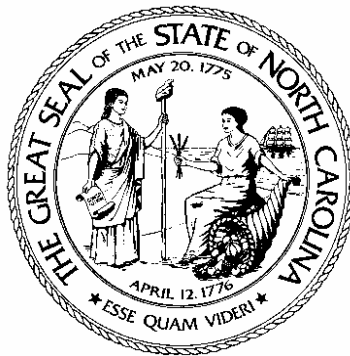


**JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER
AND PUBLIC SAFETY**



**REPORT TO THE
2008 SESSION OF THE
2007 GENERAL ASSEMBLY
OF NORTH CAROLINA**

TABLE OF CONTENTS

Letter of Transmittal.....	i
Preface	ii
Committee Membership.....	iii
Committee Proceedings.....	1
Recommendations.....	18

May 1, 2008

TO THE MEMBERS OF THE SENATE AND THE MEMBERS OF THE
HOUSE OF REPRESENTATIVES OF THE 2008 SESSION OF THE 2007
GENERAL ASSEMBLY OF NORTH CAROLINA:

The Joint Study Committee on Autism Spectrum Disorder and Public
Safety herewith submits to you for your consideration its report.

Respectfully submitted,

Representative Bob England

Co-chair

Senator William Purcell

Co-chair

PREFACE

The Joint Study Committee on Autism Spectrum Disorder and Public Safety established by the President Pro Tempore of the Senate and the Speaker of the House of Representatives on November 19, 2007, is authorized to study ways to increase the availability of appropriate autism-specific education and training to public safety personnel, first responder units, judges, district attorneys, magistrates, and related organizations.

The Committee is cochaired by Representative Bob England and Senator William Purcell. The committee clerk maintains a notebook containing the committee minutes and all information presented to the committee.

COMMITTEE MEMBERSHIP

President Pro Tempore Appointments

Senator William Purcell, M.D. – Co-chair
Senator John Snow
Senator Tom Apodaca
Senator Jim Forrester, M.D.
The Honorable Wayne Goodwin, Richmond County
Ms. Norma Houston, Dare County
Ms. Mary Jo Croom, Wake County
Ms. Tracy McPherson, Wake County
Ms. Susan McLean, Wake County
Maj. David Munday, Alexander County
Dr. Michael C. Teague, Wake County
Ms. Claire Greer, Wake County

Speaker of the House Appointments

Representative Bob England, M.D. – Co-chair
Representative Martha B. Alexander
Representative Earline W. Parmon
Representative Karen Ray
The Honorable Edd Nye, Bladen County
Mr. Frederick L. Bone, Wake County
Mr. Edmond W. Caldwell, Jr., Wake County
Chief William Farley, Gaston County
Ms. Marsha Davis Jones, Johnston County
Dr. Gary Mesibov, Orange County
The Honorable Kimberly S. Taylor, Iredell County
Ms. Elizabeth H. Thompson, Wake County

COMMITTEE PROCEEDINGS

January 16, 2008

The Joint Study Committee on Autism Spectrum Disorder (ASD) and Public Safety met on Wednesday, January 16, 2008 at 10:00 a.m. in Room 544 of the Legislative Office Building. Co-Chairs Senator Purcell and Representative Bob England were present, along with Senators Apodaca, Forrester and Snow; Representatives Alexander and Parmon; members Ms. Mary Jo Croom, former Representative Wayne Goodwin, Ms. Clair Greer, Ms. Norma Houston, Ms. Susan McLean, Ms. Tracy McPherson, Major David Munday, Dr. Michael Teague, former Representative Edd Nye, Chief Bill Farley, Ms. Marsha Jones, Dr. Gary Mesibov, Judge Kimberly Taylor, Ms. Betsy Thompson, and Mr. Fred Bone. Staff present was Ms. Susan Sitze, Dr. Shirley Iorio, Ms. Kara McCraw, Ms. Lisa Brown and Ms. Becky Hedspeth.

Senator Purcell called the meeting to order and asked committee members to introduce themselves. A welcome to all was given by Senator Purcell, and he then called on Ms. Susan Sitze to review the charge to the Committee and to summarize the actions of the previous autism study during the 2005-2006 Session of the General Assembly. The charge to the Committee: “they shall study ways to increase the availability of appropriate autism-specific education and training to public safety personnel, first responder units, judges, district attorneys, magistrates, and related organizations. The Committee may also study any other issue it deems relevant to Autism Spectrum Disorder and public safety”.

Ms. Sitze then reviewed for the Committee the “Recommendations and Legislative Proposals” from the 2005-2006 Autism Study Committee. These four recommendations were passed out of that Committee and included as a part of the Committee’s Final Report to the 2007 General Assembly. 1. The Committee recommends that the Joint Legislative Oversight committee on Mental Health, Developmental Disabilities, and Substance Abuse Services investigate the use of tasers on persons with special needs. One of the purposes of this study shall be to determine if there are factors that might make the use of a taser on a person with special needs different from using a taser on a person who has no special needs. 2. The Committee recommends that the General Assembly require the North Carolina Division of Emergency Services to include in their disaster plan provisions for evacuating and assisting individuals with special needs. This plan should address individual persons in assistance facilities as well as persons with special needs that live within the community. 3. The Committee recommends that the North Carolina Autism Society make available an ID card for autistic individuals to carry, identifying them as autistic. 4. The Committee realized that additional staff may be needed to implement the new training being provided for law enforcement, and recommends that additional money be appropriated to provide for that staff when necessary.

An update on the progress of each recommendation was discussed. Recommendation 1 has not yet been included as a part of committee discussion of the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services. Senator Purcell did speak with Representative Insko, Co-Chair of that committee, after this meeting about this recommendation, and she is to consider including it on a future agenda. Recommendation 2: there has been no legislation on this. Recommendation 3: the idea of ID card availability is being looked at by the N.C. Autism Society. Recommendation 4: There were no extra positions funded in the last budget for law enforcement training.

The next item on the agenda was “An Overview of Autism” presented by Dr. Gary Mesibov, who is with Division TEACCH at the University of North Carolina at Chapel Hill. This is a program providing statewide services for the treatment and education of autistic and related communication-handicapped children. Dr. Mesibov stated that autism is a neuro-developmental disorder. The two key words are neuro, meaning the brain and the way it functions and developmental because there are problems with the development within the first three years of life that cause the brain to change more substantially than problems at other times because the brain is not yet fully formed during the first three years. The changes that occur in the first three years of life are different than changes that occur later on. If something happens when a person is older, then there is brain damage like a river that is blocked, and the brain does not function effectively. With a developmental disorder there is no damage but there are brain changes, and there is a different organizational structure. Like a river, the brain diverts its course, which changes its developmental progression. There are several developmental disabilities such as mental retardation, ADD, learning disabilities and then autism spectrum disorder. With ASD, there are changes in the brain that affect three areas of functioning: social interaction, communication and narrow repetitive behavior. It is possible to have several developmental disabilities occur in combination with each other. The reason why ASD is so disruptive is because of the way they interact with each other. We learn through watching others, explanations, and social cues. Autistic people don’t communicate well and don’t read social messages and then their way of focusing on the world is more narrow and less comprehensive. Other characteristics are difficulties when things get confusing, or when there are stimulating situations or environments that can overwhelm them.

Senator Forrester asked about a California report regarding the use of mercury in vaccines as being a possible cause of autism. Dr. Mesibov stated that scientists have been saying for a long time that vaccines are not responsible. He made these points: this area has been well studied internationally with varying times of introduction of mercury, and there have been no findings that adding mercury nor eliminating it causes the incidence of autism to rise or fall; the thinking that the cause of autism lies in vaccines results from the fact that about 20 percent of people who develop autism are indistinguishable from other children at 15 months, then lose skills about the time they are vaccinated, thus leading to the cause and effect assumption by family.

Ms. Houston asked about the incidence of autism in North Carolina, with Dr. Mesibov responding that in a study of 8-year olds in 14 states that 1/150 is autistic. North Carolina was one of the participating states, and hit the average of 1/150. Ms. Houston then asked what percentage of autistic persons are in the adult or juvenile criminal justice system. Dr. Mesibov stated he does not know for sure, but suspects the number is high. Ms. Houston then asked for a breakdown by race, ethnicity and gender. Dr. Mesibov stated race is about the same as in the general population (1/150) but gender is 4 to 1 male to female. He went on to say that if females are impaired, they tend to be more impaired.

Representative England then asked Dr. Mesibov to report on a new study out of John Hopkins on Chromosome 16. He told Committee that this study found that in some cases there is a defect in Chromosome 16. Scientists think it is a mutation, rather than the result of parents having the defect. It is thought, however, there is some genetic link because of trends in families.

Senator Purcell asked where we are in North Carolina regarding treatment. Dr. Mesibov said that North Carolina is ahead of the curve, primarily because of programs such as the Autism Society of North Carolina and the Division TEACCH program. He stated there is no drug to prescribe for autism, but that there are certain drugs that can help certain people with specific symptoms, such as anxiety, OCD, repetitive behaviors and attention deficit disorder.

Dr. Mesibov stated that early intervention can help decrease the intensity of symptoms and that nationally about 90 percent of autism funds go to the early years. North Carolina is a leader in the area of middle school education and vocational education working with autistic children, and Dr. Mesibov believes that more funding should be directed to adult and transitional education.

Senator Purcell stated that early intervention is expensive, with Dr. Mesibov stating that only 3 states require insurance to cover these costs. He then stated that NC has done a better job than most in reaching more people with more assistance through public services. The expensive cost for early intervention is compounded because there is not just one model. Some programs are one-on-one for 40 hours a week; there are studies that have found that less intensive intervention that is less expensive may have the same impact. This theory is being explored.

Senator Apodaca asked for a history of autism. Dr. Mesibov says autism was first discovered in 1943 by Leo Kanner, a psychiatrist at Johns Hopkins when he identified 10 kids as different in the schizophrenic unit. Hans Asperger was also working with kids with behavioral disorders in 1943, but it was not until 1980 when his report was translated from German to English that autism was thought to be a spectrum disorder, which manifests on a continuum that include Asperger's Syndrome and Pervasive Developmental Disorder Not Otherwise specified. Initially it was thought autism was very rare, and early therapists showed that genetics was not a cause.

Representative Nye asked about the functioning in society of those with autism who have high IQ's. Dr. Mesibov gave an example of a physicist in California who was diagnosed later in life. He has won science prizes and is a faculty member, but has difficulty tying his shoes or getting his lunch. There is another example of a student who was also bright, but who was set up by friends in an incident involving graffiti and that resulted in a confrontation with the police and his being ultimately charged under the Patriot Act. This example highlights law enforcement issues with autism.

Dr. Mesibov referenced a New Yorker article regarding a music critic with great musical skills, but who had limited social skills. He will get a copy of that article for committee members. North Carolina has people with autism who live alone, drive and work, and is trying to work on ways to assist with different levels of functioning.

Ms. Houston asked if autism is a disability under the ADA, with Dr. Mesibov responding "yes", but noted the difficulty of recognizing autistic individuals because of some having such high IQ's.

Senator Apodaca asked what the next 10-15 years would be like for an average male diagnosed with autism at age 5. Dr. Mesibov stated the parents would first notice that something is not quite right, then comes a diagnosis, then seeking resources in the local community for assistance and training. Where the child will go in school varies with the type of autism. If there are noise issues, he may be in special classes, as some schools do have classes for autistic children, or there may be a person in the classroom to assist with autism issues. He could be in a mainstream class if he does not have behavioral issues. Grades 1-3 may be good school years and the parents may think the child is unusually gifted. However, grades 4-7 are harder since there are more social issues and more conceptual learning. Middle school is more of a challenge, early adolescence is the hardest time, but by the end the kids tend to be in a better place behaviorally. North Carolina is doing a good job with these transitions, but there is room for improvement.

Next on the agenda was a presentation on the "Take Me Home" program, presented by Major David Munday, Committee member who is retired from the Highway Patrol, and who now works as a consultant. The "Take Me Home" program was developed by the Pensacola Police Department and consists of a data base, maintained at the Police Department, of persons who may need special assistance if they are alone. The system includes a picture, demographic information and caregiver contacts. If a person in the "Take Me Home" system is encountered by Pensacola Police, the officer can query the "Take Me Home" system by name or by the person's description and then be able to locate the person's "Take Me Home" enrollment record. With the information at hand, the officer can appropriately assist the person. This is a computer program developed by "SmartCop", a software vendor from Florida which assists officers in identifying individuals who are non-verbal. Judge Taylor noted that having existing electronic photos is the key. Parents and caregivers must be the providers of the information. The program itself is simple as far as entering and using information. There are other

programs available such as Amber Alert, but that program is usable only if there is an abduction. There is also Silver Alert for missing seniors. Thus, these two programs have limitations. Officers already have the mobile equipment in their cars to use the “Take Me Home” program. The reverse 911 could also be used. Questions followed as to whether the Silver Alert program could be modified to include identification of autistic individuals. Senator Apodaca suggested we might have representatives from the Silver Alert program at our next meeting to explore this issue.

The question was then asked of the committee “Where do we go from here?” Suggestions were that we might examine the needs of the judicial system, since we are not doing a good job educating judges, lawyers and magistrates in how to identify autistic individuals. It was suggested a representative of the Administrative Office of the Courts probably needs to appear before the Committee. Jim Drennan from IOG could speak to us about a judge’s school. The District Attorneys have their own conference, so we would have to approach them directly. Ms. Houston will speak to Mr. Drennan at IOG and determine if it would be beneficial to have him speak to the Committee.

Representative Goodwin asked how long the “Take Me Home” program has existed in Florida, with Major Munday responding less than a year and that people there were pleased with its success. Representative Goodwin then asked if the definition of law enforcement includes fire and rescue personnel, with Judge Taylor stating that her understanding is that the program could be provided to any agency that requests it. She commended the Fire Marshal’s office in our state for doing an excellent job with educational materials.

Ms. Houston then asked if the “Take Me Home” program would be useful in identifying persons more quickly in a criminal incident, with Major Munday responding “yes”. Then it was suggested we might wish to invite Officer Jimmy Donohoe, Crime Prevention Officer with the Pensacola Police Department, to have a part on our program at a future meeting.

Senator Snow stated he thought the previous Committee decided that more training was needed for law enforcement, with Judge Taylor stating that with new information in training manuals this has been very successful. Senator Snow volunteered to look into the education for public defenders and guardians ad litem.

Representative England would like to see the Committee follow up on issues addressed by the previous Committee, in particular commitment proceedings. Senator Purcell then asked Judge Taylor and Ms. Houston to speak with our staff after this meeting to talk about future agendas. Chief Farley stated he would like to share new training materials developed for law enforcement.

February 20, 2008

The Joint Study Committee on Autism Spectrum Disorder (ASD) and Public Safety met on Wednesday, February 20, 2008 at 10:00 a.m. in Room 643 of the Legislative Office Building. Co-Chairs Senator Purcell and Representative Bob England were present, along with Senators Forrester and Snow; Representative Alexander; and members Mr. Eddie Caldwell, Ms. Mary Jo Croom, former Representative Wayne Goodwin, Ms. Clair Greer, Ms. Norma Houston, Ms. Susan McLean, Major David Munday, Dr. Michael Teague, former Representative Edd Nye, Chief Bill Farley, Ms. Marsha Jones, Judge Kimberly Taylor, Ms. Betsy Thompson, and Mr. Fred Bone. Staff present was Ms. Susan Sitze, Dr. Shirley Iorio, Ms. Kara McCraw, Ms. Lisa Brown and Ms. Becky Hedspeth.

Representative England called the meeting to order and introduced the Sergeant at Arms who would be assisting with the meeting. A welcome to the members was given by Representative England and he then introduced Mr. Dennis Debbaudt who is the father of a young man that has Autism. Mr. Debbaudt is an Autism and Law Enforcement subject matter specialist who has trained law enforcement professionals throughout this country, Canada, and the United Kingdom since 1995. He is also a professional investigator who wrote a ground breaking report in 1993 "Avoiding Unfortunate Situations" and has since authored or co-authored over 25 articles and books.

Mr. Debbaudt thanked the Committee for allowing him to present his information and then introduced Ms. Jennifer Rappella who is the Director of Information and Referral for the Autism Society of America and Officer Jimmy Donohoe of the Pensacola Police Department. Mr. Debbaudt stated that Officer Donohoe operates the special projects division which includes the "Take Me Home" project.

"TAKE ME HOME" PROGRAM

Officer Donohoe then showed a brief video which gave an overview of the "Take Me Home" project. He stated that in 2003 he had attended an Autistic meeting and realized that the training law enforcement officers receive is inadequate. On leaving the meeting he felt inadequate himself and that there was nothing that could be done to correct the problem, hence they came up with the "Take Me Home" program which is given to any law enforcement agency who asks for it free of charge. He then showed the Committee members examples of how the program works through software used by their officers.

Officer Donohoe stated that they have assured parents the information given would never be used in a police line-up for criminal activity but the hardest part of the

program for law enforcement has been gathering information from parents and guardians. He stated that the program also works in reverse. If a child is missing they can do a search of information by name and every officer would have a picture of the child along with a physical description. In certain situations an Autistic person may be traumatized by an encounter with someone they don't know. They have had incidents where a child is found but officers are unable to find the parents and the child is taken to the police station, Social Services will then be contacted and possibly two to three hours have passed by this time which is very difficult for an Autistic child. For the departments who have this program the turnaround time is cut drastically and the officer's time is freed up greatly. He then stated that the parent is given peace of mind by knowing that law enforcement has a picture of their child and can assist them in these situations.

Major David Munday asked Officer Donohoe if there were any problems with the type of IT program or communications medium they are using in his department to transfer the data, especially digital photography. Officer Donohoe stated that the programs they use are very basic and they have had no problems that he is aware of. At this time, updates for the officer's computers take less than one minute to complete and is done every three months.

Ms. Houston asked Officer Donohoe when he was describing the reverse application of the program if the information is broadcast to all the other officers on an Amber Alert type basis. Officer Donohoe explained that in Florida this program does not fit with the Amber Alert program but that there were other avenues that could be enhanced their searches. He stated that they could broadcast the information out but there were some who worried about the information going out on scanners. In cases where they don't want information put out over the radio they are able to get on their system and receive information through the computers.

Officer Donohoe then explained a federally funded reverse 911 program called "A Child Is Missing" (ACIM.com). This system does not have the criteria that the Amber Alert does and is for law enforcement only. He cited a case involving an Autistic child who ran away and he was able to use Reverse 911: within two hours the child was found due to this program.

Mr. Eddie Caldwell asked Officer Donohoe if all their police officers have mobile data terminals in their cars. Officer Donohoe answered that they did. Mr. Caldwell then asked if they had looked at using the program on a statewide basis. Officer Donohoe stated that they were trying to have the program used in the whole state and had gotten a patent on the software so they would always be able to offer it free of charge to all who asked for it.

Mr. Fred Bone asked Officer Donohoe if the ideas concerning ways to help find these children given to officers as part of their training so they can help parents prevent

mishaps in the future. Officer Donohoe stated that they instruct their officers on the program itself and have simplified the materials for easy training.

Representative England then recognized Mr. Dennis Debbaudt who offered an answer to Mr. Bone's question. He stated that yes; the people with Autism will offer public safety risks such as dangerous wandering. Public safety risks for people with Autism continue long into adulthood and a significant amount of our population will be made up of people who would need a care provider with them at all times in the community. Without a care provider, that person will quickly become a public safety risk to wander into water, into a roadway, other person's homes, wooded areas, or places of great height. At times when the care provider may not be able to watch this person, i.e. restroom breaks, possible car accidents, or sickness, these are times when people with Autism will choose to bolt and run. These programs are developed because of the recognized risks and guardians are more likely to participate because they feel that their problems are understood.

Mr. Debbaudt stated that if a person doesn't disclose either through a medical alert bracelet or other means that they are Autistic you cannot look at them and tell that they have Autism which is a dilemma for law enforcement. The disclosure for law enforcement through a 911 call or on a scene is when the special techniques are invaluable. He explained that regular training is useless when dealing with an Autistic person because of their body language, possible repetition of the officer's words, repetition of the officer's body language, and they may even repeat and model the officer's emotional state. When we can recognize the differences in individuals with Autism, then people are more willing to make allowances for their behavior.

Mr. Debbaudt referred to SWAT which stands for Special Weapons and Tactics and when you remove the WA from the anachronism you are left with Special Tactics which is very similar to special education. The implication is that things will be done differently when dealing with a person with Autism and that this is not standard procedure. This would include managing the sensory environment that surrounds us. Because this is neurologically based, the sights, sounds, odors, and the touches of every day life can be overwhelming to a person with Autism. In knowing this, if you bring to a scene sensory input that could become overwhelming to an Autistic person but easily understood by the general public you should want to immediately deal with the situation. This is important information that a good training program would share with law enforcement officers. The issues for law enforcement are twofold; they have the public safety risks that wandering presents but also dealing with those whose behavior may escalate to the point where they may actually be a threat to themselves or another person.

Mr. Debbaudt stated that while persons with Autism can commit crimes he found that there was no evidence present that they commit crimes at a higher rate than the general public. He then showed several video clips which demonstrate the dilemmas that law enforcement officers face when dealing with persons with Autism.

Following the presentation, Mr. Debbaudt stated that it was his understanding that in the state of North Carolina a juvenile could give testimony if they were victimized, either as a victim or witness, by closed circuit television but the same opportunity was not offered to adults with developmental or cognitive disabilities.

Senator Forrester was recognized who stated that on looking at the pamphlet on “What is Autism”, many researchers believe that there is a strong genetic component to Autism and referred to an article in the New England Journal of Medicine that explained the chromosome 16 mutations found in persons with Autism. He then asked if it would be worthwhile or cost effective to start checking this out, particularly in newborn males, to see if they have this mutation. He felt that this could lead to earlier diagnosis. Mr. Debbaudt stated that the more research done could possibly answer some of the questions and perhaps resolve some of the problems with diagnosis. Representative England stated that the article was very recent and informative and quickly raises questions in terms of identifying the chromosome changes in parents and where to go from there. Dr. Teague was recognized who stated that UNC has been a leader in Autism research and they are making great strides in this study.

OVERVIEW OF EXISTING TRAINING ON AUTISM

Law Enforcement

Ms. Pam Pope, Training Manager, of the NC Justice Academy was then recognized to speak before the Committee. Ms. Pope stated that the Justice Academy is a Department of Justice Agency and they provide training for law enforcement and is their primary mission responsibility. The Academy had been approached with the question of what kind of training do rookie police officers and Sheriffs deputies receive get on Autism when they come to work. She stated that the answer was very little to none.

Ms. Pope explained that Judge Taylor and Marsha Jones worked with their Basic Law Enforcement Revision co-coordinator and the revision committee who handles that and prepared what went verbatim into the lesson plan. She referred to a lesson plan “Dealing with Victims and the Public”, which gives the information law enforcement, receives. She stated that in the instructor notes at the beginning it does talk about the fact that one of the hopes would be that when the training is done that someone from the Autism Society would be present when the training was done to assist the instructor on what they may or may not know.

Ms. Pope then stated that they were asked if they had gone far enough to provide the training for law enforcement officers. The answer they came up with was no they did not. In 2007 there was a lesson plan written on “Interacting with Special Populations”. There are many things that were dealt with in that block of instruction including talking about various mental illnesses, dementia, and Autism, which police officers commonly

come across. Every active law enforcement officer in the state should have received this training last year and if they did not they are presently suspended until they complete the training. Ms. Pope then showed a video which demonstrates law enforcement officers dealing with a person with Autism.

Ms. Pope was asked if the training was a one-time deal or do they receive more training every year. She explained that the way it is now they receive training only once but there is continued interest in finding out more about Autism.

School Resource Officers

Ms. Claire Greer, Consultant, Severe/Profound, Autism, Multi-Handicapped Exceptional Children Division, NC Department of Public Instruction was then introduced to speak before the Committee. Ms. Greer stated that to date they have trained eleven districts and about 200 plus people in those trainings. One of the things that they have required is for every SRO officer that comes to the training an administrator from the building should also be there as well. Since they serve on the safety committees together they need to be sure that both parties have an understanding of some of the issues dealing with Autism. Ms. Greer explained that one of the primary issues is that they should be able to make more informed decisions when it comes to being sure that administrators understand that they are to deal with discipline and the officers are dealing with safety, but that they work together in those issues.

Chief Farley asked Ms. Greer if she had gotten a chance to present to annual training sessions for school resource officers. Ms. Greer explained that she would be speaking at training sessions this summer at the conference for school resource officers.

First Responders

The Honorable Wayne Goodwin, Assistant Commissioner and Assistant State Fire Marshall, Department of Insurance was then recognized to speak before the Committee.

Major Munday stated that any time they have called or asked for information or documentation for them to be able to complete training the State Fire Marshalls Office has always sent anything that they have ever asked for and are being considered as a benchmark throughout the nation.

Mr. Caldwell asked Mr. Goodwin if there was any information out of the 44,000 fire fighters in the state how many have received the training. Mr. Goodwin then referred the question to Mr. Tim Bradley, Senior Deputy, of the Department of Insurance. Mr. Bradley explained that primarily the training so far has been done at major conferences and he would estimate that somewhere between 2,500 and 3,000 have received the training.

Mr. Caldwell then asked if there was any annual in-service training required of fire fighters and how many hours that may include. Mr. Bradley explained that there are no annual service training requirements for fire fighters in North Carolina from the state perspective, but most departments require their career fire fighters to have annual training and to be a member of the NC Fire and Rescue Workers pension fund. You have to have at least 36 hours of meetings and drills a year to qualify.

District Attorneys

Ms. Peg Dorer, Director, NC Conference of District Attorneys was then introduced to speak before the Committee. Ms. Dorer stated that the Conference of District Attorneys is a state agency that is governed by the 42 elected District Attorneys. The state funds two training programs for prosecutors a year and hosts anywhere from 250 to 400 prosecutors.

Ms. Dorer stated that their training on dealing with persons with disabilities concentrates on the people those district attorneys come into contact with which is most often victims or witnesses. There is not a lot out there concerning curriculum but they do use a DVD developed by the California District Attorneys Association. In addition to that they have a support staff seminar with Victim Witness Legal Assistance. She stated that their funds are limited but they do the best they can.

Ms. Houston asked who does a DA call if they are dealing with a victim or witness who is a person with Autism and need help both from a practical standpoint as well as potentially from a legal standpoint. Ms. Dorer responded by saying that if they have issues from a legal standpoint they would probably call the School of Government or possibly her office. As far as other kinds of issues she was not sure where they could go. Ms. Houston stated that there was apparently a gap in these resources. Ms. Dorer stated that there are many prosecutors who will contact the Autism Society but that they will have to gather this information on their own.

Judges, Magistrates & Public Defenders

Mr. John Rubin of the UNC School of Government was then recognized to speak before the Committee. The School of Government is a training, research, consultation facility that works with North Carolina public officials. They have a large group of faculty who deal with judicial officials, judges, prosecutors, public defenders, and magistrates.

Mr. Rubin stated that they provide orientation programs for new officials that can last from two days to two weeks and is law and procedure based. They have two associational meetings a year which are largely update oriented as part of their continuing education. There is a new judicial college with a philosophy of trying to specialize more and do more skill development by having smaller groups, more intensive seminars, and

more of a mix of law and non-law topics. He stated that every three or four years public defenders have had a presentation on mental disabilities in the court system.

Mr. Rubin stated that there are many challenges to providing additional training. He explained that in orientation there are lots of topics and never enough time. Distance learning will also become available to people as they need it and includes video and on-line materials.

Judge Taylor stated that when they call the School of Government they are usually connected with someone who specializes in the area that relates to their question. She asked if there was someone at the School of Government that they can call who would know something about Autism. Mr. Rubin stated that in dealing with legal issues that may arise with Autism or people with other mental disabilities he would be the person to contact. In terms of the more practical side of Autism he doesn't think that there is a person who has that expertise.

Representative England asked if it is possible that somewhere in the beginning of processing a case the DA could have an individual answer a simple question that would show them as being Autistic. Mr. Rubin stated that he feels the person who is doing the defense representation has a responsibility to identify the needs of their client. He hopes that some of the training they have provided will give them the skills to identify that and then communicate those needs to the prosecutor and judge.

Guardian ad Litem

Ms. Jane Volland, Administrator, Guardian ad Litem Program was then recognized to speak before the Committee. Ms. Volland stated that the program is state wide and provides legal representation to abused and neglected children in the court system. They do this with a team representation of a volunteer and an attorney. The Guardian ad Litem is mandated by statute to do an independent investigation, determine the needs of the child, use of the community resources to meet those needs, and to protect and promote the best interests of the child.

Ms. Volland stated that they require initial and ongoing training of their volunteers, staff, and attorney advocates and they are required to complete 25 to 30 hours of training. In terms of additional training, they have a statewide training conference for their staff each year. They spend a good deal of time bringing in experts who discuss appropriate placements, treatment, and what is or isn't available especially in local communities. She checked with their five regional administrators and one could not recall a case of Autism, the others could only think of one or two in the past ten to twenty years. She stated that this is a great indicator of the amount of children who have probably been misdiagnosed.

Senator Snow stated that when a child is taken into protective custody they are generally trying to have the family put back together. This process involves psychologists and therapists so he doesn't feel that many are misdiagnosed because these people are generally well educated and trained in looking for Autism. He feels that putting this information into the curriculum is a great idea.

Representative England then asked Committee members if there were any other areas that they should be looking at. Dr. Teague stated that he feels that it could be easy to misdiagnose some of these people and that there are probably times when even the professionals can make a mistake. He feels that the Committee should think about the wisdom of making a recommendation not only for Autism, but for some other disabilities that have an impact on someone being competent to commit a certain criminal act.

March 19, 2008

The Joint Study Committee on Autism Spectrum Disorder (ASD) and Public Safety met on Wednesday, March 19, 2008 at 10:00 a.m. in Room 1027 of the Legislative Building. Co-Chairs Senator Purcell and Representative Bob England were present, along with Senators Forrester and Snow; Representatives Alexander and Ray; members Ms. Mary Jo Croom, former Representative Wayne Goodwin, Ms. Clair Greer, Ms. Norma Houston, Major David Munday, Dr. Michael Teague, former Representative Edd Nye, Chief Bill Farley, Ms. Marsha Jones, Dr. Gary Mesibov, Judge Kimberly Taylor, Ms. Betsy Thompson, and Mr. Fred Bone. Staff present was Ms. Susan Sitze, Ms. Kara McCraw and Ms. Becky Hedspeth.

The meeting was called to order by Senator Purcell. He welcomed the members and then called on Dr. William Chandler, Director, Alcohol Law Enforcement Division, and Department of Crime Control & Public Safety for a presentation to the group on the Silver Alert Program.

Silver Alert Program

This program is administered by the NC Center for Missing Persons, is housed in the ALE Division, and administered much like the Amber Alert System. The Committee asked for this presentation in order to determine if it would be possible to integrate the "Take Me Home" program into this existing system.

The Silver Alert program applies to missing persons 18 year or older who are believed to be suffering from dementia or other cognitive impairment. The Center for Missing Persons only employs one missing person's supervisor and one missing person's specialist who enter all missing persons reported by a law enforcement agency. One of

those employees is on call 24 hours a day. There were over 12,000 missing persons reported last year. The Center not only administers the Silver Alert program, but the Amber Alert program. Dr. Chandler said that to integrate the “Take Me Home” program into the existing system would require additional resources. He said he thought this should be more of a local program. Sen. Purcell stated that with system already in place, it would be better to add another level to that system, rather than starting from the beginning.

Recommendation 1

Major Munday asked if Silver Alert is being used on a national level, with Dr. Chandler responding that as far as he knows North Carolina is on the cutting edge with this type of program. Major Munday then asked about adding below age 18 language to the Silver Alert program and was told that would require legislation. Ms. Houston asked if the issues being discussed were mutually exclusive or could the same piece of legislation removing the age limit also include a study of the “Take Me Home” program, as well as increased funding for the Center for Missing Persons to hire additional staff. Ms. Sitze responded “yes, they can be addressed in the same piece of legislation”. Ms. Houston made these suggestions into a motion, which passed the Committee by a voice vote.

There is still the issue of who should study this, the General Assembly or the ALE, with input from the Sheriff’s Association, or another group. The Committee could choose to study these themselves after the short session, which was the consensus of the members. Asked if removing the age limit could be considered during the short session, Ms. Size responded “yes”.

Recommendation 2

The next possible recommendation discussed was #2 “Study the creation of statutory provisions for testimony by closed circuit TV for children under a certain age and for people with developmental delays”. Michael Parker, District Attorney for District 28 was present and called on to speak about the NC Rural Courts Commission on which he serves, with one of that committee’s goals being to use teleconferencing in the courtroom. Possible suggestions as to just who should study this issue include the General Assembly, Courts Commission, Mental Health Oversight, and the Children & Families Committee. There is a uniform child testimony act approved by the ABA that could possibly be used as a starting point. . After discussion it became apparent that further study needed to be done on this issue, and Representative England suggested a subcommittee be appointed. The Subcommittee on Alternative Means of Testimony was appointed to begin meeting in April and continue their study during the interim after the 2008 Short Session. Members are Judge Taylor, chair; Wayne Goodwin, Major Munday, Norma Houston, with District Attorney Michael Parker agreeing to meet with that group.

Recommendation # 3, 4 and 5

These recommendations deal with training to raise awareness of autism and special needs individuals within the judicial system, including judges, magistrates, district attorneys, public defenders and guardian ad litem. Another recommendation for consideration is the availability of informational materials for training provided by the Autism Society of North Carolina to agencies and organizations. Another aspect of these recommendations is that the Autism Society works with the State Bar, the UNC School of Government, and other legal organizations to develop Continuing Legal Education seminars being offered regarding the client needs of autistic and special needs individuals.

After discussion about the appropriate organization that should study this issue and whether, as suggested by Mr. Goodwin, to include a study on the numbers of persons with autism and other developmental disabilities within the Correction system, on the motion of Mr. Nye, a Subcommittee on Training Issues was appointed to be chaired by Senator Snow. Members will be Norma Houston, Judge Taylor, Dr. Mesibov, Dr. Teague, Rep. Alexander and Edd Nye. This Subcommittee will meet sometime before the 2008 Short Session.

May 1, 2008

The Joint Study Committee on Autism Spectrum Disorder (ASD) and Public Safety met on Thursday, May 1, 2008 at 10:00 a.m. in Room 643 of the Legislative Office Building. Co-Chairs Senator Purcell and Representative Bob England were present, along with Senator Forrester, Representative Alexander; and members Ms. Mary Jo Croom, Ms. Clair Greer, Ms. Norma Houston, Major David Munday, Dr. Michael Teague, former Representative Edd Nye, Judge Kimberly Taylor, Ms. Betsy Thompson, and Mr. Fred Bone. Representative Earline Parmon and Ms. Marsha Jones received excused absences. Staff present was Susan Sitze, Kara McGraw, Lisa Brown and Becky Hedspeth.

Representative England called the meeting to order and welcomed the members and staff who would be assisting with the meeting. Representative England then recognized Ms. Norma Houston to report on the work of the Subcommittee on Training Issues held on April 23, 2008. The Subcommittee proposes two recommendations; The committee recommends that the UNC-CH Division TEACCH Autism Program (TEACCH), in consultation with the School of Government and the Autism Society of NC, develop a video to raise awareness of autism for those involved in government and public service, including information on recognizing the signs and symptoms of autism spectrum disorders, and contacts for further information on appropriate responses to individuals with autism. The committee recommends that the General Assembly appropriate funds for the production, copying of the video.

The committee recommends that the School of Government, in consultation with the Autism Society of NC, TEACCH, and appropriate legal associations and organizations, study the various groups in the judicial system for which additional training may be necessary on the legal issues and appropriate responses to persons with autism. The study shall include judges, district attorneys, defense attorneys, guardian ad litem, victim witness coordinators, magistrates, juvenile court counselors, and any other group in the judicial system identified as needing additional training. The School of Government shall develop a proposal for the most appropriate way to deliver the necessary training to each identified group and determine what funding, if any, is necessary to deliver the training.

There being no questions or comments by Committee members, Representative England recognized Ms. Houston who moved that the two recommendations be adopted by the Committee and included in the Committee's recommendations and report to the short session. The motion passed.

Representative England then recognized Judge Taylor to report on the Subcommittee on Alternative Means of Testimony which met the previous day. Judge Taylor stated that they had only touched on the beginning of what needs to be done by the Subcommittee. They reviewed laws from North Carolina, other states, and a Supreme Court case that allowed children to testify by closed-circuit television. A demonstration was given by Mr. Mike Unruh of the NC Administrative Office of the Courts who informed the Subcommittee members that there are two units which can be transported throughout the state so that children can testify by closed-circuit television. This is authorized by a US Supreme Court decision. Judge Taylor then stated that the subcommittee needs to decide if they want to proceed with legislation that will codify what they have in case law. Representative England stated that they would plan for the subcommittee to continue its work and resume full activity after the short session adjourns.

Representative England then recognized Ms. Susan Sitze of Staff to present the interim report. Ms. Sitze stated that basically the intent is to go ahead and make the formal motion to adopt the report pending any revisions the members think are necessary and then a final version would be sent out for approval. One recommendation, which was adopted at the previous meeting, states that the statutes authorizing the "Silver Alert" program be amended to authorize the issuance of a Silver Alert for someone under the age of 18. This would enable a legislative member to introduce legislation changing those statutes during the short session. Based on the motion earlier in the meeting she will be adding the two recommendations from the Training Subcommittee to the list.

Senator Forrester was recognized who stated that at the last meeting he had mentioned that one of his main concerns is the cause of Autism and being able to prevent it in the future. An article he had recently read concerning the coating of baby formula

cans and bottles that babies drink from had a particular chemical that they thought could cause various problems. He feels that they should emphasize not only what they are doing within the Committee but also encourage the University of North Carolina in their studies to try and find out what is the cause of Autism.

Representative England then recognized Ms. Houston who moved to approve the report subject to technical and clarifying amendments by committee counsel. The motion carried. There being no further discussion by Committee members, Representative England adjourned the meeting.

COMMITTEE RECOMMENDATIONS

1. The Committee recommends that the statutes authorizing the "Silver Alert" program be amended to authorize the issuance of a "Silver Alert" for someone under the age of 18.

2. The Committee recommends that the UNC-CH Division TEACCH Autism Program (TEACCH), in consultation with the School of Government and the Autism Society of NC, develop a video to raise awareness of autism for those involved in government and public service, including information on recognizing the signs and symptoms of autism spectrum disorders, and contacts for further information on appropriate responses to individuals with autism. The committee recommends that the General Assembly appropriate funds for the production and copying of the video.

3. The Committee recommends that the School of Government, in consultation with the Autism Society of NC, TEACCH, and appropriate legal associations and organizations, study the various groups in the judicial system for which additional training may be necessary on the legal issues and appropriate responses to persons with autism. The study shall include judges, district attorneys, defense attorneys, guardian ad litem, victim witness coordinators, magistrates, juvenile court counselors, and any other group in the judicial system identified as needing additional training. The School of Government shall develop a proposal for the most appropriate way to deliver the necessary training to each identified group and determine what funding, if any, is necessary to deliver the training.