive Criminal Justice Information System that reports crime data in a systematic way to allow individual law enforcement units to have full information about criminal records that are accumulated in other jurisdictions

- That North Carolina municipalities and/or Housing Authorities be given greater authority to evict residents of public housing when individuals within the respective units are convicted of felonious behavior

- That North Carolina cities be given greater authority to combat public nuisances such as abandoned cars, boarded up houses and other substandard structures which foster criminal behavior

- All juvenile court records be allowed in courts to give an accurate account of past behavior of young repeat offenders who reach the age of 16 (adults)

FURTHERMORE, BE IT RESOLVED, that the Carolinas Urban Coalition is endorsing this resolution so we might make our united efforts known to the Legislature during the February 8 Special Session

## CERTIFICATION

I, Nancy S Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 31st day of January, 1994, the reference having been made in Minute Book 103, and recorded in full in Resolution Book 32, Page(s) 92-93

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of February, 1994

Nancy S Gilbert

Nancy S Gilbert, Deputy City Clerk

# COUNCIL REQUEST FOR DELEGATION CONSIDERATION OF ADDITIONAL INITIATIVES DURING THE SPECIAL SESSION

1. A felony to assault a police officer under any condition
2. A felony to use a real unloaded gun or a fake gun in any crime
3. Authorization for teenage curfews
4. Make possession of less than one gram of cocaine a felony (reverse action taken during the last session)

# Additional Council Request for Legislation to be Considered in the Special Session

1 **A felony to assault a police officer**

- Currently NCGS 14-33(b-4) defines punishment for simple assault of a police officer as a misdemeanor Council has requested that the law be changed so that <u>any</u> assault on a police officer be considered as a felony

2 **Use of unloaded gun or fake handgun**

- Under NCGS 14-87, armed robbery with an unloaded gun or a fake handgun is not considered a felony offense Council discussed and requested that this law be changed so that any robbery, where the victim assumed the gun was loaded, be considered a felonious offense There are other situations where assaults with fake weapons should also be considered a felony

3 **Authorization for teenage curfews**

- In North Carolina, there is disagreement with regard whether North Carolina municipalities possess authority to enact juvenile curfew ordinances One theory holds that general legislative grants of authority to local governments to protect safety, welfare, and peace may be interpreted as broad enough to empower local governments to enact curfews or other ordinances which achieve those goals The opposing interpretation provides that general legislative grants of authority to safeguard safety, welfare, and peace, coupled with specific grants of authority to deal with emergencies, may be interpreted as allowing local governments to enact curfew and other restrictive ordinances only during emergencies

  Council is requesting that the authority for local governments to impose a curfew be clarified

4 **A felony to possess less than one gram of cocaine**

- Beginning January 1995, possession of less than one gram of cocaine will become a misdemeanor rather than a felony offense This change in the law was "tacked" on to the sentencing bill on the last day of the 1993 legislative session without great discussion Both the District Attorney's Office and the Police Department recommend the law be reversed Council unanimously agrees

# Appendix A

# Crime Statistics

# and

# Youthful Offender

# Profile

## STATISTICAL BACKGROUND

**Violent Crimes:**

- In 1993 total reported crime in Charlotte dropped 3% However violent crime continued to increase, as it has in 5 of the last 6 years
- Charlotte ranks eighth for violent crimes per 100,000 of 37 cities with populations between 250,000 and 500,000.
- In 1993, 1,146 incidents of stolen guns (some incidents involving multiple weapons) were reported
- At least 43% of violent crimes involve victims and offenders who know each other

**Youthful Offenders:**

- In 1993, 20% of all arrests involved youthful offenders under the age of 20
- 25% of violent crimes were committed by youthful offenders under the age of 20
- Over the past 5 years, arrests of youth aged 16 or younger have increased by 60%, as compared to a total increase of 13%
- 30 guns were taken away from Charlotte-Mecklenburg students last year in addition to 193 other weapons.

**Drug and Alcohol-Related Crimes:**

- Over half of the homicides are drug/alcohol-related or had a victim or offender who was drug-involved
- 3,141 arrests listed drug charges as the major offense

**Repeat Offenders:**

- 65-70% of adult arrests involve offenders who had previously been arrested as adults Information is not available on juveniles

**Note:** Crime statistics shown in this report represent reported index crimes

## CRIME RATES PER 100,000 BY COUNTY

| County | Year | Index Crime Rate | Violent Crime Rate | Property Crime Rate | County | Year | Index Crime Rate | Violent Crime Rate | Property Crime Rate |
|---|---|---|---|---|---|---|---|---|---|
| Alamance | 1991 | 4,586.3 | 536.9 | 4,049.4 | Cumberland | 1991 | 9,793.5 | 1,047.6 | 8,745.9 |
| | 1992 | 4,557.0 | 401.2 | 4,155.8 | | 1992 | 8,874.0 | 1,014.5 | 7,859.4 |
| Alexander | 1991 | 2,542.7 | 155.7 | 2,386.9 | Currituck | 1991 | 2,920.2 | 115.9 | 2,804.3 |
| | 1992 | 2,300.0 | 126.6 | 2,173.4 | | 1992 | 2,896.5 | 180.5 | 2,715.9 |
| Alleghany | 1991 | 1,803.9 | 145.9 | 1,657.9 | Dare | 1991 | 8,346.3 | 330.7 | 8,015.6 |
| | 1992 | 994.9 | 82.0 | 912.9 | | 1992 | 8,158.6 | 300.0 | 7,858.5 |
| Anson | 1991 | 4,682.8 | 892.6 | 3,790.2 | Davidson | 1991 | 4,526.5 | 376.0 | 4,150.5 |
| | 1992 | 3,920.6 | 721.5 | 3,199.1 | | 1992 | 4,642.8 | 402.8 | 4,239.9 |
| Ashe | 1991 | 1,621.1 | 247.6 | 1,373.5 | Davie | 1991 | 2,609.0 | 125.2 | 2,483.8 |
| | 1992 | 1,301.3 | 93.5 | 1,207.7 | | 1992 | 3,028.5 | 211.3 | 2,817.3 |
| Avery | 1991 | 1,954.8 | 86.1 | 1,868.6 | Duplin | 1991 | 3,625.1 | 592.3 | 3,032.7 |
| | 1992 | 2,176.7 | 85.7 | 2,091.0 | | 1992 | 3,818.8 | 602.8 | 3,215.8 |
| Beaufort | 1991 | 5,134.6 | 532.5 | 4,602.1 | Durham | 1991 | 8,746.9 | 984.3 | 7,762.6 |
| | 1992 | 5,803.8 | 663.5 | 5,140.2 | | 1992 | 9,628.4 | 1,051.1 | 8,577.3 |
| Bertie | 1991 | 2,606.5 | 515.4 | 2,091.1 | Edgecombe | 1991 | 8,192.1 | 905.7 | 7,286.4 |
| | 1992 | 2,967.1 | 396.9 | 2,570.2 | | 1992 | 7,973.0 | 966.1 | 7,006.8 |
| Bladen | 1991 | 4,088.6 | 800.2 | 3,288.3 | Forsyth | 1991 | 8,203.1 | 1,166.4 | 7,036.6 |
| | 1992 | 3,884.3 | 756.9 | 3,127.4 | | 1992 | 8,216.4 | 1,154.3 | 7,062.1 |
| Brunswick | 1991 | 2,370.5 | 177.3 | 2,193.2 | Franklin | 1991 | 3,147.6 | 253.8 | 2,893.8 |
| | 1992 | 1,861.7 | 108.5 | 1,753.2 | | 1992 | 3,288.5 | 310.9 | 2,977.6 |
| Buncombe | 1991 | 5,539.3 | 395.9 | 5,143.3 | Gaston | 1991 | 6,826.8 | 743.4 | 6,083.3 |
| | 1992 | 4,877.0 | 425.3 | 4,451.7 | | 1992 | 6,065.4 | 832.7 | 5,232.7 |
| Burke | 1991 | 3,293.0 | 219.8 | 3,073.1 | Gates | 1991 | 1,824.6 | 32.2 | 1,792.4 |
| | 1992 | 3,518.1 | 272.6 | 3,245.4 | | 1992 | 1,873.3 | 138.3 | 1,734.9 |
| Cabarrus | 1991 | 3,779.0 | 261.6 | 3,517.3 | Graham[1] | 1991 | NA | NA | NA |
| | 1992 | 3,977.7 | 349.1 | 3,628.5 | | 1992 | NA | NA | NA |
| Caldwell | 1991 | 4,365.1 | 442.4 | 3,922.7 | Granville | 1991 | 4,846.0 | 678.2 | 4,167.8 |
| | 1992 | 3,744.2 | 399.3 | 3,344.9 | | 1992 | 5,163.0 | 665.7 | 4,497.2 |
| Camden | 1991 | 1,667.5 | 34.0 | 1,633.4 | Greene | 1991 | 2,506.9 | 201.3 | 2,305.6 |
| | 1992 | 1,645.1 | 50.3 | 1,594.7 | | 1992 | 2,663.0 | 135.0 | 2,527.9 |
| Carteret | 1991 | 4,820.8 | 274.3 | 4,546.4 | Guilford | 1991 | 8,067.0 | 870.4 | 7,196.6 |
| | 1992 | 5,105.9 | 294.1 | 4,811.8 | | 1992 | 7,641.1 | 841.7 | 6,799.4 |
| Caswell | 1991 | 2,763.9 | 381.7 | 2,382.2 | Halifax | 1991 | 5,513.7 | 360.7 | 5,152.9 |
| | 1992 | 2,726.9 | 393.6 | 2,333.2 | | 1992 | 5,540.5 | 432.7 | 5,107.8 |
| Catawba | 1991 | 5,753.1 | 669.5 | 5,083.6 | Harnett | 1991 | 6,110.8 | 862.9 | 5,247.9 |
| | 1992 | 5,272.2 | 612.6 | 4,659.6 | | 1992 | 6,043.4 | 918.0 | 5,125.3 |
| Chatham | 1991 | 3,941.5 | 277.6 | 3,663.8 | Haywood | 1991 | 3,529.2 | 157.6 | 3,371.6 |
| | 1992 | 3,999.1 | 309.9 | 3,689.2 | | 1992 | 3,313.4 | 150.7 | 3,162.7 |
| Cherokee | 1991 | 2,534.6 | 257.4 | 2,277.2 | Henderson | 1991 | 3,455.1 | 329.2 | 3,125.8 |
| | 1992 | 2,603.4 | 283.3 | 2,320.1 | | 1992 | 3,125.7 | 241.6 | 2,884.1 |
| Chowan | 1991 | 3,510.7 | 295.6 | 3,215.0 | Hertford | 1991 | 4,021.5 | 471.0 | 3,550.4 |
| | 1992 | 4,542.8 | 433.3 | 4,109.4 | | 1992 | 3,704.6 | 415.5 | 3,289.1 |
| Clay | 1991 | 1,353.2 | 69.7 | 1,283.4 | Hoke | 1991 | 4,799.4 | 424.3 | 4,375.0 |
| | 1992 | 1,110.3 | 27.4 | 1,082.9 | | 1992 | 6,126.0 | 602.9 | 5,523.0 |
| Cleveland | 1991 | 5,087.9 | 464.4 | 4,623.5 | Hyde | 1991 | 926.1 | 129.6 | 796.4 |
| | 1992 | 4,903.1 | 476.1 | 4,426.9 | | 1992 | 1,553.7 | 162.6 | 1,391.1 |
| Columbus | 1991 | 4,502.3 | 514.6 | 3,987.7 | Iredell[2] | 1991 | 2,356.1 | 225.2 | 2,130.9 |
| | 1992 | 4,684.2 | 482.0 | 4,182.1 | | 1992 | 2,294.1 | 206.1 | 2,088.0 |
| Craven | 1991 | 5,814.1 | 632.6 | 5,181.5 | Jackson | 1991 | 2,629.2 | 89.5 | 2,539.7 |
| | 1992 | 5,905.8 | 661.1 | 5,244.6 | | 1992 | 2,523.8 | 100.6 | 2,423.2 |

[1]Over 50 percent of the county population was not covered for 1991 and 1992
[2]20 to 50 percent of the county population was not covered for 1991 and 1992

## CRIME RATES PER 100,000 BY COUNTY

| County | Year | Index Crime Rate | Violent Crime Rate | Property Crime Rate |
|---|---|---|---|---|
| Johnston | 1991 | 5,988.2 | 501.6 | 5,486.5 |
| | 1992 | 5,481.2 | 551.2 | 4,929.9 |
| Jones[1] | 1991 | NA | NA | NA |
| | 1992 | NA | NA | NA |
| Lee | 1991 | 6,038.0 | 870.0 | 7,167.9 |
| | 1992 | 7,324.6 | 838.8 | 6,486.8 |
| Lenoir | 1991 | 6,500.0 | 1,018.3 | 5,481.7 |
| | 1992 | 6,688.1 | 1,100.1 | 5,587.9 |
| Lincoln | 1991 | 3,578.9 | 247.4 | 3,331.5 |
| | 1992 | 3,457.2 | 151.0 | 3,306.1 |
| McDowell | 1991 | 3,641.8 | 182.0 | 3,459.7 |
| | 1992 | 3,303.4 | 153.8 | 3,149.5 |
| Macon | 1991 | 1,103.2 | 72.5 | 1,030.6 |
| | 1992 | 1,377.1 | 19.9 | 1,358.1 |
| Madison[1] | 1991 | NA | NA | NA |
| | 1992 | NA | NA | NA |
| Martin | 1991 | 6,024.2 | 794.5 | 5,229.6 |
| | 1992 | 5,798.4 | 602.4 | 5,195.9 |
| Mecklenburg | 1991 | 11,281.3 | 1,836.1 | 9,445.2 |
| | 1992 | 11,075.6 | 1,929.3 | 9,146.2 |
| Mitchell[1] | 1991 | NA | NA | NA |
| | 1992 | NA | NA | NA |
| Montgomery | 1991 | 4,065.5 | 376.8 | 3,688.7 |
| | 1992 | 4,206.1 | 316.2 | 3,889.9 |
| Moore | 1991 | 4,333.5 | 423.5 | 3,909.9 |
| | 1992 | 4,081.0 | 578.5 | 3,502.4 |
| Nash | 1991 | 4,045.3 | 268.7 | 3,776.5 |
| | 1992 | 4,370.9 | 298.3 | 4,072.6 |
| New Hanover | 1991 | 9,776.8 | 825.3 | 8,951.5 |
| | 1992 | 8,922.6 | 815.0 | 8,107.6 |
| Northampton | 1991 | 2,632.9 | 515.3 | 2,117.5 |
| | 1992 | 2,774.0 | 444.7 | 2,329.2 |
| Onslow | 1991 | 5,346.6 | 521.4 | 5,825.1 |
| | 1992 | 5,856.4 | 427.4 | 5,429.0 |
| Orange | 1991 | 6,865.8 | 561.7 | 6,304.0 |
| | 1992 | 7,219.2 | 609.6 | 6,609.5 |
| Pamlico | 1991 | 2,141.1 | 131.6 | 2,009.4 |
| | 1992 | 2,539.7 | 87.2 | 2,452.4 |
| Pasquotank | 1991 | 4,987.7 | 914.1 | 4,073.6 |
| | 1992 | 3,415.2 | 297.6 | 3,117.5 |
| Pender | 1991 | 2,312.9 | 129.6 | 2,183.3 |
| | 1992 | 3,084.3 | 259.9 | 2,825.3 |
| Perquimans | 1991 | 2,091.4 | 248.3 | 1,843.1 |
| | 1992 | 2,808.1 | 455.1 | 2,353.0 |
| Person | 1991 | 2,893.4 | 413.8 | 2,479.6 |
| | 1992 | 3,213.3 | 363.2 | 2,850.0 |
| Pitt[3] | 1991 | 4,343.0 | 433.5 | 3,909.4 |
| | 1992 | 8,300.0 | 867.8 | 7,432.1 |
| Polk | 1991 | 1,826.3 | 235.2 | 1,591.1 |
| | 1992 | 1,971.5 | 203.9 | 1,767.6 |
| Randolph | 1991 | 2,751.6 | 185.2 | 2,566.3 |
| | 1992 | 3,433.3 | 221.3 | 3,211.9 |
| Richmond | 1991 | 4,698.6 | 669.6 | 4,029.0 |
| | 1992 | 4,986.7 | 898.7 | 4,087.9 |
| Robeson | 1991 | 4,095.1 | 373.5 | 3,721.6 |
| | 1992 | 4,446.9 | 555.5 | 3,891.4 |
| Rockingham | 1991 | 4,534.9 | 579.3 | 3,955.6 |
| | 1992 | 4,193.7 | 465.4 | 3,728.2 |
| Rowan | 1991 | 5,198.4 | 407.8 | 4,790.5 |
| | 1992 | 4,900.0 | 413.7 | 4,486.3 |
| Rutherford | 1991 | 3,612.8 | 234.2 | 3,378.5 |
| | 1992 | 3,379.8 | 255.9 | 3,123.8 |
| Sampson | 1991 | 3,949.7 | 531.2 | 3,418.4 |
| | 1992 | 4,075.9 | 571.2 | 3,504.7 |
| Scotland | 1991 | 6,114.3 | 521.9 | 5,592.3 |
| | 1992 | 5,772.5 | 449.3 | 5,323.1 |
| Stanly | 1991 | 4,622.8 | 451.2 | 4,171.5 |
| | 1992 | 4,250.8 | 408.8 | 3,842.0 |
| Stokes | 1991 | 2,789.3 | 251.8 | 2,537.4 |
| | 1992 | 2,589.1 | 314.0 | 2,275.0 |
| Surry | 1991 | 3,184.5 | 245.8 | 2,938.6 |
| | 1992 | 2,931.5 | 257.7 | 2,673.7 |
| Swain[2] | 1991 | 1,116.3 | 79.7 | 1,036.5 |
| | 1992 | 1,458.7 | 25.5 | 1,433.1 |
| Transylvania | 1991 | 2,175.1 | 195.6 | 1,979.5 |
| | 1992 | 2,224.3 | 277.5 | 1,946.8 |
| Tyrrell | 1991 | 3,607.5 | 622.8 | 2,984.6 |
| | 1992 | 2,895.0 | 451.5 | 2,443.5 |
| Union | 1991 | 5,185.7 | 591.3 | 4,594.3 |
| | 1992 | 4,910.9 | 567.1 | 4,343.8 |
| Vance | 1991 | 7,240.0 | 554.5 | 6,685.4 |
| | 1992 | 8,791.4 | 890.1 | 7,901.2 |
| Wake | 1991 | 6,102.2 | 561.9 | 5,540.3 |
| | 1992 | 5,779.2 | 653.1 | 5,126.1 |
| Warren | 1991 | 1,961.6 | 162.9 | 1,798.7 |
| | 1992 | 2,743.8 | 110.5 | 2,633.2 |
| Washington | 1991 | 4,422.8 | 873.1 | 3,549.7 |
| | 1992 | 4,180.4 | 727.9 | 3,452.5 |
| Watauga | 1991 | 3,582.6 | 157.6 | 3,425.0 |
| | 1992 | 2,994.0 | 130.4 | 2,863.6 |
| Wayne | 1991 | 6,234.7 | 804.5 | 5,430.1 |
| | 1992 | 5,698.6 | 790.6 | 4,908.0 |
| Wilkes | 1991 | 2,792.6 | 303.5 | 2,489.1 |
| | 1992 | 2,434.1 | 216.9 | 2,217.2 |
| Wilson | 1991 | 8,783.2 | 1,073.5 | 7,709.7 |
| | 1992 | 8,609.7 | 1,050.6 | 7,559.1 |
| Yadkin | 1991 | 2,352.0 | 107.3 | 2,244.7 |
| | 1992 | 2,449.1 | 95.6 | 2,353.4 |
| Yancey[1] | 1991 | NA | NA | NA |
| | 1992 | NA | NA | NA |
| STATE TOTAL | 1991 | 5,998.9 | 670.4 | 5,328.4 |
| | 1992 | 5,943.9 | 698.2 | 5,245.6 |

[1]Over 50 percent of the county population was not covered for 1991 and 1992
[2]20 to 50 percent of the county population was not covered for 1991 and 1992
[3]Incomplete reporting in 1991

CITY OF CHARLOTTE YOUTHFUL OFFENDER PROFILE

He began his career as a criminal in January of 1991 when he was charged with credit card fraud, possession of cocaine with intent to sell and deliver, 3 counts of larceny, 2 counts of breaking into automobiles, one count of breaking and entering a building, and one count of second degree burglary You might assume that the criminal justice system dealt with him and ended his crime spree but that was not the case Two months later, in March of 1991, he was charged with two counts of auto theft The next month he was charged with breaking and entering a vehicle and damage to property Four months later, in August, 1991, he was charged with housebreaking

In March of 1992, he began the second phase of his crime spree He was charged with possession of a firearm (a 38 caliber pistol) on school grounds, assault with a knife, 2 more counts of housebreaking, possession of a knife on a school campus and disorderly conduct

In the next year and a half, he was not charged with any crime, but that is no indication that he was not involved in criminal activity It merely means he did not get caught

In December of 1993, he was back This time he was charged with homicide He told investigators he was doing dope and had traded 2 pieces of crack cocaine for a 9mm. handgun with clip and holster He and a friend were joyriding when they encountered a 41 year old man whom they offered a ride For the thrill of it, he pointed his newly acquired gun at the man's head He pulled the trigger but it did not fire The man struggled to take the gun but the young man said "you never mess with a man's gun" At that point, he shot the man at close range It gave him quite a rush As the man was shot, his blood spattered on his murderer who said he liked the taste of blood Even more important, he had now gained automatic respect because he had killed

He is remorseless He is dangerous What is most frightening is that he is not unique - there are many more on Charlotte's streets just like him What is tragic is that he is barely 17 years old He committed cold blooded murder two days before his seventeenth birthday He was first arrested one month after his fourteenth birthday

Charlotte, like other cities across the country, is experiencing an unacceptable level of violent crime While Charlotte's overall crime rate declined 3 4% in 1993, its violent crime increased 2 9%, fueled by a 23 2% increase in its homicide rate While these figures are alarming, police and the community are most concerned about the growing involvement of young people, many under the age of 16, in crimes of violence that are senseless and which have left the

community in fear In the last three years arrests of juveniles under the age of 16 for violent crimes have steadily increased in Charlotte and Mecklenburg County The following chart shows the arrests of juveniles under 16 in four crime categories homicide, rape, robbery, and aggravated assault

| | 1991 | 1992 | 1993 |
|---|---|---|---|
| Homicide | 4 | 7 | 9 |
| Rape | 4 | 4 | 8 |
| Robbery | 25 | 35 | 33 |
| Assault | 129 | 156 | 169 |

In 1993 the Urban Division of the Charlotte-Mecklenburg Police Department reported an 11 8% increase in arrests of young people under 18 for violent crimes

While the numbers on a page may not look particularly frightening what they represent is of grave concern to this community They represent young people who place little, if any, value on human life, including their own They represent young people who have grown up in a cycle of poverty which in many cases is characterized by broken homes and a history of abuse within the family Most of the young people in these arrest figures are either school drop-outs, students who have been suspended or permanently excluded from school for disciplinary problems or students who attend school but make no effort to learn

These numbers also reflect a society where drugs and guns are readily available Many of these young people are drug involved at an early age and have found drug sales to be a quicker way to raise money than the traditional teenage jobs in fast food restaurants and department stores Most of these young people view possession of a weapon as a status symbol and believe that violence is the quickest and preferred method of addressing a problem A local middle school teacher who talked with the parents of a student who had thrown a chair across a classroom reported that the parents were not at all chagrined that the boy had broken the chair "He sees us do this at home", they calmly explained

Homicide investigators are chilled by the stories they hear from young people The majority of them show no remorse for what they have done and if they display any emotion at all, it is likely to be pride For many of these young people, killing has become simply a rite of passage along the path to adulthood Some examples from recent Charlotte cases illustrate this problem

May, 1992 - A 16 year old boy wanted money from his father When the father refused, the son shot him in the head, rolled his body up in a carpet, and put him under the house

April, 1992 - A fifteen year old male is out driving with two 16 and 17 year old friends They challenged him to run over a pedestrian on the sidewalk He does, the man dies One month later, this same group of teenagers kidnap and rape a woman, steal her car, and take her to a dead end street where they shoot her in the head multiple times

February, 1993 - After a neighborhood dance, one fourteen year old female stabs another to death

March, 1993 - A 15 year old answers the front door and is shot and killed by two 16 and 17 year olds as the result of an argument at school between rival gangs

May, 1993 - A fifteen year old who is denied entrance to a party shoots two people, killing one of them

June, 1993 - A 15 year old robs a 28 year old female at gunpoint on the street, forces her into a vacant house, and shoots her in the head

May, 1993 - A five year old child in a van was shot and killed by a 17 year old drug dealer who thought the van was an undercover police vehicle and that he was shooting at police

May, 1993 - A fourteen year old female stabbed another 14 year old female after a school fight

August, 1993 - A forty-four year old male street person was killed by 15 and 16 year olds who beat him to death with bricks By their own admission, it was a thrill killing

December, 1993 - A 7 year old boy was accidentally killed by his 16 year old cousin who, along with a 15 year old, had stolen a gun as part of the initiation into a neighborhood gang

January, 1994 - A 22 year old Malaysian student who delivers pizzas to pay his college tuition is kidnapped by two 15 and 16 year olds who force him to drive to a deserted area, rob him, shoot him three times, and leave him for dead

For Charlotte Police officers, juvenile involvement in violent crime struck a personal note in November of 1991 when three teenagers shot an off-duty Charlotte police officer who was moonlighting at a local motel The officer had ordered them off the motel property for creating a disturbance One of the boys felt his manhood had been challenged He and his friends left the motel, went to one of their houses to get a shotgun, and returned to the motel where they shot and killed the officer Their attitude after the homicide sums up the attitude of many of the young people involved in violent crimes After the killing, they went home and went to sleep and investigators had to awaken them to question them They felt so little remorse that killing a police officer didn't even cost them a sleepless night

With very few exceptions, these acts of violence were not the first involvement that these juvenile perpetrators had with crime In a number of these cases, these young people got involved with crime at 13 or 14, developing a pattern of escalating criminal activity Case histories of several representative young people are presented as an attachment While these young people were apprehended by police and charged with these crimes, the criminal justice system failed to adequately address their problems

In many cases, the charges against these young people were voluntarily dismissed and they never appeared in juvenile court Those who did received very little punishment and were essentially free to carry on their criminal activity In some instances, the young people were sent to training school but they received no meaningful rehabilitation, they were merely taken off the street for a short period of time They see that the juvenile justice system is no deterrent to crime and knew that under North Carolina law, with very few exceptions, the slate would be wiped clean and they could begin anew as first offenders As they well know, adult first offenders don't face much punishment either

What the state must realize is that these young people are dangerous While they may not start out as violent predators, their criminal activity follows a distinct pattern of escalating violence which goes unchecked because it goes unpunished If these young people are not treated as potentially violent offenders while they are still young and while there is still some hope that punishment can be a positive intervention in their lives, then they will remain a danger to the community

Presently, there is little if any effective punishment for young people under the age of 16 Elected officials and the citizens of Charlotte and Mecklenburg County are interested in developing a boot camp for young offenders under the age

of 16 The boot camp concept could be applied to those offenders who show distinct patterns of escalating criminal activity The boot camp concept that we wish to see implemented in Mecklenburg County would combine strong military discipline with a support program that includes drug treatment, remedial education, job training and placement, exercises that build self-esteem, and aftercare and follow-up A regimen of discipline without attitude changes and skill building will accomplish nothing more than temporarily removing these young people from the street Charlotte-Mecklenburg desires a boot camp that can make a significant difference in these young offenders and give them what amounts to a second chance in life The ultimate goal of such a boot camp would be to reduce the recidivism rate among these young people and decrease the likelihood that they will become adult offenders