

Session Law 2009-342, Section 7

Study on State Oversight and Coordination
of Services to Victims of Sexual Assault

Conducted in collaboration with:

*North Carolina Coalition Against Domestic Violence
North Carolina Coalition Against Sexual Assault*

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Purpose of Study

Session Law 2009-342, Section 7 directed the N. C. Domestic Violence Commission to conduct a study on the issue of state oversight and coordination of services to victims of sexual assault. The Law further directed the Commission to make a recommendation on whether sexual violence should be included as a focus area of the Commission. The N. C. Domestic Violence Commission, as required by the Law, partnered with the North Carolina Coalition Against Domestic Violence and the North Carolina Coalition Against Sexual Assault to produce the study.

Executive Summary

- North Carolina's legal domestic violence definition focuses on the physical abuse inflicted on one partner by the other. Today's definitions used by various groups also include emotional abuse, economic abuse, isolation, coercion as well as a pattern of behavior designed to control a person. Advocates acknowledge that domestic violence occurs among people in committed relationships of all ages including same-sex couples.
- North Carolina's sexual assault law focuses not only on attacks by men against women but on same sex assaults and assaults on children.
- The North Carolina Council for Women/Domestic Violence Commission became a funding agency in 1982 by distributing domestic violence funding to local programs. In 1984, the Council received sexual assault funding to award to local non-profits. The Council currently has twenty staff members.
- G. S. 143B-394.15 outlines the purpose and membership of the Domestic Violence Commission. The Governor, Speaker of the House and the President Pro Tempore of the Senate each appoint nine members to the Commission. There are twelve members from the Council of State, Governor's Cabinet and the university system represented on the Commission. This also includes the Chair of the statewide North Carolina Council for Women and the Governor's Crime Commission. The Commission's purpose is: to assess statewide needs related to domestic violence, to assure that necessary services, policies & programs are provided to those in need, to strengthen existing domestic violence programs funded through the Domestic Violence Center Fund (G. S. 50B-9) & to recommend new domestic violence programs.
- There are three North Carolina state departments that provide funding to sexual assault programs: Administration, Crime Control & Public Safety and Health & Human Services. Each has policies that govern the use of the funds as well as staff members that monitor grant recipients. There is no formal coordination of efforts among these departments.
- In 2009-2010, the Council for Women/Domestic Violence Commission distributed a total of \$2,750,766 to 85 sexual assault programs. The Council distributed a total of \$5,997,000 to 101 domestic violence programs. Many of the sexual assault programs are located in non-profits that also provide

domestic violence services. A report found that sexual assault programs affiliated with domestic violence programs receive less funding and serve fewer clients. The report also discovered that stand alone sexual assault programs provide more comprehensive services to clients than multi-service programs. A report on domestic violence & sexual assault services in North Carolina was unable to conclude that stand-alone sexual assault programs are more effective than multi-service programs (“Consensus Practices in the Provision of Services to Survivors of Domestic Violence & Sexual Assault” - Rebecca J. Macy & Dania M. Ermentrout). The Council funds 16 stand alone sexual assault programs and 69 dual programs that administer domestic violence and sexual assault funding.

- An online survey was created to discover (1) if other states had statutes that mandated what sexual assault programs must provide, (2) what funding sources were used to sustain the programs and (3) if a sexual assault or domestic violence commission existed. The survey was sent to sexual assault programs and sexual assault coalitions in the following states: Florida, Georgia, Iowa, Louisiana, South Carolina, Tennessee, and Virginia. The N. C. Coalition Against Sexual Assault listserv was the vehicle for delivering the survey. Program responses were received from: Georgia, Iowa, Louisiana and Virginia. Coalition responses were received from Iowa and Virginia. Iowa and Georgia have sexual assault program statutory requirements similar to North Carolina. None of the surveyed states have a sexual assault or domestic violence commission.

Recommendation

- The NC Domestic Violence Commission is bringing forth one recommendation for your consideration at this time. The Commission recommends the creation of a separate North Carolina sexual assault commission.

The study found:

- There are three North Carolina state departments that provide funding to sexual assault programs: Administration, Crime Control & Public Safety and Health & Human Services. There is no formal coordination of efforts among these departments.
- None of the states that responded to the online survey have a sexual assault or domestic violence commission yet a N. C. Domestic Violence Commission member indicated that convening various stakeholders on the issue of domestic violence is of great value.

Domestic Violence Definition

North Carolina defines domestic violence as “..the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense: (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or (2) Placing the aggrieved party or a member of the aggrieved party’s family or household in fear of imminent serious bodily injury or continued harassment, as defined in G. S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or (3) Committing any act defined in G. S. 14-27.2 through G. S. 14-27.7.” North Carolina’s domestic violence definition includes stalking, first-degree rape, second-degree rape, first-degree sexual offense, second-degree sexual offense, sexual battery, and intercourse with a minor who lives with the defendant or is a student at the school where the defendant works as a teacher, administrator or coach.

North Carolina’s definition focuses on the physical abuse inflicted on one partner by the other. In recent years the definition used by advocacy groups has expanded to include emotional abuse, economic abuse, isolation and coercion. Many definitions acknowledge that abuse is a pattern of behavior designed to control a person. Abuse occurs among people in committed relationships of all ages including same-sex couples.

Sexual Assault Definition

There are several definitions in North Carolina’s statutes that deal with rape and sexual assault. First degree rape under general statute §14-27.2 is defined as vaginal intercourse with a person or a child under thirteen and a dangerous weapon is used by the defendant while second degree rape (§14-27.3) includes an attack where the defendant uses no weapon and the victim is mentally disabled. First degree sexual offense (§14-27.4) is similar in language to first degree rape yet excludes vaginal intercourse when defining the sexual act. Second degree sexual offense under general statute §14-27.5 is defined as engaging in a sexual act with a mentally disabled person through the use of force.

Sexual battery (§14-27.5A) is defined as engaging in a sexual act with another person for the purpose of sexual arousal through the use of force. The statute also covers committing the crime against a person who is mentally disabled.

North Carolina general statute §14-27.7 (Intercourse and sexual offenses with certain victims; consent no defense) defines sexual offenses perpetrated by authority figures in the lives of minors despite consent as a crime. These include adults with custody of the minors, school administrators, teachers, school safety officers, coaches, etc.

Statutory rape/sexual offense (§14-27-7A) is defined as engaging in vaginal intercourse or a sexual act with a person who is ages thirteen, fourteen or fifteen and the defendant is at least six years older than the person. An exception is made by the law if the defendant is married to the person. This statute defines as a felony the same act if the defendant is more than four but less than six years older than the person. Marriage is also an exception.

Creation of the North Carolina Council for Women/Domestic Violence Commission

In 1963, the North Carolina Federation of Business and Professional Women's Clubs (BPW) met with Governor Terry Sanford to encourage him to create a board to assess the status of North Carolina's women and submit recommendations on ways to improve their lives. The Commission on the Status of Women was formed by executive order to report on the challenges women faced in North Carolina. The 1964 report (*The Many Lives of North Carolina Women*) to the governor outlined the lives of women in North Carolina at home and in the community. The Commission recommended such things as:

- Apply the minimum wage law to cover hospital and domestic workers.
- Recruit companies which require skilled workers.
- Create pay equity legislation.
- Create a permanent Women's Advisory Commission to follow up on the report's recommendations.

The Commission disbanded in November, 1964. The General Assembly created the North Carolina Commission on the Education and Employment of Women in 1965 to assess the education and employment needs of women. The seven member commission, comprised of people from the education community, researched and published *North Carolina Women and the Law*, a 1972 booklet that outlined marriage, divorce and financial support laws and their impact on women.

The General Assembly allocated funding for the Commission to hire an executive director and establish an office in Raleigh. During this time, the Commission focused on establishing county councils and researching the lives of women in the public and private sectors of North Carolina. During the 1975

governmental re-organization, the Commission was re-named the North Carolina Council on the Status of Women and established within the Department of Administration as one of several advocacy agencies. The Council's membership increased to a total of twenty. The agency currently has ten staff members in the Raleigh central office and another ten in its six region offices located in Greenville, New Bern, Raleigh, Greensboro, Charlotte and Asheville.

Sexual Assault Programs

In 1977, the Legislative Study Commission on Sexual Assault recommended the establishment of an office to create model sexual assault programs and assist in establishing services for victims. The Sexual Assault Task Force was created at the Council to fulfill this mandate. The Task Force was comprised of advocates, law enforcement and others to develop the new programs. Through collaborations with others, the Task Force published survey results of sexual assault victims and was instrumental in the development of a "standard rape evidence kit" utilized statewide by clinics and hospitals. The same year, the Office of the Coordinator of Services for Victims of Sexual Assault was established by the General Assembly. The Office's purpose was to create a network of public and private services for sexual assault victims and establish new programs. The General Assembly placed the Office within the Department of Administration which housed it in the Council.

In 1983, the Task Force created a multidisciplinary system on working with sexual assault victims by law enforcement, sexual assault advocates and volunteers. Uniform standards were developed statewide as a result of the Task Force's efforts. The Task Force created a child sexual assault protocol that later led to the development of a curriculum for school personnel to assist with creating prevention strategies.

The General Assembly allocated funding to the Council in 1984 for local sexual assault programs. The fourteen programs provided victims with counseling as well as coordinated community awareness projects. In 1992, the Council funded forty-three sexual assault programs and seven new rape crisis centers were created. The source of funding for these was the Preventive Health Block Grant Funds from the Department of Environment, Health and Natural Resources (DENR). This brought the total number of programs to fifty. The Violence Against Women Act (VAWA) funded the Rape Prevention and Education (RPE) program through state health departments. The North Carolina Department of Health and Human Services (DHHS) distributed the funding through a reimbursement system to sexual assault programs supported by the Council. This collaboration continued until 2004, when the Council's administrative duties of RPE were assumed by DHHS. The sexual assault programs funded by the Council were now required to submit a RPE grant

application directly to DHHS. In 2004, sixty-eight sexual assault programs received RPE funding. In 2006, the RPE funding application process became competitive at the request of the federal government. The funding amount increased but the number of sexual assault programs funded decreased to seventeen. The Council directly funded fifty-seven programs in 1997 and eighty-five sexual assault programs in 2009. The North Carolina Coalition Against Sexual Assault also receives state appropriated funding through the Council's grant program.

Domestic Violence Programs

The Battered Women Project was created in 1977 to provide technical assistance to new programs that served domestic violence victims in North Carolina. A year later, the Council and the Department of Human Resources (DHR) collaborated to coordinate services to domestic violence victims. The Council's staff managed the domestic violence programs while DHR provided the funding for services at the county level. DHR awarded grants to the programs which provided counseling, medical and legal services to domestic violence services.

The Council coordinated the work of the Governor's Task Force on Domestic Violence in 1980 whose purpose was to assess the role of state agencies in combating the problem and suggest improvements. In 1989, the Council created the Domestic Violence/Sexual Assault Advisory Committee to streamline its agency organization and continue the assessment process for both program types.

In 1982, the Council received state funding from the General Assembly for grants to seventeen local domestic violence programs. In the early 1990's the General Assembly allocated a portion of the marriage license fees collected by the counties to the domestic violence programs. The funding was distributed equally to all domestic violence programs each quarter of the state fiscal year. This funding continues to this day. The number of domestic violence programs funded increased from sixty-five in 1992 to seventy-eight in 1998. In the late 1990's, Governor Jim Hunt created a Task Force on Domestic Violence. Among its recommendations included the creation of a permanent Domestic Violence Commission. The Commission was created to ensure that services were provided to domestic violence victims and to collaborate with the Council to improve existing domestic violence programs. In 2001, the two groups were merged into the North Carolina Council for Women/Domestic Violence Commission. Currently, one hundred and one programs are funded. The North Carolina Coalition Against Domestic Violence also receives state appropriated funding through the Council's grant program.

Domestic Violence Commission

G. S. 143B-394.15 outlines the purpose and membership of the Domestic Violence Commission. The Governor, Speaker of the House and the President Pro Tempore of the Senate each appoint nine members to the Commission. There are twelve members from the Council of State, Governor's Cabinet and the university system represented on the Commission. This also includes the Chair of the statewide North Carolina Council for Women and the Governor's Crime Commission. The Commission must:

- Assess statewide needs related to domestic violence
- Assure that necessary services, policies and programs are provided to those in need
- Strengthen existing domestic violence programs funded through the Domestic Violence Center Fund (G. S. 50B-9)
- Recommend new domestic violence programs

G. S. 143B-394.16 grants to the Commission the following powers/duties:

- Develop and recommend to the General Assembly the "Safe Families Act," promote adequate funding for victim safety and accountability of perpetrators.
- Develop and recommend domestic violence training initiatives for law enforcement, judicial personnel and people who provide services to domestic violence victims.
- Develop training initiatives, make recommendations and provide information to state agencies in the areas of child protection, education, employer/employee relations, criminal justice and subsidized housing
- Provide information/advice to private entities that request help in providing services to domestic violence victims.
- Design/coordinate improved data collection efforts for domestic violence crimes in North Carolina.
- Research, develop and recommend proposals on how best to meet the needs of domestic violence victims and prevent domestic violence.
- Adopt rules within the administrative code which govern the abuser treatment program certification process

State Coordination of Sexual Assault services

There are three North Carolina state departments that provide funding to sexual assault programs: Administration, Crime Control & Public Safety and Health & Human Services. The N. C. Council for Women/Domestic Violence Commission, a Department of Administration division, administers state appropriation specifically for sexual assault programs. The funding is awarded on a non-competitive basis to sexual assault programs which meet the Guidelines and file applications. The Governor's Crime Commission (Department of Crime Control & Public Safety) is the North Carolina designee that administers the Violence Against Women Act & Victims of Crime Act funding from the U. S. Department of Justice. Funding is awarded on a competitive basis and sexual assault programs are eligible to submit a grant proposal. The Injury & Violence Prevention Branch of the Division of Public Health (Department of Health & Human Services) is the designee that administers the Rape Prevention & Education Fund from the Centers for Disease Control & Prevention. Funding is awarded on a competitive basis to sexual assault programs and is used for prevention/education purposes. The Injury & Violence Prevention Branch also administers the N. C. Rape Crisis & Victim Services Program funding that seeks to strengthen the organizational structure of sexual assault programs. The funding is awarded on a competitive basis. The Division of Social Services is the designee that administers the Family Violence Prevention Services Act funding from the U. S. Department of Health & Human Services. The funding is awarded on a competitive basis to programs that provide domestic violence services. Many sexual assault programs are housed within multi-service agencies that can apply for the funding. Each division/branch has policies that govern the use of the funds as well as staff members that monitor grant recipients. There is no formal coordination of efforts among these departments.

State Funded Sexual Assault Programs (2009-2010 information)

In 2009-2010, the Council for Women/Domestic Violence Commission distributed a total of \$2,750,766 to 85 sexual assault programs. The Council distributed a total of \$5,997,000 to 101 domestic violence programs. Many of the sexual assault programs are located in non-profits that also provide domestic violence services. A report found that sexual assault programs

affiliated with domestic violence programs receive less funding and serve fewer clients. (“The Effectiveness of Sexual Services in Multi-Service Agencies” - Debra Patterson/Sally Laskey). The report also discovered that stand alone sexual assault programs provide more comprehensive services to clients than multi-service programs. A report on domestic violence and sexual assault services in North Carolina was unable to conclude that stand-alone sexual assault programs are more effective than multi-service programs (“Consensus Practices in the Provision of Services to Survivors of Domestic Violence & Sexual Assault” - Rebecca J. Macy & Dania M. Ermentrout). Currently the Council funds 16 stand alone sexual assault programs and 69 dual programs that administer both domestic violence and sexual assault services.

Sexual Assault programs in other states

An online survey was created to discover (1) if other states had statutes that outlined mandated services which sexual assault programs must provide, (2) what funding sources were used to sustain the programs and (3) if a sexual assault or domestic violence commission existed. The N. C. Coalition Against Sexual Assault listserv was the vehicle for delivering the survey. The survey was sent to sexual assault programs and sexual assault coalitions in the following states: Florida, Georgia, Iowa, Louisiana, South Carolina, Tennessee, and Virginia. Program responses were received from: Georgia, Iowa, Louisiana and Virginia. Coalition responses were received from Iowa and Virginia. Below are highlights from the responses:

- Iowa and Georgia have sexual assault program statutory requirements that are similar to North Carolina’s G. S. §143B-394.21(Sexual Assault & Rape Crisis Center Fund).
- The survey responses revealed that sexual assault services are provided via multi-service agencies.
- The state of Louisiana does not provide sexual assault funding rather they require sexual assault programs to seek private and federal funding.
- None of the surveyed states had a sexual assault or domestic violence commission.

Domestic Violence Commission Members survey

A survey was submitted to past and current Domestic Violence Commission members containing the following questions:

- What added value has occurred as a result of the work of the NCDVC?

- How has the NCDVC work resulted in:
 - a) Design/coordination of statewide public awareness campaign
 - b) Public policy on behalf of victims and families
 - c) Cultivation of relationships between community stakeholders

Below are highlights from the survey responses:

- The greatest value of the Commission is convening various stakeholders on the issue of domestic violence.
- The Commission endorsed the legal agendas of the N. C. Coalition Against Domestic Violence.
- The Commission led to the creation of the Joint Legislative Committee on Domestic Violence.
- The Commission discussed creating a statewide public awareness campaign but it didn't occur. The Commission should take the lead on an awareness campaign.
- The Commission should have a consistent presence at the Joint Committee meetings and report to the Committee on issues that arise among the stakeholders.
- The Commission may want to learn about noteworthy initiatives taking place in other states.

Recommendation

The Commission voted to recommend the creation of a separate sexual assault commission

Advantages

- The commission would provide a platform to help all sexual assault programs, both stand-alone and multi service agencies, improve delivery of services via outreach to policymakers and funders.

Disadvantages

- It is estimated that \$55,000 is needed to establish a new commission.
- The Council for Women/Domestic Violence Commission currently staffs the Domestic Violence Commission, the statewide Council for Women board and all of the subcommittees of each board. With no potential increase in personnel, the agency would face a challenge in effectively staffing a third board and its subcommittees.

Attachments

Online survey to states

North Carolina Council for Women/Domestic Violence Commission "Multi-State Survey on Sexual Assault Services"

The NC Domestic Violence Commission, the NC Coalition against Sexual Assault, and the NC Coalition against Domestic Violence requests your assistance in researching oversight and coordination of services to victims of sexual assault. We would appreciate your assistance with the following survey, which will assist our efforts in reporting to the NC Legislature in February. Please take a few minutes to fill in the survey. We'll be happy to share the results of the survey with each of you. Thank you for your partnership.

1. In NC, state statutes require sexual assault programs that receive state appropriated dollars to offer mandated services. Which of these services are you required by statute to provide? (Please check all that apply.)

*A hotline

*Transportation services

*Community Education Programs

*Daytime services

*Call forwarding during the night

*Successful operation of services for one year prior to receiving state funds

*Operate as a non-profit corporation or a local governmental entity

*Have a mission statement that clearly specifies rape crisis services are provided

*Provide assistance to ensure victims' interests are represented in law enforcement and legal proceedings

*Provide assistance to ensure support and referral services are provided in medical and community settings

*Other, please describe below

2. What funding sources sustain your program? (Please check all that apply.)

*Foundation or other private funds

*State appropriations

*Court filing or other fees collected by governmental entity

3. Who is your primary reporting grantor? (ex. State Government, County Government, Federal Entity, Foundation, Other Private Source)

4. In your state, what type of entity delivers services to sexual assault clients?

*Non-profits

*Governmental entities

*Other (ex. Public-private entity)

*If Other, Please Describe

5. In your state, how are services provided to sexual assault clients? (Please select the appropriate answer)

*Stand-alone sexual assault service provider

*Multi service provider (delivers service for additional programs beyond sexual assault)

6. If you checked multi-service provider above, please state the additional services provided

7. In your state, who must the Legislative body or other elected officials consult regarding recommendations for changes to laws pertaining to the issue of sexual assault? (Please check all that apply.)

- *Statewide non-profit
- *Statewide Board or Commission
- *Currently there is no law that requires consultation
- *Other, please describe below:

8. If the legislative body or other elected officials must consult an entity regarding recommendations for changes to laws pertaining to the issue of sexual assault, has this consultation process enhanced coordination of services?(Please select one.)

*Yes

*No - Please indicate why and what mechanism would be more effective in increasing the quality of service provision to survivors of sexual assault:

9. In your state, who must the legislative body or other elected officials consult regarding recommendations for changes to laws pertaining to the issue of domestic violence? (Please select all that apply.)

*Statewide non-profit

*Statewide Board or Commission

*Currently there is no law that requires consultation

*Other, please describe below

10. If the Legislative body or other elected officials must consult an entity regarding recommendation for changes to laws pertaining to the issue of domestic violence, has this consultation process enhanced coordination of services? (Please check all that apply.)

*Yes

*No - Please indicate why and what mechanism would be more effective in increasing the quality of service provision to survivors of domestic violence:

11. Does your state have a sexual assault commission? (Please select one.)

*Yes - If yes, is the sexual assault commission affiliated with another governmental entity? Please describe the sexual assault commission's structure:

*No

12. Does your state have a domestic violence commission? (Please select one.)

*Yes - If yes, is the domestic violence commission affiliated with another governmental entity? Please describe the domestic violence commission's structure:

*No