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James Mitchell, Jr.  
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## **CITY COUNCIL WORKSHOP**

**Monday, December 1, 2008**

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### **Room 267**

- |                  |                                                                                                |
|------------------|------------------------------------------------------------------------------------------------|
| <b>5:00 p.m.</b> | <b>Dinner</b>                                                                                  |
| <b>5:15 p.m.</b> | <b>Community Safety: Report of the Mecklenburg County Justice and Public Safety Task Force</b> |
| <b>5:45 p.m.</b> | <b>Community Safety: CMPD Strategic Plan</b>                                                   |
| <b>6:15 p.m.</b> | <b>FY2008 Comprehensive Annual Financial Report and Long-Term Investment Program</b>           |
| <b>6:45 p.m.</b> | <b>Budget Update and Capital Investment Plan Options</b>                                       |
| <b>7:15 p.m.</b> | <b>Housing &amp; Neighborhood Development: Housing Trust Fund FY2009 Funding Allocation</b>    |
| <b>7:30 p.m.</b> | <b>Citizens' Forum<br/>Room 267</b>                                                            |

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** Report of the Mecklenburg County Justice and Public Safety Task Force

**COUNCIL FOCUS AREA:** Community Safety

**RESOURCES:** Shirley Fulton and Dr. Harry Nurkin, Co-chairs

**KEY POINTS:**

The Mecklenburg County Justice and Public Safety Task Force was created in response to a combination of factors – including a Jail Master Plan report and public outcry for local government to do something to correct system deficiencies and an increase in crime – particularly, property crime. At its May 20, 2008 meeting, the Mecklenburg County Board of Commissioners voted unanimously to create the non-partisan task force to identify and recommend to the Board immediate and substantive modifications to the operations of city, county and state criminal justice agencies in Mecklenburg County to restore their functional effectiveness within the coming budget year.

With a charge of *“working together to determine how to best allocate resources to make the most impact on crime and the Criminal Justice System,”* the Task Force met from July 23, 2008 through October 29, 2008 receiving presentations, asking questions, reading reports and becoming familiar with the Mecklenburg County Criminal Justice System.

**Task Force Recommendations**

1. Establish Oversight Function
2. Align Police Departments/District Attorney Priorities
3. Focus on Part One Chronic Offenders
4. Create Criminal Justice System Report
5. Complete Information Systems Review
6. Collaborate with Charlotte-Mecklenburg Schools and Public Schools
7. Expand Use of Specialty Courts
8. Implement Alternative Solutions to Incarceration
9. Examine Staffing/Salaries
10. Target Juvenile/Jail Programs
11. Maximize Use of Monitoring Devices
12. Conform to American Bar Association (ABA) Performance Standards
13. Increase Police Visibility
14. Follow-up on Property Crimes
15. Effectively Use Citations and Warning Tickets
16. Increase Support to Victims

The Mecklenburg County Board of Commissioners took action on November 5, 2008 to:

- Receive the Justice and Public Safety Task Force Final Report
- Establish Oversight function/position within Mecklenburg County (Justice Accountability Director)
- Establish a permanent Citizen Advisory Committee within 90 days to promote collaboration and coordination across all components of the Criminal Justice System
- Consider taking action on the other recommendations at the December 2, 2008 meeting

The intention has been to give authority to the Justice Accountability Director to establish performance measures; to work with the Citizen Advisory Committee; to recommend funding priorities related to the Criminal Justice System to the County Manager; and to seek to increase effectiveness of the Criminal Justice System.

Recently, the County Manager has indicated his intention to slow down the process to fill the position of Justice Accountability Director, and pursue discussions with elected officials and managers throughout the county regarding roles and expectations.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

None. This presentation is for information purposes only.

**ATTACHMENTS:**

Task Force Report

Mecklenburg County, NC



# Justice and Public Safety Task Force



# Final Report

November 2008

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## **Executive Summary**

The Mecklenburg County Justice and Public Safety Task Force (Task Force) was created in response to a combination of factors – including a Jail Master Plan report and public outcry for local government to do something to correct system deficiencies and an increase in crime – particularly, property crime. At its May 20, 2008 meeting, the Mecklenburg County Board of Commissioners (BOCC) voted unanimously to create the non-partisan task force to identify and recommend to the Board immediate and substantive modifications to the operations of city, county and state criminal justice agencies in Mecklenburg County to restore their functional effectiveness within the coming budget year.

Retired Chief Superior Court Judge Shirley Fulton and retired Carolinas Healthcare CEO, Dr. Harry Nurkin, accepted appointments as co-chairs and an open application process provided the County Manager and Task Force Co-Chairs with more than 350 applicants to fill 12 remaining seats.

With a charge of “working together to determine how to best allocate resources to make the most impact on crime and the Criminal Justice System,” the Task Force met from July 23, 2008 through October 29, 2008 receiving presentations, asking questions, reading reports and becoming familiar with the Mecklenburg County Criminal Justice System.

Early in the process it became clear to members of the Task Force that the Mecklenburg County Criminal Justice System is overwhelmed and not functioning as an integrated or coordinated system. Rather, the system is comprised of many parts that sometimes work in concert, sometimes merely coexist and, at other times, seem to work at cross purposes. The Task Force was disturbed that Mecklenburg County falls behind other cities and counties in the State in measures of efficiency and effectiveness of its Criminal Justice System. Additionally, there were concerns regarding adequate resource allocation and funding at the State and local levels.

The Task Force found that Mecklenburg County citizens perceive that public safety is not considered to be a consistently high priority by elected officials of Mecklenburg County, the

City of Charlotte or the State of North Carolina, all of which have direct responsibility for significant portions of the Criminal Justice System.

The recommendations of the Task Force are the product of discussions focused around key findings and observations, including, but not limited to:

- No coordinated oversight of the overall Criminal Justice System to address issues of cohesiveness, consistency, cooperation, and communication among the various components of the system;
- A lack of agreement as to funding priorities resulting in inconsistent and often uncoordinated funding of the various parts of the system;
- Failure by City, County, and State officials to take significant action and to implement recommendations from multiple, independent studies of this system that have taken place over the past thirty (30) years; and
- Lack of an all-inclusive report or evaluation of the Criminal Justice System that is easily accessible and would provide transparency to the citizens of Mecklenburg County.

The Task Force recognizes that solutions to some of the challenges of the Criminal Justice System are limited by legislative and statutory mandates. However, the Task Force believes that it is possible to work within these constraints to improve the system. Many of the problems could be solved by addressing divisions within the system (the so-called “silo” mentality). Additionally, problems could be solved by establishing performance metrics that create agency accountability to the public served by the system and to governmental bodies who fund the system. The Task Force is delivering this report with the hope that the recommendations and observations included herein will lead to positive changes in the Criminal Justice System and reduce crime.

## Task Force Members

The following list provides the name and affiliation of each Task Force member:

<b><u>Task Force Member</u></b>	<b><u>Title</u></b>
Hon. Shirley Fulton, Chair	Former Chief Superior Court Judge
Dr. Harry Nurkin, Chair	Former Carolinas HealthCare System CEO
Ezekiel “Zeke” Burns	CEO, OMITT Trade School
Cheryl Ellis	Principal, Sugar Creek Charter School
Ericka M. Ellis-Stewart	Director, Johnston YMCA of Greater Charlotte
Dr. Mary Howerton	Management Consultant
Richard F. Martin	Vice President, Business Continuity, Bank of America
Maudia Melendez	Director, Jesus Ministry, Inc.
William “Bill” E. Munson, IV	TIAA CREF
Bishop Tonyia M. Rawls	Prelate of the Fourth Jurisdiction (South) Unity Fellowship Church Movement
Rivana Stadlander	Neighbors for a Safer Charlotte
Mark Sumwalt	Attorney, Sumwalt Law Firm
Chris Swecker	Global Security Director – Bank of America
Dr. John Vaughn	Physician, Carolina Physicians Network

## Task Force Process

Task Force meetings were held weekly from July 23, 2008 through October 29, 2008. The Task Force received presentations by twenty five representatives of local and state criminal justice related agencies. The following is a list of individuals who presented to the Task Force:

<u>Speaker Name</u>	<u>Title</u>	<u>Presentation Date</u>	<u>Presentation Topic</u>
Martha Curran	Mecklenburg County Clerk of Court	30-Jul-08	Clerk of Court Office
Peter Gilchrist	District Attorney (Judicial District 26)	30-Jul-08	District Attorney's Office
Kevin Tully	Public Defender (Judicial District 26)	30-Jul-08	Public Defender's Office
Rodney Monroe	Charlotte-Mecklenburg Police Chief	06-Aug-08	CMPD Overview
Daniel "Chipp" Bailey	Mecklenburg County Sheriff	06-Aug-08	Sheriff's Office Overview
Todd Nuccio	Trial Court Administrator (Judicial District 26)	06-Aug-08	Trial Court Administrator's Office
Fritz Mercer	Chief District Court Judge (Judicial District 26)	13-Aug-08	District Court Overview
Dan Clodfelter	North Carolina State Senator	13-Aug-08	State's Role in Criminal Justice System
Robert Johnston	Senior Resident Superior Court Judge (Judicial District 26)	13-Aug-08	Superior Court Overview
Bob Ward	Assistant Public Defender (Judicial District 26)	20-Aug-08	Alternative County/Social Programs
Connie Mele	Mecklenburg County Area Mental Health - Provided Services Director	20-Aug-08	Alternative County/Social Programs
Grayce Crockett	Mecklenburg County Area Mental Health Director	20-Aug-08	Alternative County/Social Programs
Karen Simon	Mecklenburg County Inmate Programs - Director	20-Aug-08	Alternative County/Social Programs
Jan Thompson	Mecklenburg County Inmate Programs - Past Director	20-Aug-08	Alternative County/Social Programs
Lou Trosch	District Court Judge (Judicial District 26)	20-Aug-08	Juvenile Court Overview
Jerry Sennett	Charlotte-Mecklenburg Police - Deputy Chief	27-Aug-08	Crime Statistics for CMPD
Gregg Stahl	Administrative Office of the Courts – Deputy Director	10-Sep-08	Administrative Office of the Courts
Bence Hoyle	Cornelius Police Chief	10-Sep-08	Police Issues and Concerns
Jeanne Miller	Davidson Police Chief	10-Sep-08	Police Issues and Concerns
Philip Potter	Huntersville Police Chief	10-Sep-08	Police Issues and Concerns
Rob Hunter	Matthews Police Chief	10-Sep-08	Police Issues and Concerns
Tim Ledford	Mint Hill Police Chief	10-Sep-08	Police Issues and Concerns
Rob Merchant	Pineville Police Chief	10-Sep-08	Police Issues and Concerns
Cynthia Mitchell	NC Division of Community Corrections - Judicial District Manager	10-Sep-08	Probation/Parole Overview
Tracy Lee	NC Division of Community Corrections - Asst. Judicial District Manager	10-Sep-08	Probation/Parole Overview

Task Force members were provided the opportunity to tour the Mecklenburg County Jail and encouraged to attend court sessions in both District and Superior Court. A detailed overview of the process followed by the Task Force to reach their recommendations is contained in Appendix III.

## Recommendations Summary

The Task Force spent several meetings, as well as time outside of the meetings, working to create and prioritize their recommendations. The prioritized summary recommendations are listed below. Full recommendations and key observations are included in the following section. Implementation considerations and supplemental information are included in Appendix I and II.

- 1) Establish Oversight Function
- 2) Align Police Departments/District Attorney Priorities
- 3) Focus on Part One Chronic Offenders
- 4) Create Criminal Justice System Report
- 5) Complete Information Systems Review
- 6) Collaborate with Charlotte-Mecklenburg Schools and Public Schools
- 7) Expand Use of Specialty Courts
- 8) Implement Alternative Solutions to Incarceration
- 9) Examine Staffing/Salaries
- 10) Target Juvenile/Jail Programs
- 11) Maximize Use of Monitoring Devices
- 12) Conform to American Bar Association (ABA) Performance Standards
- 13) Increase Police Visibility
- 14) Follow-up on Property Crimes
- 15) Effectively Use Citations and Warning Tickets
- 16) Increase Support to Victims

## **Full Recommendations/ Key Observations**

The Task Force spent several meetings, as well as time outside of the meetings, working to create and prioritize their recommendations. The prioritized recommendations are listed below, with supplemental information and recommended action steps/measures for success for each included in Appendix I and II.

### **Recommendation 1: Establish Oversight Function**

**Establish a function/position within Mecklenburg County and a permanent Citizen Advisory Committee to promote collaboration and coordination across all components of the Criminal Justice System. The function/position will be given authority to establish performance measures; will work with the Citizen Advisory Committee; will recommend funding priorities related to the Criminal Justice System to the County Manager; and will seek to increase effectiveness of the Criminal Justice System.**

#### **Key Observations:**

There is a lack of coordination among the variety of elected and appointed positions in the Criminal Justice System. This creates inconsistencies and perpetuates a “silo” mentality. We feel strongly that the leadership (both elected and appointed) of all agencies must take responsibility for more than just their individual area and should have a stronger sense of accountability for the entire system.

### **Recommendation 2: Align Police Department/District Attorney Priorities**

**Encourage the immediate creation of a formal agreement to align priorities between the Police Departments in Mecklenburg County and the District Attorney’s Office.**

#### **Key Observations:**

It is clearly impossible to prosecute everyone that is arrested, which creates the strong need for the police chiefs in Mecklenburg County and the District Attorney to work to develop joint priorities. There needs to be a consistent focus regarding the probability of prosecution and the importance of police officers providing adequate information to insure the best possible case going forward.

### **Recommendation 3: Focus On Part One Chronic Offenders**

**Increase focus on Part One** (see Appendix II for a list of Part One offenses) **chronic offenders by a) identifying and fast-tracking the arrest and prosecution of Part One chronic offenders and b) developing a system-wide, comprehensive plan that reduces the number of chronic offenders. Establish a separate division within the District Attorney's Office that focuses on the expedited prosecution of chronic offenders.**

#### **Key Observations:**

A large percentage of serious crimes are attributable to a finite and definitive group of criminals. Current prosecutor priorities focus on the crime rather than the recidivist. Police intelligence can identify these chronic offenders.

### **Recommendation 4: Create Criminal Justice System Report**

**Increase the accountability of the entire Criminal Justice System by creating one consolidated, transparent, understandable, easily accessible, broadly disseminated and regular report available to the public that communicates the effectiveness and efficiency of the Criminal Justice System. The responsibility for this reporting would fall to the position referenced in recommendation one.**

#### **Key Observations:**

Neither the public, nor leadership, have adequate, consolidated sources of information regarding the Criminal Justice System. There is a need for consistent, visible information regarding the performance of the Criminal Justice System and the leadership of that System.

## **Recommendation 5: Complete Information Systems Review**

**Complete a comprehensive independent review of information systems used in the Mecklenburg County Criminal Justice System and produce and implement an Information System Strategic Plan for the Criminal Justice System.**

### **Key Observations:**

Detailed information regarding the current status (i.e. use and general availability) of any information technology in the Criminal Justice community within Mecklenburg County is not available for evaluation. With the exception of the Clerk of Court's Office, there is universal agreement among the Criminal Justice agencies that there is a severe gap in what technology is available and what is required to run the Criminal Justice System adequately. There are frequent delays in communicating information between agencies which contributes to delays in case handling, prosecution, decision making and final disposition.

Some agencies within the system are unable to even read electronic information sent by another agency within the county due to incompatible information technology. There is no calendaring software in use for efficient scheduling of critical court resources (support staff and facilities). There is a significant and immediate need for Case Management software in the District Attorney's Office. Multiple reports analyzing the Criminal Justice System have identified gaps in information technology, however little corrective action has been taken to resolve these issues, thus responsibility for failures in the system has often been attributed to this area.

### **Recommendation 6: Collaborate With Charlotte-Mecklenburg Schools and Public Schools**

**Increase collaboration and resources between the Criminal Justice System, Charlotte-Mecklenburg Schools and other public schools with a focus on prevention and offenders.**

**Key Observations:** Many serious crimes are committed by school-age persons, and the number of serious crimes committed by juveniles continues to increase. The school system and the Criminal Justice System have not sufficiently worked together to develop the most effective crime prevention programs. Studies show that early-intervention reduces crime.

### **Recommendation 7: Expand Use Of Specialty Courts**

**Increase usage of, and provide greater support for, specialty courts (see Appendix II for a list of Specialty Courts in Mecklenburg County).**

**Key Observations:**

Special needs such as mental illness, juveniles, substance abuse and chronic offenders place a burden on the courts. Specialty courts have proven to be effective in decreasing jail population and cutting recidivism.

### **Recommendation 8: Implement Alternative Solutions To Incarceration**

**Implement and expedite alternative solutions to incarceration for first-time offenders.**

**Key Observations:**

Alternative solutions have proven to be effective in reducing incarceration. It is necessary to provide alternatives to incarceration by providing workable alternatives as early as possible.

### **Recommendation 9: Examine Staffing/Salaries**

**Adjust and maintain staffing ratios and salaries for all positions within the Criminal Justice System to industry standards. Additionally, explore alternatives for how to retain employees in all areas of the Criminal Justice System.**

#### **Key Observations:**

The Mecklenburg County Criminal Justice System and its staff have not grown proportionately to the County's population and caseload. Because of a high cost of living, large caseload, and the complexities of the Mecklenburg County Criminal Justice System, the System is losing personnel to other counties within North Carolina. Competition with the private sector is also an issue. Because of the high turnover rate there is a loss of institutional knowledge, as well as a loss of return on investment, thus affecting the effectiveness of the System.

### **Recommendation 10: Target Juvenile/Jail Programs**

**Target and support resources to programs for juveniles and jail inmates – such as GED's, drug treatment, job training, counseling, etc. in order to prevent and reduce crime through youth intervention programs and through programs that provide jail inmates alternatives to criminal lifestyles and recidivism.**

#### **Key Observations:**

Programming, including training, counseling, and treatment programs, helps with reform of offenders. Programming also assists in the reduction of recidivism. There is currently a waiting list for most jail programs.

### **Recommendation 11: Maximize Use Of Monitoring Devices**

**Fully implement and increase the efficiency of the use of monitoring devices** (see Appendix II for an overview of current monitoring bracelet usage) **where appropriate through the entire Criminal Justice System (i.e., courts, police, Sheriff, probation, juveniles).**

**Key Observations:** Electronic Monitoring appears to be an effective tool versus incarceration. There is an opportunity for coordinating the procurement of monitors across agencies in the local Criminal Justice System. There may also be opportunities for reducing duplicative work within the monitoring function.

### **Recommendation 12: Conform To American Bar Association (ABA) Performance Standards**

**Reduce the number of days it takes to process cases through the Criminal Justice System to the American Bar Association standards** (see Appendix II for the definition of ABA Standards).

**Key Observations:**

The system is currently not meeting either the North Carolina or ABA standards for case processing. Mecklenburg County's pre-trial expenses are high because of the case backlog. Delayed case processing times contribute to jail overcrowding issues and waste tax dollars.

### **Recommendation 13: Increase Police Visibility**

**Support full implementation of increased police visibility on the streets.**

**Key Observations:**

There is a perception that police visibility reduces crime. While acknowledging that efforts are being made in this area, it is important that people in our community feel safe.

#### **Recommendation 14: Follow-up on Property Crime**

**Encourage all Police Departments within Mecklenburg County to investigate and follow-up with those individuals who experience property crimes.**

##### **Key Observations:**

Current resources prohibit full-investigation of property crimes. Property crimes are currently reported via the internet or telephone and are often not followed up on at the scene of the crime. Property crimes make up a high percentage of the reported crimes in Mecklenburg County. The Task Force was greatly concerned about the lack of onsite follow-up and questioned whether there should be a requirement for onsite follow-up.

#### **Recommendation 15: Effectively Use Citations and Warning Tickets**

**Encourage the appropriate use of citations and warning tickets to increase the efficiency of the system.**

##### **Key Observations:**

More frequent use of warning tickets and citations can eliminate the use and need of jail beds. It appears that there is inconsistent use of citations and warning tickets. Several previous reports have recommended a focus on increased use of citations.

#### **Recommendation 16: Increase Support to Victims**

**Increase attention to victims' assistance programs and efforts.**

##### **Key Observations:**

There is a public perception of lack of responsiveness to victims in the current system. The Task Force believes that support and communication to the victims throughout the process needs increased attention.

## Conclusion

The Task Force carefully considered all information provided to them, and ultimately were able to develop an understanding of the complexities of the Mecklenburg County Criminal Justice System and the issues it faces. Based on information gleaned during their three-month process, the Task Force created and prioritized their 16 recommendations, which were previously listed. The 16 recommendations address the current system deficiencies with the mindset of restoring functional effectiveness to the operations of city, county and state criminal justice related agencies. The Task Force is hopeful that the BOCC will fully approve and fund the implementation of these recommendations. Specifically, the Task Force asks the BOCC to endorse the recommendations in this report and to release funds from restricted contingency to begin funding the implementation of the recommendations.

The Co-Chairs and members of the Task Force would like to extend their gratitude to the Mecklenburg County Board of County Commissioners for the opportunity to serve the community through their participation on the Justice and Safety Task Force. In addition, the Members would like to extend their appreciation to all the leaders and employees within our Criminal Justice System who contributed countless hours of their time and expertise to help the Task Force understand the complexities and challenges of the system. The Task Force members were selected to best represent a wide variety of perspectives on the issue of crime, and yet, everyone shared a deep commitment to the well-being and vitality of our community. In the best spirit of citizen engagement, through many hours of education, discussion, and debate, the Task Force was able to reach consensus on 16 recommendations that can make the most impact on crime in Mecklenburg County. Finally, the Task Force is humbled to serve the citizens of Mecklenburg County, and would encourage all of us to learn about, work with, respect and support all the leaders and employees of the Criminal Justice System. Only through working together will we be able to truly make a difference.

## Appendix I – Suggested Action

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## Appendix II - Supplemental Information

This section contains additional information that is designed to clarify the recommendations made in the previous section. The intent of this section is to define terms and/or references contained in the recommendations and to provide additional information about on-going County efforts that are related to the implementation of the recommendations. Supplemental information is provided only where appropriate, therefore, all recommendations are not listed below. Each recommendation that is listed is identified by its priority ranking.

### **Recommendation 3: Focus On Part One Chronic Offenders**

**Increase focus on Part One chronic offenders by a) identifying and fast-tracking the arrest and prosecution of Part One chronic offenders and b) developing a system-wide, comprehensive plan that reduces the number of chronic offenders. Establish a separate division within the District Attorney's Office that focuses on the expedited prosecution of chronic offenders.**

The following information is provided on the Federal Bureau of Investigation website: ([http://www.fbi.gov/ucr/cius\\_02/html/web/appendices/07-append02.html](http://www.fbi.gov/ucr/cius_02/html/web/appendices/07-append02.html)). The Uniform Crime Reporting Program classifies offenses into two groups, Part I and Part II crimes. Each month, contributing agencies submit information on the number of Part I offenses (Crime Index) known to law enforcement; those offenses cleared by arrest or exceptional means; and the age, sex, and race of persons arrested. Contributors provide only arrest data for Part II offenses.

The **Part I offenses**, those that comprise the Crime Index due to their seriousness and frequency, are defined below:

- **Criminal homicide**—a.) Murder and nonnegligent manslaughter: the willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The Program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of

duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen. b.) Manslaughter by negligence: the killing of another person through gross negligence. Traffic fatalities are excluded. While manslaughter by negligence is a Part I crime, it is not included in the Crime Index.

- **Forcible rape**—The carnal knowledge of a female forcibly and against her will. Rapes by force and attempts or assaults to rape regardless of the age of the victim are included. Statutory offenses (no force used—victim under age of consent) are excluded.
- **Robbery**—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated assault**—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.
- **Burglary (breaking or entering)**—The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
- **Larceny-theft (except motor vehicle theft)**—The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article which is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- **Motor vehicle theft**—The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.
- **Arson**—Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### **Recommendation 4: Create Criminal Justice System Report**

**Increase the accountability of the entire Criminal Justice System by creating a transparent, understandable, easily accessible, broadly disseminated and regular report available to the public that communicates the effectiveness and efficiency of the Criminal Justice System.**

The County is using a best practice model from the National Center for State Courts called CourTools. This model provides a set of performance measures to collect data on gauging the efficiency and effectiveness of the Criminal Justice System. Performance measures include, but not limited to, assessing the age of pending cases, disposition time in days and clearance rates.

#### **Recommendation 7: Expand Use Of Specialty Courts**

**Increase, and provide greater support for, specialty courts.**

Specialty Courts are courts or programs that deal with particular issues or cases and alternative means of resolution besides a court verdict. In Mecklenburg County there are a variety of Specialty Courts including: Family Court, STEP Drug Treatment Court, Business Court, Child Support Court, Domestic Violence Court, Environmental Court, Small Claims Court, Mental Health Court, and Juvenile Court.

#### **Recommendation 11: Maximize Use Of Monitoring Devices**

**Fully implement and increase the efficiency of the use of monitoring devices where appropriate through the entire Criminal Justice System (i.e., courts, police, Sheriff, probation, juveniles).**

There are currently two separate electronic monitoring programs in use by the Sheriff's Office and the Charlotte-Mecklenburg Police Department.

- **Sheriff's Office:** 100 monitors available for use; 70-80 monitors used at any given time; Used for low-level offenders, e.g. minor drug offenses, non-violent

crimes; Used to Free-up jail beds; Offenders' bonds are below the threshold of what bondsmen allow (less than \$1000); GPS monitoring provided by a private company who notifies them when a bracelet is cut; and Sheriff's Office currently doesn't have the staff to increase number of monitors.

- **CMPD:** 200 monitors available for use; Monitoring approximately 140 offenders who have been given a bond; Used for higher-level offenders, e.g. armed robbers and house burglars; Managed and monitored in-house; Daunting task to manage them; Real-time monitoring is vital; and staff used for monitoring has doubled from 3 to 6.

The Sheriff and Police Chief have begun conversations regarding the electronic monitoring programs and any ways where the two could be combined to gain greater efficiencies.

### **Recommendation 12: Conform To American Bar Association (ABA) Performance Standards**

#### **Reduce the number of days it takes to process cases through the Criminal Justice System to the American Bar Association (ABA) standards.**

The ABA has set guidelines for processing cases from arrest to disposition or conviction.

Felony guidelines:

- 90 percent of cases should be disposed of within 120 days of arrest
- 98 percent of cases should be disposed of within 180 days of arrest
- 100 percent of cases should be disposed of within 365 days of arrest
- Misdemeanor guidelines:
- 90 percent of cases should be disposed of within 30 days of arrest
- 100 percent of cases should be disposed of within 90 days of arrest

## **Appendix III – Detailed Process Overview**

### **About the Process**

The design process was established with a goal to bring together a group of 14 Mecklenburg County residents led by co-chairs, the Honorable Shirley Fulton and Dr. Harry Nurkin to complete the charge of the Task Force. The co-chairs were selected because of their community commitment and leadership along with content background and were recruited by Harry Jones, Mecklenburg County Manager. The members of the Task Force were selected from some 300 online applications and were chosen to represent all ranges of diversity in Mecklenburg County including geography, race, gender, age and background. While there were some members with content expertise and experience in the justice and safety arenas, final selection was made on a number of factors including interest, diversity across the county and ability to commit time.

A design process and project management team was established in partnership between the Mecklenburg County Manager's Office and The Lee Institute, a nonprofit organization with a mission to design and implement processes to resolve issues collaboratively. Michelle Lancaster-Sandlin, General Manager, and Janet Payne, Assistant to the County Manager, served as team members from Mecklenburg County. Anne Udall, Executive Director, Doug Bacon, Associate Director and Jeanne Kutrow, Project Associate, served as team members from The Lee Institute.

The design process was developed based on the belief that citizens have a critical role to play in the future of the local community and that when these citizens engage in well-designed, informed and inclusive processes, they will create authentic visions and strategies for their communities.

Under the leadership of the co-chairs, the Task Force met for 13 sessions, lasting approximately 3-4 hours each, between July 23, 2008 and October 29, 2008.

The overall goal of the designed process was to orient, introduce and inform members of the Task Force about the complexity of the Criminal Justice System and the issues

surrounding justice and public safety in Mecklenburg County. After this information was presented, the Task Force established for itself decision-making criteria which were applied in making preliminary and then final recommendations back to the BOCC.

### **The Work Plan**

The initial meeting (7/23/08) of the Task Force provided members with an overview of the following: 1) the BOCC's charge to the Task Force, 2) proposed timeline for the committee's work, 3) the Mecklenburg County Criminal Justice System, and 4) existing studies on justice and safety in Mecklenburg County.

At meetings held between July 30, 2008 and August 27, 2008, subject-matter experts, including appointed and elected public officials, presented information and data to Task Force members about the Criminal Justice System in Mecklenburg County and North Carolina. (A full list of all presenters can be found on page 7 of this report.) After each presentation, a question and answer session was held.

From September 3, 2008 through October 22, 2008, using the information and data presented and extensive written reports and prior studies (see Appendix IV for a full list of reference material provided to Task Force members), Task Force members began the decision-making process that led to the list of sixteen Final Recommendations found in this report.

### **Decision-Making Process**

The Task Force used simple consensus for the decision-making. When consensus could not be reached, voting was used, with a 75-80 percent majority necessary to approve any action. During the decision making process, most decisions were reached through consensus.

The process included the following steps:

- 1) The Task Force developed broad criteria to be used as a guide in developing the final recommendations;
- 2) The Task Force worked in small groups to develop broad observations and conclusions;

- 3) The broad observations and conclusions were used to develop a list of preliminary recommendations;
- 4) The Task Force ranked the preliminary recommendations;
- 5) The ranking results were used to develop a list of final recommendations;
- 6) The final recommendations were ranked by Task Force members, resulting in the final priority order;
- 7) Action steps were developed for each recommendation;
- 8) A draft report was written by County staff and reviewed and edited by Task Force members.

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** CMPD Strategic Plan

**COUNCIL FOCUS AREA:** Community Safety

**RESOURCES:** Chief Rodney Monroe

**KEY POINTS:**

- Chief Monroe will present the CMPD's Strategic Plan. The plan is focused on the accomplishment of three strategic goals:
  - Develop enforcement strategies and align police resources to reduce crime at the neighborhood level
  - Strengthen partnerships, both with the community and strategic partners in crime reduction and prevention
  - Build trust and confidence in the community through diversity
- Chief Monroe will comment on each of the goals and some of the key initiatives under each goal.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

The presentation is for information only.

**ATTACHMENTS:**

CMPD Strategic Plan 2008-2012

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** FY 2008 Comprehensive Annual Financial Report and Long-Term Investment Program

**RESOURCES:** Greg Gaskins, Robert Campbell, Teresa Smith

**KEY POINTS:**

- Finance staff will present a summary of key results from the FY2008 Comprehensive Annual Financial Report (CAFR) as well as a report on the financial strength and credit ratings for city debt entities. The report will also be available online at [cafr.charmeck.org](http://cafr.charmeck.org).
- In July of 2007, the North Carolina General Assembly granted a number of large local governments, including Charlotte, the ability to invest in obligations that the State Treasurer uses to invest longer term assets. This law will allow the City to invest currently invested funds at higher long term rates to offset longer term liabilities. Prior to this change, the City could only invest in shorter term obligations. This law will only apply to those funds held by the City in trust, for risk reserves or capital reserves as recommended by the Finance Director and City Manager and approved by Council.
- Capital reserves are those funds that are set aside by the City to meet financial policies or guidelines but are not intended for expenditure in the near term. It is not intended for all capital reserves to be invested in the Long-Term Investment Program. These existing funds will be transitioned gradually from short-term to long-term investments over a twelve to eighteen month period.
- While the level of risk associated with these expanded investment options will be higher than our current low risk, short-term investment portfolio, NEPC, LLC, an investment consultant selected by the City after a competitive RFQ process, will help manage the risk, as well as maximize the returns, by assisting the City with investment manager selection, ongoing manager performance monitoring, and ensuring that the City's portfolio is adequately diversified over time.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

A Council action will be introduced at the December 8 Council business meeting to establish the Long-Term Investment Program to increase earnings on long-term capital reserves, to designate up to \$150,000,000 for transfer from the short-term investment pool to the Long-Term Investment Program, and to approve a contract with NEPC, LLC, an investment consultant selected to assist the City in hiring specialist investment managers for the Long-Term Investment Program.

**ATTACHMENTS:**

FY2008 Comprehensive Annual Report  
NEPC Summary

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** Budget Update and Capital Investment Plan Options

**RESOURCES:** Ruffin Hall, Budget and Evaluation  
Greg Gaskins, Finance  
Jeb Blackwell, Engineering and Property Management

## **KEY POINTS:**

Attached is a Budget Update and Capital Investment Plan Options report for Council's information. The report provides a budget update and capital budget options, as well as response to recent Mayor and Council questions. The report contains four sections:

- Update on FY2009 budget and service impacts;
- Dedicated revenues update (hotel/motel, prepared foods, rental car, etc.)
- User fee activity and revenue update; and
- Capital Investment Plan options for Council's consideration.

In light of the recent national downturn in the economy, the staff is monitoring the potential impact on City revenues and considering options that could be taken to minimize a negative impact on City services. As of October 2, 2008, the City Manager instituted current year budget limits including:

- freezing non-sworn new hires;
- reviewing and deferring non-critical contracts; and
- restricting non-essential travel.

Staff will update the Council on the operating budget status with the mid-year report in January.

Additionally, the City's Capital Investment Plan (CIP) represents a large portion of the City's overall budget. If the economic downturn continues to negatively impact revenues, Council will need to consider possible changes to the capital budget and the associated impacts to the local economy. Thus, staff has developed options for Council's consideration to provide future direction on the capital budget.

The purpose of this presentation is to transmit the attached report and review capital budget options for Council's future consideration, including possible discussion at the Council's February retreat.

## **COUNCIL DECISION OR DIRECTION REQUESTED:**

No action requested – for information only. Council may choose to discuss at February Council retreat.

## **ATTACHMENTS:**

Budget Update and Capital Investment Plan Options Report

# ***COUNCIL WORKSHOP AGENDA ITEM SUMMARY***

**TOPIC:** Housing Trust Fund FY2009 Funding Allocation

**COUNCIL FOCUS AREA:** Housing and Neighborhood Development

**RESOURCES:** Stan Wilson, Neighborhood Development  
Bobby Drakeford - Chair, Housing Trust Fund  
Advisory Board

**KEY POINTS:**

- Brief the City Council on the FY2009 Housing Trust Fund Advisory Board's recommendation to allocate \$10,923,465 in Housing Trust Funds (HTF) to develop multi-family rental, special needs, special projects and homeownership housing.
- On October 28, 2008, the Housing Trust Fund Advisory Board unanimously approved the following FY2009 HTF Funding Allocation (see the attachment for additional detail):

<u>Funding Category</u>	<u>Funds Allocated</u>	<u>Percentage</u>
Multi Family (Rental)	\$ 6,000,000	55%
Special needs Housing	\$ 3,300,000	30%
Special Projects	\$ 1,060,000	10%
Homeownership	\$ 563,465	5%
<b>Total</b>	<b>\$10,923,465</b>	<b>100%</b>

- Overall, the HTF Advisory Board's recommendation represents a balanced approach to meeting affordable housing needs, production goals, serving populations with the greatest need and leveraging City funds.
- The Housing Trust Fund Advisory Board explored an alternative funding scenario such as a deep subsidy concentrating on areas of greatest housing need. In addition, the City's bond funds are for "capital" projects and cannot be used for rental subsidies.
- The \$10,923,465 allocation represents \$3,423,465 of uncommitted funds and \$7,500,000 from the 2008 Housing Bonds. The total FY2008 Housing bond allocation is \$10,000,000; however \$2,500,000 was approved by City Council as a set-aside for the Double Oaks project.
- The funding is projected to develop approximately 476 affordable units, of which approximately 221 will serve households earning 24% and below of the area median income.
- The funds, with the exception of special projects, will be allocated through a competitive Request for Proposals (RFP) process.

**COUNCIL DECISION OR DIRECTION REQUESTED:**

Refer the HTF Advisory Board's FY2009 Funding Allocation to City Council's Housing and Neighborhood Development Committee for additional review and recommendation.

**ATTACHMENTS:**

FY2009 HTF Allocation Analysis and Recommendation  
HTF Advisory Board Members and Community Input

## FY2009 Housing Trust Fund Allocation Analysis & Recommendation

**Background:** The Housing Trust Fund (HTF) is a public fund to help finance affordable housing in Charlotte-Mecklenburg. The HTF supports the goals of the City of Charlotte's Housing Policy: *1) preserve the existing housing stock, 2) expand the supply of low and moderate-income housing, and 3) support family self-sufficiency initiatives.* The Housing Trust Fund is funded through City General Obligation Housing Bonds made available to non-profit and for-profit housing developers through a competitive Request for Proposal (RFP) process.

**Issue:** Pursuant to the charge from City Council, the Housing Trust Fund Advisory Board shall make recommendations to the Charlotte City Council on funding allocations for the Housing Trust Fund. The FY2009 Funding Allocation is based on the remaining \$3,423,465 uncommitted funds and \$7,500,000 from the 2008 Housing Bonds. A total of \$10,923,465 is available for the FY2009 Housing Trust Fund Allocation.

### Goals, Policy and Market Overview:

#### *City Council Goals*

In reviewing the City's Housing Policies and establishing the Housing Trust Fund, the Charlotte City Council developed some key goals, which have driven the City's Housing Program over five years (2002-2007). Those goals include:

- Developing and rehabilitating 5,000 housing units over 5 years; *(Established in FY2002-Goal Exceeded)*
- Placing a priority on serving households that earn 30% or less than the area median income; and
- Seeking to achieve a 1:5 investment ratio in the City Housing Finance programs.

These goals form the parameters for the City various housing programs including the Trust Fund and drive the design of the City's housing programs. Also, the City has approved a number of other housing policies that drive the funding of affordable housing in this community. Three of the major policies include; *Assisted Multi-Family Housing Locational Policy, Affordable Housing at Transit Stations Areas and the City's Neighborhood Revitalization* policies. While providing affordable housing is important, housing must be developed in the context of overall community objectives.

#### *Housing Market Assessments*

The Housing Trust Fund Advisory Board hired Charles Lesser and Company to develop a local housing market study. The major outcome of the study was a growing unmet need of households earning less than \$16,000. Trends in the Study showed unmet need for housing increasing to 16,924 units by 2012 as depicted in the chart below:

Year	Rental Units
2000	12,222
2006	15,565
2012	16,924

## HTF Advisory Board Recommendation

In developing the FY2009 Funding Allocation Recommendation, the HTF Advisory Board has taken into consideration City Council's goals and policy parameters, market assessments conducted over past years, Public Forum conducted by the Housing Trust Fund Board members on July 31, 2008 and directions given to staff by the HTF Board.

The Board continues a balanced approach that maximizes the number of households being served earning less than 24% of the area median income. It also anticipates a growing demand for special needs and multi-family projects that may need renovations. It supports the City's Neighborhood Revitalization policy, which encourages ownership development in targeted revitalization area to aid in neighborhood stabilization. The proposed allocation is:

Category	Funds Allocated	Percent of Funds
<b>Multi-Family (Rental)</b> – <u>New construction</u> and <u>Rehabilitation</u> of multi-family housing that services households earning 60% or less of the area median income (AMI) with priority for households earning 24% or less than the AMI	\$6,000,000	55%
<b>Special Needs Housing</b> – New Construction and rehabilitation of housing to serve the elderly, disabled, homeless populations or HIV/AIDs populations earning 60% or less than the area median income (AMI)	\$3,300,000	30%
<b>Special Projects</b> – Allocation for special projects that does not fit into special projects funding guidelines. Category will fund new construction and rehabilitation (including acquisition and rehabilitation) of multi-family housing that services households earning 60% or less of the area median income (AMI) with priority for households earning 24% or less of AMI.	\$1,060,000	10%
<b>Homeownership</b> – Ownership development in the City's revitalization neighborhoods ( Lincoln Heights, Thomasboro/Hoskins, Lakewood, Wingate, Washington Heights, Reid Park, Druid Hills and ownership development connected with HOPE VI revitalization projects) servicing households earning 80% or less than the AMI	\$563,465	5%

<b>Total</b>	<b>\$10,923,465</b>	<b>100%</b>
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**Projected Housing Units**

<b>Activity</b>	<b>City Funding</b>	<b>Total Development</b>	<b>Leverage Ratio</b>	<b>Total Units</b>	<b>City Funds Per Unit</b>	<b>Units &lt;24%</b>	<b>Units &gt;24%</b>
Multi-Family Rental – New and Rehabilitation	\$6,000,000	\$30,000,000	1:5	286	\$21,000	86	200
Special Needs Housing	\$3,300,000	\$6,600,000	1:1	110	\$30,000	110	-
Special Projects	\$1,060,000	\$4,240,000	1:4	42	\$25,000	25	17
Homeownership	\$563,465	\$4,507,720	1:8	38	\$15,000	N/A	N/A
<b>Totals</b>	<b>\$10,923,465</b>	<b>\$45,347,720</b>	<b>1:4</b>	<b>476</b>	<b>\$22,964</b>	<b>221</b>	<b>217</b>

**Other Options Considered**

A. Use of HTF Funds for Rental Subsidies

The G.O. Bond Statute (GS159-48(d)(7) states "No rent subsidy may be paid from bond proceeds."

B. Require that all proposals submit for funding includes 24% and Below Housing Construction/Rehab Program

This program would target the trust fund dollars exclusively to housing that supports 24% or less than the area median income, including special needs housing. Eligible housing projects must have 100% of the units set aside for households serving 24% or less than the area median income. The Housing Trust Fund would utilize its normal RFP process to solicit bids. The financial assumptions are that the HTF will invest a maximum of \$95,000 per unit and the units will remain affordable for 30 years.

<b>Leverage Ratio</b>	<b>City Per Unit Investment</b>	<b>Other Investment Per Unit</b>	<b>Projected Number of Units</b>
1:1	<b>\$45,000</b>	\$40,000	178
Less than 1:1	<b>\$56,000</b>	\$29,000	143

*Assumes using \$10.9 million allocation from the HTF*

Based on the scenario above, the HTF would have to invest at least fifty percent (\$45,000) of the cost per unit, as the project would not yield enough revenue to support debt service. The Housing Trust Fund Allocation (\$10,923,465) would yield approximately 242 rental-housing units to serve households earning 24% or less of AMI (assuming a 1:1 leverage

ratio). A leverage ratio of less than 1:1 yields approximately 195 housing units and a City investment of \$56,000 per unit.

The financial model below shows that 100-unit development-serving households earning 24% of the area median income can neither support debt or its operating expenses without some additional annual subsidy.

100 Unit Model

Gross Rent	\$210,000
Less Vacancy (7%)	<u>\$ 14,700</u>
<b>Gross Income</b>	<b>\$195,300</b>

Expenses:

Operating (\$300 per unit per month)	\$360,000
Reserves (250 per unit per year)	<u>\$ 25,000</u>
<b>Total Expenses</b>	<b>\$385,000</b>
Net Operating Income	(\$189,700)

\* Additional operating subsidy is needed to serve all 24% and below.

The advantages and disadvantages are:

<b>Advantages</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• Maintains long-term affordability 20 to 30 years</li> <li>• All units serve households earning 24% or less of AMI (approximately 195 to 242 units)</li> </ul>	<ul style="list-style-type: none"> <li>• High City investment per unit</li> <li>• Offers a 1:1 or less leverage ratio</li> <li>• 100% @ 24% of AMI does not offer a financial structure to support traditional financing or operations</li> <li>• Does not offer a mix of incomes within the development. Mixed income developments have proven to best serve residents and communities.</li> </ul>

## **Housing Trust Fund Advisory Board and Community Input**

### Housing Trust Fund Advisory Board Members

1. Bobby Drakeford, Chair – Development
2. Tylee Kessler, Vice Chair – Banking / Finance
3. Liz Clasen – Neighborhoods
4. Renata Henderson – Real Estate
5. Drew Jones – Banking / Finance
6. Eric Montgomery – Legal
7. Paul Woollard – Neighborhoods

### Community Input

In reaching its funding allocation recommendation, the HTF Advisory Board considered input from citizens that it received at a Public Forum that was sponsored by the Board on July 31, 2008. As a result of the citizen input the Housing Trust Fund Advisory Board is making the following adjustments to better serve the special needs population:

- Issue the Special Needs RFP with a rolling application period with quarterly Proposal deadlines, *(gives developers greater flexibility to leverage HTF funds with other funding source timetables)*
- Allow Housing Trust Fund commitments to be made prior to other project funding commitments. *(Many funders are more likely to commit funds if they know the City has committed to the project)*. The City will not issue the funds until all funding commitments have been finalized.

On November 13, 2008 the Housing Trust Fund Sponsored a Special Needs Housing Forum to discuss the following topics; a) building special needs housing, b) securing operating funds, c) Housing Trust Fund RFP modifications .