



# Out of the Shadows

North Carolina Conference of District Attorneys

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## CHILD ABUSE HOMICIDES REMAIN STEADY FOR 2006

By: Laura Parker

How to Contact the Child Abuse Resource Prosecutor  
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Phone: 919.890.1500  
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### Upcoming Child Abuse Trainings

#### National:

*The 22nd Annual San Diego International Conference on Child and Family Maltreatment*  
January 28 – February 1, 2007  
San Diego, CA

For more information, please visit  
[www.chadwickcenter.org](http://www.chadwickcenter.org)

*childPROOF: Advanced Trial Advocacy for Child Abuse Prosecutors*  
February 10-15, 2008  
Columbia, SC

For more information, please visit:  
[www.ndaa-apri.org](http://www.ndaa-apri.org)

#### State:

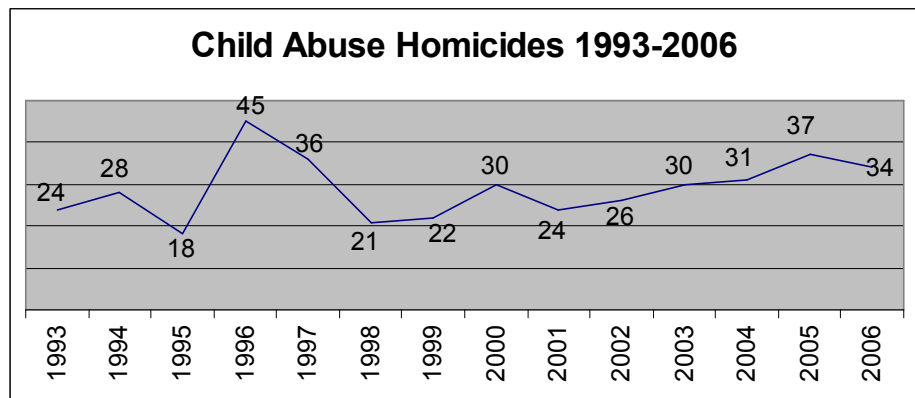
*Child Abuse Training NC Conference of District Attorneys*  
January 16-18, 2007  
Raleigh, NC

For more information, please visit:  
[www.ncdistrictattorney.org](http://www.ncdistrictattorney.org)  
or contact Laura Parker at (919) 733-3484

In 2006, 34 children died at the hands of their parents or caregivers. This data released by Prevent Child Abuse North Carolina indicates that the number of child abuse homicides remained the same as 2005. In previous years, the number of child abuse homicides had been increasing since 2001. 2006 was the first year that the number of child abuse deaths did not increase. Unfortunately, while the number remained the same, each death still represents one child whose life was tragically taken away by the very person responsible for their care.

According to the NC Child Fatality Prevention Team, 76% of the children who were killed were under the age of 5 years of age. Over 60% of the children died as a result of blunt trauma to the head. Other causes of death included multiple blunt trauma, gunshot wounds, stabbing, asphyxiation, fire-related injuries and carbon monoxide poisoning.

Last year more than 5 million children were reported as abused and neglected nationally, while 111,000 children were assessed for maltreatment in NC. An estimated 1,300 children die in the United States because of child abuse each year.



Source: Prevent Child Abuse North Carolina, 2007

### “PREDATORS FROM WITHIN”:

#### COMPUTER FACILITATED CRIMES AGAINST CHILDREN TRAINING

This past September, thirty prosecutors and law enforcement officers came together in the new NC Conference of District Attorneys Training Room at the NC Judicial Center in Raleigh, NC for three days of training on the “Investigation and Prosecution of Computer Facilitated Crimes Against Children.” The training provided an overview of computer facilitated crimes against children and a discussion of basic computer forensics. In addition, students received information on high-tech grooming and how to work with adolescent victims in the criminal justice setting. Students also learned about the medical aspects of computer crimes, including developmental milestones and other methods to assist in determining the age of a child depicted in a photograph. Finally, the training included a discussion of legal issues related to computer crimes against children, including an overview of the crimes associated with computer crimes against children, how to overcome defenses, and a discussion of search and seizure of computer evidence. Assistant District Attorneys Nancy Lamb from the 1<sup>st</sup> District and Rob Taylor from the 22<sup>nd</sup> District were two of the presenters.



Prosecutors who were not able to attend can request the materials from the course by contacting Laura Parker at [Laura.E.Parker@nccourts.org](mailto:Laura.E.Parker@nccourts.org) or at 919.890.1500.

#### Inside this issue:

- Child Abuse Homicides 1
- Predators From Within 1
- Child Sexual Abuse Resource Manual 2
- Keepin’ em Out of the Parks 2
- Child Abuse Prosecutors Alliance 2

The Conference of District Attorneys has received grant money from the Governor’s Crime Commission to print additional copies of the Child Sexual Abuse Resource Manual for prosecutors. A first shipment was mailed to District Attorney’s offices in mid-August. If your office is need of extra copies, please contact Laura Parker at [Laura.E.Parker@nccourts.org](mailto:Laura.E.Parker@nccourts.org) or at 919.890.1500 to request additional copies. This comprehensive manual covers information on topics ranging from victimization to sentencing. Beginning with an overview of victimization and characteristics of victims, the manual follows the course of a child sexual abuse case from investigation to prosecution. The manual discusses investigative issues such as corroboration of the child’s statement, medical examinations, and computer crime legal issues. The manual also covers prosecution-related subjects such as sufficiency of the evidence, charging determinations, indictments, discovery, motions, trial preparation, working with victims in court, jury selection, opening statements, the child’s testimony, expert witnesses, common defenses, jury instructions, closing statements, and legal issues affecting child abuse cases such as the confrontation clause. The manual also includes sample jury selection questions, sample examinations of expert witnesses, and sample motions. Prosecutors across the state have contributed their expertise and knowledge in this area of the law to compile this tremendous resource.

***KEEPIN’ ‘EM OUT OF THE PARKS* BY: LAURA PARKER**

The Court of Appeals recently ruled that a city ordinance banning registered sex offenders from knowingly entering city parks was not unconstitutional. The Town of Woodfin in Buncombe County enacted an ordinance that prohibits registered sex offenders from knowingly entering into or on any public park owned, operated, or maintained by the town. The plaintiff, David Standley, was convicted in Florida of attempted sexual battery and aggravated assault against a woman. He argued that the ordinance violates his fundamental right to travel though “public spaces,” protected by the due process clause of the Fourteenth Amendment. He also argued that the ordinance denies him his constitutional freedom to intrastate travel, violates his substantive due process rights, and that the ordinance is punitive in a way that would violate the *ex post facto* clause.

In its opinion, the Court of Appeals iterated that substantive due process is not a blanket protection and that the right to enter public parks for “innocent, recreational purposes” is not a fundamental right, *Doe v. City of Lafayette, Ind.* 377 F.3d 757, 771 (7<sup>th</sup> Cir. 2004). Because the right to intrastate travel is a “right of function” and not a fundamental right, the ordinance that prevents the plaintiff from entering a public park does not impair his daily functions or infringe on his right to intrastate travel.

The Court also discussed that the ordinance has a legitimate government purpose of promoting the general welfare and safety of Woodfin’s citizens by restricting sex offenders from entering public parks, which are frequented by children and other citizens. Finally, the Court rejected the plaintiff’s argument that the ordinance is punitive in nature in that the ordinance does not subject registered sex offenders to affirmative disability or restraint – they may still travel freely and attend their daily function.

The Court concludes its opinion by discussing the statutorily delegated police power given to North Carolina cities: “A city by ordinance may define, prohibit, regulate, or abate acts...detrimental to the health, safety, or welfare of its citizens” G.S. 160A-174 (2005). It’s holding: that the Town of Woodfin acted within its delegated police power to enact and enforce an ordinance restricting sex offenders from entering Woodfin’s public parks for the purpose of promoting citizen safety.

The Court’s opinion did include a dissenting opinion, so the North Carolina Supreme Court will likely review the ruling. The opinion in the case of *Standley v. Town of Woodfin*, filed October 2, 2007, can be found at <http://www.aoc.state.nc.us/www/public/coa/opinions/2007/061449-1.htm>.

***CALL FOR PAPERS!***

The NC Conference of District Attorneys is establishing a “brief bank” of motions, orders, notices, and memorandum of law relating to the prosecution of *child abuse and neglect* in NC for prosecutors across the state to share and access. If you would like to submit any such papers to aid and assist other prosecutors across the state, please email your submissions to Laura Parker at [laura.e.parker@nccourts.org](mailto:laura.e.parker@nccourts.org) or send it on diskette or CD-Rom (Save as Microsoft Word or Excel file) to: Laura Parker, NC Conference of District Attorneys, PO Box 3159, Cary, NC

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