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Safe at Home? Fighting Family Violence in North Carolina



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The Center was formed in 1977 by a diverse group of private citizens for the purpose of gathering, analyzing, and disseminating information concerning North Carolina's institutions of government. It is a nonpartisan organization guided by a self-elected Board of Directors and has individual and corporate members across the state.

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Cover: photo courtesy of Philadelphia Mural Arts Program. The mural featuring a portrait of a young woman looking symbolically from behind a barred window speaks to the tragedy of domestic violence. The woman depicted in the mural, Atiya Rodriguez, was murdered by her boyfriend at the corner where this mural stands. Credit: "Tribute to Atiya," by Jane Golden, assisted by Barbara Smolen, Jason Slowik, and Craig Turner. © 1998 PDR Mural Arts Program/Jane Golden. Mural made possible by Coalition for the Right to Live in Peace. Sponsored by Keystone Mercy Health Plan.

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Safe at Home?

Fighting Family Violence in North Carolina

by Renee Elder, Adrienne Allison, and Mike McLaughlin

Summary

Domestic violence—long cloaked in secret shame or denial—has gone public in North Carolina. A North Carolina newspaper investigation profiling more than 70 deaths in 2002 alone, coupled with statistics showing local conviction rates averaging barely one third, gave Rep. Wilma Sherrill (R-Buncombe), long an advocate for legislative action on domestic violence, the evidence she needed to convince 2003–04 House Co-Speakers Jim Black (D-Mecklenburg) and Richard Morgan (R-Moore) to appoint a study committee that would take a comprehensive look at the issue. That committee, led by Sherrill and Rep. Marian McLawhorn (D-Pitt), prepared a broad package of legislation that spurred the male-dominated (135 of 170 members) 2004 General Assembly to take actions advocates and some legislators had been urging for years. The legislation amounted to recognition that domestic violence is a major societal problem with impact resonating far beyond the pounding absorbed by the immediate victims.

Yet it is the immediate impacts that demand immediate attention. Those impacts include death, broken families, criminal charges and convictions, lost jobs, and physical and psychological damage to intimate partners and children who live in homes ruled by emotional abuse and violence. And, while a shocking news story and funeral brings home the reality of how many of these cases of escalating violence end, some of the damage is more subtle.

An analysis of legal proceedings in domestic violence cases in North Carolina indicates that an order of no contact from the defendant is the most commonly requested form of relief in a domestic violence protective order hearing. The second most common is that the defendant not interfere with the plaintiff's minor children. The third most commonly requested form of relief is temporary custody of minor children. These three requests illustrate victims' recognition that allowing a defendant access to minor children jeopardizes the safety of both parent and child.

Based on its broad impact on the family—including grave psychological damage and even the deaths of children, the Center uses the term “family violence” in referring to domestic violence throughout this article. Nationally, research indicates that children exposed to domestic violence exhibit social withdrawal, are more prone to experiment with drugs and abuse alcohol, are more likely to have sex with multiple partners, and, perhaps not surprisingly, are more likely to continue the cycle of abuse. Children exposed to family

violence also are more likely to commit or attempt suicide. Of further concern is that a National Institute for Justice study was inconclusive as to whether programs designed to treat the abuser and break the cycle of violence had any long-term effect or merely suppressed violent behavior and shaped attitudes for only the duration of program participation.

Data collected by the nonprofit N.C. Coalition Against Domestic Violence show that 78 domestic homicides occurred across the state in 2002, 71 in 2003, and 75 during 2004. While these numbers are essentially flat, the data also show that the number of people seeking services and shelter due to domestic violence is on the rise. Based on feedback from the programs it helps fund, the North Carolina Council for Women and Domestic Violence Commission, a state agency, determined that 44,895 victims sought help through one of the state's 90 local domestic violence agencies in 2002–2003—an increase of almost 27 percent over the previous five years. Despite the increased demand for services, state and national data suggest an overall decrease in violent crimes, including those involving intimate partners.

Still, the devastating impact of domestic violence on individuals and families demands that state laws aimed at prevention and punishment be strong, well-enforced, and well-publicized. Unfortunately, the laws have been none of the above in North Carolina, as was so devastatingly revealed in a landmark series by The News & Observer of Raleigh, N.C. The series reported that from January 1997 to October 2002, only one-third of domestic violence charges statewide resulted in conviction. Fifty-three percent of the charges were dismissed. By contrast, the newspaper reported that Memphis, Tennessee, has a 54 percent conviction rate for domestic violence cases, and Lincoln, Nebraska, gains convictions in 68 percent of domestic violence cases.

The newspaper put a human face on the carnage, buttressing this portrait of suffering with numbers too shocking to ignore, and state policymakers took action. North Carolina Governor Mike Easley and Attorney General Roy Cooper immediately called for both stronger enforcement and stronger laws. The 2003–2004 legislature—led by Republican and Democratic Co-Speakers in the N.C. House of Representatives—took up the challenge, appointing a diverse legislative task force with strong female leadership and willing and able male colleagues of every ideological stripe. The result was a revamped and reinvigorated package of criminal and civil laws (House Bill 1354) that will take a giant step in the attempt to prevent domestic violence and punish and rehabilitate offenders.

The legislation also requires new training for entry-level law enforcement officers in responding to and investigating domestic violence cases and training in investigation for evidence-based prosecution. And, it requests that the judicial branch implement new training standards for judges and court personnel. Additionally, the legislation requires a study of implementation of an anti-violence curriculum in the public schools.

But despite the comprehensive nature of this package, the research shows that domestic violence prevention and enforcement still needs further attention from state policymakers. This is not so much the fault of the law, lawmakers, or law enforcers as it is the nature of the problem. For domestic violence is a problem of the hearth and the heart—two places hard to reach through legislation alone.

Thus, the Center offers a series of recommendations requiring further actions from all three branches of state government: the executive branch, the legislative branch, and the judicial branch. These recommendations aim to: (1) increase the likelihood of uniform justice across the state through an examination of varying conviction rates and methods of prosecution that may prove most effective; (2) strengthen laws involving misdemeanor assault so that there are progressively greater distinctions in punishment and treatment between a shove versus a fist to the face in a household rocked by progressively serious violence; (3) support emergency services for family violence through a realistic appraisal of the needs of local family violence agencies with the promise of need-based support from state government; (4) expand the family court model that recognizes the devastating impact of domestic violence on a broad range of legal issues; (5) revisit child custody in the context of family violence; (6) provide more supervised visitation and exchange centers where families can comply with court-ordered custody and visiting privileges without fear of violence or intimidation; (7) enhance data collection and public information efforts; and (8) shape minds and attitudes through a statewide anti-violence curriculum in the public schools.

To assure an arena for consideration of these crucial issues, the Center also recommends (9) that House and Senate leaders in the 2005 N.C. General Assembly create a new Joint Legislative Committee on Domestic Violence. This would mean that leaders of the 2005 House of Representatives should reconstitute the House Select Committee on Domestic Violence that so successfully put together the comprehensive reforms contained in House Bill 1354 enacted in 2004. This also means that N.C. Senate leaders should join the effort and appoint members of the Senate to a new joint committee.

Patricia Youngblood sits behind her desk at the Albemarle Hopeline reflecting on the pain and frustration she has seen in her 20-plus years working as a therapist and advocate for victims of domestic violence. While much of the anguish has come from the violence itself, some stems from the way society has been slow to react to a threat that stalks families where they should feel safest—in their own homes.

"We started with denial that there was even a problem," says Youngblood, whose office occupies the front bedroom of a historic home near downtown Elizabeth City in northeastern North Carolina. She recalls the early 1980s, when the Hopeline was launched, as a time when her community—like the rest of the state—was largely in denial about the prevalence and seriousness of domestic violence. It was a time, Youngblood says, when even some working in the judicial system could be heard asking battered women: What did you do to deserve it?

Advocates persisted in attempting to speak out for battered women, and slowly some attitudes began to change. "We moved into thinking it happens, but that it happens to others," says Youngblood, describing a phenomenon that some believe persists today, a tendency to deny that domestic violence can occur in "good" families, or wealthy families, or among college graduates. In recent years, a number of highly publicized cases—along with better services that give more women a place to turn for safety and, in effect, a more public voice when they are in crises—have helped the larger community understand how this crime shows little respect for race, socioeconomic class, or education level. In turn, there is increased understanding of how domestic violence harms children, strains law enforcement and the judicial system, and perpetuates the notion that violence is an acceptable way to exert control and act out frustrations within families.

Today, North Carolina is equipping itself to reduce the violence against adult partners and their children. In 2003, an N.C. House of Representatives Select Committee on Domestic Violence took on the challenge of making sure that domestic violence is treated as a serious crime with serious consequences under the law. The committee spent many months

grappling with the issues before putting a groundbreaking package of new laws on the books during the 2003–2004 legislative session.¹ New laws have made strangulation inflicting serious injury—often a precursor to domestic murder—a felony, given judges and magistrates more discretion at initial child-custody hearings where only one parent is present, and have established new funding for legal aid to victims.

But are these changes enough? What is the recent history of domestic violence and its impact on families in North Carolina? How did North Carolina move from a state where domestic violence was treated dismissively to one where a comprehensive law sweeps through the General Assembly with virtually no dissent? And is the new law a finished product or does more work need to be done to prevent domestic violence, protect families, and punish and rehabilitate offenders? To answer these questions, the North Carolina Center for Public Policy Research interviewed literally dozens of advocates, policymakers, and law officers, pored over available—if sometimes inadequate—data, and thoroughly analyzed new and existing laws with the aid of a team of student researchers at the University of North Carolina School of Law. The Center's analysis finds that there has been substantial progress toward strengthening the law, but that a great deal more needs to be done to adequately address the problem of family violence and surrounding issues.

A Decade of Progress on Domestic Violence

North Carolina's recent wave of activity in attempting to address family violence was preceded by a decade of increasing awareness of violence within intimate relationships and the resulting havoc that this violence has wrought on families and children. In 1993, the state became the last state in the nation to eliminate the marital defense for rape.² In 1996, homicide data from the Violence Policy Center ranked North Carolina fifth in the rate per 100,000 of women murdered by males in single-victim, single-offender homicides.³ The state's ranking has varied in subsequent years, but North Carolina mostly has remained in the top 10 most deadly states for women killed by men in single-victim homicides, with the exception of 2001, when the state ranked 17th (See Table 1, p. 9).

By 1998, Governor Jim Hunt had convened a 25-member task force to study domestic violence, and in 1999, the Domestic Violence Commission

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Photographs by Karen Tam.



In Memory of lives taken,
With hope for peace and justice.

North Carolina Coalition Against Domestic Violence

This memorial in Durham was dedicated as part of the "Remember My Name" service held during Domestic Violence Awareness Month in October, 2004. The victims were represented at the service by family and friends at the invitation of the North Carolina Coalition Against Domestic Violence.

was created by executive order of Governor Hunt.⁴ At the request of Governor Mike Easley in 2001,⁵ that commission was consolidated with the N.C. Council on the Status of Women, which had existed since 1963, to form the N.C. Council for Women and Domestic Violence Commission. The commission's responsibilities now include overseeing displaced homemakers, domestic violence, abuser treatment, and sexual assault programs, as well as advising the governor, the legislature, and the judicial branch of state government on issues of importance to women.

Meanwhile, a movement was afoot to educate the public and policymakers on the devastating impact domestic violence has on families and children. In 2002, advocates and officials in the executive, judicial, and legislative branches of state government agreed to serve on an N.C. Child Well-Being and Domestic Violence Task Force, which explored the overlap of domestic violence and child maltreatment.

Chaired by Chief Justice I. Beverly Lake and Secretary of Health and Human Services Carmen Hooker Odom, the task force developed a comprehensive set of recommendations in the form of an implementation plan for the state, recommending

improvements in areas such as courts and law enforcement, child protective services, community-based services, and funding.⁶ Recognition that parent and child safety are interconnected was one of the guiding principles of the group, which agreed from the outset that enhancing a parent's safety enhances the child's safety, that domestic violence can and does cause serious harm to children, and that the perpetrator and not the victim should be held accountable for harm to both parent and child.⁷ Further, the task force indicated that services should be available to adult victims and their children whether the adult victim is attempting to leave, return to, or stay in an abusive relationship, that children should remain in the care of the non-offending parent where possible, and that alternative placement such as foster care should be considered if the risk is too great. Among the group's recommendations were that judges routinely address the custody of children during domestic violence protective order hearings.

Then in May 2003, *The News & Observer* of Raleigh, N.C., published a series of articles about domestic violence in North Carolina, revealing a system broken in its ability to protect people from violence in intimate relationships—even where au-



Table 1. N.C. Ranking Among the 50 States of Homicide Rate Per 100,000 Persons: Females Murdered by Males in Single Victim/Single Offender Homicides, 1997–2002

Year	N.C. Ranking	N.C. Rate	# of Homicides in N.C.
2002	9	2.08	88
2001	17	1.63	65
2000	6	1.97	81
1999	10	1.88	74
1998	4	2.57	100
1997	6	2.33	89

Source: “When Men Murder Women,” Annual Reports of Violence Policy Center, Washington, D.C., 1999–2004. Available on the Internet at www.vpc.org.

thorities were well aware of the problem and where there had been a history of efforts to intervene.⁸ The articles offered statistical and anecdotal evidence of the responses of law enforcement, prosecutors, and judges to domestic violence crimes, along with heart-rending stories of the system’s failures.

Among the newspaper’s findings:

- From January 1997 to October 2002, only one-third of domestic violence charges in North Carolina resulted in conviction.⁹
- Of those 80,000 abusers convicted, only 18 percent received active jail time.¹⁰
- 53 percent of domestic violence cases from January 1997 to October 2002 were dismissed by prosecutors and judges.¹¹
- In 2002, North Carolina had at least 73 domestic violence-related homicides.¹²
- Of the 63 men accused of those homicides, 34 had previously appeared in court for criminal charges or civil allegations of domestic violence.¹³

By contrast, the newspaper reported that Memphis, Tennessee, has a 54 percent conviction rate for domestic violence, and Lincoln, Nebraska, gains convictions in 68 percent of its domestic violence cases.¹⁴

The weight of the newspaper’s evidence shocked state policymakers into action. N.C. Attorney

General Roy Cooper and Governor Mike Easley immediately called for strengthening the state’s domestic violence laws. Rep. Wilma Sherrill (R-Buncombe) had spent nearly two decades volunteering in the community to address domestic violence and had carried her crusade to the halls of the General Assembly as a five-term legislator. But-tressed by the newspaper’s report, Sherrill took the case for a legal overhaul to the leadership of the General Assembly. Within a week, N.C. House Co-Speakers Richard Morgan (R-Moore) and Jim Black (D-Mecklenburg) had announced the creation of a House committee to study domestic violence, and by the summer of 2004, sweeping changes to North Carolina laws aimed at preventing domestic violence and punishing offenders had rolled through the North Carolina General Assembly.

“This is the most comprehensive legislation regarding domestic violence ever passed in our state and really puts North Carolina on the map in terms

“In this country you are not supposed to abuse anyone, it’s about being human.”

—JOE MORGAN

HALL OF FAME SECOND BASEMAN

of an effective response to the issue,” says Mary Beth Loucks-Sorrell, executive director of the North Carolina Coalition Against Domestic Violence, a coalition of some 90 local domestic violence service agencies based in Durham, N.C. “We must make ending domestic violence a priority in our state, and this legislation is a tremendous step in that direction,” she says. “We still have a long way to go, however.”

How Widespread Is the Problem of Family Violence?

The Center’s research reveals an unfortunate fact: the magnitude of the family violence problem is hard to determine due to a lack of systematic data collection. This lack of data leads to exaggerated claims that may distort the magnitude of the problem and damage the credibility of those who seek to address it. In one public service announcement distributed for broadcast by a North Carolina domestic violence agency, a dramatic voice intones that intimate partner violence affects more than 50 percent of relationships. Who would dare enter a relationship if so many were fraught with such peril? Yet it is also clear that the preva-

lence of domestic violence is often underestimated and its seriousness downplayed. The numbers that do exist suggest that the violence is pervasive and is spread throughout society, although more concentrated among the poorest and least educated.

Data collected from newspaper accounts by the nonprofit N.C. Coalition Against Domestic Violence show that 78 domestic homicides occurred across the state in 2002, 71 in 2003, and 75 in 2004 (See Table 2, p. 14–29).¹⁵ Based on feedback from the programs it helps fund, the North Carolina Council for Women and Domestic Violence Commission, a state agency, determined that 44,895 victims sought help through one of the state’s 90 local domestic violence agencies in 2002–2003. That’s an increase of almost 27 percent over a five year period, says Leslie Starstoneck, the commission’s former executive director who now works on family violence and sexual assault-related issues for both the private, nonprofit Prevent Child Abuse NC in Raleigh and the private Z. Smith Reynolds Foundation in Winston-Salem.

The increase in persons seeking services comes during a period when rates of violent crime appear to be dropping, both inside and outside intimate relationships. This is due to both increased



awareness of domestic violence and decreased acceptance of violence as a private family matter. State Bureau of Investigation data covering a 10-year period indicate that homicides generally have declined in North Carolina no matter the relationship of the victim to the offender (see Table 3, p. 31). In 1993, 1,142 North Carolinians were murdered, compared to 744 in 2002. Of those victims in relationships, 82 persons categorized as a wife, girlfriend, ex-wife, or common-law wife were murdered in 1993, along with 37 husbands, ex-husbands, or boyfriends. In 2002, the comparable numbers were 57 for wives, ex-wives, common-law wives, and girlfriends and seven for husbands, ex-husbands, common-law husbands, or boyfriends. And, in nearly half the cases in 2002 the relationship between the victim and the perpetrator was reported in the SBI database as "unknown." National figures also reflect a drop in intimate partner violence. A report by the U.S. Bureau of Justice Statistics indicates a decline in intimate partner violence against women over a five-year period and a precipitous drop in intimate partner homicides for both men and women,¹⁶ from 3,000 murders nationwide in 1976 to 1,830 murders attributable to intimate partners in 1998.

What Is Domestic Violence and Who Is Affected?

Defined at the basic level, domestic violence is violence against a person with whom one shares an intimate relationship. There are several types of domestic violence. The most prevalent forms are physical, emotional, or sexual, and the violence is used to exert power and control over one's partner. Indeed, a warning sign of future problems is unusually controlling behavior by one or the other partner in the relationship. Another characteristic is that where there is physical violence, there is often an escalating progression, beginning with a push or a shove and ending in serious physical harm or even homicide. The male is more frequently the primary aggressor. Staroneck says the female is found to be the aggressor in about 5 to 6 percent of cases, though others find female aggression to be more frequent. The National Crime Victimization Survey, for instance, indicates that females are the victims in about 85 percent of crimes committed against intimate partners.¹⁷ Thus, the Center uses feminine pronouns throughout this article when referring to victims of domestic violence generally.



But if the basics of domestic violence seem simple, deciphering its nuances is no easy task; the issue runs wide and deep, says Deborah Weissman, a professor at the University of North Carolina at Chapel Hill School of Law and an expert on domestic violence. Domestic violence is addressed by both the criminal and civil law in North Carolina. Under the criminal law, crimes of domestic violence range from simple assault and communicating threats to rape and homicide. In civil courts, domestic violence appears in actions for domestic violence protective orders, divorce, child custody, petitions for legal name change, and even lawsuits over lost jobs and wages. (Sections on both criminal and civil matters beginning on page 53 provide greater detail on how the law deals with domestic violence and its many ramifications.)

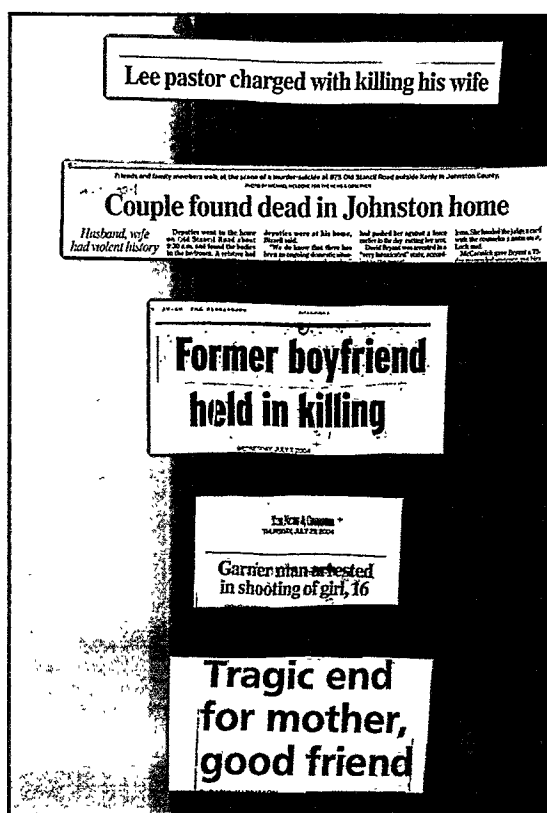
Domestic violence can appear in child abuse and neglect proceedings, public benefits adjudications, and housing subsidy hearings. In short, it can be a factor—hidden or overt—in every aspect of life covered by civil, criminal, and administrative law. "A lot of crime is complicated, but I think domestic violence is particularly complicated," says Weissman, who also chairs the Domestic Violence Commission. "It's complicated

by the dynamic and by its history."

That history includes generations of thinking that violence within marital relationships was not a crime, but rather a private matter. "Because domestic violence manifests itself in the context of personal relationships, people think of it as a relationship-gone-bad rather than a set of torts or criminal acts."

There is also the issue of secrecy borne out of fear. "Some victims don't want to call the police because they are afraid," Weissman says. That fear can be fear of further violence or fear of the authorities or the courts. This can be a particular problem for persons of color, immigrants, or other historically marginalized groups.

Investigators and those who prosecute domestic violence say fear also is a major reason victims who do call authorities later drop charges or fail to show up in court. But Jacquelyn Campbell, associate dean of the school of nursing at John Hopkins University and a national expert on domestic violence, says the reasons can be more complex. "Fear of the abuser is not the only reason that battered women drop charges," says Campbell. "They also do so because they want to make the relationship work (without violence), and/or they want him to be



*"The spirit of the marriage left the bedroom
and took to living in the parlor."*

— ZORA NEALE HURSTON,
THEIR EYES WERE WATCHING GOD

able to help support the children. They fear if he is convicted it will make it impossible for him to get or keep a job or if [the victim is] an immigrant woman that he will be deported, and they will be left without any way to support their children."

But keeping domestic violence a secret can be a serious miscalculation, as Deborah Jackson of Pasquotank County in northeastern North Carolina will attest. Jackson is raising two nieces and a nephew. She took custody of the children when their mother was strangled to death by her husband a decade ago. "When we heard that he had killed her, we just could not believe it," says Jackson,

whose sister, Kelly, hid her abuse from everyone—except the three children.

Jackson describes her sister's life as outwardly all-American, "with the white picket fence, the dog, and Girl Scout meetings." Later evidence showed she had suffered years of abuse and was plotting to make her escape at the time of her death.

"When we went to get some personal items from their home, Lacy, who was nine at the time, showed me the bag that Daddy was never to see. It was a bag for ballet shoes, but it contained a protective order, information on domestic violence, her checkbook, and some court documents."

Jackson learned that the three children had been in counseling, but were warned not to discuss the turmoil of their home life outside of certain circles. She said an older Lacy, reflecting on her childhood, remarked: "I didn't know that lifestyle wasn't normal."

After their mother's death "the girls reacted with nightmares," Jackson says. The young boy, Benjamin, developed a fear of being alone. He also developed problems with anger management. These problems eventually led Jackson to begin teaching him at home.

—continues on page 30

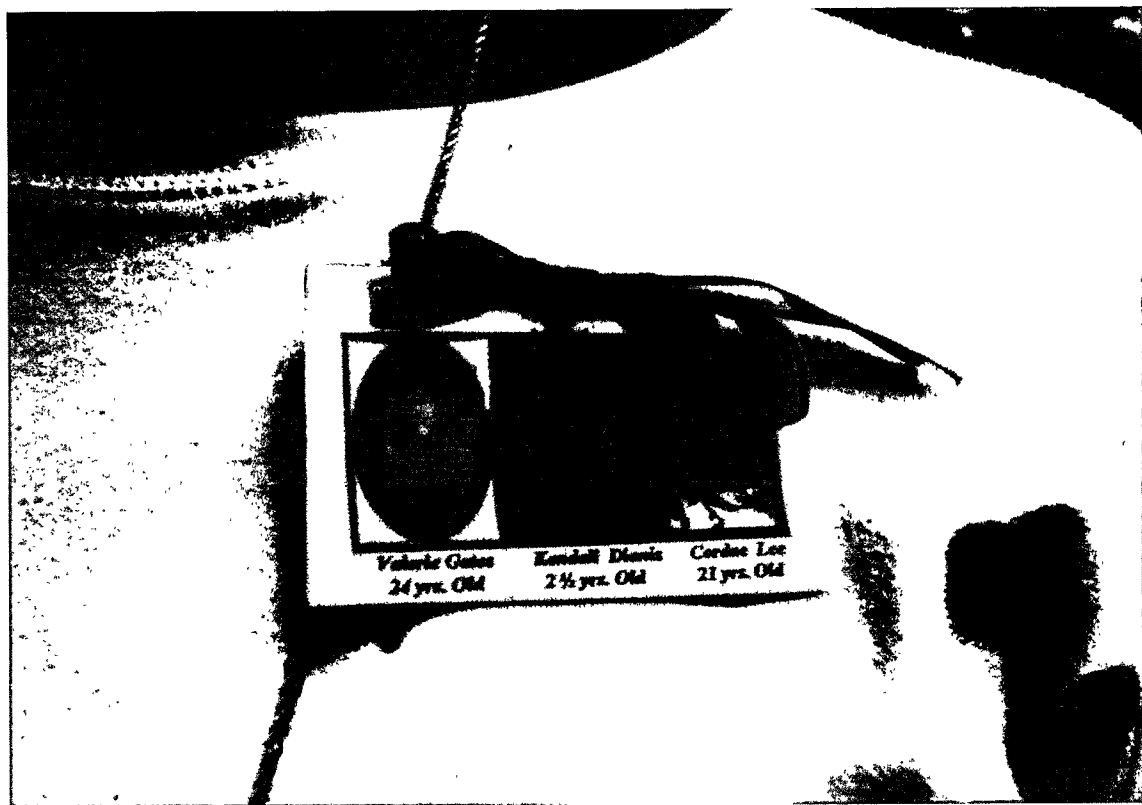


Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
2002			
1 Charlene Beatrice Major (39)	1/6/02		Demetrius Antonio Jones (31)
2 Octavia Denise Major (16)	1/6/02		Demetrius Antonio Jones (31)
3 Shanika Niyiel Major (10)	1/6/02		Demetrius Antonio Jones (31)
4 Shalamar Francheschi (24)	1/13/02		Damian Colon Francheschi (26)
5 Alice Blount Williams (40)	1/16/02	Reported missing	Jerry Lee Williams (39)
6 Janice Pendergraft Holmes (44)	1/16/02		David Earl Holmes (39)
7 Leta Litman Blanton (47)	1/20/02	Suicide of perpetrator,	Dale Robert Blanton (61)
8 Fred Osteen (46)	1/20/02	Blantons resided in Moores- boro, Cleveland County	Dale Robert Blanton (61)
9 Sherry Briggs Moore (38)	1/27/02		John Bryan Moore (39)
10 Angela Rose Thompson (36)	1/30/02	Suicide of perpetrator	Dennis E. Thompson (42)
11 Antron Beborah Norman (32)	1/31/02		Julius Clark (26) Karon Marquette Tucker (25) Rodney Christopher Craig (30)
12 Meg Parmaei (51)	2/3/02		Khosrow Parmei (44)
13 Margie Soles Ward (47)	2/13/02	Suicide of perpetrator	Curtis Ward (53)
14 Lorilee Duthler	2/13/02		Kevin Duane Young
15 Barbara Monique Ealey (40)	2/27/02		Johnny Franklin Ealey (41)
16 Jessica Simms (21)	3/2/02	Suicide of perpetrator	Christian Simms (24)
17 Annis (Nece) King-Hall (32)	3/10/02	Suicide of perpetrator	Charles Oliver Hall (32)
18 Bao Q. Niguyen	3/11/02	Suicide of perpetrator	Thu Niguyet Nguyen (35)
19 Tonia Lynn Sasser Pope (44)	3/19/02		Edward Sasser (64)
20 Cindy Sharon Lemons (20)	3/22/02		Tarvaris Novack Mickens (25)
21 Kimberly Dial (18)	3/24/02		James Curtis McNeill (32)
22 Deborah Jane Chance (43)	3/25/02		Nathan Owen Chance (50)
23 Magena Rochelle Baldwin (35)	3/31/02	Body found	Kerry Lee Ratliff (42)
24 Brenda Renee Lancaster (27)	3/31/02		Kenneth Earl Byrd, Jr. (30) Roswitha Federlein Morrison (5)
25 Thelma Katrina Jackson (25)	4/19/02		Richard James (35)
26 Camille "Millie" Blackwell (31)	4/22/02		Michael Horne (26)

the N.C. Coalition Against Domestic Violence, January 2002 –December 2004

Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Boyfriend	Buncombe County	Knife
Mother's boyfriend	Buncombe County	Knife
Mother's boyfriend	Buncombe County	Knife
Husband	Fayetteville, Cumberland County	Knife
Husband	Pitt County	Strangulation
Husband	Four Oaks, Johnston County	Gun
Husband	S.C. hotel (N.C. resident)	Gun
Husband of girlfriend	S.C. hotel (N.C. resident)	Gun
Husband	Earl, Cleveland County	Gun
Husband	Pink Hill, Lenoir County	Gun
	Charlotte, Mecklenburg County	Gun
Boyfriend		
Husband	Black Mountain, Buncombe County	Hands, strangulation
Husband	Hallsboro, Columbus County	Gun
Live-in boyfriend	Black Mountain, Buncombe County	Gun
Husband	Charlotte, Mecklenburg County	Knife
Husband	Charlotte, Mecklenburg County	Gun
Husband, separated	I-20 N of Florence, S.C. (N.C. residents)	Knife
Wife	Raleigh, Wake County	Gun
Estranged husband	Clinton, Sampson County	Gun
Boyfriend	Micro, Johnston County	Gun
Ex-boyfriend	Fairmont, Robeson County	Knife
Husband	Hope Mills, Cumberland County	Fist, blunt blow to head
Live-in boyfriend	Troy, Montgomery County	Strangled and beaten
Ex-boyfriend Ex-boyfriend's girlfriend	Dunn, Harnett County	Gun—shot multiple times
Common-law husband	Whiteville, Columbus County	Pushed into path of vehicle
Ex-husband	East Spencer, Rowan County	Gun

—continues

Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

	Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
27	Brandy Renee Skaggs Martin (25)	5/4/02 5/10/04	Assaulted Died	Geoffrey Allan Martin (26)
28	Susan Elaine Rhew (34)	5/4/04	Suicide of perpetrator	Bryan Crisco (30)
29	Latahnya Witherspoon (26)	5/19/04		Theodore Witherspoon
30	Deborah Lynn Scandinaro Hughes (43)	5/28/04	Suicide of perpetrator	Gerald Dewayne Floyd (48)
31	Rueben Winston Hewett (49)	5/28/04	Suicide of perpetrator	Gerald Dewayne Floyd (48)
32	Donna J. Trent (39)	5/30/04		Scotty Lynn Trent (39)
33	Elizabeth Yunker Hilton (49)	6/6/02	Suicide of perpetrator	Jack Lacy Hilton (56)
34	Teresa Nieves (28)	6/9/02	Suicide of perpetrator	Rigoberto Nieves, Jr. (32)
35	Kathy Greene (37)	6/14/02	Suicide of perpetrator	David Greene (34)
36	Alverta Blankenship Dyer Hamby (67)	6/17/02		Ralph Ray Hamby (48)
37	Lisa Carole Sumner (30)	6/18/02	Suicide of perpetrator	Kenneth K. Kleckley (37)
38	Tiffany Monique Mason (24)	6/22/02		Jammie Eugene Parker (27)
39	Lynn Albert Sykes (40)	6/23/02		Teddy Dean Acrey (43)
40	Marshall Ivosha Johnson (22)	6/26/02	Suicide of perpetrator	Delvecchio Durran Boyd (23)
41	Jennifer Gail Wright (32)	6/29/02	Suicide of perpetrator	William C. Wright (36)
42	Valerie Michelle Gates (24)	7/1/02		Alan Douglas Gates (50)
43	Corda'e Shimira Lee (21)	7/1/02		Alan Douglas Gates (50)
44	Kendall Alexander Dianis (2)	7/1/02		Alan Douglas Gates (50)
45	Tiana Nicole Williams (22)	7/7/02		Ronald Valentine Hendrickson
46	Aleta Vernon	7/8/02		Danny Lee Vernon
47	Marilyn Rene Styles-Griffin (32)	7/9/02		Cedric Ramon Griffin (28)
48	Lisa Hill	7/12/02	Suicide of perpetrator	Ralph Hill
49	Andrea Floyd (29)	7/19/02	Suicide of perpetrator	Brandon S. Floyd (30)
50	Heather Anne Domenie (33)	7/25/02		Ian Aulden Campbell (29)
51	Diane Nelson (64)	7/29/02		Aubrey Labron Nelson, Jr. (71)
52	Charlene Howard (43)	8/5/02		Antonio Undre Byrd (24)
53	Margaret Rogers	8/6/02		Jesse Jay Rogers
54	Terry Dannelley (38)	8/11/02		David Eugene Pinell (41)
55	Kathy Jean Brown Hunter (43)	8/13/02	Suicide of perpetrator	Claudia Franklin Hunter (50)

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Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Husband	Fayetteville, Cumberland County	Softball bat
Live-in boyfriend	Durham, Durham County	Gun
Husband	Winston-Salem, Forsyth County	Hands, strangulation
Ex-boyfriend	Ocean Isle Beach, Brunswick County	Gun
Ex-boyfriend of Hewett's girlfriend	Ocean Isle Beach, Brunswick County	Gun
Husband	Eden, Rockingham County	Gun
Husband	Sandy Mush Area, Madison County	Gun
Husband	Fayetteville, Cumberland County	Gun
Husband	Polkville, Cleveland County	Gun
Husband	Purlear, Wilkes County	Gun
Boyfriend	Pink Hill, Lenoir County	Gun
Boyfriend	Rowan County	Gun
Neighbor of Acrey's former girlfriend	Hillsborough, Orange County	Yard ornament
Boyfriend	Charlotte, Mecklenburg County	Strangled then stabbed
Husband	Fayetteville, Cumberland County	Hands, strangulation
Father	White Cross, Orange County	Gun
Friend's father	White Cross, Orange County	Gun
Mother's friend's father	White Cross, Orange County	Gun
Fiance	Raleigh, Wake County	Beaten with chair
Husband	Stoneville, Rockingham County	Rubber mallet, Staged car accident
Husband	Fayetteville, Cumberland County	Knife, burned house
Husband	La Grange, Lenoir County	Knife
Husband	Fayetteville, Cumberland County	Gun
Fiance	Cary, Wake County	Strangulation
Husband	Greensboro, Guilford County	Belt, strangulation
Boyfriend of victim's daughter's friend	Burlington, Alamance County	Gun
Husband	Lenoir County	Gun
Ex-husband of victim's wife	Jacksonville, Onslow County	Gun
Estranged husband	Magnolia, Duplin County	Gun

—continues

Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

	Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
56	Janice Marie Goldston (38)	8/16/02		Donald Ray Raines (44)
57	Kebba Janneh (26)	8/24/02		Bernard Rogers (19)
58	Dawn Marie Ureche (41)	1/31/02	found dead in apartment	Christopher Michael Fontaine
59	Gladys Swepson Bryant (53)	9/4/02		David Eugene Bryant (55)
60	Donna Wheeler Bass (34)	9/7/02		Saladin Bass (36)
61	Bobbie Ann Myers (34)	9/10/02		Thomas Earl Watkins (44)
62	George Bradley Autry (37)	9/10/02		Thomas Earl Watkins (44)
63	Sherri Lynn Beitzel Howell (28)	9/16/02		Jimmy Dale Sheffield (33)
64	Lourdes Almendares Guzman (26)	9/23/02	Suicide of perpetrator Children kidnapped, but released before shooting	Roberto A. Campos (25)
65	Nicole Leah Peake (21)	9/23/02		Anthony Sean Trull (27)
66	Louisa Williams (30)	9/26/02		Charles Marcus Williams (33)
67	Shelby Billings Miller (55)	10/6/02		Kenneth Miller (56)
68	Charmaine Mason (25)	10/11/02		George Bernard Speight (29)
69	Gael Morrison (35)	11/1/02	Suicide of perpetrator	Kevin Patrick Morrison (39)
70	Amanda Barnhardt (14)	11/1/02	Suicide of perpetrator	Kevin Patrick Morrison (39)
71	Elizabeth Maria Tetter (42)	11/3/02	Suicide of perpetrator	Donald Mark Tetter (40)
72	Kristin Nicole Tetter (8)	11/3/02	Suicide of perpetrator	Donald Mark Tetter (40)
73	Manual Alejandro Ojeda Gonzalez (12)	11/3/02	Suicide of perpetrator	Donald Mark Tetter (40)
74	Lisa Lynn Ebert (35)	11/10/02	Suicide of perpetrator	Mark Allen Ebert (37)
75	Candice Cockerham (17)	11/19/02	Suicide of perpetrator	Richard Ellerbee (46)
76	Miriam Alfaro (31)	11/25/02		Cesar Estrada (30)
77	Barbara Jean Burkett (63)	12/2/02	Suicide of perpetrator	James Calvin Burkett, Sr. (66)
78	Sarah Marshall Kreamer (27)	12/10/02	Suicide of perpetrator	John Christopher Ireland (41)

2003

1	Robin Reel (41)	1/1/03		Bobby Reel (42)
2	Reba Chaney	1/9/03	Suicide of perpetrator	John Chaney
3	Kathleen Seyford (41)	1/19/03	Suicide of perpetrator	David Seyford (43)
4	Ricky C. Sanders, Jr. (24)	1/21/03		Tony Ray Holder (19)

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Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Boyfriend	Sanford, Lee County	Gun
Ex-boyfriend of victim's friend	Raleigh, Wake County	Gun
Boyfriend	Charlotte, Mecklenburg County	Strangled and beaten
Ex-husband	Wilmington, New Hanover County	Gun
Husband	Greensboro, Guilford County	Blow to head
Ex-boyfriend	Fayetteville, Cumberland County	Gun
Ex-boyfriend of victim's friend	Fayetteville, Cumberland County	Gun
Live-in boyfriend	Moore County	Baseball bat
Estranged boyfriend	Virginia (Raleigh, Wake County resident)	Gun
Live-in boyfriend	Gastonia, Gaston County	Cocaine overdose— suspicious circumstances
Husband	Raleigh, Wake County	Hands, strangled, beaten
Husband	Ferguson, Wilkes County	Gun
Boyfriend	Jacksonville, Onslow County	Steak knife
Estranged husband	Lincolnton, Lincoln County	Gun
Stepfather	Lincolnton, Lincoln County	Gun
Estranged husband	Lexington, Davidson County	Hands, strangulation
Father	Lexington, Davidson County	Gun
Stepfather	Lexington, Davidson County	Hands, strangulation
Estranged husband	Bessemer City, Gaston County	12-gauge shotgun
Stepfather	Elkin, Yadkin County	Knife/glass
Ex-boyfriend	Raleigh, Wake County	Knife
Husband	Dallas, Gaston County	Gun
Live-in boyfriend	Greenville, Pitt County	20-gauge shotgun
Husband	Charlotte, Mecklenburg County	Knife
Husband	Lenoir, Caldwell County	Gun
Estranged husband	Wilmington, New Hanover County	Gun
Sanders, brother of Holder's girlfriend	Selma, Johnston County	Gun

—continues

Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

	Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
5	Janine Sutphen (57)	1/22/03 5/29/03	Reported missing Body found	Robert James Petrick (49)
6	Precious Watson (30)	1/23/03	Child present	Anthony Gilliam (45)
7	Naomi Estes (44)	1/27/03	Reported missing	Aaron Estes (43)
8	Nicole Renee Miller (19)	1/28/03		Marquis Julius Jenkins (18)
9	Shirley Lang (44)	1/29/03		Daniel Lang (51)
10	Brenda Kay Shepherd (46)	1/31/03		Ravon Garland (42)
11	Deadra Evette McAllister (21)	2/2/03		Robin Lee Morris (28)
12	April Renee Greer (20)	2/14/03		Jerry Lynn Stuart (27)
13	Barbara Collins Ruff (29)	2/26/03		Rillman Ruff (45)
14	Dennis Lee Haith	3/2/03		Shyrelle Denise Walker
15	Delores Evans (30)	3/3/03		Craig Fields (28)
16	Joyce Miller Gaddy (34)	3/8/03		Angela Renee Thompson (32)
17	Deidra Isenhour (30)	3/15/03	Suicide of perpetrator Child nearby	Bernard Lineberger (31)
18	Nancy Lynn Burchette Medley (35)	3/21/03		Edward Lee Medley (38)
19	Patricia Whittington (30)	3/22/03		Sammy Lee Whittington (29)
20	Dabreau Little (29)	3/23/03		Corey Robinson (27)
21	Terrelle "Tara" Little (28)	3/23/03		Corey Robinson (27)
22	Sherry Denise Evans (28)	3/26/03		Antonio Ryals (23)
23	Dena Louise Bailey	3/30/03		Ricky Bailey
24	Ross Campbell (44)	4/4/03		Angela Reynolds (39)
25	Thu Nguyet-Thi Doan (41)	4/13/03		Long Thn Nguyen (35)
26	Teresa Smith Williams	4/23/03		Lorenzo Duarte (43)
27	Antoinette Rascoe (29)	4/24/03	Child present	Fames Edward Rascoe (27)
28	Gerald Knight (25)	4/24/03		Fames Edward Rascoe (27)
29	Toney Clayton Summey (41)	4/27/03		Alexander Charles Polke (36)
30	Monica Sue Martin (27)	4/27/03	Suicide of perpetrator Children present	Mike Christopher Elmore (25)
31	Lisa Strong	4/5/03 4/30/03	Body found Reported missing	Clay Curtis

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Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Husband	Durham, Durham County	Drowning
Live-in partners	Wilson, Wilson County	Handgun
Husband	Cabarrus County	Strangulation, blunt trauma to head
Ex-boyfriend	Charlotte, Mecklenburg County	Hands, beaten
Husband	Raleigh, Wake County	Knife
Ex-boyfriend	Taylorsville, Alexander County	12-gauge shotgun
Boyfriend	Bunnlevel, Harnett County	.38 caliber handgun
Boyfriend	Mebane, Alamance County	Knife
Estranged husband	Gastonia, Gaston County	.38 caliber handgun
Ex-girlfriend	Mebane, Alamance County	Gun
Boyfriend	Granville County	Knife
Partners	Charlotte, Mecklenburg County	Gun
Fiancé	Hickory, Catawba County	.32 caliber handgun
Husband	Wilkes County	Gun
Husband	Harnett County	Pipe
Former boyfriend of Terrelle Little	Rockingham, Richmond County	.45 caliber pistol
Former boyfriend of Terrelle Little	Rockingham, Richmond County	.45 caliber pistol
	Durham, Durham County	Gun
Estranged husband	Nash County	Gun
Girlfriend	Winston-Salem, Forsyth County	Knife
Husband	Greensboro, Guilford County	Knife
Boyfriend	Hendersonville, Henderson County	Knife
Husband	Williamston, Martin County	Gun
Visitor to victim	Williamston, Martin County	Gun
Victim was sherriff's deputy serving warrant	Franklinville, Randolph County	45 mm. Glock
Boyfriend	Crumpler, Ashe County	Gun
Live-in boyfriend	Rutherford County	Unknown

—continues

Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

	Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
32	LaToya Knox Cleveland	5/10/03		Billy Joe Cleveland (32)
33	Erin Elizabeth Farb (43)	5/19/03		Roderick Morris Farb (56)
34	Ashley Thomas (9)	5/19/03		Roderick Morris Farb (56)
35	David Edward Cooley (49)	5/19/03		Roderick Morris Farb (56)
36	Kathy Bowen (47)	6/6/03	Suicide of perpetrator	Billy Ray Bowen (59)
37	Linda Faye Smith Patterson (49)	6/15/03		Marion Preston Gillespie (50)
38	Ronnie Ray Hornbuckle, Jr.	6/17/03		Stephanie Lynn Hornbuckle
39	Latisha Williamson (20)	6/18/03		Elisha Williamson (27)
40	James William Brown (44)	6/26/03		Robert George Brandl, Jr. (46)
41	Shellica Mendez (18)	7/3/03	Suicide of perpetrator	Moises Mendez (21)
42	Mary Gladys McMickle (80)	7/8/03		James Anderson McMickle (7)
43	Hilma Gaye Accord (60)	7/8/03		James Anderson McMickle (7)
44	Terry Alisa Strickland (41)	7/10/03		Dennis Carroll Gwaltney (55)
45	Sidra Johnson (27)	7/26/03		Jacob Comeron (35)
46	Nancy Melton Britt (49)	8/23/03		Myron Keith Britt (49)
47	Betty Williams (56)	8/27/03	Suicide of perpetrator	Daniel Williams (61)
48	Christina Michelle Lee (22)	9/11/03		Elwood Collins (25)
49	Jacqueline Gray (42)	9/20/03		James Gray (42)
50	Mercedes Jimenez (33)	9/24/03	Children present	Manuel Matta
51	Guillermina Rosas Maldonado (46)	9/26/03		Arturo Hernandez, III
52	Bridgette King Jones	10/2/03		Grady Joseph Wyatt (39)
53	Courtney Elizabeth Cleveland	10/12/03	Suicide of perpetrator, Children present	Ashala Perez Nishioka (24)
54	Latoria "Latoya" Renee Foreman (21)	10/13/03 10/18/03	Abducted Body found	Donarico Maurice Caudle (28)
55	Tracy Helms (25)	10/18/03		Michael William Blount (27)
56	Loukisha Spears (30)	11/6/03		Maurice Stroud (26)
57	Nakevia Harper (22)	11/9/03	Suicide of perpetrator	Rodney Warren (26)
58	Anna Margaret Johnson Knight (52)	11/12/03		Roy Carliss Knight (46)
59	Nina Foster (41)	11/20/03		Linwood Arnold Cobb (46)
60	Wendy Blackmore	11/20/03		Sean Moore

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Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Husband	Rowan County	Gun
Estranged husband	Orange County	Gun
Farb's estranged husband	Orange County	Gun
Farb's estranged husband	Orange County	Gun
Boyfriend and ex-brother-in-law	Shelby, Cleveland County	Gun
Live-in boyfriend	Cleveland County	Butcher Knife
Wife	Sylva, Jackson County	Gun
Husband	Durham, Durham County	Strangulation
Ex-husband of victim's girlfriend	Spruce Pine, Mitchell County	Gun
Estranged husband	Mebane, Alamance County	Gun
Estranged husband	Dobson, Surry County	Gun
Stepfather	Dobson, Surry County	Gun
Boyfriend	Newton, Catawba County	Gun
Boyfriend	Winston-Salem, Forsyth County	Strangulation
Husband	Lumberton, Robeson County	Handgun
Husband	Wake County	Handgun
Live-in boyfriend	New Bern, Craven County	Slashed Throat
Husband	Rural Hall, Forsyth County	Gun
Believed to be married	Rutherford County	Gun and Knife
Live-in boyfriend	Haywood County	Unknown
Live-in boyfriend	Guilford County	Blow to the head
Boyfriend	Mecklenburg County	Gun
Friend of Caudle's girlfriend	Wilson County, Nash County	Unknown
Friend's husband	Monroe, Union County	Shovel
Boyfriend	Charlotte, Mecklenburg County	Gun
Ex-boyfriend	Greenville, Pitt County	Gun
Estranged husband	Charlotte, Mecklenburg County	Acid
Husband	Eden, Rockingham County	Gun
Co-worker	Clinton, Sampson County	Gun

—continues

Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

	Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
61	Brian Braswell	11/23/03	While protecting Mother	Gerrald Larry Braswell
62	Charlene Lynch (35)	12/7/03	Suicide of perpetrator	Gary Neal Lynch (37)
63	Darwood Lynch (10)	12/7/03	Suicide of perpetrator	Gary Neal Lynch (37)
64	Larry Lynch (41)	12/7/03	Suicide of perpetrator	Gary Neal Lynch (37)
65	Curly Lynch (58)	12/7/03	Suicide of perpetrator	Gary Neal Lynch (37)
66	Rosa Evon Speagle (23)	12/8/03	Suicide of perpetrator	Gregory Schultz, Jr. (31)
67	Teresa Thayer (44)	12/14/03	Suicide of perpetrator	Timothy Thayer (45)
68	Paul Thayer (9)	12/14/03	Suicide of perpetrator	Timothy Thayer (45)
69	William Shelton Merritt	12/14/03	Suicide of perpetrator	Timothy Thayer (45)
70	Daisy Sluder (57)	12/24/03	Suicide of perpetrator	David Sluder (62)
71	Jennifer Leach (40)	12/26/03		Brian Ernest Crouch (30)

2004

1	Asenath S. Wooten (30)	1/1/04		Rayvon Townsend (32)
2	Wendy Cranford Wallace (29)	1/14/04	Suicide of perpetrator	Tony Douglas Wallace (32)
3	Carlene South Johnson (46)	1/19/04	Suicide of perpetrator	Bartie Campbell (51)
4	Tammie Renee Benfield	1/30/04		Daniel Wagoner
5	Reba Faye Clark (41)	1/30/04		Charles Lee Davis (38)
6	Jeanetta D. Ford (24)	2/4/04		Juan Donyell Langley (31)
7	Tony Dale Biggs (44)	2/6/04		Fred Louis McNeil (52)
8	Pauline Blevins Church (66)	2/7/04		Alvious Fred "Jack" Church (66)
9	Cindy Moore Parker (26)	2/12/04	Suicide of perpetrator	Daniel Lee Parker (33)
10	Sherry Lynn Cobb (44)	2/27/04		not disclosed
11	Christine Stephens (34)	3/21/04		Daiego Paroah Davis (28)
12	Shelton Henry Little (51)	3/25/04		Gwendolyn Moorehead (42)
13	Jocelyn London (58)	4/4/04		Carl Reginald London (62)
14	Joanne Brooks (44)	4/4/04		John Robert Dozler (61)
15	Ricky Lee Bradshaw (42)	4/4/04		John Robert Dozler (61)
16	Vera Mae Herbin (39)	4/5/04		Antonio Perrin (40)
17	Antonio Tyrone Wright (31)	4/6/04		Sherry Anthony
18	Valri Baker (22)	4/19/04		Joseph Darrell Kersey (65)

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Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Father	Gastonia, Gaston County	Knife
Estranged husband	Nash County	Gun
Father	Nash County	Gun
No relation	Nash County	Gun
No relation	Nash County	Gun
Estranged boyfriend	Sanford, Lee County	Gun
Estranged husband	Wallburg, Davidson County	Gun
Father	Wallburg, Davidson County	Gun
No relation	Wallburg, Davidson County	Gun
Husband	Alexander, Buncombe County	Gun
No relation	Ashe County	Blunt trauma to head
Live-in boyfriend	Winston-Salem, Forsyth County	Trauma to upper body
Husband	Southmont, Davidson County	Gun
Ex-boyfriend	Warrensville, Ashe County	Gun
Ex-husband	Wilkes County	Strangulation, thrown down a well
Boyfriend	Weaverville, Buncombe County	Gun
Ex-boyfriend	Kannapolis, Cabarrus County	Edged weapon/Knife
Neighbor	Rockingham, Richmond County	Gun
Husband	West Jefferson, Ashe County	Gun
Husband	Burgaw, Pender County	Gun
Ex-boyfriend	Pitt County	Hit with a bat and kicked
Boyfriend	Greensboro, Guilford County	Knife
Girlfriend	Asheboro, Randolph County	Knife
Husband	Greensboro, Guilford County	Strangled and stabbed
Ex-boyfriend	Raleigh, Wake County	Gun
Ex-boyfriend of Brooks	Raleigh, Wake County	Gun
Boyfriend	Greensboro, Guilford County	Knife
Estranged girlfriend	Plymouth, Washington County	Knife
Boyfriend	High Point, Guilford County	Gun

—continues

Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

	Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
19	Cynthia Johnson (33)	5/6/04		Bobby Ray Jones (50)
20	Gregory Lamont Langley (31)	5/6/04		Derrick Eugene Gervin (38)
21	Katrina Ann Locklear (38)	5/7/04		Randy Jerome Locklear (53)
22	Tallie Antolin (31)	5/8/04	Body found	Christopher Robert Lambert (3)
23	Merritt Ennis (24)	5/14/04		Derrick Thomas Canaday
24	Myiesha Danielle Bishop (10)	5/28/04		Rufus Bishop, Jr (37)
25	Cassandra Carol Pittman (45)	6/2/04		Lorenzo Pittman (44)
26	Christen M. Naujoks (22)	6/4/04		John B. Peck (28)
27	Vonice Dickerson (38)	6/18/04		Steve Lawrence Harrelson (42)
28	Leon Thompson (46)	6/20/04		Diane Young James (50)
29	Latisha Renee Pinnix (21)	6/21/04		Marche Sharod McCoy (18)
30	Rodney Dylan Council (33)	6/23/04		Tarra Darnel Mixon (32)
31	Karen Leigh Medford (38)	6/29/04		Jeff Servidio (33)
32	Shaudria Barfield (24)	7/3/04		Larry D. Carter (26)
33	Francis Louise Lytton (83)	7/5/04	Suicide of perpetrator	Charles Robert Lytton (79)
34	José Gonzalez (29)	7/13/04		Regina Gail Bridges (31)
35	Judy Lorraine Warren	7/18/04	Suicide of perpetrator	John Robert Williamson, Sr.
36	Debra Howell Best (19)	7/18/04	Suicide of perpetrator	Jamie Israel Faulkner (31)
37	Lillian Denise Bryant (34)	7/28/04	Suicide of perpetrator	David Christopher Bryant (41)
38	Laverne Cunningham	7/31/04		Alex Rowland
39	Marnita Bynum (40)	8/2/04	Body found	Melvin Lamont Bynum (43)
40	Anita Jackson Leary	8/11/04	Body found	Cornelius Leary (39)
41	Pamela Joye Virzi (47)	8/17/04		William Joseph Moore (46)
42	Marsheida Dorsey (24)	8/21/04		Charles William Combs (18)
43	Karla Patricia Chavez	8/21/04		Ottoniel Galvez Roblero María Nora Mena
44	Sabry Ann Jenetta Stevenson (52)	8/22/04	Suicide of perpetrator	Carl Frederick Wilkinson (46)
45	Chanda Brown Mwicigi (26)	8/30/04		Franklin Manacer-Herrera (19)
46	Mary Chappell (66)	9/8/04	Suicide of perpetrator	Jerry Lamar Hanna (58)
47	Deanna Hanna (56)	9/8/04	Suicide of perpetrator	Jerry Lamar Hanna (58)
48	Priscilla Mason (28)	9/14/04		Antuanne Montez Shaw (25)

the N.C. Coalition Against Domestic Violence, January 2002 –December 2004

Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Ex-boyfriend	Spring Hope, Nash County	Gun
Husband of victim's friend	Raleigh, Wake County	Knife
Husband	Maxton, Robeson County	Gun
Boyfriend	Morganton, Burke County	Knife
Boyfriend	Clinton, Sampson County	Head trauma
Father	Mebane, Alamance County	Gun
Husband	Tarboro, Edgecombe County	Knife, fire
Ex-boyfriend	Wilmington, New Hanover County	Rifle
Live-in boyfriend	Winston-Salem, Forsyth County	Knife
Fiancée	Charlotte, Mecklenburg County	Gun
Boyfriend	Alamance County	Strangulation
Ex-girlfriend	Charlotte, Mecklenburg County	Gun
Estranged boyfriend	Cornelius, Mecklenburg County	Blunt object
Former boyfriend	Raleigh, Wake County	Gun
Husband	Sunset Beach, Brunswick County	Gun
Girlfriend	Shelby, Cleveland County	Gun
Estranged husband	Sampson County	Gun
Boyfriend	La Grange, Lenoir County	Gun
Husband	Kenly, Johnston County	Gun
Girlfriend	Fuquay-Varina, Wake County	Knife
Estranged husband	Sanford, Lee County	Strangulation
Husband	Edenton, Chowan County	Gun
Former boyfriend	Edenton, Chowan County	Knife
Live-in boyfriend	Charlotte, Mecklenburg County	Gun
Ex-boyfriend Ex-wife of Roblero	Cary, Wake County	Knife
Live-in boyfriend	Chatham County	Knife
Boyfriend	Durham, Durham County	Stabbing
Nephew	Charlotte, Mecklenburg County	Gun
Husband	Charlotte, Mecklenburg County	Gun
Boyfriend	Durham, Durham County	Gun

—continues

Table 2. Domestic Violence-Related Deaths in North Carolina, as Categorized by

	Victim (Age if Known)	Date of Incident	Special Circumstances	Suspect or Perpetrator (Age if Known)
49	Teresa Tysinger (34)	9/19/04		Bradley Larsen (41)
50	Miriam McLeoud (45)	9/21/04		Larry David Wilson (41)
51	Gail Tice Hewson (62)	9/29/04		Bob Hewson (65)
52	Phillip Tillman Horton	9/30/04		Robert Glenn Smothers III
53	Melissa M. Tittle	10/6/04		Gregory T. Pegram
54	Sandra K. Raper (48)	10/8/04		Charles Bill Raper (62)
55	Emerson Ray Batchelor (27)	10/8/04		Charles Bill Raper (62)
56	Rachel Antonia Martin	10/12/04		Jason James Wilder
57	Darwin Richard Dawley	10/24/04		Wendy Sue Dawley
58	Elizabeth Dawley	10/24/04		Wendy Sue Dawley
59	Azyia Yolanda McLaughlin	10/26/04		Derrick Allen
60	Michelle Wyzanowski	10/28/04		David Edward Wyzanowski
61	Ronald Faulk	10/28/04		David Edward Wyzanowski
62	Ronnie Joe Deese	10/28/04		David Edward Wyzanowski
63	Christopher Schrader	10/28/04		David Edward Wyzanowski
64	Deirdre Hinton Hines	10/29/04		Stephen Nathaniel Hines
65	Nereida Camacho García	11/11/04		Angel Zaragoza Duarte
66	Valerie Holt Craven	11/26/04		Leonard Matthews
67	Shenel McCrimon McKendall	11/29/04	Suicide of perpetrator	Randy Laverne McKendall
68	Tracy Michelle Sellers	11/30/04		John Willie Sellers
69	Suzette Joseph	12/8/04		Aiden Lee Melvin
70	Megan L. Miles	12/18/04		Shannon G. Hunt
71	Marvian Ransome	12/19/04		Keisha Lee Jamison
72	Mary Rose	12/20/04		Gary Rose
73	Richard Wayne Burgess	12/23/04		Hope Nicole Myer
74	Kim Harvey	12/24/04		Jim Johnson
75	Cheryl Hawks	12/26/04		Clarence Lloyd Hawks

Source: N.C. Coalition Against Domestic Violence, February 8, 2005, available on-line at www.nccadv.org/homicides.htm. These data are based on newspaper accounts of domestic violence-related deaths occurring across North Carolina.

the N.C. Coalition Against Domestic Violence, January 2002 –December 2004

Perpetrator's Relationship to Victim	Where Death(s) Occurred	Weapon or Cause of Death
Boyfriend	Raleigh, Wake County	Unknown
Boyfriend	Harnett County	Gun
Estranged husband	Wilmington, New Hanover County	Gun
Live-in boyfriend	Charlotte, Mecklenburg County	Trauma, body found in trash can
Estranged boyfriend	Stokes County	Knife
Estranged husband	Wilson County	Gun or Knife — not yet announced
Stepfather	Wilson County	
Ex-boyfriend	Chadbourn, Columbus County	Hatchet
Wife	Winston-Salem, Forsyth County	Gun
Mother	Winston-Salem, Forsyth County	Gun
Ex-boyfriend	Wilmington, New Hanover County	Gun
Husband	Marshville, Union County	Gun, burned house
Son-in-law	Unionville, Union County	Gun
Brother-in-law	Unionville, Union County	Gun
Brother-in-law	Unionville, Union County	Gun
Estranged husband	Raleigh, Wake County	Gun
Live-in boyfriend	Durham, Durham County	Gun and hit by object
Ex-boyfriend	Lexington, Davidson County	Beaten to death
Estranged husband	Chapel Hill, Orange County	Gun
Husband	Alamance County	Not yet reported
Girlfriend	Wilson, Wilson County	Gun
Boyfriend	Charlotte, Mecklenburg County	Gun
Girlfriend	Wilmington, New Hanover County	Gun
Estranged husband	Mill Spring, Polk County	Gun
Girlfriend	Leland, Brunswick County	Gun
Boyfriend	Newton Grove, Sampson County	Unknown
Estranged husband	Davidson County	Gun

—continued from page 13

"Once, an aunt was visiting, and he got mad and went for her throat," Jackson recalls. "It was behavior he had seen modeled."

Jackson is happy that assault in the presence of children is now a serious crime, and that a bill to make strangulation inflicting serious injury a felony also was enacted as part of the 2004 "Act To Strengthen the Laws Against Domestic Violence." Although the prosecution in her sister's case was aggressive, the perpetrator is already out of jail, having served six years of a 10-year sentence for manslaughter. The lesser charge stemmed from the fact that premeditation could not be proven, even though her sister left diaries, and the children gave statements to police.

It is not that unusual for victims to hide their abuse, says Jackson, who now works as a court advocate in Pasquotank County. "One thing I have heard is that abusers often have a public face and a private face. Nine times out of 10, the only one who sees that private face is the victim."

Besides fear of the perpetrator and possible social embarrassment, there may also be fear of law enforcement, social services agencies, or the courts. "Not everybody is comfortable with the legal system," says Weissman. "Even those you might think are comfortable become uncomfortable when it's a crime committed by an intimate. They may want to stop the violence yet also to protect the individual [perpetrator] from the whole weight of the state."

Those victims who willingly file and pursue charges may still have trouble getting their message across. "Domestic violence victims don't necessarily sound like 'victims' should sound like,"

Weissman says. "You sometimes hear the anger, not the fear—the bitterness, not the victimization. And it's all tied up in personal relationships, and stories come out with personal information that judges just don't want to deal with."

It should come as little surprise that domestic violence also creates heavy collateral damage to children and other family members, says Patricia Youngblood of the Albemarle Hopeline. "Only in the last couple of years have we come to a place where we realize how much damage is done to children who witness violence," she says.

Staroneck says the North Carolina Council for Women and Domestic Violence Commission determined that 7,500 children spent time in shelters in 2002–2003. The mission of the N.C. Child Well-Being Task Force was to develop and encourage a broader approach to dealing with domestic violence and its effects on children.¹⁸ Thus, the Center uses the term "family violence" to refer to domestic violence where the issue is larger than the immediate impact of domestic violence on partners, recognizing that the damage often engulfs the entire family.

Family Violence Hits Home and a Victim Becomes an Advocate in Court

Robyn Culpepper experienced violence in her marriage and now serves as a court advocate for other women in similar straits. A college graduate and teacher from the northeastern North Carolina town of Elizabeth City, Culpepper says, "I never thought of myself as 'an abused woman.'"

Though the abuse led to separation and divorce when her sons were 3 and 7, it did not stop the

"... but our stories, Wade's and mine, describe the lives of boys and men for thousands of years, boys who were beaten by their fathers, whose capacity for love and trust was crippled almost at birth and whose best hope for a connection to other human beings lay in elaborating for themselves an elegiac mode of relatedness, as if everyone's life were already over. It is how we keep from destroying in our turn our own children and terrorizing the women who have the misfortune to love us; it is how we absent ourselves from the tradition of male violence; it is how we decline the seductive role of avenging angel...."

—RUSSELL BANKS

AFFLICTION

**Table 3. N.C. Murders and Victim's Relationship
to Offender, 1993-2002**

Victim's Relationship to Offender	Number of Murders									
	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Unknown	257	306	258	219	187	205	421	346	419	355
Acquaintance	381	390	292	227	333	274	150	143	114	177
Stranger	253	119	124	92	184	165	93	118	87	92
Other Known to Victim	23	28	51	34	35	64	27	23	21	22
Wife	47	32	22	20	22	26	19	25	27	30
Girlfriend	29	31	28	37	26	28	18	23	13	23
Friend	25	33	38	39	16	23	24	19	13	11
Other Family	29	31	19	24	18	9	13	11	7	15
Husband	18	22	13	17	6	11	6	8	4	3
Boyfriend	17	12	11	14	8	18	7	6	7	3
Brother	13	15	11	4	8	7	4	8	6	8
Son	4	4	6	16	15	4	6	12	8	9
Daughter	10	11	10	4	7	4	8	5	10	8
Father	6	11	10	6	8	4	3	5	5	3
Mother	2	7	5	6	4	6	2	8	3	2
Neighbor	10	5	2	2	8	3	6	3	5	1
Ex-Wife	3	4	5	7	1	2	2	3	1	3
In-Law	4			2	2	2	4		1	2
Sister	1	2		2		1		1	3	3
Common-Law Wife	3	2	1	2	2			1		1
Employer	1	2			1		1	1		1
Ex-Husband	2		1		1	2				
Step-Son	1	3	1		1					
Homosexual Relationship	1				2	1	1			
Employee				3		1				
Step-Father		1			1				1	1
Step-Daughter	2	1						1		
Common-Law Husband		1		1						1
Total Murders	1,142	1,073	908	778	906	860	815	770	755	774

Source: N.C. State Bureau of Investigation

Resources on Domestic and Family Violence

American Bar Association—Commission on Domestic Violence

740 15th St., N.W. 9th Floor
Washington, DC 20005-1022

<http://www.abanet.org/domviol/home.html>

The mission of the American Bar Association Commission on Domestic Violence is to organize the legal profession to improve access to justice and safety for victims of domestic violence.

Community Coalition Against Family Violence

1401 Park Ave.
New Bern, NC 28563

(252) 636-3381

<http://www.theresnoexcuse.com/front.html>

Domestic Violence Counseling Agencies and Shelters on the Internet *<http://www.silcom.com/~paladin/madv/>*

Family Violence Prevention Services (serving several western counties of North Carolina)

P.O. Box 306

Taylorsville, NC 28681

(828) 632-7364

www.serve.com/fvps/

Family Violence Program of Pitt County

823 S Evans St.

Greenville, NC 27835

(919) 758-4400

Email: *familyviolence@pittfvp.org*

Website: *<http://www.pittfvp.org/>*

Legal Aid of North Carolina

Domestic Violence Initiative

224 S. Dawson Street

Raleigh, N.C. 27601

(919) 856-2157

Website: *[http://www.legalaidnc.org/](http://www.legalaidnc.org/Programs/DVI/DVI-frame.htm)*

[Programs/DVI/DVI-frame.htm](http://www.legalaidnc.org/Programs/DVI/DVI-frame.htm)

Legal Aid provides legal assistance to battered women and/or domestic violence victims throughout North Carolina. The website provides links to 24 regionally located offices.

National Domestic Violence Hotline

1-800-799-7233

Website: *www.ndvh.org*

North Carolina Coalition Against Domestic Violence

115 Market St., #400

Durham, NC 27701

(919) 956-9124

Website: *<http://www.nccadv.org/>*

North Carolina Council for Women / Domestic Violence Commission

526 N. Wilmington St.

1320 Mail Service Center

Raleigh, NC 27699-1320

Phone: (919) 733-2455

Website: *www.doa.state.nc.us/doa/cfw/cfw.htm*

The mission of the North Carolina Council for Women and Domestic Violence Commission is to make recommendations to the Governor, legislature, and appropriate state agencies on the special needs of women in crisis. The commission also manages state and federal funding to local programs statewide pertaining to domestic violence, rape prevention, and sexual assault.

Prevent Child Abuse North Carolina

3344 Hillsborough St.

Suite 100-D

Raleigh, NC 27607

919-829-8009

1-800-CHILDREN

<http://www.preventchildabusenc.org>

Wake County Interact

Domestic Violence Crisis Hotline

(919) 828-7740

—Tammy Bromley

Tammy Bromley is a staff member of the N.C. Center for Public Policy Research.

*"I'm a first hand witness to an age-old crime.
A man who hits a woman isn't worth a dime.
5, 6, 7, 8, 9 years old.
That's what I remember 'bout the
rock of my soul."*

—RODNEY CROWELL
"THE ROCK OF MY SOUL"

threats or the violence. Her ex-husband would walk past her home, showing her a gun he carried. He refused to pay child support.

"He would say, 'Dead People don't need money,' threatening to kill me to avoid paying child support," Culpepper recalls. "Then things started happening with the kids."

Attempting to comply with court-ordered visitation, she soon found her sons' trips to see their dad were fraught with fear and pain. "My son would hang on my neck; he would scream and beg me not to make him go," Culpepper recalls. "Their abuse was physical and psychological. A smack, a push or shove. He exposed them to drugs and X-rated material. When I tried to intervene to help the boys, he became furious. He threatened to take the kids and disappear."

A judge then ordered family therapy, something that is not generally recommended in families where violence has occurred. "When we were in the counselor's waiting room, he would show us his knives," Culpepper recalls. "He always had guns or knives with him. He would verbally belittle us. The therapist stated after three sessions that the therapy was dangerous and detrimental for us. He recommended that it be ended."

Threats, intimidation, and abuse are some of the factors that cause lingering damage in children. Even after their father was finally sent to prison on gun and drug charges, Culpepper's two boys continued to struggle emotionally.

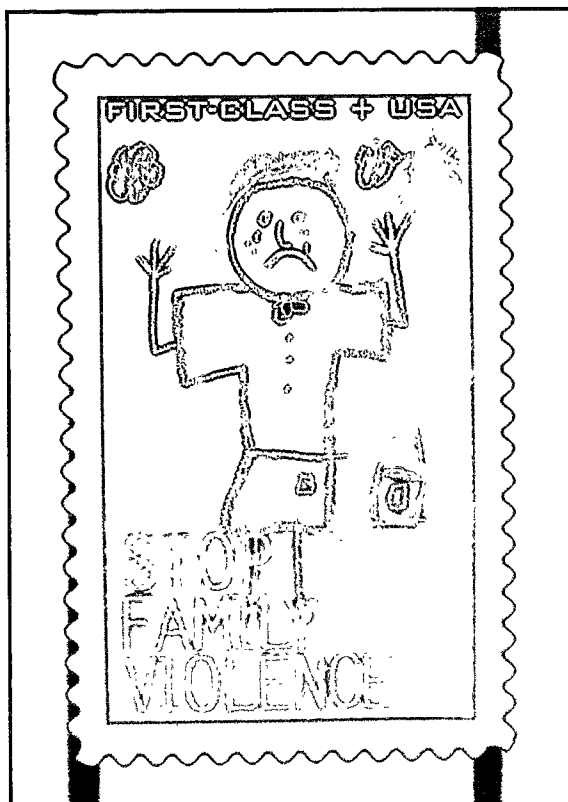
"My younger son had separation anxiety; he would stay right at my feet; he followed me like a shadow," she recalls. "He was worried all the time about our safety. My older son prepared himself for a physical confrontation with his father. He was ready to fight back physically." The support of her court advocates and the staff at the Albemarle Hopeline helped Culpepper and her children through this tumultuous time in their lives. "Most

women don't know what to do" when they find themselves embroiled in a violent situation, she says. "I was advised by a friend to call Hopeline, and they were with me all the time. My advocates and my counselor. He called them my 'entourage.' They gave me courage. They protected me. Without their support and intervention, I may not have survived."

Albemarle Hopeline now has four court advocates to assist victims in filing charges, seeking protective orders, requesting child support, obtaining custody decisions, and dealing with other matters. That assistance may be technical in nature, but it also takes the form of emotional support, standing up with women as they come face to face with angry batterers and assuring them that it is their right not to be abused, either physically or psychologically.

Shelter from the Storm— If There Is Room

The shelter services offered by Hopeline and other agencies throughout the state are perhaps the most vital link to safety for abused women and their children. "Orders of protection can help women stay in their own homes and children in their



own beds," says Albemarle Hopeline's Patricia Youngblood. When that's not possible, for whatever reason, women can turn to the program's shelter, which provided 4,000 nights of service during 2003. That's an impressive number, but it doesn't represent the total level of need. In fact, about 360 women who qualified for shelter could not receive it through the Hopeline because the 12-bed facility was full.

In the foothills of Western North Carolina, Kathleen Humphrey is the former director of Safe Inc. in Wilkes County, where more than 600 women and children were provided services last year and 125 spent at least one night in the shelter near downtown Wilkesboro. This free, confidential service is similar to many throughout North Carolina: grassroots agencies working to help families undergoing domestic violence and struggling to come up

Funding for Domestic Violence Services in North Carolina

According to figures collected by the legislature's Fiscal Research Division for the N.C. House Select Committee on Domestic Violence, in fiscal year 2003–2004 North Carolina spent almost \$27 million on domestic violence services and programs. (See Table 4) Services to victims—such as emergency shelters, hotlines, counseling, transitional housing, and other basic needs—accounted for almost \$12.9 million of the total state spending. Nearly half of that amount, \$6.2 million, was provided through grants by the Governor's Crime Commission, a Division of the N.C. Department of Crime Control and Public Safety.

In the past, these grants have been awarded on a two-year, non-competitive basis to the local provider of domestic violence victim services. However, the Governor's Crime Commission has decided to return to competitive grants to assure that standards are met such as 24-hour staffing, hotlines with no answering machines, and weekend intake. Training for law enforcement, counselors, prosecutors, and social workers accounted for almost \$5 million of the \$27 million total.

The Department of Correction was appropriated \$67,410 to create an abuser treatment program at Albemarle Correctional Institution. The program, called the S.T.O.P. (Survey Think Options Prevent) and Change Direction Program, involves two anger management groups per year. A total of 50 inmates per year attend the program. The program has been in operation at Albemarle since 2001 and was the first program offered in a state prison facility on a continuing basis.¹ A

2004 law requires all inmates who have committed acts of domestic violence to complete such a program while incarcerated by the state.²

North Carolina spent more than \$4 million on legal services and court advocacy for domestic violence victims and their children. Roughly half of that amount went to the state Guardian Ad Litem program in the N.C. Administrative Office of the Courts to cover costs of cases in which a child lives in a home where domestic violence occurs. The Governor's Crime Commission awarded more than \$1 million to legal services agencies. Legal Aid of North Carolina's Domestic Violence Initiative received \$1.2 million.

As mentioned above, new fees in the 2004 law will provide an estimated \$1.4 million to legal services agencies like Legal Aid of North Carolina. The bill amends Chapter 7A of the North Carolina General Statutes to add a new article entitled the Domestic Violence Victim Assistance Act that allots 95 cents of each fee collected for certain criminal and civil cases for the provision of legal services to domestic violence victims by legal service agencies.³

The state also provided more than \$100,000 in funding for community education programs related to domestic violence. An appropriation of \$53,650 from the N.C. Department of Administration funded grants to domestic violence agencies for educational services. The N.C. Department of Health and Human Services funded support groups facilitated by health departments and other providers. The Department of Crime Control and Public Safety, via the Governor's Crime Commission, awarded a

with the funding to meet the needs. Such programs can be literal lifesavers to victims and the first place where damage to children is being assessed. "These children are vulnerable to post-traumatic stress disorder," Humphrey says. "They have developmental problems, they become desensitized, they become aggressive. In healthy families, parents are supposed to keep kids safe. But in these kids' lives, mom is not able to protect herself, and dad is a per-

petrator. Many times, the child may even think he did something to cause it."

"There's typically an overlap of child abuse and domestic violence, but most counties have a fragmented approach to providing services, such as child care or psychological services," Starsoneck says. This is due largely to the varying sources of funding that must be tapped to pay for each service.

—continues on page 40

\$64,694 grant to the Council for Women for community outreach.

For educational programs within the public schools, the Department of Administration awarded grants totaling \$26,825 to domestic violence agencies who facilitate anti-violence programs.

The Department of Correction in 2003–2004 spent more than \$1.6 million to develop specialized probation and parole caseloads for domestic violence in Wake and Mecklenburg counties. The specialized caseloads are in conjunction with the special domestic violence courts in these two counties. In addition, the Governor's Crime Commission administered more than \$1 million in grant funds to local law enforcement agencies.

North Carolina spent more than \$1 million on the judicial administration of domestic violence matters, both criminal and civil. The Governor's Crime Commission awarded some \$860,000 in grants to the Administrative Office of the Courts and to local prosecutors' offices to be used for domestic violence.

Finally, the Governor's Crime Commission, under authority of the Department of Crime Control and Public Safety, awarded another \$1 million in grants for other domestic violence services, including the statewide domestic violence registry and North Carolina's Statewide Automated Victim Assistance and Notification (SAVAN) system. The Statewide Domestic Violence Registry contains all domestic violence protective orders entered into the registry by the sheriff's office in the county where the order was issued and available to law enforcement officers

and the courts. SAVAN is a free and anonymous telephone program that provides information and notification to victims about an offender in prison or on community supervision. Callers may register for automatic telephone notification by SAVAN when an offender's status changes.⁴ The system is intended to alert the victim to any danger that may exist if the offender is transferred or released from jail or prison.

In May 2004, Governor Mike Easley announced the awarding of \$10 million in grants from the U.S. Departments of Justice and of Health and Human Services to support domestic violence programs in fiscal year 2004.⁵ The average award for a county domestic violence agency will be \$41,000. Funded projects include basic victim services, a children's counseling center, sheriff's investigators, court advocacy, and legal services.

—Adrienne Allison

FOOTNOTES

¹ Pamela Walker, "Domestic Violence Program Touts Success," press release, N.C. Department of Correction, Jan. 15, 2004. Available on line at <http://www.doc.state.nc.us/NEWS/2001/releases/domesticviolence.htm>.

² Session Law 2004-186 (House Bill 1354), "An Act To Strengthen the Laws Against Domestic Violence," Part I, Domestic Violence Offender Treatment, Section 1.2. Amends G.S. 143B-262(e).

³ N.C.G.S. 7A-305(a)(2).

⁴ See <http://www.ncsavan.org> for more.

⁵ "Governor Easley Announces \$27 Million in Crime Commission Grants," press release, Office of the Governor, May 26, 2004. Available at www.nccrimecontrol.org/NewsReleases/2004/GCC/GCCGrantsMay2004.html.

Table 4. Funding for Domestic Violence Programs

Domestic Violence Services and Programs	Direct Funding Source		
	Appropriation	Grant	Fees
<i>Victim services such as emergency shelters, confidential hotlines, counseling and advocacy, transitional housing, food, clothing, and transportation</i>			
Department of Administration	\$2,092,350		\$ 988,000
Department of Health and Human Services		\$ 2,083,997	
Department of Correction			
Department of Justice		\$ 9,305	
Department of Crime Control & Public Safety		\$ 6,198,431	
Subtotal	\$2,092,350	\$ 8,291,733	\$ 988,000
<i>Training for law enforcement, counselors, prosecutors, and social workers</i>			
Department of Administration	\$ 26,825		\$ 13,000
Department of Health and Human Services		\$ 12,000	
Department of Correction			
Department of Justice		\$ 34,431	
Department of Crime Control & Public Safety		\$ 30,7691	
Administrative Office of the Courts			
North Carolina Community College System			
Subtotal	\$ 26,825	\$ 354,122	\$ 13,000
<i>Abuser treatment, counseling, and anger management programs</i>			
Department of Health and Human Services		\$ 6,000	
Department of Correction	\$ 67,410		
Subtotal	\$ 67,410	\$ 6,000	\$ 0
<i>Legal services and court advocacy</i>			
Department of Administration	\$ 482,850		\$ 299,000
Department of Crime Control & Public Safety		\$ 1,230,063	
Administrative Office of the Courts			
Subtotal	\$ 482,850	\$ 1,230,063	\$ 299,000

in North Carolina, Fiscal Year 2003–2004

Indirect Funding Source	Description of Program or Service
----------------------------	-----------------------------------

	Grants to 95 domestic violence service providers
\$1,512,504	Grants to 72 shelters, counseling programs
n/a	Amount specified for SAVAN undetermined
	Address Confidentiality Program (funding provided by legal settlement against the women's shoe manufacturer Nine West)
	Grants to domestic violence service providers
\$1,512,504	
Subtotal Victim Services and Programs: \$12,884,587	

	Grants to 95 domestic violence programs
	Grant for training related to screening clients for domestic violence
n/a	Amount specified for domestic violence within Office of Victim Services general training on victims' rights undetermined
	DOJ Training Academy course on domestic violence offered regularly to law enforcement
	Grants for law enforcement training
\$ 43,000	District Court Judges Special Topics Seminar on domestic violence at Annual Conference
\$ 5,483	Staff training for Family Courts devoted to domestic violence
\$ 44,743	Staff member for Conference of District Attorneys to train district attorneys on domestic violence and to provide technical support
\$4,131,856	Law enforcement training
\$4,225,082	
Subtotal Training: \$ 4,619,029	

	Grant funding for male-focused training
	S.T.O.P. Domestic Violence Program at Albemarle Correctional Institution
\$ 0	
Subtotal Abuser Treatment: \$ 73,410	

	Grants to 95 domestic violence service providers for court advocacy programs
	Grants to legal services agencies
\$2,163,830	Figure represents 30% of the Guardian ad Litem budget dedicated to cases in which child lives in a home with domestic violence
\$2,163,830	
Subtotal Legal Services: \$ 4,175,743	

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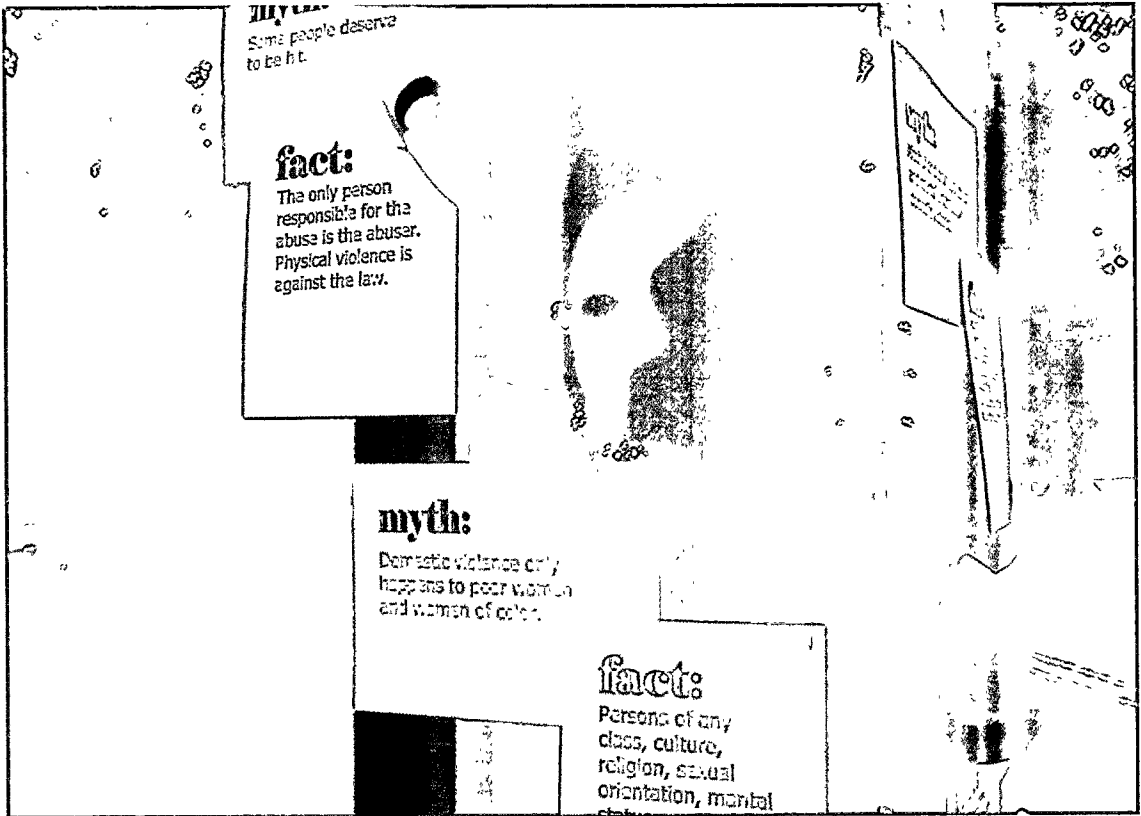
Table 4. Funding for Domestic Violence Programs

Domestic Violence Services & Programs	Direct Funding Source		
	Appropriation	Grant	Fees
<i>Community education and awareness</i>			
Department of Administration	\$ 53,650		
Department of Health and Human Services		\$ 13,688	
Department of Crime Control & Public Safety		\$ 64,694	
Subtotal	\$ 53,650	\$ 78,382	\$ 0
<i>School education programs and other programs for children/youth</i>			
Department of Administration	\$ 26,825		
Subtotal	\$ 26,825	\$ 0	\$ 0
<i>Criminal probation and parole</i>			
Department of Correction			
Department of Crime Control & Public Safety		\$ 1,143,978	
Subtotal	\$ 0	\$ 1,143,978	
<i>Judicial administration</i>			
Department of Crime Control & Public Safety		\$ 866,301	
Administrative Office of the Courts (AOC)	\$ 203,000		
Subtotal	\$ 203,000	\$ 866,301	\$ 0
<i>Miscellaneous: Other domestic violence services</i>			
Department of Crime Control & Public Safety		\$ 1,091,852	
Subtotal	\$ 0	\$ 1,091,852	0
Total by Funding Source	\$ 2,952,910	\$13,062,431	\$1,300,000

Source: North Carolina General Assembly's Fiscal Research Division

in North Carolina, Fiscal Year 2003–2004

Indirect Funding Source	Description of Program or Service
	Grants to 95 domestic violence service providers
	Grants for 7 support groups facilitated by health departments and other providers
	Grant to Council for Women and Domestic Violence Commission
\$ 0	
	Subtotal Community Education: \$ 132,032
	Grants to 95 domestic violence service providers
\$ 0	
	Subtotal School Education: \$ 26,825
\$1,653,000	Specialized probation and parole caseloads for Domestic Violence Courts in Wake and Mecklenburg Counties
	Grants to local law enforcement agencies
\$1,653,000	
	Subtotal Criminal Probation and Parole: \$ 2,796,978
	Grants to AOC and local District Attorneys' offices
	Funding for Durham and Forsyth Counties' District Attorneys' offices to address domestic violence issues
\$ 0	
	Subtotal Judicial Administration: \$ 1,069,301
	Domestic violence registry, SAVAN, etc.
0	
	Subtotal Other Domestic Violence Services: \$ 1,091,852
\$9,554,416	
	TOTAL DOMESTIC VIOLENCE FUNDING, FY 2003–2004: \$26,869,757



—continued from page 35

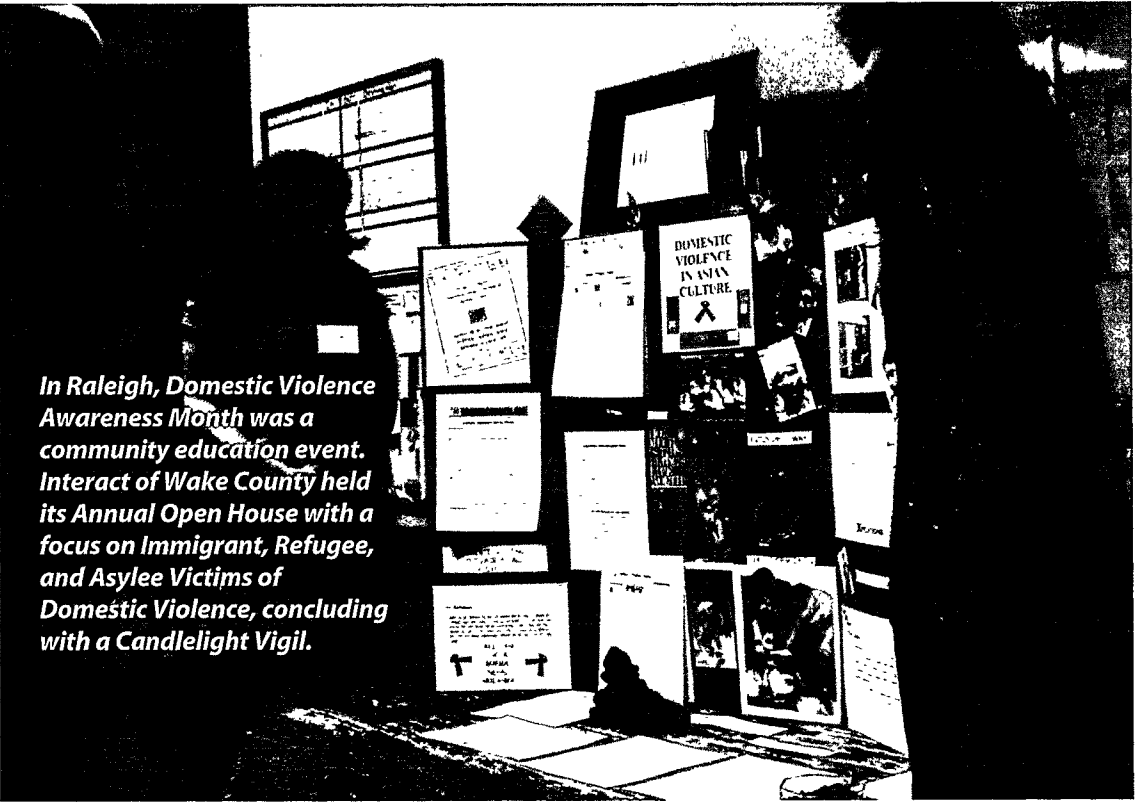
For each \$50 marriage license fee the state collects from people seeking a marriage license, \$20 goes to provide base funding for state-designated domestic violence agencies in the 100 counties. This funding provides approximately \$13,000 per year per county—or about \$1.3 million for service agencies statewide (See Table 4, pp. 36–39). Additional state appropriations of \$2.8 million were divided equally among 95 local service providing agencies in 2003–2004 (see “Funding for Domestic Violence Services in North Carolina,” pp. 34–35, for more), and that funding was increased by \$2 million for the 2004–2005 fiscal year.

Other monies come through the Governor’s Crime Commission, state health and social services departments, and through agencies such as local United Ways and private foundations such as the Z. Smith Reynolds Foundation and Kate B. Reynolds Health Care Trust, both in Winston-Salem, N.C. However, private foundation grants are limited and typically go to only a few of the domestic violence service providers across North Carolina (see Table 6, pp. 80–82). The 2004 legislation also increased court costs assessed in civil cases to help pay legal costs in domestic violence cases.¹⁹

Coordinating these many avenues of funding continues to be a challenge, says Rep. Wilma Sherrill (R-Buncombe), co-chair of the House Select Committee on Domestic Violence. “I have had [the legislature’s] Fiscal Research [Division] put together a spread sheet on what is currently being spent, and it’s nearly \$30 million,” Sherrill says. “But the question remains: Are we spending it in the right places if what we want to do is eradicate this problem?”

A Focus on Prevention

The old saying “An ounce of prevention is worth a pound of cure” was never more true than in the case of family violence. But prevention requires a response from the public. In the five-county region of northeastern North Carolina served by the Albemarle Hopeline, the public’s awareness of the problem was heightened by a few highly publicized cases, including a 2003 near-fatal stabbing of a Perquimans County High School teacher and assault charges brought against a member of the Pasquotank County School Board by his wife earlier this year. “The upheaval these cases have caused shows how this community has progressed,” Youngblood says.



In Raleigh, Domestic Violence Awareness Month was a community education event. Interact of Wake County held its Annual Open House with a focus on Immigrant, Refugee, and Asylee Victims of Domestic Violence, concluding with a Candlelight Vigil.

Marshalling that response into positive action remains a challenge. One vehicle is through the region's Coordinated Community Response Team (CCRT), which was started in 2003 with the aid of a Governor's Crime Commission grant. "We've got 30-plus people on board, including people from the schools, the faith community, DSS, the hospitals, law enforcement, and the district attorney's office," says Albemarle Hopeline's Patricia Youngblood.

The focus of the CCRT is prevention. "We are working on strategies to prevent first-time intimate partner violence," Youngblood says. And that work starts in middle school—where advocates sponsor training sessions to alert the teens and pre-teens to the warning signs of abusive relationships. The team also is bringing its message to the larger community through a series of Lunch and Learn sessions, reaching out to typically underserved populations, including the military and the Hispanic community.

The Albemarle Hopeline also is reaching out to children affected by domestic violence. "We do a summer program for kids which is fun, but it also teaches about self-esteem, as well as safety and security," Youngblood says.

Church officials are among those in need of

education and training on domestic violence, says Myra Dobbins, executive director of Safe Inc. in Wilkes County in western North Carolina. As an advocate for abused women, Dobbins says she has heard from a number of women that their ministers did not seem to know how to respond when they sought help for abuse. "We're trying to get clergy to understand the dynamics [of domestic violence]," Dobbins says. "Some ministers now are making referrals."

Clearly, prevention is preferred, but experts say prevention dollars are few and far between, and the more common approach is to react to tragic events. Prevent Child Abuse North Carolina, in partnership with the N.C. Institute of Medicine, is working to change this reactive approach through its "Gaining Ground" initiative. The aim is to develop a statewide plan to prevent child abuse and neglect through evidence-based prevention programs that have been shown to be effective and that have considered the possibility of domestic violence in the home. These efforts point to the need to interrupt the cycle of violence at a very early stage, recognizing the strong link between child abuse and neglect and present and future domestic violence.



Enforcing the Law: Varying Approaches and Strategies Equals Varied Results

Enforcement of domestic violence laws varies widely at the local level, in part because local law enforcement officials have broad discretion in how they structure programs. The result is that the likelihood of being convicted of such crimes varies widely, depending on where one lives in North Carolina. Bertie and Hertford counties in the east are tied for the highest conviction rates in the state at 56.9 percent, compared to the lowest conviction rate of 12.7 percent conviction in Avery County in the west (See Table 5, pp. 46–47).

But effective enforcement need not mean a high conviction rate. Indeed, a conviction rate may be more a factor of the cases district attorneys choose to prosecute, the quality of the evidence, and the judges who hear the cases, says N.C. Attorney General Roy Cooper. “We have independently elected district attorneys in each judicial district,” Cooper says. Each district attorney sets his or her own policies as to which cases will be tried and how much emphasis will be placed on domestic violence cases.

An additional factor is that North Carolina has a relatively low threshold for taking out a warrant. “North Carolina is one of the few, if not the only state where a private citizen can take out a warrant (on misdemeanors) with no investigation,” says Peg Dorer, director of the N.C. Conference of District Attorneys. “This adds significantly to the number of cases and contributes to the percentage dismissed. It also tends to increase the opportunity for cross warrants.”

Mickey Tillman, an investigator with the Craven County Sheriff’s Department, points to an additional factor that makes convictions difficult. The victim frequently has a change of heart about going through with the prosecution. “You have to subpoena her to get her to come to court,” says Tillman. “She’ll either refuse to come to court or come to court and change the entire story.” Without a cooperative victim, the physical evidence may not be enough to convict. In cases like this, says Tillman, even an aggressive district attorney with a policy of not dropping cases once the decision is made to go forward may wind up with a low conviction rate. Still, Tillman says he is glad to see increased focus on prosecuting these kinds of cases.



20 times to fight
 Same old 10-7
 Just on a different night
 She grabs the gun
 She's had enough
 Tonight she'll find out
 How f---ing
 Tough is this man
 Pulls the trigger

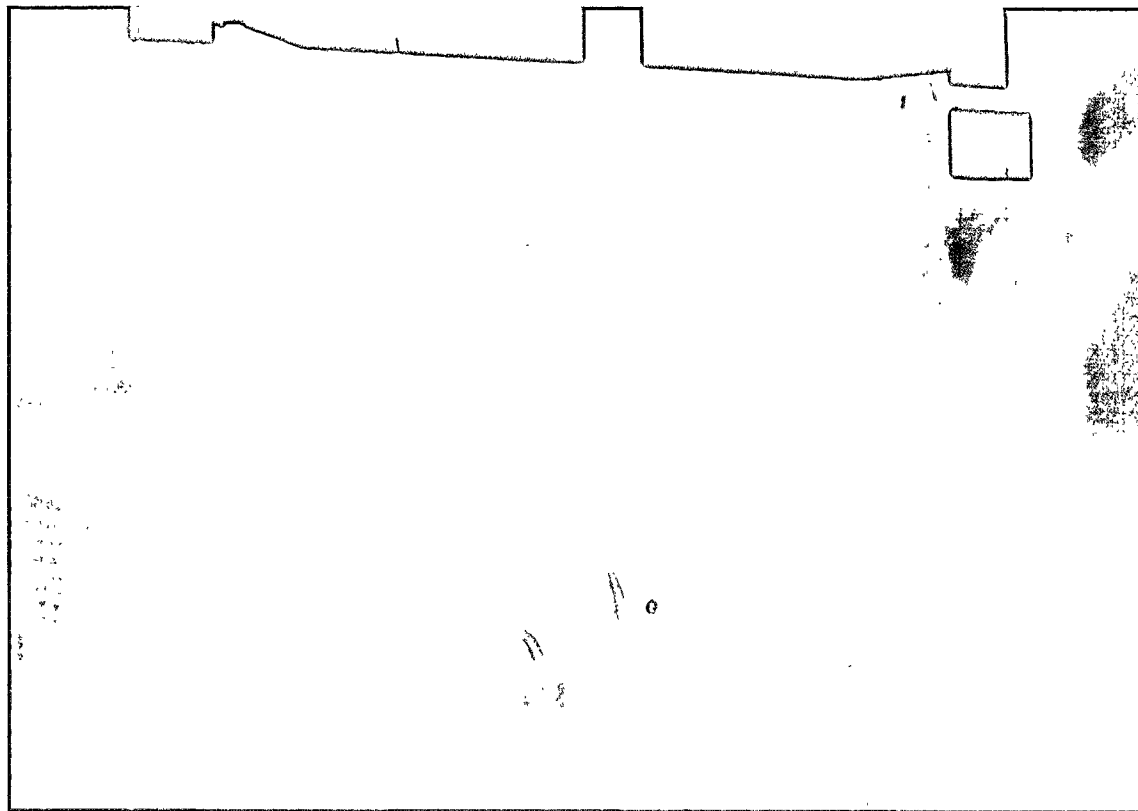
Page 1 of 1



I got flowers today. It wasn't my birthday or any other special
We had our first argument last night.
And he said a lot of cruel things that really hurt me.
I know he is sorry and didn't mean the things he said
Because he sent me flowers today
I got flowers today. It wasn't my anniversary or any other special
Last night he threw me into a wall and started to choke me.
It seemed like a nightmare.
I couldn't believe it was real
I woke up this morning more mad and bruised all over
Heaven, he must be sorry
Because he sent me flowers today
I got flowers today. And it wasn't Mother's Day or any other special day
Last night he beat me up again
And it was much worse than all the other times
If I leave now what will I do?

—TRACY CHAPMAN
"BEHIND THE WALL"

Based on information collected by Jennifer Corbitt, the Victim Advocate in Pitt County, Bowman was able to provide a more recent analysis of outcomes in Domestic Violence Court. "We have improved slightly since 2002, when *The News & Observer* last reported," says Bowman. "In the 10 weeks from August 20, 2004, through November 3, 2004, there were 523 Domestic Violence Cases set in Pitt County District Court. There were 305 de-

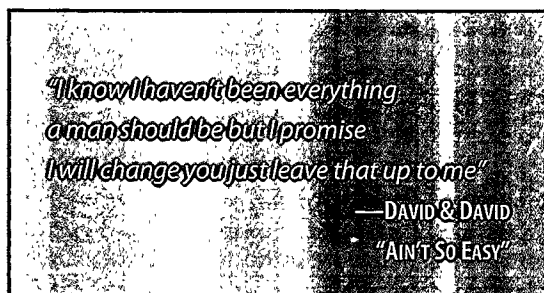


fendants. [Of that total,] 121 of those defendants had their cases continued, 26 didn't come to court on time and had orders for arrest issued, while 21 were just there for case reviews. That leaves only 137 cases to actually be adjudicated. 62 defendants, about 45 percent, were found or pled guilty to one or more of the charges against them."

Of the remaining 75 defendants, says Bowman, 16 were found not guilty at trial and 59 defendants had their cases dismissed. Bowman's own analysis confirmed his suspicion about the impact of witnesses failing to appear. "They were usually dismissed because the witnesses didn't come to court," Bowman says. "In 43 of those 59 instances, or about 72 percent of the time, the cases were dismissed because the victim was not present, and the state could not prove the case without them."

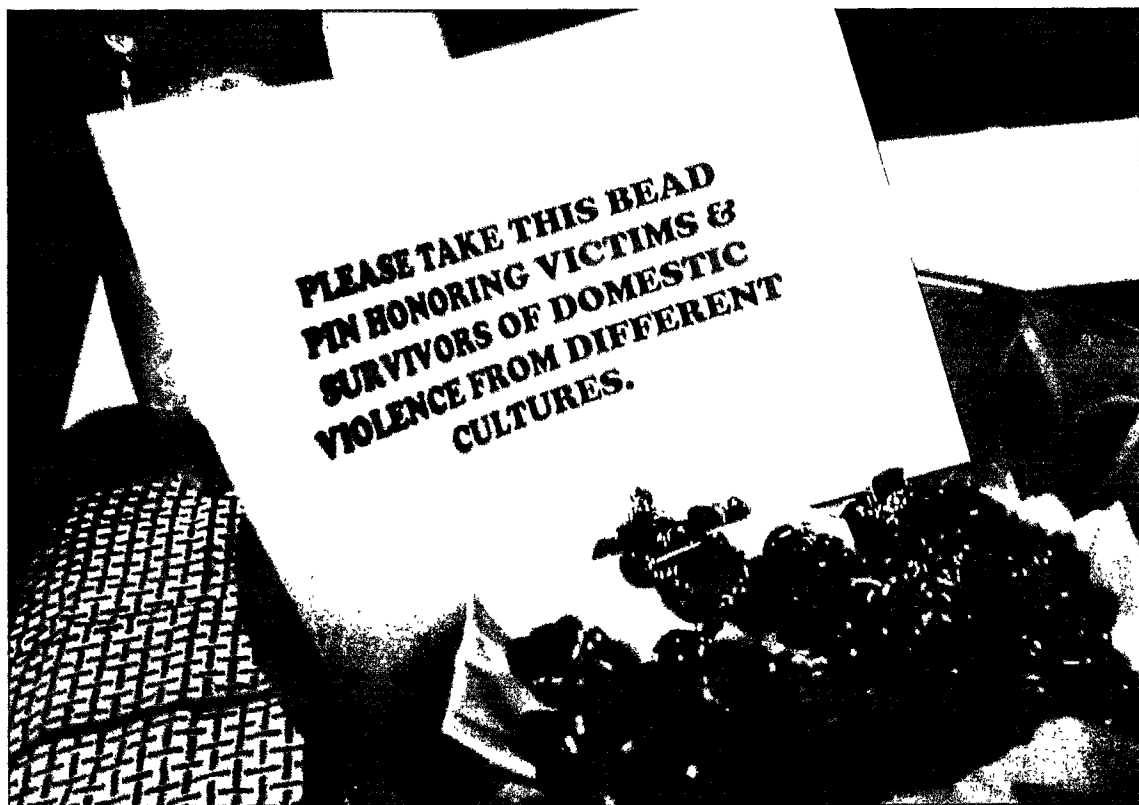
When a witness fails to appear in court for three straight times, the chances of winning a conviction are all but sunk, Bowman says. Often, the district attorney's office receives calls from witnesses desperate to have the charges dropped. A telephone message informs these callers that charges cannot be dropped over the telephone, and witnesses must appear in court. Still, the problem of no-shows is rampant, says Bowman.

"In this 10-week period, there were 23 trials, with 16 not guilty and seven guilty for about a 30 percent conviction rate at trial," says Bowman. "If we could have gotten witnesses here for trial in those 43 cases that were dismissed due to 'no shows,' we would probably have convicted at least a third of those defendants. Those are the cases that I worry



about the most, because I never know why the victim didn't come. I assume it is because she is terrified, because he has told her that he will kill her and her kids if she testifies, and she believes him. Those are the victims we have to try harder to reach."

While acknowledging a few weak or frivolous cases, Bowman says it is this fear of further violence



that is the primary motivating factor for many witnesses who fail to appear in court. "If you have a court case, that's probably the day it's going to happen," says Bowman, "either that or the day you finally leave him." But once charges are filed, the district attorney's office will not drop the case, relying on investigators to provide solid contact information and using victim advocates to help get reluctant witnesses to court. "That's to let the woman know it's serious, but it's also to let the abuser know that, hey, there's nothing she can do about it," says Bowman. "The reason I go hard at this level is to try and keep it from getting to a felony."

To both protect the victim and pursue justice requires strong cooperation among agencies. Pitt County's interagency approach draws praise for its attention to detail, starting with the initial response, diligent pursuit of conviction, and sensitivity to the needs of the victim. The Pitt County Sheriff's Department has a seven-member domestic violence unit trained in the successful investigation and prosecution of abuse. "Our responsibilities are to respond to the initial call," says Sgt. John Guard, head of the special unit. "That's where our success has come from. Follow-up is good, but if the initial call isn't handled properly, the rest of the case

will be difficult for everyone involved."

Rather than relying on statements from the victim alone, these officers gather additional information. This may involve 911 tapes, getting statements from emergency technicians, providing photo documentation of the injuries, and recording detailed descriptions of the scene. The unit investigators follow up with the district attorney's office to discuss the evidence. Domestic violence court sessions take place each Wednesday.

Between the arrest and the court date, even in so short a time, a lot can happen. "There's a lot of manipulation that nobody sees," Guard points out. "It may be a phone call from the perpetrator to the victim saying, 'If I go to jail, you'll lose your income.'" Many times the victim, in fact, doesn't want the perpetrator to go to jail but to get help instead, says Guard.

"I say to them: let's utilize the court system to facilitate change. Let's get batterers treatment. The criminal justice system is our friend."

In Pitt County, a victim of domestic violence can expect an integrated working relationship among law enforcement, prosecutors, and domestic violence service providers. The aim of cooperation

—continues on page 49

Table 5. Domestic Violence Charges, Convictions, and Dismissals by County, January 1, 1997–October 11, 2002

N.C. County	Total Charges	Convictions %	Convictions % Ranking Among 100 Counties ¹	Dismissals %	Dismissals % Ranking Among 100 Counties ²
N.C. Average	238,414	33.7%		53.1%	
1. Alamance	4,116	49.1	9	30.4	12 (tie)
2. Alexander	1,087	26.3	74 (tie)	61.9	75 (tie)
3. Alleghany	171	40.9	24	21.6	2
4. Anson	1,186	45.1	16	33.2	15
5. Ashe	392	36.5	43	25.8	9 (tie)
6. Avery	322	12.7	100	78.0	99
7. Beaufort	1,238	39.9	28	36.6	20 (tie)
8. Bertie	812	56.9	1(tie)	23.3	3 (tie)
9. Bladen	1,419	32.6	55	53.1	51
10. Brunswick	2,841	34.8	45	44.8	36
11. Buncombe	5,126	20.8	92 (tie)	75.2	97
12. Burke	2,437	28.8	66	62.9	80
13. Cabarrus	3,371	41.9	22	43.5	30
14. Caldwell	2,584	34.4	46 (tie)	56.2	58
15. Camden	101	41.6	23	36.6	20 (tie)
16. Carteret	1,714	23.8	84	67.3	91
17. Caswell	752	46.5	11	23.3	3 (tie)
18. Catawba	4,094	32.4	56	58.7	66
19. Chatham	1,022	20.7	94 (tie)	67.2	90
20. Cherokee	723	25.7	78	66.4	88
21. Chowan	445	45.6	15	39.6	24
22. Clay	118	21.2	89 (tie)	66.1	72
23. Cleveland	3,701	32.7	54	57.2	61 (tie)
24. Columbus	1,864	39.8	29 (tie)	43.2	29
25. Craven	2,726	36.6	42	52.3	49 (tie)
26. Cumberland	7,791	21.9	87 (tie)	66.8	89
27. Currituck	604	30.0	60	55.0	56
28. Dare	1,023	28.4	68	59.9	67 (tie)

Table 5, continued

N.C. County	Total Charges	Convictions %	Convictions % Ranking Among 100 Counties¹	Dismissals %	Dismissals % Ranking Among 100 Counties²
29. Davidson	4,897	27.0%	73	61.1%	72
30. Davie	812	33.3	51 (tie)	54.7	54
31. Duplin	1,134	45.7	13 (tie)	43.8	32
32. Durham	8,253	38.7	35	47.7	39
33. Edgecombe	2,820	27.2	72	61.0	71
34. Forsyth	8,872	48.8	10	33.4	16
35. Franklin	1,392	40.4	25 (tie)	46.0	38
36. Gaston	8,238	26.1	76	65.2	83
37. Gates	227	44.5	17	37.0	22
38. Graham	315	23.2	85	65.1	82
39. Granville	1,371	37.6	37 (tie)	51.2	44
40. Greene	439	35.8	44	55.4	57
41. Guilford	13,533	29.3	62	51.8	46
42. Halifax	2,547	25.0	79	65.4	84 (tie)
43. Harnett	2,997	31.0	58 (tie)	58.2	64
44. Haywood	1,920	24.4	82	61.3	74
45. Henderson	1,969	13.3	99	82.3	100
46. Hertford	951	56.9	1 (tie)	29.8	11
47. Hoke	1,324	29.1	63 (tie)	54.9	55
48. Hyde	92	53.3	4	30.4	12 (tie)
49. Iredell	3,871	28.9	65	58.3	65
50. Jackson	659	21.2	89 (tie)	61.2	73
51. Johnston	3,002	29.4	61	60.3	70
52. Jones	218	50.9	7	33.9	17
53. Lee	1,976	34.4	46 (tie)	54.3	52
54. Lenoir	2,290	37.6	37 (tie)	54.6	53
55. Lincoln	1,296	32.1	57	57.2	61 (tie)
56. Macon	288	21.9	87 (tie)	67.4	92
57. Madison	671	50.7	8	31.4	14

Table 5, continued

N.C. County	Total Charges	Convictions %	Convictions % Ranking Among 100 Counties¹	Dismissals %	Dismissals % Ranking Among 100 Counties²
58. Martin	1,102	17.0%	98	76.7%	98
59. McDowell	624	26.3	74 (tie)	60.1	69
60. Mecklenburg	21,035	33.6	50	57.5	63
61. Mitchell	253	20.9	91	49.8	42
62. Montgomery	960	27.5	70	65.4	84 (tie)
63. Moore	1,757	20.8	92 (tie)	72.3	95
64. Nash	2,965	27.3	71	62.4	79
65. New Hanover	5,309	31.0	58 (tie)	57.1	59 (tie)
66. Northampton	798	56.1	3	25.3	8
67. Onslow	2,821	33.3	51 (tie)	52.3	49 (tie)
68. Orange	2,609	28.3	69	59.9	67 (tie)
69. Pamlico	272	38.6	36	52.2	48
70. Pasquotank	1,132	39.8	29 (tie)	49.3	41
71. Pender	950	28.7	67	45.2	37
72. Perquimans	267	46.4	12	39.0	23
73. Person	1,179	53.1	5	25.8	9 (tie)
74. Pitt	4,625	37.2	41	44.7	34 (tie)
75. Polk	384	24.7	81	68.8	93
76. Randolph	3,169	18.8	97	72.9	96
77. Richmond	2,256	37.3	39 (tie)	43.1	28
78. Robeson	5,344	39.8	29 (tie)	48.0	40
79. Rockingham	3,546	39.8	29 (tie)	41.6	26
80. Rowan	3,639	34.2	48	43.6	31
81. Rutherford	2,281	26.0	77	65.0	81
82. Sampson	1,827	40.2	27	51.5	45
83. Scotland	2,342	29.1	63 (tie)	62.2	78
84. Stanly	1,697	40.4	25 (tie)	36.5	19
85. Stokes	853	39.7	33	41.0	25
86. Surry	2,226	39.2	34	44.1	33

Table 5, continued

N.C. County	Total Charges	Convictions %	Convictions % Ranking Among 100 Counties¹	Dismissals %	Dismissals % Ranking Among 100 Counties²
87. Swain	384	24.2%	83	62.0%	77
88. Transylvania	633	20.7	94 (tie)	70.1	94
89. Tyrrell	81	45.7	13 (tie)	24.7	7
90. Union	2,957	43.6	20	35.9	18
91. Vance	2,520	37.3	39 (tie)	51.1	43
92. Wake	11,397	44.3	19	42.7	27
93. Warren	653	44.4	18	44.7	34 (tie)
94. Washington	415	52.3	6	24.3	5
95. Watauga	617	23.0	86	51.9	47
96. Wayne	3,148	33.2	53	57.1	59 (tie)
97. Wilkes	1,611	33.8	49	24.4	6
98. Wilson	2,678	24.9	80	66.3	87
99. Yadkin	632	42.2	21	20.4	1
100. Yancey	312	19.9	96	61.9	75 (tie)

¹ Highest conviction percentage equals ranking of 1, lowest conviction percentage equals ranking of 100.

² Lowest dismissal percentage equals ranking of 1, highest dismissal percentage equals ranking of 100.

For this report, *The News & Observer* of Raleigh, N.C. analyzed the disposition of the 238,414 misdemeanor charges across the state from January 1, 1997 to October 11, 2002.

The newspaper chose to look at cases involving assault on a female, violation of a domestic violence protection order and domestic criminal trespass to develop information about conviction and dismissal rates both statewide and in judicial districts.

Conviction and dismissal rates do not add up to 100 percent because some defendants are found not guilty.

Source: *The News & Observer* of Raleigh, N.C. and N.C. Administrative Office of the Courts

among agencies is to create a unified community response to domestic violence that ensures safety for victims and families, as well as accountability for offenders.

The county's domestic violence agency, called Family Violence Prevention, employs a full-time Court Services Coordinator, Sarai Heath, and has court advocates who accompany clients through

court proceedings. Heath says there is a "good understanding" among Family Violence Prevention, the Pitt County Sheriff's Office, and the District Attorney's Office in terms of the role each should play in providing services to victims.

Besides heading the Pitt County Sheriff's Department's Domestic Violence Prevention Unit, Sergeant Guard serves on North Carolina's Domes-

tic Violence Commission. That is appropriate, says Sergeant Guard, because "prevention" is a key part of the unit's mission and philosophy. "You won't find a domestic violence murder without a progression of prior violence," Guard says. "If we can target abusers at the stage that they are just shoving, then we can prevent further assaults and murder. The only way to prevent violence is to intervene early."

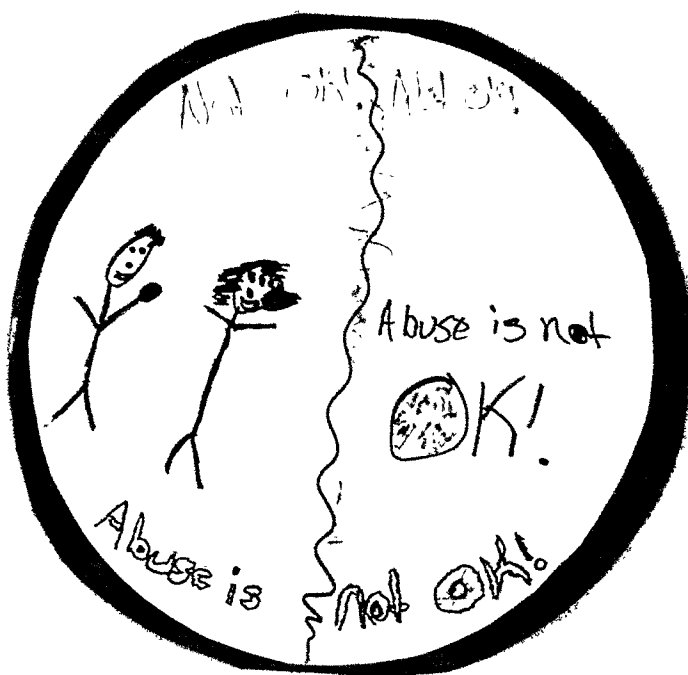
The "bread and butter" of the department's intervention, Guard says, is an officer's initial response to a domestic call. "Even Columbo himself won't be effective without a good initial response," Guard says. Domestic violence officers are trained on how to collect evidence, interview victims and witnesses (including children), and provide resources. But what sets them apart, Guard notes, is the officers' commitment. "You can teach an officer how to respond, but the heart has to be in it." Guard knows that his officers' hearts are in their jobs because they've each volunteered for the domestic violence unit. The seven sworn officers who make up his team are not paid any extra to take on a 12-hour shift that frequently calls on them to intervene in disputes that are intensely personal, dangerous, and sometimes deadly, as underscored in the death of Randolph County Sheriff's Deputy Toney

Clayton Summey, who was slain while serving a warrant in a domestic violence case in April 2003.

The Pitt County unit also has two investigators devoted to answering domestic violence calls. If an assault is alleged or charged, the investigators follow up to make sure statements and photographs were taken and to collect evidence of injuries such as bruises or scrapes, which may not be visible immediately after an assault. Guard's officers also screen arrestees for habitual offender status and issue subpoenas.

Evidence from investigation and screening is then passed to the district attorneys. Guard says it is not uncommon for 45-48 domestic violence criminal cases to be on the docket on Wednesday mornings. On Tuesdays, therefore, officers from the Domestic Violence Prevention Unit meet with district attorneys to share information. They review their case files, give the prosecutors copies of reports, statements, names of witnesses, CDs containing photographs taken, and 911 emergency phone call recordings. Such cooperation helps the court to run efficiently, Guard says.

The sheriff's officers also routinely attend a defendant's first appearance before a judge in order to share photographs of the victim's injuries and history of prior law enforcement responses and ar-



*"My name is Luka
I live on the second floor
I live upstairs from you
Yes I think you've seen me before
If you hear something late at night
Some kind of trouble, some kind of fight
Just don't ask me what it was ...*

rests. Especially with domestic violence, which can escalate in severity, it is important for judges and district attorneys to have the full history of the situation. "It's one thing to set a bond for assault on a female," Guard says, "but it's another to set a bond with a photograph of the victim in front of you."

The Pitt County Sheriff's Department also has two full-time Victim Advocates who provide assistance to domestic violence victims, among others. The department's philosophy with regard to victims, Guard says, is to help them as much as possible and never to close the door on a victim seeking help. To that end, the department has two distinct policies. If a victim goes to a Victim Advocate, discloses domestic violence, and does not wish to pursue criminal prosecution, that conversation remains confidential unless there is disclosure of child abuse. Victims are thereby encouraged to seek help without feeling pressured to press charges. If, however, the victim contacts law enforcement through a 911 emergency call, the department has a policy of pursuing the matter.

The Sheriff's Victim Advocates also counsel people about whether it would be in their best interest to pursue a domestic violence protective order. If a victim decides to try to obtain an order, she is referred to Legal Aid of North Carolina's Greenville office for legal assistance. If Legal Aid cannot represent the victim and she cannot afford other representation, she can seek a protective order without an attorney, usually with the support of the Family Violence Program and the Victim Advocate. When she arrives in court on Monday morning for her hearing, she will attend a clinic that explains the court process to plaintiffs who do not have attorneys.

In Pitt County District Court, domestic violence protective order hearings are held on Monday mornings. They are held in a courtroom separate from other matters. Defendants are not allowed to enter

the courtroom until a bailiff is present. If there is a criminal charge pending against the defendant as well, hearings may be continued until the date of the criminal trial. That way, all evidence is presented at once, and the victim and witnesses need only testify once. The order remains in effect until the date of the criminal trial.

Criminal domestic violence trials, like protective order hearings, are held separate from other criminal matters in Pitt County. During a civil hearing or criminal trial, deputies from the Sheriff's Domestic Violence Prevention Unit provide protection and support for victims without legal representation who may be facing their abuser for the first time since a violent assault. They counsel the victim not to look directly at the abuser if they are frightened, and they remind the victim to tell her story in detail to the presiding judge.

The Pitt County District Attorney's office has a strict no-drop policy whereby charges, once filed by a law enforcement officer, must go forward. However, the District Attorney (through the Victim Witness Coordinator) will take the victim's wishes into consideration when recommending sentencing or plea bargains.

Other counties, besides Pitt, have specialized domestic violence criminal courts. In Wake County, Chief District Court Judge Joyce Hamilton coordinated the establishment of such a court in 1997, with funding from the Governor's Crime Commission. On a daily basis, all domestic violence criminal cases are prosecuted in this courtroom. Hamilton was the only judge assigned there for one-and-a-half years and still serves as the lead judge for that court. She is a strong advocate of domestic violence training for Wake County's 15 district court judges, and she limits the number of other judges assigned to the specialized courtroom to provide consistency in the handling of these criminal cases. Two prosecutors,

*... I think it's because I'm clumsy
I try not to talk too loud
Maybe it's because I'm crazy
I try not to act too proud
They only hit until you cry
And after that you don't ask why
You just don't argue anymore"*

—SUZANNE VEGA

"LUKA"

who receive domestic violence training, are assigned to work in this courtroom. Some other judicial districts have similar courtrooms in which domestic violence criminal cases are separated from other criminal and traffic cases tried in district court.

Governor's Crime Commission Supports Coordinated Community Response, with Better Training For All

Barry Bryant of the Governor's Crime Commission says the Pitt County approach provides a good model for evidence-based prosecution. "The idea is to always prosecute the case as if you don't have a victim to testify," he says. "That way, if she recants because the batterer says he'll kill her, you have enough evidence to move forward with the case."

Bryant calls training a top priority not just for judges, magistrates, and attorneys, but also for law enforcement officers, social workers, court clerks, and all others involved with domestic violence cases. "The most important thing is adequate ongoing training, because of the need to have a coordinated community response," Bryant says. "If an officer responds correctly, yet when the victim gets to court the prosecutor doesn't understand how to prosecute effectively, the officer's training loses its effect."

Prosecutorial District 3B, which covers Craven, Carteret, and Pamlico counties, has an approach similar to Pitt County's. The district's domestic violence agency, Coastal Women's Shelter, has three court advocates, one for each county. The shelter, which is funded primarily through state, federal, and private sector grants, can provide services for up to 15 victims and children. Julie Branton, Director of Coastal Women's Shelter, says she is encouraged that collaboration with law enforcement is improving, but says officers who respond to domestic violence calls still need better training. The statistics support this observation. The conviction rates on domestic violence charges for the three counties are: Craven, 36.6 percent; Carteret, 23.8 percent; and

Pamlico, 38.6 percent (see Table 5, pp. 46-49).

Investigator Mickey Tillman of the Craven County Sheriff's Department agrees that domestic violence training should be a basic and mandatory component of law enforcement training. He says veteran officers may have an "old fashioned" mindset, which can affect how they treat victims, both female and male. "You have officers who came along in the late '70s and early '80s who may have thought the woman's place was in the home, and she did what the man said for her to do," says Tillman, "If she took a slap across the face, it was somewhat acceptable because that's what they saw when they were coming along." Those same officers, says Tillman, "don't understand that the man can sometimes be the victim." Tillman, a 10-year veteran who fielded scores of domestic violence calls as a sergeant before his promotion to investigator, says he has been out on 10 to 15 calls where the male appeared to be the victim rather than the female. He agrees with Staroneck's estimate that these represent a small percent of cases.

Tillman lauds the District Attorney's office for being proactive, or "striking while the iron is hot." As an example, Tillman notes the office's standard of requiring photographs of every victim's injuries. He says the sheriff's department also has tough standards, including a standard of jailing any suspect where there is physical evidence of injury, informally known as "bruise it and lose it" after the "booze it and lose it" anti-drunken driving campaign. The "it" in the slang slogan refers to the suspect's freedom because the sheriff's department locks up the suspect at the least evidence of injury. Along with taking pictures of the injury, Tillman says the investigators are instructed to take pictures of the victim's face as well. That way, officers can tell the court, "These pictures are of the victim as she appeared that night."

This type of evidence collection can be crucial for prosecution, particularly if the victim is unwilling to cooperate. Evidence-based prosecution based on photographs and other evidence allows the prosecutor to hold a perpetrator accountable even without a victim's testimony. But Pitt County's Sergeant Guard says evidence-based prosecution is only as effective as the evidence collected. Law enforcement and prosecutors must be trained in this approach to domestic violence.

For Representative Marian McLawhorn (D-Pitt), Co-Chair of the House Select Committee on Domestic Violence, the issue of law enforcement training on domestic violence hits close to home. McLawhorn's son, Adam, is a New York City po-

"A child's life is like a piece of paper on which every person leaves a mark."

—CHINESE PROVERB



lice officer. He was admitted to the police academy at the same time that McLawhorn was first assigned to the House Select Committee. As he went through training, Adam reported to his mother what he learned about domestic violence: That a domestic violence situation is often the most dangerous situation an officer can go into. That often the aggressor is so angry that someone could be killed. That often there are weapons involved—and children. He reported that role-playing in training was very effective and helpful. Adam's first arrest as a police officer, McLawhorn says, was a domestic violence arrest.

Experts Say Training Needs Go Beyond Law Enforcement Officers to Judges and Court Personnel

UNC-CH law professor Deborah Weissman says that besides better training for law enforcement officers, more and better training for judges is essential. "When these victims come to court to tell their stories, it sounds like nothing most judges can relate to," Weissman says. "It's not that the judges are insensitive, it's just human nature. But if you're a judge—particularly with the volume of domestic violence cases some judges see and considering the

huge impact it has on families and society and communities—you need to do whatever it takes to become better equipped to understand this dynamic."

Better legal representation is another important issue, says Weissman. "Court advocates have a great role to play in making the court experience less frightening, but lawyers have to do the talking," Weissman says. A well-trained lawyer can "bring out the examination in a way that makes sense."

Barry Bryant of the Governor's Crime Commission agrees. "It makes a big difference to the court if you have representation, but it's very expensive," he says. The Governor's Crime Commission awards at least \$1 million each year for Legal Aid agencies to provide such representation. "It's a big chunk of the federal money that we get, but it's cost effective," Bryant adds. He says the statement represents his opinion as a long-time administrator of the program but is backed up by surveys the Governor's Crime Commission has conducted of agencies that use the funds.

Criminal Law and Domestic Violence

Domestic violence is addressed by both the criminal and civil law in North Carolina. Under the criminal law, crimes of domestic violence

*"Just tell the nurse you slipped and fell
It starts to sting as it starts to swell
She looks at you . . . she wants the truth
It's right out there in the waiting room
with those hands
Lookin just as sweet as he can . . .
Never again"*

—NICKELBACK
"NEVER AGAIN"

range from simple assault and communicating threats to rape and homicide. In civil courts, domestic violence can appear in actions for domestic violence protective orders, divorce, and child custody. Domestic violence can appear in child abuse and neglect proceedings, public benefits adjudications, and housing subsidy hearings. In short, it can be a factor—hidden or overt—in virtually every aspect of life covered by civil, criminal, and administrative law.

Under North Carolina criminal law, there are no crimes labeled domestic violence *per se*. Rather, it is the relationship between defendant and victim that classifies a crime as one of domestic violence. For example, N.C. General Statute 15A-534.1, the statute which sets out special pretrial release conditions for "crimes of domestic violence," defines those crimes as:

"[C]ases in which the defendant is charged with assault on, communicating a threat to, or committing a felony provided in Articles 7A, 8, 10, or 15 of Chapter 14 of the General Statutes *upon a spouse or former spouse or a person with whom the defendant lives or has lived as if married*, with domestic criminal trespass, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General Statutes."²⁰

The most common assaults covered by this statute are assault on a female, assault inflicting serious injury, assault by pointing a gun, assault with a deadly weapon, assault with a deadly weapon with intent to kill, assault with a deadly weapon inflicting serious injury, assault with a deadly weapon with intent to kill and inflicting serious injury, and assault inflicting serious bodily injury, according to Joan G. Brannon, an expert on both domestic violence and judicial administration at the University

of North Carolina at Chapel Hill's School of Government.²¹

Of these most common domestic violence assaults, the first four are misdemeanor offenses, punishable by a maximum of 150 days of active, intermediate, or community punishment.²² Misdemeanor assault inflicting serious injury includes a broad spectrum of injuries, ranging from a black eye to—until the 2004 N.C. General Assembly made it a felony—strangulation. Assault with a deadly weapon rises to the level of a felony *only if* the defendant uses a deadly weapon with intent to kill *or* uses a deadly weapon and the victim suffers serious injury.²³ Hands can be a deadly weapon so strangulation could be assault with a deadly weapon and inflicting serious injury.

Civil Law and Domestic Violence

Domestic violence is covered by civil law as well. In 1979, North Carolina enacted the state's first Domestic Violence Act, which was codified as Chapter 50B of the North Carolina General Statutes.²⁴ Chapter 50B provides relief to victims of domestic violence in the form of civil protective orders that provide both short-term emergency relief and relief for up to 12 months.²⁵ A judge or magistrate can authorize a short-term or *ex parte* order intended to protect the victim and minor children until a full hearing can be held after the accused has been given legal notice.²⁶ A "permanent" domestic violence protective order may be issued after a hearing if a judge finds it necessary to end the violence or threat of violence.²⁷

Under Chapter 50B, domestic violence is defined as (1) attempting to cause bodily injury or intentionally causing bodily injury, (2) placing the victim or a member of the victim's family or household in fear of imminent serious bodily injury or continued harassment, or (3) rape or any sexual offense.²⁸ The victim and perpetrator must have or have had a "personal relationship," which is defined by the civil law as (1) current or former spouses; (2) persons of the opposite sex who live together or have lived together; (3) persons related as parents and children or as grandparents and grandchildren; (4) persons who have a child in common; (5) current or former household members; or (6) persons of the opposite sex who are in or have been in a dating relationship.²⁹

A domestic violence protective order may include a range of provisions such as no contact by the defendant, exclusive possession of a residence, and temporary child custody.³⁰ The statute was

amended in 2003 to prohibit the possession or purchase of firearms, ammunition, and permits by defendants in high-risk domestic violence protective order cases.³¹ The protective orders are valid for a maximum of one year and can be renewed multiple times for good cause.³²

A Major Legislative Initiative To Revise Both Civil and Criminal Law

Co-chaired by Representatives Wilma Sherrill (R-Buncombe) and Marian McLawhorn (D-Pitt), the House Select Committee on Domestic Violence first convened in September 2003. During committee meetings, 24 House members heard from domestic violence victims, advocates, attorneys, judges, law enforcement officials, and other service providers and experts.

McLawhorn says that the hours of testimony from victims made the bill very personal for legislators. For many lawmakers, it became a passion. The perspective of service providers also was essential, McLawhorn says, because they could anticipate safety concerns and other unintended consequences of proposals considered by lawmakers. McLawhorn also credits 2003-04 Co-Speakers Jim

Black (D-Mecklenburg) and Richard Morgan (R-Moore) for their bipartisan support of the committee. The Co-Speakers appointed an equal number of Democrats and Republicans to serve as co-chairs of the various subcommittees and appointed 18 women and six men.

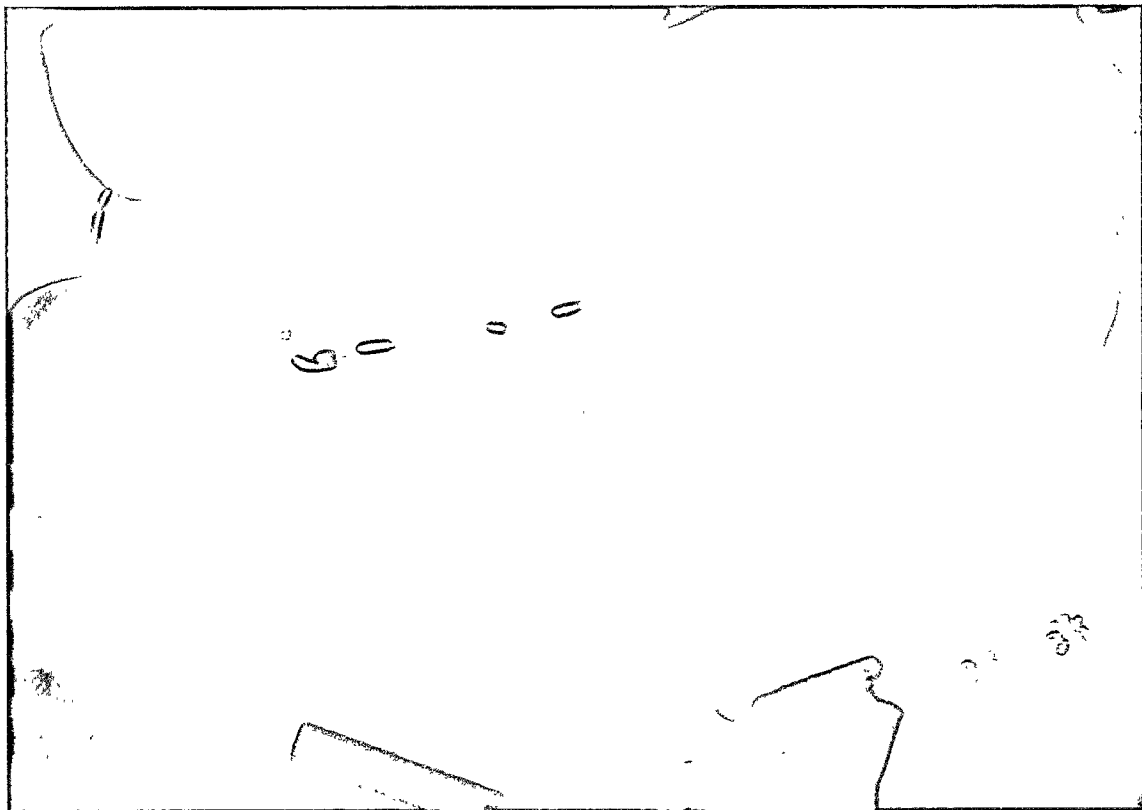
To McLawhorn and the other legislators, the focus of discussion and debate always came back to how the bill would affect victims, their children, and their families. "There is no greater calling for our state systems than to help families," says McLawhorn.

Criminal Law Provisions in the Newly Revised Law

The House Select Committee addressed several service areas, with subcommittees devoted to criminal law, civil law and judicial administration, victim services and treatment, prevention, education, and juvenile issues. The final version of the bill included provisions in each of these areas.

The range of provisions in the bill reflects the impact of domestic violence on the lives of its victims and the range of government agencies that come into contact with victims and their families.





From law enforcement and judges to school teachers and nurses, the legislation recognizes that domestic violence is a problem that requires education, training, and procedures for every agency that may serve a victim. It provides a wide range of solutions to a far-reaching social problem.

Abuser Treatment Programs

As more people who commit domestic violence are brought into the criminal courts, prosecutors and judges must grapple with the most effective form of punishment. Certainly deterrence is a goal of punishment, but with domestic violence, judges—and victims—often seek rehabilitation for offenders instead. To this end, abuser treatment programs are often ordered as an alternative to incarceration. In criminal courts, judges often order completion of an abuser treatment program as a condition of probation.³³ In civil courts, judges may order completion of a program as a condition of a domestic violence protective order.³⁴ Victims often request treatment programs because, although they want the battering to stop, they do not necessarily want to see their abuser behind bars.

House Bill 1354 enacted in 2004 mandates

completion of an abuser treatment program as a condition of probation for a defendant convicted of a domestic violence offense—unless the court finds completion of such a program would not be in the best interest of justice.³⁵ The program must be approved by the Domestic Violence Commission and be reasonably available to the defendant, which is problematic in some instances as approved abuser treatment programs currently are available in only 66 of 100 counties. Counties without abuser treatment programs range from Currituck in the East to Cabarrus in the Piedmont to Watauga in the West. Rules to govern abuser treatment programs became effective in October 2004. All programs must re-apply for approval under these rules.

According to Amily McCool, program coordinator for the abuser treatment program CHANGE of Durham, N.C., the new requirements amount to a significant tightening of what it means to be an approved program, which could mean still fewer programs in the future. “While the Domestic Violence Commission is charged with overseeing the programs, the standards for abuser treatment programs did not become effective until October 1, 2004,” says McCool. “Therefore, there have not been stan-

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State-Funded County Level Programs for Victims of Domestic Violence

Alamance County

Family Abuse Services
P.O. Box 2191
Burlington, NC 27215
Office: (336) 226-5982
Crisis: (336) 226-5985
Fax: (336) 226-5902
Email: fas1@netpath.net

Alexander County

Domestic Violence Resource Center
P.O. Box 652
Taylorsville, NC 28681
Office: (828) 635-8850
Crisis: (828) 635-8881
Fax: (828) 635-8841
Email: itownsend@charter.net

Alleghany County

Domestic Abuse is Not Acceptable (DANA)
P.O. Box 1643
507 North Main St.
Sparta, NC 28675
Office: (336) 372-2846
Crisis: (336) 372-3262
Fax: (336) 372-7705
Email: domestic_abuse@mail.com

Anson County

Anson Co. DV Coalition
P.O. Box 694
Wadesboro, NC 28170
Office: (704) 694-4499
Crisis: (704) 690-0362
Fax: (704) 690-4515
Email: acdvc@vnet.net

Ashe County

A Safe Home for Everyone (A.S.H.E.)
626 Ashe Central School Rd, Unit 1
Jefferson, NC 28640
Office: (336) 982-4588
Crisis: (336) 219-2600 (Sheriff's Dept.)
Fax: (336) 982-8860
Email: asafehomeforeveryone@hotmail.com

Avery County

Acada, Inc.
P.O. Box 1645
Newland, NC 28657
Office: (828) 733-3512
Crisis: (828) 733-3512
Fax: (828) 733-7319
Email: acada@skybest.com

Beaufort County

Options to Domestic Violence &
Sexual Assault, Inc.
P.O. Box 1387
Washington, NC 27889
Office: (252) 940-1046
Fax: (252) 948-1477
Crisis: (252) 946-3219
Email: options@clis.com

Bertie County

Roanoke-Chowan S.A.F.E.
P.O. Box 98
Ahoskie, NC 27910
Office: (252) 332-4047
Fax: (252) 332-2450
Crisis: (252) 332-1933
Email: rcsafe2000@yahoo.com

Bladen County

Families First, Inc.
P.O. Box 1776
Whiteville, NC 28472
Office: (910) 642-5996
Fax: (910) 641-0253
Crisis: (910) 641-0444
Email: ffirst@weblnk.net

Brunswick County

Hope Harbor Home, Inc.
P.O. Box 230
1053 Old Ocean Hwy 17 South
Supply, NC 28462
Office: (910) 754-5726
Fax: (910) 754-9049
Crisis: (910) 754-5856
Email: hopeharbor@mindspring.com

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Buncombe County

Helpmate, Inc.
56 College St., Suite 201
Asheville, NC 28801
Office: (828) 254-2968
Fax: (828) 254-0720
Crisis: (828) 254-0516
Email: valscollins@hotmail.com

Burke County

Options, Inc.
P.O. Box 2512
Morganton, NC 28680
Office: (828) 438-9444
Fax: (828) 437-0323
Crisis: (828) 438-9444
Email: optionsinc.6400@bellsouth.net

Cabarrus County

Cabarrus Victims Assistance Network
CVAN
P.O. Box 1749
Concord, NC 28026
Office: (704) 788-1108
Fax: (704) 788-1109
Crisis: (704) 788-2826
Email: None

Caldwell County

Shelter Home of Caldwell County, Inc.
P.O. Box 426 515
515 Scroggs Street
Lenoir, NC 28645
Office Phone: (828) 758-0888
Fax Number: (828) 758-8949
Crisis Phone: (828) 758-0888
Email: shelterhome@abts.net

Camden County

Albemarle Hopeline
P.O. Box 2064
Elizabeth City, NC 27906
Office Phone: (252) 338-5338
Fax Number: (252) 338-2952
Crisis Phone: (252) 338-3011
Email: hopeline@inteliport.com

Carteret County

Carteret County Domestic Violence
Program, Inc.
P.O. Box 2279
Morehead City, NC 28557
Office Phone: (252) 726-2336
Fax Number: (252) 726-8996
Crisis Phone: (252) 728-3788
Email: ccdvp@mail.clis.com

Caswell County

Caswell Family Violence Prevention Program
Caswell County Parish, Inc.
P.O. Box 967
1038 Main St.
Yanceyville, NC 27379
Office Phone: (336) 694-6428
Fax Number: (336) 694-9276
Crisis Phone: (336) 694-5655
Email: annewatlington@excite.com

Catawba County

Family Guidance Center, Inc.
17 Hwy. 70, SE
Hickory, NC 28602
Office Phone: (828) 322-1400
Fax Number: (828) 324-8682
Crisis Phone: (828) 322-1400
Email: fgc@conninc.com

Chatham County

Family Violence & Rape Crisis Services
P.O. Box 1105
Pittsboro, NC 27312
Office Phone: (919) 542-5445
Fax Number: (919) 542-6414
Crisis Phone: (919) 545-0224
Email: infor@fvrc.org

Cherokee County

Task Force on Family Violence Reach, Inc.
P.O. Box 977
Murphy, NC 28906
Office Phone: (828) 837-2097
Fax Number: (828) 835-3434
Crisis Phone: (828) 837-8064
Email: reach@webworkz.com

Chowan County

Albemarle Hopeline
P.O. Box 2064
Elizabeth City, NC 27906
Office Phone: (252) 338-5338
Fax Number: (252) 338-2952
Crisis Phone: (252) 338-3011
Email: hopeline@inteliport.com

Clay County

Reach of Clay County
P.O. Box 1485
Hayesville, NC 28904
Office Phone: (828) 389-0797
Fax Number: (828) 389-0486
Crisis Phone: (828) 389-0797
Email: reach@webworkz.com

Cleveland County

Cleveland County Abuse Prevention Council,
Inc.

P.O. Box 2589

Shelby, NC 28151

Office Phone: (704) 487-9325

Fax Number: (704) 487-9314

Crisis Phone: (704) 481-0043

Email: mthersh@conninc.com

Columbus County

Families First, Inc.

P.O. Box 1776

Whiteville, NC 28472

Office Phone: (910) 642-5996

Fax Number: (910) 641-0253

Crisis Phone: (910) 641-0444

Email: ffirst1995@earthlink.net

Craven County

Coastal Women's Shelter

P.O. Box 13081

1333 South Glenburnie Rd.

New Bern, NC 28561

Office Phone: (252) 638-4509

Fax Number: (252) 638-1298

Crisis Phone: (252) 638-5995

Email: cwsdirector@always-online.com

Cumberland County

CARE-Family Violence Program Cumberland
County Dept. of Social Services

P.O. Box 2429

Fayetteville, NC 28302

Office Phone: (910) 677-2532

Fax Number: (910) 677-2661

Crisis Phone: (910) 677-2532

Email: 039@dss.co.cumberland.nc.us

Currituck County

Albemarle Hopeline

P.O. Box 2064

Elizabeth City, NC 27906

Office Phone: (252) 338-5338

Fax Number: (252) 338-2952

Crisis Phone: (252) 338-3011

Email: hopeline@inteliport.com

Dare County

Outer Banks Hotline, Inc.

P.O. Box 1417

Manteo, NC 27954

Office Phone: (252) 473-5121

Fax Number: (252) 473-9895

Crisis Phone: (252) 471-3366

Email: hotline@beachaccess.com

Davidson County

Family Services of Davidson County, Inc.

P.O. Box 607

Lexington, NC 27293

Office Phone: (336) 249-0237

Fax Number: (336) 243-7685

Crisis Phone: (336) 243-1934

Email: fsdcexec@lexcominc.net

Davie County

Davie Domestic Violence Services and Rape
Crisis Center

180 South Main St., Suite 115

Mocksville, NC 27028

Office Phone: (336) 751-3450

Fax Number: (336) 751-3451

Crisis Phone: (336) 751-4357

Email: martha.mcqueen@co.davie.nc.us

Duplin County

Sarah's Refuge, Inc.

P.O. Box 368

121 West College St.

Warsaw, NC 28398

Office Phone: (910) 293-3467

Fax Number: (910) 293-3973

Crisis Phone: (910) 293-3206

Email: srefuge@duplinnet.com

Durham County

Durham Crisis Response Center

P.O. Box 52028

1703 Chapel Hill Rd.

Durham, NC 27717

Office Phone: (919) 403-9425

Fax Number: (919) 490-9726

Crisis Phone: (919) 403-6562

Email: jcunningham@durhamresponse.org

Edgecombe County

My Sister's House, Inc.

P.O. Box 7665

Rocky Mount, NC 27804

Office Phone: (252) 462-0366

Fax Number: (252) 462-0555

Crisis Phone: (252) 446-2400

Email: msh@pcassist.net

Forsyth County

Family Services, Inc.

610 Coliseum Dr.

Winston-Salem, NC 27104

Office Phone: (336) 722-8173

Fax Number: (336) 724-6491

Crisis Phone: (336) 723-8125

Email: jshepherd@familyserv.org

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Franklin County

Safe Space, Inc.
P.O. Box 240
102 S. Main St.
Louisburg, NC 27549
Office Phone: (919) 497-5599
Fax Number: (919) 497-1761
Crisis Phone: (919) 497-5444
Email: NCSafeSpace@yahoo.com

Gaston County

The Shelter of Gaston County
c/o Gaston Co. Dept. of Social Services
330 N. Marietta St.
Gastonia, NC 28052
Office Phone: (704) 866-3826
Fax Number: (704) 852-6004
Crisis Phone: (704) 810-6492
Email: jarruza@co.gaston.nc.us

Gates County

Albemarle Hopeline
P.O. Box 2064
Elizabeth City, NC 27906
Office Phone: (252) 338-5338
Fax Number: (252) 338-2952
Crisis Phone: (252) 338-3011
Email: hopeline@inteliport.com

Gates County

Roanoke Chowan Safe
P.O. Box 98
Ahoskie, NC 27910
Office Phone: (252) 332-1933
Fax Number: (252) 332-2450
Crisis Phone: (252) 332-1933
Email: rcsafe2000@yahoo.com

Graham County

Hope for Families, Inc.
P.O. Box 2298
Robbinsville, NC 28771
Office Phone: (828) 479-4973
Fax Number: (828) 479-4973
Crisis Phone: (828) 479-4332
Email: grahamsafe@dnnet.net

Granville County

Families Living Violence Free
P.O. Box 616
Oxford, NC 27565
Office Phone: (919) 693-2662
Fax Number: (919) 693-3216
Crisis Phone: (919) 693-2324
Email: jackiegoodwyn@aol.com

Greene County

S.A.F.E. in Lenoir County, Inc.
P.O. Box 3092
Kinston, NC 28502
Office Phone: (252) 747-5932
Fax Number: (252) 523-9888
Crisis Phone: (252) 523-5573
Email: None

Guilford County

Family Service of the Piedmont, Inc.—
Greensboro
301 E. Washington St.
Greensboro, NC 27401
Office Phone: (336) 841-1111
Fax Number: (336) 841-0149
Crisis Phone: (336) 273-7273
Email: cpurvis@familyservice-piedmont.org

Guilford County

Family Service of the Piedmont, Inc.,—
High Point
4000 Piedmont Pkwy., Suite 330
High Point, NC 27265
Office Phone: (336) 889-6105
Fax Number: (336) 841-0149
Crisis Phone: (336) 889-7273
Email: cpurvis@familyservice-piedmont.org

Halifax County

Hannah's Place, Inc.
P.O. Box 1392
Roanoke Rapids, NC 27870
Office Phone: (252) 537-2882
Fax Number: (252) 308-9781
Crisis Phone: (252) 535-5946
Email: hannahsplace@telpage.net

Harnett County

S.A.F.E. of Harnett County, Inc.
P.O. Box 728
1210 South Main St.
Lillington, NC 27546
Office Phone: (910) 893-7233
Fax Number: (910) 893-3508
Crisis Phone: (910) 893-7233
Email: stthomas@safeofhc.org

Haywood County

REACH of Haywood County, Inc.
P.O. Box 206
Waynesville, NC 28786
Office Phone: (828) 456-7898
Fax Number: (828) 452-0960
Crisis Phone: (828) 456-7898
Email: reach@brinet.com

Henderson County

Mainstay, Inc.
125 South Main St.
Hendersonville, NC 28792
Office Phone: (828) 693-3840
Fax Number: (828) 696-8104
Crisis Phone: (828) 693-3840
Email: mainstay@brinet.com

Hertford County

Roanoke Chowan S.A.F.E.
P.O. Box 98
Ahoskie, NC 27910
Office Phone: (252) 332-1933
Fax Number: (252) 332-2450
Crisis Phone: (252) 332-1933
Email: rcsafe2000@yahoo.com

Hoke County

Hoke County Youth and Family Services
P.O. Box 565
128 West Elwood Ave.
Raeford, NC 28376
Office Phone: (910) 875-8989
Fax Number: (910) 875-8443
Crisis Phone: (910) 875-4494
Email: kkwright4@aol.com

Hyde County

Options to Domestic Violence &
Sexual Assault, Inc.
P.O. Box 1387
Washington, NC 27889
Office Phone: (252) 940-1046
Fax Number: (252) 948-1477
Crisis Phone: (252) 946-3219
Email: options@clis.com

Iredell County

Diakonos, Inc.
Fifth Street Ministries
P.O. Box 5217
1400 Fifth St.
Statesville, NC 28687
Office Phone: (704) 872-4045
Fax Number: (704) 873-3319
Crisis Phone: (704) 872-3403
Email: 5thstmin@conninc.com

Jackson County

REACH of Jackson County, Inc.
P.O. Box 1908
Sylva, NC 28779
Office Phone: (828) 631-4488
Fax Number: (828) 631-4477
Crisis Phone: (828) 586-8969
Email: reach@jackson.main.nc.us

Johnston County

Harbor, Inc.
P.O. Box 1903
Smithfield, NC 27577
Office Phone: (919) 938-3566
Fax Number: (919) 938-4515
Crisis Phone: (919) 934-6161
Email: Harborinc2002@aol.com

Jones County

Coastal Women's Shelter
P.O. Box 13081
New Bern, NC 28561
Office Phone: (252) 638-4509
Fax Number: (252) 692-1298
Crisis Phone: (252) 638-5995
Email: cws@always-online.com

Lee County

Haven, Inc.
P.O. Box 3191
310 N. Steele St.
Sanford, NC 27331
Office Phone: (919) 774-8923
Fax Number: (919) 775-7114
Crisis Phone: (919) 774-8923
Email: sskmsw@yahoo.com

Lenoir County

S.A.F.E. in Lenoir County, Inc.
P.O. Box 3092
Kinston, NC 28502
Office Phone: (252) 523-5573
Fax Number: (252) 523-9888
Crisis Phone: (252) 523-5573
Email: safe@icomnet.com

Lincoln County

Lincoln County Coalition Against
Domestic Violence
P.O. Box 476
Lincolnton, NC 28092
Office Phone: (704) 736-0112
Fax Number: (704) 736-0171
Crisis Phone: (704) 736-1224
Email: VLingerfelt@aol.com

Macon County

REACH of Macon County, Inc.
P.O. Box 228
Franklin, NC 28744
Office Phone: (828) 369-5544
Fax Number: (828) 524-4535
Crisis Phone: (828) 369-9116
Email: reach@primeline.com

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Madison County

Helpmate of Madison County, Inc.
P.O. Box 457
Marshall, NC 28753
Office Phone: (828) 649-2582
Fax Number: (828) 649-1287
Crisis Phone: (828) 649-2446
Email: helpmate_mad@yahoo.com

Martin County

Options to Domestic Violence &
Sexual Assault, Inc.
P.O. Box 1387
Washington, NC 27889
Office Phone: (252) 792-7169
Fax Number: (252) 792-3720
Crisis Phone: (252) 792-7169
Email: options@clis.com

McDowell County

Family Services of McDowell County, Inc.
P.O. Box 1572
Marion, NC 28752
Office Phone: (828) 652-8538
Fax Number: (828) 659-1456
Crisis Phone: (828) 652-6150
Email: fsmc@wnclink.com

Mecklenburg County

United Family Services Shelter for
Battered Women
P.O. Box 20312
Charlotte, NC 28222
Office Phone: (704) 332-2513
Fax Number: (704) 332-5403
Crisis Phone: (704) 332-2513
Email: amorrison@ufscclt.org

Mitchell County

Mitchell County Safeplace
P.O. Box 544
Spruce Pine, NC 28777
Office Phone: (828) 765-4015
Fax Number: (828) 765-4011
Crisis Phone: (828) 765-4044
Email: safepl@wnclink.com

Montgomery County

Crisis Council, Inc.
P.O. Box 0
Troy, NC 27371
Office Phone: (910) 572-3749
Fax Number: (910) 572-3749
Crisis Phone: (910) 572-3747
Email: cathyh@ac.net

Moore County

Friend to Friend
P.O. Box 1508
111 McNeill St.
Carthage, NC 28327
Office Phone: (910) 947-3333
Fax Number: (910) 947-1849
Crisis Phone: (910) 947-3333
Email: friend@pinehurst.net

Nash County

My Sister's House
P.O. Box 7665
Rocky Mount, NC 27804
Office Phone: (252) 462-0366
Fax Number: (252) 462-0555
Crisis Phone: (252) 446-2400
Email: msh@pcassist.net

New Hanover County

Domestic Violence Shelter and Services, Inc.
P.O. Box 1555
Wilmington, NC 28402
Office Phone: (910) 343-0703
Fax Number: (910) 343-9388
Crisis Phone: (910) 343-0703
Email: dvexecdir@earthlink.net

Northampton County

Roanoke-Chowan S.A.F.E.
P.O. Box 98
Ahoskie, NC 27910
Office: (252) 332-4047
Fax: (252) 332-2450
Crisis: (252) 332-1933
Email: rcsafe2000@yahoo.com

Onslow County

Onslow Women's Center, Inc.
P.O. Box 1622
Jacksonville, NC 28541
Office Phone: (910) 347-4000
Fax Number: (910) 347-7960
Crisis Phone: (910) 347-4000
Email: womenctr@onslowonline.net

Orange County

Family Violence Prevention Center of
Orange County
P.O. Box 187
201 East Rosemary St.
Chapel Hill, NC 27514
Office Phone: (919) 929-3872
Fax Number: (919) 929-9925
Crisis Phone: (919) 929-7122
Email: fvpced@yahoo.com

Pamlico County

Coastal Women's Shelter
P.O. Box 13081
1333 South Glenburnie Rd.
New Bern, NC 28561
Office Phone: (252) 638-4509
Fax Number: (252) 638-1298
Crisis Phone: (252) 638-5995
Email: *cws@always-online.com*

Pasquotank County

Albemarle Hopeline
P.O. Box 2064
Elizabeth City, NC 27906
Office Phone: (252) 338-5338
Fax Number: (252) 338-2952
Crisis Phone: (252) 338-3011
Email: *hopeline@inteliport.com*

Pender County

Safe Haven of Pender, Inc.
P.O. Box 657
110 North Walker St.
Burgaw, NC 28425
Office Phone: (910) 259-8989
Fax Number: (910) 259-9410
Crisis Phone: (910) 259-8989
Email: *shopinc1@bellsouth.net*

Perquimans County

Albemarle Hopeline
P.O. Box 2064
Elizabeth City, NC 27906
Office Phone: (252) 338-5338
Fax Number: (252) 338-2952
Crisis Phone: (252) 337-3011
Email: *hopeline@inteliport.com*

Person County

Safe Haven of Person County
P.O. Box 474
304 S. Morgan St., Room 219
Roxboro, NC 27573
Office Phone: (336) 597-8699
Fax Number: (336) 597-9318
Crisis Phone: (336) 599-7233
Email: *safehaven@esinc.net*

Pitt County

Family Violence Program, Inc. of Pitt County
New Directions
P.O. Box 8429
Greenville, NC 27835
Office Phone: (252) 758-4400
Fax Number: (252) 752-4197
Crisis Phone: (252) 752-3811
Email: *familyviolence@pittfvp.org*

Polk County

Steps to Hope, Inc.
P.O. Box 518
107 Ward St.
Columbus, NC 28722
Office Phone: (828) 894-2340
Fax Number: (828) 894-3044
Crisis Phone: (828) 894-2340
Email: *steps@teleplex.net*

Randolph County

Randolph County Family Crisis Center, Inc.
P.O. Box 2161
Asheboro, NC 27204
Office Phone: (336) 629-4159
Fax Number: (336) 629-0770
Crisis Phone: (336) 629-4159
Email: *rcfcc@asheboro.com*

Richmond County

Womenfolk Unlimited
P.O. Box 205
Rockingham, NC 28380
Office Phone: (910) 997-4840
Fax Number: (910) 997-7444
Crisis Phone: (910) 995-1872
Email: *womenfolkunlimited@yahoo.com*

Robeson County

Southeastern Family Violence Center
P.O. Box 642
Lumberton, NC 28359
Office Phone: (910) 739-8622
Fax Number: (910) 739-1180
Crisis Phone: (910) 739-8622
Email: *SFVC@nc.rr.com*

Rockingham County

Help, Inc.
P.O. Box 16
335 Country Home Rd.
Wentworth, NC 27375
Office Phone: (336) 342-3331
Fax Number: (336) 342-6377
Crisis Phone: (336) 342-3331
Email: *cpugh@co.rockingham.nc.us*

Rowan County

The Rape, Child & Family Abuse
Crisis Council of Salisbury
131 West Council St.
Salisbury, NC 28144
Office Phone: (704) 636-4718
Fax Number: (704) 636-6142
Crisis Phone: (704) 636-4718
Email: *famcrisis@salisbury.net*

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Rutherford County

Family Resources of Rutherford County, Inc.
P.O. Box 845
668 Withrow Rd.
Forest City, NC 28043
Office Phone: (828) 247-1440
Fax Number: (828) 287-1456
Crisis Phone: (828) 245-8595
Email: famres@rfci.net

Sampson County

U Care, Inc.
P.O. Box 761
309 Lisbon St.
Clinton, NC 28329
Office Phone: (910) 596-0931
Fax Number: (910) 596-0574
Crisis Phone: (910) 596-0931
Email: ucare@intrstar.net

Scotland County

Domestic Violence & Rape Crisis Center
of Scotland County
P.O. Box 2130
1000 S. Main St., Suite 12
Laurinburg, NC 28353
Office Phone: (910) 276-5505
Fax Number: (910) 276-3600
Crisis Phone: (910) 276-6268
Email: dvrccsc@carolina.net

Stanly County

Crisis Council, Inc.
P.O. Box 0
Troy, NC 27371
Office Phone: (910) 572-3749
Fax Number: (910) 572-3749
Crisis Phone: (910) 572-3747
Email: cathyh@ac.net

Stokes County

Stokes Family Violence Services
Yadkin Valley Economic Development
District, Inc.
P.O. Box 55
Danbury, NC 27016
Office Phone: (336) 593-9323
Fax Number: (336) 593-2184
Crisis Phone: (336) 593-9323
Email: None

Surry County

Surry Domestic Violence Program
Yadkin Valley Economic Development
District, Inc.
L.H. Jones Family Resource Center
215 Jones School Rd.
Mount Airy, NC 27030
Office Phone: (336) 786-6155
Fax Number: (336) 786-1951
Crisis Phone: (336) 786-6155
Email: None

Swain County

Swain/Quala Safe, Inc.
P.O. Box 1416
Bryson City, NC 28713
Office Phone: (828) 488-9038
Fax Number: (828) 488-1620
Crisis Phone: (828) 488-6809
Email: sqsafe@wnc.net

Transylvania County

S.A.F.E. Inc. of Transylvania County
P.O. Box 2013
Brevard, NC 28712
Office Phone: (828) 885-7233
Fax Number: (828) 885-2559
Crisis Phone: (828) 885-7233
Email: safeinc@citcom.net

Tyrrell County

Options to Domestic Violence &
Sexual Assault, Inc.
P.O. Box 1387
Washington, NC 27889
Office Phone: (252) 946-3219
Fax: (252) 948-1477
Crisis: (252) 946-3219
Email: options@clis.com

Union County

Turning Point of Union County, Inc.
P.O. Box 952
Monroe, NC 28111
Office Phone: (704) 283-9150
Fax Number: (704) 225-8857
Crisis Phone: (704) 283-7233
Email: turnpt@perigee.net

Vance County

Acts, Inc.
305 South Chestnut St.
Henderson, NC 27536
Office Phone: (252) 436-2400
Fax Number: (252) 492-2371
Crisis Phone: (252) 436-2401
Email: ACTS@inet4u.com

Wake County

The Family Violence Prevention Center, Inc.
Interact
612 Wade Ave.
Raleigh, NC 27605
Office Phone: (919) 828-7501
Fax Number: (919) 828-8304
Crisis Phone: (919) 828-7740
Email: *btylerinteract@yahoo.com*

Warren County

Citizens Against DV dba Helping Hands
P.O. Box 938
Warrenton, NC 27589
Office Phone: (252) 257-6781
Fax Number: (252) 257-6781
Crisis Phone: (252) 257-6781
Email: *helpinghands@nc.rr.com*

Washington County

Options to Domestic Violence &
Sexual Assault, Inc.
P.O. Box 1387
Washington, NC 27889
Office Phone: (252) 793-9514
Fax Number: (252) 793-1479
Crisis Phone: (252) 793-9514
Email: *options@clis.com*

Watauga County

Opposing Abuse With Service,
Information & Shelter
Oasis, Inc.
P.O. Box 1591
Boone, NC 27607
Office Phone: (828) 264-1532
Fax Number: (828) 264-1538
Crisis Phone: (828) 262-5035
Email: *oasis@boone.net*

Wayne County

The Lighthouse of Wayne County, Inc.
P.O. Box 1581
Goldsboro, NC 27533
Office Phone: (919) 736-1313
Fax Number: (919) 736-1385
Crisis Phone: (919) 736-1313
Email: *lighthouse1@nc.rr.com*

Wilkes County

Domestic Violence Resource Center
Safe, Inc.
P.O. Box 445
Wilkesboro, NC 28697
Office Phone: (336) 838-9169
Crisis Phone: (336) 838-7233
Email: *safedvsa@wilkes.net*

Wilson County

Wesley Shelter, Inc.
P.O. Box 1426
Wilson, NC 27894
Office Phone: (252) 291-2344
Fax Number: (252) 291-1436
Crisis Phone: (252) 291-2344
Email: *kgauss@wesleyshelter.org*

Yadkin County

Yadkin County Family
Domestic Violence Program
P.O. Box 1053
Yadkinville, NC 27055
Office Phone: (336) 679-2072
Fax Number: (336) 679-2236
Crisis Phone: (336) 679-2072
Email: None

Yancey County

The Family Violence Coalition of Yancey
P.O. Box 602
Burnsville, NC 28714
Office Phone: (828) 682-5655
Fax Number: (828) 682-5655
Crisis Phone: (828) 682-0056
Email: None

—Compiled by Tammy Bromley
of the Center staff

Source: North Carolina Council for Women and Domestic Violence Commission
website: www.doa.state.nc.us/doa/cfw/cfw.htm

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dards by which to approve programs until a couple of months ago, and programs were to apply for official approval in March 2005.

“My understanding is that until now, programs more or less informed the commission of their existence, regardless of whether they were providing psycho-educational research-based intervention or one-on-one therapy, and they were added to the list of approved programs,” says McCool, “so currently ‘approved’ programs will be looser than it will be in the future.” Though the authority to approve the programs lies with the Domestic Violence Commission, the General Assembly eliminated a position to oversee the program in 2002.

Abuser treatment programs aim to reform abusers by educating them about their behavior and developing non-violent methods of interaction in their relationships. A recent National Institute of Justice study was inconclusive as to whether abuser treatment programs had a long-term effect on a batterer’s attitude toward domestic violence. The study did find, however, that programs of varying lengths have differing effects on batterers’ behavior. Researchers found that batterers who completed a 26-week program had lower recidivism rates than batterers who completed an eight-week program. However, batterers were more likely to complete the shorter program.³⁶ Researchers ultimately could not determine whether batterer intervention programs alter batterers’ attitudes and behaviors or merely suppressed violent behavior for the duration of the study.

McCool’s CHANGE Program is part of Family Counseling Service of Durham, a local nonprofit community agency. She also serves as acting secretary for the association called N.C. Providers of Abuser Treatment. McCool notes that studies rarely are able to follow up with victims, so it’s hard to know how well the programs actually work. “Even the best-modeled, well-funded research designs at best get 50 percent follow-up contact with victims,” McCool says. The CHANGE Program measures its effectiveness through recidivism rates of those who complete the program.

In 2004, the CHANGE program reviewed criminal arrest records for clients who completed its program in 2002. Based on arrest reports, 88 percent of clients who completed the program had no convictions or pending charges for domestic violence or other violent crimes one year later. McCool says she realizes that stopping physically abusive behavior alone—while verbal and emotional abuse may continue—is not enough. But she says it may

give victims “more space to seek support and leave the relationship if they are no longer in fear of their physical safety.”

The CHANGE Program, like all abuser treatment programs in North Carolina, is overseen and evaluated by the Domestic Violence Commission. Weissman, the commission’s chair, says such programs are still grappling with what works best. “One concern I have when people begin to discuss outcome measures is that these programs have only recently been operating pursuant to standards, and the standards are still being developed so that we have yet to arrive at what might be considered to be ‘best practices.’ We need to have a longitudinal study once we have had more of a chance to develop such standards, and programs have had a chance to follow them, and I think we are likely a few years away from that. . . . I think we need to be cautious

*“You see ‘em every day
Tear tracks in their cheeks
But they will never tell
It goes on weeks and weeks
(But what can they do?
They’re only children man!)*

...

Do something, call a cop”

—ICE-T

“THE HOUSE”

about outcomes so that people are not unrealistic in their expectations or prematurely pessimistic.” As of January 2005, there are 58 programs operating in 66 counties throughout the state.³⁷ In 2000, North Carolina had 60 programs report serving 5,843 participants. Of these, 88 percent were referred by criminal courts, while only 8 percent were referred by civil courts. Approximately 18 percent of participants completed the program.³⁸

Under North Carolina’s current system, most judges must choose between sentencing domestic violence offenders to active prison time or ordering treatment as a condition of probation. Although controversial, judges also order defendants to abuser treatment programs as part of deferred prosecution

and prayer for judgment agreements, which ultimately results in a defendant getting a dismissal on his record upon successful completion of the program. House Bill 1354 attempts to alleviate the schism between incarceration and rehabilitation by creating abuser treatment programs for incarcerated offenders. That way, judges can sentence offenders to both prison time and treatment.

The CHANGE Program's McCool feels that this provision was very much needed. She explains that there are times when either the District Attorney's Office or the abuser treatment program feels that a particular offender is not appropriate for intervention. Most often it is because the offender has a long history of domestic violence or is thought to be particularly lethal. Even with those violent indicators, judges are wary of sending offenders to jail because they want them to get intervention. With a program in the prison system, McCool says, judges and district attorneys do not need to choose between incarceration and treatment.

Creation of a New Felony—Strangulation

Strangulation is a common method of assault inflicted by domestic violence perpetrators.³⁹ Often accompanied by verbal threats of violence, strangulation is a lethal tool of power and control. It is a way to show a victim that the abuser literally holds her life in his hands. Sometimes mistakenly referred to as "choking," strangulation can quickly turn to homicide.⁴⁰ Strangulation accounts for 10 percent of all U.S. homicides annually.⁴¹ Since January 2002, 19 of North Carolina's 220 domestic violence-related homicide victims, as categorized by the North Carolina Coalition Against Domestic Violence, were strangled to death.⁴²

The visible injuries of strangulation—redness, cuts, bruises, scratches, or abrasions—are easily masked by clothing or makeup. Other serious internal injuries may also be difficult to detect. As strangulation goes undetected and unpunished, the violence can escalate, placing the victim and family at greater risk.

House Bill 1354 creates a new criminal offense of strangulation. Effective December 1, 2004, any person who assaults another and inflicts physical injury by strangulation will be guilty of a Class H felony, punishable by up to 25 months in prison.⁴³ The presumptive sentence range for a first offender is a minimum of 5–6 months.

A new criminal offense, however, is only effective if it is utilized. Law enforcement officers must be trained to look for visible signs of strangulation

and to ask proper questions to determine if strangulation has occurred, as strangulation leaves no outwardly visible signs in as many as half of cases. "The 'physical injury' requirement may make it difficult to prosecute individuals for committing this felony," says Wake County District Court Judge Joyce Hamilton. "Also, 'physical injury' is not defined [in the law] so that will be another hurdle for prosecutors to cross. . . . Of course, just having this felony offense will mean that more defendants can be charged with felonies for serious assaults that did not previously rise to the level of a felony." The bill recognizes the need for law enforcement training and provides for training for new officers, as well as continuing educational programs for officers with regard to investigating domestic violence crimes, including strangulation

Tracking Domestic Violence Offenses

Until the passage of House Bill 1354, North Carolina had no uniform procedure to ensure that domestic violence convictions are noted as such in an offender's record. This lack of systematic tracking has long frustrated efforts to enforce laws that pertain to domestic violence. For example, federal law prohibits persons convicted of a misdemeanor involving domestic violence from possessing a firearm.⁴⁴ Without a system to track domestic violence convictions, however, this federal law has been difficult to enforce.⁴⁵

House Bill 1354 attempts to remedy this problem by requiring a notation on a judgment for assault or communicating threats that the case involved domestic violence. The clerk of court is required to ensure that the defendant's criminal record reflects the judge's determination that a personal relationship, as defined by Chapter 50B, existed between defendant and victim. But as Judge Hamilton points out, this will address only part of the problem. "Although the new law provides for tracking of domestic violence convictions, it is limited to assaults and communicating threats convictions," says Hamilton. "There are many other domestic violence offenses, such as stalking, violation of a domestic violence protective order, domestic criminal trespass, etc. Tracking assaults and communicating threats is a good beginning, but the numbers tracked will clearly reflect only part of the domestic violence convictions entered by judges in this state."

Other criminal law provisions contained in House Bill 1354 include:

- amending the habitual misdemeanor assault statute so that it applies after two prior assault



convictions rather than five prior convictions, two of which are assault, thus allowing tougher punishment of repeat offenders sooner for those guilty of escalating violence toward a domestic partner;

- including a domestic relationship as an aggravating factor for felony sentencing purposes;
- conforming state firearms law to federal law by removing the exceptions in state law that previously allowed a felon to possess a firearm in the home or place of business so that persons convicted of any felony—including those related to domestic violence—cannot lawfully possess a firearm anywhere;
- prohibiting policies against issuing more than one arrest warrant—also known as a cross warrant—in a domestic violence case so that a magistrate who has probable cause cannot refuse to issue an arrest warrant against one person because the other person involved in the matter has rushed to the courthouse and sworn out a warrant first;
- authorizing arrest without a warrant for violation of pretrial release conditions by a domestic violence offender; and
- calling for a study of the misdemeanor criminal offenses to develop classifications of assault based on severity so that perpetrators of escalating domestic violence may receive harsher punishment sooner.

Rep. Paul Stam (R-Wake), who co-chaired the Criminal Justice Subcommittee of the N.C. House Select Committee on Domestic Violence, believes the revisions to criminal law need more work. Assaults that fall between a shove and those inflicting serious injury still are taken too lightly by the law. “The very serious assaults are taken care of pretty well in the current law, and the very lightest are dealt with,” says Stam, “but the assaults where there is some injury but it is not life-threatening are really in disarray. We need to reorient them in terms of harm to the victim. We tend to look at assault in terms of who did what to whom instead of what happened.”

Cynthia Williams Foxx of Durham holds the newspaper story of the murder of her daughter Tiana Williams in 2002.

A further concern for Stam is that the law does not move fast enough in domestic violence cases. “The majority of criminals are rather thoughtless and don’t think much about the future,” says Stam. “What they really care about is what is going to happen to them today or maybe next week or next month. It’s important what happens right now as opposed to what happens eight to 10 months from now. What can we do to resolve these things quickly?”

Stam sees the need for quick punishment of those who commit family violence as similar—in terms of achieving maximum impact in correcting behavior—to the need for quick action when a pet fouls the carpet. “If a dog does its thing on the rug, it’s important to punish it right now—not 10 minutes from now. We need to look at procedural barriers that prevent resolving domestic violence cases quite a bit quicker—three weeks later instead of three months. The more time drags by, the more that victim starts feeling helpless and perhaps ready to throw in the towel. And, if the person accused is innocent, it’s still better to resolve the case quickly.”

Provisions of House Bill 1354 Relating to Civil Law and Judicial Administration

Temporary Child Custody in Domestic Violence Hearings

On November 14, 2003, Shoshannah Edmonds drove her two children to a McDonald’s in Durham so they could visit with their father, her estranged husband. When they arrived, Gary Edmonds and an accomplice jumped out of their car, assaulted Edmonds and her attorney (who had accompanied Shoshannah Edmonds out of concern for her safety), and drove away with the children.⁴⁶ Four months later, the children were returned to their mother by law enforcement.⁴⁷

Temporary custody of minor children is the third most commonly requested form of relief in a domestic violence protective order hearing.⁴⁸ The most commonly requested relief is no contact from the defendant. The second most common is that the defendant not interfere with the plaintiff’s minor children. These three requests illustrate victims’ recognition that allowing a defendant access to minor children jeopardizes the safety of both parent and child.

Under current North Carolina law, a judge may award temporary custody of minor children as part

*"She walks to school with the lunch
she packed
Nobody knows what she's holdin' back
Wearin' the same dress she wore yesterday
She hides the bruises with linen and lace

The teacher wonders but she doesn't ask
It's hard to see the pain behind the mask
...*

of the relief provided in a domestic violence protective order—one obtained outside the presence of a defendant.⁴⁹ Many judges, however, are reluctant to do so. What this means for domestic violence victims is that they must continue to share care, custody, and control of their children with an abusive partner. Often, the children become a tool of control over the victim. Visitation creates an opportunity for continued harassment and abuse.

Under the old law, if the protective order being sought was a short term *ex parte* order—that is, one obtained without the presence of the defendant—then temporary custody could not be awarded unless the judge found that the minor child would be exposed to a substantial risk of bodily injury or sexual abuse.⁵⁰ If the order being sought was a year-long order—granted pursuant to a full hearing of which the defendant had been served notice—then the judge could grant temporary custody without a specific finding of substantial risk of bodily injury or sexual abuse.⁵¹ In the latter case, the judge had discretion as to whether to grant custody.

House Bill 1354 of the 2004 legislative session changes this process significantly. As amended, Chapter 50B expands the circumstances under which a judge must consider awarding custody in an *ex parte* order. In addition to the threshold findings of bodily injury or sexual abuse, a substantial risk of *emotional* injury will now suffice to permit a judge to award custody in an *ex parte* order. In fact, if a judge finds that the child is exposed to a substantial risk of physical or emotional injury or sexual abuse, then upon request of the aggrieved party, the judge *must* consider the issue of custody. If temporary custody is in the best interest of the child and

is necessary for the child's safety, the judge may order it.

If either party at the hearing for the year-long order requests consideration of the issue of temporary custody, the judge must consider the issue. Further, the statute, as amended, outlines 11 specific factors that the judge must consider, including whether the minor child was exposed to a substantial risk of physical or emotional injury or sexual abuse, whether the child was present during an act of domestic violence, whether the victim was forced into a sexual act, and whether there has been a pattern of abuse against the partner or the minor child.

The law also provides specific instructions on the award of visitation. If the judge determines that it is in the best interest of the child to have visitation with the defendant during the time that the temporary order is in effect, then the judge must issue an order that specifies the terms of contact. The order may detail a specific schedule of time and location of exchange, supervision by a third party or by a supervised visitation center, and any other conditions that will ensure both the well-being of the minor child and the partner who has been the victim of abuse.

Similarly, if the judge determines that it is in the best interest of the child to have visitation with the defendant during the term of the one-year order, then the judge shall issue an order that specifies the terms of contact. The judge must also specify dates and times for the visitation to take place or other specific parameters or conditions the judge deems appropriate. In addition, the statute, as amended, includes a list of nine conditions of visitation that a judge may consider. These range from ordering the abusive parent to attend and complete an abuser treatment program, to ordering either or both parents to abstain from alcohol or drugs during the visitation, to requiring a bond from the parent who does not have custody for the return and safety of the minor child.⁵²

Cheryl Howell, associate professor of public law and government at UNC-Chapel Hill, says the impact of the new legislation will be two-fold: It will allow judges more leeway to award temporary custody in more cases, but it also will require them to spend more time on the issue. Howell, who consulted with the House Select Committee's Civil Law Subcommittee, expects that in all likelihood, the end result of the amendment will be that more judges will consider custody when granting protective orders.

By relaxing the standard for awarding custody at the temporary custody hearing to include risk of

emotional injury to a child, Howell says, the statute enables judges to award custody without having to find that the child is at risk for physical injury or sexual abuse. This will allow judges to consider the emotional impact of domestic violence on children.

By requiring judges to consider custody in a year-long order, judges will now be required to spend more time on custody issues. "Even for those judges who regularly consider custody in protective order cases," Howell says, "the new statute will increase the time required for each case because the statute contains a long list of factors that must be considered in each case."

Prohibit Employment Discrimination Against Domestic Violence Victims

In order to be able to leave an abusive partner, a victim must have adequate financial resources. Especially for victims with children, continued employment is vital to the safety and well-being of a family.⁵³ For a victim to seek a protective order, however, she must visit a courthouse at least twice: once to request an emergency temporary order and again within 10 days for a hearing for a permanent year-long order. A victim can expect to spend all day in court for her hearing.

House Bill 1354 prohibits discrimination against an employee who takes reasonable time off from work to obtain or attempt to obtain either a temporary or year-long protective order. Chapter

50B of the General Statutes, as amended, will instruct victims to follow the employer's usual time-off policy, including advance notice to the employer. However, the statute exempts employees from this provision if they are in an emergency situation. Victims may be required to provide documentation that such an emergency existed.

The law also amends North Carolina's Retaliatory Employment Discrimination statute to include the exercise of rights under Chapter 50B as an activity that an employee may undertake without fear of retaliatory discrimination by an employer. The amendment of the Retaliatory Employment Discrimination statute is intended to spell out in law public policy protecting domestic violence victims from being fired because they are victims. In October 2003, the North Carolina Court of Appeals ruled that domestic violence victims are not a protected class of persons entitled to employment or other status protection.⁵⁴ In a case where an employee of the city of Asheville, James Edwards Imes, was fired for being a victim of domestic violence after his wife shot him in the stomach, the Court held that the employee failed to identify any specific North Carolina public policy that was violated by the employer firing him because he was a domestic violence victim. The existence of Chapter 50B was not sufficient, the Court ruled, to create a protected class status for domestic violence victims. The ruling was affirmed by state Supreme Court in a March 2005 ruling. The 2004 amendment of the Retaliatory Employment Discrimination statute attempts to lend the specificity necessary to establish that victims who seek protection under Chapter 50B are a protected class of persons who may sue employers for wrongful termination. However, antiviolence advocates say the law is inadequate in that it requires employers to allow employees "reasonable" time off to pursue a domestic violence protective order but does not define the term reasonable.

Privacy When Domestic Violence Victims Seek Legal Protections Through Civil Law

A person may seek both a temporary and year-long domestic violence protective order without an attorney. Forms for domestic violence protective orders are available in the Clerk of Superior Court's office in each county in both English and Spanish and can be filled out without an attorney.⁵⁵ Although instructions for the forms also are available, the prospect of filling out a stack of legal forms that ask for the most intimate details of one's personal

*... Somebody cries in the middle of
the night
The neighbors hear, but they turn
out the lights
A fragile soul caught in the hands of fate
When morning comes it'll be too late*

*A statue stands in a shaded place
An angel girl with an upturned face
A name is written on a polished rock
A broken heart that the world forgot"*

—MARTINA MCBRIDE
"CONCRETE ANGEL"

*"they facing a court case when the child's
support late*

Money taking, heart breaking . . .

*The sneaky silent men the punk domestic
violence men . . .*

*How you gon' win when you ain't right
within"*

—LAURYN HILL

"Do Wop (That Thing)"

relationship can be daunting to victims of domestic violence. The domestic violence legislation amends Chapter 50B to require clerks, whenever feasible, to provide a private area for victims to fill out forms and ask questions about the process.

Determining Custody

To leave an abusive husband, women are often forced to choose between their children and their safety. To gain even temporary custody, victims may be required to prove that their children are at risk of being abused or injured.

"One of the initiatives happening now is the training of social workers on a new domestic violence policy that was recommended by the Child Well-Being and Domestic Violence Task Force," says Mary Beth Loucks-Sorrell, executive director of the North Carolina Coalition Against Domestic Violence, an alliance of domestic violence service agencies. "The focus of the new policy is holding the offending parent accountable when children are involved rather than the non-offending parent. This is a new approach to handling cases involving domestic violence."

Loucks-Sorrell says custody courtrooms are an arena where battles of control are often fought in domestic violence cases. "There's a perception that domestic violence happens between regular couples having a dispute, but in truth it's all about power and control," she says. "It's the effort by one partner, usually a male, to gain control through use of coercion, intimidation, financial control and, the biggest one, the children. If there are children involved, the abuser manipulates the children and threatens to take the children. Male abusers seek custody at a

much higher rate than non-abusive male parents. And because the abusers often have access to more financial resources and typically have an attorney when they go to court, for women, losing their children is a legitimate fear."

Weissmann, the UNC law school professor, says judicial decisions on custody and financial support for victims should be addressed as early in the process as possible. "We need judges to make financial awards so women aren't financially dependent on their abusers," Weissman says. "That's not such a stretch. Under law, parents have a statutory obligation to support their children. Even on an interim basis, you could order some child support. Child support as part of a child protective order is in the statute, but it's time-consuming, and judges don't like to have to do it."

Other Requirements in the Law

Training Requested for Court Personnel

The newly passed legislation also requests that the North Carolina Supreme Court adopt rules establishing minimum standards of education and training for district court judges specifically related to handling civil and criminal domestic violence cases. Because judges belong to the independent judicial branch of state government, the training can only be requested and not required. According to Cheryl Howell of the University of North Carolina at Chapel Hill's School of Government, domestic violence is already frequently addressed in North Carolina judicial education programs. For example, 100 judges chosen by their chief district court judges attended a Special Topics Seminar on domestic violence in 2003. The seminar covered both criminal and civil law.

The new law calls for standardizing this type of education for judges. Currently, the Rules on Continuing Judicial Education do not specify any particular topics that must be covered in the 30 hours required biannually of all judges. The bill also requires the Administrative Office of the Courts to study the issue of training for court personnel in the area of domestic violence.

Training Mandatory for Law Enforcement Officers

While the legislature can only *recommend* that the judiciary obtain additional training because of the constitutional mandate of separation of powers between branches of government, it can *require* more training for law enforcement officers. Under

House Bill 1354, entry-level law enforcement officers now will be required to participate in education and training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. Originally, the bill mandated 16 hours of education and training, but the final version of the bill leaves the exact standards and levels of training to the discretion of the N.C. Criminal Justice Education and Training Standards Commission and the N.C. Sheriffs' Education and Training Standards Commission. Both commissions were required to

implement the training by March 1, 2005, and report to the General Assembly on the exact standards implemented and dates they were implemented. Active officers are required to receive similar training.

According to Derek Poarch, Chair of the Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission, every law enforcement officer currently receives a minimum of 12 hours of training in domestic violence response as part of basic law enforcement training. This training is offered

Family Court—A New Vehicle for Addressing Domestic Discord

To help bring all of the legal issues surrounding domestic violence into one courtroom, the N.C. Child Well-Being and Domestic Violence Task Force recommended the establishment of unified family courts for every district in the state. Launched in 1999 in North Carolina, the Family Court concept has been implemented in eight judicial districts serving 16 counties—Anson, Burke, Caldwell, Catawba, Cumberland, Durham, Greene, Halifax, Lenoir, Mecklenburg, New Hanover, Pender, Richmond, Stanly, Union, and Wayne counties.

Under the family court model, families are assigned to a case manager who helps the family work out as many legal issues as possible through such avenues as mediation, counseling, and drug abuse treatment programs before turning to the courts, according to the N.C. Administrative Office of the Courts. When a court hearing does become necessary, the model calls for cases to be considered by a single judge where possible.

Family court judges have jurisdiction over a wide range of legal issues, including child abuse and neglect charges, domestic violence, child custody and visitation rights, divorce and related financial issues, and mental health issues such as involuntary commitments. As such, assignment to the court carries with it a heavy training commitment for judges and staff on wide-ranging topics, including case management, child

development and family dynamics, and domestic violence. The local chief District Court judge administers the family court, assisted by a family court administrator and one case manager for every two family court judges. One goal of the court is timely resolution of cases, with the aim of completing cases within one year of filing.

This comprehensive approach to resolving family issues increases the workload for the courts, and the added expense is one reason the model has not been implemented more broadly. However, some jurists have moved forward with the model without waiting for the General Assembly to appropriate additional dollars. For example, in Wake County, Chief District Court Judge Joyce Hamilton has created a system known as "one-family, one-judge" in divorce and family-related civil cases to streamline the cumbersome process of filings and hearings before different judges and courtrooms.

Using existing resources, the judge reassigned one of her judicial assistants to serve as a case manager, a task she describes as "more than a full-time job." Hamilton notes that implementing the model has imposed a huge drain on her staff, and she currently is seeking family court funding so Wake County can continue its "one-family, one-judge" system. The new system "has made a huge difference," Hamilton says. "We've come a long way, but we still have a long way to go."

—Renee Elder and Mike McLaughlin

primarily through the North Carolina Justice Academy, with campuses at Salemburg in the east and Edneyville in the west, and through North Carolina community colleges with certified programs. Domestic violence response training covers evidence collection, looking for injuries, interviewing the victim, measuring reluctance to be interviewed, noting a victim's physical and emotional condition, and noting the condition of the premises. Additional training varies by department.

Sergeant John Guard of the Pitt County Sheriff's Department hopes that the new training standards will focus more attention on investigation of domestic violence crimes. Effective investigation and evidence collection, he says, is essential for convicting offenders. And a conviction is essential to preventing further violence. "A charge is just a band-aid," Guard says. . . . "[Y]ou need a conviction—the third party aid of a judge—to ensure accountability." He hopes that once the criminal justice and sheriff's training commissions take a look at what is involved in domestic violence cases, they'll set a high minimum standard for training.

Currently, law enforcement training is conducted by various instructors across the state at

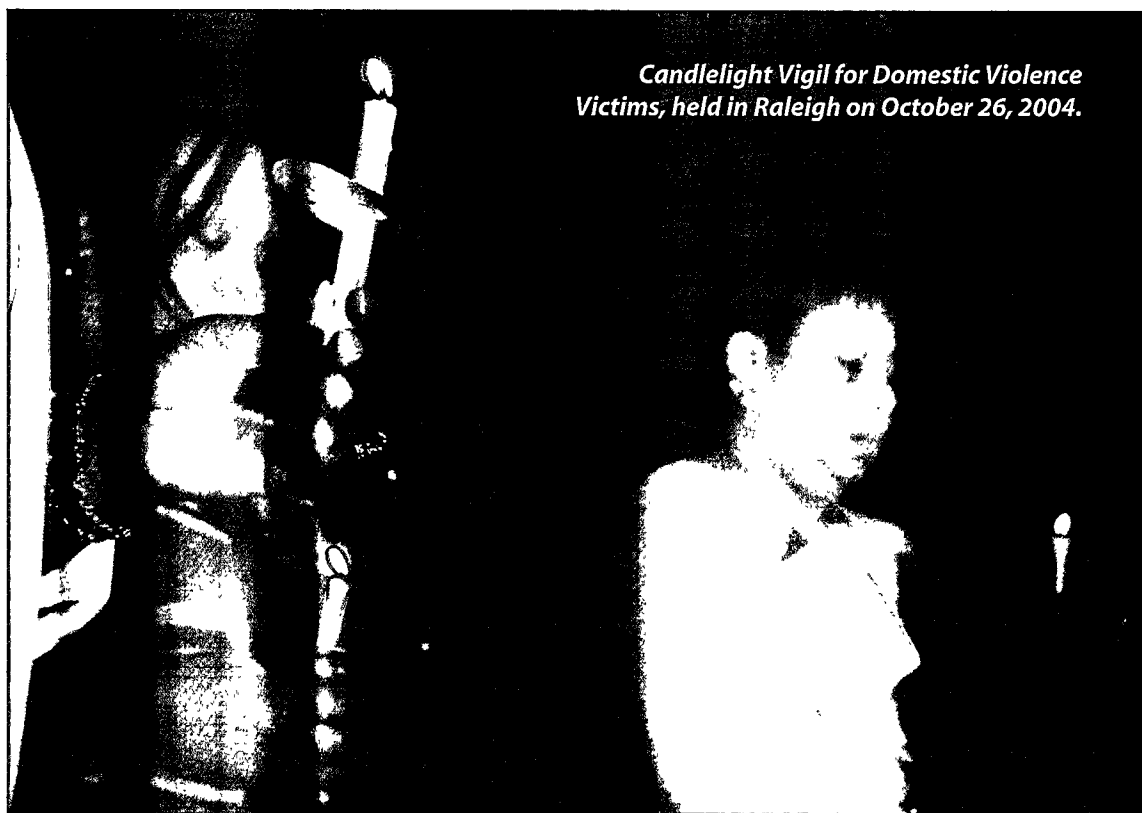
community colleges. Most instructors are police officers who have completed a course in general instruction by the Criminal Justice Standards Commission and are usually selected by school coordinators based on their expertise. Thus, often the person teaching Domestic Violence Response is a detective or specialist assigned to a domestic violence unit in his or her department.

Marie Brodie, training coordinator for the North Carolina Coalition Against Domestic Violence, hopes that the Coalition will be invited to collaborate with the trainers and to have input into the curriculum. "It will be important for the training to include how to work hand-in-hand with battered women's advocates and to understand their point of view of domestic violence."

Prevention, Education, and Juvenile Issues

Anti-Violence Education Program in Schools

House Bill 1354 also recognizes the role of the public school system in educating children and teens



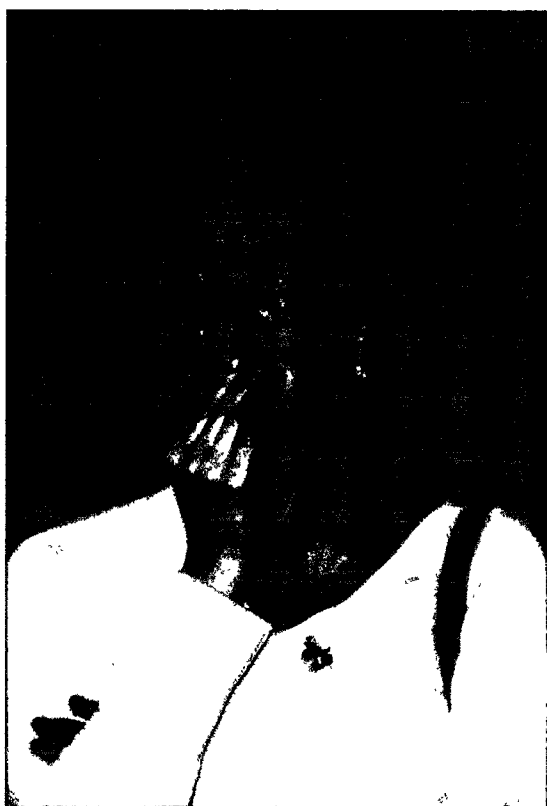
Candlelight Vigil for Domestic Violence Victims, held in Raleigh on October 26, 2004.

about domestic and relationship violence. In a survey reported in the *Journal of the American Medical Association* in 2001, approximately 1 in 5 female students (20.2 percent in 1997 and 18.0 percent in 1999) reported being physically and/or sexually abused by a dating partner.⁵⁶ Moreover, teenage girls who witness or experience violence are more likely to engage in unhealthy behaviors such as smoking, taking drugs, drinking alcohol, and having unsafe sex. They are two to four times more likely than those with no exposure to violence to have sex at an early age, have intercourse with strangers, have multiple partners, or test positive for a sexually transmitted disease. And, they are more likely to commit or attempt suicide.⁵⁷

The 2004 legislation instructed the North Carolina Department of Public Instruction, in collaboration with the State Board of Education, to study anti-violence programs in the public schools. Among the questions the study was to investigate are the following: how schools are currently addressing anti-violence in their curriculum; whether current curricula address physical violence and mental or verbal abuse, particularly instances of domestic and relationship violence; whether the state should require every public school to have an anti-violence

program of instruction incorporated into the curriculum; and what the fiscal impact would be of implementing an anti-violence program for all schools.

Department of Public Instruction Staff presented preliminary results of this study to the December 2004 meeting of the State Board of Education. Initial findings were that almost all North Carolina school systems (88 of the 95 school system's responding to a DPI survey, or 93 percent) include some type of anti-violence program in their curriculum.⁵⁸ These offerings are delivered through a number of different avenues, including Character Education programs and the Healthful Living curriculum. Offerings peaked in middle school, but a majority of school systems offered some type of systematic anti-violence message through high school. However, the study was inconclusive as to what extent these programs were addressing domestic violence or violence in dating relationships. Only 8 percent of responding school systems indicated they specifically address domestic violence in their curriculum, while 7 percent responded that they specifically address relationship violence. However, 68 percent responded "yes" when asked, "Do currently used curriculums address physical violence and mental or verbal abuse, particularly in-



stances of domestic and relationship violence?"

Marie Brodie of the N.C. Coalition Against Domestic Violence says she hopes that the study will result in a requirement for violence prevention to be taught to all North Carolina school children. School systems responding to the survey are mixed on this question, with 57 percent responding that they would favor such a requirement, 34 percent responding no, and the remainder undecided. The bill also instructs the Department of Public Instruction and State Board of Education to study training for school personnel dealing with students who are victims of physical violence and mental or verbal abuse, particularly instances of domestic violence and relationship violence.

Provisions Pertaining to Victim Services

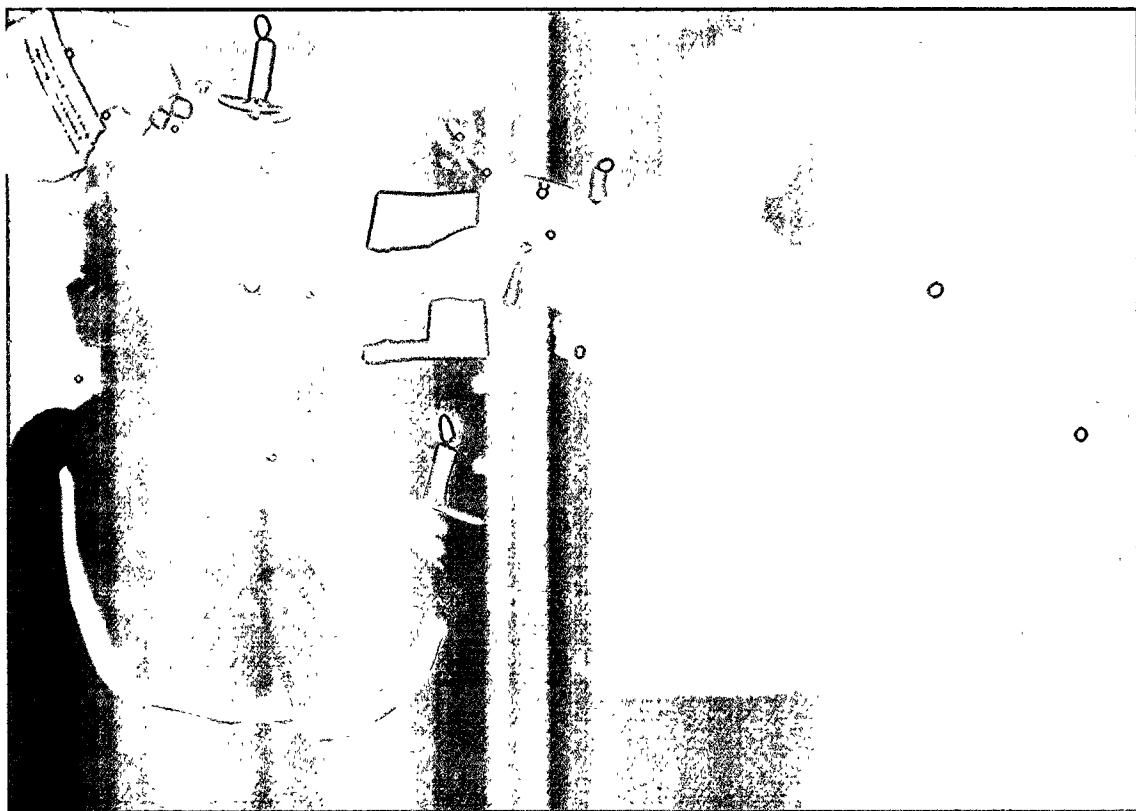
The final subcommittee of the House Select Committee focused on the provision of various services to victims of domestic violence. Recognizing the need for a broad approach to domestic violence, the committee addressed issues relating to legal services, mental health and substance abuse services, and services for children.

Legal Services for Victims of Domestic Violence

In North Carolina, a person can obtain a domestic violence protective order without an attorney. Many domestic violence agencies and shelters have staff specially trained to assist victims with the process. The forms are available from the civil clerk's office, complete with instructions. However, despite North Carolina's concerted effort to make protective orders accessible to plaintiffs without a lawyer, legal representation remains a factor in whether a victim obtains necessary relief. Besides representing a victim in a protective order hearing, attorneys also help victims file for divorce, separation, support, and permanent child custody.

House Bill 1354 declares that it is state policy to provide access to legal representation for domestic violence victims in certain kinds of civil matters. It further states the legislative finding that "such representation can best be provided in an efficient, effective, and economic manner through established legal services programs."

Currently, most legal services programs in North Carolina provide representation to poor people in domestic violence protective order cases. In 2001, the 25 regional offices of Legal Aid of



sintage, inc.

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Tallie Antolin *R*
Age: 37
Date of Murder: 05/08/2004

Mary Chappell *R*
Age: 60
Date of Murder: 09/08/2004

Carlene S. Johnson *R*
Age: 40
Date of Murder: 01/19/2004

Vera Mae Herbin *R*
Age: 39
Date of Murder: 04/05/2004

Jocelyn London *R*
Age: 61
Date of Murder: 04/04/2004

José Gonzalez *R*
Age: 39
Date of Murder: 07/13/2004

Miriam McLeod *R*
Age: 65
Date of Murder: 09/17/2004

Wendy C. Wallace *R*
Age: 39
Date of Murder: 01/16/2004

Chady Moore Parker *R*
Age: 20
Date of Murder: 01/12/2004

Karon L. Madford *R*
Age: 32
Date of Murder: 06/19/2004

Cassandra C. Pittman *R*
Age: 22
Date of Murder: 05/12/2004

Debra H. Best *R*
Age: 39
Date of Murder: 07/18/2004

Leon Thompson *R*
Age: 40
Date of Murder: 06/10/2004

Joanna Brooks *R*
Age: 44
Date of Murder: 04/04/2004

Jeanette D. Ford *R*
Age: 35
Date of Murder: 07/04/2004

Ellison D. Bryant *R*
Age: 34
Date of Murder: 07/18/2004

Patricia B. Church *R*
Age: 60
Date of Murder: 07/07/2004

Tony Dale Diggs *R*
Age: 44
Date of Murder: 01/06/2004

Myron D. Bishop *R*
Age: 22
Date of Murder: 07/18/2004

Judy L. Warren *R*
Age: 34
Date of Murder: 07/12/2004

Cynthia Johnson *R*
Age: 25
Date of Murder: 05/05/2004

Pamela Joya Virzi *R*
Age: 47
Date of Murder: 08/17/2004

Debra D. Conner *R*
Age: 38
Date of Murder: 03/17/2004

W. J. Conner *R*
Age: 38
Date of Murder: 03/17/2004

W. J. Conner *R*
Age: 38
Date of Murder: 03/17/2004

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W. J. Conner *R*
Age: 38
Date of Murder: 03/17/2004

W. J. Conner *R*
Age: 38
Date of Murder: 03/17/2004

Shirley B. Balford *R*
Age: 34
Date of Murder: 07/12/2004

Therese Stephens *R*
Age: 44
Date of Murder: 03/17/2004

Anita Jackson Leary *R*
Age: 24
Date of Murder: 04/20/2004

Lawrence Stephens *R*
Age: 44
Date of Murder: 03/17/2004

Lawrence Stephens *R*
Age: 44
Date of Murder: 03/17/2004

WVE

WVLE

REMEMBER

Sandra K. Raper *R*
Age: 43
Date of Murder: 07/12/2004

Roby A.J. Stephenson *R*
Age: 31
Date of Murder: 08/12/2004

Sherry Lynn Cobb *R*
Age: 34
Date of Murder: 08/12/2004

Shirley B. Balford *R*
Age: 34
Date of Murder: 07/12/2004

Shirley B. Balford *R*
Age: 34
Date of Murder: 07/12/2004

Asmala S. Woodson *R*
Age: 30
Date of Murder: 07/12/2004

Kathina A. Locklear *R*
Age: 31
Date of Murder: 07/12/2004

Francis I. Bytton *R*
Age: 33
Date of Murder: 07/12/2004

Marshaida Dorsey *R*
Age: 34
Date of Murder: 08/12/2004

Gregory R. Baskin *R*
Age: 37
Date of Murder: 08/12/2004

Gregory R. Baskin *R*
Age: 37
Date of Murder: 08/12/2004

Gregory R. Baskin *R*
Age: 37
Date of Murder: 08/12/2004



North Carolina, Inc. represented more than 2,800 clients in protective order hearings.⁵⁹

Under House Bill 1354, legal services programs in North Carolina will receive increased funding through fees generated in civil court proceedings.⁶⁰ The funding will go to the following programs: Pisgah Legal Services, Legal Aid Society of Northwest North Carolina, and Legal Aid of North Carolina. The programs can use the funds to assist residents who have been subjected to acts of domestic violence (as defined by Chapter 50B of the North Carolina General Statutes). The victim is not required to seek a Chapter 50B protective order to qualify as a domestic violence victim eligible for legal representation. Eligible services include assistance with protective orders, child custody and visitation, and other legal services which ensure the safety of the client and the client's children.

TeAndra Miller, Director of Legal Aid's Domestic Violence Initiative, estimates that Legal Aid provided eligible services to some 4,000 clients in 2003. Aside from representation in protective order hearings, Legal Aid also provided domestic violence clients with legal advice, clinics on how to seek protective orders without an attorney, and representation in custody, visitation, and divorce proceedings necessary to ensure safety.

The General Assembly's Fiscal Research Division estimates that the new funding system will generate \$1.4 million in court fees for the state's legal services domestic violence programs. Funds will be allotted per county primarily based on the number of protective order actions filed in each county.

For Legal Aid, the increased funding is essential to the goal of increasing services for domestic violence victims. The current budget for the Domestic Violence Initiative is \$1.2 million, primarily funded by a grant from the Governor's Crime Commission. Of course, Miller says, the \$1.4 million in fees is a welcome increase in the Domestic Violence Initiative budget. But, Miller says the budget could be doubled to more than \$5 million, and funding still would not be sufficient to help every victim.

Other victim services provisions of House Bill 1354 include requiring a study of mental health services for domestic violence victim and a study of continuing legal education credit for *pro bono* legal representation. In addition, two domestic violence advocates will be appointed to the child fatality task force, including a representative from the N.C. Coalition Against Domestic Violence and a representative from the Council for Women and Domestic Violence Commission.

Additional Areas That May Need Attention in Addressing Family Violence

The North Carolina General Assembly's decisive action in enacting House Bill 1354 was hailed as a milestone in the fight against family violence. The legislature had barely gone home in the summer of 2004 before Governor Mike Easley—a Democrat—held a bill-signing ceremony before the cameras in Asheville, N.C., with Republican Representative Wilma Sherrill.

On October 1, 2004, more than 250 people, including law enforcement officers, prosecutors, magistrates, and advocates from across the state attended a training session sponsored by the N.C. Coalition Against Domestic Violence and the N.C. Justice Academy at the Friday Center in Chapel Hill on proper investigation and prosecution of strangulation cases using the new felony strangulation law. Both Attorney General Roy Cooper and Rep. Marian McLawhorn participated in the event to help publicize the new law. At a press conference attended by supporters of the new law and by the news media, Cooper reflected forcefully and poignantly on the latest victim of domestic violence—a popular Wilmington realtor named Gail Tice Hewson who was shot dead on her front porch by her estranged husband. “Two days ago there was a 911 call,” said Cooper. “She called and said her husband was shooting her. She cried and yelled and when law enforcement arrived her estranged husband was standing on the front porch with a gun and Gail Tice was dead.”

Reciting the statistics of deaths related to domestic violence, Cooper stated, “Domestic violence is an epidemic which requires extraordinary rem-

edies. What you are sending today is another critical message that domestic violence will not be tolerated.” Cooper promised numerous convictions under the state's new felony strangulation law. “We're not going to tolerate domestic violence at all and particularly domestic violence that leads to murder,” Cooper said.

McLawhorn noted that she would be mentioning her support of the new law at a campaign event that evening. But despite the fanfare associated with passage of House Bill 1354, there is broad agreement that more work needs to be done to address family violence in North Carolina. The deep roots of family violence will not be rooted out with one act of the General Assembly, no matter how comprehensive.

What more is needed? Advocates say lack of funding is a major obstacle to improving the response and reducing incidences of domestic violence in North Carolina. “Our biggest priority is to increase funding to local domestic violence programs,” says Loucks-Sorrell of the North Carolina Coalition Against Domestic Violence. To Patricia Youngblood, the need is stated clearly by the fact that 360 women who qualified for shelter in 2003 could not receive it through the Albemarle Hopeline agency because its 12-bed facility was full. Barry Bryant of the Governor's Crime Commission says shelters struggling to provide emergency housing on a temporary basis need to expand their mission to provide transitional housing and supports so victims can move from a dependent relationship with an abusive partner to true independent living. Yet many local agencies can't even afford sufficient emergency shelter.

Attorney General Cooper also believes additional funding for local agencies is needed and that policymakers must focus on both protection and prevention. “It's critical that we support the shelters that are out there in the middle of the battle providing incredible services to people on a shoestring budget,” Cooper says.

Bryant adds that North Carolina needs more supervised visitation and exchange centers to provide a safer place for families where violence or intimidation is a concern. Too many times, the exchange of children provides the opportunity for further intimidation and violence, says Bryant. “It's not a safe place for the parent, the child or the victim.” Such centers, currently operating in 16 counties, have separate entrances, usually on separate streets, and parents are assigned different arrival times with the intent that they do not meet except in the supervised setting. Assigning potentially

“The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadow of life, the sick, the needy and the handicapped.”

—VICE PRESIDENT &
U.S. SENATOR HUBERT HUMPHREY
D-MINNESOTA

Table 6. Leading Private Foundation and Corporate Funders of Domestic Violence Projects or Organizations in North Carolina

County / Organization	Amount	Purpose	Funder
2002			
Beaufort / Options to Domestic Violence & Sexual Assault, Inc.	\$20,000	Child Advocate for Shelter	Z. Smith Reynolds Foundation
	\$19,869	Capital Funds to Establish a Computer Wide Area Network	Kate B. Reynolds Charitable Trust
Cabarrus / Cabarrus Victims Assistance Network (CVAN)	\$4,000	Support for Fundraising	Altria Group
Chatham / Family Violence & Rape Crisis Services	\$15,000	Americorp and Vista	Z. Smith Reynolds Foundation
Duplin / Sarah's Refuge, Inc.	\$30,000	Bilingual Court Advocate	Z. Smith Reynolds Foundation
Forsyth / Associated Family and Child Service	\$40,000	Awareness Campaign	Altria Group
Franklin / Safe Space, Inc.	\$50,000	Capital Funds for Shelter	Kate B. Reynolds Charitable Trust
Granville / Safe Space, Inc.	\$18,000	Awareness Project/Dating Violence	Altria Group
Jackson / REACH of Jackson County, Inc.	\$40,000	Awareness Campaign	Altria Group
Lee / Haven, Inc.	\$20,000	General Operating Support	Z. Smith Reynolds Foundation
Madison / Helpmate of Madison County, Inc.	\$20,000	General Operating Support	Z. Smith Reynolds Foundation
Mecklenburg / United Family Services Shelter for Battered Women	\$5,200	Community Awareness	Altria Group
New Hanover / Domestic Violence Shelter and Services, Inc.	\$20,000	Underserved Victims	Z. Smith Reynolds Foundation
Sampson / U Care, Inc.	\$40,000	Awareness Campaign	Altria Group
Scotland / Domestic Violence & Rape Crisis Center of Scotland County	\$25,000	General Operating Support	Z. Smith Reynolds Foundation
Wayne / The Lighthouse of Wayne County, Inc.	\$7,800	Services for Hispanic Victims	Z. Smith Reynolds Foundation
Yancey / The Family Violence Coalition of Yancey	\$26,600	Capital Improvements to Shelter	Kate B. Reynolds Charitable Trust
Thirtieth District / Judicial Alliance (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain counties)	\$25,000	Family Peace Project	Z. Smith Reynolds Foundation
Total Funding for 2002			
	\$426,469		

Table 6, continued

County / Organization	Amount	Purpose	Funder
2003			
Alamance / Family Abuse Services	\$7,000	Food for Shelter, Kitchen	Altria Group
Alexander / Domestic Violence Resource Center	\$15,000	General Operating Support	Z. Smith Reynolds Foundation
Beaufort / Options to Domestic Violence & Sexual Assault, Inc.	\$30,000	Hispanic Outreach	Z. Smith Reynolds Foundation
Cabarrus / Cabarrus Victims Assistance Network (CVAN)	\$6,000	Support for Fundraising	Altria Group
	\$10,000	Food for Shelter	Altria Group
Chatham / Family Violence & Rape Crisis Services	\$10,000	Food Vouchers, Kitchen	Altria Group
Craven / Community Coalition Against Domestic Violence	\$20,000	Victim Advocacy Program	Z. Smith Reynolds Foundation
Graham / Hope for Families, Inc.	\$25,000	General Operating Support	Z. Smith Reynolds Foundation
Hoke / Hoke County Domestic Violence Services	\$20,000	General Operating Support	Z. Smith Reynolds Foundation
Mecklenburg / United Family Services Shelter for Battered Women	\$1,000	Fundraising Support	Altria Group
Nash / My Sister's House	\$5,000	General Operating Support	Altria Group
Onslow / Onslow Women's Center, Inc.	\$25,000	Court Advocacy	Z. Smith Reynolds Foundation
Pasquotank / Albemarle Hopeline	\$6,000	Food for Shelter	Altria Group
Pitt / Family Violence Program, Inc. of Pitt County	\$6,500	Food for Shelter, Dishwasher	Altria Group
Scotland / Domestic Violence & Rape Crisis Center of Scotland County	\$25,000	General Operating Support	Z. Smith Reynolds Foundation
Wake / Interact	\$10,000	Food Vouchers, Refrigerator	Altria Group
Wayne / The Lighthouse of Wayne County, Inc.	\$7,400	Services for Hispanic Victims	Z. Smith Reynolds Foundation
Wilson / Wesley Shelter, Inc.	\$15,000	Kitchen Improvements	Altria Group
Thirtieth District / Judicial Alliance (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain counties)	\$25,000	Education to Faith Community	Z. Smith Reynolds Foundation
Total Funding for 2003			
	\$268,900		

Table 6, continued

County / Organization	Amount	Purpose	Funder
2004			
Ashe / A Safe Home for Everyone (A.S.H.E.)	\$70,000	Capital Funds for Shelter	Kate B. Reynolds Charitable Trust
Cabarrus / Cabarrus Victims Assistance Network (CVAN)	\$6,500	Fundraising Support	Altria Group
	\$20,000	Legal Advocacy Program	Altria Group
Caldwell / Shelter Home of Caldwell County, Inc.	\$20,000	Increase Shelter Coverage	Altria Group
Carteret / Carteret County Domestic Violence Program, Inc.	\$10,000	Stove Purchase	Altria Group
Durham / Durham Crisis Response Center	\$110,000	General Operating Support	Kate B. Reynolds Charitable Trust
Forsyth / Next Step Ministries	\$45,000	Operating Funds for Shelter	Kate B. Reynolds Charitable Trust
Hoke / Hoke County Domestic Violence Services	\$14,800	General Operating Support	Z. Smith Reynolds Foundation
Mecklenburg / United Family Services Shelter for Battered Women	\$187,937	Expand Hospital-based Services	Kate B. Reynolds Charitable Trust
New Hanover / Domestic Violence Shelter and Services, Inc.	\$20,000	General Operating Support	Altria Group
Onslow / Onslow Women's Center, Inc.	\$25,000	Court Advocacy	Z. Smith Reynolds Foundation
	\$25,000	Case Management for Shelter	Kate B. Reynolds Charitable Trust
Pender / Safe Haven of Pender, Inc.	\$65,000	Capital Funds for Shelter/Child Services	Kate B. Reynolds Charitable Trust
Polk / Steps to Hope, Inc.	\$150,000	Capital Improvements	Kate B. Reynolds Charitable Trust
Wilson / Wesley Shelter, Inc.	\$26,000	Expand Hispanic Outreach Efforts	Kate B. Reynolds Charitable Trust
Total Funding for 2004		\$795,237	
Total Funding 2002-2004		\$1,490,606	

The Kate B. Reynolds Charitable Trust of Winston-Salem, N.C. is a foundation which makes grants to combat domestic violence and also funded the Center's research on domestic violence in North Carolina.

The Z. Smith Reynolds Foundation of Winston-Salem, N.C., long a funder of domestic violence programs, has "stepped back" from funding community-based domestic violence service providers in order to evaluate the impact of its giving and to develop more strategic approaches. This is reflected in its pattern of giving over the past few years.

Altria Group is the parent company of Philip Morris tobacco company and Kraft Foods. One of Altria Group's focus areas for corporate giving is domestic violence prevention. It has "Door to Hope" grants, and has supported domestic violence initiatives through its corporate headquarters. Some of its initiatives have been statewide and are not reflected in the above table.

The Duke Endowment, while not reflected in the table, also supports domestic violence initiatives by providing funding to hospitals for the purpose of educating health care providers.

volatile exchanges to such centers, Bryant says, is "a great thing for judges to be able to do." Yet the service is not uniformly available across the state.

Conclusions and Recommendations

Indeed, inconsistency is a major problem in both prevention of family violence, procurement of emergency support services when violence occurs, and prosecution of crimes involving domestic violence. Where one lives affects the likelihood of receiving shelter and support, influences whether the perpetrator goes to jail, and even has an impact on whether a judge can order participation in an abuser treatment program. But North Carolina lives under one set of laws, one constitution, one judicial system, one legislature, and one governor.

When prosecution rates vary wildly and some citizens do not even have access to shelter if violence invades hearth and home, it must be acknowledged that for some North Carolina citizens the path to safety simply does not exist.

Thus, the N.C. Center for Public Policy Research offers broad-ranging recommendations to serve the goals of: (1) strengthening investigation and prosecution of crimes of domestic violence and improving conviction rates against perpetrators; (2) strengthening criminal law to prevent the progression of violence that too often leads to homicide; (3) protecting and sheltering families where violence rips them asunder; (4) examining the divisive issue of child custody; (5) improving data collection regarding the prevalence of domestic violence in North Carolina; and (6) continuing and expanding legislative study of domestic violence.

But among these many important avenues for addressing domestic violence, the top priority must be given to strengthening the enforcement of existing law. In some instances, the very survival of the victim may be at stake. In others, a progression of violence has commenced that will lead to ever-increasing suffering and damage or destroy family relationships. Within the judicial system, some variation in conviction rates is to be anticipated. But extreme differences are cause for great concern. North Carolina's law enforcement officers, prosecutors, and judges should not send the message, through anemic conviction rates that in some counties barely hit double digits, that domestic violence cases are not important.

To encourage uniform standards of justice across North Carolina, **(1) the Center recommends the General Assembly re-examine variations in conviction rates to determine why some counties**

can convict as few as 12.7 percent of domestic violence offenders while others convict more than four times that percentage. *The News & Observer* of Raleigh, N.C., examined cases involving assault on a female, violation of a domestic violence protective order, and domestic criminal trespass in concluding that from January 1997 to October 2002, only one-third of domestic violence charges in North Carolina resulted in conviction and that conviction rates ranged from a low of 12.7 percent in Avery County to a high of 56.9 percent in Hertford and Bertie counties. Of those 80,000 abusers convicted, the newspaper found that only 18 percent received active jail time. More than half (53 percent) of domestic violence cases from January 1997 to October 2002 were dismissed by prosecutors and judges.

Though they are independently elected officials who ultimately make their own decisions in these matters, North Carolina district attorneys need to consider adopting best practices that will close the gap in convictions, giving careful consideration to evidence-based prosecution that will enhance the chance of winning a conviction where the victim chooses not to cooperate. And, the Chief Justice of the North Carolina Supreme Court needs to consider whether standardized training should be required for all judicial personnel who deal with domestic violence victims. But whether the cause is differences in prosecutorial styles, differences in judicial temperament, or some other factor, the broad variation in conviction rates for these offenses creates the appearance of unequal justice and must be addressed.

To break the progression of violence that too often results in serious injury or death, **(2) the Center recommends that the North Carolina General Assembly re-examine the idea of creating mid-level misdemeanors in state criminal law with the intent of strengthening penalties as acts of aggression escalate.** Law enforcement officers, advocates, and researchers alike point to a progression of violence in domestic violence cases. In too many cases where the county medical examiner is called in, investigators can look back at a trail of increasingly brutal episodes of violence. While the 2004 General Assembly is to be applauded for making strangulation a felony, strong intervention should come earlier from the courts where the violence is less severe. In 2002, North Carolina had at least 73 domestic violence-related homicides. Of the 63 men accused of those homicides, 34 had previously appeared in court either for civil or for criminal charges related to domestic violence.

To assure an avenue of escape and a refuge

when family violence does occur, (3) **the Center recommends that the Governor and the General Assembly demand a full accounting of the cost of and demand for services, by county, provided through local domestic violence service agencies in North Carolina and that these state policymakers provide the funds necessary to cover the documented cost.** Full-service domestic violence service agencies provide shelter, a hotline that ideally is staffed 24 hours a day, counseling, and legal advocacy. Outside of state and federal grants, these agencies received approximately \$43,000 each in 2003–2004 through their share of the state marriage license fee and a General Fund appropriation. The 2004 General Assembly nearly doubled the General Fund appropriation, adding \$2 million to the \$2,682,500 million it had appropriated for the 2003–2004 fiscal year and bringing the total to \$4,682,500. However, these new dollars must be divided among 95 separate programs serving 100 counties. Meanwhile, state and federal grants are increasingly awarded on a non-recurring basis. The Governor's Crime Commission, for example, has adopted a competitive funding formula based on providers meeting certain standards of service, such as a 24-hour emergency help line and victim advocacy in the courtroom. Private foundation grants are a limited source of funding and almost always are awarded on a non-recurring basis. Because more

reliable state funding is too little to meet the demonstrated demand for services, domestic violence agencies are being held together by such funding sources as bake sales, thrift shop operations, and increasingly less certain grants from state and federal sources.

In 17 counties, there are no shelters due to planning decisions regarding need, geography, and cost, so victims must travel to a neighboring county to receive this service. In others, such as Pasquotank and surrounding counties served by the Albemarle Hopeline, the shelter is too small to meet the need. The program's shelter provided 4,000 overnight stays for individuals during 2003, but about 360 women who qualified for shelter could not receive it through the Hopeline program because the 12-bed facility serving five counties was full.

Of further concern is that the state has divided its appropriation to local service providers equally among applicants, giving no consideration to geography, population, or indicators of need. The only defense for this practice is a belief that the state has provided only a fraction of the cost and that need outstrips the resources available statewide. State policymakers should document the need and tailor the resources to the scope of the problem, whether through a designated, or earmarked, tax or fee, or through General Fund appropriations.

* * *



Once emergency services are secured, the next stop for many domestic violence victims is the judicial system, where civil and criminal entanglements with the law often create a nightmare for the victim and her family. Thus, the North Carolina General Assembly has created and funded a family court model in some jurisdictions, where families are assigned to a case manager who helps them secure services such as mediation, substance abuse counseling, and pre-divorce education and address the many legal and social issues that can flow from domestic violence. The ultimate aim is to resolve the case in a just and expeditious manner, ideally within a year. To streamline the administration of justice in cases involving domestic violence, **(4) the Center recommends that the family court model now operating in eight North Carolina district court judicial districts covering 16 counties be incrementally expanded to all 39 North Carolina judicial districts.** The North Carolina General Assembly has appropriated funding for these courts in eight judicial districts covering just 16 of the 100 counties across North Carolina—Anson, Burke, Caldwell, Catawba, Cumberland, Durham, Greene, Halifax, Lenoir, Mecklenburg, New Hanover, Pender, Richmond, Stanly, Union, and Wayne. The N.C. Child Well-Being and Domestic Violence Task Force recommended that courts ultimately be funded for every judicial district in North Carolina. The Center endorses this recommendation and further recommends that family courts consistently incorporate elements that assure a more effective response to victims of domestic violence, sexual assault, and child abuse.

Family court judges have jurisdiction over a wide range of legal issues, including child abuse and neglect charges, domestic violence, child custody and visitation rights, and divorce. Judges are assisted by a court administrator and case managers. The idea is to bring multiple legal issues before a single judge to increase efficiency and lessen the strain on the family. The goal is to complete cases within one year of filing.

As the very name of family court suggests, children often get caught in the middle of domestic conflict, with child well-being and custody decisions becoming a huge bone of contention. Within the legal system, there is much to be resolved. Thus, **(5) the Center recommends that the Chief Justice of the N.C. Supreme Court appoint a study group composed of judges, representatives of the N.C. Association of District Attorneys, the N.C. Bar Association, public defenders, legislators, Legal Aid of North Carolina, and domestic vio-**

lence advocacy groups to explore the issue of child custody and the impact of family violence on custody decisions, providing recommendations to the General Assembly as to any changes in the law determined necessary to keep abused parents and children safe. While research indicates that the most commonly requested form of relief in a domestic violence protective order hearing is a request that the defendant have “no contact” with the victim, the second most common request is for an order that the defendant not interfere with the plaintiff’s minor children. Temporary custody of minor children is the third most commonly requested remedy sought in a domestic violence protective order hearing. These three requests illustrate victims’ recognition that allowing a defendant access to minor children jeopardizes the safety of both parent and child and supports the notion that custody issues frequently become central to domestic violence disputes.

In domestic violence cases, the simple exchange of children may represent a dangerous opportunity to intimidate and cause harm. To assure that families wracked by tension and violence have a safe place to exchange children and honor custody and visitation orders, **(6) the Center recommends expansion of the supervised visitation and exchange centers now operating in 16 North Carolina counties so that this vital service is available to citizens in all 100 counties.**

Aside from concerns about variations in conviction rates, the Center also is concerned about the lack of statistical data regarding conviction rates for prosecutors pursuing domestic violence cases. There is simply too little data available on the prevalence of this kind of crime and the successes and failures of those who attempt to prevent it. *The News & Observer* of Raleigh, N.C., is to be commended for its investigative series that shed so much light on varying conviction rates across North Carolina. The N.C. Coalition Against Domestic Violence also should be recognized for its efforts to track deaths related to domestic violence. The General Assembly is to be commended for its requirement that judges make a notation on case files that involve domestic violence in the form of assault and communicating threats convictions. But, as District Court Judge Joyce Hamilton points out, domestic violence is broader and includes offenses such as stalking, violation of a domestic violence protective order, and criminal trespass. And, more is needed to assure that this information is publicized and subject to public scrutiny. Newspapers and advocacy groups must not be the primary

source of information if domestic violence is to be successfully combated. Thus, (7) **the Center recommends that the legislature upgrade the level and quality of data available on domestic violence by creating a position with the Governor's Crime Commission that would (1) track the number of persons charged with domestic violence crimes in North Carolina and the types of crimes they are charged with committing, (2) determine whether these cases resulted in conviction, and (3) make this information available to the courts, district attorneys, and the public through published reports, dissemination to the news media, and on the Internet.** Besides the lack of data regarding prevalence, there is a need for more and better information on how to address the problem of domestic violence effectively. Thus, the position should serve as a clearinghouse for gathering and distributing information on what works both to serve victims of domestic violence and their families and keep them safe.

While the foregoing recommendations have focused primarily on reacting to domestic violence after the fact, there is also a strong role for prevention. This will prove to be an even more difficult challenge because rooting out potential family violence requires broad societal teaching about problem-solving in relationships. The state's ability to reach the larger society is limited. As the General Assembly's deliberations suggest, the best place to address this issue is where the state has its broadest, most impressionable, and—aside from within the state prison system—its most captive audience, the public schools. While the legislature has directed that a study be conducted of the possibility of adding relationship violence to the public schools curriculum statewide, the real study should be on how best to add it to the curriculum at the earliest possible date.

Thus, (8) **the Center recommends that the State Board of Education order the N.C. Department of Public Instruction to identify and incorporate the best available anti-violence material into the public schools curriculum, with a special focus on prevention of dating and relationship violence.** Anti-violence materials in varying forms are being used effectively by school systems across North Carolina and the nation, including many that address domestic and dating violence. These include the Alamance-Burlington Schools, and school systems in Burke, Camden, Craven, Dare, Davie, Jackson, New Hanover, Pitt, Vance, Wake, Warren, and Watauga counties. The statistics on domestic violence and the emotional and physical damage in-

flicted on teens who are victims of dating and relationship violence tell us these materials need to be incorporated into *every* school system's curriculum before the eighth grade. What's needed is intervention that reduces the likelihood that students will commit and experience violence in their intimate relationships as teens and later as adults, recognizing that some teens already will have been exposed to violence in their homes and have been affected by that exposure. In a survey reported in the *Journal of the American Medical Association* in 2001, approximately 1 in 5 female students (20.2 percent in 1997 and 18.0 percent in 1999) reported being physically and/or sexually abused by a dating partner. Moreover, the study found teenage girls who witness or experience violence are more likely to engage in unhealthy behaviors such as smoking, taking drugs, drinking alcohol, and having unsafe sex. They are two to four times more likely than those with no exposure to violence to have sex at an early age, have intercourse with strangers, have multiple partners, or test positive for a sexually transmitted disease.

Yet the North Carolina Department of Public Instruction's study conducted with the Duke University Center for Child and Family Policy indicates that anti-violence instruction peaks in the middle school years and is less likely to be offered in high school. The evidence collected so far suggests that the issue of dating and relationship violence does not receive the attention it merits. The Department of Public Instruction should identify the best of the materials currently in use in the North Carolina public schools and nationally, and the State Board of Education should require that the local school systems incorporate them into the curriculum to assure that the message against domestic violence rings loud and clear in the public schools. The Department of Public Instruction's own survey finds that 57 percent of school systems responding favor requiring an anti-violence program in all schools.

Finally, to assure that the North Carolina General Assembly continues the task of revising domestic violence laws, (9) **the Center recommends that the 2005 General Assembly reauthorize its House Select Committee on Domestic Violence, expand its membership to include members of the N.C. Senate, and create a new Joint Legislative Committee on Domestic Violence.** The study committee should consider all of the recommendations above that call for action by the General Assembly, along with any additional considerations it deems appropriate to address the devastating impact of domestic violence on families. In its deliberations,

the committee should consider the interplay of domestic violence with both sexual assault and child abuse and maltreatment. The committee should report to the 2006 and 2007 sessions of the North Carolina General Assembly with its findings and recommendations regarding changes in the law and budget.

* * *

Despite clear progress made in strengthening North Carolina's laws concerning family violence, it's equally clear that there is unfinished business. North Carolina's thousands of women, children, and men who suffer a violence-wracked existence deserve no less than the chance to break free and live without fear. □

FOOTNOTES

¹ Session Law 2004-186 (House Bill 1354), "An Act To Strengthen the Laws Against Domestic Violence, To Provide Additional Assistance To Domestic Violence Victims, and To Make Other Changes as Recommended by the House Select Committee on Domestic Violence," ratified on July 15, 2004, and signed by the Governor August 12, 2004, now codified in North Carolina General Statutes 7A-304(a); 7A-305(a); 7A, Art. 37B; 7A-474.6; 7A-474.7; 7A-474.8; 7A-474.9; 7A-474.10; 7B-1402; 8-53.1; 8-53.13; 14-32.4; 14-33.2; 14-415.1; 15A-304; 15A-401; 15A-1340.16(d); 15A-1343; 15A-1382.1; 17C-6(a)(2); 17C-6(a)(14); 17C-6(a)(15); 17E-4(a)(2); 17E-4(a)(10); 17E-4(a)(11); 17E-4(a)(12); 50-13.2(b); 50B-2; 50B-2(d); 50B-3(a)(4); 50B-3(a1); 50B-3(b); 50B-5.5; 84-4.1; 95-241(a); and 143B-262(c).

² House Bill 2114 of the 1993 Session amended N.C.G.S. 14-27.8 to remove the marital defense for rape. North Carolina's status as the last state in the nation to do so was reported in *Governor's Task Force on Domestic Violence Final Report*, Governor's Crime Commission, N.C. Department of Administration, January 1999, p. 1.

³ Violence Policy Center, Washington, D.C. Annual reports available on the Internet at <http://www.vpc.org/studies/dvnc.htm> for both the 1996 report and the 1999 update.

⁴ Executive Order No. 145, Governor's Commission on Domestic Violence, Feb. 25, 1999.

⁵ N.C. Commission for Women and Domestic Violence Commission Mission/History, on the Internet at www.doa.state.nc.us/doacfw/mission.htm.

⁶ *Child Well-Being and Domestic Violence Task Force Final Report*, February 2003, published through cooperation of N.C. Department of Health and Human Services, Governor's Crime Commission, and the Z. Smith Reynolds Foundation. pp. 9-11. Available on the Internet at <http://www.doa.state.nc.us/doacfw/cwb&dvtf.pdf>

⁷ *Ibid.* at pp. 2-3.

⁸ The series, titled "Violence Dismissed," originally was published in *The News & Observer*, Raleigh, N.C., May 18-20, 2003. Available on the Internet at www.newsobserver.com/domesticviolence

⁹ Angela Haywood Bible, Andrea Weigl, and David Raynor, "Many Charged, Few Jailed," *The News & Observer*, Raleigh, N.C., May 19, 2003, p. A1.

¹⁰ *Ibid.*

¹¹ Angela Haywood Bible and Andrea Weigl, "Cries of Abuse Unheeded, Assaults Rise to Murders," *The News & Observer*, Raleigh, N.C., May 18, 2003, p. A1.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Bible, *et al.*, note 9 above.

¹⁵ These data on domestic violence-related homicides are maintained on the Website of the North Carolina Coalition Against Domestic Violence of Durham, N.C., at www.nccadv.org/homicides.htm.

¹⁶ Callie Marie Rennison and Sarah Welchans, *Intimate Partner Violence*, Bureau of Justice Statistics Special Report, Washington, D.C., May 2000, p. 1.

¹⁷ *Ibid.*

¹⁸ *Child Well-Being and Domestic Violence Task Force Final Report*, note 6 above, p. 3.

¹⁹ Session Law 2004-186, amends N.C.G.S. 84-4.3(2), note 1 above.

²⁰ North Carolina General Statute 15A-534.1 [emphasis added]. Article 7A covers first-degree rape, first-degree sexual offense, second-degree rape, second-degree sexual offense, statutory rape, or any sexual offense with a victim 13-15 years old. Article 8 expands felony assaults covered to include castration, malicious maiming, and throwing of corrosive acid or alkali. Article 10 felonies include kidnapping, involuntary servitude, and felonious restraint. Article 15 of Chapter 14 includes arson, burning of an uninhabited building, burning of personal property, making a false report concerning a destructive device, and perpetuating a hoax by use of a false bomb or other device.

²¹ Joan G. Brannon, "Domestic Violence Special Pretrial Release and Other Issues," *Administration of Justice*, School of Government, University of North Carolina at Chapel Hill, Chapel Hill, N.C., Number 2001/06, December 2001, p. 3.

²² N.C.G.S. 14-33(b)(2), 14-33(b)(1), 14-34, 14-33(b)(1); Misdemeanor Punishment Chart, available at <http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/misdemeanorpunishmentchart.pdf>.

²³ N.C.G.S. 14-32.

²⁴ N.C.G.S. 50B.

²⁵ *Ibid.*

²⁶ N.C.G.S. 50B-2(c).

²⁷ N.C.G.S. 50B-3.

²⁸ N.C.G.S. 50B-1(a).

²⁹ N.C.G.S. 50B-1(b).

³⁰ N.C.G.S. 50B-3.

³¹ Session Law 2003-410 (Senate Bill 919), "An Act To Enhance the Safety of Domestic Violence Victims," ratified July 10, 2003, signed by the Governor August 13, 2003, now codified as N.C.G.S. 50B-3.1.

³² N.C.G.S. 50B-3(b).

³³ N.C.G.S. 15A-1343(9a).

³⁴ N.C.G.S. 50B-3.

³⁵ Previously, completing an abuser treatment program was a special condition of probation, meaning that it could be required at the discretion of a judge.

³⁶ Shelley Jackson *et al.*, *Batterer Intervention Programs: Where Do We Go From Here?* National Institute of Justice Special Report, U.S. Department of Justice, Office of Justice Programs, Washington, D.C., June 2003, pp. iii.

³⁷ The N.C. Council for Women and Domestic Violence Commission maintains a list of approved programs on its website at <http://www.doa.state.nc.us/cfw/abtpr032.pdf>. However, programs must reapply for approval under new standards adopted October 2004, and the list is not up to date.

³⁸ "Abuser Treatment," N.C. Council for Women and Domestic Violence Commission fact sheet. Available on line at <http://www.doa.state.nc.us/cfw/abuser.htm>.

³⁹ George E. McClane *et al.*, "A Review of 300 Attempted

Infant Abandonment: A Unique Form of Child Maltreatment

In 2001, the North Carolina General Assembly passed a safe haven law for infant abandonments,¹ which can be as lethal as any form of family violence. Formally known as the Infant Homicide Prevention Act, this law allows a parent legally to give up an unharmed infant up to seven days old anonymously without being subject to criminal prosecution.

The purpose of the law is to encourage parents who might otherwise abandon an infant in a way that might jeopardize the baby or the parent instead to deliver the infant to a statutorily designated person working at a place intended to provide a safe haven. These persons designated in the law *must* accept the infant and take appropriate steps to assure its well-being. They include a health care provider on duty or at a hospital or at a local or district health department or a nonprofit community health center, a law enforcement officer on duty or at a police station or sheriff's department, a social services worker who is on duty or at a local social services department, or a certified emergency medical services worker on duty or at a fire or emergency medical services station. However, any adult acting in good faith *may* accept the infant and contact appropriate authorities to assure its well-being.

The new law was driven by statistics indicating numerous deaths among abandoned infants. From 1985 to 1997, 22 newborns were found dead in North Carolina.² Nationally, in 1998 alone, the number of abandonments based on publicized accounts was 105.³ It is difficult to calculate the actual number of abandonments, since it is unknown how many abandoned infants are never located.

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Newborn abandonment is a serious form of child neglect that frequently results in death. A mother gives birth and then either kills the infant or abandons it in a manner that is likely to result in the infant's death, such as putting the infant in a dumpster or abandoning the infant in a secluded area.

Mothers who do not follow the law and are caught often face charges related to hiding the birth of a child and homicide, as was the case of the mother of an infant found on October 9, 2004 in an empty mobile home in Mount Olive.⁴

In 2003 a North Carolina resident and college student traveled to Florida with her boyfriend. According to news reports, the woman gave birth to a live infant, which was left wrapped in plastic and towels in a hotel breezeway before the couple returned to North Carolina.⁵ In yet another incident, a 14-year-old Tyrrell County resident faces second-degree murder charges for the deaths of her newborn twins in December 2004.⁶ The ninth-grader at Columbia High School is believed to have given birth to the children in a bathtub in her home, then dropped them from a second-story window, according to Tyrrell County District Attorney Seth Edwards.

Who is likely to abandon an infant? In one of the few studies to be conducted on the subject, a team from North Carolina, lead by principal investigator Dr. Marcia Herman-Giddens, a professor at UNC-Chapel Hill, examined the data related to known cases of infant abandonment. They found that almost 21 percent of these women were married, 35 percent had other children, almost a quarter of the women or girls had received at least some prenatal care, and more than half were 18 years old or older, with an average age of 19.1 years.

Almost 60 percent of the infants were boys, 41 percent of the infants were white, and 53 percent were black. Asphyxiation and strangulation accounted for 41 percent of the deaths and an-

other 27 percent were caused by intentional or unintentional drowning—as by putting the infant into a toilet and leaving it to drown.⁷

Continued episodes of infant abandonment illustrate the need for greater public awareness of the Safe Haven Law. Funding for public education was not included as part of the law's enactment. Conversely, in California, a state that specifically earmarked funding for public awareness, 35 infants were safely surrendered within the first two years of the law's passage.⁸

—Lori Feezor

FOOTNOTES

¹ Session Law 2001-291 (House Bill 291), "An Act to Decriminalize Abandonment of an Infant Under Certain Circumstances and To Modify Some Procedures Involving Abandoned Juveniles," ratified on July 12, 2001, and signed by the Governor on July 19, 2001. Amendments affecting abandonment of infants are codified in North Carolina General Statutes 7B-500; 14-318.2; 14-318.4; and 14-322.3.

² Infant Homicide Prevention Act Fact Sheet, Wayne County for Children Council.

³ United States Department of Health and Human Services, Administration for Children and Families, Children's Bureau Express, April 2000, Vol. 1, No. 2.

⁴ Michael Easterbrook, "Newborn is laid to rest," *The News & Observer*, Raleigh, N.C., Oct. 17, 2004, p. B3.

⁵ Tonya Maxwell, "Abandoned baby laws overlooked," *Asheville Citizen-Times*, Asheville, N.C., June 19, 2003, p. A1. Scott Nicholson, "Former ASU student indicted in death of her infant," *Watauga Democrat*, Boone, N.C., October 17, 2003, p. 1.

⁶ Associated Press, "Tyrrell girl, 14, accused of killing her newborn twins," *The News & Observer*, Raleigh, N.C., December 19, 2004, p. B6.

⁷ David Williamson, "New study estimates 85 newborn killed or left to die per year by parents, usually their mothers," University of North Carolina NEWS Services, Chapel Hill, N.C., March 18, 2003, pp. 1-2.

⁸ California Department of Social Services, Safely Surrendered Baby public awareness campaign fact sheet, available on the Internet at www.babysafe.ca.gov/.

Strangulation Cases, Part II: Clinical Evaluation of the Surviving Victim," *Journal of Emergency Medicine*, Volume 21, Issue 3, October 2001, pp. 311-315.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² The North Carolina Coalition Against Domestic Violence compiles its running tally of domestic violence deaths from media accounts so there may be other deaths by strangulation that are not included in the count.

⁴³ Felony Punishment Chart, available on line at <http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/felonypunishmentchart.pdf>.

⁴⁴ 27 Code of Federal Regulations 478.32(b)(9).

⁴⁵ Susan Sitze and Hal Pell, Bill Analysis for House Bill 1354, Legislative Services Office, General Research Division. Sitze and Pell also note that the lack of tracking frustrates collection of information to assist policymakers in evaluating judicial response to domestic violence crimes.

⁴⁶ Benjamin Niolet, "Mother Longs for Children's Return," *The News & Observer*, Raleigh, N.C., Feb. 12, 2004, p. B1.

⁴⁷ Benjamin Niolet, "It Feels Like I Have My Arms and Legs Again," *The News & Observer*, Raleigh, N.C., March 17, 2004, p. A1.

⁴⁸ "Dispositional Outcomes of Domestic Violence Ex-Parte and Domestic Violence Protective Orders," *System Stats*, North Carolina Criminal Justice Analysis Center, Governor's Crime Commission, N.C. Department of Administration, Raleigh, N.C., Winter 2002, p. 5.

⁴⁹ Under N.C. General Statute 50B-2(c1), the chief district court judge also may authorize a magistrate or magistrates to grant protective orders under certain circumstances. For sake of clarity, however, the term "judge" only will be used throughout this section.

⁵⁰ N.C.G.S. 50B-2(c).

⁵¹ N.C.G.S. 50B-3(a)(4).

⁵² N.C.G.S. 50B-3(a1)(3).

⁵³ A 1991 U.S. Senate Committee Report by Senator Joseph Biden (D-Delaware) found that fifty percent of all homeless women and children in the United States were fleeing domestic violence. See Biden, U.S. Senate Committee 011 the Judiciary Committee, *Violence Against Women: Victims of the System*, U.S. Government Printing Office, Office of Congressional Relations, Washington, D.C., 1991.

⁵⁴ *Imes v. City of Asheville*, 594 S.E.2d 397 (N.C. Ct. App. 2004).

⁵⁵ N.C.G.S. 50B-2(d).

⁵⁶ J. G. Silverman, PhD; A. Raj, PhD; L. A. Mucci, MPH; and J. E. Hathaway, MD, MPH, "Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality," *Journal of the American Medical Association*, Chicago, Ill., Vol. 286, No. 5, 2001.

⁵⁷ Griffith H. Moskowitz et al., "Serious injuries and deaths of adolescent girls resulting from interpersonal violence," *Archives of Pediatric and Adolescent Medicine*, American Medical Association, Chicago, Ill., Vol. 155, No. 8, November 2001, pp. 903-908.

⁵⁸ *Study of Anti-violence Education in Schools and Training for School Personnel*, House Bill 1354 Local Education Survey Findings, N.C. Department of Public Instruction draft report presented to the State Board of Education, December 2004, pp. 6-21.

⁵⁹ "Helping Victims of Domestic Violence," Publication of Domestic Violence Initiative of Legal Aid of North Carolina, Inc., 2003. Available on line at <http://www.legalaidnc.org/Programs/DVI/DVI-Publications/DVI-HelpingVictims-trifold-Feb-03.pdf>.

⁶⁰ N.C.G.S. 84-4.3(2) as amended, note 19 above.



Deliberate N.C. Supreme Court Accelerates Pace on Matters of Taxation and Education

by Katherine White

In 1994 in North Carolina Insight, Raleigh attorney Katherine White assessed the North Carolina Supreme Court on the occasion of its 175th anniversary. A long-time observer of the North Carolina legal scene, White had this to say: "Unlike the General Assembly, which often makes sudden or sweeping legal changes in the give-and-take of politics, the Court makes law slowly, by interpreting the constitution, the legislature's statutes, and its own past decisions." Ten years later in 2004, White revisits the state's highest court and finds the pace of changing policy has quickened—with considerable fiscal impact.

North Carolina citizens are turning to the courts to challenge legislative and executive branch decisions—and winning. In total, the state has been forced to surrender \$1.5 billion in realized revenue—in today's terms almost 10 percent of the state's \$15.9 billion General Fund budget—and forgo as much as \$9.3 billion in revenue that would have been realized without the court decisions. And, thanks to a ruling that every child in North Carolina is entitled to a "sound basic education," the state also will have to reshape its relationship with local school systems. Other suits still pending could have a large financial impact.

It is not unusual for state courts to make decisions that have an impact on public policy as the third branch of government. The courts are the final arbiters of the North Carolina Constitution, they must interpret statutes passed by the North Carolina General Assembly, and they must review executive branch decisions. The courts also reinterpret the common law, the body of law that has grown from custom and usage, as opposed to legislative acts. However, the fiscal impact of

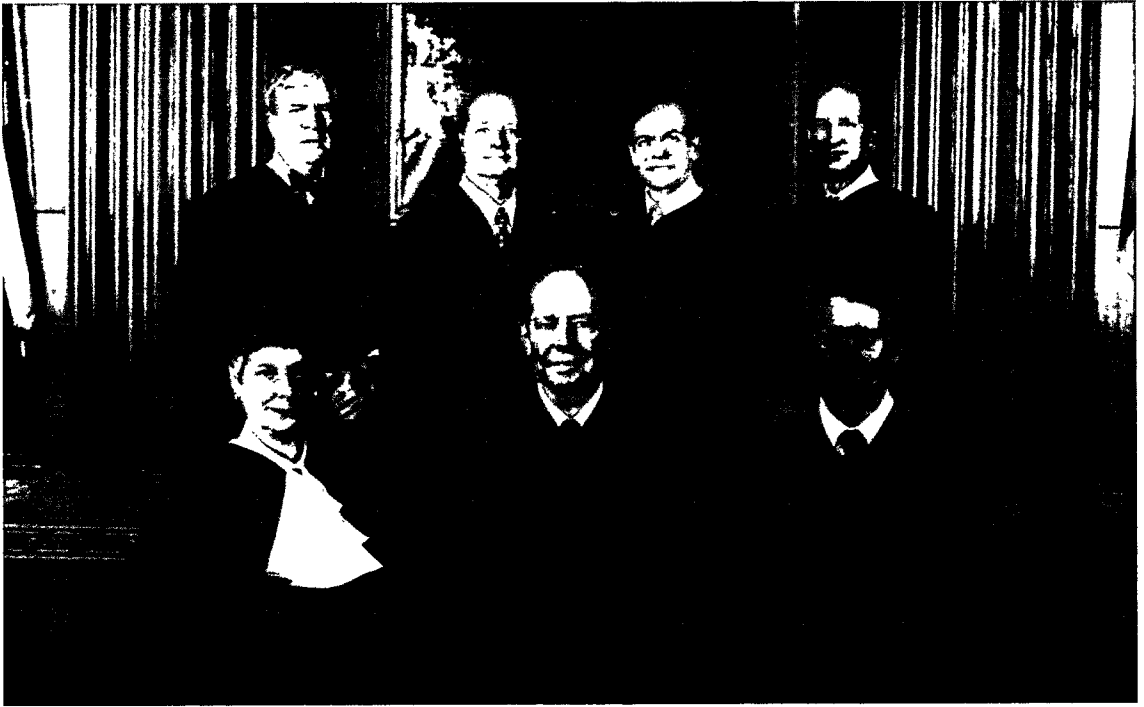
these recent decisions is unusually large at a time when state government revenue shortfalls have become the norm.

In this article, White examines rulings in three lawsuits that have had—and will continue to have—a huge fiscal impact on state government. *Bailey v. North Carolina* resulted in a settlement of some \$800 million for state and federal government retirees. *Smith v. State* forced the abandonment of the state's intangibles tax and a settlement with taxpayers approaching \$600 million. And, *Leandro v. State of North Carolina* resulted in a ruling that every child in North Carolina is entitled to a "sound basic education," which will alter the fiscal relationship between state and local government concerning funding of public education.

Over the last decade, North Carolina citizens have turned to the courts to challenge the state's methods of taxation as well as the distribution of its revenues. The state Supreme Court has responded, emptying the state's coffers of more than \$1.5 billion—in today's terms almost 10 percent of North Carolina's General Fund budget (see Table 1, p. 93) and forcing the state to revise its educational commitments to local governments. The value of the tax benefits awarded by the court to citizens, over time, is estimated at \$9.3 billion. Other suits that could have a large fiscal impact are pending.¹

In its first 175 years of existence (1819–1994), the North Carolina Supreme Court moved slowly in its legal interpretations, not making wholesale changes as other states' courts had, and taking few steps that altered the way business is done.²

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North Carolina Supreme Court Justices:

(front row) Sarah Parker, Chief Justice I. Beverley Lake, Jr., Mark Martin,

(back row) Edward Thomas Brady, George C. Wainwright, Jr., Robert H. Edmunds, Jr., Paul M. Newby

What a difference a decade makes. In the last 10 years, the Supreme Court has reversed a 100-year string of its own cases,³ has revamped how the state's public schools operate,⁴ and has ordered the refund of taxes to tens of thousands of citizens.⁵

It is not unusual for state courts to decide matters of public policy. As the third branch of government, courts are the final arbiters of the North Carolina Constitution. They interpret the laws enacted by the General Assembly and review executive branch decisions. The courts also reinterpret the common law, the body of law that has grown from custom and usage, as opposed to legislative acts.

What is unusual is the breadth of recent decisions and their impact on citizens and industry. The fiscal impacts of the decisions are long-lasting during a period when North Carolina government's revenues have faltered. And in broad terms, although grounded in constitutional interpretation, the cases appear to focus on fundamental fairness, as opposed to the narrow legal construction that is the Court's wont.

Beyond the legal arguments, the constitutional issues with which the Court has wrestled have affected areas usually addressed by the executive branch and the General Assembly—taxes and education. This incursion into areas traditionally left

to the two other branches of government is not an ordinary occurrence.

The Power To Impose Taxes on Citizens

The power of taxation ... shall never be surrendered, suspended, or contracted away.

—N.C. CONSTITUTION, ARTICLE V,
SECTION 2(1)

This constitutional provision, originally adopted in 1936,⁶ arose after years of court battles over whether tax exemptions adopted by one General Assembly could be changed by a future General Assembly. The battles began in 1871, when the United States Supreme Court held that the North Carolina General Assembly could not tax a railroad after granting the railroad a charter that exempted it from taxation. The U.S. Supreme Court directed the state to withdraw its tax because the tax would unconstitutionally impair the obligation of contract.⁷ The North Carolina Supreme Court lamented the higher court's interpretation, expressing "regret ... that the right of one general assembly to surrender

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a portion of the sovereign power to tax, so as to disable itself or its successor to resume it, has been recognized.”⁸ The General Assembly began its campaign to amend the state constitution to allow tax laws to change when public policy dictated. It took 65 years to get the public approval required.⁹

In 1939, three years after establishing a constitutional provision that allowed the state to change its tax policy, the General Assembly decided that pensions for state retirees should be free from taxation. The tax-free status changed on August 12, 1989, when the North Carolina General Assembly passed a law requiring the taxation of retired state and local employees’ pensions, with a \$4,000 cap on annual benefits that would be exempt from state taxation. The new tax arose after the United States Supreme Court held that if a state taxes state and local government employees differently than federal employees, the state violates both federal statutory law and the constitutional doctrine of intergovernmental tax immunity.¹⁰

With the adoption of the 1989 tax measure, a group of former judges, teachers, and other state employees began what would become a 12-year court battle over the taxation of their pensions. The litigation, in various forms, addressed the taxation of federal and state pensions, as well as those of local retirees.

Until the U.S. Supreme Court decision, federal retirees in North Carolina paid taxes on their retirement. Their state and local counterparts did not. The General Assembly attempted to remedy the situation, changing the tax exemption of government pensions to (1) include federal retirees; and (2) exempt the first \$4,000 of retirement income from taxation for all government retirees—federal, state and local. For the first time in decades, all government retirees were taxed on their retirement income.¹¹ The impact of the legislation meant state and local retirees had to pay \$100 million a year in additional state taxes. The recurring costs to the

state if the tax was found to be illegal were staggering—\$45 million annually for the portion of the tax paid by state retirees and some \$84 million annually for the federal retiree portion.¹²

The 78 named plaintiffs who opposed the new law were retired state employees and included James H. Pou Bailey, a retired judge of the Superior Court; A. Pilston Godwin, a retired judge of the Superior Court, and later his widow; Henry L. Bridges, the State Auditor from 1947 to 1981; Col. James Speed, a retired Highway Patrol officer who served as commander of the patrol from 1966 to 1969; and Col. Edwin Guy, a retired Highway Patrol officer who served as commander of the patrol from 1969 to 1973. More than 85,000 retired state employees would be affected by the case, which challenged the state’s system of taxing their pensions.

The class action was filed in October 1992.¹³ The retirees contended that the state’s program to provide tax-free pensions to state employees was part of their contract for employment and that they had entered public service with the understanding that their pensions would not be taxed. They told the Supreme Court: “To condone the defendant’s breach [of contract], were it not for the [state constitution’s] contract clause, would be to entrap citizens in a classic ‘bait and switch’ scheme. Make promises, get what you can. Break the promise and change the deal. Natural law, moral law, ethics, state law, federal law, constitution law, or parental law—anyway you look at it—it’s not right. It is wrong to make a promise, take advantage of the other person’s performance and then go back on your word,” they argued.¹⁴ The argument, in sum, was based in simple contract law.

The Attorney General argued that the tax exemption to which the retirees claimed they were entitled was a violation by the state itself of the state’s constitution, which states that the taxing power cannot be contracted away. For that reason, even if there were contract rights that arose after state employees worked for a certain number of years, “those contractual rights do not include the former tax exemptions.”¹⁵ Rather, the Attorney General argued, the tax exemptions constituted public policy that the General Assembly could change at any time.

After losing at a trial lasting intermittently from March to September 1995 and in seeking review by the Supreme Court, the Attorney General advanced its own public policy reasons for upholding the 1989 law and allowing the change of tax status. The matter “is of interest to all North Carolina’s citizens and taxpayers. It will determine whether the State can retain, and collect in the future, hundreds

of millions of dollars of taxes from all government retirees, and it will determine whether the State will have access to these hundreds of millions of dollars to provide a better education for its children in the public schools, to provide secure prisons to protect its citizens from criminal offenders, and to deliver all the myriad services performed by the State. Beyond these immediate, enormous fiscal considerations, resolution of this case will determine whether the General Assembly will have the power to alter the present exemptions in the future to account for the changing legal, demographic and

economic needs.”¹⁶ The Court granted the Attorney General’s request to review the case, but the public policy arguments advanced by the Attorney General fell on deaf ears.

In a 5–2¹⁷ decision in *Bailey v. North Carolina* written by Justice I. Beverly Lake Jr. (now Chief Justice), the North Carolina Supreme Court agreed with the retirees. “[T]he state acted unconstitutionally by impairing the contracts and taking without just compensation the property of state and local government employees whose retirement benefits vested on or before 12 August 1989.”¹⁸

Table 1. Major Lawsuits Against N.C. With Fiscal Impact on State Government and Actual Payouts and/or Appropriations by the State, 1997–Present*

Name of Lawsuit and Description of Case	Actual Payout or Expenditure by State, 1997–Present	Future Funding Required?
1. <i>Bailey v. North Carolina</i> , on taxing government pensions of state, local, federal, and military retirees	\$825 million	No
2. <i>Smith v. State</i> on legality of application of intangibles tax	\$596 million	No
3. <i>Leandro v. State</i> on public school finance and the right to a sound, basic education	\$ 22 million	Yes—in excess of \$200 million annually
4(a). <i>Ford Motor Credit Company v. N.C. Department of Revenue</i> on taxation of installment debt papers issued by out-of-state company through in-state auto dealers	\$ 38 million	No
4(b). <i>Chrysler Financial Service v. N.C. Department of Revenue</i> on taxation of installment debt papers issued by out-of-state company through in-state auto dealers	\$ 21 million	No
Total	\$ 1.5 billion	\$200 million-plus

* Other cases yet to be decided with large potential fiscal impact include (1) *Harrington and Goldston v. N.C. Secretary of Revenue* on the diversion of funds from the N.C. Highway Trust Fund to other uses, Wake County Superior Court, seeking the return of \$80 million; (2) *Cabarrus County v. State* on Governor Mike Easley’s decision in 2001 to withhold tax revenues from local governments collected on behalf of local government during the economic downturn in order to balance the state’s 2001 budget, \$315 million; and (3) *Coley et al. v. Easley* challenging a retroactive tax on high-income taxpayers passed in 2001 and covering the first seven months of the year before the General Assembly adopted the tax, \$73 million.

Source of cases with actual payouts and/or expenditures: N.C. Office of the State Controller.

By approaching the retirement tax issue as an employment contract case, the Supreme Court's decision essentially reversed a line of its own cases from the 1880s that the state's power to tax cannot be contracted away. North Carolina legislatures pursued state constitutional amendments beginning in 1913 to restrict the contracting away of sovereign power. During that period, one expert witness testified that a proposed constitutional provision "merely guards against the danger that the State Legislature may at some ungarded moment surrender to some interest its right of taxation and guarantee it perpetual exemption."¹⁹

In addition to addressing the constitutional question in the *Bailey* case, the Supreme Court had to decide whether retirees who had not protested the taxation of their pensions would be entitled to refunds. State law then required that taxpayers make written demands within 30 days of a tax payment if they believed a tax were illegal. Here the court did not hesitate: "It would be unjust to limit recovery only to those taxpayers with the advantage of technical knowledge and foresight to have filed a formal protest and demand for refund. Such a result would clearly elevate form over substance. This is especially untenable in a case such as this, where the matter is of constitutional import and where, in practical consequence, the purpose of the statute was realized."²⁰

Justices Henry Frye and John Webb dissented on the majority's dispatch of the statute requiring a protest within 30 days of paying the tax. "The General Assembly has determined that in order to contest the imposition of a tax, there must be a payment under protest. We should not repeal this action of the General Assembly,"²¹ they said.

As noted above, the decision was based in fundamental fairness. One legal commentator observed, the "decision's interpretation [of the state constitution] is ... questionable at best. But why did the court so clearly reject the constitutional interpretation adopted by other state courts and instead strain to create its own unique interpretation? The answer may well lie in the court's overriding feeling that the state's repeal of the tax exemption on the retirement benefits of public employees was simply unfair."²² The Court found that the retirees had labored for years for state government, which was their end of the bargain for a tax-free retirement.

Fairness aside, the *Bailey* decision's impact may go beyond the taxing of retirees' benefits. Dana Simpson writes in the *North Carolina Law Review*, "Today, economic development tax breaks have expanded beyond granting tax exemptions to railroads

and now include tax incentives for a wide array of private businesses. Following *Bailey*, state and local governments may find themselves locked into agreements for perpetual tax exemptions that they never intended to make permanent. Although many may have assumed that the North Carolina Constitution prevented the creation of such permanent tax breaks, the state supreme court's unique interpretation of Article V, section 2(1) opens the floodgates to such claims by private businesses."²³

Whether the North Carolina Supreme Court will expand its holding to other areas when confronted with the question remains unknown. But, after 10 years of waiting, in 1999, retired Judge James Pou Bailey received a check for \$13,243.99 from the state.²⁴ He said, "The check is made payable to me and my wife, which means she gets it."²⁵

Eliminating a Tax on Wealth

Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a statewide basis and shall not be delegated. No class of property shall be taxed except by uniform rule.... [Emphasis added].

—N.C. CONSTITUTION, ARTICLE V,
SECTION 2(2)

In 1996, the United States Supreme Court concluded that North Carolina's intangibles tax scheme, which favored in-state corporations' shareholders and discriminated against out-of-state corporations, was in violation of the U.S. Constitution's Commerce Clause.²⁶ The tax at issue excluded assets invested in North Carolina from the state intangibles tax, which realized about \$100 million in revenue each year. Under the law, the state imposed an intangibles tax of 25 cents of each \$100 of market value of stock and shares in mutual funds. The state exempted from taxation the share of income that was earned in North Carolina. If a company earned all of its income in North Carolina, the stock was exempted from the intangibles tax. If the company earned 25 percent of its income in North Carolina, 25 percent of the stock's value was exempted from tax.

But in 1992, the Fulton Corporation, a hardware manufacturer in Fulton, Illinois, challenged the constitutionality of the intangibles tax, alleging that the statute violated the Commerce Clause of the United

States Constitution because it placed a heavier tax burden on the stock of corporations not doing business in North Carolina. After the North Carolina Supreme Court upheld the tax, the U.S. Supreme Court reversed, concluding that "North Carolina's intangibles tax facially discriminates against interstate commerce."²⁷ As the *Fulton* case proceeded, a group of taxpayers, who also objected to the tax method, filed a class action case on similar grounds to protect their rights should the *Fulton* case be successful.²⁸ That case, *Smith v. Offerman*,²⁹ by agreement, was held in abeyance until the U.S. Supreme Court decided *Fulton*. The plaintiffs sought certification as a class action, meaning that all individuals who had paid the taxes for the years 1991 through 1994 would be entitled to a refund. A trial court certified two classes of taxpayers totaling about 220,000 for each tax year. Class A members were those who had paid the tax and who had protested that payment within 30 days, as required by law; Class B members were those had paid the tax and not filed a protest.

The *Fulton* decision meant, simply, that the intangibles tax had to be fairly applied, with no preference for in-state corporate investments. It did not mandate the repeal of the tax, merely the severance of the unconstitutional exclusion favoring in-state investors.

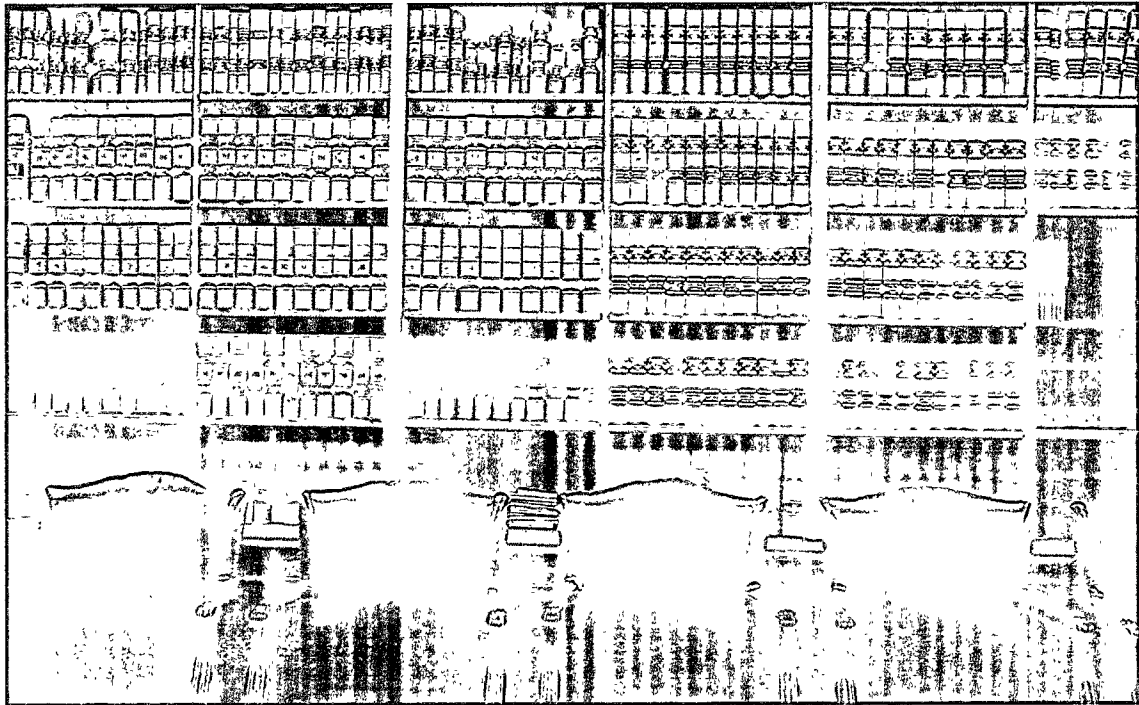
While the case was pending, the General Assembly passed legislation that made the state liable

for refunds to protesters for tax years 1991–1994³⁰ and also directed the N.C. Secretary of Revenue to take no action to assess or collect retroactive intangibles on stock from those taxpayers who had been entitled to use the deduction.³¹ The legislative action meant that some North Carolina residents would save hundreds of thousands of dollars in taxes.³²

The General Assembly's action to eliminate the tax was but one approach that could have been taken. It gave refunds only to those individuals who had filed a timely protest with the N.C. Department of Revenue.

Thus, the issue left for the Supreme Court of North Carolina was whether Class B non-protestors would be entitled to a refund. The case was running in tandem with *Bailey*³³ in the sense that similar issues were being raised in the courts in the two cases. In the *Smith* case, the Attorney General issued an opinion in April 1997 stating, "It would be unconstitutional for the General Assembly to make any payments to those taxpayers who did not file a timely protest to the payment of the [intangibles] tax" on stock. The argument is founded in another state constitutional provision.³⁴ "Our Supreme Court has ... made it crystal clear that absent a legal obligation or a public service purpose, the legislature may not appropriate funds to a select few, even if the legislature believes it has a moral or equitable obligation to do so," the opinion said.³⁵

The North Carolina Supreme Court's decision



Karen Tam

was founded on the principle of uniformity in the application of taxes outlined in Article V of the State Constitution. "[T]he General Assembly made a policy decision ... mandating that the State not assess taxes against those who had previously avoided paying the intangibles tax. Having made that decision, the General Assembly was required as a constitutional matter to 'forgive' the taxes of those taxpayers who had paid the tax or else run afoul again of the United States Supreme Court's decision in *Fulton*," wrote Justice Bob Orr for the majority.³⁶ Justice Henry Frye concurred with the result but reached his conclusion on different grounds. Although dissenting on the same issue in *Bailey*, he wrote that the notice requirements were not required because of the notice provided by the litigation.³⁷ Regardless of the reasoning, the decision resulted in a refund of \$40 million in illegal taxes.

According to Dan Gerlach, now senior policy adviser on fiscal affairs for Governor Michael Easley, the intangibles exemption was one of North Carolina's initial economic incentives. "It was an attempt to use the tax code to increase investment and jobs in North Carolina by making our companies more competitive."³⁸ The public policy may have been established to improve the state's economic posture, but the tax also meant that some wealthy North Carolina residents left the state so they would not have to pay it.³⁹

Before the Supreme Court's decision, however, the General Assembly eliminated the entire intangibles tax.⁴⁰ "The legislature could do this because the state was enjoying good economic times and because the intangibles tax was a small enough percentage of total tax money that it could be afforded."⁴¹

A 1994 legislative analysis concluded that the wealthiest 6.6 percent of the state's citizens paid a little more than half of the total intangibles tax collected. Each paid an average of \$2,900 in tax and had at least \$400,000 in investments.⁴²

The political reaction was swift. "The decision was not a surprise.... Most of us were thinking that the Supreme Court would come down in favor of these people who did not protest, as a matter of fairness," said then-Senate Majority Leader Roy Cooper (D-Nash).⁴³ Frank S. Goodrum, the former director of the N.C. Department of Revenue's Intangibles Tax Division, said, "The law could have been amended to eliminate the use of taxable percentages of stocks based on income earned in and out of North Carolina and to tax the market value of all stocks at the same percentage rate.... Well, why wasn't this done? Primarily (in my opinion)

because too many members of the legislature wanted to satisfy the desires of their wealthy and/or powerful constituents."⁴⁴ In the General Assembly there was not one dissenting vote.⁴⁵

N.C. Constitution Guarantees Every Child a Sound Basic Education⁴⁶

The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

—N.C. CONSTITUTION, ARTICLE I,
SECTION 15

The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

—N.C. CONSTITUTION, ARTICLE IX,
SECTION 2(1)

On May 25, 1994, Robert A. Leandro was 15 when he and his mother joined school boards and students from five low-wealth school districts, including his home school district in Hoke County,⁴⁷ in a lawsuit challenging the state's funding of education in poor counties. At the time, he was a gifted high school student (who has since graduated from Duke University and in 2005 is in his second year at Vanderbilt University Law School). His high school lacked the lab equipment he needed to take an advanced placement biology test. His older brother's class lacked Bunsen burners.⁴⁸ The poorer counties, including his own, spent approximately \$3,700 per student each year. The wealthier counties spent an average of \$5,200 or more.⁴⁹

Because of this disparity and the resulting academic deficiencies in certain schools, the plaintiffs sought a court determination that North Carolina's public education system, including its funding scheme, violates the North Carolina Constitution and various state statutes by failing to provide "equal educational opportunities," as the state constitution requires, for all public school children. Specifically, the plaintiffs argued that the educational funding system is not constitutionally "general and uniform" because "the quality of the education programs and amounts of funding vary substantially between plaintiff school districts and wealthy school districts."



Robert Leandro

Six urban school districts⁵⁰ and students from those districts then intervened in the low-wealth schools' action. Their claims were similar but were based upon a different theory. They argued that state funding "fails properly to take account of the significant differences in the educational and resource needs of students and school districts throughout the state."⁵¹ Basically, they said the state did not account for the unique needs of urban areas where there exists a higher proportion of students with disabilities, students for whom English is a second language, and poverty. "The right the urban plaintiffs seek to enforce, therefore, is not a right to equal *funding*, but a right to equal *opportunity*," they argued. A trial court denied the Attorney General's motion to dismiss the case, and the case was appealed to the N.C. Court of Appeals, which granted the Attorney General's motion.

On appeal, the Attorney General argued that the uniformity required is *system* uniformity, not spending or programming uniformity. The Attorney General further argued that the structure of the state's educational system is general and uniform, as required by the Constitution. And, the Attorney General advanced the argument that the trial court should have dismissed the plaintiffs' claims because the North Carolina Constitution and existing case law had consistently held that the Constitution "is silent on the issue of 'adequate education,' and that there is no such constitutional right."⁵² In the Court of Appeals, the state's arguments prevailed.⁵³

A year later, in 1997, the North Carolina Supreme Court reversed a key holding of the lower appellate court. The Court, in an unanimous decision⁵⁴ written by then-Chief Justice Burley Mitchell, asked itself whether the state is constitutionally required to provide children with an education that meets some minimum standard of quality. "We answer that question in the affirmative and conclude

that the right to education provided in the state constitution is a right to a sound basic education. An education that does not serve the purpose of preparing students to participate and compete in the society in which they live and work is devoid of substance and is constitutionally inadequate."⁵⁵

The state Supreme Court said the constitutionally protected sound basic education "is one that will provide the student with at least: (1) sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics and physical science to enable the student to function in a complex and rapidly changing society; (2) sufficient fundamental knowledge of geography, history, and basic economic and political systems to enable the student to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation; (3) sufficient academic and vocational skills to enable the student to successfully engage in post-secondary education or vocational training; and, (4) sufficient academic and vocational skills to enable the student to compete on an equal basis with others in further formal education or gainful employment in contemporary society."⁵⁶

The Court's holding went beyond existing case law, which, until that time, had generally held that students had a right of equal access to schools.⁵⁷ It relied in part on a 1917 case, which stated that "it is

"An education that does not serve the purpose of preparing students to participate and compete in the society in which they live and work is devoid of substance and is constitutionally inadequate."

—LEANDRO DECISION
STATE SUPREME COURT

manifest that these constitutional provisions were intended to establish a system of public education adequate to the needs of a great and progressive people, affording school facilities of recognized and ever-increasing merit to all children of the State, and to the full extent that our means could afford and intelligent direction accomplish."⁵⁸ The constitutional provisions at issue in that case declared "that schools and the means of education should be forever en-

couraged” and that the General Assembly “shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the state, between the ages of six and 21 years.” The case did not mandate equal schools across the state. Indeed, the 1917 court expressly stated, simply, that high schools may be established and, when they are, they are part of the uniform system of public schools and shall be funded by the county. The court observed: “The term ‘uniform’ here clearly does not relate to ‘schools,’ requiring that each and every school in the same or other districts throughout the State be of the same fixed grade, regardless of the age or attainments of the pupils, but the term has reference to and qualifies the word ‘system’ and is sufficiently complied with where, by statute or authorized regulation of the public school authorities, provision is made for the establishment of schools of like kind throughout all sections of the State and available to all of the school population of the territories contributing to their support.”⁵⁹

Robert Spearman, an attorney representing the low-wealth school systems in *Leandro*, says the 1917 case had to be taken into account but was not the legal underpinning for the *Leandro* decision. “The 1917 case was not really the key support for

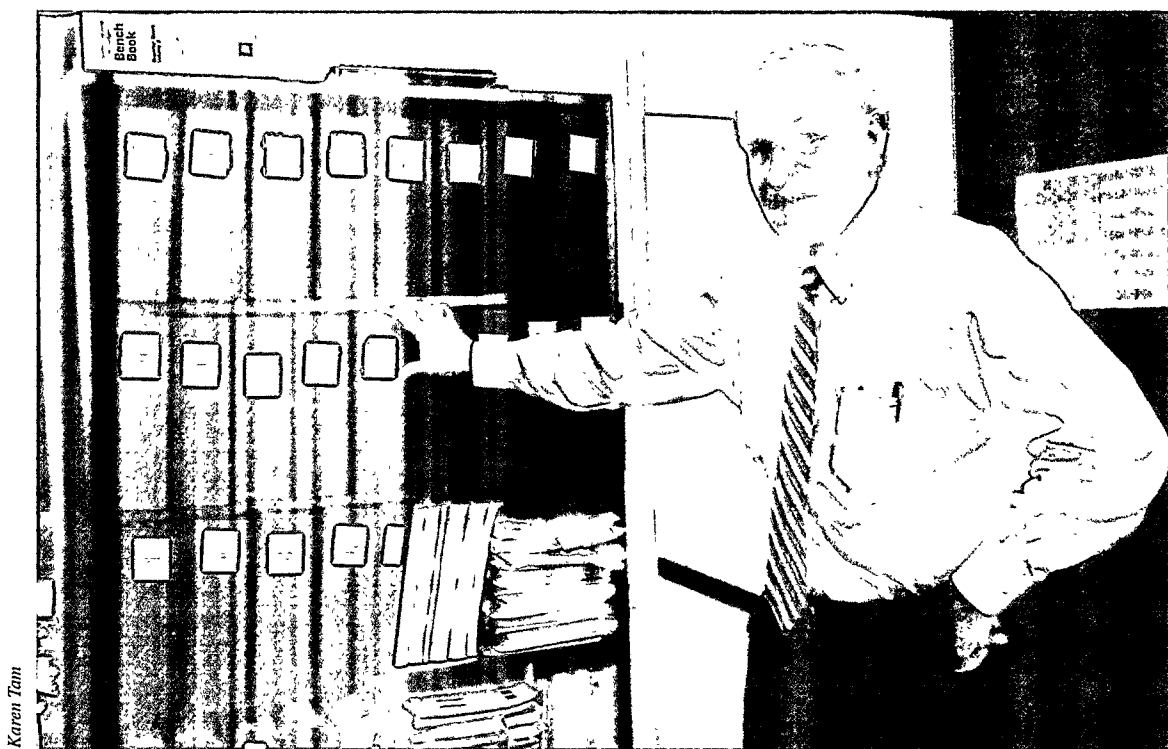
the supreme court decision,” says Spearman. “Rather, it had to interpret broad constitutional language and did so as other supreme courts (e.g. in the *Rose* case in Kentucky) have done.”

Left unsaid in the Supreme Court’s *Leandro* decision was how to pay for the sound basic education if, in fact, students were not receiving it. The court did not need to address this issue because it sent the case back to the trial court for a full-blown trial to determine whether students were receiving the constitutionally mandated sound basic education.

Justice Mitchell designated Superior Court Judge Howard E. Manning, Jr. of Raleigh to hear the case on remand. Before the trial began, Judge Manning asked the county school boards to amend their original complaints “to assert claims on behalf of children of pre-kindergarten age to educational rights under the North Carolina Constitution.”⁶⁰

Judge Manning’s hands-on expansion of the case thrust the court into direct management of the state’s educational system, a role traditionally left to the executive branch and the General Assembly.⁶¹ After weeks of testimony, Judge Manning issued a series of orders. The orders were far reaching and reflected some frustration on the part of Judge Manning, who began his fourth and last order with the following:

Superior Court Judge Howard Manning, pictured with paperwork generated in the *Leandro* case.



It should never be forgotten that the State of North Carolina, represented by its Attorney General, while acknowledging the State's constitutional responsibility has consistently fought "tooth and nail" to prevent any finding that (1) the State of North Carolina is not providing the equal opportunity for each child to obtain a sound basic education through its educational programs, systems and offerings and (2) that the State of North Carolina is not providing sufficient funding to its school districts to provide each and every child with the equal opportunity to obtain a sound basic education within its funding delivery system.⁶²

Clearly, Judge Manning was upset with the status quo. He took his message on the hustings, telling an audience at the University of North Carolina at Pembroke: "They went nuts and told me I was crazy. They basically told me to go to hell. They said they are educators and politicians, and they didn't have to do what some judge from Wake County told them to do. I didn't get mad. I got even. I stepped on some toes, and I will do it again. This case is not over."⁶³

Manning, in a subsequent interview, did not deny that he made the remark, which was reported by the UNC-Pembroke news bureau. However, he says the writer left out key context. The legislators and educators were upset because Manning ordered them to reallocate funds to provide programs for under-performing, disadvantaged students and to report to the court as to how this was going to be done. The state appealed, and Manning says he "got even" by withdrawing the order, enabling him to continue evidentiary hearings as to what works and come up with a plan of his own. Manning says his reasoning was, "You don't want to do it? Fine, I'll do it myself. It's my responsibility anyway. I took the thorn out of the lion's foot. I amended my order so they didn't have to do anything."

But the gloves were off. Manning's key findings—that the state must provide pre-kindergarten for children at risk and that the state has failed to provide a sound basic education for public school students—were appealed to the N.C. Supreme Court. As that case was pending, Judge Manning actively sought to have his findings implemented by the state. Although the case didn't expressly dictate that funds be spent, the reforms sought by Judge Manning would cost money. In the spring of 2004, after prodding from Judge Manning, the State Board of Education proposed the establishment of a Disadvantaged Student Supplemental Fund, with an

annual allocation of \$223 million. The first annual installment was to be \$22 million to pilot the program in 16 school systems.⁶⁴ On July 2, 2004, as the General Assembly was ending its legislative session, Judge Manning wrote Michael E. Ward, then-State Superintendent of Public Instruction, and Howard N. Lee, Chairman of the State Board of Education, that there "was no mention of the Disadvantaged Student Supplemental Funding being included" in the state budget. "The bottom line is that *Leandro* requires that the foregoing resources [\$22 million] must be available to every child first and foremost before other dollars are spent on educational resources not necessary to provide the opportunity for a sound basic education." In another letter to the lawyers involved in the case, also on July 2, 2004, Judge Manning wrote:

I know that all of you remember the computer lab example about where the money must be spent when you have a situation where there is a constitutional deficiency and you only have \$5,000,000 left to spend. All agreed that the money must be spent on the constitutional deficiency.... This is what the law requires. I do not see what is so hard to understand about this requirement.

On July 6, 2004, Superintendent Ward reported that he had shared the letter with legislative leaders and that he would encourage the General Assembly to include the funds in its budget. The General Assembly adjourned without providing the requested funds. Subsequent hearings resulted in Governor Easley's signing an executive order to provide \$12 million for the Disadvantaged Student Supplemental Fund. "It's not \$22 [million], but it's not chump change, by any means," Judge Manning said.⁶⁵

A day after Governor Easley's order, the second *Leandro* opinion was issued by the North Carolina Supreme Court, affirming most of Judge Manning's findings. It did not uphold Judge Manning's ruling that the state must provide pre-kindergarten education for at-risk children, but it left the door open for future litigation.

We read *Leandro* and our state Constitution, as argued by plaintiffs, as according the right at issue to all children of North Carolina, regardless of their respective ages or needs. Whether it be the infant Zoë, the toddler Riley, the preschooler Nathaniel, the "at-risk" middle-schooler Jerome, or the not 'at-risk' seventh grader Louise, the constitutional right articulated in *Leandro* is vested in them all. As a consequence, we note that the

initial question before us is not whether that right exists but whether that right was shown to have been violated.⁶⁶

This language affirms Judge Manning's ruling that the state must take affirmative steps to identify and assist at-risk children. Pre-kindergarten children, therefore, are included in those children who have a right to a sound and basic education.⁶⁷ With regard to Judge Manning's conclusion that the State had failed to provide a sound, basic education, the Supreme Court agreed. "[T]his Court affirms the trial court's conclusion that plaintiffs have made a clear showing that an inordinate number of students in Hoke County are failing to obtain a sound basic education and that defendants have failed in their constitutional duty to provide such students with the opportunity to obtain a sound basic education."⁶⁸

The finding seems narrow: The Court limits its discussion only to Hoke County, not to the other school systems—the poor and the urban—who were parties to the lawsuit. The parties, however, agree that the decision is broader, that the basic facts that apply to Hoke County essentially apply to the other low-wealth schools.⁶⁹ "Assuring that our children are afforded the chance to become contributing, constructive members of society is paramount. Whether the State meets this challenge remains to be determined,"⁷⁰ the court said.

With the state Supreme Court backing Manning, Governor Easley found the additional \$10 million from other sources to reach the agreed-upon \$22 million. As to why the legislature had adjourned for the summer without providing the additional \$10 million for the Disadvantaged Student Supplemental Fund, Manning believes the leadership was confident that his ruling would be overturned by the state's highest court. Instead, it was affirmed. "The judicial system in North Carolina—the third branch—has basically been laid back and compliant with everything government does," Manning told Wake County Citizens for Effective Government in a speech in November 2004. *Leandro* represented a new tack with the determination that every North Carolina child is constitutionally entitled to a sound basic education. Manning gives the credit to former Chief Justice Burley Mitchell, who wrote the 1997 *Leandro* decision. "It's the best, most important decision he ever wrote," says Manning. "It's a tribute to the judiciary—the hated, underfunded third branch of government that can flex the power that it has under the constitution." ■

Conclusion

And the moral of these stories? The third branch of government, the judiciary, can influence public policy in North Carolina on large issues as well as small. These decisions already have forced the state to surrender \$1.5 billion in revenue. These decisions also show that the third branch of government, the judiciary, is a forum in which citizens can gain redress of grievances. And, the fiscal impact of decisions in such cases can be substantial.

FOOTNOTES

¹ As this article is being written, additional challenges are pending that question: (1) the diversion of funds from the N.C. Highway Trust Fund to other uses (*Harrington and Goldston v. N.C. Secretary of Revenue*, Wake County Superior Court, seeking the return of \$80 million to the fund that was diverted to the state's general account to balance the state's 2001 budget. The state prevailed, and the case has been appealed.); and (2) the Governor's decision in 2001 to withhold tax revenues from local governments collected on behalf of local governments during the economic downturn (*Cabarrus County v. State*, Wake County Superior Court, seeking \$315 million in collections for distribution to counties and municipalities, which Governor Michael Easley withheld to balance the state's 2001 budget). Another pending taxpayer suit challenges a retroactive tax on incomes greater than \$120,000 if single, \$160,000 if a head of households, and \$200,000 if married (*Coley et al. v. Easley*, Wake County Superior Court, seeking \$73 million in taxes that were collected for the first seven months of the year in 2001 before the General Assembly adopted the tax).

² See Katherine White, "The N.C. Supreme Court at 175: Slow on Civil Rights But Fast on Free Speech?" *North Carolina Insight*, Vol. 15, Nos. 2-3 (September 1994), pp. 106-111.

³ *Bailey v. North Carolina*, 348 N.C. 130, 500 S.E.2d 54 (1998).

⁴ *Leandro v. State*, 346 N.C. 336, 488 S.E.2d 249 (1997).

⁵ *Bailey*, *supra* and *Smith v. State*, 349 N.C. 332, 507 S.E. 2d 28 (1998).

⁶ The North Carolina General Assembly first proposed the constitutional provision in 1913 only to have it rejected by the voters in 1914. See Dana Edward Simpson, "Survey of Developments in North Carolina Law and the Fourth Circuit, 1998 How *Bailey v. North Carolina* Undermines the Constitutional Prohibition Against the State Contracting Away Its Power of Taxation," 77 *North Carolina Law Review* 2217, 2231, September 1999.

⁷ *Raleigh & Gaston Railroad Co. v. Reid*, 80 U.S. (13 Wall.) 269 (1871).

⁸ *Worth v. Wilmington & Weldon Railroad*, 89 N.C. 291, 299-300 (1883).

⁹ Simpson, note 6 above.

¹⁰ *Davis v. Michigan Department of Treasury*, 489 U.S. 803, 103 L.Ed. 2d 891, 109 S.Ct. 1500 (1989).

¹¹ The retirees would be taxed at different rates, depending on their adjusted gross income, which is applied evenly to all taxpayers.

¹² Marvin K. Dorman, Jr., State Budget Officer, wrote in a memorandum to Governor James B. Hunt, Jr., dated May 15, 1998, that his office estimated that the refunds and interest for state and local retirees from August 12, 1989 through June 30,

1997 would be \$352.7 million. On a recurring basis, he estimated that the reduction to the General Fund revenue would be \$45 million a year. With regard to the federal retirees, he estimated the cost in refunds and interest for the same time period would total \$702.4 million, with an annual reduction in General Fund revenue of \$83.6 million.

¹³ Many of the plaintiffs had filed a virtually identical case in 1989, opposing the collection of \$19.3 million for the 1989 tax year. The North Carolina Supreme Court held that in that case the plaintiffs had failed to comply with mandatory protest or demand requirements of N.C.G.S. §105-267, which the Court held was the exclusive method for challenging taxes in North Carolina. *Bailey v. North Carolina*, 330 N.C. 227, 412 S.E.2d 295 (1991), cert. denied, 504 U.S. 911, 118 L.Ed. 2d 547, 112 S.Ct. 1942 (1992). The plaintiffs took a voluntary dismissal of that case on October 6, 1992 and, after complying with the statutory requirements, refiled the case seeking additional relief for 1990 (\$22.07 million) and 1991 (\$23.59 million). The trial on the issues began March 13 and ended March 24, 1995.

¹⁴ Plaintiffs' Brief on Appeal to the Supreme Court, No. 53PA96, June 4, 1996, pp. 66 and 140.

¹⁵ Defendants' Brief on Appeal to the Supreme Court, No. 53PA96, April 15, 1996, p. 37.

¹⁶ Defendants' Petition for Discretionary Review, No. 53PA96, February 5, 1996.

¹⁷ All seven justices agreed with the holding that the state acted unconstitutionally by impairing the contracts.

¹⁸ *Bailey*, 348 N.C. at 166, 500 S.E. 2d at 75.

¹⁹ State of N.C. Commission on Constitutional Amendments, Minutes of the Committee on Article V, Revenue and Taxation 33, S. 1884 (1913), cited in Simpson, note 6 above.

²⁰ *Bailey*, 348 N.C. at 166-167, 500 S.E. 2d at 75. The statute exists to put the state on notice that its taxing efforts are being challenged. The "practical consequence" was the fact that the litigation had been pending in one form or another since 1989 and that, therefore, the state was on notice.

²¹ *Bailey*, 348 N.C. at 169, 500 S.E. 2d at 77.

²² Simpson, note 6 above, p. 2240. The state of Montana faced

a lawsuit similar to *Bailey* after the U.S. Supreme Court's decision in *Davis*. In that case, the court concluded that the statute that established the tax exemption on state retirees' pensions did not create a contract because the state constitution prohibited, like North Carolina's constitution, the state from contracting away its power to tax. *Sheehy v. Public Employees Retirement Division*, 864 P.2d 762 (1993).

²³ Simpson, note 6 above, p. 2245.

²⁴ In the end, the total amount due was \$1.056 billion. While the case was ongoing, the plaintiffs would continue to pay the taxes under the 1989 law and would continue to protest their payment, says Eugene Boyce, a lead attorney for the retirees. Every three years, a new lawsuit would have to be filed to make certain that the three-year statute of limitations did not bar recovery. The Attorney General's Office took the position that the ultimate result of the cases were of no import because the doctrine of sovereign immunity protected the state from this kind of adverse judgment. In other words, the state argued, that even if a judgment were imposed, the state would never have to pay it. The plaintiffs ultimately agreed to settle for \$800,000,000. "In September 1995 [Governor James B.] Hunt wanted it settled..." Boyce says. The clients agreed to \$799,000,000, leaving \$1 million on the table. Boyce carries a phony \$1 million bill in his wallet to this day. The federal retirees agreed to settle for less than their apportioned share, on the theory that the state retirees' pensions were less than theirs. In the end, after interest was earned on the settlement amount, the state and local retirees received almost 100 percent of the amount claimed, he said.

²⁵ David Rice, "Retirees start to receive refunds," *Winston-Salem Journal*, Winston-Salem, N.C., April 7, 1999, p. B1.

²⁶ Article 1, Section 8, Clause 3 of the United States Constitution empowers the United States Congress "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

²⁷ *Fulton Corp. v. Faulkner*, 516 U.S. 325, 346, 133 L.Ed. 2d 796, 815, 116 S.Ct. 848 (1996).

²⁸ Eugene Boyce, one of the lawyers for the *Smith/Shaver* plaintiffs, says he contacted *Fulton Corp.* to see whether his

Judge
Manning's
Notebook

Plaintiffs'
Trial Exhibits

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Judge
Manning's
Notebook

Plaintiffs'
Trial Exhibits

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clients could join that lawsuit. His request was denied.

²⁹ *Smith v. State*, 349 N.C. 332, 507 S.E. 2d 28 (1998).

³⁰ Session Law 1997-318. The legislation also allowed taxpayers for 1990 to receive refunds. This extension was gratuitous. Under the law, there is a three-year statute of limitations for suing over a challenged tax, which had expired for the 1990 taxpayers. About 125 taxpayers had filed a protest in 1990, according to Boyce. As the cases were pending, more and more taxpayers (and their CPAs) knew to file a protest. The numbers of Class A plaintiffs, therefore, increased over time.

³¹ Session Law 1997-17.

³² Ruth Sheehan and Bill Krueger, "Most get tax cuts; few get big savings," *The News & Observer*, Raleigh, N.C., March 19, 1995, p. A1.

³³ *The Bailey* decision was decided May 8, 1998.

³⁴ Article 1, Section 32: "Exclusive emoluments. No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services."

³⁵ Attorney General Advisory Opinion, "Authority of the General Assembly To Provide Credits or Refunds to Individuals Who Paid Intangibles Taxes But Did Not Comply with N.C.G.S. §105-267; The Exclusive Emoluments Provision [*sic*] of the North Carolina Constitution, Article I, Section 32" April 9, 1997.

³⁶ *Smith*, note 29 above, 349 N.C. at 340, 507 S.E. 2d at 32.

³⁷ Justice Willis Whichard joined in Justice Frye's concurring opinion.

³⁸ Dan Gerlach, N.C. Justice Budget & Tax Center, "Please Dim the Halo," October 2000.

³⁹ Indeed, in 1996, *The Salisbury Post* wrote an editorial with the headline: "Archie, Come Home." The editorial went on to say "The North Carolina intangibles tax that you hated so much is dead and buried, and all nine members of the U.S. Supreme Court are merrily stomping on its grave." Archie Rufty, a prominent Salisbury lawyer and judge, moved to Nevada in the late 1980s so he wouldn't have to pay the tax. He never returned to Salisbury to live. See Rose Post, "Archie Rufty Jr.—a North Carolinian Through It All," *Salisbury Post*, Salisbury, N.C., March 7, 2002, p. 1A.

⁴⁰ Chapter 41 of the 1995 N.C. Session Laws (Senate Bill 8).

⁴¹ Gerlach, note 38 above.

⁴² Tim Gray and Joe Neff, "High Court upholds intangibles tax," *The News & Observer*, Raleigh, N.C., December 10, 1994, p. D1.

⁴³ Jena Heath, "Ruling Expands Refunds," *The News & Observer*, Raleigh, N.C., December 5, 1998, p. A1. Cooper is now the Attorney General of North Carolina.

⁴⁴ "A loss of vital revenue," Letter to the Editor, *The News & Observer*, Raleigh, N.C., March 3, 2002, p. A29.

⁴⁵ Bob Geary, "Government, Giving it to the rich—till it hurts," *The Independent*, Durham, N.C., April 16, 2003.

⁴⁶ Fifty-six percent of the state's budget in 2002–2003 went for education, most of it for primary and secondary schools. The State Department of Public Instruction received \$5.9 billion of the \$8.36 billion ... Current Operations and Capital Improvements Appropriations Act of 2001, ch. 242, pt. I, 2.1, 2000 N.C. Sess. Laws 1670, 1671-72 (2001).

⁴⁷ The other poor school systems were Cumberland, Halifax, Robeson, and Vance counties.

⁴⁸ David Rice, "Lead plaintiff in school suit says he's just lucky," *The Winston-Salem Journal*, Winston-Salem, N.C., July 5, 2004, p. A1.

⁴⁹ See *Brief for Plaintiff-Appellees* at 3, *Leandro v. State*, 122 N.C. App. 1, 468 S.E. 2d 543 (1996). (No. COA950321), reversed in part, 346 N.C. 336, 488 S.E. 2d 249 (1997).

⁵⁰ The school systems were the city of Asheville and the counties of Buncombe, Wake, Forsyth, Mecklenburg, and Durham.

⁵¹ *Leandro v. State*, 112 N.C. App. 1, 468 S.E. 2d 543 (1996).

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Justice Robert Orr dissented on the issue of equality but agreed with the basic holding.

⁵⁵ *Leandro v. State*, 346 N.C. 336, 345, 488 S.E. 2d, 254 (1997).

⁵⁶ *Ibid.*, 346 N.C. at 347, 488 S.E. 2d at 255.

⁵⁷ *Sneed v. Board of Education*, 299 N.C. 609, 264 S.E. 2d 106 (1980), where the Supreme Court, examining the two constitutional provisions, concluded: "It is clear, then, that equal access to participation in our public school system is a fundamental right, guaranteed by our state constitution and protected by considerations of procedural due process." *Id.* at 618, 264 S.E. 2d at 113. *Britt v. N.C. Board of Education*, 86 N.C. App. 282, 289, 357 S.E. 2d 432, 436, *disc. review denied and appeal dismissed*, 320 N.C. 790, 361 S.E. 2d 71 (1987). Britt was the first appellate decision to address the constitutionality of the state's school funding system.

⁵⁸ *Board of Education v. Board of Commissioners of Granville County*, 174 N.C. 469, 472, 98 S.E. 1001, 1002 (1917).

⁵⁹ *Ibid.*, 174 N.C. at 472, 98 S.E. at 1002.

⁶⁰ Tico A. Almeida, "Symposium—School Finance Litigation: Refocusing School Finance Litigation on At-Risk Children: *Leandro v. State of North Carolina*," 22 *Yale Law & Policy Review* 525, Spring 2004, quoting an interview with Judge Howard Manning in which he said "Early education was an issue that wasn't on the table, so I had them amend their complaints." He wanted pre-kindergarten included in the case because: "I would see every day as a judge all of these kids—most of them black and most of them poor—all selling drugs and all going to jail. And for all of them, highest grade completed in school? Eighth. You see this constant barrage as a judge. I made up my mind that something is not right and you've got to do something early." At page 535, footnote 74.

⁶¹ The Supreme Court rejected plaintiffs' arguments that equal funding was required to meet the educational needs of students. "We are convinced that the equal opportunities clause of Article IX, section 2(1) does not require substantially equal funding or educational advantages in all school districts. . . . [W]e conclude that provisions of the current state system for funding schools which require or allow counties to help finance their school systems and result in unequal funding among the school districts of the state do not violate constitutional principles." *Leandro* at 346 N.C. at 349, 488 S.E. 2d at 256.

⁶² *Hoke County Board of Education et al. v. State of North Carolina*, 95 CVS 1158, Wake County Superior Court.

⁶³ Scott Bigelow, "Leandro case 'not over' Manning tells UNCP audience," University Newswire, University of North Carolina-Pembroke, Pembroke, N.C., June 2, 2003.

⁶⁴ For eight years, the state said that no additional funds were needed to meet the *Leandro* requirements. Judge Manning then required the State Board of Education to send an assistance team to Hoke County. They then submitted reports that additional funds were necessary.

⁶⁵ Todd Silberman, "Needy schools to get millions," *The News & Observer*, Raleigh, N.C., July 30, 2004, p. B1.

⁶⁶ *Hoke County Board of Education v. State*, 599 S.E. 2d 365, 397 (2004).

⁶⁷ This coincides with Governor Michael F. Easley's "More at Four" education plan, a plan to provide at risk 4-year-old children preparation for kindergarten.

⁶⁸ *Hoke*, note 66 above, 599 S.E. 2d 365, 396.

⁶⁹ This determination is reflected in the State Board of Education's proposal to establish the Disadvantaged Students Supplemental Fund, which covers a number of counties.

⁷⁰ *Hoke*, note 66 above, 599 S.E. 2d 365, 397.



New Generation of Influential Lobbyists Emerges in Center's Rankings

by Sam Watts

The latest rankings of the most influential lobbyists in the N.C. General Assembly by the N.C. Center for Public Policy Research show a new generation of lobbyists emerging. The rankings include the first African American ever in the Top 10, as well as 10 new faces among the 50 most influential and a new face at the top of the rankings. The Center's biennial rankings are based on surveys of all state legislators, registered lobbyists based in North Carolina, and the capital news media.

Kevin Howell, legislative liaison for Governor Mike Easley, is the highest-ranked African American lobbyist ever at 10th, moving up 30 spots from 40th in the 2002 rankings. Topping the rankings for the first time is Don Beason of Raleigh, who lobbies on contract for corporate clients such as AT&T, BB&T, IBM, Progress Energy, and Dale Earnhardt Inc., as well as local government entities such as Catawba County, the City of Hickory, and Albemarle Mental Health Centers. Zebulon D. Alley of Raleigh, who lobbies for more than a dozen corporate clients, had held the top spot since 1987 and finished 2nd this time. The 10 new lobbyists ranked among the

50 most influential represent, among other clients, Bank of America, the N.C. Bankers Association, BellSouth, the N.C. Home Builders Association, the N.C. Biosciences Organization, the State Board of Education, and the University of North Carolina.

"The most important resource in the legislative process is information, and a new generation of influential lobbyists is providing much of that information," says Ran Coble, executive director of the N.C. Center for Public Policy Research. "This new generation reflects changes in the state's demographics and economic structure, with seven women and two African Americans among the 50 most influential, and with lobbyists for biotechnology and pharmaceutical interests representing increasingly influential parts of the state's emerging economy."

The 10 Lobbyists New to the Ranks of the Most Influential

Making their debut in the rankings of the most influential lobbyists in the N.C. General Assembly are Paul H. Stock at 24th representing the N.C. Bankers Association, Betty Turner at 28th representing Bank of America, R. Paul Wilms at 29th for the N.C. Home Builders Association, and Samuel M. Taylor, a contract lobbyist representing the N.C. Biosciences Organization, among others, at 33rd. They are followed by contract lobbyist Ken Melton (then with Alley & Associates and now at the N.C. Department of Revenue) at 35th, Robert Lammé of the N.C. Department of Health and Human Services at 38th, R. Mark Fleming of the University of North

Editor's Note: "From the Center Out" highlights research by the North Carolina Center for Public Policy Research. This article summarizes the Center's latest rankings of the most influential lobbyists in the North Carolina General Assembly.

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Carolina system at 40th, contract lobbyist Richard H. Carlton at 42nd, Debra L. Derr of BellSouth at 43rd, and Linda S. Suggs of the State Board of Education at 49th.

The Demographics of the Most Influential Lobbyists

The rankings of Debra Derr of BellSouth and Kevin Howell of the Governor's Office mark the first time that two African Americans have been named among the 50 most influential lobbyists. Seven women were ranked among the most influential. In addition to Turner, Derr, and Suggs, they are Leslie Bevacqua Coman, formerly of N.C. Citizens for Business and Industry at 6th; Paula A. Wolf, formerly of the Covenant for N.C.'s Children, at 16th; contract lobbyist Jennie Dorsett at 26th; and Fran Preston of the N.C. Retail Merchants Association at 27th. The average age of all 50 influential lobbyists is 55, with the youngest at 37, and the most senior at 76.

Corporations and Organizations With Extra Clout

The Center noted in its release that at least four organizations have two or more lobbyists listed among the most influential. N.C. Citizens for Business and Industry, the statewide chamber of commerce, continues to have two lobbyists in the top 50—Leslie Bevacqua Coman at 6th and its President, Phillip J. Kirk Jr., at 22nd. BellSouth Corporation has Jeff Van Dyke at 11th and Derr at 43rd. The N.C. Home Builders Association has J. Michael Carpenter at 21st and Paul Wilms at 29th.

The Governor's Office has three lobbyists ranked among the most influential—Senior Assistant for Governmental Affairs Franklin Freeman at 4th, Legislative Liaison Kevin Howell at 10th, and Senior Policy Advisor for Fiscal Affairs Daniel Gerlach at 44th. These three helped Gov. Mike Easley attain major legislative successes in obtaining funding for his More At Four program for at-risk children and reductions in public schools' class size, as well as his Moving Ahead transportation initiative.

Other State Agencies with Clout

Historically, the only state agency other than the Governor's Office with a lobbyist consistently ranked among the most influential has been the University of North Carolina system. UNC lobbyist

Mark Fleming finished 40th this year, bringing UNC back into the top 50 after an absence since 1998. Robert Lammé at 38th becomes the first legislative liaison for the N.C. Department of Health and Human Services to make the rankings. Lammé is a former staff member for Senate President Pro Tempore Marc Basnight. Linda Suggs ranked 49th, representing the State Board of Education and the N.C. Department of Public Instruction.

Lawyers, Former Legislators, and Contract Lobbyists Still Dominate the Top Spots in Influence

Lawyers and former legislators continue to dominate the top spots in the lobbyist rankings. Twenty-six of the 50 most influential lobbyists, or 52 percent, are lawyers. Eight of the 50 most influential, or 16 percent, are former legislators, and three more are former legislative staffers.

Six influential lobbyists are both lawyers and former legislators. They are Zebulon D. Alley, ranked 2nd; Alexander P. "Sandy" Sands III at 5th; Marvin D. Musselwhite Jr. at 12th; J. Allen Adams at 18th; Samuel H. Johnson at 32nd; and Charles B. Neely Jr. at 50th. The other influential lobbyists who are former legislators but not lawyers are contract lobbyist Roger Bone at 3rd and N.C. Citizens for Business and Industry's Phil Kirk at 22nd. The former legislative staffers are Paul Stock, Jennie Dorsett, and Robert Lammé.

The ranks of the 50 most influential lobbyists are almost evenly split between 26 lobbyists who advocate for a single client and 24 contract lobbyists. Contract lobbyists work for multiple clients under contracts for services that usually cover all or part of a legislative session.

How and Why the Rankings Are Done

This is the twelfth time the N.C. Center for Public Policy Research has released its lobbyist rankings. "The rankings of the most influential lobbyists help citizens understand which key interests and organizations have clout with legislators in North Carolina. They also let citizens know who is *not* represented in the legislature," says the Center's Coble. "The rankings shed light on what is often an invisible process. They show changes in the lobbying profession and which issues are hot."

The Center says one of the hot issues this session was compensation to be paid by local governments for removal of billboards. Tony L. Adams, a lobbyist for the N.C. Outdoor Advertising Asso-

ciation, and Ellis Hankins, working the other side of the issue for the N.C. League of Municipalities, both ranked among the most influential. Similarly, lobbyists for the N.C. Medical Society and the N.C. Academy of Trial Lawyers also ranked high as doctors and lawyers jostled over whether to limit medical malpractice lawsuits.

The Center's rankings of influential lobbyists are based on results from a survey conducted in early 2004 after the N.C. General Assembly completed its Special Session in December 2003. All 170 state legislators, 366 registered lobbyists and legislative liaisons based in North Carolina, and the 21 capital news correspondents were asked to list the most influential lobbyists and legislative liaisons in the 2003 General Assembly session. Survey respondents received a list of all lobbyists and legislative liaisons registered with the Secretary of State at the end of the 2003 session.

Ninety-two of the 119 (77 percent) House members (one Representative died after adjournment) responded to the Center's survey, as did 37 of the 50 Senators (74 percent), 145 of the 366 registered lobbyists who regularly work in the legislature and who are based in North Carolina (40 percent),

and 8 of 21 capital news correspondents (38 percent). The overall response rate was 51 percent.

At the end of the 2003 legislative session, 567 lobbyists were registered with the Secretary of State, representing 621 different companies or organizations. The Center's calculations of the number of lobbyists avoids double-counting by counting each lobbyist only once, even if the lobbyist represented more than one client. The Secretary of State's records also listed 78 legislative liaisons representing 41 different state government agencies and licensing boards, but the Center surveys only the lead liaison for each agency.

The new rankings of the Most Influential Lobbyists in the 2003 N.C. General Assembly are available from the Center for \$10. A set of three publications—including *Article II: A Guide to the 2005–2006 N.C. Legislature* (\$25); rankings of legislators' effectiveness, attendance, and roll call voting participation (\$10); and rankings of the most influential lobbyists (\$10)—is available for \$35. To order, write the Center at P.O. Box 430, Raleigh, NC 27602, call (919) 832-2839, fax (919) 832-2847, or order by email from tbromley@nccppr.org.

Governor Mike Easley's legislative liaisons Franklin Freeman (left) and Kevin Howell work the halls of the Genral Assembly.



Ranking of 20 of the 50 Most Influential

Lobbyist and Clients	Ranking: 2003– 2004	2001– 2002	1999– 2000
Don Beason, of the Raleigh lobbying firm, The Capitol Group, representing Affiliated Computer Services Inc., Albemarle Mental Health Centers, AT&T Wireless, BB&T Corp., BellSouth Corporation, Catawba County, Charlotte Regional Partnership, Cingular Wireless, City of Hickory, Colonial Insurance Company, Community Health Centers, Dale Earnhardt Inc., Distilled Spirits Council of the U.S., IBM Corporation, N.C. Railroad Company, Printing Industry of the Carolinas, Progress Energy, and Prudential Financial Inc.	1	2	3
Zebulon D. Alley, of the Raleigh lobbying firm of Alley & Associates, representing Affiliated Computer Services State Healthcare, Alternative Brands Inc., ANDRX Corporation, Deloitte & Touche LLP, Ernst & Young LLP, Grant Thornton, KPMG Peat Marwick LLP, Long Term Care Pharmacy Alliance, N.C. Amusement Machine Association, N.C. Association of Pharmacists, N.C. Citizens for Justice, N.C. Vending Association, PricewaterhouseCoopers, Progress Energy, Southeast Ticketing Association Inc., and Veterans of Foreign Wars.	2	1	1
Roger W. Bone, of the Raleigh lobbying firm of Bone & Associates, representing Carolina Independent Automobile Dealers Association., Coastal Communities Inc., Eli Lilly & Company, Lorillard Tobacco Co., N.C. Amusement Machine Association, N.C. Association, Long Term Care Facilities, N.C. Firemen's Association, N.C. Propane Gas Association, Pet Food Institute, Resident Lenders of N.C., Southeastern Equipment Dealers Association, Sprint, and Universal Leaf Tobacco Company Inc.	3	3	2
Franklin Freeman, the Governor's Senior Assistant for Governmental Affairs, representing Governor Mike Easley as lead legislative liaison.	4	10	26
Alexander P. "Sandy" Sands, III, of the Raleigh office of the law firm of Womble, Carlyle, Sandridge & Rice, representing AT&T (DCI Group), Bayer Corporation, Bayer HealthCare LLC, Carolinas Healthcare System, Enterprise Leasing Company-Southeast, General Electric Corporation, John Malloy doing business as The	5	9	9

—continues

Lobbyists in the 2003 N.C. General Assembly

1997– 1998	1995– 1996	1993– 1994	1991– 1992	1989– 1990	1987– 1988	Former Legislator?	Lawyer?
2	3	32	n/a	n/a	n/a	no	no
1	1	1	1	1	1	yes	yes
3	2	3	4	10	14	yes	no
7	48	n/a	n/a	n/a	n/a	no	yes
16	50 (tie)	n/a	n/a	n/a	n/a	yes	yes

Ranking of 20 of the 50 Most Influential

Lobbyist and Clients	Ranking: 2003– 2004	2001– 2002	1999– 2000
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Alexander P. “Sandy” Sands, III, *continued*

Dogwood Gun Club, Kraft Foods Global Inc. (Altria Corporate Services Inc.), Lexmark International Inc., MBNA America Bank N.A., Miller Brewing Co., N.C. Association of Hearing Care Professionals, Philip Morris USA Inc. (Altria Corporate Services Inc.), Rose Acre Farms Inc., Triangle Transit Authority, and YMCAs of N.C.

Leslie Bevacqua Coman, then representing North Carolina Citizens for Business & Industry.	6	5	7
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B. Davis Horne, Jr., of the Raleigh law firm of Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, representing Abbott Laboratories, Agra Ethanol Products LLC, American Eagle Airlines, AT&T (DCI Group), Community Financial Services Association of America (MultiState Associates), Cree Inc., Electronic Data Systems, Liggett Vector Brands Inc., Motion Picture Association of America, National Association of Independent Insurers, North Carolina Medical Society, North Carolina Troopers Association, Progress Energy, Variable Annuity Life Insurance Corporation, Waste Management of North Carolina, and Wyeth.	7	4	20
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W. Eugene Ainsworth, representing R. J. Reynolds Tobacco Company.	8	22	33
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John B. McMillan, of the Raleigh law firm of Manning, Fulton & Skinner, representing Allstate Insurance Co., Anheuser-Busch Companies Inc., Bayer Corporation, Electricities of NC Inc., Jordan Lumber & Supply Inc., Medical Mutual Insurance Company of N.C., N.C. Association of Realtors Inc., N.C. Citizens for Business and Industry, N.C. Legal Services Planning Council, N.C. Self-Insurance Guaranty Association, and Pharmaceutical Research and Manufacturers of America (PHARMA).	9	8	12
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Kevin Howell, Legislative Liaison for Governor Mike Easley.	10	40	n/a
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Jeff Van Dyke, representing BellSouth Corporation.	11	20	n/a
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Lobbyists in the 2003 N.C. General Assembly

1997– 1998	1995– 1996	1993– 1994	1991– 1992	1989– 1990	1987– 1988	Former Legislator?	Lawyer?
12	27	31	n/a	n/a	n/a	no	no
21	22	n/a	33	32	n/a	no	yes
43	28	n/a	n/a	n/a	n/a	no	yes
9	9	18	n/a	n/a	n/a	no	yes
n/a	n/a	n/a	n/a	n/a	n/a	no	yes
n/a	n/a	n/a	n/a	n/a	n/a	no	no

—continues

Ranking of 20 of the 50 Most Influential

Lobbyist and Clients	Ranking:	2003– 2004	2001– 2002	1999– 2000
Marvin D. Musselwhite, Jr., of the Raleigh office of the law firm of Poyner & Spruill, representing Carolinas Center for Hospice and End of Life Care Inc., Community Financial Services Association of America (MultiState Associates), CT Communications, ElectricCities of N.C. Inc., Goodyear Tire & Rubber Co. (MultiState Associates), Johnson Controls Inc., Lexmark International Inc., Martin Marietta Materials Inc., Medco Health Solutions Inc., N.C. Association of Non-Profit Homes for the Aging, N.C. Deer/Elk Farmers' Association Ltd., N.C. Enterprise Corporation, N.C. Obstetrical and Gynecological Society, N.C. Orthopaedic Association, N.C. Textile Services Association, SCI North Carolina Funeral Services, UST Public Affairs Inc., and Charles P. Wilkins.		12	13	11
Richard M. Taylor, Jr., representing the North Carolina Academy of Trial Lawyers.		13	28	49
John T. Bode, of the Raleigh law firm of Bode, Call & Stroupe, representing Accenture LLP, American College of Radiology - N.C. Chapter, BellSouth Corporation, The Biltmore Company, Catalyst RX, Centex Rooney Construction Co., Independent Insurance Agents of N.C. Inc., N.C. Academy of Physicians Assistants, N.C. Hospital Association, Progress Energy, Wake Forest University Health Sciences, and the Wine Institute.		14	7	5
Joseph D. McClees, of the New Bern lobbying firm of McClees Consulting, representing Affiliated Computer Services State and Local Solutions Inc., American Farmers of the Sea, Conwood Company LP, Infiltrator Systems Inc., National Rifle Association - Institute for Legislative Action, N.C. Check Cashers Assn., N.C. Coalition for the Privatization of Waste Water Evaluation, N.C. Firearms Dealers Group, N.C. Portable Toilet Group, N.C. Pumper Group, N.C. Sporting Dog Association Inc., Personal Watercraft Industry Association, Premier Tech Ltd., Riverplace IV LLC, Smokeless Tobacco Council Inc., Swedish Match North America Inc., and Swisher International Inc.		15	19	16

Lobbyists in the 2003 N.C. General Assembly

1997– 1998	1995– 1996	1993– 1994	1991– 1992	1989– 1990	1987– 1988	Former Legislator?	Lawyer?
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10	8	8	9	30	n/a	yes	yes
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n/a	n/a	n/a	n/a	n/a	n/a	no	yes
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6	4	13	10	9	18	no	yes
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25	16	n/a	n/a	n/a	n/a	no	no
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—continues

Ranking of 20 of the 50 Most Influential

Lobbyist and Clients	Ranking: 2003– 2004	2001– 2002	1999– 2000
Paula A. Wolf, then representing the Covenant with North Carolina's Children, now in private practice.	16	12	18
Harrison J. "Harry" Kaplan, representing AdvancePCS, AIM Healthcare Services Inc., American Heart Association - N.C. Affiliate Inc., Association and Society Insurance Corporation, Aventis Pasteur (MultiState Associates), Carolinas Roofing & Sheet Metal Contractors Inc. Self-Insured Fund, Cascade Auto Glass Inc., CIGNA Corporation, Custom Data Processing Inc., FirstCarolinaCare Inc., Keystone Automotive Industries Inc., N.C. Association of Health Plans Inc., N.C. Biosciences Organization, Safran Law Offices, Schering-Plough External Affairs Inc., and Wallace and Graham PA.	17	27	35
J. Allen Adams, of the Raleigh office of the law firm of Parker, Poe, Adams & Bernstein, representing American Council of Engineering Companies, Association for Home & Hospice Care of N.C., Charlotte Chamber of Commerce, Cheyenne International LLC, GTECH, N.C. Biotechnology Center, N.C. Citizens for Community Action, N.C. Retired Governmental Employees Association, Nextel Communications, Sun Microsystems, and Town of Cary.	18	6	4
Lawrence A. Bewley, of the Raleigh lobbying firm of Lawrence Bewley & Associates, representing American Express Company, AT&T (DCI Group), Cash America International Inc., Cost Containment Technologies LLC, JM Family Enterprises Inc., N.C. Association of Nurserymen, N.C. Landscape Association, North Raleigh Optimists Club, Roche, Securities Industry Association, Siemens Energy and Automation Inc., Turfgrass Council of North Carolina, and Yum! Brands Inc.	19	31	36 (tie)
P. E. "Gene" Upchurch, III, representing Progress Energy.	20	23	21

Lobbyists in the 2003 N.C. General Assembly

1997– 1998	1995– 1996	1993– 1994	1991– 1992	1989– 1990	1987– 1988	Former Legislator?	Lawyer?
n/a	n/a	n/a	n/a	n/a	n/a	no	no
31	18	21	n/a	n/a	n/a	no	yes
8	5	2	2	3	3	yes	yes
32	13	16	30	n/a	n/a	no	no
26	n/a	22	n/a	n/a	n/a	no	no

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