

JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL, AND JUVENILE JUSTICE OVERSIGHT COMMITTEE



*Report to the
2005 GENERAL ASSEMBLY*

JANUARY 2005

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TABLE OF CONTENTS

LETTER OF TRANSMITTAL..... ii

PREFACE..... iii

FINDINGS AND RECOMMENDATIONS

Report on Proposed Youth Development Centers (YDC’s)1

Report on Study of Formula for State Funding to Community Mediation4

Report On the Criminal Justice Partnership Program Funding Formula.....10

APPENDICES

RELEVANT PORTIONS OF SESSION LAW 2004-124

 The Current Operations and Capital Improvements Appropriations Act of 2004 A

LIST OF COMMITTEE MEMBERS.....B

January 26, 2005

TO THE MEMBERS OF THE 2005 GENERAL ASSEMBLY (2005 Regular Session):

The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee herewith submits to you for your consideration its recommendations pursuant to G.S. 120-70.94(b).

Respectfully submitted,

Senator Scott Thomas

Representative Phillip Haire

Representative Joe Kiser

Cochairs
Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee

PREFACE

The Joint Legislative Corrections, Crime Control, and Juvenile Oversight Committee, established by Article 12J of Chapter 120 of the General Statutes, is authorized to examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems in North Carolina, in order to make ongoing recommendations to the General Assembly on ways to improve those systems and to assist those systems in realizing their objectives of protecting the public and of punishing and rehabilitating offenders. The Commission is cochaired by appointees of the Speakers of the House and the President Pro Tempore of the Senate and has eight members appointed from each house of the General Assembly. Among the Commission's duties is that of studying the budget, programs, and policies of the Departments of Correction, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention to determine ways in which the General Assembly may improve the effective of those Departments. This reports contains findings and recommendations regarding matters referred to the Committee in Session Law 2004-124, The Current Operations and Capital Improvements Appropriations Act of 2004.

Senator Scott Thomas and Representative Phillip Haire, and Representative Joe Kiser serve as co-chairs of the Committee. The committee clerk maintains a notebook containing the committee minutes and all information presented to the committee.

Joint Legislative Corrections, Crime Control, And Juvenile Justice Oversight Committee

REPORT ON PROPOSED YOUTH DEVELOPMENT CENTERS (YDC'S)

Background

During the 2004 Session, the Department of Juvenile Justice and Delinquency Prevention (DJJDP) proposed construction of 512 new YDC beds spread over 13 facilities: eleven 32-bed units, one 64-bed facility and one 96-bed facility. DJJDP also proposed restructuring the operation of YDC's to increase emphasis on treatment. These proposals resulted from DJJDP planning efforts that indicated support for smaller, treatment-oriented facilities that are closer to a juvenile's home community.

The 2004 General Assembly addressed part of the DJJDP proposals. HB 1264 (Bond Bill) authorized the State to issue debt to construct "up to" 224 new YDC beds at "up to" five locations for \$35 million dollars. Debt authority of \$13 million was authorized for 2004-05 and \$22 million for 2005-06. HB 1264 also authorized DJJDP to select site locations for the 224 beds.

HB 1414, Sections 16.3 and 16.4, required DJJDP to develop a "Capital Plan" and a "Staffing Plan" for the construction and operation of new YDC's and to present these plans to the Joint Committee prior to beginning construction and making staffing changes. HB 1414 Section 16.3 also requires the Joint Oversight Committee to report its recommendations for YDC's to the 2005 General Assembly.

Committee Proceedings

The Committee reviewed the Capital and Staffing plans in meetings on November 23, 2004, January 5, 2005 and January 20, 2005

November 23, 2004: DJJDP presented its "Capital Plan." The Plan recommends two phases: Phase 1 of this Plan is based on building 224 beds. DJJDP recommended that the 224 beds be built as four, 32-bed units (Guilford, Lenoir, Chatham, and Edgecombe) and one 96-bed unit in Cabarrus (Stonewall Jackson site).

Phase II would add 288 beds--one 64-bed facility and seven 32-bed facilities. DJJDP recommended that a decision on building another 288 beds be delayed until the 2006 Session. This was based partially on declining admissions to YDC's and on the need to focus on building the 224 beds in a timely manner.

The design proposed by DJJDP is a 32-bed prototype with four self-contained wings. Each wing would house eight juveniles in approximately 65 square foot rooms and would have its own classroom, dining area, treatment space, and visitation space and counselor workspace. The latest cost estimates for a 32-bed unit and for the entire Phase 1 project exceeded the original budget estimates so DJJDP and SCO stated that additional work on the design was necessary.

January 5, 2005: DJJDP, the State Construction Office (SCO) and the design firm presented a revised building design and cost estimate. Square footage for a 32-bed facility was reduced from over 31,000 to 28,611. The estimated cost for a 32-bed unit matched the original estimate (approximately \$5.6 million). The estimated cost for Phase 1 was \$37.3 million, which still exceeded the \$35 million budget.

The Committee discussed multiple options for housing juvenile offenders that may reduce costs and asked DJJDP and SCO to develop alternative designs. These designs included housing two juveniles to a room (in limited number of rooms under certain criteria as practiced in N.C. Detention Centers) or building some dormitory space as practiced in Missouri. There was also some discussion about whether the offense history of juveniles being committed to YDC's warranted building highly secure single rooms for every juvenile in the YDC system. DJJDP's position is that single rooms are best for the safety and security of juveniles and staff.

The Committee also discussed combining some 32-bed facilities in adjacent counties or regions into 64 or 96-bed facilities. For example, the Committee questioned why the DJJDP Plan included a 32-bed unit in Guilford in Phase 1 and a 32-bed unit in Forsyth in Phase II when a 64-bed facility at one location might be a more economical and effective long-term solution. DJJDP believes this would make it more difficult to connect the juvenile to community services and involve the family in treatment.

DJJDP also presented its staffing and training plans on January 5. DJJDP recommended a base staffing level of 61.75 positions in a 32-bed facility, as well as the establishment of a Youth Counselor classification (Grade 68) to provide direct supervision of juveniles. A transition and training plan was proposed to provide current direct care staff (Grades 62 and 63) with an opportunity to meet the qualifications of a Youth Counselor (4 year human services degree/two years counseling experience). DJJDP also presented a plan to establish a pilot treatment and staffing model at Samarkand and Stonewall YDC's using DJJDP funds and Salary Adjustment Funds. Overall costs to operate YDC's are likely to increase by over 30% by 2007.

January 20, 2005: DJJDP and State Construction presented the final capital plan and costs. The cost for a 32-bed unit is estimated at \$5.474 million or \$200,000 less than the original estimate. The cost for the entire project was estimated at \$35.9 million. SCO indicated that it is likely the final cost will be within budget.

DJJDP presented alternative designs and cost estimates for these alternatives but did not recommend changes in its basic design or in the location of facilities. DJJDP indicated that options such as combining 32-bed units into 64-bed units, housing two offenders to a room, or using dormitories would be harmful to the treatment program. DJJDP also recommended that the \$13 million authorized for 2004-05 be used for partial construction of 96 beds at Cabarrus and site work at the other four recommended 32-bed sites.

Committee discussion included the pros and cons of DJJDP proposals and alternatives; the potential to combine some 32-bed units into 64-bed units; and, whether to use the \$13 million in 04-05 funds for 32-bed unit(s) instead of 96 beds at Cabarrus.

Committee Findings and Recommendations

The Committee endorses the change to smaller, treatment-oriented facilities while also noting the 32-bed prototype design and the staffing plans are inherently expensive.

The latest DJJDP recommendations and potential design alternatives need further review before final commitment to a construction contract.

RECOMMENDATION 1: DJJDP should present its final Capital Plan, and alternative designs, to the Appropriations Subcommittee on Justice and Public Safety. The Subcommittee should review the DJJDP recommendations and alternatives early in the Session to ensure the final design and issuance of construction bids can be done in a timely fashion. The Subcommittee should also review alternatives for allocating the \$13 million in funds available in 2004-05.

RECOMMENDATION 2: The JPS Subcommittee should review the Department's pilot treatment and staffing programs at Samarkand and Stonewall and the schedule and cost for expanding these programs system wide.

Joint Legislative Corrections, Crime Control, And Juvenile Justice Oversight Committee

REPORT ON STUDY OF FORMULA FOR STATE FUNDING TO COMMUNITY MEDIATION

Section 14.2A of Session Law 2004-124 requires that “The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall study the funding formula used for the provision of State funding to community mediation centers. The Committee shall report its findings and any recommendations to the 2005 General Assembly.” The Commission met on January 20, 2005, to discuss the issue and hear proposals from mediation groups regarding new methods of appropriating this money.

Mediation or Dispute Settlement Centers receive funds by a pass-through in the Administrative Office of the Courts. Funds are appropriated to specific centers, not to a mediation program; the funding levels have been set as each center has gotten started, and are not, nor have they ever been, tied to workload. The Commission had asked the Mediation Network of North Carolina (the Network) to develop a proposal for a formula that would include workload measures as well as any other factors that the Network felt were important. The Network is the association of the mediation centers throughout the state. During the course of their work, obstacles to consensus arose that proved insurmountable, and two centers, Blue Ridge and Piedmont, decided to withdraw from the Network and establish the Community Mediation Alliance of North Carolina (the Alliance). The Chairs of the Commission invited both organizations to propose formula options.

The Network and the Alliance presented their proposals at the Commission meeting on January 20. The Network proposed a model based on the population of the counties served by a center, with additional funds given to centers serving multiple counties. The Alliance proposed a more complex model based on a combination of using a population baseline and having additional funds based on the number of court referrals handled by the center the previous year. Both presentations are attached to this report for reference purposes. The Commission recognized merits in both proposals, but also noted that each, as presented, would require additional appropriations. **It is recommended that both proposals be forwarded to the Appropriations Subcommittee on Justice and Public Safety for further review. Staff was authorized to explore other funding models that incorporate population and court-referred workload for review by Justice and Public Safety.**

FORMULA FEATURES – S.M.A.R.T.: SPECIFIC, MEASURABLE, ACHIEVABLE, REALISTIC, AND TIME-BASED

- **SPECIFIC:**
 - o The formula is based on county populations combined with the number of cases mediated within an acceptable cost per case range of \$125 to \$175;
 - o Options for increases and decreases are specified;
 - o Funding is directed toward “unpaid” court-referred and court-deferred mediations (for which there is not “duplicate” funding from contracts, fee-for-service, or other State funding);
 - o Bases local matching requirements on socio-economic factors similar those set for Juvenile Crime Prevention Councils (10%, 20%, and 30%); mediation fees to be included as local match.
- **MEASURABLE:**
 - o Reporting of cases can be verified by CR#'s for court cases, and case file numbers for court-deferred cases;
 - o Baseline funding per county is based on population;
 - o Cost-effectiveness measurement – range of \$125 - \$175 per case (with worthless check cases counted as half a case).
- **ACHIEVABLE:**
 - o Provides adequate financial resources for all counties to support court mediation services;
 - o Centers with low court referral numbers are encouraged to work with the AOC to get the cooperation from local court personnel/policies to increase utilization of their court mediation services.
- **REALISTIC:**
 - o Provides reasonable baseline maximums for funding to address current fiscal restraints of the State; provides reasonable minimum funding to ensure sustainability of centers;
 - o Provides options for reasonable increases and decreases from 03-04 funding level, and sets priorities for future increases based on specific, measurable results;
 - o Encourages oversight by a State agency or neutral group regarding future funding requests, reporting requirements, and periodic formula reviews;
- **TIME-BASED:**
 - o Case numbers are reported annually;
 - o Formula is calculated every two years.

FORMULA RATIONALE

1. Baseline funding provides standard, incremental increases in population ranges and their associated baseline funding amounts. Each upper population range is double, or 100% higher, than the previous range (25,000, 50,000, 100,000); each baseline funding amount is \$10,000 higher than amount for the previous range. (\$35,000, \$45,000, \$55,000).
2. Upper and lower ranges are reasonable - \$35,000 to \$75,000 (we don't have any centers below 25,000 population, so the low of \$25,000 is moot). Centers within the population ranges have been operating effectively within these allocation amounts for years. Also, since centers have other funding sources and are required to match the legislative allocation, these do not represent the amount it takes to "run a center".
3. There are expenditure limits based on both population – no more than \$75,000 baseline maximum – and caseload, no more than \$175 per case. This provides protection to the State and encourages cost-effectiveness on the part of the Centers.

Note: Although the \$75,000 maximum baseline is lower than one center in the over 200,000 population range, it does represent a reasonable mid-point between Cumberland and Guilford which currently receive an average of \$45,900, and Buncombe which receives \$102,816. The is true for the \$55,000 maximum for the 100,000 to 200,000 population range as a mid-point between Orange County's \$77,599 and Alamance County's \$36,720.

4. The formula adjusts past inequities, while mitigating drastic changes in funding by providing that lower-funded centers move up only to the lower of their baseline or \$125 per case, while higher-funded centers move down to the lower of their baseline or \$175 per case.
5. The formula provides a "hold harmless" option if the legislature decides that no center should receive less than it is currently getting.
6. Cases are averaged over two years to provide adjustment for annual fluctuations and to accommodate the biannual budgeting process.
7. Although court referred cases were used in the sample spreadsheet, court-defered cases could be included as well.

MEDIATION NETWORK OF NORTH CAROLINA

TABLE OF FUNDING FROM STATE LEGISLATURE

The table below shows a comparison of FY 2004-2005 funding levels, FY 2001-2002 (before funding cuts were established) and the potential funding for centers using the Formula Baseline amounts. Centers would need to meet the match requirements of at least 50% of total center income coming from non-state sources and submit an annual report on program activities as well as an annual financial report. Centers must justify programmatic financial need to request funding at the full baseline amount.

FUNDING COMPARISONS

Center	2004/2005 Funding	2001/2002 Funding	Formula Baseline
Albemarle DSC	47,715	51,977	165,000
Carolina DSS	134,028	146,000	290,000
Deep River Mediation Center	45,441	49,500	85,000
Community Mediation Center of Cape Fear	54,059	58,000	110,000
Conflict Resolution Center	33,966	37,000	175,000
Dispute Settlement Center -Duplin	31,212	34,000	120,000
Foothills Mediation Center	55,046	40,900	105,000
Mediation Center of Eastern Carolina	105,570	115,000	275,000
Mediation Center of Southern Piedmont	83,691	91,167	175,000
Mediation Services of Rockingham	41,310	45,000	75,000
Mountain Mediation Services	59,670	65,000	200,000
Sandhills Mediation Center	32,130	35,000	70,000
Center for Dialogue	32,130	35,000	55,000
Moore DSC	32,130	35,000	75,000
Henderson DSC	50,031	54,500	55,000
Orange DSC	77,599	84,530	125,000
Alamance DSC	36,720	40,000	125,000
Cabarrus Mediation	39,474	43,000	125,000
The Mediation Center	102,816	112,000	125,000
Cumberland DSC	43,146	47,000	125,000
Mediation Services of Forsyth	54,896	59,800	125,000
Mediation Services of Guilford	48,654	53,000	125,000
Charlotte-Mecklenburg DSC	64,260	70,000	125,000
Network Office	45,000	50,000	55,000
TOTAL	1,350,694	1,452,374	3,085,000

MEMORANDUM

January 7, 2005

TO: Joint Legislative Corrections, Crime Control and Juvenile Justice Oversight Committee

FROM: Mediation Network of North Carolina
Ann Flynn, President
1-828-251-6089 x12
aflynn@meideatebuncombe.org

SUBJECT: Proposed Formula

Background

On April 20th the Joint Legislative Corrections Committee requested that the Mediation Network of North Carolina define a funding formula that would be acceptable by all Centers. The Mediation Network responded by establishing a formula committee to open dialogue between Centers on the best way to define future funding for Network Centers. Membership was open to all Centers and fourteen of the twenty-six members participated in the process. The committee met nine times between April 23, 2004 and December 1, 2004 and put in many, many hours both inside and outside of meetings to discuss the myriad of issues involved with a formula. They developed and tested over 6 different models. On January 6, 2005 the Mediation Network Board of Directors approved the following plan.

Basic Premises

The committee established basic premises for the formula design.

1. Each Center strives to meet the goals in General Statute 7A-38.5 which states that “ it is in the public interest to encourage the establishment of community mediation centers...to support the work of these centers in facilitating communication, understanding, reconciliation, and settlement of conflict in communities, courts, and schools, and to promote the widest possible use of these centers by the courts and law enforcement officials across the State.” It is important to recognize that all Mediation Network Centers provide a different array of services responding to the unique needs of each community. It is important to respect the diverse work of all centers.
2. Although all Centers provide basic court based mediation services, they also provide other services that keep cases out of court. It is important to recognize the role of all services that centers provide. In some cases these services provide an educational component that leads to long-term systemic change in individuals and families.
3. **All Centers** are under funded. The funding received from the legislature is supplemented by local funds to provide court services in all Centers. Staff in most Mediation Network of North Carolina

Centers carry the multiple responsibilities of managing mediation programs and providing mediation services as well as fundraising and center management. In addition, many Centers are operating far below sustainable funding levels and need to be brought up to a basic minimum. We believe that an increase in baseline funding for all Centers would provide adequate resources allowing staff to focus primarily on providing mediation services and promoting court-based mediation. This would increase productivity and efficiency as well as result in higher staff retention.

4. The Mediation Network needs to ensure that all Centers meet the basic member requirements outlined in the 5 Star Program to remain in good standing.

Findings

1. The Committee considered funding Centers on the number of services provided. We developed 6 models to collect and weigh over 35 different services offered by Centers. We spent over 40 hours trying to tally and value different services and were unable to find a reasonable and fair method.

2. When we calculated just the cost of mediation services at a fair market value, the cost was far greater than using a simple baseline model. In addition if we reimburse Centers by caseload, the amounts that each Center would receive each year would fluctuate. This will place a burden on both the legislature and Centers as funding requests would change each year. It would be impossible to plan for these changes long term.

3. The Committee decided that all Centers should receive baseline funding to cover the basic costs for operation. We studied 4 different baseline models and finally selected one based on county population.

4. The Committee considered basic standards needed to ensure that all Centers are providing a fair amount of services to their community. We agreed that the 5 Star plan approved by the Mediation Network of North Carolina in July 2004 would ensure that Centers are working within minimum standards. These standards ensure that Centers have active working boards of directors, are meeting basic fiscal policies, and are actively promoting services to the community. The plan also establishes procedures to help Centers who fall below certain standards receive assistance to make needed changes. A copy of the 5-Star plan is attached.

Formula

We propose that the Centers associated with the Mediation Network of North Carolina be eligible for funding based on the following formula and minimum service criteria listed below.

Each Center will be eligible for funding for each county based on the population per county. Centers that serve only one county would be eligible for funding in the Single County column. Centers that serve more than one county would be eligible for funding for each county serviced under the multi county column. We also established minimum criteria needed to be eligible for funding. These are listed below.

Population	County Size	Single County Center	Multi County Center
15 K and Under	Very Small	\$55,000	\$15,000
16 K – 49K	Small	\$55,000	\$35,000
50 K – 99 K	Medium	\$75,000	\$50,000
100K and over	Large	\$125,000	\$75,000

Minimum Criteria to Legislative Funding

- All Mediation Network Centers will meet requirements of 5 Star Program.
- All Mediation Network Centers will meet legislative funding match requirements.
- All Mediation Network Centers will offer to serve the courts with mediation services. At a minimum a center will:
 - a) contact the DA, Judges, and criminal bar with an offer to serve, and,
 - b) have basic contact/marketing tools (telephone listing, brochures, business cards and a physical presence (office)). Each Center will offer a board seat to a court representative.

Conclusion

We wish to thank the General Assembly for the many years of support for mediation and conflict resolution in North Carolina and we appreciate the opportunity to contribute to the funding process for community mediation centers in North Carolina. It is through support from the legislature that mediation programs have been able to emerge and grow -- providing communities throughout North Carolina with innovative approaches to manage conflict without violence. The mandate given to the Mediation Network this year has provided an impetus to address important issues to bring all centers up to basic funding standards. The proposed formula will support the 5-Star accountability standards and provide a system to better support conflict resolution services in all centers. We hope that the legislature can support our recommendation. We also hope for continued dialogue to improve mediation and conflict resolution services in communities throughout North Carolina.

Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee

REPORT ON THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING FORMULA

In early 2004, the Corrections, Crime Control, and Juvenile Justice Oversight Committee heard information on the Criminal Justice Partnership Program (CJPP), including details of the funding formula. The Committee learned that the formula had not been updated since its implementation in 1994. Funding is still being distributed based on 1994 county population and probation figures. This issue was also discussed during the 2004 legislative session, and the 2004 General Assembly directed the Oversight Committee to review the funding formula and recommend any necessary changes for consideration by the 2005 General Assembly (S.L. 2004-124, 17.11(e)). This report provides background information on the CJPP funding formula and lists the Committee's recommendations.

Criminal Justice Partnership Act: Established by the 1993 General Assembly to provide supplemental community-based corrections programs, expand sentencing options, and promote coordination between State and county programs.

The Criminal Justice Partnership Program (CJPP) is a state-county partnership in which counties may voluntarily run programs for sentenced offenders – probationers and offenders released from prison under parole or post-release supervision. Counties may choose to operate Day Reporting Centers (an Intermediate Sanction), Resource Centers, or Satellite Substance Abuse Centers. Counties with sentenced offender programs may also run pre-trial programs.

Program Funding: Implementation grants are available to counties who convene a CJPP Advisory Board and submit a Community Based Correction Plan. Allotments are made to each participating county according to the following formula:

- 20% fixed equal dollar amount for each county
- 60% based on county population
- 20% based on supervised probation entry rate for the county

Funding Issues: Both county population and probation entry rate data are from 1994 – prior to population increases in some counties and prior to the implementation of Structured Sentencing. This means that the probation entries used in the formula are *pre*-Structured Sentencing probationers. Judicial practices and sentences have changed considerably since then.

Funding has also changed each year. Total funds have decreased since the program was first fully funded in 1995-96. Original funding was \$12 million: \$9.6 million to be distributed in implementation grants and \$2.4 million in discretionary grants. In the past seven years, the General Assembly has implemented “across the board” cuts restricting the program to counties that already had programs in place (95 counties at that time), and targeted cuts to counties operating Day Reporting Centers or other programs and paying for case managers. The General Assembly also implemented a nonrecurring \$1 million cut in FY 2001-03 that the Executive Branch failed to build back into the continuation budget in the 2003-05 biennium.

The result is that CJPP funding amounts no longer match probation population, and DCC's allocation to each county has been altered to accommodate targeted cuts.

Committee Recommendations: The Committee considered several options for updating and changing the funding formula, and recommended that the 2005 General Assembly give further consideration to these options. The Committee recommends the following:

1. ***Update formula.*** The Committee recommends that the formula be updated with the most current data available rather than 1994 data. (This is Option A on the attached table.)
2. ***Consider changing formula.*** In addition to updating the data, the Committee also recommends that the 2005 General Assembly consider the following options for changing the funding formula (see attached table for details on these options):
 - **Option B - Change Probation Data:** Since the largest CJPP target population is intermediate offenders, use intermediate probation entries instead of all probation entries in the formula. Use several years of data to stabilize the formula.
 - **Option C - Change Formula Weights:** Since some large counties have had high population growth in the last ten years, change the formula weights to place less emphasis on population and more on the base and probation amounts.
 - **Option D - Combine Previous Options:** Change both the probation data and the formula weights.
 - **Option E - Use Regional Distribution:** Change from a distribution by counties to a distribution by judicial districts. Mandate participation by districts.
3. ***Restore Non-Recurring Cut to Program.*** The FY 2001-03 Budget included a nonrecurring cut of \$1 million to CJPP. The Executive Branch neglected to build this money back into the budget in FY 2003-05. It was the sense of the Committee that the Executive Branch should include the \$1 million in their continuation budget for FY 2005-07.
4. ***Hold Counties Harmless.*** The Committee recommends maintaining funding for each program at least at the level of funding received in FY 2004-05. Amounts required to accomplish this for each funding formula option are listed on the attached table.

Options Recommended for Consideration by the 2005 General Assembly

	Option A	Option B	Option C	Option D	Option E
	Update Current Formula	Change Data Elements	Change Weights	Change Data & Weights	Use Regional Distribution
Base Amount	20%	20%	25%	25%	20%
Population Amount	60% based on county population	60% based on county population	50% based on county population	50% based on county population	60% based on <i>judicial district</i> population
Offender Amount	20% based on probation entries	20% based on <i>intermediate punishment</i> entries	25% based on probation entries	25% based on <i>intermediate punishment</i> entries	20% based on <i>judicial district</i> probation entries
Program Gains/Losses:	72 of 85 gain 13 of 85 lose	67 of 85 gain 18 of 85 lose	74 of 85 gain 11 of 85 lose	71 of 85 gain 14 of 85 lose	33 of 43 gain 10 of 43 lose
Range:	Wake (45%) Halifax (-12%)	Bertie (66%) Halifax (-13%)	Albemarle (66%) Robeson (-8%)	Bertie (97%) Onslow (-8%)	27B (85%) 20B (-17%)
Estimated hold harmless amount:	\$ 37,000	\$ 59,000	\$ 43,000	\$ 48,000	\$78,000

APPENDIX A

Relevant Sections of SESSION LAW 2004-124

MEDIATION FUNDING STUDY

SECTION 14.2A. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall study the funding formula used for the provision of State funding to community mediation centers. The Committee shall report its findings and any recommendations to the 2005 General Assembly.

...

PLANNING FOR NEW YOUTH DEVELOPMENT CENTERS

SECTION 16.3.(a) The Department of Juvenile Justice and Delinquency Prevention and the Department of Administration, State Construction Office, shall continue planning and design for up to 512 youth development center beds. The Department of Juvenile Justice and Delinquency Prevention shall provide a final recommended plan for new youth development centers by November 1, 2004, to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, the Chairs of the House of Representatives and Senate Appropriations Committees, and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety.

The plan shall include all of the following:

- (1) The recommended number of facilities and beds, including plans for up to 512 beds at 13 sites and alternative plans for up to 512 beds at fewer sites.
- (2) The project schedule for the new facilities, from the bid phase through completion, and the juvenile occupancy of each of the facilities.
- (3) A detailed schematic of a prototype facility.
- (4) The facility staffing plan, which shall include the number of positions by job class, the unit cost per position, and the job descriptions of the positions. The plan shall also identify the number of positions to be assigned on each shift for a 24-hour period and the assigned location of each position.
- (5) A detailed transition plan for recruiting and establishing new positions and converting current positions to new job classes.
- (6) The recommended site locations for each facility, including the specific site location and the county in which each site is located.
- (7) A comparison of the cost of constructing and operating a youth development center in North Carolina to the cost of constructing and operating similar juvenile facilities in other states.
- (8) A description of major facility programs, including education, health services, recreation, therapy and clinical services, parental involvement and accountability, and aftercare programs. This description shall also identify programs for female offenders and recommend sites where female offenders will be committed.
- (9) An explanation of the security components of the new facilities, including internal and perimeter security.
- (10) Recommendations for new initiatives to provide community-based programs that will reduce youth development center populations.

The Department of Administration, State Construction Office, shall assist the Department of Juvenile Justice and Delinquency Prevention, as necessary, with the reports required by this section. The Department of Administration and the Department of Juvenile Justice and Delinquency Prevention shall not solicit bids for construction of

new youth development centers until either February 1, 2005, or at least 30 days after submission of the plan, whichever is later.

SECTION 16.3.(b) The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee shall report upon the convening of the 2005 General Assembly on its recommendations for the new youth development centers. In making these recommendations, the Committee shall review the Department's final recommended plan and shall consider treatment and programs, security, and cost efficiency. The report shall specifically address the recommended total number of beds and centers, as well as the number of beds for each center, facility locations, staffing requirements, security needs, and programmatic needs.

...

CRIMINAL JUSTICE PARTNERSHIP PROGRAM

SECTION 17.11. Section 16.16 of S.L. 2003-284 reads as rewritten:

"SECTION 16.16.(a) It is the intent of the General Assembly that State Criminal Justice Partnership Program funds not be used to fund case manager positions when those services can be reasonably provided by Division of Community Corrections personnel or by the Treatment Alternatives to Street Crime (TASC) Program in the Department of Health and Human Services.

"SECTION 16.16.(b) Notwithstanding the provisions of G.S. 143B-273.15 specifying that grants to participating counties are for the full fiscal year and that unobligated funds are returned to the State-County Criminal Justice Partnership Account at the end of the grant period, the Department of Correction may reallocate unspent or unclaimed funds distributed to counties participating in the State-County Criminal Justice Partnership Program in an effort to maintain the level of services realized in previous fiscal years.

"SECTION 16.16.(c) The Department of Correction may not deny funds to a county to support both a residential program and a day reporting center if the Department of Correction determines that the county has a demonstrated need and a fully developed plan for each type of sanction.

"SECTION 16.16.(d) The Department of Correction shall report by February 1 of each year to the Chairs of the Senate and House of Representatives Appropriations Committees, the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety, and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the status of the State-County Criminal Justice Partnership Program. The report shall include the following information:

- (1) The amount of funds carried over from the prior fiscal year;
- (2) The dollar amount and purpose of grants awarded to counties as discretionary grants for the current fiscal year;
- (3) Any counties the Department anticipates will submit requests for new implementation grants;
- (4) An update on efforts to ensure that all counties make use of the electronic reporting system, including the number of counties submitting offender participation data via the system;
- (5) An analysis of offender participation data received, including data on each program's utilization and capacity; ~~and~~
- (6) An analysis of comparable programs, prepared by the Research and Planning Division of the Department of Correction, and a summary of the reports prepared by county Criminal Justice Partnerships Advisory ~~Boards.~~ Boards; and

- (7) An evaluation of Criminal Justice Partnership programs based upon evaluation standards designed by the Division of Community Corrections in consultation with the Fiscal Research Division and the Department of Correction, Division of Research and Planning.

"SECTION 16.16.(e) Notwithstanding the provisions of G.S. 143B-273.15, funding to programs for the 2004-2005 fiscal year shall be established according to the amounts appropriated for the 2003-2004 fiscal year. The Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, in consultation with the Sentencing and Policy Advisory Commission and the Department of Correction, Division of Research and Planning, shall review the Criminal Justice Partnership Program funding formula and recommend any necessary changes in that formula to the 2005 General Assembly."

APPENDIX B

JOINT LEGISLATIVE CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE OVERSIGHT COMMITTEE MEMBERS 2003-2004

Pro Tem Appointments

Sen. Scott E. Thomas Co-Chair
Legislative Office Building, Rm. 300-E
Raleigh, NC 27601-2808
(919) 733-6275

Sen. Tom Apodaca
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Sen. Stan Bingham
Legislative Building, Rm. 2117
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Sen. Daniel Gray Clodfelter
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Sen. Robert Lee Holloman
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Sen. Eleanor Kinnaird
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Sen. Riley B. Sloan Jr.
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Sen. Albin B. Swindell IV
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Speaker Appointments

Rep. R. Phillip Haire Co-Chair
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Rep. Joe Leonard Kiser Co-Chair
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Rep. Joanne W. Bowie
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Rep. William Thomas Culpepper III
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Rep. Dewey Lewis Hill
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Rep. Carolyn K. Justus
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Rep. Henry M. Michaux Jr.
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Rep. R. Tracy Walker
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Staff to Committee

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Chloe Gossage

Doug Holbrook

Denise Thomas

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