Community Safety Committee

Wednesday, May 2, 2012; 12:00 – 1:30 pm

Room CH-14

Committee Members:	Patrick Cannon, Chair Beth Pickering, Vice Chair Michael Barnes Andy Dulin Claire Fallon
Staff Resource:	Eric D. Campbell

AGENDA

I. **Rental Property Ordinance**

Staff Resource: Stephen Willis

CMPD staff will continue discussions regarding suggested changes to the Rental Property Ordinance and respond to Committee questions from the previous meeting.

Attachment: 1. Draft Ordinance.doc

Attachment: Domestic Violence Advisory Board Annual Report – for information only

Next Meeting: Tuesday, May 29 at Noon in Room CH-14

Distribution:	Mayor/City Council Bob Hagemann Captain Willis	Curt Walton, City Manager Stephanie Kelly	Leadership Team Rodney Monroe

ORDINANCE NO. AMENDING CHAPTER 6

AN ORDINANCE AMENDING CHAPTER 6 OF THE CHARLOTTE CITY CODE ENTITLED "BUSINESSES AND TRADES."

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S. 160A-174 allows a city by ordinance to define, prohibit, regulate or abate acts, omissions or conditions, detrimental to the health, safety or welfare of the public, and the peace and dignity of the city; and

WHEREAS, there are residential rental properties in the City of Charlotte that have become a haven for various criminal or disruptive activities that cause disorder in our community; and

WHEREAS, the City Council desires to minimize and control the adverse effects caused by illegal activities occurring on and in these properties and thereby protect the health, safety, and welfare of the citizens, preserve the quality of life and property values and the character of neighborhoods and businesses and deter the spread of urban blight; and

WHEREAS, the City Council recognizes that it is necessary for the City to apply its limited police and other municipal resources in accordance with the needs of the community at large and to adjust the application of those resources as necessary to address activity that is injurious to the health, safety and welfare of the public; and

WHEREAS, the City Council recognizes that deterring crime in residential rental properties is a dynamic partnership between police, property owners, property managers, residents and neighbors, each with responsibilities in cooperation with the other; and

WHEREAS, there is a significant and demonstrative need to implement a program designed to locate residential rental property owners and managers and to assist those who have experienced excessive levels of criminal activity and disorder; and

WHEREAS, the City Council desires to enact a remedial residential rental action program for residential rental property owners in order to implement recommended measures to curb excessive levels of criminal activity and disorder at rental properties; and

WHEREAS, the City Council finds that a residential rental property owner's failure or refusal to register its residential rental property and failure to complete the remedial action program when appropriate is injurious to the public's health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article XII of Chapter 6 of the Charlotte City Code entitled "Residential Rental Remedial Action Program" is amended in its entirety to read as follows:

"ARTICLE XII. Residential Rental Registration and Remedial Action Program.

Section 6-580. Purpose.

The purpose of this article is to establish a registration requirement for owners of Residential Rental Property so that the City may expeditiously identify and contact the Owner when excessive levels of Disorder Activity have occurred on or in the property. In addition, the City desires to establish a method to hold Owners of Residential Rental Property accountable for failing to use effective methods to reduce Disorder Activity on their property. It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the City is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this Article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create a negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

Section 6-581. Definitions.

The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

Disorder Activity: Activity occurring on or in a Residential Rental Property categorized as either reported violent crimes, or certain types of disorder-related activities for police service as listed in the appendix of this ordinance entitled "Appendix A - Disorder Activity." A domestic violence call for service is not a Disorder Activity.

Disorder Activity Count: A calculation as set forth in the appendix of this ordinance entitled “Appendix B - Calculation” assigned to a Residential Rental Property that represents the amount of Disorder Activity occurring within a specified time period in or on the Property.

Disorder Risk Threshold: For each Residential Rental Property Category, the Disorder Activity Count for the Residential Rental Property that is at the 96th percentile of Residential Rental Properties within the Residential Rental Property Category.

In Need of Remedial Action: (INRA): A designation by the Police Official that a Residential Rental Property has been identified for enforcement action under this ordinance.

Manager: The person, persons or legal entity appointed or hired by the Owner to be responsible for the daily operation of the Residential Rental Property.

Owner: The person, persons or legal entity that holds legal title to a Residential Rental Property.

Police Official: A person designated by the Chief of Police who is primarily responsible for the administration of this Article.

Registered Agent: The person identified by the Owner of the Residential Rental Property in the registration filed pursuant to this Article who is authorized to receive legal process and/or notice required or provided for in this Article.

Remedial Action Plan: A written plan agreed upon and signed by both the Police Official and Owner whereby the Owner agrees to implement remedial measures on a Residential Rental Property whose Disorder Activity Count exceeds the Disorder Risk Threshold for its Residential Rental Property Category.

Remedial Measures: Mandatory and voluntary measures as stated within the Remedial Action Plan Manual, a copy of which is on file at the City Clerk's Office.

Residential Rental Property: Property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, town homes and condominium unit(s). A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent.

Residential Rental Property Category: Residential Rental Properties will be categorized by the number of residential units contained in the property as follows:

Category 1 -1 unit
Category 2 -2 to 9 units
Category 3 -10 to 49 units
Category 4 -50 to 99 units
Category 5 -100 to 149 units
Category 6 -150 to 199 units
Category 7 -200 to 249 units
Category 8 -250 to 299 units
Category 9 -300 or more units

Section 6-582. Registration of Residential Rental Property.

(a) Each Owner of Residential Rental Property shall register by providing the following information to the designated Police Official:

(1) The address(s) for the Residential Rental Property which shall include the street name(s), number(s) and zip code;

(2) The name(s), business and personal address, telephone number and e-mail address of the Owner;

a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other Owners.

b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a Registered Agent and of an officer who has authority to act on behalf of the corporation.

c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.

d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.

(3) The number of units located on the residential property.

(b) The address(s) required in subsection (a) (2) shall not be a public or private post office box or other similar address.

(c) An Owner that is required to register under this ordinance who sells the property shall notify the Police Official of all purchaser information within thirty (30) days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.

(d) An Owner that is required to register under this ordinance shall post proof of registration as provided by the City in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).

(e) Each residential rental property parcel shall be registered separately.

Section 6-583 Disorder Risk Threshold and Disorder Activity Count.

The Police Official shall determine the Disorder Activity Count for each Residential Rental Property and the Disorder Risk Threshold for each Residential Rental Property Category on a quarterly calendar basis. These determinations shall be made using the Disorder Activity during the previous calendar quarter.

Section 6-584. Notification of Mandatory Meeting.

The Owner of Residential Rental Property that falls at or above the Disorder Risk Threshold shall be sent a notice no later than 15 days after the Disorder Risk Threshold is calculated for that quarter by certified mail to the name and address registered with the Department or if the property is not registered then to addresses listed at the Mecklenburg County's Office of Tax Assessor for that property.

(a) The notice shall include the following information:

(1) The date, time and location for the mandatory initial meeting between the Police Official and the Owner; and

(2) The Disorder Activity Count for the Residential Rental Property; and

(3) A statement that the Owner may provide additional evidence at the initial mandatory meeting to be considered by the Police Official; and

(4) A detailed summary of the Disorder Activity that has occurred on or in the property.

(5) The amount of the administrative fee.

Section 6-585. Mandatory Initial Meeting.

(a) A mandatory initial meeting shall be held between the owner and the Police Official within 15 days from the date the notice was sent to the Owner the property unless otherwise agreed by the Owner and Police Official. The notice shall be sent to the business or personal address listed on the registration. The initial meeting may be held in person or by telephone. In the event there are multiple property Owners, the Owner attending the initial meeting must have power of attorney to execute the remedial action plan on behalf of the other Owners.

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(b) At the mandatory initial meeting, the Police Official and the Owner shall, at a minimum, review the following:

(1) The data that established the Disorder Activity Count for that property;

(2) Any relevant evidence provided by the Owner that may establish that the property does not fall at or above the Disorder Risk Threshold;

(3) Whether or not the Owner knew or should have known that the Disorder Activity was occurring on the property.

(c) The Police Official may adjust the Disorder Activity Count upon a finding that there is clear and convincing evidence to do so. In the event that the adjusted Disorder Activity Count for the property falls at or above the Disorder Risk Threshold, then the property will be designated In Need of Remedial Action. (INRA) The Owner and Police Official shall develop and sign a Remedial Action Plan and the property will be set for a three month review date pursuant to section 6-586. In the event the adjusted Disorder Activity Count is below the Disorder Risk Threshold, then no further action shall be taken by the Police Official. No administrative fee shall be charged if the adjusted Disorder Activity Count is below the Disorder Risk Threshold. Any property that is required to pay an administrative fee shall do so within seven days after the conclusion of the mandatory meeting.

(d) In the event the Owner fails to attend the initial meeting without just cause, the Police Official shall review all the evidence concerning the property pursuant to Subsections (b) and (c) of this Section and determine whether the Disorder Risk Threshold is accurate and determine if further action is warranted.

Section 6-586. Remedial Action Plan and Review.

(a) At the first quarterly review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then the designation of INRA will be removed and no further review requirements shall be required. Nothing in this section prohibits the owner and Police Official from voluntarily continuing the implementation of an agreed plan of action. If the Disorder Activity count continues to fall at or above the Disorder Risk Threshold, then the Owner and the Police Official may amend the Remedial Action Plan and a second quarterly month review date will be set.

(b) At the second quarterly month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the amended Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then the designation of INRA will be removed and no further review requirements shall be required. Nothing in this section prohibits the Owner and Police Official from voluntarily continuing the implementation of an agreed plan of action. If the Disorder Activity Count continues to fall at or above the Disorder Risk Threshold, then the Police Official and the Owner shall amend and sign the Remedial Action Plan and a third quarterly month review date will be set.

(c) At the third quarterly month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the amended Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, the designation of INRA will be removed and no further review requirements shall be required. Nothing in this section prohibits the Owner and Police Official from voluntarily continuing the implementation of an agreed plan of action. If the Disorder Activity Count continues to fall at or above the Disorder Risk Threshold, then the Police Official shall determine whether the Owner has complied in good faith with the remedial action plans.

(1) In determining whether the Owner has acted in good faith, the Police Official shall weigh the following factors:

a. Whether the Owner has regularly met with the Police Official; and

b. Whether the Owner has exhausted all resources reasonably available to the Owner in order to comply with the terms of the Remedial Action Plans; and

c. Whether the Owner has intentionally ignored a term of a Remedial Action Plan; and

d. Whether the Disorder Activity on the property constitutes a public nuisance.

(2) If there is clear and convincing evidence that the Owner has been found to have acted in good faith, then the Police Official may remove the designation of INRA and continue to work with the Owner. A property that continues to fall at or above the Disorder Risk Threshold will be referred to the City Attorney's Office for a determination as to whether a public nuisance action or any other legal or equitable remedy is warranted.

(d) All Remedial Action Plans will be based on the procedures and

practices set forth in the CMPD *Remedial Action Plan Manual; A Guide to Managing Rental Properties to Prevent Crime*.

Section 6-587. INRA Designation Binding on Subsequent Owner.

The designation of a property as INRA and the application of the procedures set forth in this article shall be binding upon all subsequent Owners or other transferees of an ownership interest in the Rental Residential Property.

Section 6-588. Enforcement, Remedies and Penalties.

(a) The remedies provided herein are not exclusive and may be exercised singly, simultaneously, or cumulatively. In addition, the remedies provided herein may be combined with any other remedies authorized by law and exercised in any order. This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(b) It shall be unlawful for any Residential Rental Property Owner to knowingly fail to register Residential Rental Property as required by this ordinance.

(c) It shall be unlawful for any Residential Property Owner to provide materially false or misleading residential rental property registration information.

(d) It shall be unlawful for the owner of Residential Rental Property to fail to pay a Residential Rental Property administrative fee that is required under this ordinance.

(e) It shall be unlawful for any owner of Residential Rental Property to fail to attend the mandatory initial meeting or any other quarterly meeting after notice has been timely sent pursuant to Sec 6-585 of this ordinance.

(f) Notwithstanding that an Owner of rental registration property has been charged with a violation of this ordinance or the Owner has failed to attend the mandatory meeting as set forth in Section 6-585 of this ordinance, the owner shall not commit the following acts:

(1) Refuse or fail to comply with any order of the City to repair a dwelling pursuant to Section 11-38 of the Housing Code, or

(2) Terminate the utility services of any occupants or otherwise violate the rights of residential tenants under Article 2A, Article 5, or Article 6 Chapter 42 of the General Statutes.

Section 6-589. Adoption of Remedial Action Plan Manual.

The Remedial Action Plan Manual, a copy of which is on file in the Office of the City Clerk, is hereby adopted. The City Council hereby finds and determines the remediation strategies set out therein to be reasonable and appropriate to address the public

health, safety and welfare issues addressed by this article entitled the "*Remedial Action Plan Manual; a Guide to Managing Rental Properties to Prevent Crime.*" The Chief of Police or his designee is hereby authorized to amend the Remedial Action Plan Manual.

Section 2. This ordinance shall become effective January 1, 2013.

CHARLOTTE.

M E M O R A N D U M
FROM THE
OFFICE OF THE CITY CLERK

DATE: April 27, 2012
TO: Community Safety Committee Members
FROM: Stephanie C. Kelly, CMC, City Clerk
SUBJECT: **Attached Annual Report: Domestic Violence Advisory Board**

The attached report of the Domestic Violence Advisory Board is being sent to you pursuant to the Resolution related to Boards and Commissions adopted by City Council at the November 23, 2009 meeting. This resolution requires annual reports from City Council Boards and Commissions to be distributed by the City Clerk to both City Council and to the appropriate Committee for review.

If you have questions or comments for the board, please convey those to staff support for a response and/or follow-up.

Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities, including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

MECKLENBURG COUNTY
DOMESTIC VIOLENCE ADVISORY BOARD

2011 ANNUAL REPORT

Mecklenburg County Board of Commissioners
And
Charlotte City Council

March 2012

Appointees:
Beverly Foster, Chair
LaMia Bowen, Vice Chair
Myna Advani
Patrick Burris
Bea Cote′
Jackie Dienemann
Joe Marinello
Elizabeth Thornton Trosch
Debra Wideman

New Appointee This Year
Shante' Cotton
Nicole Ivory
Vanessa Lane

Left the Board This Year
Marage Blakeney
Andrea Pettit
Julie Owens

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EXECUTIVE SUMMARY

Purpose of the Domestic Violence Advisory Board
In 1992, Charlotte-Mecklenburg County formed a citizen advisory commission entitled, Domestic Violence Advisory Board (**DVAB**), with members appointed by the Mayor, the City Council, and the Board of County Commissioners (**BOCC**) to address the systemic problems associated with domestic violence. This body is charged to review and evaluate Mecklenburg County and Charlotte domestic violence services; and to make appropriate recommendations to the Charlotte City Council and the BOCC for additional services for the victims of domestic violence. The DVAB also provides vigorous advocacy and works to increase public awareness of domestic violence within the community.

RECOMMENDATIONS

1. **Continue Domestic Violence Education, Prevention, and Services as a** safety priority for both city and county residents.

2. **Support a Supervised Visitation/Safe Exchange Center.** The need for this facility has been a priority recommendation by our Board since the 2006 report.

3. **Expand training for Police in assessing primary aggressors and add training in an evidence based Lethality Assessment as recommended by Fatality Review Team.**

4. **Utilize media technology to support access to a Magistrate in North Mecklenburg County.** This low cost alternative has been a priority for 3 years. It would not impact Magistrate numbers and would greatly increase the access for women in the North County.

5. **Continue funding the shelter hotel program and support the new shelter.** Until the new Clyde and Ethel Dickson Shelter for Battered Women is fully functional (late 2012 or early 2013), we need continued funding for the hotel shelter for women and families in imminent danger, when the current UFS shelter is full.

6. **BOCC/City Council work with CMS to develop partnerships for programs to increase awareness and services related to dating violence among elementary, middle, and high school students.**

7. **Support increased awareness of Human Trafficking and interventions in Charlotte/Mecklenburg County.** The problem of Human Trafficking, related to Charlotte being a major transportation hub for North Carolina and the Southeast, was highlighted last year. Develop collaborative programs between law enforcement, airport, hotel, transportation, healthcare, and domestic violence service providers, in order to identify and intervene with the victims.

I. INTRODUCTION

As the official Citizen Advisory Board on domestic violence issues, the Mecklenburg County Domestic Violence Board (DVAB) has been charged with reviewing and evaluating Charlotte and Mecklenburg County domestic violence services and making appropriate recommendations to the Charlotte City Council and Board of County Commissioners (BOCC) regarding the need for additional services for victims of domestic violence and their children. The DVAB was also entrusted with the task of providing vigorous advocacy for domestic violence victims and playing a role in increasing public awareness and education pertaining to the problems and related costs of domestic violence within the community.

The data reviewed in this report were collected through the City/County Domestic Violence Data Warehouse, the NC Council for Women/Domestic Violence Commission, the NC Coalition against Domestic Violence, and direct contact with multiple agencies. The DVAB also collaborates with local service providers and the Domestic Violence Advocacy Council (DVAC) to evaluate the City/County response to domestic violence, new initiatives underway, and service gaps that have been identified.

II. POSITIVE CHANGES TO IMPROVE THE COORDINATED COMMUNITY RESPONSE TO DOMESTIC VIOLENCE

A. New DV Advocate in North Mecklenburg County to assist with protection order applications - Although the telecommunication for Magistrate access in North Mecklenburg has not come to fruition, the towns of Huntersville, Davidson and Cornelius collaborated with **U**nited **F**amily **S**ervices and the county to hire a Full Time advocate that is co-located in the Northern Towns police stations. This person works with the Lake Norman office of UFS on referrals for counseling.

B. District Attorney makes DV court changes - The District Attorney has changed assignments for 7 attorneys from rotation positions to permanent positions and established a career path for promotion over time. ADA Jamie Adams was appointed to develop a new felony domestic violence team. Six assistant district attorneys work under her. These seven (7) attorneys also provided outreach education to the Mecklenburg County Bar, Probation, Charlotte-Mecklenburg Police Department (**CMPD**), and the Sheriff's office. The change should increase effectiveness of prosecutions due to a dedicated focus. Previously, DV court was staffed by newly hired attorneys with initial rotation to different assignments.

C. **Fatality Review Team – First Report being distributed widely.** After reviewing the cases of the 4 DV homicides in 2011, the Fatality Review Team recommended the following:

1) Increase training of Police to-
   - Do an evidence based lethality assessment (NCCADV has a model) and share the results with the victim and forward to the District Attorney as supporting documentation for prosecution
   - Better identify the primary abuser
2) Provide similar training for Magistrates and Judges
3) Have District Attorneys seek military records of offenders for evidence of DV in order to recommend batterer intervention programs upon conviction and also to reiterate that couple counseling is not appropriate.
4) Judges order community based and jail batterer intervention programs.
5) Supervised visitation and custody exchange center

D. New DV Shelter to open in late 2012/early 2013 - The Clyde and Ethel Dickson Shelter for Battered Women construction is underway by UFS. When completed, it will increase the 29 bed shelter to an 80 bed shelter for women and their children who are in imminent danger. The new shelter will also provide expanded services to include teenage son(s). The new shelter will provide continued support of women until they are self sufficient, removing the limit on the length of stay due to capacity constraints. Currently, the city/county serves approximately 70-75 women per night in the shelter and hotel rooms. The need for hotel shelter will be greatly decreased when the new shelter is fully operational. Continue ongoing support for the shelter.

III. DATA ON DOMESTIC VIOLENCE IN CHARLOTTE/MECKLENBURG COUNTY

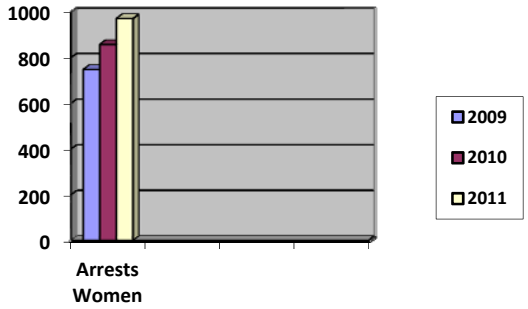
A. Criminal Justice Statistics

2011 Domestic Violence Related Homicides

Four of the seventy-three domestic violence-related homicides in North Carolina occurred in Mecklenburg County. One was a murder-suicide with an additional death (NCCADV). The state of North Carolina is ranked 4th nationally in the number of homicides by men against women based on 2008 statistics (Violence Policy Center, 2010). In 2010, there were eight domestic violence homicide related incidents in Mecklenburg County

2011 Charlotte-Mecklenburg Police Department (CMPD)

In 2011 CMPD responded to 36,020 Domestic Disturbance 911 calls that resulted in 3,914 adult arrests for DV. **This is 393 more calls and 53 more adult arrests than 2010.** The breakdown of DV arrests by gender is: 2943 men and 971 women.



This trend of increasing women arrested for DV is disturbing. No dual arrest data is available but the difference could be attributed to more dual arrests, indicating uncertainty in the identification of the primary aggressor.

Total offences with Domestic Related Victims with or without a call were 9,004 (one person may have multiple offences).

Fiscal year 2010-2011 - CMPD Criminal Incidence Reports in Selected Crime Categories; chosen by the DV Community Leadership Team as trend indicators for DV. Crime categories that increased are in bold. (Source DV Data Warehouse)

Selected Crime Categories of Offences with at least one domestic relationship listed	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Homicide	12	13	16	13	5
Forcible Rape or attempt	86	69	88	66	**75**
Robbery or Burglary or attempted	62	51	60	54	**58**
Aggravated Assault	863	883	836	821	**866**
Kidnapping, Felonious restraint, false imprisonment	134	156	135	156	**168**
Sex Offences (forcible Sodomy, Forcible Fondling, sex with an object)	205	150	159	169	169
Non Aggravated Assault/Assault on a female/ strangulation	4661	4624	4751	4933	**5120**
Stalking and Stalking to cause fear	N/A	29	28	33	**47**
Intimidation/Communicating Threats	1111	1203	1280	1372	**1391**
Telephone threat/Harassing Phone Calls	47	464	602	670	**734**
Violation of Restraining Order	297	292	293	269	**371**
Total DV Offenses	7907	7934	8248	8556	**9004**

B. Local Universities

UNC- Charlotte is the largest university with 25,000 students and has the most students living on campus. The on campus police department reported 6 dating violence incidents with 4 resulting in arrests or warrants in 2011. Johnson C. Smith campus police had 12 plus 2 texting incidents of dating violence that resulted in a warrant or arrest. Queens and Johnson and Wales Security chose not to provide information this year. The switch in campuses with more incidents from last year may be due to more awareness events and more community policing approaches at JCSU. This led to more willingness of students to report incidents.

C. Civil Domestic Violence Protective Orders data through November

The Mecklenburg County Sheriff's Office (MCSO) received 3,302 domestic violence protective orders in 2011 (5.9% decrease) and allocated 6,971 man hours (9.3% increase) in **serving 2,940 perpetrators with the orders, increasing the percent served to 89%**. The MCSO seized 136 weapons (35% increase). They are to be commended for their diligence and commitment.

IV. Impact on Children and Families

A. Children's Services

There are two county supported providers of counseling and case management for child witnesses and children harmed by DV**: (**1**)** Area Mental Health Child Development-Community Policing program **(CD-CP) and (**2**)** Community Support Services/Women's Commission **(CSS/WOC).** DSS/YFS reviews referrals of DV- related Child Abuse, Neglect, and Dependency cases and provides appropriate follow up.

Department of Social Services/Youth and Family Services (DSS/YFS)

North Carolina Department of Health and Human Services revised its structured intake process. A Child Protective Services assessment is warranted anytime a child is present when violence occurs to evaluate the impact from exposure. In FY2010-2011, Mecklenburg County Department of Social Services (DSS/YFS) screened 2,211 referred cases (6% increase) for substantial allegations of abuse/neglect, and dependency caused by Domestic Violence. **In 197 cases with 471 children it was substantiated that domestic violence was the primary or contributing factor to** abuse/neglect, and dependency. **41** of these children were removed from their homes due to domestic violence.

Child Development/Community Policing

In 2011- 3,083 families were referred to **CD/CP program** by police officers for immediate treatment to minimize trauma and referred for follow up as deemed appropriate. Over 46% (1,449) of the clients were referred for domestic violence. **The percentage of these DV cases has increased for the last three consecutive years (41%, 43%, 44%, and 46%).** On an average, 82% of clinical referrals are also referred to Child Protective Services for abuse and neglect. The same percentage as last year, however, this program only has funding for seven of 13 patrol divisions of CMPD.

Community Support Services/Women's Commission

CSS/WOC provided therapeutic services to 493 children/teens who were witnesses of domestic violence, through the HERO program. **This is 3.8% increase** in service without any staffing increase. The Women's Commission recently received a very competitive two-year grant from the Office of Violence Against Women (OVW) to expand services to 2-4 years olds and their non-offending parents enrolled in HERO.

Services by Gender	Total
Females	244
Males	249
Totals	**493**

The breakdown of services provided to children during FY2010-2011 is as follows:

Services Provided	Total
AI or Intake Paperwork	541
Assessment	289
Case Management	3,783
Criminal Justice	16
Crisis Counseling	8
Follow-up	305
Group Therapy	936
Individual Therapy	923
Intake	344
Interpreting	60
Monitoring	88
Personal Advocacy	4
Termination	294
Transfer	57
Total Services for Active Clients	**7,646**

Information & Referral Total	1,441
Youthful Offender Jail initiative contacts	207
Crisis contacts	4
Total Services Children's Services (IR and Active Clients)	**8,884**

B. No Supervised Site Center for Child Visitation/Exchange

The need for this facility has been known since the 2006 report on DV in the county. There is no safe place with security to prevent DV incidents and "legal" kidnapping by abusers who have no restraining orders in place when visitation with or exchanges of children for custody visits occur. This is a barrier for many women to leave an abusive relationship. Many domestic violence acts occur during child exchanges, including "kidnapping" of children by the perpetrator, causing trauma for child and victim.

Mecklenburg County, along with community collaboration partners, has applied for a $400,000 grant through the Office of Violence against Women (**OVW**) to establish a Safe Haven center for supervised visitation and child custody exchange.

C. Charlotte-Mecklenburg Schools Violence

The youth risk behavior surveillance (YRBS) 2011 survey results are not yet available. Our concerns are:

1. The rate in Mecklenburg County is consistently high (approx. 1% higher than the national average – CDC, YBRS),
2. The vast increase in sex offenses by students peaked in the 9th grade (Consolidated Report 2009-10)
3. The recent research links bullying to middle school sexual harassment, forms of which include spreading of rumors, inappropriate comments, and pulling of clothing (Espelage, Basile & Hamburger 2012).

CMS also tracks violent acts in schools, excluding dating violence, since that happens primarily outside of schools. In 2011 there was a 29% increase - 1,545 reportable acts that included -0- rapes, 40 sexual assaults, and 13 sexual offenses. Of these, 30 were in middle schools (CMS Disciplinary Data Collection 2009-10). Many of the reportable acts could be due to dating violence. **The state mandated schools to focus on bullying this year, with dating violence seen as one type of bullying. These indicators urge more attention be given in the prevention of dating violence.**

V. SERVICES FOR DOMESTIC VIOLENCE ADULT VICTIMS IN MECKLENBURG COUNTY

In Mecklenburg County domestic violence services are provided by multiple public and private agencies that focus either on a specific population such as ethnic groups, faith groups, income level, or specific services such as shelter, court support for victims, counseling victims or counseling perpetrators.

A. Emergency Shelter

In FY2010-2011, United Family Services' (**UFS**) 29 bed Shelter for Battered Women served 274 women and 216 children. The maximum length of residency is 30 days (with some exceptions due to economic conditions). The average length of stay remained high at 26 days in 2011, primarily due to difficulty of victims locating work and adequate housing. This impacted access of other victims to the shelter. The new Clyde and Ethel Dickson Shelter for Battered Women with 80 beds will open late in 2012/early 2013 and will provide shelter for women and all their minor children (previously shelter was not provided for teen age boys). Also, the length of stay will not be limited due to capacity and will be based on need. County supplemental support for operations will still be needed.

Alternative shelters available for women in imminent danger include: The Center of Hope Salvation Army Shelter for women and children - 412 women cited domestic violence as the primary reason they were homeless in 2011. Homelessness was higher this year and the shelter was often over capacity.

For women experiencing primarily substance abuse, with domestic violence as an additional factor, the Doves Nest Shelter offered housing for women and their children. Dove's Nest is in the process of building a new facility adjacent to the Clyde and Ethel Dickson Shelter for Battered Women. Dove's Nest will increase their capacity from 13 beds to 90 beds with a maximum residency of 120 days. This certainly allows for a stronger collaboration between the facilities in addressing victim needs. .

Hope Haven also offers residency and addiction recovery treatment for up to 30 women and their families.

Hotel shelter was provided to 87 women and 157 children in 2011, when the UFS Shelter was at capacity and the women were found to be in imminent danger. The Hotel shelter program is funded by BOCC, in partnership with United Family Services and the Community Support Services of the Women's Commission. UFS provides motel/food/transportation and CSS/WOC provides counseling/case management through a full-time counselor.

Women not in imminent danger worked with social workers to find shelter through local churches, families and the surrounding county shelters to keep women from returning home to dangerous conditions.

B. Court Accompaniment and Assistance with DV Protective Orders for Victims

During FY 2010- 2011 United Family Services (UFS) Victim Assistance accompanied 4,263 victims to civil court, criminal court or felony court. 1,225 victims received assistance at UFS offices applying for a DV Protective Order. Services provided at the Magistrate's Office were discontinued in 2009 with the loss of state funding for a Victim Advocate.

C. Legal Services to Victims

Legal services are provided at no or low cost for victims of domestic violence by two private organizations: Legal Aid of North Carolina and Legal Services of the Southern Piedmont. Legal Aid of North Carolina in 2011 provided legal assistance to **405** victims including 332 DV cases, 14 custody cases, and 75 immigration cases (some had multiple cases). Legal Aid of North Carolina only provides services in English. Legal Services for Southern Piedmont provides free services with one counselor available for Spanish speaking, low-income women. The Legal Services for Southern Piedmont has a long waiting list.

UFS' Legal representation project supported a full time attorney in 2011. The attorney's main responsibilities included recruiting and coordinating volunteer pro-bono attorneys, supervising law interns, and representing victims in court when other legal assistance could not be obtained. In **FY2010-2011, 280 women and children were provided pro-bono legal services** for DV issues, custody, financial child support, divorce, and restraining order hearings. This is an increase, from FY2010, of 58 clients, a result of the attorney's work to recruit more pro bono participation from the legal community. The attorney provided legal services to an **additional 325 DV clients** with a funded Charlotte Law School Fellow. The legal/victim assistance hotline received 3,982 calls for information.

D. Counseling for Adult Victims of Domestic Violence

County supported counseling services to victims of domestic violence are provided by two entities in our community: Community Support Services/Women's Commission (**CSS/WOC**) and United Family Services (**UFS**).

1. In FY 2010-2011, UFS provided counseling or support, through collaboration with the Lake Norman office, to **196** female victims.

2. UFS provided domestic violence education in English and Spanish, crisis counseling and case management to **1,481** female Mecklenburg County inmates.

3. Community Support Services/Women's Commission provided domestic violence counseling to 1,106 women, 9 men, and 1 gender not recorded, totaling **1,116** victims. This number includes 87 women either in the hotel shelter and the

4. Carolinas Medical Center-Main has the ONLY Hospital DV response program with a dedicated social worker and 24/7 volunteers in the Charlotte/Mecklenburg area. CMC Main provided **249** victims with full case service counseling. An additional **300** victims received information or referral.

5. The UFS Domestic Violence hotline is available 24 hours/7 days weekly. The DV hotline assisted with **5,230** calls. There is also a Victim Assistance/ Legal Aid Hotline for Protection Orders that received **3,982** calls. The Rape Crisis hotline received **386** calls. There are 3 different hotline numbers in Mecklenburg County for DV, rape and legal/victim services. Broadened awareness of all three hotline numbers is needed.

E. Perpetrator Services

Two organizations provide state certified batterer intervention treatment in Mecklenburg County. They are: New Options for Violent Actions (**NOVA**) and BE THERE/IMPACT.

NOVA is a batterer intervention program operated by Community Support Services/Women's Commission. In FY 2010-2011, **787** clients enrolled (up from 700 in FY 2009-2010). **549** were new clients. **190** completed the 26 week program. There are 15 men's groups; 1 women's group in English; and 1 women's group in Spanish. The new indigent community service payment option for men on probation began. 24 men qualified for the community service payment option and chose this option. **NOVA** received a National Association of Counties award for the innovative community service payment option in 2011.

The **BE THERE/IMPACT** group (a new service established in 2007) served **32** new clients in the accountability group with 18 completing and 19 terminated in 2011.

Barriers to participation and completion include:

1. **Cost of $16 per week** that resulted in some men referred by the courts not reporting and some men choosing jail over the program.
2. The **courts do not send information on referrals to** the **programs** (NOVA or BE THERE), it is sent to probation officers.
3. **No longer have DV specialty probation officers** and a reduced overall number of officers, oversight has diminished.

The organization has found that the needs of those with mental illnesses, with multiple domestic violence convictions or with abusing children differ greatly from first time offenders. **BE THERE/IMPACT** feels there is a substantial need for more targeted programming which **BE THERE/IMPACT** is willing to provide.

Fatality Review Team –recommended the following:

1. Increase training of Police to-
   a) Do an evidence- based lethality assessment. The North Carolina Coalition Against Domestic Violence (**NCCADV**) has a model. Results of the assessment would be shared with the victim, as well as be forwarded to the District Attorney as supporting documentation for prosecution
   b) Better identify the primary abuser
2. Provide similar training for Magistrates and Judges
3. Have District Attorneys seek military records of offenders for evidence of DV in order to recommend batterer intervention programs upon conviction and also to reiterate that couple counseling is not appropriate.
4. Have Judges order community based and jail batterer intervention programs.
5. Establish a supervised visitation and custody exchange center

VI. Advocacy and Public Awareness

A. Collaborative Partners

1. DV Speakers Bureau provided 210 speakers for corporate, civic, non-profit, and faith based events. Number of audience members reached for 2011 was **9,917**.

2. Domestic Violence Advocacy Council: currently have over 139 members on their email list. The council meets monthly for Lunch and Learn, with an average participation of 12-15. Speakers and DV topics vary. This council sponsors a DV March after each DV homicide, holds an annual DV Violence Candlelight Vigil for all victims in October, and the tree lightning for DV awareness at the Police station in December.

3. Men for Change committee of UFS offer educational events for men and fundraising events. Next Breakfast fundraiser is May 31, 2012.

4. Tony Porter, co-founder of "A Call to Men", which is a leading national men's organization addressing domestic and sexual violence prevention and the promotion of healthy manhood. Mr. Porter is a Charlotte resident, actively involved with the Charlotte/Mecklenburg Community. On March 8-9, 2012, in Greensboro, NC, he held a conference called "Encouraging Peace through Empowering Manhood". He also provided a free workshop on March 19, 2012, at the Fire and Police Academy, Charlotte, NC on "Prevention of Men's Violence Against Women". **BE THERE/IMPACT** was the sponsor.

5. In June 2011, The Charlotte Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, through the Social Action Committee, presented **TERROR AT HOME**: A Domestic Violence Documentary, held for the Charlotte

community. The panel included police officers, victims of domestic violence, DAs, and service providers. The discussion was a platform to address DV issues, and to empower individuals to advocate for policy changes. Our own Vice-Chair, **LiMia Bowen**, served as the moderator for this event.

6. The Domestic Violence Leadership Team, in support of its goal of building a community that does not tolerate domestic violence, participated in the Fatality Review Team with staff time, resources and involvement despite overall reduced resources. The team also provided data for the Domestic Violence Data Warehouse update.

7. Amy Stewart – The Love Project: Beautiful from the Inside Out: A grant funded project for survivors includes both discussion and a photograph exhibit of the survivors with personal reflections and videos on love and respect. Participants receive a framed copy of their photograph

8. Dr Shanti Kulkarni provides her video "My Next Girlfriend" to Charlotte-Mecklenburg County schools and the community. She talks on DV education and research surrounding Teen Dating Violence. Dr. Kulkarni has established a Teen/Young Adult Speaker Bureau, called "***LOVE SPEAKS OUT***", as well. There is NO CHARGE for this service

B. Faith-Based Partners

1. Beauty for Ashes Ministry: The organization helped establish 3 other DV ministries/faith based organizations; started "Restroom Rescue"-awareness posters in community agency restrooms, held the 1st statewide DV conference in 2010, and offer**s** spiritual support/counseling to victims who are leaving or have left abusive relationships.

2. Katherine DeLoach Lewis: launched an initiative called the "Continuum of Christian Care to Help Adult Victims of DV", using an assessment tool model called B.E.S.T. (Body, Emotions, Spirit, and Thought); has presented to over 25 different audiences.

VII. Recommendations

1. **Continue Domestic Violence Education, Prevention, and Services as** safety priorities for both city and county residents.

2. **Support Mecklenburg County, United Family Services, and community collaborative partners in their grant application request for a Supervised Visitation/Safe Exchange Center.** The need for this facility has been a

priority recommendation by our Board since the 2006 report on DV in the county.

With this Office of Violence Against Women (OVW) grant, we can establish a Supervised Child Visitation/Safe Exchange Center that can be the model for our State **AND** protect our children and families.

3. **Expand training for Police in assessing primary aggressors and add training in an evidence based Lethality Assessment as recommended by Fatality Review Team.**

   We continue to be concerned with the rise in women being arrested for DV over the last two years. Police are only required to be trained in DV assessment and intervention during education in the Academy. Training is needed while employed both to re-enforce what was learned about identifying the primary aggressor as "theory" and to gain additional skills in lethality assessment so that can be used in prosecution.

4. **Utilize media technology to support access to a Magistrate in North Mecklenburg County.** This low cost alternative has been a priority for 3 years. It would not impact Magistrate numbers and would greatly increase the access for women in the North County. The travel barrier now prevents many who do not have private transportation to apply for needed protection orders. The presence of a new advocate serving North Mecklenburg could provide the needed assistance for applications.

5. **Continue funding the shelter hotel program and support the new shelter.** Until the new Clyde and Ethel Dickson Shelter for Battered Women is fully functional (late 2012 or early 2013), we need continued funding for the hotel shelter for women and families in imminent danger, when the current UFS shelter is full. The hotel shelter program is a collaboration of Community Support Services/Women's Commission and United Family Services. There continues to be a major need for shelter and sanctuary when the current UFS Shelter for battered women is full.

6. **BOCC/City Council work with CMS to develop partnerships for programs to increase awareness and services related to dating violence among elementary, middle, and high school students.** We must significantly enhance DV training in schools, beginning as early possible, to eliminate abusive behaviors.

7. **Support increased awareness of Human Trafficking and interventions in Charlotte/Mecklenburg County.** Victims vulnerable to traffickers include homeless individuals, runaway teens, displaced homemakers, refugees, job seekers, tourists, kidnap victims and drug addicts. While it may seem like

trafficked people are the most vulnerable and powerless minorities in a region, victims are consistently exploited from any ethnic and social background

The problem of Human Trafficking, related to Charlotte being a major transportation hub for North Carolina and the Southeast, was highlighted last year. Development of collaborative programs between police, airport, hotel, transportation, healthcare and DV service providers, in order to identify and intervene with the victims, needs to continue.

VIII. Conclusion

In conclusion, the city and county have supported the strategies to end domestic violence in the 2006 report commissioned by the BOCC, such as our new Battered Women's Shelter, the Fatality Review Team, the Human Trafficking Task Force Response team and the continued funding of the DV Data Warehouse.

We thank the City Council and Board of County Commissioners for these efforts. This year's recommendations set our top 3 priorities as **(1)** continuing to eradicate Domestic Violence through education, prevention, and services; (**2**) support of a safe haven for child visitation and exchange, and (**3**) expansion of Domestic Violence training program to Law Enforcement, for both new and seasoned officers.

We ask that you are very thoughtful and give careful consideration to all the recommendations. Moving forward on these recommendations will continue the progress we have made. Moving forward on these recommendations will help make Charlotte and Mecklenburg County, as a whole, a safer place to live and work.

Respectfully submitted,

Domestic Violence Advisory Board
Beverly Foster - Chair