

What?

- »» What is in the law? What is required?



NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
PREVENT. PROTECT. PREPARE

2017 Juvenile Justice Reinvestment Act “Raise the Age”

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Juvenile Age Increase

Effective Dec. 1, 2019

- New definition of “delinquent juvenile” includes 16 and 17-year-olds who commit crimes, infractions, or indirect contempt by a juvenile, but *excludes motor vehicle offenses*

- Also excludes juveniles who:
 1. are 18 and older;
 2. have been transferred to and convicted in superior court; and
 3. have been **convicted of a felony or misdemeanor, including motor vehicle offenses, in district or superior court**



Motor Vehicle Exclusion

“Motor vehicle offense” is currently undefined.

- ▶ Likely applies only to prior Motor Vehicle Act (G.S. Ch. 20) offenses
 - i.e., DWI, DWLR, Cell phone use by minor, reckless driving, speeding
- ▶ Unclear whether it applies to other motor vehicle offenses
 - Unauthorized use of a MV (G.S. 14-72.2)
 - Breaking and entering of a MV (G.S. 14-56)
 - Maintaining a vehicle for use or sale of CS (G.S. 90-108(a)(7))



Maximum Age of Jurisdiction

Effective Dec. 1, 2019

- For 16-year-olds, until age 19
- For 17-year-olds, until age 20

Beyond maximum age of jurisdiction,

- Court has **indefinite jurisdiction** over felonies and related misdemeanors to either transfer the case to Superior Court or dismiss the petition



Expedited Transfer for 16 & 17 y.o.

Effective Dec. 1, 2019

- For Class A-G felonies, transfer is mandatory upon:
 - notice of an indictment, or
 - a finding of probable cause after notice and a hearing
- For Class H or I felonies, transfer requires a transfer hearing



Indictment by Prosecutor

Potential Questions

- ▶ Does 15-day deadline in G.S. 7B-2202 apply?
 - Note that a PC hearing may be continued for “good cause”
- ▶ Does indictment process impact juvenile court counselor’s role?
 - JCC’s must still complete intake
 - Can still divert felonies (unless nondivertible under G.S. 7B-1701)
- ▶ What about confinement?
 - 16 & 17 y.o. must be detained in juvenile facilities pending conviction
 - G.S. 7B-2204



Juvenile Gang Suppression

Effective Dec. 1, 2019

- JCC's must begin conducting gang assessments during intake
- Results of the gang assessment become part of JCC's record
- New G.S. 7B-2508.1 defines "*criminal gang*," "*criminal gang activity*," & "*criminal gang member*"
- **Requires** enhancement of juvenile's disposition level, if court finds offense was committed as part of criminal gang activity



Gang Enhancement

Potential Questions

- ▶ New G.S. 7B-2508(g1) does not set forth:
 - Method of proof?
 - Burden of proof?
- ▶ Compare to G.S. 7B-2507(f) (“proof of prior adjudications”)
 - Requires proof by a “preponderance of the evidence”
 - Specifies acceptable methods of proof:
 - Stipulation of the parties
 - Original or copy of court records
 - Copy of DPS or DJJ records
 - Any other method deemed reliable by court



Greater Protections for Victims

Effective Oct. 1, 2017

Victims

- Must be notified of filing decision, reasons for the decision, and whether matter was closed, diverted, or retained;
- Must be notified of right to have prosecutor review filing decision under amended G.S. 7B-1704 and G.S. 7B-1705; and
- Under new G.S. 143B-806(b)(14a), DJJ must develop system for informing victims about status of pending complaints and right to review the filing decision.



Greater LEO Access to Information

Effective Oct. 1, 2017

- DJJ must begin tracking “**consultations with law enforcement**” that do not result in the filing of a petition per amended 7B-3001(a)
- Duty to share info. applies to:
 - Juvenile’s delinquency record & consultations with LEO’s
 - When requested for the purpose of assisting LEO’s during the investigation of an incident that could lead to the filing of a complaint
- **Certain Limitations Apply:**
 - LEO’s may not obtain records from JCC’s
 - LEO’s must maintain confidentiality of any information shared



J-Wise Access

Effective July 1, 2017

- By July 1, 2018, AOC must expand access to J-Wise to include prosecutors and juvenile defense attorneys
- Access is limited to records related to juvenile delinquency proceedings
- AOC must also develop statewide inquiry access for J-Wise users



School-Justice Partnerships

Effective July 1, 2017

- New G.S. 7A-343(9g) authorizes statewide implementation of school-justice partnerships by AOC Director
- Purpose is to reduce in-school arrests, out-of-school suspensions, and expulsions



Training for Law Enforcement

Effective July 1, 2017

- New juvenile justice training requirements for both entry-level LEO's and veterans
- To be developed by NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs' Education and Training Standards Commission in conjunction with DACJJ



Juvenile Jurisdiction Advisory Committee

Effective July 1, 2017

- 21-member committee within DACJJ will study and plan for the implementation
- Appointments must be made by October 1, 2017
- Interim report due to the General Assembly by March 1, 2018
- Final report due by January 15, 2023



► Implementation Dates

| Deadline | Task |
|-----------|--|
| 7/1/2017 | J-Wise Access (AOC Electronic Record) |
| 7/1/2017 | School-Justice Partnerships |
| 7/1/2017 | Training for Law Enforcement Officers & Sheriffs |
| 7/1/2017 | JJ Advisory Committee created |
| 10/1/2017 | Victim Rights (Intake Letters) |
| 10/1/2017 | Law Enforcement Access to Information (Consultations) |
| 3/1/2018 | JJ Advisory Committee submits interim report to NCGA |
| 12/1/2019 | New Juvenile Jurisdiction BEGINS |
| 12/1/2019 | Juvenile Gang Suppression |
| 1/15/2023 | JJ Advisory Committee submits final report to NCGA |



How?

»» Teamwork



Policy Considerations

- ▶ Early intervention funding
- ▶ Transportation
- ▶ Detention
 - Approx. 22 detention beds for H-Misd. juveniles to be met by current bed capacity
 - Approx. 181 detention beds for A-G juvenile holds until conviction
 - Approx. 50 detention beds for A-G juvenile holds until probable cause/indictment
 - Considerations: County DC expansions, conversion of existing facilities, renovations

Identifying the best solution amongst many alternatives.

Raise the Age Opportunities: Planning and Implementation

- ▶ Obtaining & coordinating resources: funding & positions
- ▶ Office space
- ▶ Legislative corrections
- ▶ Age-appropriate programming
- ▶ Transportation
- ▶ Community Programs allocation
- ▶ New 60-bed YDC facility
- ▶ Hiring
- ▶ Onboarding
- ▶ Training
- ▶ IT needs
- ▶ Safety
- ▶ Policy & process
- ▶ Collaborative partners

Stakeholder Forums

