



**Juvenile Jurisdiction Advisory Committee**  
3010 Hammond Business Place  
Raleigh, NC 27603

Monday, November 4, 2019

**Committee Members:**

Co-Chair Bill Davis, Co-Chair Garry Frank, Betty Budd, Ruby Brown-Herring, Tarrah Callahan, Darren Campbell, J.H. Corpening II, Beth Freshwater-Smith, Michelle Hall, Krista Hiatt, Jennifer Knox, William Lassiter, Jeffrey Ledford, Kym Martin, Martin McGee, Carol McManus, Robert Rader, Mary Stansell, Heather Taraska, McKinley Wooten, Eric Zogry.

**Guests:**

Catherine Anderson, David Andrews, LaTobia Avent, Mark Aycock, Dawn Blagrove, Leslie Boyle-Barron, Mathew Boyatt, Dean Carroll, Carolyn Cash, Julianna Cherry, Bonnie Clark, Emily Coltrane, Casey Corey, Justin Davis, Walter Dubianski, Brandy Farrell, Lynne Fleetwood, Tawanda Foster, Jacqui Greene, Erin Hickey, Pam Hoggard, Douglas Holbrook, Meagan Honnold, Steve Horton, Megan Howell, Sean Ingram, Matthew Jenkins, Adam Johnson, Rachel Johnson, Maria Jones, Diana Kees, Peter Kuhns, Rachel Larsen, John Madler, Chuck Mallonee, Traci Marchand, Phil Maychek, Doug McCaskey, Emily Mehta, Beth Nelson, Regina O'Neal, April Parker, Cindy Porterfield, Susan Proulx, Kimberly Quintus, Stephanie Scott-McDonald, Rolanda Davis, Monica Shabo, Jennifer Short, Gary Skinner, Jim Speight, Mildred Spearman, Joe Testino, Dawn Thomas, Pam Westfall.

**Call to Order: 10:05 AM**

- Bill Davis: Welcome and opening remarks.
- Review of Minutes from the July 30, 2019 meeting. Motion accepted, seconded, all in favor, none opposed. Motion passed.

**Legislative Recommendations**

**Justin Davis, DPS Legislative Affairs Office**

Senate Bill 413 - Raise the Age Modifications

- Includes many of the JJAC legislative recommendations made prior to this session
- Signed into law in early August by Governor Cooper

House Bill 702 - Modify Juvenile Crime Prevention Councils

- Includes JJAC recommendations for JCPC-related special provisions
- Passed the House unanimously in April and has sat in the Senate
- Will continue advocating for the bill to be passed by the Senate in the short session.

Senate Bill 419 - Technical and Other Changes

- NC Sheriffs' Association proposed language supported by Division of Juvenile Justice
- As currently written, would clarify that any person under the age of 18 that is ordered confined must be housed in a Division of Adult Correction and Juvenile Justice (DACJJ) juvenile detention facility, or in an DACJJ approved

local confinement facility for the housing of juveniles. (Effective date: July 1, 2020)

- It would also clarify that DACJJ personnel would be responsible for transporting persons under the age of 18 to and from juvenile detention facilities and approved local confinement facilities. (Effective date: July 1, 2020)
- Is not exhaustive; recognize additional legislative changes will be needed to address other scenarios
- Passed House last week; currently sits in Senate Rules

#### House Bill 470 - Administration of Justice Changes

- Conference Report adopted by both chambers; with Governor to sign into law [S.L.2019-243]
- Section 21(a) addresses concerns raised by AOC regarding the expunction of records when charges are remanded to district court
- Specifically speaks to:
  - DNA records
  - Public records
  - Confidential records (such as law enforcement investigative records)
- Effective date: December 1, 2019

#### House Bill 111 - 2019-2021 Base Budgets/Certain Agencies

- Enacts a base budget for most state agencies
- At first glance of Section 1.2.(b), it may appear that Raise the Age funding provided in recently enacted Session Law was reduced by \$3.8 million
- Don't be concerned; the change was simply a conforming change to reflect the annualization of 65 positions included in the 2018 budget which are now part of the base budget.

#### Senate Bill 562 - The Second Chance Act

- Revises various expunction laws including those related to juvenile records
- Hasn't progressed since July's JJAC meeting

#### House Bill 347 - Study No Delinquent/Undisciplined Under 10

- JJAC to study modifying the definitions of delinquent and undisciplined juveniles to include only juveniles who are at least 10 years old
- With Senate Rules since May
- Revisit in the short session

#### Senate Joint Resolution 694

- Thursday, a joint resolution adjourning session was agreed upon by both the House of Representatives and Senate.
- The joint resolution sets limitations on which types of matters can be considered when the General Assembly reconvenes later this session. The legislature stands adjourned to reconvene on November 13, 2019, and again on January 14, 2020.
- Discussion on matters that may be considered during the November and January sessions.

#### **LaToya Powell, AOC and Heather Taraska, Mecklenburg County DA's Office**

- HB470 - AOC Omnibus Bill: Two technical corrections regarding expunctions. Cases remanded back to juvenile court. New expunction applies when

superior court remands (Reverse Waiver). 1) Record and 2) DNA sample must be expunged upon remand instead of after charges dropped.

- When expunction is entered: Clerks are required to send remand orders to various state agencies and LEOs and require those agencies to expunge any and all records from that case. But when the case is sent back to juvenile court, it is only the charge that is expunged until the court is settled.
- New statute 7B-2200.5 remand: Possible for superior court to send A – G felony back to juvenile court. Jurisdiction would end at age 19 or 20. Because of that, need to amend juvenile code to clarify that if A – G felony is remanded, there will be extended jurisdiction to longer stays in YDCs.
- Other gaps have been identified, will be discussed by the LRLI for recommendation to the full committee.
- Committee to send Heather Taraska any additional legislative items for LRLI to consider.

### **Jacqui Greene, Stakeholder Training**

- We originally planned to hold seven workshops but had waiting lists at every site; so, we added two more. Trained over 1,000 people on the new law. We held a webcast last week. Had 260 individuals signed on, plus others viewing in the offices of those who were signed on. The reach of the training has been broad.
- Questions:
  - Once an Adult, Always an Adult questions. Who is making that call, what systems are being checked, etc.? A “conviction” is what triggers it. Define conviction. PJC questions are unanswered and a call has to be made. Deferred prosecutions? Magistrates would like a form from JJ that says, “We checked, and this case does fall under OAAA.” Does fact of previous adult conviction need to be presented to the court?
  - The indictment process: Indictments get returned to the presiding judge. Timing? Confidentiality? Name or initials only on original indictment since it’s prior to transfer?
  - Reverse waiver: Confidentiality on recording? Will they be expunged? Is it excessive to have an automatic transfer only to have it be remanded back to JJ?
  - Boating while impaired- falls under JJ jurisdiction
  - Emancipation: Juvenile code states there is no juvenile jurisdiction over an emancipated juvenile. Emancipation is automatic at 18, so how does that work with JJ jurisdiction through age 20?
  - How can we get more training? Working on more electronic training, pocket cards, SOG videos to put online that explains RtA in small chunks. [Reference <https://www.sog.unc.edu/resources/microsites/juvenile-law/resources-and-links-raise-age>]
- Training was offered to LEO’s, Judges, Magistrates, Clerks/Deputy Clerks, DAs/ADAs, Juvenile Defenders, Court Officials, Schools, Mental Health/DSS, Service Providers.
- RtA Conference held in Winston Salem for JJ leadership: Trained 250 Juvenile Justice professionals.

- Jeffrey Ledford: Working towards training the law enforcement officers for the boots-on-the-ground, beginning of the process. Easing concerns. Partnered with SOG and Justice Academy to create video. It's a 6 to 8-minute video that will be shown in every lineup. Cruiser Cards (reference cards) to guide LEOs on how to handle the new juvenile cases.
- Eric Zogry: Office of the Public Defender now has a stakeholder site for the public and a password protected for Juvenile Defenders. We are willing to go out to train whoever would like to have us.
- Rachel Larsen: We have a training coming up November 15th. Previously trained Prosecutors in the eastern part of the state.

## **Implementation Update**

### **William L. Lassiter**

- S419 – Requires all 16 & 17-year-olds to be housed in juvenile facilities instead of jail (OAAA, MV offenses, etc.).
- JJPDA gives until 2021 to remove juveniles from jails, and we are working on it. We'll need a committee to focus on this.
- Motor vehicle convictions: Will always stay in adult court. Once an Adult, Always an Adult will eventually go away. Motor vehicle convictions may be fixed at a later date. We can make a recommendation later on to stay in juvenile court or keep it the way it is. How do we want to handle this moving forward? Name a new committee for S419 to deal with this. Looking at the wording for the final legislation. We'll need to do it comprehensively. Heather's committee may need to look at language for the bill. Billy will be glad to chair this subcommittee.
- Bill Davis: Is there a motion to create this committee in order to discuss and bring back recommendations to the full committee? Motion accepted, seconded, all in favor, none opposed. Motion passed.

#### Committee Volunteers:

- Ruby Brown
- Eric Zogry
- Carol McManus
- Marty McGee
- Tarrah Callahan
- Heather Taraska
- William L. Lassiter, Chair
- Other members of the community are invited to join but only JJAC Members will have voting rights.
- Legislative report due by January 15<sup>th</sup>
- Review of Implementation Update points. See PowerPoint handout.
- JJAC Recommended resources for AOC to include the difference between what was requested and what was received.
- Funding and Administrative Recommendations
- Vote/Discuss
  - Capital (\$3,731,000)
  - Repair and Renovation (under \$300,000)
  - Rockingham YDC operating (staffing in the future)
  - AOC that wasn't funded

- SJP information will be included in the report to the General Assembly. Exploring SJP impact analysis through university research partnership
    - Counties/districts that have signed the agreement
    - Counties/districts that are working on implementation
- Bill Davis: Is there a motion to vote on these points? Motion accepted, seconded, all in favor, none opposed. Motion passed.
- JCPC funding.
  - Matching wasn't required in the first year but will be required in the second year.
  - Increase access to teen court. 60 counties have, 40 don't. Law says kids must have access to it.
  - Can now have multiple referrals, not just one.
  - Increase in new and existing program models for 16 & 17-year-olds
- Facility Plans:
  - Projected 64% increase
  - Increased at McWhorter and Cabarrus
  - Meeting with Bladen County Commissioners to use their old jail.
  - Madison is open for business and will accept kids
  - Mecklenburg preparing to open by December 1<sup>st</sup> at Jail-North
  - Dillon positions posted
  - Additional Detention beds:
    - Bladen- 21
    - Dillon – 36 now. 108 bed potential
    - McWhorter – 32
    - Hyde – 16
    - Madison – 19
    - Mecklenburg – 72
    - Moore – 24
    - Perquimans (potentially 2021) – 24
    - Durham County – future expansion
    - Wake County is very interested in using the empty building on Hammond Road
- YDC Core Programming
  - Restorative Justice
  - Motivational Interviewing
  - Financial Literacy
- Transportation:
  - Positions have been posted and are interviewing. 18 Teams for Court Services. 11 Teams for Facilities. Teams can be used interchangeably.
  - JJ is responsible for transporting, but law enforcement can have them for 12 hours.
  - Working with LEOs to see who wants to transport. Will be paid for their time. Reimbursed for their mileage.
  - Go through the normal process for transportation services. Closest and most convenient facility.
- Minimum Age Considerations
  - Competence to Stand Trial is an issue we see across the state
  - No cutting of resources to programming

- NC has lowest age of juvenile jurisdiction, of those states with a minimum age
- Megan Perrault discussed the data regarding Minimum Age of Jurisdiction
- William Lassiter moved to form a subcommittee for Minimum Age in order to discuss and bring back recommendations to the full committee. Motion accepted, seconded, all in favor, none opposed. Motion passed. Judge Corpening to chair.
  - Committee Volunteers:
    - Tarrah Callahan
    - Carol McManus
    - Eric Zogry
    - Mary Stansell
    - Krista Hiatt
    - Ruby Brown-Herring
    - Kym Martin
    - Michelle Hall (John Madler advisory)
    - William L. Lassiter
    - Heather Taraska
    - Judge Corpening, Chair
    - Other members of the community are invited to join but only JJAC Members will have voting rights.

### **Service Directory**

- Get resources to community members and match services to a youth's needs
- Our approach starts at intake and follows them through their entire stay with JJ
- Automated program entry update and review process
- Users can search and print entries
- Make direct referrals prior to becoming court involved

### **Communities in Schools – Reentry to Resiliency (R2R)**

- Success Coaches assigned- help with housing, social services, wrap around
- Looking into other reentry transition services
- Integrated student supports
- From YDC, foster care, PRTFs
- Services upon entry into facility and for 12 months after release
  - YDC Intake Assessments
  - YDC Placement
  - Pre-release Planning
  - Post-release Supervision
  - CIS Post-release Support
- Early results from this program have been a huge success: Program graduates = 19. 58% are full-time students, 89% working or job seeking, only 21% with new complaint.

### **Second Change Act Grant**

- Goal 1: Expand Communities in Schools R2R to youth returning from YDC to Mecklenburg and Nash Counties.
- Goal 2: Conduct an independent comprehensive program evaluation of the R2R pilot via partnership with RTI.

### **LUNCH**

### **New Business**

Since many members of the new subcommittees are on both, we should think about the travel involved when planning for the upcoming meetings.

### **Public Comment**

None

Additional Instructions: Any changes to your contact information should be sent to [Kimberly.Quintus@ncdps.gov](mailto:Kimberly.Quintus@ncdps.gov).

Next meetings: January 6, 2020 from 10am-2pm at 3010 Hammond Business Pl, Raleigh, NC.