

NEWS RELEASE

Release Thursday, March 31, 2005.

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N.C. POLICY CENTER OUTLINES NEXT STEPS TO FIGHT DOMESTIC VIOLENCE

North Carolina must do more to fight domestic violence and punish offenders, while assuring that the rights and interests of children also are adequately protected, says the N.C. Center for Public Policy Research in a new report released today. The Center study documents more than 70 domestic murders a year in each of the last three years. However, the Center found conviction rates for domestic violence charges range from a low of 12.7 percent in Avery County to a high of 56.9 percent in Bertie and Hertford counties. Meanwhile, demands for services have jumped almost 27 percent over the last five years.

The Center outlines nine recommendations to address these problems. The recommendations include asking the General Assembly to examine the reasons for the wide variance in conviction rates and to take actions to improve conviction rates in counties that lag. Recommendations also include creating mid-level misdemeanors in state criminal law as acts of aggression escalate. To meet the rising demand for services, the Center calls for expansion of the family court model that now exists in only 16 counties and more supervised visitation and exchange centers where children can be visited or safely exchanged between parents who have joint custody. Finally, the Center recommends that the Chief Justice of the N.C. Supreme Court create a study commission to examine child custody issues, and that the 2005 General Assembly create a joint House and Senate study commission to continue the legislature's work in preventing domestic violence and punishing offenders.

"The 2004 N.C. General Assembly took strong steps both to prevent family violence and punish and rehabilitate offenders, but more is needed," says Mike McLaughlin, editor of *North Carolina Insight*, the Center's journal in which the research is published. "In some counties, conviction rates are extremely low for those charged with domestic violence. In others, there are too few services available for victims and their families. Geography should not be the determining factor in who gets justice."

Domestic Violence Crimes and Conviction Rates

The Center's study catalogues all domestic violence-related deaths in North Carolina since 2002, as tabulated by the nonprofit N.C. Coalition Against Domestic Violence. As of February 2005, the Coalition determined there were 78 such deaths in 2002, 71 in 2003, and 75 in 2004, with deadly weapons ranging from guns to knives to baseball bats, as well as strangulation. According to the nonprofit Violence Policy Center in Washington, D.C., North Carolina has been among the top 10 states in homicide rates for females murdered by males in five of the six years from 1997 through 2002. The N.C. Center for Public Policy Research says N.C.'s Governor, Attorney General, and legislature must act to prevent further violence.

Moreover, conviction rates on domestic violence charges differ widely among North Carolina's 100 counties. Eight counties – six of which are in the East – have conviction rates that exceed 50 percent – Madison, Jones, Washington, Person, Hyde, and Northampton, plus Hertford and Bertie counties which are tied for the highest conviction rates at 56.9 percent. Five counties – three of which are in the West – have conviction rates of less than 20 percent – Yancey, Randolph, Martin, and Henderson, plus Avery County the lowest at 12.7 percent. By contrast, Memphis, Tennessee has a 54 percent conviction rate, and Lincoln, Nebraska convicts 68 percent of its domestic violence charges.

In an earlier analysis of these cases involving assault on a female, violation of a domestic violence protective order, and domestic criminal trespass, *The News and Observer* of Raleigh found that only one-third of domestic violence charges resulted in convictions. And, of those 80,000 abusers convicted, only 18 percent received active jail time.

The Center says its findings also show the need for mid-level misdemeanors in state criminal law to halt the possibility of unpunished acts of escalating violence. For example, of the 63 men accused in domestic violence-related homicides in 2002, 34 had previously appeared in court either for civil or criminal charges related to domestic violence.

Rising Demand for Services

Based on data collected by the N.C. Council for Women and Domestic Violence Commission, a state agency, the demand for services by victims of domestic violence is rising. The Commission determined that 44,895 victims sought help through one of the state 90 local domestic violence agencies in 2002-2003 – an increase of almost 27 percent over the last five years. The commission says 7,500 children spent time in domestic violence shelters in 2002-2003.

Seventeen counties have no shelters. In others, such as Pasquotank and four surrounding counties served by the Albemarle Hopeline, the shelter is too small to meet the need. This shelter provided 4,000 overnight stays for individuals in 2003, but about 360 women who qualified for shelter could not receive it because the 12-bed facility was full.

Abuser treatment programs are available in only 66 of 100 counties. Counties without abuser treatment programs range from Craven in the East to Cabarrus in the Piedmont to Watauga in the West.

The Center's Mike McLaughlin says, "Where one lives affects the likelihood of receiving shelter and support, influences whether the perpetrator goes to jail, and even has an impact on whether a judge can order participation in an abuser treatment program. But North Carolina lives under one set of laws, one constitution, one judicial system, one legislature, and one governor," he adds. "Our citizens should have equal opportunity to be safe from family violence."

Children Affected By Family Violence

Children are also victims when there is violence in the home. Nationally, research indicates that children exposed to domestic violence exhibit social withdrawal, are more prone to experiment with drugs and abuse alcohol, are more likely to have sex with multiple partners, and are more likely to continue the cycle of abuse. Children exposed to domestic violence also are more likely to commit or attempt suicide. This is one reason the Center says the state needs to expand the number of family courts and supervised visitation and exchange centers. In family court, families are assigned to a case manager who helps them secure services such as mediation, substance abuse counseling, and pre-divorce education and address the many legal and social

issues associated with domestic violence. The ultimate aim of the family court is to resolve the case in a just and expeditious manner, ideally within a year.

However, family courts are available in only eight judicial districts in 16 counties – Anson, Burke, Caldwell, Catawba, Cumberland, Durham, Greene, Halifax, Lenoir, Mecklenburg, New Hanover, Pender, Richmond, Stanly, Union, and Wayne counties. And, only 16 counties have safe places to exchange children and honor custody and visitation orders. For example, one woman and her attorney were assaulted when an exchange of two children was attempted in a McDonald’s restaurant in Durham.

Center Praises Legislative Leaders’ Actions in Making Recent Progress

The Center praised 2003-2004 Co-Speakers of the House James Black (D-Mecklenburg) and Richard Morgan (R-Moore) for establishing the House Select Committee on Domestic Violence. The Center also praised that study committee and its Co-Chairs, Representatives Wilma Sherrill (R-Buncumbe) and Marian McLawhorn (D-Pitt) for its 2004 legislation that the Center called “the most significant step forward in decades.” However, unless this committee is re-authorized by the 2005 General Assembly, it will cease to exist, and the Center says this vehicle for state action will be lost. For those reasons, the Center recommended that the N.C. Senate join the House and create a new Joint Legislative Study Committee on Domestic Violence Issues to begin work after the 2005 legislative session.

The Center’ research on family violence in North Carolina was funded in part by a grant from the Kate B. Reynolds Charitable Trust in Winston-Salem, N.C. The Center was assisted in its research by Renee Elder, a free-lance writer and editor residing in Raleigh, and a team of law students from UNC-Chapel Hill led by Adrienne Allison.

The N.C. Center for Public Policy Research is an independent, nonpartisan, nonprofit research corporation created in 1977 to evaluate state government programs and to study public policy issues facing North Carolina. The Center is supported in part by a grant from the Z. Smith Reynolds Foundation in Winston-Salem, with additional support from 10 other foundations, 160 corporate contributors, and nearly 700 individual and organizational members across the state. In addition to publishing *North Carolina Insight*, the Center recently has conducted in-depth studies on the teacher shortage in North Carolina, ways to improve voter turnout, state lotteries, and how all 50 states govern their public universities. The Center also publishes *Article II*, a citizens’ guide to the legislature.

Copies of the issue of *North Carolina Insight* containing the Center’s research on family violence are available for \$16, which includes tax, postage, and handling. To order, write the Center at P.O. Box 430, Raleigh, NC 27602, call (919) 832-2839, fax (919) 832-2847, or email tbromley@nccppr.org.

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For more information on the Center’s study of family violence in North Carolina, call Mike McLaughlin, editor of *North Carolina Insight*, at the N.C. Center for Public Policy Research at (919) 832-2839.